



Nevada Governor Brian Sandoval

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Nevada Files Motion to Dismiss Lawsuit that Threatens State's Ability to Fight Yucca Mountain

Carson City, NV – The State of Nevada's legal fight against Yucca Mountain took an important step forward this week, with the filing of a motion to dismiss a State of Texas lawsuit that threatens to undercut Nevada's opposition to the Yucca Mountain repository. Previously, the US Court of Appeals for the Fifth Circuit in New Orleans granted Nevada's motion to intervene in the nuclear waste lawsuit *State of Texas v. United States of America* (Case No. 17-60191).

"Yucca Mountain would come at the direct expense of the health and safety of Nevadans and this petition would diminish Nevada's ability to make its case against this ill-conceived project," **said Governor Brian Sandoval**. "The State of Nevada will continue to fight and defeat this dangerous project at every opportunity and in any venue. This week's action is an important step in our continued and relentless efforts to defeat the proposal to store high level nuclear waste at Yucca Mountain."

"Nevada will continue to battle any and every attempt to dump unwanted nuclear waste in its backyard," **added Attorney General Adam Laxalt**. "A team of attorneys, including my Solicitor General's Office, have been working diligently with the Agency for Nuclear Projects and outside experts to defend Nevada against the proposed repository. We are encouraged that the Fifth Circuit recognized Nevada's vital interest in any legal proceeding related to Yucca Mountain, and we are hopeful that the Court will also recognize Texas's attempt to circumvent Congress."

Nevada's intervention is the first of several legal challenges planned by the Governor's Office, the Office of the Attorney General, and the Agency for Nuclear Projects. Nevada has developed a forceful and coordinated plan for opposing Yucca Mountain through litigation, licensing, and legislation. In the Texas case, the Attorney General's staff is working closely with the Governor's Office, the Agency's staff and contractors, and Nevada's outside counsel.

The Texas lawsuit seeks to force the federal government to cut short the U.S. Nuclear Regulatory Commission's (NRC) Yucca Mountain licensing process and put an end to the U.S. Department of Energy's promising consent-based siting initiative for nuclear waste storage and disposal facilities. The Attorney General's Office, the Agency, and outside counsel, will now vigorously defend Nevada's due process rights for a full NRC licensing proceeding, if the Trump Administration and Congress restart the Yucca Mountain repository program.

Nevada's motion to dismiss, filed June 12, 2017, is available [here](#). Two earlier orders signed for the Court by Judge Patrick E. Higginbotham on May 19, 2017, rejected Texas' effort to prevent or limit Nevada's participation in the proceeding, the document can be found [here](#). Nevada's petition to intervene, filed April 12, 2017, is available [here](#). The next major actions in the case are scheduled for June 30, 2017, and July 30, 2017.

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