

ORAL ARGUMENT NOT YET SCHEDULED

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

SHIELDALLOY METALLURGICAL CORPORATION)	
Petitioner,)	
)	
v.)	
)	No. 11-1449
UNITED STATES NUCLEAR REGULATORY)	
COMMISSION and the)	
)	
UNITED STATES OF AMERICA)	
Respondents.)	
_____)	

**Petitioner's Response to Intervenor State of New Jersey's Motion to Include
Non-Record Documents in a Supplemental Appendix**

Pursuant to Circuit Rule 27, Petitioner Shieldalloy Metallurgical Corporation ("Shieldalloy") hereby responds to Intervenor State of New Jersey's ("Intervenor") Motion to Include Non-Record Documents in a Supplemental Appendix.

Shieldalloy does not oppose the filing of a Supplemental Appendix nor the inclusion in such Appendix of the documents identified by Intervenor. Shieldalloy intends to move at a later time to include additional documents in the Supplemental Appendix.

Shieldalloy expressed its consent to Intervenor's request prior to the filing of the Motion at issue (see attached email "DC Circuit Case No. 11-1449 (Shieldalloy v. NRC) – Appendices (Joint and Supplemental)"). Apparently, Intervenor was unaware of Shieldalloy's consent when it filed its Motion.

Respectfully submitted,

/s/ Alison M. Crane
Alison M. Crane
PILLSBURY WINTHROP
SHAW PITTMAN LLP
2300 N Street NW
Washington DC 20037
(202) 663-8000

Counsel for Shieldalloy Metallurgical Corporation

Dated: June 13, 2012

ATTACHMENT

From: Crane, Alison M.

Sent: Tuesday, June 12, 2012 4:52 PM

To: Andrew Reese; Grace Kim

Cc: Travieso-Diaz, Matias F.; Crane, Alison M.

Subject: DC Circuit Case No. 11-1449 (Shieldalloy v. NRC) - Appendices (Joint and Supplemental)

Attachments: Shieldalloy's designation of items to include in Joint Appendix.pdf

Hi Grace and Andrew,

Attached please find the list of record items that Shieldalloy plans to include in the deferred Joint Appendix for DC Circuit Case No. 11-1449. Please send me a list of any additional record items (including relevant section or page numbers, if applicable) that you would like included in the Joint Appendix. I will be sure to inform you if we designate any additional record items for inclusion at the time that Shieldalloy's reply brief is filed.

Andrew, Shieldalloy consents to New Jersey's request to include your identified non-record documents in a supplemental appendix. Shieldalloy would also like to include some non-record documents, which we will specifically identify closer in time to the filing of our reply brief, in the supplemental appendix. Shieldalloy will accept responsibility for filing the relevant consent motion and the complete supplemental appendix including all parties' documents with the Court, if amendable to you. If that is acceptable to you, please send me PDFs of any documents or page numbers that you would like included in the supplemental appendix, which were not already included in the supplemental appendix for the the 09-1268 case.

Thank you, in advance, for your time and attention.

Sincerely,

Alison Crane

Counsel for Shieldalloy Metallurgical Corporation

From: Andrew Reese [Andrew.Reese@dol.lps.state.nj.us]

Sent: Friday, June 08, 2012 2:18 PM

To: Grace Kim; Crane, Alison M.

Cc: Travieso-Diaz, Matias F.

Subject: Re: DC Circuit Case No. 11-1449 (Shieldalloy v. NRC) - Supplemental Appendix

I'd like to amend my consent request with one more non-record document:

NUREG-1757 Supplement 1 (Sept. 2005) cover page and page II-6

>>> Andrew Reese 6/8/2012 3:11 PM >>>

I am requesting your consent to include the following non-record items into a supplemental appendix for general background. Many of these items were included in the supplemental appendix in the first appeal.

- A. Handbook of Health Physics and Radiological Health, page 8-4 (Bernard Shleien et al. eds., 3d ed.)
- B. Decommissioning Plan Rev. 0 (Aug. 2002): cover page, pages xxi, xxiii, Fig. 18.10.
- C. Decommissioning Plan Rev. 1 (Oct. 21, 2005): cover page, pages xxii to xxiv, 37, 60-61, 68-69, 176, Fig. 18.8.
- D. Decommissioning Plan Rev. 1a (June 30, 2006): cover letter and attachment 1, pages 38, 64, 73, 74, 155, Fig. 18.8, App. 19.9 page 1-1.
- E. Decommissioning Plan Rev. 1b (Aug. 28, 2009): cover page, pages xviii, xxv, 116-117, App. 19.1 page 1-5, Fig. 18.8.
- F. NRC decision dated Jan. 7, 2010 (CLI-10-08).
- G. NJDEP letter to Shieldalloy (Oct. 8, 2009).
- H. Energy Solutions letter to Andrew Reese (October 26, 2009).
- I. Shieldalloy letter to NJDEP (Nov. 18, 2009).
- J. Shieldalloy's Notice of Appeal and Case Information Statement filed in the NJ Superior Court, Appellate Division (Sept. 14, 2009).
- K. Shieldalloy's Notice of Appeal Case Information Statement filed in the NJ Superior Court, Appellate Division (Nov. 25, 2009).
- L. Shieldalloy letter to NJDEP (Dec. 29, 2009).
- M. NJDEP Office of Legal Affairs letter to Shieldalloy (Feb. 24, 2010).
- N. NJ Superior Court, Appellate Division order (April 12, 2010).

>>> "Crane, Alison M." <alison.crane@pillsburylaw.com> 3/20/2012 3:59 PM >>>

Hi Kim and Andrew,

Attached please find the list of record items that Shieldalloy plans to include in the deferred Joint Appendix for DC Circuit Case No. 11-1449. After each of your briefs are filed, please send me a list of any additional record items (and the relevant section or page numbers, if applicable) that should be included in the Joint Appendix. I will be sure to inform you if we designate any additional record items for inclusion at the time that Shieldalloy's reply brief is filed.

Thank you, in advance, for your time and attention.

Sincerely,

Alison Crane

Counsel for Shieldalloy Metallurgical Corporation

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CERTIFICATE OF SERVICE

I hereby certify that the electronic original and four copies of the foregoing Petitioner's Response to Intervenor State of New Jersey's Motion to Include Non-Record Documents in a Supplemental Appendix were filed with the Clerk of this Court this 13th day of June, 2012. In addition, on this 13th day of June, 2012, paper copies of this response were served on the following participants in the case by United States first class mail, postage prepaid:

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/s/ Alison M. Crane _____
Alison M. Crane
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