

ORAL ARGUMENT NOT YET SCHEDULED**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

SHIELDALLOY METALLURGICAL CORPORATION)

Petitioner,)

v.)

UNITED STATES NUCLEAR REGULATORY)

COMMISSION and the)

UNITED STATES OF AMERICA)

Respondents.)

No. 11-1449**Petitioner's Consent Motion to Include Additional Non-Record Documents in
the Supplemental Appendix**

Pursuant to Circuit Rule 27, Petitioner Shieldalloy Metallurgical Corporation ("Shieldalloy") respectfully moves this Court for permission to include five additional non-record documents in the Supplemental Appendix, the filing of which was approved by this Court on June 13, 2012. Respondents and Intervenor State of New Jersey consent to the granting of this motion.

For the following reasons, this Court should grant Petitioner's motion to include additional documents in the Supplemental Appendix:

1. By order dated June 13, 2012, in response to a motion filed by Intervenor State of New Jersey, this Court allowed the filing of a Supplemental Appendix to include non-record documents.

2. Shieldalloy references the following non-record documents in its briefs, and placing the non-record documents in the Supplemental Appendix makes locating and reading the documents more convenient for the parties and for this Court. Shieldalloy requests permission to include the following five non-record documents in the Supplemental Appendix:

(i) Decommissioning Plan for the Newfield Facility, Revision 1 (October 2005); cover page, table of contents, Chapter 7 (ADAMS Accession No. ML 053190220)

(ii) June 30, 2006 letter from Shieldalloy to the NRC Re: Follow-Up to the March 9, 2006 Meeting and Response to USNRC Letter of January 26, 2006 (ADAMS Accession No. ML061980092)

(iii) December 5, 2008 NRC Memorandum Re: November 20, 2008 Public Meeting Summary and Attachment (ADAMS Accession No. ML083260733)

(iv) February 17, 2009 letter from NRC to Shieldalloy Re: Transmittal of Requests for Additional Information Involving Engineered Barrier Design, Mixed Waste and ALARA Issues at Shieldalloy's Newfield, NJ Facility and Attachment (ADAMS Accession No. ML083450344)

(v) Decommissioning Plan Rev. 1b (August 2009); cover page, table of contents, Section 7.4 (ADAMS Accession No. ML092940294)

3. Counsel for Respondents and Intervenor State of New Jersey consent to the inclusion of these documents in the Supplemental Appendix and the granting of this motion.

4. One document (“NRC decision dated Jan. 7, 2010 (CLI-10-08)”), which had been identified for inclusion in the Supplemental Appendix in the June 12, 2012 motion filed by Intervenor State of New Jersey, has since been deemed by Respondent Nuclear Regulatory Commission to be part of the record. Accordingly, that document will be included in the Joint Appendix for this matter, and will not be included in the Supplemental Appendix. All parties consent to the inclusion of the document in the Joint Appendix rather than the Supplemental Appendix.

Conclusion

For the foregoing reasons, this Court should grant this consent motion to include additional non-record documents in the Supplemental Appendix.

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: July 11, 2012

CERTIFICATE OF SERVICE

I hereby certify that the electronic original and four copies of the foregoing Petitioner's Consent Motion to Include Additional Non-Record Documents in the Supplemental Appendix were filed with the Clerk of this Court this 11th day of July, 2012. In addition, on this 11th day of July, 2012, paper copies of this Motion were served on the following participants in the case by United States first class mail, postage prepaid:

John Cordes, Jr., Solicitor
Grace H. Kim, Senior Attorney
Office of the General Counsel
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville MD 20852

Lane N. McFadden
U.S. Dept. of Justice - Environment & Natural Resources Div.,
Appellate Section
PO Box 23795, L'Enfant Station
Washington, DC 20026-3795

Jeffrey S. Chiesa, Esq.
Andrew D. Reese, Esq.
New Jersey Office of the Attorney General -
Department of Law and Public Safety
25 Market Street
P.O. Box 093
Trenton, NJ 08625-0093

/s/ Alison M. Crane
Alison M. Crane
Email: alison.crane@pillsburylaw.com