

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

No. 06-5140

State of New Jersey

v.

U.S. Nuclear Reg. Comm., et al.

**ORDER**

The above-captioned petition for review was filed on December 22, 2006. It appears Petitioner is seeking review of the determination of the United States Nuclear Regulatory Commission (NRC) to finalize revisions of NUREG-1757 guidance, which was published by the NRC on its website on October 27, 2006. The parties are hereby ORDERED to address this Court's authority to review this petition and, if this Court does have review authority, whether the petition for review was timely filed. See 28 U.S.C. § 2344 and 42 U.S.C. § 2239. Specifically, the parties are asked to comment on whether the time for filing a petition for review is triggered by publication on a website or publication in the Federal Register. Further, the parties are asked to comment on whether or not administrative remedies have been exhausted. Written responses shall be filed and served within fourteen (14) days of the date of this order.

For the Court,

/s/ Marcia M. Waldron  
Clerk

Dated: December 22, 2006  
DMM/cc: Kenneth W. Elwell, Esq.  
Honorable Alberto R. Gonzales  
General Counsel NRC  
Secretary NRC