



JON S. CORZINE  
Governor

*State of New Jersey*  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
25 MARKET STREET  
PO Box 093  
TRENTON, NJ 08625-0093

STUART RABNER  
Attorney General

ROBERT J. GILSON  
Director

March 6, 2007

Marcia M. Waldron, Clerk  
United States Court of Appeals, Third Circuit  
21400 United States Courthouse  
601 Market Street  
Philadelphia, PA 19106-1790

Re: State of New Jersey v. U.S. Nuclear Regulatory  
Commission and United States of America  
Docket No. 07-1559

Dear Ms. Waldron:

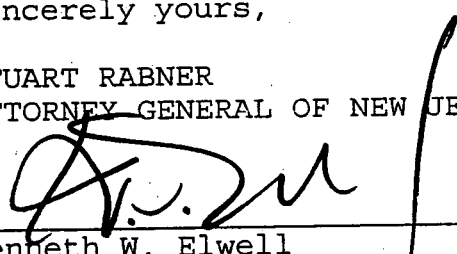
Enclosed for filing are original and 3 copies of Appearance and Docketing Statement in the above matter together with Certification of Mailing.

Kindly stamp a copy of the Appearance and Docketing Statement "FILED" and return it in the enclosed stamped, self-addressed envelope.

Thank you.

Sincerely yours,

STUART RABNER  
ATTORNEY GENERAL OF NEW JERSEY

By:   
Kenneth W. Elwell  
Senior Deputy Attorney General

Enclosures

c: Kathryn E. Kovacs, w/enclosure  
Charles E. Mullins, w/enclosure



PLEASE TYPE THIS FORM

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 07-1559 (dmm)

State of New Jersey vs. U.S. Nuclear Regulatory Comm., et al.

The Clerk will enter my appearance as Counsel of Record for (please list names of **all** parties represented, using additional sheet(s) if needed):

who IN THIS COURT is (please check only one):

☒ Petitioner(s)      ☐ Appellant(s)      ☐ Intervenor(s)  
☐ Respondent(s)      ☐ Appellee(s)      ☐ Amicus Curiae

(Type or Print) Name Kenneth W. Elwell, Senior Deputy Attorney General

Firm Office of the Attorney General, New Jersey Division of Law

Address R.J. Hughes Justice Complex, 25 Market Street, P.O. Box 093

City & State Trenton, New Jersey

Zip Code 08625-0093

Phone (609) 292-1401

Fax (609) 984-9315

PLEASE TYPE E-Mail Address Kenneth.Elwell@law.dol.lps.state.nj.us

SIGNATURE OF COUNSEL: 

ONLY COUNSEL OF RECORD SHALL ENTER AN APPEARANCE AND ONLY THAT ATTORNEY WILL BE THE ONE NOTIFIED OF THE COURT'S ACTION IN THIS CASE. OTHER ATTORNEYS WHO DESIRE NOTIFICATION SHOULD MAKE APPROPRIATE ARRANGEMENTS WITH COUNSEL OR RECORD.

ONLY ATTORNEYS WHO ARE MEMBERS OF THE BAR OF THE COURT OF APPEALS FOR THE THIRD CIRCUIT OR WHO HAVE SUBMITTED A PROPERLY COMPLETED APPLICATION FOR ADMISSION TO THIS COURT'S BAR MAY FILE AN APPEARANCE FORM. (BAR ADMISSION IS WAIVED FOR FEDERAL ATTORNEYS.)

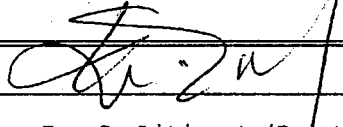
**IT IS IMPORTANT THAT ALL REQUESTED INFORMATION BE PROVIDED AND THAT COUNSEL SIGN THE FORM IN THE APPROPRIATE AREA.**

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

DOCKETING STATEMENT

Administrative Agency Review/Enforcement Proceedings  
(To be completed by Petitioner)

1. DOCKET NO.: 07-1559 2. DATE DOCKETED: 02/23/07
3. CASE NAME  
(Lead Parties Only) State of New Jersey v. U.S. Nuclear Regulatory Comm.
4. TYPE OF CASE: Review ☒ Enforcement ☐
5. CASE INFORMATION:
- a. Identify agency whose order is to be reviewed: U.S. Nuclear Reg. Comm.
- b. Give agency docket or docket number(s):
- c. Give date(s) or order(s): October 27, 2006
- d. Is a request for rehearing or reconsideration pending at the agency?  
☐ Yes ☒ No
- e. Are any other cases involving the same underlying agency order pending in this Court or in any other court? ☒ Yes ☐ No  
If Yes, identify name(s), docket number(s), and court(s):  
State of N.J. v. U.S. Nuclear Regulatory Commission, Docket No. 06-5140, United States Court of Appeals for the Third Circuit
- f. Are any other cases, to counsel's knowledge, pending before the agency, this Court or the Supreme Court which involve substantially the same issues as the instant case presents? ☒ Yes ☐ No  
If Yes, give name(s) of these cases and identify court/agency:  
IMO Shieldalloy Metallurgical Corp., Docket No. 40-7102 (The State of N.J. has filed a hearing request which is pending before the Atomic Safety and Licensing Board of the U.S. Nuclear Regulatory Commission)

Signature: 

Date: 3/5/07

Name of Counsel or Pro Se Litigant (Print) Kenneth W. Elwell, Sr. Deputy Attorney General

Firm: New Jersey Office of Attorney General

Phone: (609) 292-1401

Address: Justice Complex, 25 Market Street, P.O. Box 093, Trenton, NJ 08625-0093

Name of Party Represented: State of New Jersey

ATTACH A CERTIFICATE OF SERVICE

**NOTE:** If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 10 days by letter, with copies to all other parties, specifically referring to the challenged statement. An original and three copies of such letter should be submitted.

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

|                       |   |                    |
|-----------------------|---|--------------------|
| STATE OF NEW JERSEY,  | ) |                    |
|                       | ) |                    |
| Petitioner,           | ) |                    |
|                       | ) | Docket No. 07-1559 |
| v.                    | ) |                    |
|                       | ) |                    |
| UNITED STATES NUCLEAR | ) |                    |
| REGULATORY COMMISSION | ) |                    |
| and UNITED STATES OF  | ) |                    |
| AMERICA,              | ) |                    |
|                       | ) |                    |
| Respondents.          | ) |                    |

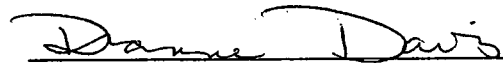
CERTIFICATION OF SERVICE

I, Dianne Davis, hereby certify that on March 6, 2007, I caused a true copy of the Appearance and Docketing Statement in this matter to be served by regular mail, upon the respondents U.S. Nuclear Regulatory Commission and United States of America:

Kathryn E. Kovacs  
U.S. Department of Justice  
Environment & Natural Resources Division  
Appellate Section  
P.O. Box 23795  
Washington, DC 20026

Charles E. Mullins  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852-2738

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

  
DIANNE DAVIS

Dated: March 6, 2007