



Shieldalloy is the holder of Source Material License No. SMB-743 issued by the NRC for Shieldalloy's Newfield Facility located in Newfield, New Jersey. Shieldalloy submitted to the NRC a decommissioning plan ("DP") for the Newfield Facility on October 24, 2005, and submitted a supplement to the DP on June 30, 2006. The NRC gave official notice of its acceptance of the DP for review on November 9, 2006. 71 Fed. Reg. 66,986 (Nov. 17, 2006).

The subject matter of the March 2007 Petition is closely related to that of two earlier Petitions filed by Petitioner with this Court: No. 06-5140 (filed on December 22, 2006) ("December 2006 Petition") and No. 07-1559 (filed on February 23, 2007) ("February 2007 Petition"). In all cases, Petitioner is challenging the validity of the guidance contained in NUREG-1757 (see, e.g., March 2007 Petition at 4) and its potential use by the NRC staff in the review of the DP for Shieldalloy's Newfield Facility (see id. at 7-10). Petitioner's ultimate objective is to overturn Shieldalloy's DP for the Newfield Facility:

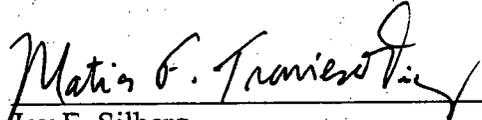
A favorable decision by this Court will allow the State of New Jersey to seek a stay of the technical review of the decommissioning plan and require the submission and review of a decommissioning plan that complies with current statutory and regulatory standards, namely, removal of the contaminated material to an appropriate low-level radioactive waste disposal facility and termination of the license.

Id. at 10.

Shieldalloy filed Motions for Leave to Intervene in No. 06-5140 (January 16, 2007) and No. 07-1559 (March 23, 2007). In both motions, Shieldalloy demonstrated that it has a substantial, direct and tangible interest that would be affected by the ultimate

resolution of those proceedings and was, therefore, entitled to intervene therein.<sup>1</sup> The same interest is at stake in this proceeding, in which Petitioner is seeking to have the DP proposed by Shieldalloy for its Newfield facility overturned by the NRC and a different plan imposed to carry out such decommissioning. Shieldalloy is, therefore, entitled to intervene herein as well.<sup>2</sup>

Respectfully submitted,



Jay E. Silberg  
Matias F. Travieso-Diaz  
Robert B. Haemer  
PILLSBURY WINTHROP SHAW  
PITTMAN LLP  
2300 N Street, N.W.  
Washington, D.C. 20037  
(202) 663-8000  
Counsel for Shieldalloy  
Metallurgical Corp.

Dated: April 6, 2007

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<sup>1</sup> Shieldalloy's Motions for Leave to Intervene in No. 06-5140 and No. 07-1559 have not been ruled on yet by the Court.

<sup>2</sup> Shieldalloy Metallurgical Corporation's Corporate Disclosure Statement dated January 16, 2007, filed simultaneously with Shieldalloy's Motion for Leave to Intervene in No. 06-5140, is also applicable to the instant motion.



UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 07-1756

State of New Jersey vs. U.S. Nuclear Regulatory Commission

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

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

Petitioner(s)                       Appellants(s)                       Intervenor(s)  
 Respondent(s)                       Appellee(s)                       Amicus Curiae

(Type or Print) Name Matias F. Travieso-Diaz

Firm Pillsbury Winthrop Shaw Pittman LLP

Address 2300 N Street, NW

City & State Washington, DC

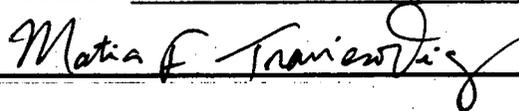
Zip Code 20037

Phone (202) 663-8142

Fax (202) 663-8007

PLEASE TYPE E-Mail Address matias.travieso-diaz@pillsburylaw.com

SIGNATURE OF COUNSEL: \_\_\_\_\_



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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 OF 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.***