

Law Offices
PARKER McCAY P.A.
By: Joseph J. McGovern, Esquire (JJM 6162)
Three Greentree Centre
7001 Lincoln Drive West
P.O. Box 974
Marlton, NJ 08053-0974
P: (856) 596-8900
F: (856) 552-1427
jmcgovern@parkermccay.com
Attorneys for Intervenor, The Gloucester County Board of Chosen
Freeholders

**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

STATE OF NEW JERSEY

NO. 06-5140

Appellants,

v.

**UNITED STATES NUCLEAR
REGULATORY COMMISSION
And UNITED STATES OF
AMERICA**

Appellees.

MOTION FOR LEAVE TO SUPPLEMENT THE RECORD

The Gloucester County Board of Chosen Freeholders ("Board") sought leave of this Court to intervene in a Petition for Review filed by the State of New Jersey on December 21, 2006. That Petition for Review requests that this Court set aside NUREG-1757 guidance as arbitrary, capricious and

unreasonable and otherwise contrary to law. This Court granted the Board's request to intervene on May 23, 2007.

In the Board's Motion to Intervene, it raised a number of very specific and targeted challenges to NUREG-1757, separate and distinct from those raised by the State of New Jersey. In particular, the Board contends in its Motion to Intervene that any decision by the United States Nuclear Regulatory Commission ("NRC") under NUREG-1757 could have potentially devastating economic impact on the Borough of Newfield, which is the host community to ShieldAlloy Metallurgical Corporation ("SMC"), and its radioactive waste pile. Additionally, the Board indicated in its Motion to Intervene that it would provide an expert report from Mr. Allen G. Black on this issue of potential adverse economic impact.

Since the date of the Board's Motion to Intervene, it has retained Mr. Black to perform this research and prepare a written report of his findings. Unfortunately, this research effort and document preparation could not be done in time for the filing of the Certified Index of the Record. Additionally, because the Board did not know the nature and extent of Mr. Black's opinion, the Board was not in a position to file a petition to supplement the record at the time of the filing of the Certified Index of the Record.

However, since that time, Mr. Black has finished his research and rendered a final opinion, a copy of which is attached as Exhibit "A". This opinion has a significant and material bearing on the outcome of this case, as it directly addresses the issue of the cost-benefit analyses required of SMC under NUREG-1757. In particular, Mr. Black raises the likelihood of the long-term adverse economic implications to the Borough of Newfield as a result of the NRC's action on the SMC Decommissioning Plan under NUREG-1757. He raises these points in an effort to demonstrate an inherent weakness and insufficiency in the NUREG-1757 cost benefit analysis. We, thus, respectfully request that this Honorable Court supplement the record in this appeal to include Mr. Black's opinion.

Additionally, certain limited testimony from the NRC Public Information Sessions is important to put Mr. Black's written report in context. All of the relevant portions of the Public Information Session testimony were attached as Exhibits to the Board's Motion for Leave to Intervene, which are again provided for the Court's convenience and attached hereto as Exhibit "B". We, thus, respectfully request that this Honorable Court also supplement the record to include that limited testimony from the NRC Public Information Session.

Fundamental fairness and the interest of justice support the Board's request set forth above. Absent the limited supplement to the record requested

herein, this Court will have no evidence of what the Board views as a substantial weakness with NUREG-1757. In particular, and as set forth in more detail in its Brief, the Board contends that NUREG-1757 fails to account for certain adverse economic consequences which are surely to occur if the NRC grants SMC's request in this case. Mr. Black's opinion, considered in context with the compelling testimony from residents of the Borough of Newfield during the NRC Public Information Session, are directly relevant to and probative of this point.

Finally, combined, the requested supplement to the record amounts to only a few pages of additional documentation. It, thus, will not, in any measurable degree, add to the amount of time and resources that the Court will have to expend to review the record in its entirety.

For these reasons, we respectfully request that this Honorable Court supplement the record consistent with the Board's request.

Respectfully submitted,

PARKER McCAY P.A.
Attorneys for Intervenor, The
Gloucester County Board of Chosen
Freeholders

Dated: 7/3/07

By: 
JOSEPH J. McGOVERN

TODD AND BLACK, INC.

Real Estate Appraisers and Consultants

♦ 1209 SOUTH UNION AVENUE ♦ CHERRY HILL, NEW JERSEY 08002 ♦

♦ PHONE: 856-662-7676 ♦ FAX: 856-662-0188 ♦

ALLEN G. BLACK, MAI, CRE, SRA*

A. CRAIG BLACK, SRA, CTA*

*NJ State Certified General Real Estate Appraiser

HARRISON L. TODD, MAI (1988)

DATE: June 20, 2007

TO: Joseph McGovern, Esq.
Parker McCay, P.A.

PREPARED BY: Allen G. Black, MAI, SRA, CRE, Real Estate Appraiser
Todd and Black, Inc.
1209 South Union Avenue, Cherry Hill, NJ 08002

REGARDING: Shieldalloy Metallurgical Corporation
Decommissioning Plan, Newfield Township, Gloucester County, NJ

I have visited Newfield Borough, Gloucester County and toured the borough in order to understand the location of the Shieldalloy Corporation facility and the uses in the surrounding area. This industrial facility operation involves smelting and alloy production. It has apparently been in operation for more than 60 years. As part of the industrial process, slag was stored on site on part of the 67-acre facility. In addition, "baghouse dust" was dumped on the slag pile and 30 foot mound estimated to have some 33,000 cubic meters of material containing hazardous and radioactive material. The magnitude of the slag pile would require 1,000 years of monitoring.

News stories related to this facility and its closing, together with reporting on the decommissioning plan brings the situation to the public's attention. This adds to the need for real estate professionals to inform potential buyers of the presence of radioactive source material. Licensed real estate practitioners are required to inform buyers of circumstances that may affect properties anywhere in the area. In addition, the Shieldalloy property is on the list of Known Contaminated Sites, in the New Jersey 7th Edition Spring of 2006.

The negative effect of existence of the mound will extend beyond the neighborhood and borough into the surrounding area of Gloucester County and the general area. The effect applies to all properties not just residential. It impacts business, industrial and public uses. The influence is not limited to potential buyers choosing not to relocate in the area. It can include property owners choosing to leave the area and relocate in locations they perceive as not subject to the proximity of hazardous material.

I have appraised many properties and various types of uses that have or are perceived to have environmental problems. In the last 15-20 years, the appraisal publications have published extensively on the concept of stigma. This is defined as, "an adverse public perception regarding

a property; the identification of a property with some type of opprobrium (environmental contamination, a grisly crime), which exacts a penalty on the marketability of the property and hence its value." *

Part of the reason for the interest in contaminated properties is a result of a better public understanding of the damages to health and safety, as well as the obvious economic loss. The concept of stigma has been studied and tested by the appraisal community to an extent where the general concept can be characterized as accepted appraisal consideration. It has become an element that when present requires study, analysis and consideration, as a value aspect including the general area.

The following published studies show the influence of the concept of stigma. The appraisal professionals recognize the value problem. This is only a small sample of the extent of current research on the subject.

1. Thomas O. Jackson, MAI, PhD., "The Effect of Previous Environmental Contamination on Industrial Real Estate Prices", Appraisal Journal, April 2001, Appraisal Institute – Chicago.
2. Onell C. Anderson, MAI, "Environmental Contamination: An Analysis in the Context of the DC Matrix", Appraisal Journal, July 2001, Appraisal Institute – Chicago.
3. Brian H. Hurd, PhD, "Valuing Superfund Site Clean-up: Evidence of Recovering Stigmatized Property Values", Appraisal Journal, October 2002, Appraisal Institute – Chicago.
4. Albert R. Wilson, CRE, "Proximity Stigma: Testing the Hypothesis", Appraisal Journal, Summer 2004, Appraisal Institute – Chicago.
5. James Flynn, PhD. (and others), "A Survey Approach for Demonstrating Stigma Effects in Property Value Litigation", Appraisal Journal, Winter 2004, Appraisal Institute - Chicago.
6. Douglas S. Bible, PhD. (and others), "Analysis of the Effects of Contamination by a Creosote Plant on Property Values", Appraisal Journal, Winter 2005, Appraisal Institute – Chicago.
7. Michael Greenberg, PhD. And Justin Hollander, "Neighborhood Stigma Twenty Years Later: Revisiting Superfund Sites in Suburban NJ", Appraisal Journal, Spring 2006, Appraisal Institute – Chicago.

* The Dictionary of Real Estate Appraisal – 4th Edition

QUALIFICATIONS OF APPRAISER

ALLEN G. BLACK, MAI, CRE, SRA, is a principal in the firm of Todd and Black, Inc., having offices at 1209 South Union Avenue, Cherry Hill, New Jersey; formerly Vice President of Leon E. Todd, Inc., real estate brokers in Medford, Medford Lakes, and Mount Laurel.

He has been engaged in the appraisal, sale, purchase, and lease of commercial, industrial, and residential property since 1956. Experience includes eight years corporate real estate work with a major oil company. Appraisal experience includes the three major classifications of property as well as vacant land, special purpose properties, easements, and riparian rights. He has qualified as an expert witness before various commissions and New Jersey courts.

Education

B.B.A. Real Estate & Insurance - Upsala College, East Orange, New Jersey

Completed American Institute of Real Estate Appraisers: Course I, Course II, and Course VIII

Completed additional course in Real Estate Principles and Practice - New Jersey Association of Real Estate Boards, Camden, New Jersey

Educational Series - American Right-of-Way Association, Princeton, New Jersey

Principles & Techniques of Residential Appraising - SREA

Advanced Condemnation Course - American Society of Appraisers

Successfully completed the following college credit courses: Real Estate Fundamentals; Real Estate Management; Real Estate Mortgage Investment; Real Estate Appraising

Professional Affiliations include:

American Institute of Real Estate Appraisers

Awarded MAI designation #5397 - November, 1975 - Member American Institute

Awarded RM designation - November, 1972 - Residential Member

Co-Vice Chairman - National RM Required Examinations Subcommittee ('81)

N.J. Chapter #1 - Director, 1988 through 1990

American Society of Real Estate Counselors

The Counselors of Real Estate of the National Association of Realtors - CRE Designation #1639

Society of Real Estate Appraisers

Awarded SRPA designation - January, 1975 - Senior Real Property Appraiser

Awarded SRA designation - January, 1970 - Senior Residential Appraiser

Past President Southern New Jersey Chapter #26, 1977-78; Director, 1991-92

Past Vice-Governor, District #16, State of New Jersey

American Society of Appraisers

Awarded ASA designation - November, 1967 - Senior Member - Real Property

Past President - Southern New Jersey Chapter, 1971-72

Past Director - State of New Jersey

New Jersey State Certified General Appraiser - SCGREA #RG00574

Licensed New Jersey Real Estate Broker

Instructor - Realtor Institute, New Jersey Association of Realtors

Instructor - Department of Government Services, Rutgers University

Member - Pinelands Agricultural Study Commission, State of New Jersey

Has Made Appraisals for:

Municipalities in the States of New Jersey, Pennsylvania, Ohio, Virginia, Massachusetts, and New York.

Assignments include acquisition and re-use appraisals, transient housing studies, and land utilization and marketability studies in connection with various urban renewal projects.

Residential Transfers - various national companies.

Various municipalities in connection with tax appraisals and appraisal for the Green Acres Program.

Individual Owners

Attorneys

Corporations

Insurance Companies

Major Oil Companies

Banks

we go further into the review process.

2 MS. MAVILLA: My name is Sue Mavilla,
600 Drive, Newfield. I've been a resident here for
about 430 years. I chose to move to Newfield from
North Jersey where there are refineries and a lot
of different corporate business. I chose Newfield
30 years ago and the question I have is I think NRC
has a responsibility to this town to return this
town and to return the land to where it was in
1955. I personally don't care how much money it
takes. I don't care what the engineers are saying.
I believe that this land should be the way it was
in 1955 when Shield Alloy moved into town.

14 I have to tell this room that I was a
supporter of Shield Alloy in the 30 years that I've
lived here. I'm embarrassed that they've left us
with this mess. I believe you're talking about
land that they own on the other side of town that
has nothing to do with this. I think their assets
have everything to do with this and I think the NRC
should look into the rules and regs or whatever
will allow them to attach any assets that they have
right now so that this can be cleaned up, moved out
of town.

25 The community, the legislators,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701 (202) 2

submitted by ShieldAlloy regarding its site in Newfield, New Jersey. During last week's meeting, the public voiced their opposition to the plan and described the past and present environmental impact of the site on their town. They described the particulate that flows through the air and lays on their homes and in their cars. They talk about the many instances of cancer that they feel are directly related to the mismatch at ShieldAlloy. They're concerned about the groundwater and do not want their health and the health of their families put at risk. These are all valid concerns which must be considered before the final plan is set in motion.

15 The focus of tonight's meeting was supposed to be the environmental impact of the decommissioning plan. I am very concerned that this plan may put the health and well-being of the residents and the fragile eco-system surrounding the site at risk. At the previous meeting, members of the public educated on nuclear materials informed the audience that radioactive slag will take anywhere from 500,000 years to 14 billion years to break down. ShieldAlloy's plan calls for the site to be closed and monitored for 1,000

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

WASHINGTON D.C. 20005-3701(202) 2

financially to clean up these sites, they are paying with their health as families drink polluted water and children play in contaminated soil. Now I know that we're not talking in this context as it relates to the Commission about a Superfund site. That's already -- it's a Superfund site, but in a different context. This is particularly, however, relevant here, because ShieldAlloy has been a Superfund site for over 22 years, with extensive contamination of the soil, river, and groundwater by chromium and other toxic compounds. ShieldAlloy has been cleaning up since the late 1970s, as they should. But there is no denying that the residents of Newfield have been exposed to a serious health hazard for quite some time, one that still lingers to this day.

17 I am aware of concerns in the community that a cancer cluster may exist here and those concerns need to be investigated. While I understand that this is a separate issue, I think it is irrelevant to mention it because on top of this existing hardship, the community has experienced, it is simply too much to ask them to also accept a 30 foot high pile of radioactive waste that will supposedly need to be monitored for a thousand

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

WASHINGTON D.C. 20005-3701(202) 2

1 MAYOR BARSE: We stand behind Newfield, our legislators. It's really scary when you have to talk to residents and talk to good people and say a nuclear dump that's out in the open literally a few hundred yards away from our northern border with all the issues we've had over the years. It's just scary and we have to do something about it. We are here to support this effort in any matter or form we can. God bless each and all of you and let's keep up the good fight. Thank you.

11 (Applause.)

12 FACILITATOR RAKOVAN: Thank you, Mayor. I'd like to point out that it's about 9:05 p.m. My last word count said that we had about 14 people yet that wanted to speak. So again if you could please keep your comments short and to the point, we would appreciate it. Stina Capano.

18 MS. CAPANO: Hello. My name is Stina Capano. I live in North Vineland. No one asked me if they could put a test well in my front yard. I had no voice. My voice is now for all the people who have gone down because of the cancer. Okay. We know it's there. I have it in my household. There isn't a household that you talk to that hasn't had somebody that has died or has had

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

WASHINGTON D.C. 20005-3701(202) 2

cancer.

2 I plead with the Commission to do the
right3thing. When you make your decision, think of
your @children playing in that dirt. Think of it as
your family and please use your voices. Thank you.
God bless.

7 (Applause.)

8 FACILITATOR RAKOVAN: Thank you very
much.9 I believe it's Perry Barse.

10 AUDIENCE MEMBER: That was the mayor.

11 FACILITATOR RAKOVAN: Okay. I guess I
did have a card for him. John Nordberg.

13 MR. NORDBERG: I think I want to
comment that I'm trying over again. When they pick
on the NRC, I think they're picking on the wrong
people. I believe the NRC represents us in their
capacity as engineers and people to work with
statistics.

19 I reviewed the disk that was given out
last2week and there is all kind of calculations
that2nobody unless they were physicist in nuclear
energy would understand any of it. But their
calculations are probably right. The right thing
to do4is probably eliminate radiation and I'm not
talk2ng about the low level. It's just the concept

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 234-4433

WASHINGTON, D.C. 20005-3701(202) 2.

stuck with the rest.

2 MS. TADESSE: I think we're looking at
that.3

4 FACILITATOR RAKOVAN: Okay. I think
we're about -- Sir, we've passed your question and
if you have any further questions afterwards, I
think we can -- Hopefully someone will be around
to talk to you. There had better be. I have six
more commentators here. I'm going to try to get
through them. We'll start with Dawn Pennino.

11 MS. PENNINO: Yes. I'm Dawn Pennino.
I was born and raised in --

13 FACILITATOR RAKOVAN: I'm sorry to
interrupt. If everybody could please give her your
attention. If you're going to have side
conversations, if you could take them out to the
hall. I want to make sure that everybody could hear
her make her statements. Thank you.

19 MS. PENNINO: Really it's a comment
that I want to make. I want to put it on the
record. I was born and raised in Newfield. I left
for a very brief amount of time, came back to live
on property next to my parents' house which is the
street right adjacent to where Shieldalloy is.
That would be Rena Street.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

WASHINGTON D.C. 20005-3701(202) 2

1 A brief history of my family. I have
had a grandmother who passed away from a brain
tumor who lived on Rena Street. I had a brother
who has, he's still living, but he was diagnosed
with a tumor when he was three years old. I
have, thank God, a son who survived a brain tumor
at two and a half years old. I myself am living
with a brain tumor right now. I'm not sure if they
were cancerous. My son's was not. My brother's
was not. Mine, thank God to this day, is not.

11 But the main thing that people need to
know, I did speak to the doctors in Philly where we
took my son, is none of these tumors were related.
So that they were definitely not genetic. It has
to be environmental. Now Shieldalloy is there.
That is a main concern. That's going back to 1955.
My grandmother passed away in 1975.

18 My concern is it's not just cancer.
There are other factors. I have lost a lot of very
dear friends to me and at a very young age. I have
lost a lot of family members. I am begging you.
At the last meeting, there was a statement made by
your people that you were not responsible to a
health study and to look into this. I beg of you.
This is a very, very important for the people in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 224-4433

WASHINGTON, D.C. 20005-3701 (202) 2

121
this town.

2 Like it was stated last week and it was
stated tonight, there is nobody in here that can
say they were not affected by a cancer or
unfortunately brain tumors is a very, very big
thinksin this town. Now I don't know. I'm not a
scientist. I don't know if it has anything to do
with that, but I think it's an issue that needs to
be addressed because I want to stay here with my
family. I want to continue to raise my family here
and it's funny. Most people when they are growing
up they can't wait to get out of here, but they
can't wait to get back in here to raise their
family. I mean that's a statement anybody will
tell you.

16 So I'm just begging you on behalf of my
children. My whole family lives on that street and
I begsof you to please do the health study or
whoever it is that needs to do the health study,
thenyou need to push that button and to follow up
on it and to take that into consideration when you
makeyour decision. Thank you.

23 (Applause.)

24 FACILITATOR RAKOVAN: Thank you very
much25 Terry Ragone. Would you like to go to the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.

(202) 324 4422

WASHINGTON D.C. 20005-3701(202) 2

1 MR. QUENE: But does the NRC feel that they've monitored them properly and let them build up a 35 foot pile in Newfield? It doesn't make sense4to -- It's not even common sense to do something like that.

6 MR. KALMAN: They operated within their license requirements.

8 MR. QUENE: Well, who makes their license and allows them to do that? I mean you say you've been checking them and monitoring them since 196311 You never had a question about what they've doing2there. I mean this stuff has been blowing in our yards since '63. I mean I know that some of the discoloration of some of the houses on Rena Street5 and the cars.

16 In the night time, there used to be cloud7of smoke blowing over this town when nobody was watching it. No, it's ridiculous what these people have been able to do and I mean you guys are supposed to be monitoring them. I don't understand it. 2I mean I have grandkids and kids and when you go up2and down Rena Street, you're not talking just one family that's been affected with cancer. I mean2you can take about six or seven families right down2the street that all have had cancer in their

homes1 It's not right.

2 (Applause.)

3 FACILITATOR RAKOVAN: Okay. We're
slowly approaching 10:00 p.m. I see a hand in the
back.5 If you could identify yourself, sir.

6 MR. PRICE: Robert Price. I live in
Newfield. One question.

8 FACILITATOR RAKOVAN: If everyone could
give him your attention please.

10 MR. PRICE: This radioactive pile, the
so-called slag, the pile, how did they come up with
the upper licensing for the quantity? Is that by
the volume that they see on top? Because we all
know that some of that stuff can be heavier than
dirt and can be pushing the dirt away. I'm a
scientist, but in a geology, magna flows through
dirt,17 pushes it and this for slag 20 feet down can
it be impeding the groundwater. Is it larger than
what they say it is?

20 I was out there working for a company
that was crushing the big pieces of slag, taking
them out of the earth. I wasn't told that that
stuff was radioactive. I have a right to know.
Can somebody answer that? How do we judge how much
tonnage was their license allowed?

Law Offices
PARKER McCAY P.A.
By: Joseph J. McGovern, Esquire (JJM 6162)
Three Greentree Centre
7001 Lincoln Drive West
P.O. Box 974
Marlton, NJ 08053-0974
P: (856) 596-8900
F: (856) 552-1427
jmcgovern@parkermccay.com
Attorneys for Intervenor, The Gloucester County Board of
Chosen Freeholders

**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

STATE OF NEW JERSEY

Appellants,

v.

**UNITED STATES NUCLEAR
REGULATORY COMMISSION
and UNITED STATES OF
AMERICA**

Appellees.

NO. 06-5140

**CERTIFICATION OF COUNSEL
IN SUPPORT OF
MOTION TO SUPPLEMENT
RECORD**

I, Joseph J. McGovern, Esquire, counsel with the law firm of Parker
McCay P.A., attorneys for Intervenor, The Gloucester Board of Chosen
Freeholders, hereby certify the following in support of the Motion to
Supplement the Record.

1. I am an Attorney-at-Law of the State of New Jersey and admitted to the Third Circuit Court of Appeals.

2. On or about May 1, 2007, Annett Z. Vietti-Cook, Secretary of the United States Nuclear Regulatory Commission ("NRC"), filed a Certified Index of the Record in this action.

3. At that time, Intervenor, The Gloucester County Board of Chosen Freeholders, had retained Allen G. Black to render an opinion regarding the potential economic consequences to the Borough of Newfield arising from the long-term presence of a radioactive waste pile at the ShieldAlloy Metallurgical Corporation ("SMC") facility.

4. Because of (a) the voluminous number of records and documents on file with the NRC regarding the SMC Decommissioning Plan, which Mr. Black needed to review in rendering his opinion and (b) the need for Mr. Black to tour the Borough of Newfield and meet certain officials and residents, Mr. Black was unable to complete his analysis and prepare his written report until just recently.

5. Accordingly, because of factors beyond the control of the Intervenor, The Gloucester County Board of Chosen Freeholders, Mr. Black's opinion was unavailable at the time the NRC filed the Certified Index of the Record.

6. Intervenor, The Gloucester County Board of Chosen Freeholders, feels that the limited number of documents it seeks to include in the record are essential for this Court to make a decision on the State of New Jersey's Petition. In particular, these documents go directly to the heart of the cost-benefit analysis required under NUREG-1757.

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

PARKER McCAY P.A.
Attorneys for Intervenor, The Gloucester
County Board of Chosen Freeholders

By: _____

JOSEPH J. McGOVERN

Date: 7/3/07

Law Offices
PARKER McCAY P.A.
By: Joseph J. McGovern, Esquire (JJM 6162)
Three Greentree Centre
7001 Lincoln Drive West
P.O. Box 974
Marlton, NJ 08053-0974
P: (856) 596-8900
F: (856) 552-1427
jmcgovern@parkermccay.com
Attorneys for Intervenor, The Gloucester County Board of Chosen
Freeholders

**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

STATE OF NEW JERSEY

NO. 06-5140

Appellants,

v.

**UNITED STATES NUCLEAR
REGULATORY COMMISSION
And UNITED STATES OF
AMERICA**

Appellees.

PROOF OF SERVICE

I, Joseph H. McGovern, of full age, hereby certify that:

1. I am an attorney with the Law Firm of Parker McCay P.A., and am the attorney assigned with the handling of this matter on behalf of Intervenor, The Gloucester County Board of Chosen Freeholders.

2. On July 3, 2007, I caused to have forwarded copies Motion to Supplement Record with supporting Certification and accompanying Proof of Mailing, on behalf of the Intervenor, The Gloucester County Board of Chosen Freeholders, in the within action as follows:

Original and Three (3) Copies

Office of the Clerk, Marcia M. Waldron
Via Hand Delivery
United States Court of Appeals for the Third Circuit
21400 United States Court House
601 Market Street
Philadelphia, PA 19106-1790

Two (2) Copies:

Kenneth W. Elwell, Esquire
Via Federal Express #8605 8104 5846
Senior Deputy Attorney General
Office of the Attorney General
Department of Law and Public Safety-New Jersey Division of Law
Richard J. Hughes Justice Complex
25 Market Street, P.O. Box 093
Trenton, NJ 08625-0093
Attorney for Appellant State of New Jersey

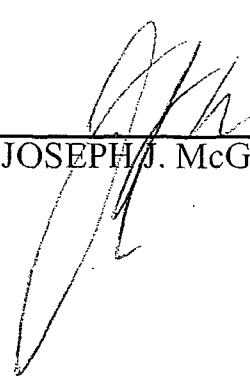
Kathryn E. Kovacs, Esquire
Via Federal Express #8605 8104 5835
United States Department of Justice
Environment and Natural Resources Division
Appellate Section
P.O. Box 23795 – L'Enfant Plaza Station
Washington, D.C. 20026
Attorney for Appellee United States of America

Charles E. Mullins, Esquire
Via Federal Express #8605 8104 5824
Office of the General Counsel
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852
Attorney for Appellee United States Nuclear Regulatory Commission

Matias F. Travieso-Diaz, Esquire
Via Federal Express #8619 3741 7804
PILLSBURY WINTHROP SHAW PITMAN LLP
2300 N Street NW
Washington, DC 20037
Attorney for Intervenor ShieldAlloy Metallurgical Corporation

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 willfully false, then I am subject to punishment.

Dated: 7/3/07



JOSEPH J. McGOVERN