

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

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Washington, DC 20001-2866
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AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

- 1. CASE NO. 09-1268 2. DATE DOCKETED: Nov. 3, 2009
- 3. CASE NAME (lead parties only) Shieldalloy Metallurgical Corp. v. U.S. Nuclear Regulatory Commission.
- 4. TYPE OF CASE: Review Appeal Enforcement Complaint Tax Court
- 5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? Yes No
If YES, cite statute _____
- 6. CASE INFORMATION:
 - a. Identify agency whose order is to be reviewed: U.S. Nuclear Regulatory Commission (NRC)
 - b. Give agency docket or order number(s): 74 Fed. Reg. 51882 (October 8, 2009)
 - c. Give date(s) of order(s): September 30, 2009
 - d. Has a request for rehearing or reconsideration been filed at the agency? Yes No
If so, when was it filed? _____ By whom? _____
Has the agency acted? Yes No If so, when? _____
 - e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
~~NRC transferred to New Jersey regulatory authority over certain NRC-licensed facilities. Petitioner's facility in Newfield,~~
~~New Jersey is one for which regulatory authority was transferred to NJ. The transfer affected Petitioner's NRC license.~~
 - f. Are any other cases involving the same underlying agency order pending in this Court or any other?
 Yes No If YES, identify case name(s), docket number(s), and court(s)

 - g. Are any other caess, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?
 Yes No If YES, give case name(s) and number(s) of these cases and identify court/agency:

 - h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? Yes No If YES, provide program name and participation dates.

Signature /s/ Matias F. Travieso-Diaz Date Dec. 9, 2009
 Name of Counsel for Appellant/Petitioner Matias F. Travieso-Diaz
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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 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

**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. 09-1268

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Agency Docketing Statement was filed with the Clerk of the Court using the CM/ECF System this 9th day of December, 2009.

In addition, the following participants in the case who are registered CM/ECF System will be served through the CM/ECF System:

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

In addition, a copy of the foregoing Agency Docketing Statement was served by first class mail on the following participant in the case who is not known to be a registered CM/ECF System user:

Eric Holder
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

In addition, courtesy copies of the foregoing Agency Docketing Statement were served by first class mail on the following non-parties:

Anne Milgram, Esq.
Attorney General of New Jersey
Andrew W. Reese, Esq.
Deputy Attorney General
Kenneth Elwell, Esq.
Deputy Attorney General
New Jersey Office of the Attorney General
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/S/ Matias F. Travieso-Diaz

Matias F. Travieso-Diaz