

**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

UNDERLYING DECISION FROM WHICH PETITION ARISES

Pursuant to the Court's Order of November 10, 2009, Petitioner Shieldalloy Metallurgical Corporation ("Shieldalloy") states that the U.S. Nuclear Regulatory Commission ("NRC"), acting pursuant to section 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, entered into an agreement with the State of New Jersey (the "Agreement"), effective September 30, 2009, by virtue of which the NRC transferred to the State of New Jersey the NRC's regulatory authority over the possession and use of certain nuclear materials held under licenses granted by the NRC. The portion of the Agreement that transferred regulatory authority over these licenses (Article I of the Agreement) is the order that is the subject of

Shieldalloy's Petition for Review. A copy of the agreement was published in the Federal Register on October 8, 2009. 74 Fed. Reg. 51882 (attached).

Respectfully submitted,

/S/ Matias F. Travieso-Diaz

Jay E. Silberg
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Dated: December 9, 2009

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Underlying Decision From Which Petition Arises 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 Underlying Decision From Which Petition Arises 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 Underlying Decision From Which Petition Arises 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