

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 09-1268

September Term 2009

NRC-74FR51882

Filed On: January 20, 2010

Shieldalloy Metallurgical Corporation,

Petitioner

v.

Nuclear Regulatory Commission and United
States of America,

Respondents

ORDER

Upon consideration of the motion to withdraw the motion for a stay of the agency order pending judicial review, it is

ORDERED that the motion is granted. The Clerk is directed to note the docket accordingly.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Laura Chipley
Deputy Clerk

Petitioner has promptly advised counsel for respondents of its intention to file the instant motion.

Respectfully submitted,

/s/ Matias F. Travieso-Diaz

Jay E. Silberg
Matias F. Travieso-Diaz
Alison M. Crane

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SHAW PITTMAN LLP
2300 N Street, N.W.
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(202) 663-8000
Counsel for Shieldalloy Metallurgical
Corporation

Dated: January 14, 2010

ADDENDUM

Pursuant to Circuit Rule 27, following are (1) A certificate of parties and amici, in accordance with Circuit Rule 28(a)(1)(A); and (2) a disclosure statement, in accordance with Circuit Rule 26.1.

**UNITED STATES COURT OF APPEALS
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SHIELDALLOY METALLURGICAL CORPORATION)
Petitioner,)

v.)

UNITED STATES NUCLEAR REGULATORY)
COMMISSION and the)

UNITED STATES OF AMERICA)
Respondents.)

No. 09-1268

PETITIONER'S CERTIFICATE OF PARTIES AND AMICI

In accordance with Circuit Rule 28(a)(1)(A), Petitioner Shieldalloy Metallurgical Corporation ("Shieldalloy") certifies as follows:

1. **Parties:** In addition to Petitioner, parties to this action are Respondents U.S. Nuclear Regulatory Commission ("NRC") and the United States of America.
2. **Intervenors and Amici:** The State of New Jersey has indicated that it intends to file an *amicus curiae* brief.

Respectfully submitted,

/s/ Matias F. Travieso-Diaz

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Counsel for Shieldalloy Metallurgical
Corporation

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Shieldalloy is an industrial company that manufactured for a number of years metal alloys from ores containing small amounts of uranium and thorium. Shieldalloy has held for many years materials license No. SMB-743 issued by the U.S. Nuclear Regulatory Commission (“NRC”) authorizing it to possess the uranium and thorium at its facility in Newfield, New Jersey. Such license has been transferred to the State of New Jersey by order of the NRC.

Respectfully submitted,

/S/ Matias F. Travieso-Diaz

Jay E. Silberg
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Counsel for Shieldalloy Metallurgical
Corporation

Dated: January 14, 2010

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Petitioner's Motion to Withdraw Petitioner's Motion to Stay and Addendum were filed with the Clerk of the Court using the CM/ECF System this 14th day of January 2010. An original and four paper copies were also filed with the Clerk of the Court by overnight mail on this date. In addition, the following participants in the case who are registered users 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

Lane N. McFadden
U.S. Dept. of Justice - Environment & Natural Resources Div., Appellate Section

In addition, copies of the aforementioned Motion and Addendum were served electronically on the following participant in the case (as amicus) who is not known to be a registered CM/ECF System user:

Andrew D. Reese, Esq.
Deputy Attorney General

New Jersey Office of the Attorney General -
Department of Law and Public Safety
25 Market Street
P.O. Box 093
Trenton, NJ 08625-0093

/s/ Matias F. Travieso-Diaz

Matias F. Travieso-Diaz