

**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

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

SHIELDALLOY METALLURGICAL CORPORATION	)	
Petitioner,	)	
	)	
v.	)	
	)	<b>No. 09-1268</b>
UNITED STATES NUCLEAR REGULATORY	)	
COMMISSION and the	)	
	)	
UNITED STATES OF AMERICA	)	
Respondents.	)	
_____	)	

**PETITIONER'S MOTION TO WITHDRAW PETITIONER'S MOTION  
FOR STAY**

Petitioner Shieldalloy Metallurgical Corporation ("Shieldalloy") respectfully moves this Court for leave to withdraw Petitioner's Motion to Stay (December 2, 2009) seeking an order staying the effectiveness of the transfer of regulatory authority over Shieldalloy's Newfield, New Jersey facility from the U.S. Nuclear Regulatory Commission to the State of New Jersey.

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

Respectfully submitted,

/s/ Matias F. Travieso-Diaz

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

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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.

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UNITED STATES NUCLEAR REGULATORY	)	
COMMISSION and the	)	
	)	
UNITED STATES OF AMERICA	)	
Respondents.	)	
	)	

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**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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	)	
UNITED STATES OF AMERICA )		
Respondents. )		
_____ )		

**PETITIONER’S CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1, Petitioner Shieldalloy Metallurgical Corporation (“Shieldalloy”) by and through its undersigned counsel, hereby certifies that:

Shieldalloy is a Delaware Corporation and is a direct, wholly-owned subsidiary of Metallurg, Inc., a Delaware corporation, and an indirect subsidiary of Metallurg Holdings, Inc., a Delaware Corporation. It is also an indirect subsidiary of Metallurg Delaware Holdings Corporation, a privately-owned holding company, and of AMG Advanced Metallurgical Group N.V. (“AMG”), a publicly-owned company.

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

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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 14<sup>th</sup> 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

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Matias F. Travieso-Diaz