

**ORAL ARGUMENT SCHEDULED FOR OCTOBER 15, 2010**

**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.	)	
	)	

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**Petitioner's Consent Motion to Supplement the Joint Appendix by Including  
One Additional Record Document**

Pursuant to Circuit Rule 27, Petitioner Shieldalloy Metallurgical Corporation respectfully moves this Court for permission to supplement the Joint Appendix filed on August 3, 2010, by including one record document cited in the Brief of the Federal Respondents (the U.S. Nuclear Regulatory Commission and United States of America). Respondents consent to the granting of this motion.

For the following reasons, this Court should grant Petitioner's motion to supplement the Joint Appendix:

1. The record document, *Staff Requirements – SECY-97-087 – Oklahoma Agreement State Negotiations: State Requests that Major Facilities Undergoing Site Decommissioning Not Be Relinquished to State* (6/19/1997) (R3), is referenced by the Respondents in their brief.

2. Respondents have requested, and the parties have agreed, that the record document be added to the already-filed Joint Appendix, as page number 24A.

3. Placing the record document in the Joint Appendix makes locating and reading the document more convenient for the parties and for this Court.

4. Inserting the single-page record document as page 24A of the Joint Appendix would not require renumbering the pages of the already-filed Joint Appendix and thus would not be burdensome. The appropriately labeled record document and revised Table of Contents for the Joint Appendix are attached to this Motion.

5. Counsel for Respondents request and consent to the granting of this motion.

### **Conclusion**

For the foregoing reasons, this Court should grant this consent motion to include one additional record document in the Joint Appendix.

Respectfully submitted,

/s/ Alison M. Crane

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Dated: August 17, 2010

## **ATTACHMENT 1**

June 19, 1997

MEMORANDUM TO: L. Joseph Callan  
Executive Director for Operations

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - SECY-97-087 - OKLAHOMA  
AGREEMENT STATE NEGOTIATIONS: STATE REQUESTS  
THAT MAJOR FACILITIES UNDERGOING SITE  
DECOMMISSIONING NOT BE RELINQUISHED TO STATE

The Commission has approved the staff's proposal to deny the Oklahoma request to enter into an Agreement which would exclude five SDMP sites. The Commission has also approved the staff's general approach for handling requests for limited Agreements except that the staff should consult with the Commission prior to proposing a final Agreement in instances where there is not a clear precedent. In such cases, the staff should provide the Commission — as was done in this case — with a full discussion of the request, potential impacts, and a recommendation to grant or deny the request.

cc: Chairman Jackson  
Commissioner Rogers  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
OGC  
CIO  
CFO  
OCA  
OIG  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR  
DCS

SECY NOTE: THIS SRM, SECY-97-087, AND THE COMMISSION VOTING  
RECORD CONTAINING THE VOTE SHEETS OF ALL  
COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5  
WORKING DAYS FROM THE DATE OF THIS SRM.

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**CERTIFICATE OF SERVICE**

I hereby certify that the electronic original and four copies of the foregoing Petitioner's Consent Motion to Supplement the Joint Appendix by Including One Additional Record Document (the "Motion") were filed with the Clerk of this Court this 17th day of August, 2010. In addition, on this 17th day of August, 2010, paper copies of the Motion were served on the following participants in the case by United States first class mail, postage prepaid:

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