

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT
NO. 11-3228

STATE OF NEW JERSEY,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES NUCLEAR REGULATORY)
 COMMISSION and the)
 UNITED STATES OF AMERICA,)
)
 Respondents.)

UPDATE TO THE COURT

On November 15, 2011, the Court granted the parties' joint motion to hold this matter in abeyance pending the decision by the U.S. Court of Appeals for the D.C. Circuit on Shieldalloy Metallurgical Corp.'s appeal. The Court directed the parties to provide monthly updates. We are providing the Court with this second update.

On November 22, 2011, Shieldalloy filed a Petition for Review with the D.C. Circuit of the Nuclear Regulatory Commission ("NRC") decision to reinstate New Jersey's authority over Shieldalloy. (Docket No. 11-1449). New Jersey filed a Motion to Intervene and to Expedite the Appeal by entering the

Stand-By Pool. The Court granted New Jersey's Motion to Intervene and issued a briefing schedule that requires final briefs by June 25, 2012.

The parties will provide their next update to the Court on February 21, 2012.

Respectfully submitted,

/s/ JAMES E. ADLER _____
JAMES E. ADLER
Attorney for the Federal
JERSEY
Respondents
(James E. Adler has
Consented to Andrew D.
Reese signing this joint
update on his behalf)

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW

/s/ ANDREW D. REESE _____
Andrew D. Reese
Deputy Attorney General
Attorney for the Petitioner

Dated: January 18, 2012