

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SHIELDALLOY METALLURGICAL CORP.,)
Petitioner,)
v.)
) No. 11-1449
U.S. NUCLEAR REGULATORY COMMISSION)
and UNITED STATES OF AMERICA,)
Respondents,)
STATE OF NEW JERSEY,)
Intervenor.)

INTERVENOR STATE OF NEW JERSEY'S MOTION
TO INCLUDE NON-RECORD DOCUMENTS IN A SUPPLEMENTAL APPENDIX

Pursuant to Local Rule 27, Intervenor State of New Jersey respectfully moves this Court for permission to include in a Supplemental Appendix non-record documents cited in its brief.

For the following reasons, this Court should grant New Jersey's motion to allow non-record documents to be included in the supplemental appendix:

1. Intervenor's brief, filed today, makes reference to documents not in the record, to provide general background and history and to respond to Shieldalloy's opening brief. New wishes to include the following documents in the Supplemental Appendix:

- A. Handbook of Health Physics and Radiological Health, page 8-4 (Bernard Shleien et al. eds., 3d ed.)
- B. Decommissioning Plan Rev. 0 (Aug. 2002): cover page, pages xxi, xxiii, Fig. 18.10.
- C. Decommissioning Plan Rev. 1 (Oct. 21, 2005): cover page, pages xxii to xxiv, 37, 60-61, 68-69, 176, Fig. 18.8.
- D. Decommissioning Plan Rev. 1a (June 30, 2006): cover letter and attachment 1, pages 38, 64, 73, 74, 155, Fig. 18.8, App. 19.9 page 1-1.
- E. Decommissioning Plan Rev. 1b (Aug. 28, 2009): cover page, pages xviii, xxv, 116-117, App. 19.1 page 1-5, Fig. 18.8.
- F. NRC decision dated Jan. 7, 2010 (CLI-10-08).
- G. Shieldalloy letter to NJDEP (Nov. 18, 2009).
- H. Shieldalloy's Notice of Appeal and Case Information Statement filed in the New Jersey Superior Court, Appellate Division (Sept. 14, 2009).
- I. Shieldalloy's Notice of Appeal and Case Information Statement filed in the New Jersey Superior Court, Appellate Division (Nov. 25, 2009).
- J. Shieldalloy letter to NJDEP (Dec. 29, 2009).
- K. New Jersey Superior Court, Appellate Division order (April 12, 2010).
- L. NUREG-1757 Supplement 1 (Sept. 2005) cover page and page II-6.

3. Respondent NRC consents to including these documents in the Supplemental Appendix as non-record documents. Petitioner Shieldalloy has not responded to New Jersey's request.

4. Placing the non-record documents referred to in New Jersey's brief in the Supplemental Appendix makes locating,

citing, and reading the documents more convenient for the parties and for this Court. The Court, of course, retains authority to determine the documents' usefulness or relevance.

CONCLUSION

For the foregoing reasons, the Court should grant this motion to include additional non-record documents in the supplemental appendix.

Respectfully submitted,

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY

Dated: June 11, 2012

By: /s/ Andrew D. Reese
Andrew D. Reese
Deputy Attorney General

CERTIFICATE AS TO PARTIES

All parties appearing in this Court are listed in the Certificate as to Parties, Rulings, and Related Cases in Shieldalloy Metallurgical Corporation's opening brief.

/S/ Andrew. D. Reese_____
Andrew D. Reese
Deputy Attorney General
June 12, 2012

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2012, an electronic of the foregoing Motion for the Intervenor State of New Jersey was filed with the Clerk of the Court and served upon the following counsel of record in the case through the CM/ECF System:

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June 12, 2012