

In re: Pilgrim Nuclear Power Station)	Appeal No. NPDES 20-03
Name of Permittee: Holtec Decommissioning International, LLC)	
NPDES Permit No. MA0003557)	
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Petitioners Holtec Decommissioning International, LLC (“HDI”), Holtec Pilgrim, LLC (“Holtec Pilgrim”, and together with HDI, “Holtec”), and Entergy Nuclear Operations, Inc. (“ENOI,” together with Holtec, the “Petitioners”), and the New England Regional Office of the U.S. Environmental Protection Agency (the “Region”, together with the Petitioners, the “Parties”), respectfully submit to the Environmental Appeals Board (“Board”) this Joint Motion for Stay of the Proceedings in the above-referenced appeal for a period of 120 days, i.e., through July 24, 2020. A stay of the proceedings now would ultimately conserve private, administrative, and judicial resources, would promote judicial efficiency and economy, and could lead to an earlier resolution of the dispute.

NPDES Permit No. MA0003557 (the “Permit”) was issued, on a renewed basis, to HDI on January 30, 2020, jointly by the Region and the Massachusetts Department of Environmental Protection (“MassDEP”), and authorizes the intake of surface water and certain discharges from the Pilgrim Nuclear Power Station (the “Station”) into Cape Cod Bay. Notice of the Permit’s reissuance was sent to the several Petitioners by U.S. Mail (certified, return receipt requested),

postmarked on February 3, 2020, and was received by the several Petitioners on February 5, 2020. On March 6, 2020, the Petitioners filed a joint Petition (the “Petition”) for Review with the Board, contesting various Permit conditions (the “Appeal” or these “Proceedings”).

The Parties, having conferred, respectfully submit that resolution of some or all of the issues in this Appeal is possible, and have agreed to enter into settlement discussions for the purposes of reaching a resolution on some or all of the issues presented.¹ A stay would allow the Parties to direct their full attention to the technically-complex subject matter that will be at issue in settlement discussions, rather than to litigation before the Board. Settlement of some or all of the issues could also simplify or resolve the issues before the Board, and thus conserve the Board’s resources and could accelerate final disposition of the appeal. Thus, this request accords with applicable law and practice before this Tribunal. *See, e.g., In re City of Haverhill*, NPDES Appeal No. 19-04 (Order Granting Joint Motion to Stay Proceedings).

The Parties believe the time requested is necessary in this particular case due to (i) the complex nature of the Permit, the many issues raised in the Petition, and the need to convene both legal and technical personnel in settlement discussions; (ii) the history of the development of the Permit; and (iii) the Permit being jointly issued by the Region and MassDEP, which may necessitate inclusion of representatives of MassDEP in settlement negotiations.

For the foregoing reasons, the Parties request a 120-day stay of the proceedings that holds the filing deadline for the Region’s Response to the Petition in abeyance. During the stay, the Parties will submit a status report to the Board at least every 45 days in order to advise the Board

¹ At this time, the Parties believe the most effective and efficient mechanism to address the issues raised by this appeal to be through settlement discussions directly between the Parties rather than through the Board’s Alternative Dispute Resolution (ADR) program. As provided in the Environmental Appeals Board Practice Manual, notwithstanding the ADR program, “[p]arties may pursue settlement on their own accord.” EAB Practice Manual at p. 57 n.60. However, the Parties reserve the right to later participate in the ADR program should settlement negotiations fail to resolve one or more of the issues raised in this appeal.

of the status of settlement discussions and, in a status report at least one week before the stay expires, whether it is appropriate to continue the stay, dismiss the Petition, or establish a schedule for the Region's Response to the Petition.

Additionally, the Parties hereto consent to service by electronic means, at the email addresses provided herein, for this and all subsequent filings in these proceedings. Entergy and the Region have assented to this Motion by electronic agreement.

Dated: March 26, 2020

Respectfully submitted,

/s/ Jed Nosal

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CERTIFICATE OF SERVICE

I hereby certify that, upon agreement of the Parties, copies of the foregoing Joint Motion for Stay of the Proceedings in the matter of Pilgrim Nuclear Power Station, NPDES Permit No. MA0003557, were served electronically on the following persons, this 26th day of March, 2020:

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