



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1 – New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912

VIA ELECTRONIC FILING

October 15, 2020

Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

RE: In re Holtec Decommissioning International, LLC
NPDES Permit No. MA0003557; NPDES Appeal No. 20-03

Dear Ms. Durr:

Please find the attached Fourth Joint Status Report and Motion to Extend Stay of Proceedings and accompanying Certificate of Service, in connection with NPDES Appeal No. 20-03.

Thank you for your assistance with this matter.

Sincerely,

/s/ Michael Curley
Michael Curley
US EPA – Region 1
Office of Regional Counsel
5 Post Office Square
Mail Code: ORC 04-6
Boston, MA 02109-3912
Tel: (617) 918-1623
Fax: (617) 918-0623
Email: curley.michael@epa.gov

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

)	
In the Matter of:)	
)	
Holtec Decommissioning International, LLC)	NPDES Appeal No. 20-03
)	
NPDES Permit No. MA0003557)	
)	
)	

**FOURTH JOINT STATUS REPORT AND MOTION TO EXTEND
STAY OF PROCEEDINGS**

On January 30, 2020, Region 1 of the United States Environmental Protection Agency (“Region”) issued National Pollutant Discharge Elimination System Permit No. MA0003557 (“NPDES Permit”) to Holtec Decommissioning International, LLC (“HDI”), for the Pilgrim Nuclear Power Station in Plymouth, Massachusetts, authorizing the intake of service water from, and the discharge of certain wastewaters and stormwaters to, Cape Cod Bay. On March 6, 2020, HDI and Holtec Pilgrim, LLC (collectively, “Holtec”) and Entergy Nuclear Operations, Inc. (“Entergy” and together with Holtec, “Petitioners”) filed a Petition for Review (“Petition”) with the Environmental Appeals Board (“EAB” or “Board”) of several conditions of the NPDES Permit. The parties requested a stay of the proceedings to allow them to begin settlement discussions, which the Board granted on March 31, 2020, ordering the parties to file joint status reports at least every 45 days. *See* Order Granting Joint Motion to Stay Proceedings (Mar. 31, 2020).

Since that time, three additional motions have been filed that impact the issues raised in the Petition, the parties to this action, and the current stay of the proceedings. In an order issued July 22, 2020, the Board granted Holtec's Motion for Partial Withdrawal of Petition for Review, Entergy's Motion for Withdrawal of Entergy as Petitioner (without prejudice), and the Region and Holtec's Joint Motion to Extend the Stay of the Proceedings. *See* Order Granting the Motion for Partial Withdrawal of Petition for Review, the Motion for Withdrawal of Entergy as Petitioner, and the Joint Motion to Stay the Proceedings (July 22, 2020). In the Order, the Board extended the stay to Thursday, October 22, 2020, and directed the parties to file status reports at least every forty-five days, with the first status report due by Tuesday, September 8, 2020. *Id.* The Board further ordered that any request to extend the stay further be filed with the Board by October 15, 2020. *Id.* Accordingly, Holtec and the Region file the following status report and motion to extend the stay of proceedings for an additional 30 days.

The Region and Holtec have continued to pursue negotiations to settle the appeal, including the further exchange of proposed revisions to the draft documents necessary for settlement and several follow-up telephone calls between counsel to discuss the outstanding issues. The parties have also met via video conference to review technical information relevant to these documents. While one essential document remains to be finalized, the Region and Holtec represent that they are very close to resolving the remaining issues and are optimistic that a negotiated resolution is possible, albeit with a brief extension of the stay to allow the Region and Holtec to reach agreement on a few important details and to allow time for the appropriate representatives to execute the documents. An extension would also provide time for appropriate coordination with the

Massachusetts Department of Environmental Protection. The Region and Holtec respectfully request, therefore, that the Board continue the stay for an additional 30 days.

Dated: October 15, 2020

Respectfully submitted,

U.S. EPA – Region 1

/s/ Michael Curley

Michael Curley

U.S. Environmental Protection Agency

Office of Regional Counsel

5 Post Office Square, Suite 100

Mailcode: ORC 04-6

Boston, MA 02109-3912

Tel: (617) 918-1623

curley.michael@epa.gov

Holtec Decommissioning International, LLC

Holtec Pilgrim, LLC

/s/ Michael Curley for Jed Nosal

Jed Nosal, Esq.

Gregory S Sampson, Esq.

Brown Rudnick, LLP

One Financial Center

Boston, MA 02111

Tel: (617) 856-8272

JNosal@brownrudnick.com

GSampson@brownrudnick.com

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Fourth Joint Status Report and Motion to Extend Stay of Proceedings in the Matter of Holtec Decommissioning International, LLC, NPDES Appeal No. 20-03, were served on the following persons in the manner indicated:

By Electronic Filing:

Eurika Durr
Clerk of the Board
U.S. EPA Environmental Appeals Board
1200 Pennsylvania Avenue, NW (Mail Code 1103M)
Washington, DC 20460-0001

By email, by agreement of the parties:

Jed Nosal
Gregory S. Sampson
Brown Rudnick LLP
One Financial Center
Boston, MA 02111

Andrea L. Sterdis
Holtec Decommissioning International, LLC
Krishna P. Singh Campus
1 Holtec Blvd.
Camden, NJ 08104

John Moylan
Holtec Decommissioning International, LLC
c/o Holtec Pilgrim, LLC
Pilgrim Nuclear Power Station
600 Rocky Hill Rd.
Plymouth, MA 02360

Dated: October 15, 2020

/s/ Michael Curley

Michael Curley
U.S. EPA, Region 1 Office of Regional Counsel
5 Post Office Square – Suite 100, ORC 04-6
Boston, MA 02109-3912
Tel: (617) 918-1623

Fax: (617) 918-0623
curley.michael@epa.gov