



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

ENVIRONMENTAL APPEALS BOARD

October 18, 2007

John M. Stevens  
FOLEY HOAG, LLP  
Seaport World Trade Center West  
155 Seaport Blvd.  
Boston, MA 02210-2600

Re: In re Dominion Energy Brayton Point LLC, Brayton Point Station  
NPDES Permit No. MA 003654, NPDES Appeal No. 07-01  
Motion for Stay Pending Judicial Review

Dear Mr. Stevens:

The Environmental Appeals Board has received your Motion for Stay Pending Judicial Review, filed on October 17, 2007. In that motion, you request a stay of the effective date of the final permit decision or a stay of the contested conditions of the permit.

You state in footnote 1 of your motion that the appropriate party to whom this motion should be addressed is "likely the Regional Administrator" but because "the law is not entirely clear on this point," the motion is being submitted to both the Regional Administrator and the Environmental Appeals Board. At present, there is nothing pending before the Board relative to this matter and, as suggested in the referenced footnote, the Board is not the appropriate recipient of this request. As such, the Board does not intend to take any action on this motion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eurika Durr".

Eurika Durr  
Clerk of the Board

cc:

Robert W. Varney,  
Regional Administrator  
U.S. EPA - Region 1  
1 Congress Street, Suite 1100  
Boston, MA 02114-2023

Mark A. Stein  
Senior Assistant Regional Counsel  
US EPA - Region 1  
1 Congress Street, Suite 1100  
Boston, MA 02114-2023

Linda Murphy  
Director, Office of Ecosystem Protection  
US EPA - Region 1  
1 Congress Street, Suite 1100  
Boston, MA 02114-2023

Robert G. Brown  
MASSACHUSETTS DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
One Winter Street - 3<sup>rd</sup> Floor  
Boston, MA 02108

Tricia K. Jedele  
Special Assistant Attorney General  
STATE OF RHODE ISLAND  
150 South Main Street  
Providence, RI 02903

Brian Wagner  
Deputy Legal Counsel  
RHODE ISLAND DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT  
235 Promenade Street  
Providence, RI 02908

Wendy A. Waller  
SAVE THE BAY -  
NARRAGANSETT BAY  
100 Save the Bay Drive  
Providence, RI 02905

S. Paul Ryan  
670 Willett Avenue  
East Providence, RI 02915

Joseph L. Callahan  
TAUNTON RIVER WATERSHED ALLIANCE  
P.O. Box 1116  
Taunton, MA 02780

Ann Morrill  
KICKEMUIT RIVER COUNCIL  
90 Dexterdale Road  
Providence, Rhode Island 02906