

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

| | | |
|--|---|------------------------|
| In re: Pilgrim Nuclear Power Station |) | |
| |) | |
| Name of Permittee: Holtec Decommissioning International, LLC |) | Appeal No. NPDES 20-03 |
| |) | |
| NPDES Permit No. MA0003557 |) | |
| |) | |

MOTION FOR WITHDRAWAL OF ENTERGY AS PETITIONER

Pursuant to 40 C.F.R. § 124.19(f) and the guidance afforded in the Environmental Appeals Board, Practice Manual (March 26, 2013 ed.), Petitioner Entergy Nuclear Operations, Inc. (“ENOI” or “Entergy”), a co-Petitioner with Holtec Decommissioning International, LLC (“HDI”), Holtec Pilgrim, LLC (“Holtec Pilgrim”, and together with HDI, “Holtec;” collectively, the “Petitioners”), respectfully submits to the Environmental Appeals Board (the “Board”) this Motion for Entergy’s Stipulated Withdrawal (“Motion”) in the above-referenced matter. For the reasons stated herein, Entergy seeks to voluntarily withdraw, without prejudice, as a Petitioner in this matter.

By way of background, at issue before the Board are the federal conditions of the National Pollutant Discharge Elimination System (“NPDES”) and Massachusetts Clean Waters Act (“MCWA”) permit, NPDES Permit No. MA0003557 (the “Permit”), applied for by a former Entergy affiliated entity, but jointly issued to HDI on January 30, 2020 by the U.S. Environmental Protection Agency (“EPA” or the “Region”) and the Massachusetts Department of Environmental Protection (“MassDEP” or the “Commonwealth”) following the closing, on

August 26, 2019, of transaction between and among various former Entergy affiliated entities and Holtec entities, in which Holtec acquired Pilgrim Nuclear Power Station (the “Station”), with the benefit of, all rights to and obligations under the historic and renewed Permit. The transaction was the indirect and direct subject of litigation involving Holtec and the Commonwealth related to Holtec’s acquisition of Pilgrim Station, with the Commonwealth filing certain administrative and judicial actions with the Nuclear Regulatory Commission (“NRC”) and in the U.S. Court of Appeals for the D.C. Circuit, the latter with the docket numbers D.C. Cir. No. 19-1198 and D.C. Cir. No. 20-1019, challenging various Pilgrim Station-related NRC license transfers from certain ENOI affiliated entities to certain Holtec entities (collectively, the “Litigation”).

The renewed Permit, which authorizes the continued intake of surface water and certain discharges from Pilgrim Station, was issued during the Litigation. Notice of the Permit’s reissuance was sent to ENOI and Holtec by U.S. Mail (certified, return receipt requested), postmarked on February 3, 2020, and was received by the Petitioners on February 5, 2020. On March 6, 2020, the Petitioners timely filed a joint Petition (the “Petition”) with the Board, contesting various Permit conditions (the “Appeal” or these “Proceedings”). Entergy and Holtec also filed an appeal of the MCWA aspects of the Permit with the MassDEP (the “parallel MassDEP appeal”).

Entergy joined the Appeal, and the parallel MassDEP appeal, out of an abundance of caution due to the uncertainty created with respect to the Permit’s transfer to Holtec, including as a result of the Litigation and MassDEP’s express “reservation” of rights, set forth in footnote 1 of the Permit, regarding the transfer from Entergy entities to Holtec entities (and in the accompanying water quality certification sent by MassDEP to EPA on January 10, 2020).

On March 26, 2020, Petitioners and the Region (collectively, the “Parties”) jointly moved to stay these proceedings (the “Joint Motion to Stay”) in order to allow for settlement negotiations. On March 31, 2020, the Board granted the Joint Motion to Stay and ordered that these proceedings be stayed through July 24, 2020 and requiring the Parties to submit status reports every 45 days. On May 15, 2020 and June 29, 2020, the Parties timely filed the First and Second Joint Status Reports, respectively.

On June 16, 2020, Holtec and the Commonwealth resolved the Litigation via settlement (the “Settlement”), with limited remaining administrative and judicial action to effectuate the termination of the Litigation remaining. Contemporaneously, Entergy and MassDEP resolved the Permit uncertainties via stipulation and correspondence. (The stipulation [the “Stipulation”] is attached). Entergy already has sought to withdraw as a party from the parallel MassDEP proceeding.

On July 1, 2020, EPA and ENOI entered into a letter agreement (the “Letter”) reflecting their framework and expectations with respect to the Permit in light of the Settlement and the Stipulation in the parallel MassDEP proceeding. (The Letter is attached.) In reliance thereon, Entergy need no longer participate in these Proceedings, and respectfully seeks its withdrawal as a Petitioner on the terms and conditions set forth in the Letter.

EPA and Holtec concur in this Motion.

For the avoidance of doubt, Entergy’s Motion is intended to and should have no effect on Holtec’s continued Petitioner status in these Proceedings.

For the foregoing reasons, via this Motion and 40 C.F.R. § 124.19(f), Entergy respectfully requests its voluntary, stipulated withdrawal, and the Board’s dismissal, of Entergy’s Petition status on the terms and conditions provided in the Letter, again without prejudice.

Dated: July 8, 2020

Respectfully submitted,

/s/ Elise N. Zoli

Elise N. Zoli

JONES DAY

100 High Street, 21st Floor

Boston, MA 02110-1781

Telephone: (617) 960-3939

ezoli@jonesday.com

Filed by Hannah R. Esquenazi

CERTIFICATE OF SERVICE

I hereby certify that, upon agreement of the Parties, copies of the foregoing Entergy's Motion for Stipulated Withdrawal in the matter of Pilgrim Nuclear Power Station, NPDES Permit No. MA0003557, were served electronically on the following persons, this 8th day of July, 2020:

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U.S. Environmental Protection Agency
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GSampson@brownrudnick.com

/s/ Elise N. Zoli

Attachment 1

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF APPEALS AND DISPUTE RESOLUTION**

In the Matter of
Entergy Nuclear Operations, Inc.
Holtec Pilgrim, LLC

OADR Docket Nos. 2020-004, 2020-005
Water Quality Certification
NPDES Permit No. MA0003557

Plymouth, MA

In the Matter of
Entergy Nuclear Operations, Inc.
Holtec Decommissioning International, LLC

OADR Docket Nos. 2020-014, 2020-015
NPDES Permit No. MA0003557

Plymouth, MA

JOINT STIPULATION OF PARTIAL DISMISSAL

The Massachusetts Department of Environmental Protection (the “Department”), Entergy Nuclear Operations, Inc. (“ENOI”), Holtec Decommissioning International, LLC (“HDI”), and Holtec Pilgrim, LLC (“HP”; the Holtec entities, collectively, “Holtec”; all, the “Parties”) hereby stipulate, pursuant to 310 CMR 1.01(11)(d)1, to the partial, contingent, voluntary dismissal of ENOI’s, but not Holtec’s, consolidated appeals of the renewed NPDES Permit No. MA0003557 and associated Water Quality Certification, as provided herein, including subject to the conditions set forth in Paragraphs 4 through 9 below.

In support of this joint stipulation of partial, contingent dismissal (the “Stipulation”), the Parties state and agree as follows:

1. On January 31, 2020, ENOI and HP jointly filed with the Office of Appeals and Dispute Resolution (“OADR”) a Notice of Appeal of the Department’s Water Quality

Certification, dated January 10, 2020 (“WQC”), and sent by the Department to the U.S. Environmental Protection Agency (“EPA”), but not to ENOI or Holtec, with respect to the renewed Surface Water Discharge / National Pollutant Discharge Elimination System Permit No. MA0003557 for the Pilgrim Nuclear Power Station (the “Station”) in Plymouth, Massachusetts (the “New SWD / NPDES permit”). The appeals were docketed as OADR Nos. 2020-004, 2020-005, and then further consolidated on February 13, 2020. Among the issues raised in the Notice of Appeal, ENOI and HP contend that “[t]he Department appears to have . . . erred in refusing to acknowledge the change in control and name change of the former [Entergy Nuclear Generation Company (“ENGCO”)] to [HP],” which occurred with an attendant statutory LLC conversion and associated name changes, relative to the existing SWD / NPDES Permit of the same number (individually, the “Existing SWD / NPDES Permit”); the action, the “NPDES Transfer”).

2. On March 2, 2020, ENOI and Holtec filed with OADR a Notice of Appeal to challenge certain identified and disputed conditions in the New SWD / NPDES permit issued jointly by the Department and EPA for the Station. The appeals were docketed as OADR Nos. 2020-014, 2020-015, and then consolidated with OADR 2020-004 and 2020-005 on March 10, 2020, with HDI requesting that it be recognized as participating in the consolidated matter. The New SWD / NPDES permit was issued, inadvertently, to HDI instead of HP.¹ In their joint Notice of Appeal, ENOI and Holtec stated their intent to file a conforming appeal of the New SWD / NPDES permit with EPA’s Environmental Appeals Board (“EAB”), which they did on March 6, 2020 (the “EAB Proceeding”), and stated further that the “Appeals [of the New SWD /

¹ The Department has been advised that EPA will undertake the correction of the New SDW / NPDES permit to reflect HP, not HDI, as the permittee. The Department’s staff will coordinate with EPA to do the same.

NPDES permit] are necessary because [the Department] has declined to acknowledge” the NPDES Transfer.

3. As noted above, by order dated March 10, 2020, the Presiding OADR Officer consolidated the WQC and the New SWD/ NPDES permit appeals. In the same order, the Presiding OADR Officer, pursuant to 310 CMR 1.01(6)(h), stayed the proceedings before OADR. In the telephonic hearing related to the stay, the Presiding OADR Officer was advised of and acknowledged that the stay would also allow the Parties to undertake to resolve the matters addressed in this Stipulation.

4. Within three (3) days of filing an executed copy of this Stipulation with OADR, the Department shall transmit by electronic mail to ENOI, with copies to Holtec, final executed copies of: (i) the letter attached to this Stipulation as Exhibit A, which indicates that the Existing SWD / NPDES Permit for the Station transferred automatically from the former ENGC to HP effective on August 26, 2019, and (ii) the letter attached to this Stipulation as Exhibit B, which approves the transfer of Groundwater Discharge Permit #389-4 (the “GWD Permit”), which was issued by the Department for the wastewater treatment facility at the Station, from the former ENGC to HP on the date the letter is executed (collectively, the “Transfer Correspondence”).

5. As of the date of this Stipulation, certain actions (more specifically, petitions for review) have been filed by the Commonwealth of Massachusetts with the Nuclear Regulatory Commission (“NRC”) and in the U.S. Court of Appeals for the D.C. Circuit (“Court of Appeals”), the latter with the docket numbers D.C. Cir. No. 19-1198 and D.C. Cir. No. 20-1019, challenging various Station-related NRC license transfers from Entergy entities to Holtec (and related ancillary approvals). The foregoing proceedings may be expanded or augmented over time, including through the initiation of new actions or appeals filed by the Commonwealth of

Massachusetts relating to the NRC license transfers, as well as ancillary approvals directly related to the NRC license transfer, or subsequent determinations with respect to the foregoing by the NRC or the Court of Appeals (collectively, the “Actions”) (provided that, to be clear, ENOI and Holtec do not by this Stipulation endorse the propriety of, or waive any right to oppose, any such expansions, augmentations, or filing of new actions).

6. ENOI and Holtec, individually and collectively, agree that neither they, nor their affiliates (as defined in this paragraph), will affirmatively rely upon the Department’s NPDES Transfer, the Department’s GWD Permit transfer, or the Department’s and EPA’s joint issuance of the New SWD / NPDES Permit to HP (again, subject to the EPA correction referenced in footnote 1) and the associated WQC, to argue in the Actions that the Commonwealth of Massachusetts has conceded or waived, in any respect, its objections regarding the lawfulness of the Station’s NRC license transfers (or the ancillary approvals); *provided, however*, that nothing herein shall be construed to limit or impair the rights or obligations of a Party to this Stipulation, to the extent it is participating in the Actions, to respond to an inquiry, if any, from the NRC or the Court of Appeals or any other forum in those Actions, regarding the facts that the Department has performed the NPDES Transfer, that the Department and EPA have issued the New SWD / NPDES Permit (again, subject to the EPA correction referenced in footnote 1) and the associated WQC, and that the Department has transferred the GWD Permit, each to HP, including as set forth in the Transfer Correspondence; *and provided further* that nothing herein shall limit the rights or obligations of any Party to this Stipulation from otherwise responding to inquiries or making any statements, beyond the Actions, wherever and however they may arise, concerning the NPDES Transfer, issuance of the New SWD / NPDES Permit and the associated WQC, the transfer of the GWD Permit, or the Transfer Correspondence. Affiliates for purposes

of this Stipulation shall mean any directly related corporation or limited liability company, as well as Holtec International.

7. If, for any reason, the Commonwealth of Massachusetts prevails in any of the Actions, the Department shall support and shall not object to ENOI's or any other Entergy Corp. entity's substitution (each, a "Substitution") for Holtec (or any successors in interest), respectively: (i) as the permittee for the New SWD / NPDES permit and the associated WQC, the Existing SWD / NPDES Permit, and the GWD Permit to the extent any of them are still in effect, each as they may be amended over time; (ii) in these consolidated Appeals and any other proceedings or appeals related to or arising therefrom; and (iii) in the EAB Proceeding and any other proceedings or appeals related to or arising therefrom. In furtherance of the foregoing, the Department shall not advance, directly or indirectly, any objection, defense, or collateral challenge to the Substitution, including any objection, defense, or challenge based on the alleged untimeliness, waiver, laches, or the absence of standing, of ENOI or any Entergy Corp. entity as a result of, arising from or in any way related to this Stipulation or ENOI's withdrawal in connection with this Stipulation.

8. In connection with the EAB Proceeding, the Parties expect that ENOI will enter into a stipulation with EPA comparable to this Stipulation, allowing ENOI to withdraw its appeal of the New SWD / NPDES permit pending before the EAB on a contingent, voluntary basis, subject to a right of substitution comparable to that provided in Section 7. ENOI shall advise the Parties in writing, if and when it has obtained such a stipulation and is withdrawn from the EAB Proceeding.

9. The Parties agree that the effect of this Joint Stipulation of Partial Dismissal is, upon filing, to result in the contingent, voluntary dismissal of ENOI from these consolidated Appeals.

Accordingly, this Stipulation shall not result in the dismissal of Holtec or its consolidated Appeals.

10. Each of the undersigned is authorized to sign this Joint Stipulation of Partial Dismissal on behalf of the enumerated Party.

Respectfully submitted this 3rd day of June 2020:

Massachusetts Department of Environmental
Protection

Entergy Nuclear Operations, Inc.

By its attorney:

By its attorney:

MacDara K. Fallon

Elise N. Zoli

MacDara K. Fallon
Massachusetts Department of Environmental
Protection
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MacDara.Fallon@mass.gov

Elise N. Zoli, Esq.
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Direct: +1.617.449.6807
ezoli@jonesday.com

Holtec Pilgrim, LLC, Holtec
Decommissioning International, LLC

By their attorneys,

Jed M. Nosal

Jed Nosal
Gregory S. Sampson
BROWN RUDNICK LLP
One Financial Center
Boston, MA 02111
(617) 856-8272
JNosal@brownrudnick.com
GSampson@brownrudnick.com

CERTIFICATE OF SERVICE

I, Elise N. Zoli, do hereby certify that on this 4th day of June, I served a copy of the Joint Stipulation of Partial Dismissal to all parties listed on the attached service list by electronic mail.

Elise N. Zoli

Elise N. Zoli

SERVICE LIST

Representative

Party

Elise N. Zoli, Esq.
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Boston, MA 02110
ezoli@jonesday.com

Petitioner
Entergy Nuclear Operations, Inc.

Jed M. Nosal, Esq.
Brown Rudnick
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Boston, MA 02111
jnosal@brownrudnick.com

Petitioner
Holtec Pilgrim, LLC

CC:

Shaun Walsh, Esq.
MassDEP
20 Riverside Drive
Lakeville, MA 02347
shaun.walsh@mass.gov

Department

Lealdon Langley, Director
Division of Watershed Management
MassDEP
One Winter Street
Boston, MA 02108
lealdon.langley@mass.gov

Department

Stipulation

Exhibit A



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

June 4, 2020

Elise N. Zoli, Esq.
Jones Day
100 High Street
Boston, MA 02110-1781

Re: Entergy Nuclear Generation Company / Holtec Pilgrim, LLC
Surface Water Discharge Permit **#359**
NPDES Permit No. MA0003557
Confirmation of Permit Transfer

Dear Ms. Zoli:

Your office provided notice to the Massachusetts Department of Environmental Protection (“Department”) on June 18, 2019 that your client, formerly known as Entergy Nuclear Generation Company (“ENGCG”), was in the process of transferring ownership of the Pilgrim Nuclear Power Station, 600 Rocky Hill Road, Plymouth, Massachusetts (the “Facility”). On August 23, 2019, your office notified the Department that the transfer would take place on August 26, 2019. Subject to the terms of the Joint Stipulation of Partial Dismissal, which has been filed with the Department’s Office of Appeals and Dispute Resolution, this correspondence confirms that the Surface Water Discharge Permit #359 (“SWD Permit”) issued by the Department pursuant to the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53, and 314 CMR 3.00 to ENGCG for the Facility, was transferred on August 26, 2019, from ENGCG to Holtec Pilgrim, LLC, in accordance with the automatic transfer provisions of 314 CMR 3.14(3) Automatic Transfers.

Very truly yours,

Lealdon Langley, Director
Division of Watershed Management

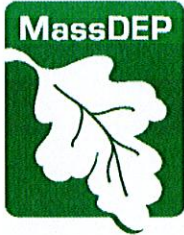
This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Stipulation
Exhibit B



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

June 5, 2020

Elise N. Zoli, Esq.
Jones Day
100 High Street
Boston, Ma 02110-1781

RE: PLYMOUTH - Entergy Nuclear Generation
Company / Holtec Pilgrim, LLC;
Groundwater Discharge Permit #389-4
Approval of Permit Transfer

Dear Ms. Zoli:

Your office provided notice to the Massachusetts Department of Environmental Protection (“Department”) on June 18, 2019 that your client, formerly known as Entergy Nuclear Generation Company (“ENG”), was in the process of transferring ownership of the Pilgrim Nuclear Power Station, 600 Rocky Hill Road, Plymouth, Massachusetts (the “Facility”). On August 23, 2019, your office notified the Department that the transfer would take place on August 26, 2019. Subject to the terms of the Joint Stipulation of Partial Dismissal, which has been filed with the Department’s Office of Appeals and Dispute Resolution, the Department hereby approves the transfer of Groundwater Discharge Permit #389-4 (“GWD Permit”) issued by the Department to ENG pursuant to the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 through 53 and 314 CMR 5.00 for the Facility from ENG to Holtec Pilgrim, LLC, in accordance with the transfer provisions of 314 CMR 5.12(4).

This correspondence serves as written approval of the GWD Permit Transfer in accordance with 314 CMR 5.12(4), and the transfer shall take effect on the date of this letter. The name of the new permittee is Holtec Pilgrim, LLC, which has an address of 1 Holtec Blvd., Camden, New Jersey 08104. The Department will send a hardcopy of the permit to the new permittee, Holtec Pilgrim, LLC, reflecting the change on page one related to permittee name. All other terms and conditions of GWD Permit shall continue in force and effect until expiration or renewal of the permit subsequent to transfer.

Holtec Pilgrim, LLC is notified that the Facility is the subject of an Administrative Consent Order with Penalty (Enforcement Document No. 00003707, hereinafter referred to as the “ACOP”) having an effective date of July 31, 2018 that was entered into by ENG, Entergy Nuclear Operations, Inc., and the Department. Pursuant to the terms thereof, the ACOP is binding on Holtec Pilgrim, LLC as a successor/assignee of ENG.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

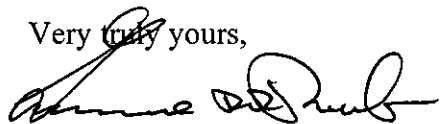
TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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Should you have concerns or questions regarding the contents of this letter, they may be addressed to Shaun P. Walsh at (508) 946-2747 or me at (508) 946-2757.

Very truly yours,



GERARDO R. R. MARTIN

FOR: Jeffrey E. Gould, Chief
Wastewater Management Section
Bureau of Water Resources

cc: Holtec International
Holtec Pilgrim, LLC
Attn: Krishan P. Singh, Manager
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Camden, New Jersey 08104

ecc: Holtec Pilgrim, LLC
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Plymouth, Massachusetts 02360
ATTN: Joseph R. Lynch, Director
Government Affairs
jlynch4@entergy.com

Matthew Lott, WWTF Chief Operator
Mlott@entergy.com

Plymouth Board of Health
26 Court Street
Plymouth, MA 02360

DEP – SERO
ATTN: David Johnston, DRD, BWR
Robert Greene, BWR, WWM

DEP – OGC – SERO
ATTN: Shaun P. Walsh

Attachment 2

JONES DAY

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July 1, 2020

VIA E-MAIL

Michael Curley, Assistant Regional Counsel
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: **Pilgrim Nuclear Power Station's National Pollutant Discharge
Elimination System Permit, No. MA0003557**

Dear Michael:

On behalf of our client, Entergy Nuclear Operations, Inc. ("Entergy"), this correspondence ("Correspondence") addresses Entergy's and the United States Environmental Protection Agency's ("EPA" or the "Region") resolution underpinning Entergy's withdrawal from the matter (described below) pending with respect to Pilgrim Nuclear Power Station ("PNPS" or the "Station").

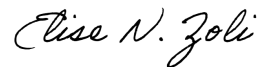
By way of background, consistent with Holtec's acquisition of the Pilgrim Station on August 26, 2019, Holtec Decommissioning International, LLC ("HDI" or "Permittee"), Holtec Pilgrim, LLC ("Holtec Pilgrim;" collectively, "Holtec") petitioned the Environmental Appeals Board ("Board") for review of the conditions of the National Pollutant Discharge Elimination System ("NPDES") and Massachusetts Clean Waters Act ("MCWA") permit, NPDES Permit No. MA0003557 (the "Permit"), applied for by an Entergy entity, but issued to Holtec on January 30, 2020 jointly by EPA and the Massachusetts Department of Environmental Protection ("MassDEP" or the "Commonwealth," and together with EPA, the "Agencies").

Holtec was joined in this petition for review (the "Appeal") by Entergy. Entergy joined the Appeal, and the parallel MassDEP appeal, out of an abundance of caution due to the uncertainty created with respect to the Permit transfer to Holtec, including as a result of the MassDEP's "reservation" of rights, set forth in footnote 1 of the Permit (regarding the transfer from Entergy entities to Holtec entities) and in the accompanying water quality certification sent by MassDEP to EPA on January 10, 2020. Entergy and MassDEP have resolved those uncertainties via stipulation and correspondence (attached), and Entergy has sought to withdraw from the parallel MassDEP proceeding.

Michael Curley, Assistant Regional Counsel
U.S. Environmental Protection Agency
July 1, 2020
Page 2

This Correspondence achieves a comparable result under applicable federal law, facilitating Entergy's withdrawal from the Appeal. Specifically, pursuant to 40 C.F.R. § 122.61(b), the Permit was transferred from Entergy to Holtec (effective on August 26, 2019). Likewise, this section (as it may be amended) is expected to govern any future transfer. Further, any future transfer satisfying the requirements of § 122.61(b) will include the right by a future transferee to step into any then-pending Appeal and any other proceedings or appeals related to or arising therefrom. Thus and specifically, EPA will consent to any substitution for Holtec, or any successors in interest, respectively, in this Appeal and any other proceedings or appeals related to or arising therefrom, provided that the applicable requirements for transfer of the Permit have been met. EPA's signature hereunder reflects this understanding.

Very truly yours,



Elise N. Zoli



Michael Curley, Assistant Regional Counsel
U.S. Environmental Protection Agency

Enclosure

cc: Jed M. Nosal, Esq.

Susan Margaret Floyd, Senior Counsel – Environmental, Entergy Services, LLC