

**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)	
)	
)	

THIRD JOINT STATUS REPORT

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.

On March 26, 2020, the parties filed a joint motion requesting that the EAB stay proceedings in the case to allow the parties to enter into settlement discussions for the purposes of reaching a resolution on some or all of the issues presented in the Petition. The Board granted the motion, staying the proceedings until July 24, 2020, and ordering

the parties to file a joint status report at least every 45 days. *See* Order Granting Joint Motion to Stay Proceedings (Mar. 31, 2020). The parties filed the first status report on May 15, 2020, and filed the second Joint Status Report on June 29, 2020.

Since the filing of the June 29, 2020 Status Report, three motions have been filed that impact the issues raised in the Petition, the parties to this action, and the current stay of the proceedings. First, on June 30, 2020, Holtec submitted a motion to withdraw the challenge denoted as issue seven in the Petition, together with “any other challenges to the state only conditions” in the Permit. Motion for Partial Withdrawal of Petition for Review at 1 (June 30, 2020). Next, on July 8, 2020, Entergy submitted a motion seeking to withdraw as petitioner, without prejudice. Motion for Withdrawal of Entergy as Petitioner (July 8, 2020). And third, on July 17, 2020, the Region and Holtec submitted a joint motion to extend the stay of proceedings for an additional ninety days. Joint Motion to Extend Stay of Proceedings (July 17, 2020).

On July 22, 2020, the Board granted the Motion for Partial Withdrawal of Petition for Review, the Motion for Withdrawal of Entergy as Petitioner (without prejudice), and the Joint Motion to Stay 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). The Board stayed the matter until 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. Accordingly, Holtec and the Region file the following status report with the Board.

The parties have continued to diligently pursue negotiations to explore settlement of the appeal, including the exchange of draft documents integral to reaching a

settlement. The parties have also met via video conference to review these documents and discuss Holtec's comment and edits to the documents. While the documents have not yet been finalized, they represent significant progress toward resolving the remaining issues before the Board, and the parties remain optimistic that a negotiated resolution to the issues raised in the appeal is possible within the current stay period. The parties submit, therefore, that it is appropriate to leave the stay in place at this time.

Dated: September 8, 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/ 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 Second Joint Status Report 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:

Michael Curley

U.S. EPA, Region 1

Office of Regional Counsel

5 Post Office Square – Suite 100

curley.michael@epa.gov

Dated: September 8, 2020

/s/ Jed Nosal

Jed Nosal, Esq.

Brown Rudnick, LLP

One Financial Center

Boston, MA 02111

Tel: (617) 856-8272

JNosal@brownrudnick.com