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ENVIR. APPEALS BOARD  
John M. Stevens  
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January 3, 2007

U.S. Environmental Protection Agency  
Clerk of the Board, Environmental Appeals Board  
Colorado Building  
1341 G Street, NW 600  
Washington, D.C. 20005

**Re: In the Matter of Dominion Energy Brayton Point LLC  
Brayton Point Station  
Renewal of NPDES Permit No. MA 0003654  
NPDES Appeal No. 03-12**

Dear Sir or Madam:

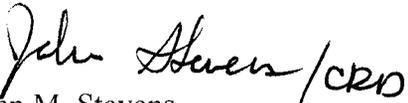
On behalf of Dominion Energy Brayton Point, LLC, the Permittee and Petitioner, I am herewith submitting for docketing and review by the Environmental Appeals Board:

1. Petition for Review of November 30, 2006 Determination on Remand Issued by Region 1 in Relation to NPDES Permit for Brayton Point Station,
2. Motion for Leave to Submit Brief in Connection with Petition for Review;
3. Motion to Exclude or to Strike Documents from the Administrative Record;
4. Motion to Supplement the Administrative Record;
5. Exhibits and
6. accompanying Certificate of Service.

As noted in footnote 1 of the Petition, Brayton Point Station is filing the Petition today because the Board's Rules extended the due date to January 3, 2007 by reason of the President's declaration of January 2, 2007 as a federal holiday, an interpretation counsel for the Petitioner confirmed with counsel for the Board on December 29, 2006.

Thank you for your attention to this matter.

Very truly yours,

  
John M. Stevens

Enclosures

cc: Linda Murphy, EPA Region I  
Mark A. Stein, Esq., EPA Region I  
Pamela Faggert, Dominion Energy Brayton Point, LLC  
Barry Ketschke, Dominion Energy Brayton Point, LLC

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ENVIR. APPEALS BOARD

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

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In re: Dominion Energy Brayton )  
Point, LLC (formerly )  
USGen New England, Inc.) )  
Brayton Point Station )  
)  
NPDES Permit No. MA 0003654 )  

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**MOTION FOR LEAVE TO SUBMIT BRIEF  
IN CONNECTION WITH PETITION FOR REVIEW**

Dominion Energy Brayton Point, LLC (the "Petitioner," the "Permittee" or "Brayton Point Station") hereby moves for leave to submit a brief in reply to any response that may be submitted by Region I to Brayton Point Station's Petition for Review of November 30, 2006 Determination on Remand Issued By Region 1 In Relation To NPDES Permit No. MA 0003654 for Brayton Point Station (the "Permit"). That Petition for Review has been filed by the Permittee together with this motion and two other motions.

The Permit is based on numerous and substantial errors of law and fact. While the Board remanded the Permit to the Region on February 1, 2006 to address two substantive and two administrative issues, other than correcting a typographical error, as pointed out in the Petition filed herewith, Region 1 has not addressed in the Determination on Remand the concerns expressed by the Board in its Remand Order. Brayton Point Station believes it will be of

assistance to the Board to receive the Petitioner's views with respect to any response Region I may make to the Petition.

### CONCLUSION

For these reasons, the Petitioner requests that it be granted leave to submit a brief in reply to any response by Region I to the Petition and that it be afforded 30 days to make the submission.

By its attorneys,

  
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Attorneys for Petitioner

Date: January 3, 2007