

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket Nos. 50-237-EA and
EXELON GENERATION COMPANY, LLC.)	50-249-EA
(Dresden Nuclear Power Station, Units 2 and 3))	
)	
)	December 19, 2013

**JOINT UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE ANSWER TO PETITION TO INTERVENE**

Pursuant to 10 C.F.R. §§ 2.323 and 2.307(a), Exelon Generation Company, LLC (“Exelon”) and the Nuclear Regulatory Commission (“NRC”) Staff hereby file this unopposed motion for an extension of eighteen days for their answers to the Petition to Intervene and Request for Hearing (“Petition”) filed by the Local Union No. 15, International Brotherhood of Electrical Workers, AFL-CIO (“Local 15”) on December 12, 2013.¹

I. BACKGROUND

On November 7, 2013, the NRC published in the Federal Register a notice of a Confirmatory Order, dated October 28, 2013, modifying Exelon’s licenses to operate the Dresden Nuclear Power Station (“Dresden”).² In the notice, the NRC gave adversely affected person the right to request a hearing within thirty days of the date of the Order.³ Local 15

¹ In accordance with 10 C.F.R. § 2.323(b), counsel for Exelon and the Staff certify that they made a sincere effort to contact the other party in this proceeding on December 19, 2013, to explain to it the factual and legal issues raised in this Motion and to resolve those issues to the extent practicable, and they certify that their efforts have been successful. Counsel for Local 15 does not object to the extension request. Exelon and the NRC Staff have agreed not to oppose or to join a motion for a reasonable extension of time for Local 15’s Reply brief, if Local 15 determines that it needs such an extension.

² *In the Matter of Exelon Generation Company, LLC; Dresden Nuclear Power Station Confirmatory Order Modifying License*, 78 Fed. Reg. 66,965 (Nov. 7, 2013).

³ *Id.* at 66,966.

submitted a request to extend the time to file a request for hearing on November 22, 2013.⁴ The Director of the Office of Enforcement extended the time for filing the request to December 12, 2013 by email dated November 27, 2013.⁵ Local 15 filed the Petition on December 12, 2013.

In accordance with 10 C.F.R. § 2.309(i)(1), parties to the proceeding may file answers to intervention petitions and requests for hearing within twenty-five days of the filing of the petition. Answers to the Petition are therefore due on Monday, January 6, 2014.⁶

II. ARGUMENT

Exelon and the NRC Staff respectfully request an extension of eighteen days for filing their answers, until Friday, January 24, 2014. Under 10 C.F.R. § 2.307(a), the presiding officer may extend procedural deadlines for good cause, or by stipulation approved by the Commission or the presiding officer. The Commission has stated that “[t]he presiding officer will ultimately determine on a case-by-case basis whether a participant has demonstrated good cause for a § 2.307 request to extend a filing deadline.”⁷

Good cause exists because the time to respond to the Petition falls during the holiday/vacation season. A number of essential individuals are on leave for much of the time allotted for the responses. Absent an extension, Exelon and the NRC Staff will have difficulty reviewing the legal and factual circumstances surrounding the Petition, analyzing that information, and drafting and reviewing their responses. Granting a modest eighteen-day extension will not prejudice any party or cause undue delay to the resolution of this proceeding.⁸

⁴ Letter from Annette L. Vietti-Cook, Secretary, Nuclear Regulatory Commission, to E. Roy Hawkens, Chief Administrative Judge, Atomic Safety and Licensing Board Panel (Dec. 13, 2013) (“Referral Memo”).

⁵ *Id.* (Exelon was not served with either the request for or grant of time to file the Petition.)

⁶ Exelon is a party to this proceeding pursuant to 10 C.F.R. § 2.309(a).

⁷ Final Rule, Amendments to Adjudicatory Process Rules and Related Requirements, 77 Fed. Reg. 46,562, 46,572 (Aug. 3, 2012).

⁸ Local 15 was also granted an extension in which to file its Petition. *See* Referral Memo.

III. CONCLUSION

Accordingly, Exelon and the NRC Staff respectfully request that they be afforded an extension of time, until January 24, 2014, in which to file answers to Local 15's Petition.

Respectfully submitted,

Executed in accord with 10 C.F.R. § 2.304(d)

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Dated at Washington, DC
this 19th day of December 2013

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (as revised), I certify that, on this date, copies of “Joint Unopposed Motion for Extension of Time to File Answer to Petition to Intervene” were served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the above-captioned proceeding.

Signed (electronically) by Raphael P. Kuyler

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