

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket Nos. 50-237-EA
EXELON GENERATION COMPANY, LLC)	50-249-EA
)	
(Dresden Nuclear Power Station)	ASLBP No. 14-930-01-EA-BD01
Confirmatory Order Modifying License))	

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE REPLY TO NRC
STAFF AND EXELON RESPONSES TO THE PETITION TO INTERVENE AND
REQUEST FOR HEARING OF LOCAL UNION NO. 15, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO**

Pursuant to 10 C.F.R §§ 2.323 and 2.307(a) , Local Union No. 15, International Brotherhood of Electrical Workers, AFL-CIO (“Local 15” or “Union”), hereby file this unopposed motion for an extension of seven days for its Reply to NRC Staff (“NRC”) and Exelon Generation Company, LLC (“Exelon”) Responses to Petition to Intervene and Request for Hearing.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

¹ In accordance with 10 C.F.R. § 2.323(b), counsel for Local 15 certifies that they made a sincere effort to contact counsel for Exelon and the Staff in this proceeding on January 30, 2014, to explain to them 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 Exelon and the Staff do not object to the extension request.

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).

persons the right to request a hearing within thirty days of the date of the Order.³ Local 15 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 On December 19, 2013 Exelon and the NRC Staff filed a Joint Unopposed Motion for Extension of Time to File Answer to Petition to Intervene. On December 20, 2013 the Atomic Safety and Licensing Board Panel issued an Order granting Exelon and the NRC until January 24, 2014 in which to file their answers to the Petition to Intervene.

In accordance with 10 C.F.R. § 2.309(i)(2), the participant who filed the hearing request, intervention petition, or motion for leave to file new or amended contentions after the deadline may file a reply to any answer. On January 15, 2014, the Atomic Safety and Licensing Board Panel issued an Order setting a Pre-hearing Conference for March 6, 2014 and, *inter alia*, ordering that Petitioner's reply to answers filed on or before January 24, 2014 would be deemed timely if filed on or before February 7, 2014.⁷

³ *Id.* At 66,966.

⁴ Letter from Annette L. Vietti-Cook, Secretary, Nuclear Regulatory Commission, to E. Roy Hawken, 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 See January 15, 2014 Order (Setting Pre-hearing Conference) at 2.

II. ARGUMENT

Local 15 respectfully requests an extension of seven days for filing its Reply brief, until Friday, February 14, 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.”⁸

Good cause exists because during the entire period between the filing of the NRC’s and Exelon’s Responses and the date set for Local 15’s Reply, both attorneys who serve as counsel for Local 15 in this matter have been way from their office engaged in other matters that were scheduled before this matter arose. This circumstance severely compromises Local 15’s ability to make a meaningful Reply to the arguments raised in the NRC’s and Exelon’s Responses absent an extension. Granting a modest seven-day extension will not prejudice any party or cause undue delay to the resolution of this proceeding.⁹ In fact, Local 15’s request is for a much shorter extension of time than that requested by the other parties. Further, both the NRC Staff and Exelon have consented to Local 15’s request.

⁸ Final Rule, Amendments to Adjudicatory Process Rules and Related Requirements, 77 Fed. Reg. 46,562, 46,572 (Aug. 3, 2012).

⁹ Exelon and the NRC Staff were also granted an extension in which to file their responses to the Petition. *See* the December 20, 2013 Order.

III. CONCLUSION

Accordingly, Local 15 respectfully requests that it be afforded an extension of time until February 14, 2014, in which to file its Reply brief in response to Exelon and the NRC Staff's answers to Local 15's Petition.

Respectfully submitted,

Signed (electronically) by Rochelle G. Skolnick

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Dated at St. Louis, MO
this 30th day of January, 2014

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (as revised), I certify that on this date, January 30, 2014, copies of “Unopposed Motion for Extension of Time to File Reply to NRC Staff and Exelon Responses to the Petition to Intervene and Request for Hearing of Local Union No. 15, International Brotherhood of Electrical Workers, AFL-CIO” were served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the above-captioned proceeding.

Signed (electronically) by Rochelle G. Skolnick

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