

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Richard A. Meserve, Chairman
Greta Joy Dicus
Nils J. Diaz
Edward McGaffigan, Jr.
Jeffrey S. Merrifield

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In the Matter of)
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)
COMMONWEALTH EDISON COMPANY)
)
Zion Nuclear Power Station,)
Units 1 and 2)
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)
)

SERVED NOV 16 1999

Docket Nos. 50-295 and 50-304

ORDER

This matter involves a request by the Commonwealth Edison Company ("ComEd" or "the licensee") for an exemption from certain requirements in the Commission's regulations for both units at the Zion facility. On October 29, 1999, Messrs. Randy D. Robarge and Edwin D. Dienethal (jointly, "the petitioners") filed a pro se Petition For Leave To Intervene regarding the licensee's request. The Petition states that it was mailed as a "cc" to both internal and external counsel for ComEd, but it does not contain a Certificate of Service as required by NRC regulations.

On November 12, 1999, ComEd filed a letter with the Office of the Secretary, asking for an extension of time in which to respond to the petition. The ComEd letter alleges that the Petition was not properly served on ComEd in accordance with NRC regulations because it does not contain a Certificate of Service and that the petition "was first received on November 10, 1999 via facsimile" by ComEd from the Office of the Secretary. See Letter of November 12 at 1. ComEd asserts that without the requested extension, its response to the Petition would have been due on November 12. Id. The ComEd letter does not, on its face, contain a notation that it was sent "cc" to the petitioners and, like the Petition, does not contain a Certificate of Service.

We will treat the November 12 ComEd letter as a Motion for an Extension of Time. Pursuant to 10 C.F.R. §2.772(b), the time in which ComEd may respond to the Petition for Leave to Intervene is extended until 4:15 pm E.S.T. Monday, November 22, 1999. In addition, the time in which the NRC Staff may respond to the Petition is extended until 4:15 pm E.S.T. Monday, November 29, 1999. Pursuant to 10 C.F.R. §2.772(a), the petitioners may have until 4:15 pm Monday, December 13, 1999, in which to deliver a Reply to the responses of ComEd and the

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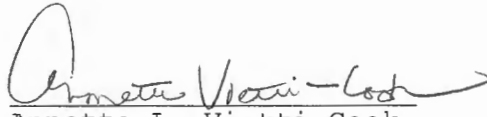
NRC Staff to the Office of the Secretary. All filings should be filed and served in a manner that ensures their receipt in the Office of the Secretary by the time and date due. Facsimile and electronic filing is permitted, but hard copies must also be filed (by U.S. Mail) on the same day. The parties may obtain facsimile numbers and electronic mail addresses from the Office of the Secretary.

Finally, we remind all parties that any pleadings filed with the agency should contain a Certificate of Service reflecting the manner in which they have been served on each of the other parties as well as on the Office of the Secretary. See 10 C.F.R. §2.712(f). Moreover, the Rules require that service on another party should be made in the same manner as service on the Secretary. See 10 C.F.R. §2.712(d). We expect all parties who appear before the agency to adhere to the NRC's Rules of Practice.

It is SO ORDERED.

For the Commission




Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 16th day of November, 1999.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

COMMONWEALTH EDISON COMPANY

(Zion Nuclear Power Station,
Units 1 and 2)

Docket No.(s) 50-295/304

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMM ORDER EXTENDING TIME have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

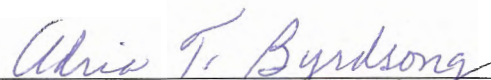
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Kenosha, WI 53142

Dated at Rockville, Md. this
16 day of November 1999


Office of the Secretary of the Commission