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USNRC

February 25, 2009 (10:30am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**SERVED FEBRUARY 26, 2009**

February 12, 2009

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington DC 20555-0001  
Attn: Rulemakings and Adjudications Staff

Re: Docket No. 52-037, AmerenUE Callaway 2 COLA

Objection and Request for Extension regarding non-public portions of COLA

Dear Secretary:

On February 4, 2009 the NRC published its Notice of Hearing at 74 FR 6064.

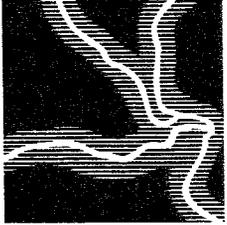
I represent a potential party, the Missouri Coalition for the Environment, 6267 Delmar Blvd., St. Louis MO 63130. The Coalition has members who live within 50 miles of the proposed EPR reactor, and their interest would be adversely affected if it were built.

The Notice sets a 10-day period for a party or potential party to seek access to confidential portions of the COLA, and to have experts, consultants or assistants who have already at least filed for clearance and are able to identify with specificity what parts of the COLA they would examine for the purpose of preparing contentions.

It may not surprise you to learn that we regard this as totally unreasonable. The Coalition has not been able to finalize an agreement with any expert at this point and could not, nor could its hypothetical expert, peruse an 8,000-page COLA in the time allotted. The Notice contemplates that a potential intervenor will expend substantial time and money at a preliminary stage of the case, without even having sought intervention, for which over 50 days still remain at this writing.

We therefore request that the Commission rescind this requirement and allow some more reasonable amount of time.

In the alternative, the Coalition asks for an extension of time for 30 days beyond the initial 10-day period, i.e. 40 days from publication of the Notice of Hearing in the Federal Register, in which to file its request for access to SUNSI or SGI information. This would still be unreasonable but would at least give the Coalition a fighting chance to prepare contentions within the original 60 days allotted.



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Environmental Law Center  
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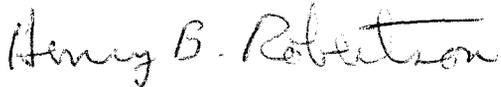
705 Olive Street  
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Founding President  
Lewis C. Green, 1924-2003

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
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In requesting an extension we do not acquiesce in, nor waive, our objections to what we believe is a lack of transparency, an unrealistic timeframe, and a denial of due process of law, which requires reasonable notice and opportunity to be heard.

Sincerely,

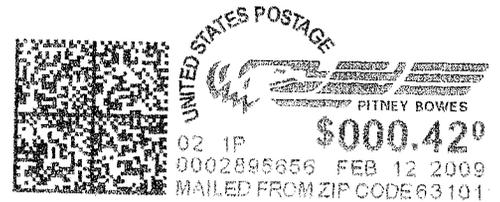
A handwritten signature in cursive script that reads "Henry B. Robertson". The signature is written in dark ink and is positioned above the printed name.

Henry B. Robertson

Cc: Associate General Counsel for Hearings, Enforcement and Administration  
Office of General Counsel  
U.S. Nuclear Regulatory Commission  
Washington DC 20555-0001



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