

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE SECRETARY

In the Matter of	)	
	)	
Union Electric Company (AmerenUE)	)	
	)	Docket No. 52-037
	)	
(Callaway County, Missouri - Unit 2)	)	
	)	
	)	

**SUPPLEMENT TO PETITION TO INTERVENE  
BY MISSOURIANS AGAINST HIGHER UTILITY RATES**

Pursuant to the requirements of the Initial Prehearing Order, filed April 27, 2009, Missourians Against Higher Utility Rates ("MAHUR") hereby supplements its petition to intervene in the application by AmerenUE ("AUE") for a combined construction and operating license ("COL") for the Callaway Unit 2 nuclear power reactor unit. To assist the Licensing Board and other participants in identifying petitioners' concerns, the Initial Prehearing Order requires that petitioners identify the part(s) of the COL application ("COLA") to which their contention(s) is directed. Initial Prehearing Order, p.2.

MAHUR's single contention is directed at Part 1 of the COLA: General, Administrative and Financial Information (G/A/FI). MAHUR's contention asserts that AUE does not meet the financial qualification requirements of 10 CFR § 50.33 because AUE's proposed funding of construction costs and initial core fuel supply costs rests entirely on rate-based recovery for "construction work in progress," which is currently prohibited by existing Missouri law (393.135 RSMo.).

In the COLA, AUE admitted that funding the project would require changing existing State law. On April 23, 2009, AUE President and Chief Executive Officer Thomas R. Voss acknowledged that AUE's attempt to overturn the existing law was not going to be successful and, consequently, AUE was suspending its efforts to build the Callaway Unit 2 facility. See Initial Prehearing Order, pp. 4-5. Thus, the deficiency identified by MAHUR in Part 1 of the COLA now is clearly evident and publicly acknowledged by AUE.

Respectfully submitted this 29<sup>th</sup> day of April, 2009.

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