

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman  
Dr. Richard F. Cole  
Dr. Jeffrey D. E. Jeffries

In the Matter of

AMERENUE

(Callaway Plant Unit 2)

Docket No. 52-037-COL

ASLBP No. 09-884-07-COL-BD01

April 30, 2009

MEMORANDUM AND ORDER

(Designation of Contentions; Certificates of Service and Signatures)

A. Designation of Contentions

In the Licensing Board's April 27, 2009 initial prehearing order, it requested that by April 29, 2009 petitioners Missouri Coalition for the Environment and Missourians for Safe Energy (MCE/MSE) and petitioner Missourians Against Higher Utility Rates (MAHUR) provide a supplement to their petitions that for each of their already-specified contentions assigned a separate numeric or alpha designation within one of several designated groups. See Licensing Board Memorandum and Order (Initial Prehearing Order) (Apr. 27, 2009) at 2-4 (unpublished) [hereinafter Initial Prehearing Order]. While we received such a designation from MAHUR relative to its single contention, we have not received such a designation from MCE/MSE.

With answers from applicant AmerenUE (AUE) and the NRC staff due tomorrow, to ensure contentions are consistently labeled and referenced, based on its reading of the contentions, the Board provides the following designations for each MCE/MSE contention:

<u>Original Designation</u>	<u>Revised Designation</u>
Contention 1, LLRW under NEPA	NEPA-1, LLRW under NEPA
Contention 2, LLRW in the FSAR	SAFETY-1, LLRW in the FSAR
Contention 3, Water under NEPA	NEPA-2, Water under NEPA
Contention 4, Cumulative effects on wetlands	NEPA-3, Cumulative effects on wetlands
Contention 5, Alternatives and need	NEPA-4, Alternatives and need
Contention 6, Renewable Electricity Standard	NEPA-5, Renewable Electricity Standard
Contention 7, New definition of Construction	NEPA-6, New definition of Construction
Contention 8, High fuel burn-up in EPR	NEPA-7, High fuel burn-up in EPR
Contention 9, Waste Confidence Decision	NEPA-8, Waste Confidence Decision
Contention 10, Design Certification	MISC-1, Design Certification
Contention 11, Terrorist attack	NEPA-9, Terrorist attack

To the degree petitioners MCE/MSE do not agree with any of these Board designations of their contentions, they should explain in their reply to the AUE and staff answers what alternative designation they believe is appropriate consistent with the terms of the April 27 initial prehearing order.

B. Certificates of Service; Signatures

On April 28, 2009, Lewis R. Mills, Jr., filed via the agency's E-Filing system a notice of appearance in this proceeding on behalf of the Missouri Office of the Public Counsel (MPC). Mr. Mills included with that notice what was denoted as a "Certificate of Service." The following day, petitioner Missourians Against Higher Utility Rates (MAHUR) provided via the E-Filing system a supplement to its April 6, 2006 hearing petition in which it designated its sole issue statement as Contention G/A/FI-1. This supplement had no certificate of service attached.

In both instances, these participants have failed to comply with the relevant instructions regarding certificates of service provided in the agency's regulations, see 10 C.F.R.

§ 2.305(c)(4), and the Licensing Board's April 27, 2009 initial prehearing order, see Initial Prehearing Order at 9. All participants in the proceeding are advised that any future submission from a participant that fails to include a certificate of service that conforms to the agency's rules and the Board's April 27 instructions is subject to being stricken.

In addition, per the Board's initial prehearing order, see id. at 8-9, all participant counsel/representatives are advised to review the provisions of section 2.304(d)(1)(i)-(ii) to ensure they use the appropriate signature protocols for electronically filed documents as they differentiate between those individuals who utilize a digital ID certificate to sign the document as part of the E-Filing process and those individuals whose signature block on a document is an indication of their assent to the section 2.304(d) representations relative to that document.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD\*

/RA/

G. Paul Bollwerk, III  
CHAIRMAN

Rockville, Maryland

April 30, 2009

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\* Copies of this memorandum and order were sent this date by the agency's E-Filing system to counsel for (1) applicant AUE; (2) petitioners MCE/MSE, MAHUR, the Public Service Commission of the State of Missouri, and MPC; and (3) the staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
UNION ELECTRIC COMPANY D/B/A AmerenUE	)	
	)	
(Callaway Power Plant, Unit 2)	)	Docket No. 52-037-COL
	)	
(Combined License)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (DESIGNATION OF CONTENTIONS; CERTIFICATES OF SERVICE AND SIGNATURES) have been served upon the following persons by Electronic Information Exchange.

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Docket No. 52-037-COL

LB MEMORANDUM AND ORDER (DESIGNATION OF CONTENTIONS; CERTIFICATES OF SERVICE AND SIGNATURES)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
This 30<sup>th</sup> day of April 2009