

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

May 5, 2009

MEMORANDUM AND ORDER
(Supplement to Extension Motion)

On May 4, 2009, petitioners Missouri Coalition for the Environment and Missourians for Safe Energy (MCE/MSE) filed a motion for extension of time to submit their reply to the May 1, 2009 answers of applicant AmerenUE (AUE) and the NRC staff to the April 6, 2009 MCE/MSE hearing petition. It does not appear that the MCE/MSE pleading addresses the requirement in 10 C.F.R. § 2.323(b) that for any motion, a movant “include a certification . . . [that states] that the movant has made a sincere effort to contact other parties in the proceeding and resolve the issue(s) raised in the motion, and that the movant's efforts to resolve the issue(s) have been unsuccessful.”

Petitioners MCE/MSE shall have up to and including noon Eastern Time (ET) on Wednesday, May 6, 2009, to submit a pleading that conforms to this provision of the agency's rules. If MCE/MSE are unable to obtain consent from the other participants to their extension

request, any participant wishing to file an answer to MCE/MSE's May 4 time extension request shall do so on or before noon ET on Thursday, May 7, 2009.¹

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

May 5, 2009

¹ Although NRC adjudicatory procedures are footed in the provisions of the federal Administrative Procedure Act, 5 U.S.C. §§ 551-559, and the Federal Rules of Civil Procedure, as is the case with any other federal or state administrative agency, participants and their counsel should be aware of the details of those rules to ensure their filings are successfully lodged and considered. To this end, the Board urges the participants to access and review Part 2, Subpart C, of the agency's regulations and this Board's April 27, 2009 initial prehearing order in advance of filing any future pleadings. The NRC's procedural regulations can be found on the agency's website at www.nrc.gov/reading-rm/doc-collections/cfr/part002/.

² 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, Missourians Against Higher Utility Rates, the Public Service Commission of the State of Missouri, and the Missouri Office of the Public Counsel; 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 (SUPPLEMENT TO EXTENSION MOTION) have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
 this 5th day of May 2009