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May 13, 2009

G. Paul Bollwerk, III, Chairman
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dr. Richard E. Cole
Administrative Judge
Atomic Safety and Licensing Board Panel
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Washington, DC 20555-0001

Dr. Jeffrey D. E. Jeffries
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Union Electric Company d/b/a Ameren UE
(Callaway Power Plant, Unit 2) (Combined License)
Docket No. 52-037-COL, ASLBP No. 09-884-07-COL-BD01
Request Regarding Prehearing Conference Schedule

Dear Judges:

Although the Atomic Safety and Licensing Board has not yet to schedule a Prehearing Conference in this proceeding, I wanted to make the Board aware of an unavoidable scheduling conflict and to request the Board's consideration should it schedule a Prehearing Conference.

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I am counsel in two cases currently before the U.S. Court of Federal Claims with near term trial dates. The first of these cases, Entergy Nuclear Indian Point 2, LLC v. United States, No. 03-2622C, is scheduled for trial from June 1, 2009 through June 26, 2009 (with the possibility recognized by the Court that the trial might continue into the week of June 29). The second case, System Fuels, Inc. v. United States, No. 04-2624C, is scheduled for evidentiary hearings starting July 20, 2009 and likely to continue through July 22.

If at all possible, I would respectfully request that if the Board schedules a Prehearing Conference, the schedule be set so as not to conflict with the court dates described above. Although several associates and counsel at this firm have been involved in responding to the petitions and requests for hearing in the Callaway proceeding, I am the partner handling this matter.

I have consulted with counsel for the NRC Staff and petitioners with regard to this request. Counsel for the NRC Staff, Missouri Coalition for the Environment and Missourians for Safe Energy, the Missouri Public Service Commission, Missourians Against Higher Utility Rates and the Missouri Office of Public Counsel have no objection to the request.

Thank you very much for your consideration.

Sincerely,

/signed (electronically) by Jay E. Silberg/

Jay E. Silberg
Counsel for Union Electric Company
d/b/a Ameren UE

cc: Service List

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