

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

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

**MISSOURI PUBLIC SERVICE COMMISSION’S REPLY TO NRC STAFF’S ANSWER AND  
AMERENUE’S ANSWER TO MISSOURI PUBLIC SERVICE COMMISSION’S  
PETITION FOR LEAVE TO INTERVENE AS AN INTERESTED STATE, OR,  
IN THE ALTERNATIVE, PETITION FOR DISCRETIONARY INTERVENTION**

Pursuant to the April 27, 2009 Memorandum And Order and the May 7, 2009 Order of the U.S. Nuclear Regulatory Commission Atomic Safety And Licensing Board, the Public Service Commission of the State of Missouri (“PSCM”) hereby files its reply to the May 1, 2009 Answer of the Nuclear Regulatory Commission Staff (“NRC Staff”) and the May 1, 2009 Answer of Union Electric Company, d/b/a AmerenUE (“AUE”).

The NRC Staff in its Answer to the PSCM’s Petition For Leave To Intervene As Interested State, Or, In The Alternative, Petition for Discretionary Intervention does not object to Missouri participating as an interested State, but contends that the PSCM has not made the necessary showing for discretionary intervention, and states that PSCM, the Missouri Office of the Public Counsel (“MPC”), and any other state organization must decide amongst themselves who will represent the State of Missouri, and that a single representative be designated for participation in this proceeding.

AUE in its Answer to the PSCM’s Petition For Leave To Intervene As Interested State, Or, In The Alternative, Petition for Discretionary Intervention supports the PSCM’s intervention

as an interested State, but opposes the PSCM's discretionary intervention as the PSCM not having met the requirements for discretionary intervention.

Other than the PSCM and the MPC, no Missouri State agency has sought to intervene in Docket No. 52-037. The PSCM and the MPC have conferred, and it is the PSCM's understanding that the MPC will be filing a pleading this date agreeing to the PSCM serving as the representative of the State of Missouri. Undersigned counsel is designated as the single representative of the PSCM for participation in this proceeding.<sup>1</sup>

As indicated in its April 6, 2009 Petition For Leave To Intervene As Interested State, Or, In The Alternative, Petition for Discretionary Intervention, PSCM has no contentions to submit to the NRC. The PSCM hereby indicates that it has determined not to pursue its Petition, In The Alternative, For Discretionary Intervention, but is continuing to seek intervention pursuant to Title 10 Code of Federal Regulations (10 C.F.R.) §2.309(d)(2)(i) and §2.315(c), as an interested State.

Wherefore the PSCM states that (1) it is the PSCM's understanding the MPC will indicate in a filing this date the MPSC should represent the State of Missouri, (2) undersigned counsel is designated the single representative for the PSCM, and (3) the PSCM has determined not to pursue its Petition, In The Alternative, For Discretionary Intervention, but is continuing to seek intervention pursuant to Title 10 Code of Federal Regulations (10 C.F.R.) §2.309(d)(2)(i) and §2.315(c), as an interested State.

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<sup>1</sup> The NRC Staff indicated that it had no objection to the addition of Michael Taylor (michael.taylor@psc.mo.gov), Utility Engineering Specialist III, of the PSCM to the Electronic Information Exchange service list. The PSCM requests that Kevin A. Thompson (kevin.thompson@psc.mo.gov), General Counsel, and Steven C. Reed (steven.reed@psc.mo.gov), Litigation Counsel, of the PSCM also continue on the Electronic Information Exchange service list.

Respectfully submitted,

/signed electronically by Steven Dottheim/

Steven Dottheim

Chief Deputy General Counsel

Missouri Public Service Commission

200 Madison Street, Suite 800

P.O. Box 360

Jefferson City, Missouri 65101

Telephone: (573) 751-7489

Facsimile: (573) 751-9285

E-mail: [steve.dottheim@psc.mo.gov](mailto:steve.dottheim@psc.mo.gov)

Dated: May 15, 2009

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	)	
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CERTIFICATE OF SERVICE

I hereby certify that, on this 15th day of May 2009, copies of the foregoing Notice of Appearance of Steven Dottheim, dated May 15, 2009, were provided to the Electronic Information Exchange for service to those individuals on the E-Filing system service list for this proceeding.

Judge G. Paul Bollwerk, III, Chair  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop – T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: gpb@nrc.gov

Dr. Richard F. Cole  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop – T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: rfcl@nrc.gov

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  
E-mail: jeffrey.jeffries@nrc.gov

Office of the Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Mail Stop O-16C1  
Washington, DC 20555-0001  
Attn: Rulemakings and Adjudications Staff  
Hearing Docket  
E-mail: secy@nrc.gov;  
hearingdocket@nrc.gov

Lauren Bregman, Law Clerk  
E-mail: lrb1@nrc.gov

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop – O-15 D21  
Washington, DC 20555-0001  
Kathryn Winsberg, Esq.  
Ann Hodgdon, Esq.

Jay E. Silberg, Esq.  
Michael G. Lepre, Esq.  
Robert B. Haemer, Esq.  
Stefanie M. Nelson, Esq.  
Alison M. Crane, Esq.  
PILLSBURY WINTHROP SHAW PITTMAN LLP

Jessica Bielecki, Esq.  
Sara Kirkwood, Esq.  
Joseph Gilman, Paralegal  
E-mail: [klw@nrc.gov](mailto:klw@nrc.gov);  
[ann.hodgdon@nrc.gov](mailto:ann.hodgdon@nrc.gov);  
[jab2@nrc.gov](mailto:jab2@nrc.gov); [jsgl@nrc.gov](mailto:jsgl@nrc.gov);  
[seb2.@nrc.gov](mailto:seb2.@nrc.gov)

Noranda Aluminum, Inc.  
Finnegan, Conrad & Peterson, L.C.  
428 E. Capitol Avenue, Suite 300  
Jefferson City, MO 65101  
David Woodsmall, Esq.  
E-mail: [dwoodsmall@fcplaw.com](mailto:dwoodsmall@fcplaw.com)

Missourians Against Higher Utility Rates  
Brownstein Hyatt Farber Schreck, LLP  
410 17<sup>th</sup> Street, Suite 2200  
Denver, CO 80202-4432  
Hubert a. Farbes, Jr., Esq.  
E-mail: [hfarbes@bhfs.com](mailto:hfarbes@bhfs.com)

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

2300 N Street, NW  
Washington, DC 20037-1128  
E-mail: [jay.silberg@pillsburylaw.com](mailto:jay.silberg@pillsburylaw.com);  
[michael.lepre@pillsburylaw.com](mailto:michael.lepre@pillsburylaw.com);  
[robert.haemer@pillsburylaw.com](mailto:robert.haemer@pillsburylaw.com);  
[stefanie.nelson@pillsburylaw.com](mailto:stefanie.nelson@pillsburylaw.com)  
[alison.crane@pillsburylaw.com](mailto:alison.crane@pillsburylaw.com)

Missouri Coalition for the Environment  
Great Rivers Environmental Law Center  
705 Olive St., Suite 614  
St. Louis, MO 63101-2208  
Henry B. Robertson, Esq.  
E-mail: [hrobertson@greatriverslaw.org](mailto:hrobertson@greatriverslaw.org)

Missouri Office of the Public Counsel  
P.O. Box 2230  
Jefferson City, MO 65102  
Lewis Mills, Director  
E-mail: [lewis.mills@ded.mo.gov](mailto:lewis.mills@ded.mo.gov)

/signed electronically by Steven Dottheim/  
Missouri Public Service Commission  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, Missouri 65101  
Steven Dottheim, Deputy General Counsel  
Telephone: (573) 751-7489  
Facsimile: (573) 751-9285  
E-mail: [steve.dottheim@psc.mo.gov](mailto:steve.dottheim@psc.mo.gov)  
Counsel for Missouri Public Service Commission