

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

June 29, 2009

ORDER

(Answers to Motion to Terminate Hearing)

Upon consideration of the June 26, 2009 motion of applicant AmerenUE (AUE) in which (1) AUE has advised the Licensing Board that by letter dated June 23, 2009, AUE has requested that the NRC staff suspend the staff's review of AUE's pending 10 C.F.R. Part 52 combined license (COL) application; and (2) AUE requests that the Board terminate this hearing relative to its pending COL application, it is

ORDERED, in accord with 10 C.F.R. § 2.323(c), that any answers to the AUE motion shall be filed on or before Monday, July 6, 2009.

In any answer that is filed, the Board requests that the response address the issue of the Board's authority, in the absence of a withdrawal of an application pursuant to 10 C.F.R. § 2.107(a), to terminate an ongoing adjudication in which a hearing request is pending.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

G. Paul Bollwerk, III
CHAIRMAN

Rockville, Maryland

June 29, 2009

* Copies of this order were sent this date by the agency's E-Filing system to counsel for (1) applicant AUE; (2) petitioners Missouri Coalition for the Environment and Missourians for Safe Energy, 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 ORDER (ANSWERS TO MOTION TO TERMINATE HEARING) have been served upon the following persons by Electronic Information Exchange.

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Docket No. 52-037-COL
 LB ORDER (ANSWERS TO MOTION TO TERMINATE HEARING)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
 this 29th day of June 2009