

May 2, 2011

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Commission

In the Matter of	)	
	)	Docket No. 52-037-COL
UNION ELECTRIC COMPANY d/b/a AmerenUE	)	
	)	
(Callaway Plant, Unit 2)	)	ASLBP No. 09-884-07-COL-BD01

**Ameren Missouri Response to Emergency Petition**

Pursuant to the Commission’s Order of April 19, 2011, Applicant Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”)<sup>1</sup> hereby responds to and opposes the “Emergency Petition To Suspend All Pending Reactor Licensing Decisions And Related Rulemaking Decisions Pending Investigation Of Lessons Learned From Fukushima Daiichi Nuclear Power Station Accident,” filed on April 15, 2011 (as amended on April 18, 2011) (the “Petition”) in the above-captioned proceeding by the Missouri Coalition for the Environment and Missourians for Safe Energy (“MCE/MSE”).<sup>2</sup>

This docket involves an application (the “COLA”), submitted by Ameren Missouri on July 24, 2008, for a combined license to construct and operate a new nuclear plant at the site of Ameren Missouri’s Callaway Power Plant located in Callaway County, Missouri. The Petition

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<sup>1</sup> As part of a corporate reorganization of Ameren Corporation, on October 1, 2010 Union Electric Company began doing business as “Ameren Missouri” and ceased using the fictitious name “AmerenUE”. The Applicant will therefore use the name “Union Electric Company d/b/a Ameren Missouri” or “Ameren Missouri” in this and all future pleadings.

<sup>2</sup> On April 18, 2011, the Joint Intervenors filed an “Amendment and Errata to Emergency Petition to Suspend All Pending Reactor Licensing Decisions and Related Rulemaking Decisions Pending Investigation of Lessons Learned From Fukushima Daiichi Nuclear Power Station Accident.” On April 20, 2011, the Joint Intervenors also submitted a Declaration of Dr. Arjun Makhijani in Support of Emergency Petition to Suspend all Pending Reactor Licensing Decisions and Relating Rulemaking Decisions Pending Investigation of Lessons Learned from Fukushima Daiichi Nuclear Power Station Accident.

asks the Nuclear Regulatory Commission (“Commission” or “NRC”) to take a two-page list of actions, including suspending decisions in Ameren Missouri’s COLA proceeding, “pending completion by the NRC’s Task Force to Conduct a Near-Term Evaluation of the Need for Agency Action (“Task Force”) following the Events in Japan of its investigation of the short-term and long-term lessons of the Fukushima accident and the issuance of any proposed regulatory decisions and/or environmental analyses of those issues.” Petition at 4-5.

For the reasons set forth in the Nuclear Energy Institute’s response in opposition to the Petition (“NEI’s Response”) that Ameren Missouri understands is being filed today with the Commission, Ameren Missouri urges the Commission to deny the Petition. In addition to the arguments raised in NEI’s Response, the Petition must be denied in Ameren Missouri’s docket because there is no ongoing proceeding for the Commission to suspend.

On May 1, 2009, Ameren Missouri notified the Atomic Safety and Licensing Board (“Board”) that it was suspending its efforts to build a new nuclear plant in Missouri.<sup>3</sup> On June 23, 2009, Ameren Missouri requested that the NRC Staff suspend all activities relating to the COLA.<sup>4</sup> On June 29, 2009, the NRC Staff agreed with Ameren Missouri’s request, notifying Ameren Missouri that the Staff “has suspended all review activities relating to the Callaway Unit 2 COLA .”<sup>5</sup>

In addition, by a settlement (to which MCE/MSE is a party) approved by the Board on August 28, 2009, the contested portion of the hearing in this docket was terminated.<sup>6</sup> Moreover,

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<sup>3</sup> AmerenUE’s Answer Opposing The Missouri Coalition for The Environment And Missourians For Safe Energy’s Petition to Intervene And Request For Hearing in Callaway Plant Unit 2 Combined Construction and Operating License Application (May 1, 2009).

<sup>4</sup> Letter From Adam C. Heflin, Senior Vice President and Chief Nuclear Officer, Ameren Missouri/Callaway Plant, to U.S. Nuclear Regulatory Commission (June 23, 2009) at 1(ADAMS Accession No. ML091750988).

<sup>5</sup> Letter from David B. Matthews, Director, Division of New Reactor Licensing (NRC) to Adam C. Heflin (June 29, 2009) at 1 (ADAMS Accession No. ML091750665).

<sup>6</sup> AmerenUE (Callaway Plant, Unit 2), LBP-09-23, 70 N.R.C. 659, 663 (2009).

under the settlement, if Ameren Missouri requests that the NRC Staff resume its review of the COLA, any party to the settlement – including MCE/MSE – would have an opportunity to intervene and propose new contentions that meet the Commission’s standards for admissible contentions, including any such contention arising out of the events at the Fukushima Daiichi Nuclear Power Station.<sup>7</sup>

Accordingly, for the reasons set forth in NEI’s Response, and given that (1) the Staff’s review of the COLA already has been suspended; (2) the contested portion of the hearing has been terminated by settlement agreement; and (3) if Ameren Missouri were to decide to reactivate the COLA in the future, the settlement permits MCE/MSE to intervene and propose new contentions, including contentions that may arise out of the events at the Fukushima Daiichi Nuclear Power Station, there is no need for the Commission – nor would it be appropriate – to grant the suspension requested by MCE/MSE in this proceeding.

Respectfully submitted,

/signed electronically by Michael G. Lepre/  
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<sup>7</sup> Id., Exhibit 1 at 2.

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this 2nd day of May 2011, a copy of the foregoing “Ameren Missouri Response to Emergency Petition” was provided to the Electronic Information Exchange for service upon the following persons:

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