

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chair  
William J. Froehlich  
Nicholas G. Trikouros

In the Matter of  
Union Electric Company  
(Callaway Plant, Unit 1)

Docket No. 50-483-LR  
ASLBP No. 12-919-06-LR-BD01  
August 8, 2012

MEMORANDUM AND ORDER  
(Suspending Date for Submission of Reply Pleading)

Pending in this proceeding is a July 9, 2012 motion of petitioner Missouri Coalition for the Environment (MCE) to admit a new contention asserting that the environmental report (ER) of applicant Union Electric Company, d/b/a Ameren Missouri (Ameren), is not in compliance with the requirements of the National Environmental Policy Act because the ER fails to include a discussion of the environmental impacts of spent fuel pool (SFP) leakage, SFP fires, and the lack of a spent fuel repository, as required by the recent decision of the United States Court of Appeals for the District of Columbia Circuit in New York v. NRC, 681 F.3d 471 (D.C. Cir. 2012). See [MCE's] Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Nuclear Waste at Callaway Nuclear Power Plant (July 9, 2012) at 4. In accordance with the Licensing Board's initial prehearing order, MCE's reply to the August 3 answers of Ameren and the NRC staff to its motion to admit this new contention is due on August 10. See Licensing Board Memorandum and Order (Initial Prehearing Order) (May 4,

2012) at 4 n.3 (unpublished). Yesterday, however, the Commission directed that this contention be held in abeyance until further order of the Commission, see Calvert Cliffs Nuclear Project, LLC (Calvert Cliffs Nuclear Power Plant, Unit 3), CLI-12-16, 76 NRC \_\_, \_\_ & n.10 (slip op. at 5-6 & n.10) (Aug. 7, 2012), raising a question about the status of MCE's reply pleading.

Given the likelihood of a further order from the Commission regarding the pending new contention and the possible need to hear from all the participants relative to that order, the Board finds that the goal of conducting of this proceeding efficiently and effectively would be best served if the filing date for MCE's reply pleading is suspended pending further direction from the Board.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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G. Paul Bollwerk, III  
CHAIR

Rockville, Maryland

August 8, 2012

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NUCLEAR REGULATORY COMMISSION

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 )  
(License Renewal) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Suspending Date for Submission of Reply Pleading)** have been served upon the following persons by the Electronic Information Exchange.

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Callaway Power Plant, Unit 1, Docket No. 50-483-LR

**MEMORANDUM AND ORDER (Suspending Date for Submission of Reply Pleading)**

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[Original signed by Nancy Greathead]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 8<sup>th</sup> day of August, 2012