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NUCLEAR REGULATORS STOP ALL ACTION ON CALLAWAY 2 LICENSE

On August 28 an Atomic Safety and Licensing Board of the Nuclear Regulatory Commission (NRC) terminated all preparations for a hearing on AmerenUE's proposed Callaway 2 nuclear power plant. This comes very close to pulling the plug on a project that was already on life support. Ameren had announced it was suspending its effort to build Callaway 2 after the Missouri legislature refused to repeal a 1976 voter-passed law that forbids utilities to charge ratepayers for construction work in progress (CWIP).

On June 26, 2009, AmerenUE filed a motion with the Nuclear Regulatory Commission (NRC) to terminate the hearing on the Construction and Operating License Application (COLA) for the Callaway 2 reactor. On June 23 AmerenUE had sent a letter to the NRC Staff asking them to suspend all review of the COLA. Ameren gave no reason except that it was in the company's "best interests." The Staff agreed to the suspension on June 29. It no longer made sense for the Licensing Board to continue with the adjudicatory hearing process on the legal issues raised by the COLA.

Ameren filed the COLA on July 24, 2008. On April 6, following the NRC's Notice of Hearing and Opportunity to Intervene, Great Rivers Environmental Law Center filed a Petition to Intervene on behalf of the Missouri Coalition for the Environment and Missourians for Safe Energy, pointing out flaws in AmerenUE's Environmental Report and their inability to guarantee disposal of the radioactive waste that Callaway 2 would emit and store on-site.

On August 14, 2009, Great Rivers joined with Ameren and the two other intervening parties (the Missouri Office of Public Counsel and Missourians Against Higher Utility Rates) in filing a Settlement Agreement in which the parties consented to termination with conditions that would, in essence, allow the parties to pick up from where they stand now if the license proceedings are ever reactivated. The settlement also protects the public's right to participate by allowing new parties to join the case in the future. The Licensing Board's order approved the settlement.

AmerenUE is not withdrawing its application, however. "They're trying to salvage something from the wreckage," said Henry Robertson, the Great Rivers attorney who filed the petition to intervene. "All indications are that Ameren has given up on Callaway 2. They want to

sell the COLA to another company, but it looks extremely unlikely that anyone else will ever be able to finance this plant either.”

Great Rivers is a nonprofit public interest environmental law firm in St. Louis that provides free and reduced-fee legal services to those working to promote preservation of open space, clean energy, clean air and clean water. Its web address is: www.greatriverslaw.org.