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October 6, 1978

Alan S. Rosenthal, Esquire
Chairman, Atomic Safety and
Licensing Appeal Panel
U.S. Nuclear Regulatory Commission
East West Towers Building - Rm. 534A
4350 East West Highway
Bethesda, Maryland

Re: In the Matter of Union Electric Company
(Callaway Plant, Units 1 and 2),
Construction Permits Nos. CPFR-139
and CPFR-140

Dear Mr. Rosenthal:

The enclosed "Motion Of Union Electric Company For A Stay Of Suspension Order Pending Appeal Board Review" is being filed with the Atomic Safety and Licensing Appeal Board as permitted under Section 2.738(f) of the Commission's Rules of Practice.

This motion is made out of an abundance of caution in view of the drastic consequences that would follow if the suspension order of September 28, 1978, issued by the Licensing Board in the above proceeding should be allowed to take immediate effect. Our understanding of Section 2.760 of the Commission's Rules, when read in juxtaposition with Section 2.764, is that such a result will not occur in a Show Cause proceeding of the sort involved here if exceptions are timely filed with the Appeal Board. Should this be a correct reading of the Commission's Rules, the enclosed stay request is obviously not needed, since

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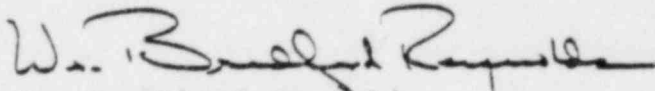
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Alan S. Rosenthal, Esquire
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Union Electric has today filed its exceptions. However, if we have misunderstood Sections 2.760 and 2.764, our motion to stay the effectiveness of the Initial Decision On Order To Show Cause is obviously required.

While Section 2.788(f) of the Commission's Rules also allows for the filing of such a motion with the Licensing Board whose order is subject to the stay request, it seems to us more appropriate in this particular instance to proceed in this forum in light of the fact that the stay relief being sought is for the purpose of preserving the jurisdiction of the Appeal Board to hear and determine the important and novel issues raised by Union Electric Company in its filed exceptions. It is for this reason that we have elected to bring the matter directly to the Appeal Board.

Respectfully yours,



Wm. Bradford Reynolds
Counsel for Union Electric Company

WBR:ats
Enclosure

cc: Service List