

January 8, 2008

MEMORANDUM TO: Vincent Gaddy, Chief  
Projects Branch B  
Division of Reactor Projects  
Region IV

FROM: Thomas G. Hiltz, Chief /RA/  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

SUBJECT: CALLAWAY PLANT, UNIT 1 - REQUEST FOR PARTIAL SITE  
RELEASE IN ACCORDANCE WITH 10 CFR 50.83 (TAC NO. MD5619)

By letter dated May 15, 2007 (ULNRC-05394), as supplemented by letter dated October 5, 2007 (ULNRC-05438), Union Electric Company (the licensee) requested approval to release part of the site for the Callaway Plant, Unit 1 (Callaway). The request is in accordance with Section 50.83, "Release of part of a power reactor facility or site for unrestricted use," of Part 50 in Title 10 of the *Code of Federal Regulations* (i.e., 10 CFR 50.83), which requires that there shall be written approval from the Nuclear Regulatory Commission (NRC) prior to the release for unrestricted use of any part of a site for a nuclear power plant. In its letter of May 15, 2007, the licensee stated that the Missouri Highway and Transportation Commission required the land to replace and improve the Logan Creek Bridge on Highway 94 as the land is part of the Highway 94 road easements, that the land was sold to the State of Missouri on April 20, 2004, without obtaining approval of the sale by NRC as required by 10 CFR 50.83, and now the approval of the release of the land to unrestricted use is requested.

The NRC staff has reviewed the information in the letters dated May 15, and October 5, 2007, and, based on the enclosed safety evaluation (SE), the NRC staff concludes that the request to release this part of the Callaway Plant site for unrestricted use does not require an amendment to the license, and, with the exception of the licensee's timing of its request, meets the requirements in 10 CFR 50.83 to approve the release of the land. However, the enclosed SE does not approve the sale of the land because the licensee released the land before obtaining NRC approval per 10 CFR 50.83.

I understand that the enclosed SE will be issued to the licensee in a resident inspector inspection report with an appropriate enforcement action, because the licensee sold the land before receiving approval for the sale from NRC in accordance with 10 CFR 50.83. Based on this, except for the timing of the licensee's request for NRC approval, we conclude in the enclosed safety evaluation that the sale of land is acceptable. If you have questions on the enclosed SE, we should set up a conference call to discuss your questions.

Docket No. 50-483

Enclosure: Safety Evaluation

CONTACT: Jack N. Donohew, NRR/DORL/LPLIV, 301-415-1307

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The NRC staff has reviewed the information in the letters dated May 15, and October 5, 2007, and, based on the enclosed safety evaluation (SE), the NRC staff concludes that the request to release this part of the Callaway Plant site for unrestricted use does not require an amendment to the license, and, with the exception of the licensee's timing of its request, meets the requirements in 10 CFR 50.83 to approve the release of the land. However, the enclosed SE does not approve the sale of the land because the licensee released the land before obtaining NRC approval per 10 CFR 50.83.

I understand that the enclosed SE will be issued to the licensee in a resident inspector inspection report with an appropriate enforcement action, because the licensee sold the land before receiving approval for the sale from NRC in accordance with 10 CFR 50.83. Based on this, except for the timing of the licensee's request for NRC approval, we conclude in the enclosed safety evaluation that the sale of land is acceptable. If you have questions on the enclosed SE, we should set up a conference call to discuss your questions.

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NAME	JDonohew	JBurkhardt	RPedersen	JBonanno NLO	THiltz
DATE	1/8/08	12/7/2007	09/24/07	12/12/07	1/8/08

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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO RELEASE OF PART OF POWER REACTOR SITE FOR UNRESTRICTED USE

UNION ELECTRIC COMPANY

CALLAWAY PLANT, UNIT 1

DOCKET NO. 50-483

1.0 INTRODUCTION

By application dated May 15, 2007, as supplemented by letter dated October 5, 2007 (Agencywide Documents Access and Management System Accession Nos. ML071430210 and ML072840765, respectively), Union Electric Company (the licensee) requested approval from the U.S. Nuclear Regulatory Commission (NRC) for the sale of part of the plant site for the Callaway Plant, Unit 1 (Callaway).

2.0 REGULATORY EVALUATION

Section 50.83, "Release of part of a power reactor facility or site for unrestricted use," of Part 50 of Title 10 of the *Code of Federal Regulations* (i.e., 10 CFR 50.83), establishes the following requirements with respect to the release of any part of a power reactor site for unrestricted use:

- (a) Prior written NRC approval is required to release part of a facility or site for unrestricted use at any time before receiving approval of a license termination plan. Section 50.75 of 10 CFR Part 50 specifies recordkeeping requirements associated with partial release. Nuclear power reactor licensees seeking NRC approval shall--
  - (1) Evaluate the effect of releasing the property to ensure that--
    - (i) The dose to individual members of the public does not exceed the limits and standards of 10 CFR Part 20, Subpart D;
    - (ii) There is no reduction in the effectiveness of emergency planning or physical security;
    - (iii) Effluent releases remain within license conditions;
    - (iv) The environmental monitoring program and offsite dose calculation manual are revised to account for the changes;
    - (v) The siting criteria of 10 CFR Part 100 continue to be met; and

- (vi) All other applicable statutory and regulatory requirements continue to be met.
  - (2) Perform a historical site assessment of the part of the facility or site to be released; and
  - (3) Perform surveys adequate to demonstrate compliance with the radiological criteria for unrestricted use specified in 10 CFR 20.1402 for impacted areas.
- (b) For release of non-impacted areas, the licensee may submit a written request for NRC approval of the release if a license amendment is not otherwise required. The request submittal must include—
- (1) The results of the evaluations performed in accordance with paragraphs (a)(1) and (a)(2) above of 10 CFR 50.83;
  - (2) A description of the part of the facility or site to be released;
  - (3) The schedule for release of the property;
  - (4) The results of the evaluations performed in accordance with 10 CFR 50.59; and
  - (5) A discussion that provides the reasons for concluding that the environmental impacts associated with the licensee's proposed release of the property will be bounded by appropriate previously issued environmental impact statements.
- (c) After receiving an approval request from the licensee for the release of a non-impacted area, the NRC shall—
- (1) Determine whether the licensee has adequately evaluated the effect of releasing the property as required by paragraph (a)(1) above of 10 CFR 50.83;
  - (2) Determine whether the licensee's classification of any release areas as non-impacted is adequately justified; and
  - (3) Upon determining that the licensee's submittal is adequate, inform the licensee in writing that the release is approved.

- (d) For release of impacted areas, the licensee shall submit an application for amendment of its license for the release of the property. The application must include—
  - (1) The information specified in paragraphs (b)(1) through (b)(3) of this section;
  - (2) The methods used for and results obtained from the radiation surveys required to demonstrate compliance with the radiological criteria for unrestricted use specified in 10 CFR 20.1402; and
  - (3) A supplement to the environmental report, under 10 CFR 51.53, describing any new information or significant environmental change associated with the licensee's proposed release of the property.
- (e) After receiving a license amendment application from the licensee for the release of an impacted area, the NRC shall—
  - (1) Determine whether the licensee has adequately evaluated the effect of releasing the property as required by paragraph (a)(1) above of 10 CFR 50.83;
  - (2) Determine whether the licensee's classification of any release areas as non-impacted is adequately justified;
  - (3) Determine whether the licensee's radiation survey for an impacted area is adequate; and
  - (4) Upon determining that the licensee's submittal is adequate, approve the licensee's amendment application.
- (f) The NRC shall notice receipt of the release approval request or license amendment application and make the approval request or license amendment application available for public comment. Before acting on an approval request or license amendment application submitted in accordance with this section, the NRC shall conduct a public meeting in the vicinity of the licensee's facility for the purpose of obtaining public comments on the proposed release of part of the facility or site. The NRC shall publish a document in the *Federal Register* and in a forum, such as local newspapers, which is readily accessible to individuals in the vicinity of the site, announcing the date, time, and location of the meeting, along with a brief description of the purpose of the meeting.

In Section 50.75(g) of 10 CFR Part 50, the regulations require the keeping records of information important to the safe and effective decommissioning of the facility, which includes

the plant site, until the license is terminated by the Commission. In Paragraph 50.75(g)(4), records of the following are required:

- (i) The licensed site area, as originally licensed, which must include a site map and any acquisition or use of property outside the originally licensed site area for the purpose of receiving, possessing, or using licensed materials;
- (ii) The licensed activities carried out on the acquired or used property; and
- (iii) The release and final disposition of any property recorded in paragraph (g)(4)(i) above of 10 CFR 50.75, the historical site assessment performed for the release, radiation surveys performed to support release of the property, submittals to the NRC made in accordance with 10 CFR 50.83, and the methods employed to ensure that the property met the radiological criteria of 10 CFR Part 20, Subpart E, at the time the property was released.

Non-impacted areas is defined in 10 CFR 50.2 as “the areas with no reasonable potential for residual radioactivity in excess of natural background or fallout levels.”

Section 2.A of Facility Operating License No. NPF-30 for Callaway states in part that “The facility is located in central Missouri within Callaway County, Missouri, and is described in the licensee’s “Final Safety Analysis Report”, as supplemented and amended, and in the licensee’s Environmental Report, as supplemented and amended.”

### 3.0 BACKGROUND

In its application, the licensee stated that in late 2003 the Missouri Department of Transportation (MDOT) started a process to purchase land from the Callaway Plant site that was needed for the road right-of-way to replace and improve the Logan Creek bridge on Highway 94. The improvements included the bridge replacement as well as the approaches on each side of the bridge. The licensee stated that there have been positive highway safety improvements from the new wider Logan Creek bridge and the improved approaches to the bridge.

The licensee explained that the property required by MDOT consists of two small parcels that total approximately 0.83 acres that are located adjacent to Highway 94, with one parcel on each side of Logan Creek. The property is over 3.5 miles from the plant site, and outside of both the exclusion area and low population area of the plant site. The Missouri River plant intake and plant discharge point for Callaway is approximately 2000 feet from the property. The plant discharge line at the closest approach comes within approximately 800 feet of the property. The property is upgradient of the plant discharge line from the location where it has the closest approach.

The land use is similar to most road easements, being mostly grass covered with some woods. This land is part of the Highway 94 road easement and is not expected to be used for any future development. The legal description of the property and the approximate location of this property in relation to Callaway and the discharge line is shown in Attachment II to the application.

The licensee stated that the individuals involved in this transaction were not aware of the requirements in 10 CFR 50.83, which requires NRC approval for release of property from the Callaway Plant site. The property was sold to the State of Missouri on April 20, 2004, and, since then, the bridge has been replaced and the improvements for the bridge approaches have been completed.

#### 4.0 TECHNICAL EVALUATION

In its application, the licensee requested NRC approval in accordance with 10 CFR 50.83 of the release of this property from the jurisdiction of Operating License NPF-30 for Callaway in order to close out any concerns on this transaction. The licensee stated that the property is a non-impacted area as defined by 10 CFR 50.2 in that the area has "no reasonable potential for residual radioactivity in excess of natural background or fallout levels."

Described below are the historical site assessment (HSA), confirmatory radiological surveys, and other reviews that show that the property is non-impacted and that the release of the property will not have any adverse impact on public health or safety, and was evaluated for environmental concerns. The licensee stated that the property was not impacted by Callaway Plant operations because the property is over 3.5 miles from the plant site, and is outside of both the exclusion and low population areas of the plant. The property was also evaluated for environmental concerns, including soil sampling for polychlorinated biphenyls (PCBs) near a utility pole on the property. No PCBs were detected and no environmental concerns were identified by the licensee on the property.

#### 4.1 Licensee's Assessment of Property To Be Released

In accordance with 10 CFR 50.83, the licensee performed an HSA of the property. The HSA is provided in Attachment IV and in its supplemental letter. The licensee stated that the cultural resources survey for the site was reviewed and there were no identified cultural resource sites associated with the property that was sold.

In March 2007, environmental sampling was performed by the licensee on the property and the samples were analyzed for the presence of radioactive materials. As explained in its application, the licensee collected a total of four core samples, which were taken up to a depth of 24 feet. Samples were analyzed for radioactive materials including tritium. All results were within normal background levels. The licensee concluded that this land has no reasonable potential for residual radioactivity in excess of natural background or fallout levels based on the results of the radiological survey and, therefore, the land qualifies as a "non-impacted area" in accordance with the definition in 10 CFR 50.2. This is also based on the licensee's statement that the property is distant from the plant site and structures that would have any potential for effluent releases.

The licensee stated it evaluated the effect of releasing the property in accordance with the criteria in 10 CFR 50.83(a)(1) in order to ensure that Callaway will continue to comply with all applicable statutory and regulatory requirements that may be affected by the release of property and confirmed that no change is necessary in the Callaway operating license or technical specifications (TSs) because of the sale of the property.

Based on its evaluation, the licensee stated it confirmed the following with respect to each of the areas listed in 10 CFR 50.83(a)(1)(i)-(vi):

- i. The Dose to Individual Members of the Public Does Not Exceed the Limits and Standards of 10 CFR Part 20, Subpart D: The licensee determined that this land was never used for any radiological purposes and that the radiological survey performed on the property shows that there is no residual radioactivity on this property. Since no radiological activities are planned in the vicinity of this land, the licensee's current programs will ensure no members of the general public will receive doses in excess of 10 CFR Part 20 either at this land or anywhere at Callaway outside of the protected area.
- ii. Emergency Planning and Physical Security: The licensee has evaluated the sale of this land in regard to emergency planning and physical security, specifically in accordance with 10 CFR 50.54 (q) and (p). It stated that no credit is taken for this land in either the emergency plan (EP) or the security plan for Callaway and, therefore, the land transfer has no adverse impact on either plan.
- iii. Effluent Releases Remain Within License Conditions: The licensee stated that the land is distant from the plant site or structures that would have any potential for effluent releases, and the plant programs to maintain effluent releases from Callaway within license conditions remain in effect and this land transfer does not impact those programs. Therefore, the licensee concluded that the effluent releases from Callaway will remain within license conditions.
- iv. Environmental Monitoring Program and Offsite Dose Calculation Manual: The licensee stated that the release of the land does not have any effect on the environmental monitoring program or the offsite dose calculation manual for Callaway. The plant programs to maintain effluent releases from Callaway within license conditions remain in effect, and this land transfer does not impact those programs.
- v. The Siting Criteria of 10 CFR 100 Continues to Be Met: The licensee stated that the release of the property has been reviewed with respect to the siting criteria in 10 CFR 100 and the release of the property has no effect on meeting these criteria.
- vi. Other Statutory and Regulatory Requirements: The licensee stated that it maintains policies and procedures to ensure that statutory and regulatory requirements on the operation of Callaway are met, and the release of the property has no adverse effect on these policies and procedures.

In summary, the licensee concluded that the sale and release of this land has no impact on the continued compliance of the operation of Callaway with applicable NRC regulatory standards.

In assessing the impact of the Callaway Plant operation on the property, the licensee sought to identify potential or known sources of radioactive material or radioactive contamination that may have affected the property. As stated above, the property is about 3.5 miles from Callaway

except for the intake and discharge structure on the Missouri River, and approximately 800 feet from the discharge line at its closest point. The licensee stated that the property has not been used for any activities that could have resulted in radiological contamination of the property.

The licensee stated that a review of corrective action documents was performed to identify events that could have had a potential for releasing radioactive material to the property. The only event of any significance for the property was a leak in the discharge line that was discovered January 11, 2005, and the leak was water from the discharge line flowing up to the surface near the break. The leak was more than 800 feet from the property and the property is upgradient to the leak area; therefore, it would not be expected that this leak would have impacted the property. The licensee concluded that the results of the radiological sampling on the property verify that the property was not impacted. The licensee stated further that the findings of its review are that:

1. The land has not been used for plant operations.
2. The land has not been used for storage of any radioactive material or waste.
3. There are no event records that any spills, leaks or uncontrolled release of radioactive material have ever occurred on the land.
4. The closest event that released radioactivity to an area near the land was over 800 feet from the land, and the land is upgradient from where the event occurred. Recent sampling confirms there was no impact from this event.

The licensee concluded from its reviews of the property that the property has no residual radioactivity in excess of natural background or fallout levels. Based on this and its findings given above, the licensee concluded that this property qualifies as a "non-impacted area" in accordance with 10 CFR 50.2 and, therefore, qualifies as non-impacted under 10 CFR 50.83.

The licensee stated that its evaluation of the effect of releasing this property indicate that all applicable regulatory requirements will continue to be met and no change is needed to Callaway's operating license or TSs.

The licensee stated that 10 CFR 50.83(b)(5) requires that a request for NRC approval of a release of non-impacted areas must include the reasons for concluding that the environmental impacts associated with the release of the property will be bounded by appropriate previously issued Environmental Impact Statements. The original construction Final Environmental Statement (FES) for Callaway Plant was issued in March 1975, and was for Callaway Units 1 and 2. Callaway Unit 1 was constructed, but Callaway Unit 2 was cancelled. In January 1982, the NRC issued the FES for Callaway Unit 1 operation.

The licensee stated that it has evaluated the environmental impacts associated with the release of this property and considered the impacts in light of the NRC's 1975 FES for construction and the 1983 FES for operation. Its evaluation did not identify any significant new environmental impacts or any significant changes from the environmental impacts previously assessed by the NRC. The land transfer has no impact on effluent releases and no impact on offsite dose calculations. Therefore, the licensee has concluded that the environmental impacts associated

with the proposed release of the property are bounded by the NRC's previous environmental reviews for the Callaway Plant.

#### 4.2 Evaluation of 10 CFR 50.59

Section 2.A of Facility Operating License No. NPF-30 for Callaway states in part that “[t]he facility is located in central Missouri within Callaway County, Missouri, and is described in the licensee’s ‘Final Safety Analysis Report [FSAR]’, as supplemented and amended, and in the licensee’s Environmental Report, as supplemented and amended.”

As required by 10 CFR 50.83(b) for non-impacted areas, the licensee submitted in its application the results of the evaluation of the free release of the property performed in accordance with 10 CFR 50.59. The licensee stated that the property release only results in a minor change in the property boundary near the plant intake, and no change in any of Callaway's structures, systems or components that are described in the FSAR or any change in plant operations. This sale involves the release of only approximately 0.83 acres from the plant corridor area of approximately 2015 acres. The property description in the FSAR site addendum states the plant site consists of approximately 3188 acres owned by the licensee, and that the land in the peripheral and plant corridor area consist of an approximately 4042 additional acres owned by the licensee. The licensee is not changing the FSAR.

In its 10 CFR 50.59 evaluation, the licensee stated that its evaluation assessed the impact of the change in the site boundary on offsite dose calculations and effluent releases, and concluded that the change:

- a. does not adversely affect any design function as described in the FSAR,
- b. does not adversely affect how a design function as described in the FSAR is performed or controlled,
- c. does not revise or replace an evaluation method used to establish design basis or safety analysis, and
- d. does not involve a test or experiment not described in the FSAR.

The licensee also stated that no change is needed to Callaway's operating license or TSs to remove the property from the plant site. Also, since the property is considered a non-impacted area in accordance with 10 CFR 50.2, 10 CFR 50.83 does not require an amendment to the license. The licensee, therefore, concluded that this change did not require prior NRC approval under the requirements of 10 CFR 50.59.

#### 4.3 NRC Staff Evaluation

The NRC staff has reviewed the licensee's application for the release of part of the Callaway Plant site for unrestricted use. In this case, the release of part of the plant site is for the improvement of the Logan Creek Bridge on Highway 94, which included the bridge replacement as well as the approaches on each side of the bridge. The land is part of the Highway 94 road

easements. Therefore, the use of the land after its sale is the same as the use of the land prior to the sale. The land is not being used differently.

The NRC staff has reviewed the licensee's justification for concluding that the property that was sold to the State of Missouri is a non-impacted area as defined in 10 CFR 50.2. Based on the licensee's environmental assessment of the property, the NRC staff concludes that the property has no reasonable potential for residual radioactivity in excess of natural background or fallout levels. The property is distant from the plant site or structures that would have any potential for effluent releases. Also, the environmental sampling done on the property, which is discussed in Section 4.1 of this safety evaluation (SE), is consistent with this conclusion. Therefore, the NRC staff has no disagreement with the licensee's conclusion that the property meets the definition of a non-impacted area in accordance with 10 CFR 50.2.

The NRC staff has reviewed the licensee's 10 CFR 50.59 evaluations in Section 4.2 of this SE. The property is not specifically listed in the license or the TSs; is not within the security fence of the plant; is over 3.5 miles from the plant site and not within both the exclusion and low population areas of the plant; is not related to either the safety-related structures, systems, or components or the effluent discharge equipment of the plant; has no effect on plant operation; and the property is classified as a non-impacted area. Based on this, the NRC staff agrees with the licensee's conclusion that no amendment to the operating license is needed for the release of this property from the plant site to unrestricted use.

The licensee addressed whether the environmental impacts associated with the release of the land are bounded by any environmental impact statement. The land was part of the original Callaway Plant site and the operation of Callaway on the plant site was addressed in the FES related to the operation of Callaway Plant, Unit 1. With the property over 3.5 miles from the plant site, outside both the exclusion area and low population zone of the plant, being mostly grass covered with some woods, and not used in any way in the operation of the plant, the NRC staff agrees with the licensee in its conclusion that the environmental impacts associated with the release of the property are bounded by the FES for the Callaway Plant, Unit 1.

Based on the property being a non-impacted area and that no amendment is needed, the NRC staff reviewed the requirements in 10 CFR 50.83(c)(1) and (2) for releasing non-impacted areas to unrestricted use and determined that the licensee's submittal has sufficiently addressed the requirements as follows:

- 50.83(c)(1) Determine whether the licensee has adequately evaluated the effect of releasing the property as required by 50.83(a)(1), subsections (i) through (vi);
- 50.83(c)(2) Determine whether the licensee's classification of any release areas as non-impacted is adequately justified; and

The requirements in Section 50.83(c)(1) are addressed in Section 4.1 of this SE as follows:

1. 50.83(a)(1)(i) is addressed by item i in that the licensee's radiological survey performed on the property showed that there is no residual radioactivity on the

property, and the licensee stated that no radiological activities are planned on the Callaway land near this property.

2. 50.83(a)(1)(ii) is addressed by the licensee's statement that it has evaluated the release of the property and no credit is taken for the land by the licensee in its EP or security plan, there are no off-site EP facilities on this property, and the property is not used by the licensee in its EP or its security plan. Therefore, there is no reduction in the effectiveness of emergency planning or security.
3. 50.83(a)(1)(iii) is addressed by item iii in that the licensee stated that the property is distant from the plant site or structures that would have any potential for effluent releases, the plant programs to maintain effluent releases from Callaway within license conditions remain in effect and this sale of property does not impact those programs. Therefore, the effluent releases from Callaway will remain within license conditions.
4. 50.83(a)(1)(iv) is addressed by item iv in that the licensee stated that release of the land has no effect on the environmental monitoring program and offsite dose calculation manual and the plant programs to maintain effluent releases within license conditions remain in effect. Therefore, the program and manual need not be revised to account for the sale.
5. 50.83(a)(1)(v) is addressed by item v in that the licensee stated that the release of the property has no effect on meeting the siting criteria of 10 CFR Part 100 and, thus, this siting criteria continues to be met.
6. 50.83(a)(1)(vi) is addressed by item vi in that the release of the property has no adverse effect on the licensee's compliance with all other applicable statutory and regulatory requirements.

Based on 50.83(a)(1)(i) through (vi) being met as discussed above, the requirements in 10 CFR 50.83(c)(1) are met.

Section 50.83(c)(2) is addressed in the SE as follows:

In Section 4.3 of this SE, the NRC staff addressed whether the land sold by the licensee could be considered a non-impacted area in accordance with 10 CFR 50.2. Based on that section of the SE, the NRC staff concludes that the licensee's classification of the property as non-impacted is adequately justified. Therefore, the requirement in 10 CFR 50.83(c)(2) is met.

Based on the above considerations, the NRC staff concludes that the licensee has adequately met the requirements in 10 CFR 50.83(c)(1) and (2) for releasing non-impacted areas to unrestricted use.

In 10 CFR 50.75(g)(4), there is the requirement for the licensee to keep records of the release and disposition of any property that was part of the original licensed site area. In the supplemental letter, the licensee stated that a record of the release and sale of the property is

part of the decommissioning file for the Callaway Plant. Therefore, the NRC staff concludes that the licensee meets 10 CFR 50.75 (g).

Because the licensee failed to request written NRC approval prior to releasing the property to the State of Missouri, as required by 10 CFR 50.83, the NRC staff requested that the licensee explain what actions will be taken to prevent this type of oversight in the future. In conference calls with the NRC staff, the licensee stated that it created a corrective action report (CAR) on the failure to submit a request to NRC, similar to its application dated May 15, 2007, prior to the sale of the land to the State of Missouri. The review of this CAR in the licensee's corrective action program is to determine what changes are needed in the plant organization and procedures to avoid such a failure. In its supplemental letter dated October 5, 2007, the licensee stated the results of its review of this CAR. The licensee stated that it is adding appropriate steps to its Real Estate Department documents to (1) ensure that the Callaway licensing department is contacted when a sale of Callaway site property is under consideration, (2) verify that NRC approval has been obtained before proceeding with the sale, and (3) track these actions to completion in the Callaway corrective action program. Because this is the licensee's program to determine corrective actions to address problems at the plant, the NRC staff concludes that this is an acceptable method to address the failure to request approval by NRC to release land from the plant site prior to the sale of the land.

## 5.0 CONCLUSION

The licensee requested the release of the land described in Section 3.0 of this SE, which was part of the Callaway Plant site, for unrestricted use. Based on the evaluation above in Section 4.3 of this SE, the NRC staff concludes that the licensee's request to release this part of the Callaway Plant site for unrestricted use is adequate in that the submittal has adequately (1) assessed and surveyed the property that was released, (2) evaluated the effect of releasing the property, (3) justified the property is a non-impacted area and no amendment to the license is needed, and (4) addressed the effect of releasing the property for unrestricted use. Therefore, with the exception of timing of the licensee's request, as discussed above, the NRC staff also concludes that the licensee's request meets the requirements in 10 CFR 50.83 to approve the release of the land. In this case, the land was sold to the State of Missouri and used for the improvement of the bridge over Logan Creek on Highway 94. Based on this, the NRC staff concludes that, except for the timing of the licensee's request for NRC approval of the sale, the sale of the land is acceptable

In the licensee addressing its failure to request prior NRC approval before releasing the land to the State of Missouri through its corrective action program, as discussed in Section 4.3 of this SE, the NRC staff also concludes that the licensee has adequately addressed this failure to prevent any reoccurrence.

## 6.0 STATE CONSULTATION

The Missouri State official was notified of the proposed issuance of the NRC staff's acceptance of the release of part of the Callaway site for unrestricted public use in a past sale to the MDOT as an improvement to the Logan Creek Bridge on Highway 94. The State official stated that he had no objection to the transfer.

Principal Contributor: Jack Donohew

Date: January 8, 2008