January 29, 2009

The Honorable Marlon Frye, Chairman
Kickapoo Tribe of Oklahoma
Mr. Kent Collier, NAGPRA
P.O. Box 70
McCloud, Oklahoma 74851

SUBJECT: REQUEST FOR PARTICIPATION IN THE SCOPING PROCESS FOR THE ENVIRONMENTAL REVIEW OF THE CALLAWAY PLANT UNIT 2, COMBINED LICENSE APPLICATION

Dear Chairman Frye:

The U.S. Nuclear Regulatory Commission (NRC) staff is reviewing an application submitted by AmerenUE for a Combined License (COL) for the construction and operation of a new nuclear reactor unit at its Callaway Plant site approximately ten miles southeast of Fulton, MO. As part of the review of this COL application, the NRC is preparing an Environmental Impact Statement (EIS) as required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 51, the NRC's regulations that implement the National Environmental Policy Act of 1969 (NEPA), as amended. The NRC staff is currently seeking information from consulting parties and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, to identify issues relating to the proposed undertaking's potential effects on historic properties. The area of potential effect for this COL review is the area at the site and its immediate environs, which may be impacted by land-disturbing activities associated with the construction and operation of the new unit.

AmerenUE submitted its application for a COL on July 24, 2008, pursuant to NRC requirements of 10 CFR Part 52. The NRC staff accepted the application for docketing on December 12, 2008. It is available through the web-based version of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at http://www.nrc.gov/reading-rm/adams.html. The environmental report portion of the application is listed under the accession number ML082520869. The Callaway COL application is also available on the Internet at http://www.nrc.gov/reactors/new-reactors/col/callaway.html.

The Callaway Plant site is located on approximately 2,800 acres in Callaway County, MO, approximately 10 miles southeast of the city of Fulton. The Callaway Plant site currently has one pressurized water reactor, Unit 1, which has the capacity to generate 1,190 megawatts of electricity. AmerenUE plans to construct one new nuclear unit, Unit 2, adjacent to the existing unit. The EIS will document the NRC staff's evaluation of the impacts of construction and operation of one new nuclear reactor at the Callaway Plant site. AmerenUE has also identified four alternative sites that will be evaluated in the EIS. The staff's review will consider alternatives including evaluation of alternative sites. The EIS will contain the results of the review of the environmental impacts on the area surrounding the Callaway Plant site that are related to terrestrial ecology, aquatic ecology, hydrology, socioeconomic issues and historic properties (among others), and will contain a recommendation on whether the requested COL should be granted or denied. If granted, the COL would authorize the applicant to construct and operate the new proposed unit.

The NRC environmental review process includes an opportunity for public and inter-governmental participation in the environmental review. The Callaway Plant site is in close proximity to lands that may be of interest to the Kickapoo Tribe of Oklahoma. The NRC staff wants to ensure that you are aware of our efforts and, pursuant to 10 CFR 51.28(a), the NRC invites the Kickapoo Tribe of Oklahoma to provide input to the scoping process relating to the NRC's environmental review of the COL application.

The NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), through the requirements of NEPA. In accordance with 36 CFR 800.8(c), the NRC staff is using the process required by NEPA for the preparation of the EIS to comply with Section 106 of the NHPA in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. Accordingly, the NRC staff is identifying individuals and organizations that may wish to consult with the staff on the proposed action and is inviting them to consult with the NRC staff on this matter. Consultation will include participation in the scoping process; identification of historic properties on the Callaway Plant site; assessment of the effects of the proposed action on any historic properties identified; and development of alternatives and proposed measures that might avoid, minimize, or mitigate any adverse effects of the proposed action on historic properties. To complete consultation under 36 CFR 800.8(c), the NRC will forward the draft EIS to you for your review and comment and will address your comments in the final EIS. You will receive a copy of the draft EIS along with a request for comments after it is issued. This draft EIS will include identification of historic properties, assessment of impacts, and our preliminary determination. The anticipated publication date for the draft EIS is January 2010.

Pursuant to 10 CFR 51.28 and 36 CFR 800.2(c), the NRC wishes to ensure that Indian Tribes that might have an interest in any potential historic properties in the area of potential effect are afforded the opportunity to identify their concerns, provide advice on the identification and evaluation of historic properties, including those of traditional religious, and cultural importance, and, if necessary, participate in the resolution of any adverse effects to such properties.

The NRC plans to hold two public meetings at the Champ Auditorium in Westminster College, 501 Westminster Ave., Fulton, MO 65251, on Wednesday, February 18, 2009. The first meeting will convene at 1:00 p.m. and will continue until approximately 4:00 p.m. The second meeting will convene at 6:00 p.m. and will continue until approximately 9:00 p.m. The meetings will be preceded by open houses from 12:00 p.m. to 1:00 p.m., and from 5:00 p.m. to 6:00 p.m., during which members of the public may meet and talk with NRC staff members on an informal basis.

Please submit any written comments your tribe may have to offer on the scope of the environmental review by March 24, 2009. Comments should be submitted either by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Mail Stop TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001 or via e-mail to Callaway.COLEIS@nrc.gov.

If you have any questions concerning the NRC staff's environmental review of this COL application, please contact Mr. Bruce Olson, Environmental Project Manager by telephone at 301-415-3731 or via e-mail at Bruce.Olson@nrc.gov. In his absence, please contact Mr. John Fringer by telephone at 301-415-6208 or via e-mail at John.Fringer@nrc.gov.

Sincerely,

/RA Mark Notich for/

William Burton, Branch Chief
Environmental Projects Branch 1
Division of Site and Environmental Reviews
Office of New Reactors

Docket No.: 52-037

cc: See next page

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ADAMS ACCESSION NUMBER: ML090160361

OFFICE	PS:RAP1: DSER:NRO	LA:RAP1: DSER:NRO	PM:RAP1: DSER:NRO	OGC	BC:RAP1: DSER:NRO
NAME	JFringer/sek1	GHawkins	BOlson	AHodgdon (NLO)	WBurton/MDN for
DATE	12/31/08	12/31/2008	01/22/09	01/26/09	01 / 29/09

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