



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
 STATE REGULATORY PROGRAM OFFICE - MISSOURI
 221 BOLIVAR STREET, SUITE 103
 JEFFERSON CITY, MISSOURI 65101
 March 10, 2009

REPLY TO
 ATTENTION OF:

Missouri State Regulatory Office
 (2008-00893)

1/23/09

JHFR 4257

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RULES AND DIRECTIVES
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Chief, Rulemaking, Directives, and Editing Branch
 Division of Administrative Services
 Office of Administration
 Mailstop TWB-05-B01M
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555-0001

To Whom It May Concern:

As a cooperating agency with the U.S. Nuclear Regulatory Commission on the preparation of the Environmental Impact Statement (EIS) for the AmerenUE Callaway Plant Unit 2 Project, the Corps of Engineers recommends that the EIS include and adequately address potential impacts to waters of the United States (including streams and wetlands) along with the other potential impacts to the environment, and that alternatives to avoid and minimize impacts to waters of the United States also be included and addressed in the EIS in accordance with the Section 404(b)(1) Guidelines.

The Corps of Engineers has conducted three pre-application meetings with AmerenUE to date for the Callaway Unit 2 Project, and have been informed that AmerenUE plans to submit a preliminary report on waters of the United States for our review and approval, however, we have not received a report on waters of the U.S. to date, nor have we received a Department of the Army (DA) application from AmerenUE for the Callaway Plant Unit 2 Project. Once we have received the preliminary report on waters of the U.S. and we have issued approved jurisdictional determinations for the waters of the U.S., we will forward copies of the approved jurisdictional determinations to your agency along with any information on any potential impacts to waters of the U.S. to include in the EIS.

The Corps of Engineers also participated in a scoping meeting for a potential new road project from Route 54 to AmerenUE's Callaway Plant (Callaway County Connector Project) on February 17, 2009. During the meeting we requested a written statement from whomever the applicant would be (either AmerenUE or the Missouri Department of Transportation) regarding independent utility from AmerenUE's Callaway Unit 2 Project, and informed that the proposed road may need to be included in the EIS for the Callaway Unit 2 Project if they could not demonstrate independent utility. We received the attached response letter from the Missouri Department of Transportation dated March 6, 2009, addressing the matter of independent utility.

SUNSI Review Complete
Template = ADM-013

E-RIDS = ADM-03
Addr = B. Olson (6001)

If your agency does not concur with the attached response letter regarding independent utility for the Callaway County Connector Project and AmerenUE's Callaway Unit 2 Project then let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenny Pointer". The signature is written in a cursive style with a prominent flourish at the end.

Kenny Pointer
Regulatory Project Manager
Missouri State Regulatory Office

Enclosure

Missouri
Department
of Transportation



Pete K. Rahn, Director

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March 6, 2009

Mr. Kenny Pointer
U.S. Army Corps of Engineers
Jefferson City Field Office
221 Bolivar, Ste 103
Jefferson City, MO 65101

Dear Mr. Pointer: *Kenny*

As a representative of the US Army Corps of Engineers (USACE), you requested confirmation that the two proposed federal actions, the Callaway County Connector project and the Callaway Plant Unit 2 project, are separate and independent projects requiring separate environmental review under NEPA. This request was made during the Agency Scoping meeting held on February 17, 2009, at the Federal Highway Administration (FHWA) Offices in Jefferson City. Other state and federal agencies in attendance included the FHWA, Missouri Department of Conservation, Missouri Department of Natural Resources and Missouri Department of Transportation (MoDOT). This letter serves as confirmation that each of the proposed federal actions demonstrates independent utility.

MoDOT and FHWA reviewed the proposed road improvement project and determined that an Environmental Assessment (EA) would be the appropriate level of NEPA documentation under the lead of the FHWA. The agencies determined that there is a need for doing a study on the Callaway County Connector project regardless of the Callaway Plant Unit 2 construction. This determination is based on questions about the safety, reliability, and connectivity of the existing transportation system in southeastern Callaway County.

The two lead federal agencies, represented by Ms. Peggy Casey of FHWA and Mr. Bruce Olson of the NRC, have completed discussions regarding the intent of each proposed federal action. They have determined that the EA for the Callaway Connector could occur independently of the Environmental Impact Statement (EIS) that will be completed under the lead of the Nuclear Regulatory Agency (NRC) for the Callaway Plant Unit 2 project.

If you have any additional questions, please contact me at (573) 526-6676.

Sincerely,

Gayle A. Unruh

Gayle A. Unruh

rp

cc: Peggy Casey – FHWA
Roger Schwartze – d5
Jason Vanderfeltz – d5

Mike Herleth – Burns and McDonnell
Kyle Grayson – de