

May 24, 1994

Docket No. 50-483

DISTRIBUTION:

Mr. Michael S. Weichman, Senior Archaeologist
Missouri Department of Natural Resources
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Dear Mr. Weichman:

SUBJECT: EVALUATION OF THE EFFECTS OF OPERATION AND MAINTENANCE ON CULTURAL RESOURCES AT THE CALLAWAY NUCLEAR PLANT (TAC NO. M83007)

The purpose of this letter is to forward the results of the Nuclear Regulatory Commission's (NRC) evaluation on the effects of the operation and maintenance of the Callaway Nuclear Plant on cultural resources within the site boundary (Enclosure 1).

On March 21, 1994, via a telephone conference, the NRC staff discussed their evaluation with you. A conclusion of no effect was reached pending a letter of commitment from the Union Electric Company agreeing to continue implementation of their current Cultural Resources Management Plan (Enclosure 2) and to notify the MSHPO of any changes to the plan. By letter dated March 29, 1994, Union Electric Company provided the NRC with a letter of commitment as requested (Enclosure 3).

After review of the NRC's evaluation, please forward your comments and concurrence to: L. Raynard Wharton
US NRC
OWFN MS 13-E-21
Washington, DC 20555

The NRC will then forward the MSHPO's concurrence to the Advisory Council on Historical Preservation.

Sincerely,

Original signed by

L. Raynard Wharton, Callaway Project Manager
Project Directorate III-3
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

Enclosures:

1. NRC Evaluation of Callaway Nuclear Plant
2. Callaway Plant Cultural Resources Management Plan
3. Letter from Union Electric Company, dated March 29, 1994

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| OFFICE: | LA:PDIII-3 | PM:PDIII-3 | D:PDIII-3 | OGC |
| NAME: | MRushbrook | LRWharton | JHannon | |
| DATE: | 05/10/94 | 05/10/94 | 05/14/94 | 05/12/94 |

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EVALUATION OF EFFECTS ON CULTURAL RESOURCES

FROM THE OPERATION AND MAINTENANCE OF THE CALLAWAY NUCLEAR PLANT

By letter dated February 21, 1992, Union Electric Company (UE) submitted a request to modify its environmental protection plan in the area governing management of historic cultural resources. As the licensing Federal agency, the Nuclear Regulatory Commission (NRC) is required by Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, to consider the effects of their actions (which includes projects, activities, or programs licensed or assisted by an agency) on historic properties. The evaluation was done pursuant to 36 CFR 800.

BACKGROUND

At the time the NRC issued the operating license for the Callaway Nuclear Plant, UE had not completed all of the necessary steps to ensure protection of the cultural resources surrounding the plant. Therefore, the NRC included Sections 2.3 and 4.3, "Cultural Resources," into Appendix B, Environmental Protection Plan (Non-radiological), of the Callaway operating license. Section 2.3 states that there is a need to protect the cultural resources which are located in the area of potential environmental impact related to maintenance and operation of the plant, and Section 4.3 describes a series of requirements that UE needed to complete to ensure the protection of these cultural resources. Section 4.3 required UE to complete the following:

1. To (1) prepare, in consultation with the State Historic Preservation Officer (SHPO), the potential eligibility of the sites determined to be in the area of potential environmental impact, for inclusion in the National Register of Historic Places, and (2) provide this information to the NRC.
2. To provide the NRC with necessary information to complete a determination of effect from operation and maintenance of the plant on the sites determined to be in the area of potential environmental impact.

UE had performed, prior to licensing Callaway Nuclear Plant, a Phase I cultural resources survey and assessment on approximately 5848 acres of residual lands which surround the Callaway Nuclear Plant. The objective of the Phase I survey and assessment was to locate, evaluate, and identify potentially significant cultural resources. One hundred twenty-nine sites were identified and evaluated during the Phase I survey; 79 prehistoric archeological sites, 29 historical archaeological sites, and 21 architectural sites. Of the 129 sites, 23 prehistoric archeological sites and 2 historic archeological sites were considered individually significant and potentially eligible for nomination to the National Register of Historic Places. However, only three of the 25 sites potentially eligible for the National Register (23CY20, 23CY352, and 23CY359) were in the area of potential environmental impact from the operation and maintenance of the plant. Sites 23CY352 and 23CY359 are located within transmission line rights-of-way and 23CY20 in the

area of the railroad spur. All three sites are prehistoric archeological sites. Enclosure 2 contains a detailed description of the three sites.

A Phase II evaluation on the three sites was conducted to further evaluate National Register eligibility. The Phase II evaluation determined that the three sites were eligible for inclusion into the National Register, and National Register forms were completed for the three sites and sent to the Missouri SHPO. An affirmative opinion from the SHPO regarding the potential eligibility of the three sites for inclusion in the National Register was obtained on April 2, 1990.

UE provided to the NRC the information requested in Section 4.3 in a letter dated March 26, 1985. Section 4.3 also states that upon completion of these activities the NRC would, in consultation with the SHPO, determine the effect of plant operation and maintenance on the cultural resources in the area of potential impact. The licensee has complied with the requirements in Section 4.3. The completion of the NRC's evaluation of effect will complete all the requirements in Section 4.3.

EVALUATION

Pursuant to 36 CFR 800, the NRC has considered the effects of the operation and maintenance of the Callaway Nuclear Plant on historical sites within the area of potential impact. Federal Regulation 36 CFR 800.9 provides agencies with criteria to determine whether or not an undertaking has an effect on a historical site. When applying the criteria set forth in 36 CFR 800.9, there are three possible findings:

1. No effect: There is no effect of any kind (that is, neither harmful nor beneficial) on these historic properties.
2. No adverse effect: There could be an effect, but the effect would not be harmful to those characteristics that qualified the property for inclusion into the National Register.
3. Adverse effect: There could be an effect, and that effect could diminish the integrity of such characteristics.

Effect of Plant Operation and Maintenance

By letter dated March 26, 1985, UE provided the NRC with an assessment of the effects of plant operation and maintenance on sites 23CY20, 23CY352, and 23CY359. UE describes the maintenance and operation in the vicinity of the three sites to be the following:

1. The railroad spur is no longer in use and has been abandoned in place. Therefore, no further operation and maintenance activities will take place in 23CY20. UE also stated that Site 23CY20 has been fenced and any activity within the fence, including vehicular traffic (other than routine grass maintenance) is prohibited.

2. Activities associated with maintenance and repair operations on transmission facilities will no longer be those associated with vehicular movements, when required, along access roads and rights-of-way. No earthmoving work is required. Herbicides will be applied, as necessary, to maintain rights-of-way and trees will be trimmed to maintain the required clearance. Vegetation growth will be controlled on a periodic basis using a standard farm tractor with a bush hog in tow. Vegetation is normally cut above the ground surface with no plowing or excavation required. No other maintenance activities are anticipated.

Along with the above description of operation and maintenance activities, UE also presented a cultural resource management plan that not only protects the three sites within the area of potential environmental impact but also protects all twenty-five sites determined to be eligible for nomination to the National Register. "The Cultural Resource Management Plan for Residual Lands at Union Electric Company Callaway Plant" (Enclosure 2) contains the details of the plan. UE has committed to the NRC by letter dated March 29, 1994, that they will maintain the plan and inform the SHPO of any changes to the plan or any changes to the site.

CONCLUSION

After review of UE's submittal and consultation with the SHPO by telephone conference March 21, 1994, the NRC has determined that the operation and maintenance activities do not constitute any effect on historic properties within the site boundary. The NRC is forwarding our finding of no effect to Michael Weichman of the Missouri SHPO office for concurrence. Upon receipt, the NRC will forward the SHPO's concurrence to the Advisory Council on Historical Preservation. This finding of no effect concludes the NRC's obligations under Section 106 of NHPA.