

**Advisory
Council On
Historic
Preservation**

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

APR 12 1991

50-483

Mr. John N. Hannon
Director, Project Directorate III-3
United States Nuclear Regulatory Commission
Washington, DC 20555

Attn: David Lynch

REF: Programmatic Agreement for Union Electric
Callaway Plant Callaway County, Mo

Dear Mr. Hannon:

Enclosed for your review and comment is a draft programmatic agreement regarding protection of the cultural resources surrounding the Callaway Nuclear Plant in Callaway County, Missouri. This draft separates the area of potential effect (Operation and Maintenance Area, which contains an Exclusion Zone) from the Residual Lands Area, and places responsibilities for protection of the historic resources with NRC and the Licensee respectively. At the request of the Missouri State Historic Preservation Office, we have added Stipulation I.A.6 which requests that the cultural resource plan be updated periodically. These changes were made following extensive consultation with the consulting parties.

We are sending a copy of the draft to the Missouri State Historic Preservation Office and the Union Electric Company for review and comment. We request that all parties advise us of your comments by April 22. Once the comments have been reviewed, we will make the necessary revisions to the Programmatic Agreement and circulate the final version for signature.

Should you have any questions, please contact Anne Weinheimer at 202-786-0505. We look forward to receiving your comments soon.

Sincerely,

Charlene Dwin Vaughn

Don L. Klima
Director, Eastern Office
of Project Review

Enclosure

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PROGRAMMATIC AGREEMENT

AMONG THE NUCLEAR REGULATORY COMMISSION, THE ADVISORY COUNCIL
ON HISTORIC PRESERVATION, THE MISSOURI STATE
HISTORIC PRESERVATION OFFICER, AND THE UNION ELECTRIC COMPANY
FOR THE CALLAWAY NUCLEAR PLANT
CALLAWAY COUNTY, MISSOURI

WHEREAS, the Nuclear Regulatory Commission (NRC) has licensed the Union Electric Company to operate the Callaway Nuclear Plant (Plant) in Callaway County, Missouri, and proposes, in consultation with the Missouri State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (Council), and the Union Electric Company (Licensee), to protect the historic resources within the Operation and Maintenance Area (including the Exclusion Zone), and the Residual Lands Area of the Plant (Program), and

WHEREAS, NRC, with the concurrence of the Licensee, proposes to designate the Licensee as administrator of the cultural resource on the Residual Lands surrounding the Plant, and

WHEREAS, NRC has determined that the Program may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places and has consulted with the

Council and the Missouri SHPO pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470h-2(f), and

WHEREAS, the Licensee participated in the consultation and has been invited to concur in this Programmatic Agreement, and

WHEREAS, the definitions and terminology given in APPENDIX A are applicable throughout this Programmatic Agreement; *

NOW THEREFORE, NRC, the Council, the Missouri SHPO, and the Licensee agree that the Program shall be administered in accordance with the following stipulations to satisfy NRC's Section 106 responsibilities for all individual undertakings of the Program.

Stipulations

The NRC, or the Licensee where specifically noted, shall ensure that the Program is carried out in the following manner.

I. COMPLIANCE

A. PLANNING

A Cultural Resources Management Plan for Residual Lands at the Union Electric Company Nuclear Power Plant (Plan), dated October 1983, (see APPENDIX B) will be used as the basis of compliance with 36 CFR §§ 800.4 through 800.6 and 36 CFR § 800.11 for treatment of the three sites located on the Operation and Maintenance areas that have been determined eligible for listing in the National Register of Historic Places and the other twenty-two sites located on the Residual Lands areas that have been determined eligible for listing in the National Register (see APPENDIX C). NRC will ensure that the three eligible sites on the Operation and Maintenance areas are maintained according to the Plan, and the Licensee will ensure that the twenty-two eligible sites on the Residual Lands areas are maintained according to the Plan. Specifically:

1. Land altering activities are prohibited at all eligible archeological sites, including, but not limited to, road construction, water line excavation, electrical and telephone line excavations, transmission line construction, pond and reservoir construction, building construction, electrical transmission substation construction, cultivation (deep

plowing or chisel plowing), and silviculture. / <
Shallow discing is permissible only on those sites where limited agriculture is recommended.

2. A conservation protection boundary zone will be placed around each of the 25 eligible sites. Metal reinforcing rod stakes will be placed at the corners of all these sites along field edges; boundaries will be marked with wooden lath to avoid damaging farm machinery; all stakes will be sprayed with orange paint and marked with yellow plastic flagging; boundaries will be placed approximately 50 m to 100 m beyond site limits to provide a proper buffer zone. These markers will be routinely maintained.

3. All sites will be identified with an aluminum plate and keyed to confidential site location maps.

4. Limited agriculture will continue at potentially significant sites presently being used for agricultural purposes. This permits shallow discing to allow the sowing of grass

seed only.

5. Other activities, such as fishing, hunting, and outdoor recreation will be planned to minimize opportunities for vandalism, malicious looting, or uninformed collecting by not directing attention to potentially significant cultural resources. All plans for any land disturbing activities will be reviewed by the Licensee before such activities are permitted. Should any land disturbing activities be planned which could effect potentially significant cultural resources, the Licensee will contact the Missouri SHPO for review and comment.

6. The Plan will be updated, in consultation with the Missouri SHPO, within two (2) years from ratification of this Programmatic Agreement, and thereafter will be reviewed once a year in consultation with the Missouri SHPO.

B. DATA RECOVERY

1. If artifacts or cultural features are encountered during construction projects,

construction activities will cease and NRC and the Missouri SHPO will be informed immediately.

2. The Missouri SHPO will be consulted in advance of any construction in which an eligible site may be adversely impacted.

II. MONITORING ACTIVITIES

The Missouri SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if requested by the Missouri SHPO. NRC and the Licensee will cooperate with the Council and the Missouri SHPO in the monitoring and review of activities carried out pursuant to this Programmatic Agreement.

III. AMENDMENTS TO PROGRAMMATIC AGREEMENT

Any signatory to this Programmatic Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 CFR § 800.13 to consider such amendment.

IV. TERMINATION OF PROGRAMMATIC AGREEMENT

Any signatory to this Programmatic Agreement may terminate it by providing thirty (30) days notice to the other parties, provided

that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the NRC, in consultation with the Licensee, will comply with 36 CFR §§ 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

V. FAILURE TO CARRY OUT TERMS OF PROGRAMMATIC AGREEMENT

In the event any party does not carry out the terms of this Programmatic Agreement, the NRC, in consultation with the Licensee, the Council, and the Missouri SHPO, shall comply with 36 CFR §§ 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

Execution and implementation of this Programmatic Agreement evidences that NRC has satisfied its Section 106 responsibilities for all individual undertakings of the Program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: _____
Robert D. Bush, Executive Director

Date

NUCLEAR REGULATORY COMMISSION

BY: _____
Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Date

MISSOURI STATE HISTORIC PRESERVATION OFFICER

BY: _____

Date

CONCUR:

UNION ELECTRIC COMPANY

BY: _____
(Name and Title)

Date

APPENDIX A

DEFINITIONS AND TERMINOLOGY

Cultural resource management: control (in action and use) and responsibility for sites, structures, objects, and districts which are historically, architecturally, archaeologically, or culturally significant. Implementation may include inventory, assessment, recovery, research, protection, preservation, and enhancement.

Limited agriculture: shallow discing and sowing of grass seed.

Operation and maintenance areas: electrical transmission lines, heavy haul road, settling ponds, railroad spur, quarry, waterlines (underground), emergency operations facility, meteorological tower, landfill area, borrow pits, and ecology plots (Map 1). Activities in these areas include inspection, repair, maintenance, monitoring, and, in the case of borrow pits, earthmoving. This area is equivalent to the "area of potential effects" of the "undertaking" as defined by 36 CFR 800.2. [Would like to be more specific. . . See also "residual lands."]

Exclusion zone: [Get from NRC.]

Subplow zone: Soil below the plow zone.

Residual lands (wildlife management areas): includes lands that enhance wildlife habitat and provide fishing, hunting, and outdoor recreational opportunities for individuals, groups, or organizations wishing to make use of these privileges. Land use patterns include forest habitat, fishing ponds, crop lands, access roads, hiking and equestrian trails, parking lots, picnicking areas, and a proposed interpretive center. [Would like to be more specific. . .]

APPENDIX B

A Cultural Resources Management Plan
for Residual Lands at the Union Electric Company
Nuclear Power Plant
Callaway County, Missouri

Prepared for
Union Electric Company

By
American Resources Group, Ltd.
Carbondale, Illinois

Principal Investigator and Author
Michael J. McMerney

October 1983

Table 2

Management Recommendations for Potentially Significant Sites

Site No 23CY-	Size (Acres)	Location	Cultural Affiliation	Ground Cover	Land Use Limitations ⁺	Cultural Resources Management Recommendations [*]
20	7.4	SE1, NW1, SW1, S35	Middle Woodland	Weeds	Limited Agri	Preserve, Phase II if threatened
74	.1	SW1, NW1, SE1, S35	Middle-Late Woodland Burial mound	Forest	Avoid	Earth moving assoc with O&M prohibited Preserve, Phase II if threatened
256	5.9	NE1, SE1, SE1, S11	Middle Archaic	Crop	Limited Agri	Preserve, Phase II if threatened
257	14.8	SE1, NW1, SE1, S1	Late Archaic	Brush, crop	Limited Agri	Preserve, Phase II if threatened
267	8.2	NW1, SW1, SW1, S2	Paleo-Indian	Crop	Limited Agri	Preserve, Phase II if threatened
291	6.0	W1, NW1, SW1 NE1, NE1, SE1, S6	Unknown	Crop	Limited Agri	Preserve, Phase II if threatened
303	14.8	SE1, SE1, S10	Unknown	Crop	Limited Agri	Preserve, Phase II if threatened
304	3.2	NW1, NW1, SE1, S10	Late Woodland Mississippian	Crop	Limited Agri	Preserve, Phase II if threatened
309	13.6	E1, NW1, NE1, S10	Late Archaic	Crop	Limited Agri	Preserve, Phase II if threatened
314	.25	NE1, NE1, NE1, S11	Unknown	Crop	Limited Agri	Preserve, Phase II if threatened
321	10.5	NE1, SW1, NE1, S15	Unknown	Crop	Limited Agri	Preserve, Phase II if threatened
322	4.5	SW1, NE1, NE1, S22	Late Woodland Mississippian	Weeds	Limited Agri	Preserve, Phase II if threatened
328	1.0	NW1, SW1, SE1, S23	Late Archaic?	Crop	Limited Agri	Preserve, Phase II if threatened

⁺Limited Agriculture-see page 3B

Avoid-see page 39

^{*}O&M-operation and maintenance

APPENDIX

C

Table 2 (cont.)

Site No 23CY-	Size (Acres)	Location	Cultural Affiliation	Ground Cover	Land Use Limitations*	Cultural Resources Management Recommendations*
334	1.1	S1, NW1, NE1, S25	Unknown	Forest	Avoid	Preserve, Phase II if threatened
345	1.25	S1, SE1, NE1 NE1, NE1, SE1, S35	Middle Archaic	Grass	Limited Agri	Preserve, Phase II if threatened
346	10.0	N1, NW1, SE1 SE1, SW1, NE1, S35	Early Archaic Dalton	Grass	Limited Agri	Preserve, Phase II if threatened
349	2.5	W1, NW1, SE1, S35	Late Woodland	Forest	Avoid	Preserve, Phase II if threatened
350	.1	SW1, NW1, SE1, S35	Late Woodland Burial mound?	Forest	Avoid	Preserve, Phase II if threatened
351	5.0	W1, NE1, SE1 NE1, NE1, SE1, S35	Unknown	Grass	Limited Agri	Preserve, Phase II if threatened
352	6.2	NW1, NE1, SW1 NE1, NW1, SW1, S36	Middle and Late Woodland	Crop	Limited Agri	Preserve, Phase II if threatened Earth moving assoc with O&M prohibited
353	8.4	E1, NE1, NW1, S36	Middle and Late Archaic	Crop	Limited Agri	Preserve, Phase II if threatened
356	11.0	N1, NE1, SW1 SE1, SE1, NW1, S36	Middle Archaic Late Woodland	Weeds	Limited Agri	Preserve, Phase II if threatened
359	30.0	W1, NW1, S36	Middle Archaic Late Woodland	Grass	Close upper road to prevent erosion; Avoid	Preserve, Phase II if threatened Earth moving assoc with O&M prohibited
261	1.0	NE1, NE1, NW1, S13	Historic	Grass	Limited Agri	Phase II evaluation if threatened
339	1.0	SE1, SE1, NW1, S25	Historic	Forest	Avoid	Phase II evaluation if threatened