

# Advisory Council On Historic Preservation

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

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SEP 23 1991

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

Attn: David Lynch

REF: Union Electric Company Nuclear Power Plant,  
Callaway County, Mo

Dear Mr. Hannon:

This is a follow-up to the telephone conversation of August 7, 1991, among John Hull and David Lynch of the Nuclear Regulatory Commission and Anne Weinheimer of the Council's staff regarding completion of the Section 106 review for the Union Electric Company (UEC) Nuclear Power Plant Project in Callaway County, Missouri. As part of this undertaking, 25 archeological sites determined to be eligible for listing in the National Register of Historic Places will be affected. Although NRC failed to complete the requirements of Section 106 of the National Historic Preservation Act (NHPA) at the time of the licensing, following discussions with us, your office requested the Council's views regarding the Historic Resources Management Plan which had been prepared for NRC to assure the protection of the affected sites. After many months of consultation, the consulting parties have been unable to finalize a Programmatic Agreement that is acceptable to all parties. Therefore, it is our position that further consultation would not be productive.

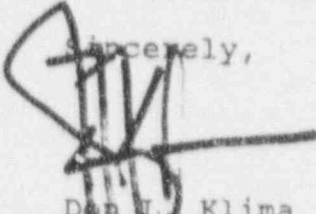
Since the proposed Programmatic Agreement was not developed prior to the issuance of a license by NRC, as required by Section 106 of the NHPA and Council's regulations, we do not intend to provide Council comments in accordance with 36 CFR Section 800.6(b). However, we would encourage NRC and UEC to make every effort to protect and preserve the archeological sites located on the plant's property utilizing the Historic Resources Management Plan. We suggest that you take into consideration the comments provided by the Missouri State Historic Preservation Officer on the plan in his letter of December 30, 1982 (copy enclosed).

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It is unfortunate that NRC did not request the Council's comments on this undertaking prior to issuing the license. Despite this oversight, we feel the UEC has made a concerted effort to implement a cultural resources management plan to avoid, mitigate, or minimize effects on historic properties. In the future, perhaps NRC will contact the Council and initiate the consultation process during the early stages of project planning so that we can conclude the Section 106 review by executing a Memorandum of Agreement or Programmatic Agreement.

If you have any questions or need any assistance, please contact Anne Weinheimer at 202-786-0505. We thank you for all your endeavors through this lengthy review.

Sincerely,



Don L. Klima  
Director, Eastern Office  
of Project Review

Enclosure