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February 21, 1992

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Mail Station P1-137
Washington, D.C. 20555

ULNRC-2566

Gentlemen:

DOCKET NUMBER 50-483
CALLAWAY PLANT
REVISION TO OPERATING LICENSE, APPENDIX B
CULTURAL RESOURCES

Union Electric Company herewith transmits an application for amendment to Facility Operating License No. NPF-30 for Callaway Plant.

This amendment request proposes to revise Appendix B, Environmental Protection Plan (Non-radiological), by removing Sections 2.3 and 4.3, "Cultural Resources". Union Electric has developed and maintains a management plan for the protection of cultural resources on the Callaway Plant site. This amendment request provides a summary of the plan and the status and disposition of each portion of the present Appendix B which addresses cultural resources.

Attachments 1, 2, 3, and 4 contain the Safety Evaluation, the Significant Hazards Evaluation, the Environmental Impact Assessment and the Proposed Appendix B changes. The Callaway Plant On-Site Review Committee and the Nuclear Safety Review Board have reviewed and approved this amendment request. It has been determined that this request does not involve an unreviewed safety question, as defined in 10CFR50.59, nor a significant hazard consideration as determined

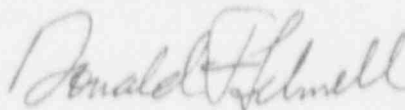
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per 10CFR50.92. This change will have no significant environmental impact.

If you have any questions on this amendment request, please contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Donald F. Schnell". The signature is fluid and cursive, with the first name "Donald" being more prominent.

Donald F. Schnell

DS/dls

Attachments: 1 - Safety Evaluation
2 - Significant Hazard Evaluation
3 - Environmental Impact Assessment
4 - Proposed Appendix B Changes

STATE OF MISSOURI)
) S S
CITY OF ST. LOUIS)

Donald F. Schnell, of lawful age, being first duly sworn upon oath says that he is Senior Vice President-Nuclear and an officer of Union Electric Company; that he has read the foregoing document and knows the content thereof; that he has executed the same for and on behalf of said company with full power and authority to do so; and that the facts therein stated are true and correct to the best of his knowledge, information and belief.

By Donald F. Schnell
Donald F. Schnell
Senior Vice President
Nuclear

SUBSCRIBED and sworn to before me this 21st day
of February, 1992.

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ULNRC-2566

ATTACHMENT 1

SAFETY EVALUATION

DISCUSSION OF LICENSE CHANGE
AND
SAFETY EVALUATION

I. DISCUSSION OF LICENSE CHANGE

This amendment request proposes to revise the Callaway Facility Operating License NPF-50, Appendix B, Environmental Protection Plan (Non-radiological), by removing Sections 2.3 and 4.3, "Cultural Resources". Union Electric (UE) has developed and maintains a management plan for the protection of cultural resources on the Callaway Plant site including those within the area of potential effects. This evaluation provides a summary of the plan and the status and disposition of each portion of the present Appendix B which addresses cultural resources.

Cultural Resources Management Plan

A cultural resources management plan was developed for UE by American Resources Group, Ltd. in 1983 to protect the cultural resources located on the Callaway Plant Site. This program protects the cultural resources by identification, land use limitation, and avoidance. Union Electric has implemented this plan through plant procedures and a contract with the Missouri Department of Conservation, which manages the residual lands.

The plan contains the following land use limitations:

1. All potentially eligible sites which are in forest vegetation and all historic cemeteries are to be avoided.
2. Land altering activities are prohibited at all potentially significant archaeological sites. These activities include 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.
3. Limited cultivation in the form of shallow disking is permissible in order to maintain grass cover on those sites which were previously used for agriculture.
4. Coordination with the Environmental Services and Radiological Engineering Departments of UE will occur well in advance of any land use activities which may affect potentially significant sites. These Departments will contact other regulatory agencies when appropriate.
5. Phase II testing for the purpose of further evaluating significance will not occur unless a potentially significant site is threatened by adverse effects.

6. The architectural sites are not eligible for nomination to the National Register of Historic Places and are not subject to land use limitations.
7. There is the remote possibility that the prehistoric and historic archaeological sites considered noneligible for nomination to the National Register may contain useful information. Current land use may occur at these sites but land altering activities are permitted only after consultation with the proper authorities.

Union Electric has contracted with American Resources Group, Ltd. to update our cultural resources management plan. This update will not alter the plan with respect to the protection it provides cultural resources. A copy of the updated plan will be provided to the NRC and the Missouri State Historic Preservation Officer (SHPO) upon its completion.

Effects on Cultural Resources

The following evaluation addresses the sections of Appendix B which are being removed:

2.3 Cultural Resources

Section 2.3 states the importance of protecting cultural resources located within the area of potential impact from Callaway Plant and refers to Section 4.3 for program requirements. This Section can be deleted by virtue of the completion of all program requirements contained in Section 4.3, and the continued protection of these resources as provided by UE's cultural resources management plan.

4.3 Cultural Resources

4.3. A. Paragraph 1

This paragraph introduces the program requirements and can be deleted by virtue of completion of the paragraphs that follow.

4.3. A. Paragraph 2

The information necessary to initiate a determination of eligibility request for sites 23CY20, 23CY352 and 23CY359 was provided to NRC by letter (ULNRC-1074) dated 3/26/85 (Reference 1). This letter transmitted the Phase II Testing Report on the three sites. Throughout the entire process, information was prepared in consultation with the Missouri State Historic Preservation Office (SHPO) as evidenced by the correspondence listed in References 2 through 9 to this safety evaluation. An affirmative opinion from the SHPO regarding the potential eligibility of the three sites for inclusion in the National Register of Historic Places

was obtained by letter dated 4/2/90 (Reference 10) and signed by the SHPO. Therefore, the requirements of this paragraph are complete and can be deleted.

4.3. A. Paragraph 3

Formal determination of eligibility by the Keeper of the National Register is no longer required by regulation. Per letter from T. F. King of the Advisory Council on Historic Preservation (ACHP) to K. E. Perkin of NRC dated 7/22/88 (Reference 11):

"...Formal determination of eligibility has not been required since the Council suspended portions of its then current regulations in 1982. Under our current regulations...if a Federal agency and SHPO agree that a property is eligible, it can be treated as such for purposes of Section 106 review. Accordingly, there is no regulatory requirement that a final determination be sought from or rendered by the Keeper of the Register, provided that both NRC and the SHPO concur in the determination of Union Electric's contractor that the properties in question are eligible."

The concurrence in the determination of eligibility by the SHPO was obtained by the letter dated 4/2/90 referenced above. Since the three sites have been determined eligible for inclusion in the National Register, the requirements of this paragraph are complete and can be deleted.

4.3. A. Paragraph 4

This paragraph requires UE to submit information necessary to complete a determination of effect to NRC. The information required was previously submitted to NRC in various documents (References 1, 12 and 13). The necessary information for NRC to make a determination of 'no effect' is detailed below.

Three potentially eligible sites (23CY20, 23CY352, and 23CY359) are located in an area of potential environmental impact related to the operation and maintenance of the Plant or associated facilities. Phase II testing was conducted at the three sites in 1985 by American Resources Group, Ltd. The results of these investigations indicated that all three sites were eligible for nomination to the National Register of Historic Places. The SHPO concurred that the sites were eligible. National Register forms were completed for the sites and submitted to the SHPO following completion of the assessments. Sites 23CY352 and 23CY359 are located within transmission line rights-of-way and 23CY20 in the area of the railroad spur, "Areas of Potential Effects of the Undertaking", as defined in 36CFR800.2.

Judgements regarding whether there could be an effect are based on the criteria of effect and adverse effect in the Advisory Council on Historic Preservation regulations 36CFR800.9(a-b):

Criterion of Effect: 36CFR800.9(a)

"An undertaking has an effect on a historic property when the undertaking may alter characteristics of the property that may qualify the property for inclusion in the National Register. For the purposes of determining effect, alteration to features of the property's location, setting, or use may be relevant depending on the property's significant characteristics and should be considered."

Criterion of Adverse Effect: 36CFR800.9(b)

"An undertaking is considered to have an adverse effect when the effect on a historic property may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association. Adverse effects on historic properties include, but are not limited to:

1. Physical destruction, damage, or alteration of all or part of the property;
2. Isolation of the property from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register;
3. Introduction of visual, audible or atmospheric elements that are out of character with the property or alter its setting;
4. Neglect of a property resulting in its deterioration or destruction; and
5. Transfer, lease, or sale of the property."

Basically, if the undertaking could change the characteristics that qualify the property for inclusion in the National Register in any way, it is considered to have an "effect." If the potential activity could diminish the integrity of such characteristics, it is considered to have an "adverse effect." If there is no effect of any kind on the historic properties, it is considered to have "no effect."

Keeping these criteria in mind, the current operation and maintenance activities in the vicinity of the three sites are as follows.

The railroad spvr is no longer in use and has been abandoned in place. Therefore, no further operational or maintenance activities will take place in the area of 23CY20. This site has been fenced and any activity within the fence (other than routine grass maintenance), is prohibited.

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

In accordance with Callaway Plant written procedures, any new construction or change in procedures requires that the following two questions be answered:

1. Will there be a physical change to site grounds or land layout?
2. Will there be any excavation on UE property outside the owner controlled area fence?

If the answer to either of these questions is yes, then a Final Environmental Evaluation must be performed. This includes a full evaluation of cultural resources impacts. If it is determined that any cultural resources site could be impacted, then the new construction or procedure will be altered to avoid the effect or the NRC and SHPO will be contacted for consultation prior to implementation of the activity or procedure.

In addition to the above Plant procedural safeguards, the Missouri Department of Conservation (DOC), who manages the residual lands around the Plant, has been notified that 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. DOC is required to submit all plans for any land disturbing activities (including parking lots, roads, and any new significant public attractions) to UE for an impact review prior to implementation.

Applying the criteria of effect and adverse effect, UE's operation and maintenance activities do not pose a threat to sites 23CY20, 23CY352, and 23CY359, and a determination of 'no effect' can be made by NRC. This determination should be documented and the SHPO notified by NRC in accordance with 36CFR800.5(b). This determination by NRC will fully satisfy the remainder of Section 4.3 of Appendix B, Environmental Protection Plan with no further action required. Therefore, this paragraph and the remainder of Section 4.3 can be deleted from Appendix B.

4.2. A. Paragraph 5

This paragraph only applies if the determination results in an 'effect' finding. If a finding of 'no effect' is made, then only documentation is required as discussed above. This paragraph is therefore not applicable and can be deleted.

4.3. A. Paragraph 6

Again, this paragraph only applies if an 'undertaking' was determined to actually affect a site. In that case a Program would be developed (i.e. mitigation by data recovery, etc.), implemented and the results submitted to NRC. This process would be required should any land disturbing activities be planned which could affect any of the three sites. This possibility is discussed above in our commitment to notify NRC and SHPO before such activities are permitted. The process described in this paragraph would then be followed as required. Prior NRC approval is required for any such activity per Plant written procedures and per Section 3.1 of Appendix B, Environmental Protection Plan, and may therefore be deleted from this section.

4.3. B

The requirements in this paragraph are complete as documented by NRC's letter to the Interagency Archaeological Service (IAS) dated 6/19/85 (Reference 14). IAS responded to NRC by letter dated 8/5/85 (Reference 15).

II. SAFETY EVALUATION

Effects on Plant Safety

Cultural resources on the Callaway Site are located outside the Plant Protected Area. There are no impacts on safety-related structures, systems or components. The program requirements of the cultural resources management plan address the possible nonradiological environmental impacts of plant operation and maintenance. There is no impact on the continued safety of the Callaway Plant by deleting these program requirements from Appendix B.

Unreviewed Safety Question Evaluation

The requirements contained in Sections 2.3 and 4.3 of Appendix B have been addressed above or in previous studies submitted to NRC. As all one-time studies have been completed with acceptable results and the analysis of results indicated no effect, the requirements in Sections 2.3 and 4.3 of Appendix B have been satisfied and may therefore be deleted.

The proposed changes reflect completion of required actions and are, therefore, administrative in nature. Implementation of these changes would not:

1. Increase the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report (10CFR50.59(2)(i)).

The proposed changes are administrative in nature and have no impact on safety-related structures, systems or components. Therefore, there is no impact on the probability of occurrence or the consequences of an accident or malfunction of equipment previously evaluated.

2. Create the possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report (10CFR50.59(2)(ii)).

The proposed change does not affect any of the assumptions used in previous accident evaluations. All accidents continue to be bounded by previous analyses and deletion of satisfied Environmental Protection Plan requirements is administrative and will therefore not introduce the possibility of any new or difference kind of accident.

3. Reduce the margin of safety as defined in the basis for any Technical Specification (10CFR50.59(2)(iii)).

The proposed changes are administrative and do not affect the margin of safety as defined in the basis for any Technical Specification

Conclusion

It has been determined that deletion of Sections 2.3 and 4.3 in the Callaway Plant Operating License, Appendix B, Environmental Protection Plan does not constitute an unreviewed safety question.

References

1. UE letter to NRC (ULNRC-1074) (3/26/85) - Transmitted Phase II Testing Report (2/85) at sites 23CY20, 23CY3F2, and 23CY359 and a copy of 3/12/85 UE letter to SHPO.
2. SHPO letter to UE (12/30/82) - Comments on Draft 1982 Phase I Survey and Management Plan Reports.
3. SHPO letter to UE (8/2/83) - Comments on revised final draft 1983 Phase I Survey & Management Plan Reports.
4. UE letter to SHPO (5/3/84) - Transmitted Final Phase I Survey & Management Plan Reports & requested permission to demolish architectural properties.

5. SHPO letter to UE (5/16/84) - Transmitted Missouri Historic Preservation Program Cultural Resource Survey Project Summary Sheet to be filled out by UE and gave permission to demolish architectural properties.
6. UE letter to SHPO (3/12/85) - Transmitted Phase II Testing Report (2/85) at sites 23CY20, 23CY352, and 23CY359 to SHPO along with completed Nomination Forms and a request that SHPO forward them to NRC.
7. SHPO letter to UE (5/16/85) - Transmitted SHPO comments on Phase II Testing Report & Nomination Forms.
8. UE letter to SHPO (7/25/85) - Transmitted topographic maps as part of a response to SHPO 5/16/85 letter. This letter is actually a follow-up to UE 7/31/85 letter.
9. UE letter to SHPO (7/31/85) - Transmitted UE responses to 5/16/85 SHPO letter commenting on Phase II Testing.
10. UE letter to SHPO (4/2/90) - Transmitted agreement that 25 sites (including 23CY20, 23CY352 & 23CY359) are the only sites 'Eligible' on UE property. Returned signed by SHPO on 4/12/90.
11. ACHP letter to NRC (7/22/88) - Transmitted ACHP position on eligibility determination. Suggested that all sites be considered eligible & protected by the Management Plan.
12. UE letter to NRC (ULNRC-830) (5/23/84) - Transmitted Final Phase I Survey & Management Plan Reports dated 4/84 and 10/83, respectively.
13. UE letter to NRC (ULNRC-2204) (4/27/90) - Transmitted 4/2/90 letter agreement between SHPO and UE to NRC.
14. NRC letter to IAS (regional office) (6/19/85) - Transmitted Final Phase I Survey and Management Plan Reports, SHPO's comments on earlier drafts and UE's response to SHPO's comments and asked IAS to review.
15. IAS letter to NRC (8/15/85) - Comments on the 6/19/85 package.

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ATTACHMENT 2

SIGNIFICANT HAZARD EVALUATION

SIGNIFICANT HAZARD EVALUATION

This amendment request proposes to revise the Callaway Facility Operating License NPF-30, Appendix B, Environmental Protection Plan (Non-radiological), by removing Sections 2.3 and 4.3. "Cultural Resources". Union Electric (UE) has developed and maintains a management plan for the protection of cultural resources on the Callaway Plant site including those within the area of potential effects. This evaluation provides a summary of the plan and the status and disposition of each portion of the present Appendix B which addresses cultural resources.

Cultural Resources Management Plan

A cultural resources management plan was developed for UE by American Resources Group, Ltd. in 1983 to protect the cultural resources located on the Callaway Plant Site. This program protects the cultural resources by identification, land use limitation, and avoidance. Union Electric has implemented this plan through plant procedures and a contract with the Missouri Department of Conservation, which manages the residual lands.

The plan contains the following land use limitations:

1. All potentially eligible sites which are in forest vegetation and all historic cemeteries are to be avoided.
2. Land altering activities are prohibited at all potentially significant archaeological sites. These activities include 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.
3. Limited cultivation in the form of shallow disking is permissible in order to maintain grass cover on those sites which were previously used for agriculture.
4. Coordination with the Environmental Services and Radiological Engineering Departments of UE will occur well in advance of any land use activities which may affect potentially significant sites. These Departments will contact other regulatory agencies when appropriate.
5. Phase II testing for the purpose of further evaluating significance will not occur unless a potentially significant site is threatened by adverse effects.
6. The architectural sites are not eligible for nomination to the National Register of Historic Places and are not subject to land use limitations.

7. There is the remote possibility that the prehistoric and historic archaeological sites considered noneligible for nomination to the National Register may contain useful information. Current land use may occur at these sites but land altering activities are permitted only after consultation with the proper authorities.

Union Electric has determined that this change is administrative in nature and will have no environmental impact. Cultural Resources on the Callaway Site are located outside the Plant Protected Area. There are no impacts on safety-related structures systems or components. The program requirements of the Cultural Resources Management Plan address the possible nonradiological environmental impacts of plant operation and maintenance. There is no impact on the continued safety of the Callaway Plant by deleting these program requirements from Appendix B.

Significant Hazards Consideration

The proposed change does not involve a significant hazards consideration because operation of Callaway Plant in accordance with this change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated (10CFR50.92(c)(1)).

The proposed changes are administrative in nature and have no impact on safety-related structures, systems or components. Therefore, there is no impact on the probability of occurrence or the consequences of an accident or malfunction of equipment previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously evaluated (10CFR50.92(c)(2)).

The proposed change does not affect any of the assumptions used in previous accident evaluations. All accidents continue to be bounded by previous analyses and deletion of satisfied Environmental Protection Plan requirements is administrative and will therefore not introduce the possibility of any new or different kind of accident.

3. Involve a significant reduction in a margin of safety (10CFR50.92(c)(3)).

The proposed changes are administrative and do not affect the margin of safety as defined in the basis for any Technical Specification.

Conclusion

On the basis of the above, Union Electric has determined that the amendment request does not involve a significant hazards consideration.

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ATTACHMENT 3

ENVIRONMENTAL IMPACT ASSESSMENT

ENVIRONMENTAL IMPACT ASSESSMENT

INTRODUCTION

Pursuant to the Callaway Plant Operating License, Appendix B, Section 5.3, the following assessment of environmental impact has been prepared.

ENVIRONMENTAL IMPACT ASSESSMENT

The requirements in Sections 2.3 and 4.3 of Appendix B, have been addressed by studies previously submitted to the NRC or as discussed in the accompanying safety evaluation. As all one-time studies have been completed with acceptable results, show no effect on cultural resources from the undertaking, and afford continuing protection of cultural resources within the area of potential effects, the requirements in Appendix B have been satisfied and may therefore be deleted as fully discussed in the safety evaluation.

The proposed changes reflect completion of required actions and are, therefore, administrative in nature. The changes involve no significant hazards consideration; there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; and there is no significant increase in individual or cumulative occupational radiation exposure.

CONCLUSION

On the above basis, Union Electric has determined that the proposed changes will have no significant environmental impact and believes that the amendment meets the eligibility criteria for categorical exclusion set forth in 10CFR51.22(c)(9).