



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 26, 2022

Reid Nelson  
Acting Executive Director, and  
Director of the Office of Federal  
Agency Programs  
Advisory Council on Historic  
Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001-2637

SUBJECT: SECTION 106 CONSULTATION AND NOTIFICATION OF THE ISSUANCE OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE CONSTRUCTION PERMIT FOR THE KAIROS HERMES TEST REACTOR IN OAK RIDGE, TENNESSEE (DOCKET NUMBER: 50-7513)

Dear Director Reid Nelson:

The U.S. Nuclear Regulatory Commission (NRC) staff is conducting an environmental review for a construction permit (CP) application submitted by Kairos Power, LLC (Kairos) pursuant to title 10 of the *Code of Federal Regulations* (10 CFR) part 50, for a non-power test reactor termed Hermes on a 185-acre site in Oak Ridge, Tennessee. As part of the review, the NRC staff has completed a draft environmental impact statement (EIS) as required by 10 CFR part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions", the NRC's regulations that implement the National Environmental Policy Act (NEPA) of 1969, as amended. The draft EIS, NUREG-2263, "Environmental Impact Statement for the Construction Permit for the Kairos Hermes Test Reactor" is publicly available from the NRC's Agencywide Documents Access and Management System (ADAMS) as ML22259A126. ADAMS is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>.

The draft EIS includes analyses of relevant environmental issues, including potential impacts and effects on historic properties. If a CP were granted, it would not authorize operation of the reactor. Should Kairos choose to proceed with its proposed project, they would need to apply for, and receive, a separate operating license from the NRC. This authorization would constitute a separate NRC undertaking and would require the NRC to prepare a supplement to the CP final EIS.

In a letter dated March 4, 2022 (ML22031A286), the NRC staff notified you that in accordance with title 36 *Code of Federal Regulations* (36 CFR) section 800, "Protection of Historic Properties" section 800.8(c), the NRC is using the NEPA process to comply with section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. The purpose of this letter is to continue NRC's NHPA section 106 consultation with the Advisory Council on Historic Preservation and invite you to review and comment on the draft EIS. Chapter 3.5 of the draft EIS contains

a discussion of historic and cultural resources and historic properties identified in the direct and indirect area of potential effects, discusses impacts to historic and cultural resources from construction and operation as well as the NRC staff's preliminary determination of no adverse effect to historic properties. It also addresses cumulative impacts to historic and cultural resources and provides a summary of the results of NRC's ongoing NHPA section 106 consultation process.

Pursuant to 36 CFR 800.8(c), the NRC invites your office to submit any comments, or concerns you feel are appropriate on the draft EIS during the 60-day comment period, which ends on December 6, 2022. Comments and concerns may be submitted by any of the following methods:

- Email comments to: [Kairos-CPEIS.resource@nrc.gov](mailto:Kairos-CPEIS.resource@nrc.gov);
- Mail comments to: Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff; or
- Federal Rulemaking Website: Go to <https://www.regulations.gov> and search for Docket ID NRC-2021-0193.

After consideration of public comments received, as well as information received through consultation, the NRC will prepare a final EIS, which is scheduled to be published on or before September 2023.

The NRC staff plans to hold a public meeting to discuss the analyses and results in the draft EIS on Wednesday, November 16, 2022, at Hilton DoubleTree, 215 S. Illinois Avenue in Oak Ridge, Tennessee. The meeting will convene at 7:00p.m. and will continue until 9:00p.m., as necessary. Those unable to attend in person may view and participate in the meeting virtually and should monitor the NRC's Public Meeting Schedule website at <https://www.nrc.gov/pmns/mtg> for access information. Meeting details will also be available by November 1, 2022, at <https://www.nrc.gov/reactors/non-power/kairos-hermes.html>. Additionally, the NRC staff will host an open house one hour before the start of the meeting.

R Nelson

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If you have any questions concerning the NRC staff's environmental review of this CP application, please contact Peyton Doub via phone at (301) 415-6703 or via email at [Peyton.Doub@nrc.gov](mailto:Peyton.Doub@nrc.gov) or Tamsen Dozier via phone at (301) 415-2272 or via email at [Tamsen.Dozier@nrc.gov](mailto:Tamsen.Dozier@nrc.gov).

Sincerely,



Signed by Erwin, Kenneth  
on 09/26/22

Kenneth Erwin, Chief  
Environmental Review New Reactors Branch  
Division of Rulemaking, Environment,  
and Financial Support  
Office of Nuclear Material Safety  
and Safeguards

Docket No: 50-7513

cc: John Eddins, Program Analyst

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DATED: September 26, 2022

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