



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

September 26, 2022

Glenna J. Wallace, Chief
Eastern Shawnee Tribe of Oklahoma
12705 South 705 Road
Wyandotte, OK 74370

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 Chief Glenna Wallace:

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 Hermes a non-power test reactor. The facility, if licensed, would be constructed on a 185-acre site located within the East Tennessee Technology Park in Oak Ridge, Roane County, 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 and documents the NRC staff's determination regarding effects of constructing the Kairos Hermes test reactor. As discussed in chapter 5 of the draft EIS, the NRC staff's preliminary recommendation, unless safety issues mandate otherwise, is that the CP be issued as proposed. This recommendation is based on: (1) the analysis and findings of the staff's independent environmental review documented in the draft EIS; (2) consultation with Federal, State, Tribal, and local agencies; (3) the environmental report submitted by the applicant; and (4) the consideration of public comments. 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 (ML22031A289), the NRC staff notified you that in accordance with title 36 of the *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 government-to-government consultation with the Eastern Shawnee Tribe of Oklahoma, and to 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.

NRC staff would also like to thank you for the comments provided by Paul Barton, Tribal Historic Preservation Officer (of your staff), via letter April 4, 2022, stating that they find no known properties of historical and/or cultural significance to the Tribe that will be impacted by this project ([ML22094A125](#)). It was also requested that the Eastern Shawnee Tribe of Oklahoma and appropriate State agencies be contacted immediately (within 24 hours) and that all ground disturbing activity stop until the Tribe and State agencies are consulted should this project inadvertently discover archaeological sites, human remains and associated funerary objects. Section 3.5 describes the Archaeological Monitoring and Discovery Plan being developed by Kairos that will outline stop work and notification procedures to address the unexpected discovery of human remains or archaeological material. These procedures would be in place prior to commencing ground-disturbing activities. In addition, Kairos would follow applicable Tennessee law (T.C.A. § 11-6-107 et seq.) regarding inadvertent discovery of human remains.

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 begins ends on December 6, 2022. Comments can be submitted: (1) by email to KairosHermes-CPEIS@nrc.gov; or (2) in person during the public meetings. 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 the 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. EST, 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>. The meeting will be transcribed and will include: (1) a presentation of the contents of the draft EIS; and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft EIS. Additionally, the NRC staff will host an open house one hour before the start of the meeting during which members of the public may meet with NRC staff. You and your staff are invited to attend.

If you have any questions concerning the NRC staff's environmental review of this CP application, please contact Peyton Doub via phone at (301) 415-6653703 or via email at Peyton.Doub@nrc.gov or Tamsen Dozier via phone at (301) 415-2272 or via email at 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: Paul Barton, THPO

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)

DATED: September 26, 2022

DISTRIBUTION:

PUBLIC
TDozier, NMSS
NMSS_REFS_ENRB Distribution
BBeasely, NRR
CRegan, NMSS/REFS
JMoses, NMSS/REFS
WKennedy, NRR/DANU
EHelvenston, NRR/DANU
SCuadrado, NMSS/REFS
MWright, OGC
SBurnell, OPA
RidsOgcMailCenter
RidsOpaMail

ADAMS Accession No.: ML22243A150

***via email**

OFFICE	PM:REFS	LA:REFS
NAME	PDoub	AWalker-Smith
DATE	09/13/2022	09/13/2022
OFFICE	OGC (NLO)	BC:REFS
NAME	MWright	KErwin
DATE	09/22/2022	09/26/2022

OFFICIAL RECORD COPY