



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

October 6, 2022

John Raymond Johnson, Governor
Absentee Shawnee Tribe
2025 S. Gordon Cooper Drive
Shawnee, OK 74801

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 Governor Johnson:

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* part 50, that would allow construction of a non-power test reactor termed Hermes on a 185-acre site located in Oak Ridge, Tennessee. As part of the review, the NRC staff has completed a draft environmental impact statement (EIS). 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 *Code of Federal Regulations* (36 CFR) section 800, "Protection of Historic Properties" section 800.8(c), the NRC is using the National Environmental Policy Act 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 your Tribe 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. The historic and cultural resources analysis is based on a virtual environmental audit conducted by NRC staff with Kairos staff, a review of historic and archaeological records at the Tennessee Historic Commission and the Tennessee Division of Archaeology offices, and NRC's ongoing consultation.

The NRC staff plans to hold a public meeting to discuss the analyses and results in the draft EIS and provide a presentation on the contents of 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.

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 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 in September 2023.

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 or Tamsen Dozier via phone at (301) 415-2272 or via email at Tamsen.Dozier@nrc.gov.

Sincerely,



Signed by Erwin, Kenneth
on 10/06/22

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: Devon Frazier, THPO



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

October 6, 2022

Nita Battise
Tribal Council Chairwoman
Alabama-Coushatta Tribe of Texas
571 State Park Road 56
Livingston, TX 77351

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 Nita Battise:

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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 *Code of Federal Regulations* (36 CFR) section 800, "Protection of Historic Properties" section 800.8(c), the NRC is using the National Environmental Policy Act 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 Alabama Coushatta Tribe of Texas 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. The historic and cultural resources analysis is based on a virtual environmental audit conducted by NRC staff with Kairos staff, a review of historic and archaeological records at the Tennessee Historic Commission and the Tennessee Division of Archaeology offices, and NRC's ongoing consultation.

The NRC staff plans to hold a public meeting to discuss the analyses and results in the draft EIS and provide a presentation on the contents of 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.

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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 or Tamsen Dozier via phone at (301) 415-2272 or via email at Tamsen.Dozier@nrc.gov.

Sincerely,



Signed by Erwin, Kenneth
on 10/06/22

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: Bryant Celestine, THPO



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

October 6, 2022

Wilson Yargee, Chief
Alabama-Quassarte Tribal Town
P.O. Box 187
Wetumka, OK 74883

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 Wilson Yargee:

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Sincerely,



Signed by Erwin, Kenneth
on 10/06/22

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: Samantha Robison, THPO



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

October 6, 2022

Richard Sneed, Principal Chief
Eastern Band of Cherokee Indians
Qualla Boundary
P.O. Box 1927
Cherokee, NC 28719

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 Richard Sneed:

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Sincerely,



Signed by Erwin, Kenneth
on 10/06/22

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: Russell Townsend, THPO



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

October 6, 2022

Brian Givens, Town King
Kialegee Tribal Town
P.O. Box 332
Wetumka, OK 74883

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 Brian Givens:

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Sincerely,



Signed by Erwin, Kenneth
on 10/06/22

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: David Cook



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

October 6, 2022

David Hill
Principal Chief
Muscogee (Creek) Nation
P.O. Box 580
Okmulgee, OK 74447

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)

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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 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 in September 2023.

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 or Tamsen Dozier via phone at (301) 415-2272 or via email at Tamsen.Dozier@nrc.gov.

Sincerely,



Signed by Erwin, Kenneth
on 10/06/22

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: Corain Lowe-Zepeda, THPO



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

October 6, 2022

Greg P. Chilcoat
Principal Chief
Seminole Nation of Oklahoma
P.O. Box 1498
Wewoka, OK 74884

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 Greg Chilcoat:

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* part 50, that would allow construction of a non-power test reactor termed Hermes on a 185-acre site located in Oak Ridge, Tennessee. As part of the review, the NRC staff has completed a draft environmental impact statement (EIS). 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 *Code of Federal Regulations* (36 CFR) section 800, "Protection of Historic Properties" section 800.8(c), the NRC is using the National Environmental Policy Act 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 your Tribe 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. The historic and cultural resources analysis is based on a virtual environmental audit conducted by NRC staff with Kairos staff, a review of historic and archaeological records at the Tennessee Historic Commission and the Tennessee Division of Archaeology offices, and NRC's ongoing consultation.

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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 or Tamsen Dozier via phone at (301) 415-2272 or via email at Tamsen.Dozier@nrc.gov.

Sincerely,



Signed by Erwin, Kenneth
on 10/06/22

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: Ben Yahola, THPO



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

October 6, 2022

Marcellus W. Osceola, Jr.
Chairman
Seminole Tribe of Florida
6300 Stirling Road
Hollywood, FL 33024

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 Chairman Osceola:

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* part 50, that would allow construction of a non-power test reactor termed Hermes on a 185-acre site located in Oak Ridge, Tennessee. As part of the review, the NRC staff has completed a draft environmental impact statement (EIS). 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.

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Sincerely,



Signed by Erwin, Kenneth
on 10/06/22

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 Backhouse, THPO



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

October 6, 2022

Benjamin Barnes
Chief
Shawnee Tribe of Oklahoma
P.O. Box 189
Miami, OK 74354

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 Benjamin Barnes:

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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. The historic and cultural resources analysis is based on a virtual environmental audit conducted by NRC staff with Kairos staff, a review of historic and archaeological records at the Tennessee Historic Commission and the Tennessee Division of Archaeology offices, and NRC's ongoing consultation.

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Sincerely,



Signed by Erwin, Kenneth
on 10/06/22

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: Tonya Tipton, THPO



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

October 6, 2022

Ryan Morrow
Town King
Thlopthlocco Tribal Town
P.O. Box 188
Okemah, OK 74859

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 Ryan Morrow:

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Sincerely,



Signed by Erwin, Kenneth
on 10/06/22

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: Galen Cloud, THPO



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

October 6, 2022

Joe Bunch, Chief
United Keetoowah Band of
Cherokee Indians of Oklahoma
P.O. Box 746
Tahlequah, OK 74465

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 Joe Bunch:

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Sincerely,



Signed by Erwin, Kenneth
on 10/06/22

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: Whitney Warrior, Director
Historic Preservation Office



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

October 6, 2022

David Sickey
Chairman
Coushatta Tribe of Louisiana
P.O. Box 818
Elton, LA 70532

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 Chairman Sickey:

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* part 50, that would allow construction of a non-power test reactor termed Hermes on a 185-acre site located in Oak Ridge, Tennessee. As part of the review, the NRC staff has completed a draft environmental impact statement (EIS). 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 *Code of Federal Regulations* (36 CFR) section 800, "Protection of Historic Properties" section 800.8(c), the NRC is using the National Environmental Policy Act 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 your Tribe 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. The historic and cultural resources analysis is based on a virtual environmental audit conducted by NRC staff with Kairos staff, a review of historic and archaeological records at the Tennessee Historic Commission and the Tennessee Division of Archaeology offices, and NRC's ongoing consultation.

The NRC staff plans to hold a public meeting to discuss the analyses and results in the draft EIS and provide a presentation on the contents of 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.

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 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 in September 2023.

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 or Tamsen Dozier via phone at (301) 415-2272 or via email at Tamsen.Dozier@nrc.gov.

Sincerely,



Signed by Erwin, Kenneth
on 10/06/22

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: Kristian Poncho, THPO



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

October 6, 2022

B. Cheryl Smith
Principal Chief
Jena Band of Choctaw Indians
P.O. Box 14
Jena, LA 71432

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 B. Cheryl Smith:

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* part 50, that would allow construction of a non-power test reactor termed Hermes on a 185-acre site located in Oak Ridge, Tennessee. As part of the review, the NRC staff has completed a draft environmental impact statement (EIS). 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>.

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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. The historic and cultural resources analysis is based on a virtual environmental audit conducted by NRC staff with Kairos staff, a review of historic and archaeological records at the Tennessee Historic Commission and the Tennessee Division of Archaeology offices, and NRC's ongoing consultation.

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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 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 in September 2023.

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Sincerely,



Signed by Erwin, Kenneth
on 10/06/22

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: Alina J. Shively, 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: October 6, 2022

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