



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

August 17, 2023

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

SUBJECT: NOTIFICATION OF THE ISSUANCE OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT FOR A 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) has completed the final environmental impact statement (FEIS) for the Kairos Power LLC (Kairos) construction permit (CP) application for the Hermes non-power test reactor. Kairos's application was submitted in two parts by letters dated September 29, 2021 (Agencywide Documents Access and Management System (ADAMS) ML21272A375) and October 31, 2021 (ML21306A131). The FEIS, "Environmental Impact Statement for a Construction Permit for the Kairos Hermes Test Reactor, Final Report," (NUREG-2263) is publicly available at ML23214A269. ADAMS is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>. In addition, the FEIS can be found on the NRC's Website at: <https://www.nrc.gov/reactors/non-power/new-facility-licensing/hermes-kairos.html>.

The FEIS evaluates the impacts of building, operating, and decommissioning a non-power test reactor at a site in Oak Ridge, Tennessee. A CP does not, however, 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 conduct an environmental review of the operating license application.

By letter dated March 4, 2022, the NRC staff notified your office that, in accordance with 36 CFR 800.8(c), the staff is using the National Environmental Policy Act process to comply with its obligations under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, in lieu of the procedures set forth in 36 CFR 800.3 through 800.6.

As discussed in Section 5.4 of the FEIS, the NRC staff's recommendation is that the CP should be issued once the NHPA Section 106 process is complete. This recommendation is based on: (1) the environmental report submitted by the applicant, as revised; (2) the consideration of public comments; (3) consultation with Federal, State, tribal, and local agencies; and (4) the NRC staff's independent environmental review and assessment summarized in the final EIS.

A notice of availability of the FEIS is anticipated to be published by the NRC on or before August 22, 2023 in the *Federal Register*. A separate notice regarding the FEIS will be placed in the *Federal Register* through the filing process with the U.S. Environmental Protection Agency and is anticipated to be published on August 25, 2023.

J. Johnson

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

Sincerely,



Signed by Regan, Christopher
on 08/17/23

Christopher M. Regan, Director
Division of Rulemaking, Environmental,
and Financial Support
Office of Nuclear Material Safety
and Safeguards

Docket No.: 50-7513

cc: Ms. Devon Frazier, THPO

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DATED: August 17, 2023

Identical letters have been sent to:

- Tribal Council Chairman Rick Sylestine, Alabama-Coushatta Tribe of Texas
- Chief Wilson Yargee, Alabama-Quassarte Tribal Town
- Principal Chief Chuck Hoskin, Jr., Cherokee Nation
- Principal Chief Richard Sneed, Eastern Band of Cherokee Indians
- Chief Glenna J. Wallace, Eastern Shawnee Tribe of Oklahoma
- Town King/Mekko Brian Givens, Kialegee Tribal Town
- Principal Chief David Hill, Muscogee (Creek) Nation
- Tribal Chair Stephanie A. Bryan, Poarch Band of Creek Indians
- Principal Chief Lewis J. Johnson, Seminole Nation of Oklahoma
- Chairman Marcellus W. Osceola Jr., Seminole Tribe of Florida
- Chief Benjamin Barnes, Shawnee Tribe
- Town King Ryan Morrow, Thlopthlocco Tribal Town
- Chief Joe Bunch, United Keetoowah Band of Cherokee Indians in Oklahoma
- Chairman Jonathan Cernek, Coushatta Tribe of Louisiana
- Principal Chief Elizabeth Rogers, Jena Band of Choctaw Indians

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ADAMS Accession No: ML23214A137

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