



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

October 25, 2023

[REDACTED]

SUBJECT: NATIONAL HISTORIC PRESERVATION ACT SECTION 106 CONSULTATION
SUMMARY FOR THE KAIROS HERMES TEST REACTOR CONSTRUCTION
PERMIT REVIEW (DOCKET NUMBER: 50-7513)

Dear [REDACTED]:

The purpose of this letter is to confirm that your comments to the U.S. Nuclear Regulatory Commission (NRC), provided in correspondence from the [REDACTED] requesting government-to-government consultation with the NRC, dated December 6, 2022, have been fully addressed and to seek your concurrence with the NRC's finding of no adverse effect to historic properties under the National Historical Preservation Act (NHPA). Your concurrence is needed to complete the documentation of the NRC's NHPA Section 106 consultation in support of the potential issuance of a construction permit (CP) to Kairos Power, LLC (Kairos) as well as to document the activities that have transpired since the final Environmental Impact Statement (EIS) (Agencywide Documents Access and Management System ML23214A269) was published in August 2023. The final EIS was transmitted to you by letter dated August 17, 2022

[REDACTED]

By letter dated March 4, 2022 (ML22031A289), NRC staff initiated NHPA Section 106 government-to-government consultation with the [REDACTED] pursuant to 10 CFR § 51.28(a), and invited you to participate in the environmental scoping process for the proposed federal action. That letter also stated that, in accordance with 36 CFR § 800.8(c), the NRC was using the National Environmental Policy Act process to comply with its obligations under Section 106 of the NHPA of 1966, as amended, in lieu of the procedures set forth in 36 CFR §§ 800.3 through 800.6. By letter dated October 4, 2022 ([REDACTED]), the NRC staff notified you that the draft EIS was available and that comments on the draft EIS were being solicited.

On December 6, 2022, the NRC staff received comments from the [REDACTED] requesting government-to-government consultation with the NRC (M2301A036) and asked that a cultural resources survey be conducted for the proposed project and requested that the NRC include you in the development of the Archaeological Resources Monitoring and Unanticipated Discovery Plan (monitoring plan) for the Kairos site. Since that time, the NRC staff have actively engaged with you to ensure that the [REDACTED] and requests have been addressed to your satisfaction.

Since publication of the final EIS, Kairos subcontracted with a geoarchaeologist that was qualified under Secretary of Interior standards, developed a methodology for a reconnaissance field investigation, performed the reconnaissance field investigation, developed a technical report titled "Geoarchaeology Reconnaissance Survey of the Proposed Kairos Power Project Site" dated October 2023, and updated the above-mentioned monitoring plan as informed by the reconnaissance field investigation. The NRC and [REDACTED] reviewed the field investigation methodology, the geoarchaeology report, and the monitoring plan. Both parties provided multiple rounds of comments to Kairos to address in their final documents.

The NRC observed that the reconnaissance field investigation provided additional information regarding the extent and characteristics of the disturbance to the Hermes site and provided a better understanding of the areas that could have the potential for deeply buried historic and cultural resources. Kairos has developed a monitoring plan that will be referenced in the Environmental Protection Plan of the CP, should NRC decide to issue the permit. The field investigations, report, and the monitoring plan provide the NRC staff with additional support for its finding of no adverse effect to cultural and historic resources, as documented in final EIS.

Enclosed are the documents provided by Kairos to support the Section 106 consultation.

[REDACTED] Enclosure 3 is the letter from Kairos dated October 18, 2023, transmitting the survey report and monitoring plan to the NRC.

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

Sincerely,



Signed by Regan, Christopher
on 10/25/23

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

Docket No.: 50-7513

Enclosures:
As stated

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Dated: October 25, 2023

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