



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

September 10, 2024

Honorable David Hill, Principal Chief  
Muscogee Nation  
P.O. Box 580  
Okmulgee, OK 74447

SUBJECT: CONCLUSION OF SECTION 106 CONSULTATION AND NOTICE OF  
AVAILABILITY OF THE FINAL ENVIRONMENTAL ASSESSMENT AND  
FINDING OF NO SIGNIFICANT IMPACT FOR KAIROS POWER LLC  
PROPOSED NON-POWER TEST REACTORS (HERMES 2) CONSTRUCTION  
PERMIT REVIEW IN ROANE COUNTY, TENNESSEE (DOCKET NUMBERS:  
50-611 AND 50-612)

Dear Principal Chief David Hill

The U.S. Nuclear Regulatory Commission (NRC) staff has completed its environmental review for an application for construction permits (CPs) submitted by Kairos Power, LLC (Kairos) for two proposed non-power test reactors, referred to collectively as Hermes 2. The application was submitted by Kairos in a letter dated July 14, 2023 (Agencywide Documents Access and Management System (ADAMS) ([ML23195A121](#))), pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50. The Hermes 2 reactors, if licensed, would be constructed on a site within the East Tennessee Technology Park in Oak Ridge, Roane County, Tennessee.

By letters dated January 31, 2024, and February 2, 2024, the NRC initiated Section 106 consultation with the Advisory Council on Historic Preservation (ACHP), Tennessee State Historic Preservation Officer (TN SHPO), National Park Service (NPS), which manages the nearby Manhattan Project National Historical Park site, and sixteen Indian Tribes. These letters also provided notification of the NRC staff's decision to use the National Environmental Policy Act of 1969 (NEPA), as amended, process to comply with its obligations under Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, in accordance with Title 36 of the *Code of Federal Regulations* (36 CFR) 800.8(c).

In April 2024, NRC sent a second letter to the TN SHPO, NPS, and sixteen Indian Tribes to announce the availability of a Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) and preliminary determination of no adverse effect to historic properties. Information regarding the direct and indirect Areas of Potential Effects (APEs), historic and cultural resources, and historic properties were made publicly available within Section 3.5 of the Draft EA ([ML24103A002](#)).

The purpose of this third letter is to provide final project details, provide publication information for the Final EA and FONSI, and to conclude Section 106 consultation.

In addition to the ACHP, NPS, and TN SHPO, the NRC sent the following Indian Tribes Section 106 consultation correspondence (including Section 106 initiation in February 2024; availability of the Draft EA and Draft FONSI for review in April 2024), inviting input on the APEs, identification and evaluation efforts, information on resources of traditional or religious importance, and the NRC staff's determination of effect:

- Absentee Shawnee Tribe
- Alabama-Coushatta Tribe of Texas
- Alabama-Quassarte Tribal Town
- Cherokee Nation Eastern Band of Cherokee Indians
- Coushatta Tribe of Louisiana
- Eastern Shawnee Tribe of Oklahoma
- Jena Band of Choctaw Indians
- Kialegee Tribal Town
- Muscogee (Creek) Nation
- Poarch Band of Creek Indians
- Seminole Nation of Oklahoma
- Seminole Tribe of Florida
- Shawnee Tribe
- Thlopthlocco Tribal Town
- United Keetoowah Band of Cherokee Indians
- Cherokee Nation

The NRC received the following responses, ordered by date:

- February 7, 2024
  - o TN SHPO ([ML24206A087](#))
  - o finding of no adverse effect
- March 8, 2024
  - o Indian Tribe ([ML24206A083](#))
  - o No objection to project proceeding
- March 20, 2024
  - o NPS ([ML24206A085](#))
  - o Commented on public access to Manhattan Project National Historical Park
- May 6, 2024
  - o TN SHPO ([ML24206A086](#))
  - o Concurred with the NRC staff's determination of no adverse effect
- June 11, 2024
  - o NPS ([ML24206A084](#))
  - o Concurred with the NRC staff's determination of no adverse effect

The TN SHPO agreed with the NRC staff's finding of no adverse effect on May 6, 2024, and no consulting party has objected. Therefore, consistent with 36 CFR 800.5(c)(1), NRC can conduct the undertaking (issuance of CPs for Hermes 2) consistent with 36 CFR 800.5(d)(1).

The NRC staff published the Final EA and FONSI in August 2024. You may access all public documents, including the Final EA and FONSI at [ML24240A034](#), or through the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the

NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). You may also find information concerning Hermes 2 activities at the following link <https://www.nrc.gov/reactors/non-power/new-facility-licensing/hermes2-kairos.html>.

Thank you for your participation; the NRC staff looks forward to working with you on future projects.

Sincerely,



Signed by Moses, John  
on 09/10/24

John M. Moses, Deputy Director  
Division of Rulemaking, Environmental,  
and Financial Support  
Office of Nuclear Material Safety  
and Safeguards

Docket Nos. 50-611 and 50-612

cc: Turner Hunt, Tribal Historic Preservation Officer,  
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**ADAMS Package Accession No: ML24233A230, Letter: ML24254A224** \* via email

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