



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

June 20, 2025

Honorable Robert Flying Hawk, Chairman
Yankton Sioux Tribe of South Dakota
P.O. Box 1153
Wagner, SD 57380

SUBJECT: SECTION 106 CONSULTATION AND NOTIFICATION OF THE ISSUANCE OF
THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE
CONSTRUCTION PERMIT APPLICATION FOR KEMMERER POWER
STATION UNIT 1 IN LINCOLN COUNTY, WYOMING
(DOCKET NUMBER: 50-613)

Dear Chairman Robert Flying Hawk:

The purpose of this letter is to notify you of the issuance and availability of a draft environmental impact statement (EIS) for the construction permit (CP) application for Kemmerer Power Station Unit 1 (Kemmerer Unit 1) in Lincoln County, Wyoming, and to request your review of and comment on the draft EIS.

By letter dated June 12, 2024 (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML24114A079](#)), the U.S. Nuclear Regulatory Commission (NRC) notified you that it was conducting an environmental review of a CP application submitted by TerraPower, LLC (TerraPower), on behalf of US SFR Owner, LLC (USO), a wholly owned subsidiary of TerraPower, for Kemmerer Unit 1. The CP application was submitted by letter dated March 28, 2024 ([ML24088A059](#)), pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities." The facility, if licensed, would be constructed within the Kemmerer Unit 1 site in Lincoln County, Wyoming.

As part of its review of the CP application, the NRC staff prepared a draft EIS as required by 10 CFR 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions," the NRC's regulations that implement the National Environmental Policy Act of 1969, as amended (NEPA). In accordance with 36 CFR 800.8(c) of the regulations implementing the National Historic Preservation Act of 1966, as amended (NHPA), the NRC is using the NEPA process to comply with NHPA Section 106 in lieu of the procedures set forth in 36 CFR 800.3 through 800.6.

The draft EIS is available at the following link: [Kemmerer Unit 1 draft EIS](#). The draft EIS may also be obtained online in the NRC's ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html> under Accession No. [ML25154A651](#). 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, 301-415-4737, or by email to PDR.Resource@nrc.gov.

Section 3.7 of the draft EIS contains a description of historic and cultural resources and historic properties identified in the direct and indirect area of potential effects and discusses potential impacts to these resources from activities associated with the proposed construction of Kemmerer Unit 1. Appendices B and C of the draft EIS provide an overview of consulting parties and a record of consultation correspondence for the draft EIS.

The NRC's preliminary determination is that while there is potential to cause adverse effects to two historic properties (48LN740 and 48LN8940) at the Kemmerer Unit 1 site ([ML24358A177](#)), a formal declaration of adverse effects and resolution of those effects awaits further investigation and evaluation as part of ongoing archaeological surveys ([ML25064A005](#) and [ML25073A117](#)). Between April 28 and 29, 2025, the NRC organized and participated in an on-site field visit at the Kemmerer Unit 1 site with members of the Northern Arapaho Tribe, Comanche Nation, Northern Cheyenne Tribe, TerraPower, and supporting contractors to begin additional archaeological testing at both historic properties. The NRC consultation is therefore ongoing with the Wyoming State Historic Preservation Office and Federally recognized Indian Tribes regarding those archaeological testing results and the potential adverse effects to both sites. Final NEPA and NHPA determinations are not provided in the draft EIS due to ongoing testing. The NRC anticipates reviewing and providing updated determinations on the potential impacts to sites 48LN740 and 48LN8940 no later than September 2025. The final EIS will be updated to reflect the NRC's findings.

Pursuant to 36 CFR 800.8(c), the NRC invites you to submit any comments on the draft EIS during the 45-day public comment period, which ends on August 4, 2025. Comments can be submitted by email to TerraPowerEnvironmental@nrc.gov. After consideration of public comments received, as well as information received through consultation, the NRC will prepare a final EIS. Additionally, the NRC will hold a public comment meeting on the draft EIS. Public meeting details will be available by July 10, 2025, at <https://www.nrc.gov/reactors/new-reactors/advanced/who-were-working-with/applicant-projects/terrapower.html> or at the NRC's Public Meeting Schedule website at <https://www.nrc.gov/pmns/mtg>.

If you have any questions concerning the NRC's NHPA Section 106 or NEPA environmental reviews, please contact Sarah Lopas, Cultural Resources Subject Matter Lead, by phone at (301) 415-6360 or via email at Sarah.Lopas@nrc.gov, or Pat Vokoun, Environmental Project Manager, by phone at (301) 415-3470 or via email at Patricia.Vokoun@nrc.gov.

Sincerely,



Doub, Joseph signing on behalf
of Rome, Michelle
on 06/20/25

Michelle Rome, Chief
Environmental Technical Review Branch 1
Division of Rulemaking, Environmental,
and Financial Support
Office of Nuclear Material Safety
and Safeguards

Docket No. 50-613

cc:

Colten Archambeau, Tribal Historic
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TerraPower Environmental Unit 1
via GovDelivery

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DATED: June 20, 2025

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ADAMS Accession No.: ML25167A114

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