



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

June 14, 2024

Honorable Maek Fox, Chairman
Three Affiliated Tribes
404 Frontage Road
New Town, ND 58763

SUBJECT: REQUEST TO INITIATE SECTION 106 CONSULTATION AND SCOPING
PROCESS FOR TERRAPOWER KEMMERER POWER STATION UNIT
1 CONSTRUCTION PERMIT REVIEW IN LINCOLN COUNTY, WYOMING
(DOCKET NUMBER: 50-0613)

Dear Chairman Maek Fox:

The U.S. Nuclear Regulatory Commission (NRC) staff is conducting an environmental review for a construction permit application submitted by TerraPower, LLC (TerraPower), on behalf of US SFR Owner, LLC (USO), a wholly owned subsidiary of TerraPower, for the proposed Kemmerer Power Station Unit 1. The application was submitted by TerraPower on behalf of USO in a letter dated March 28, 2024, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50. The facility, if licensed, would be constructed within the Kemmerer Unit 1 Site in Kemmerer, Lincoln County, Wyoming (see Enclosure 1).

The application is available through the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible at <http://www.nrc.gov/readingrm/adams.html>. The environmental report portion of the application is listed under [ML24088A072](#). The application is also available on the Internet at <https://www.nrc.gov/reactors/new-reactors/advanced/who-were-working-with/applicant-projects/terrapower.html> or <https://www.nrc.gov/docs/ML2408/ML24088A059.html>.

As part of the review, the NRC staff is preparing an environmental impact statement (EIS) as required by 10 CFR Part 51, the NRC's regulations that implement the National Environmental Policy Act (NEPA) of 1969, as amended. In accordance with 36 CFR 800.8(c), the NRC is using the NEPA 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 perform scoping and initiate NHPA Section 106 government-to-government consultation.

The proposed Kemmerer Power Station Unit 1 is located within the Kemmerer Unit 1 Site, with the North Fork Little Muddy Creek lying east and adjacent to the site. The proposed site is approximately 3.8 miles southeast of the Naughton Power Plant in Lincoln County and approximately 3 miles south of the City of Kemmerer, Wyoming (see Enclosure 2). The site comprises approximately 290 acres and is located on undeveloped land. The applicant has proposed the construction of two transmission lines approximately 5.7 miles in length and a water supply pipeline approximately 6 miles in length to support Kemmerer Power Station Unit 1. The NRC has defined the direct and indirect area of potential effects for this construction permit review as the Kemmerer Unit 1 Site (see Enclosure 2) and its immediate environs, and

the proposed transmission and water supply lines, which may be directly or indirectly impacted by land-disturbing and building activities associated with the construction and operation of the proposed facility.

Pursuant to 10 CFR 51.28(a) and 36 CFR 800.2(c)(2)(ii), the NRC wishes to ensure that Indian Tribes that might attach religious and cultural significance to historic properties in the area of potential effect are afforded the opportunity to identify their concerns, provide advice on the identification and evaluation of historic properties, including those of traditional religious, and cultural importance, and, if necessary, participate in the resolution of any adverse effects to such properties. As your Tribe has ties to Wyoming, the NRC invites you to submit any comments or concerns that you may have to offer on the scope of the environmental review by August 12, 2024. Comments and concerns may be submitted by any of the following methods:

- Email comments to: TerraPowerEnvironmental@nrc.gov, or
- Mail comments to: Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.
- Federal Rulemaking Website: Go to <https://www.regulations.gov> and search for Docket ID: NRC-2024-0078;

The NRC expects to publish the draft EIS in Summer 2025. A copy of the draft EIS will be made available for your review and comment. The draft EIS will include identification of historic and cultural resources and historic properties, an analysis of potential effects of the proposed action, including potential effects on historic and cultural resources and historic properties as well as the NRC staff's preliminary determination. After consideration of public comments, the NRC will prepare a final EIS, which is scheduled to be published in Spring 2026.

The NRC staff also plans to conduct a public scoping meeting on July 16, 2024. Meeting details will be available by June 24, 2024 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>. Should you or other representatives from your Tribe be interested in meeting during the week of July 15th in Kemmerer, the NRC staff invites you to inform us of your availability to do so. If you are interested but are not available, NRC staff can work with you or your designated representatives(s) to coordinate other meeting opportunities, either in-person or virtually.

If you have any questions concerning the NRC's Section 106 consultation and associated historic and cultural resources review, please contact Beau Goldstein, Staff Archaeologist, by phone at 301-415-1765 or via email at Beau.Goldstein@nrc.gov; or Patricia Vokoun, Project Manager, by phone at 301-415-3470 or via email at Patricia.Vokoun@nrc.gov.

Sincerely,



Signed by Moses, John
on 06/14/24

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

Docket No. 50-0613

Enclosures:

1. Kemmerer Unit 1 Surrounding Region – Map
2. Kemmerer Unit 1 Site - Map

CC:

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