



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

March 24, 2025

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

SUBJECT: REQUEST FOR CONSULTATION ON ARCHAEOLOGICAL TESTING PLAN
FOR SITES 48LN740 AND 48LN8940 AT THE PROPOSED KEMMERER
POWER STATION UNIT 1 SITE IN LINCOLN COUNTY, WYOMING (DOCKET
NUMBER: 50-613)

Dear Chairman Robert Flying Hawk:

The U.S. Nuclear Regulatory Commission (NRC) staff is requesting consultation on proposed archaeological testing of sites 48LN740 and 48LN8940 in Lincoln County, Wyoming, which are eligible for listing in the National Register of Historic Places (NRHP).

Background

TerraPower, LLC (TerraPower), on behalf of US SFR Owner, LLC, a wholly owned subsidiary of TerraPower, has applied to the NRC for a permit to construct the Natrium Reactor Plant in Kemmerer, Lincoln County, Wyoming (Kemmerer Power Station Unit 1). The NRC staff has determined that the issuance of this construction permit would be a Federal undertaking under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA). Pursuant to paragraph 800.8(c) of Title 36 of the *Code of Federal Regulations* (36 CFR) Part 800, the regulations implementing NHPA Section 106, the NRC staff is using the National Environmental Policy Act of 1969, as amended, process to comply with NHPA Section 106 in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. Accordingly, by letters dated June 14, 2024, the NRC staff initiated NHPA Section 106 consultation with Tribes for this undertaking (Agencywide Documents Access and Management System (ADAMS) Package Accession No. [ML24114A079](#)). Thereafter, by letters dated February 4, 2025 ([ML24358A177](#)), the NRC staff notified Tribes that:

- (1) Based on a Class III cultural resources report for the Kemmerer Power Station Unit 1 site ([ML25049A292](#)) and consistent with 36 CFR 800.5, the NRC staff had determined that the undertaking (the proposed issuance of a construction permit for Kemmerer Power Station Unit 1) would result in adverse effects on historic properties, specifically, sites 48LN740 and 48LN8940;
- (2) Pursuant to 36 CFR 800.6(a) and 36 CFR 800.8(c)(1)(v), the NRC staff was consulting with the Wyoming State Historic Preservation Officer (WY SHPO), Tribes, and the

Advisory Council on Historic Preservation (ACHP) to solicit input to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects of the undertaking on historic properties; and

- (3) If the adverse effects could not be sufficiently avoided or minimized, resolution of adverse effects would be considered pursuant to 36 CFR 800.6(b) and a memorandum of agreement (MOA) would be prepared consistent with 36 CFR 800.6(c) (see also 36 CFR 800.8(c)(4)).

Consistent with 36 CFR 800.2(c)(2)(ii) and 36 CFR 800.8(c)(1), the NRC staff is ensuring that Indian Tribes that might attach religious and cultural significance to historic properties in the area of potential effects 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 participate in the resolution of any adverse effects on such properties. Accordingly, on February 25, 2025, the NRC staff held a virtual workshop for consulting Tribes, which provided information on the Kemmerer Power Station Unit 1 undertaking, potential impacts to historic and cultural resources, and the NRC staff's process to develop, as necessary, an MOA with the WY SHPO, the U.S. Department of Energy Office of Clean Energy Demonstrations (OCED), TerraPower, and Tribes. The NRC staff will continue to consult with Tribes throughout the NHPA Section 106 process for the Kemmerer Power Station Unit 1 project.

Additionally, in a letter received by the NRC on February 12, 2025 ([ML25044A095](#)), the WY SHPO concurred that sites 48LN740 and 48LN8940 would be adversely affected by the undertaking as planned and recommended that the NRC staff develop an MOA, specifying the terms under which the adverse effects to the historic properties would be mitigated. By letter dated February 18, 2025 ([ML25049A244](#)), the ACHP separately notified the NRC that it does not believe its participation in the consultation to resolve adverse effects is needed.

Consultation on Archaeological Testing Plan for Sites 48LN740 and 48LN8940

The purpose of this letter is to request consultation on proposed archaeological testing to further investigate sites 48LN740 and 48LN8940. The purpose of the archaeological testing is to: (1) determine the elements of sites 48LN740 and 48LN8940 that contribute to the sites' eligibility for inclusion in the NRHP; (2) determine if current planned construction of the proposed Kemmerer Power Station Unit 1 would adversely affect those elements; and (3) if so, either make changes to the planned construction to avoid those elements or develop the methodology to mitigate the potential adverse effect. The archaeological testing would be conducted by TerraPower's cultural resources contractor, Tetra Tech, Inc., in accordance with "A Cultural Resource Testing Plan for Sites 48LN740 and 48LN8940 as part of TerraPower, LLC's Sodium Demonstration Project, Lincoln County, Wyoming" (the Testing Plan), completed by Tetra Tech, Inc., dated March 2025. Pursuant to Title 10 of the *Code of Federal Regulations* section 2.390, "Public inspections, exemptions, requests for withholding," the Testing Plan is withheld from public disclosure and may not be made publicly available. An electronic copy of the Testing Plan has been made available to the identified cultural resources contact for your Tribe. However, if you would like a paper copy of the Testing Plan, please reach out to Sarah Lopas of my staff using the contact information provided at the end of this letter.

Consistent with the Testing Plan, the archaeological testing will utilize a combination of geophysical remote sensing and auger test probes within the 48LN740 and 48LN8940 site boundaries to fully define the horizontal and vertical extent of the subsurface cultural resource

components already identified at the sites. Fully defining the subsurface cultural resource components at the sites will: (1) establish which subsurface portions of the sites are contributing or non-contributing to the overall site eligibility; (2) allow the determination of what, if any, effect the undertaking will have on contributing portions; and (3) facilitate modifications to the undertaking to avoid contributing portions so that the undertaking will have no adverse effect on sites 48LN740 and 48LN8940 or else inform the methodology to mitigate adverse effects.

The NRC staff is requesting your consultation on the Testing Plan by April 24, 2025, if you so desire to consult. If you have any questions, comments, or concerns, please contact Sarah Lopas, Senior Environmental Project Manager, by phone at 301-415-6360 or via email at Sarah.Lopas@nrc.gov.

Sincerely,



Signed by Regan, Christopher
on 03/24/25

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

Docket No. 50-613

Enclosure:
Testing Plan (Non-Public)

cc w/enclosure:

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TerraPower Environmental Unit 1
via GovDelivery

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DATED: March 24, 2025

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ADAMS Accession No: ML25083A200 (letter); ML25073A117 (package)

***concurrence via e-mail**

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