



## **National Environmental Policy Act (NEPA) Determination**

### **Categorical Exclusion**

**Recipient:** TerraPower, LLC

**State:** Wyoming

**Project Title:** TerraPower Sodium Demonstration Project – Removal of Fill and Gravel and Testing Plan

**Funding Opportunity Announcement Number:** DE-FOA-0002271

**Award Number:** DE-NE0009054

**OCED NEPA Control Number:** OCED-09054-003-CX

**Based on my review of the information concerning the proposed action, as NEPA Compliance Officer (authorized under DOE Policy 451.1), I have made the following determination:**

**CATEGORICAL EXCLUSION APPENDIX, NUMBER, AND DESCRIPTION:** *B3.3 Research related to conservation of fish, wildlife, and cultural resources:* Field and laboratory research, inventory, and information collection activities that are directly related to the conservation of fish and wildlife resources or to the protection of cultural resources, provided that such activities would not have the potential to cause significant impacts on fish and wildlife habitat or populations or to cultural resources.

**Rationale for Determination:**

DOE's Office of Clean Energy Demonstrations (OCED) is proposing to allow TerraPower, LLC (TerraPower) to perform a testing plan for an eligible historic property along a former access road. The access road is no longer in use and in order to complete the testing plan activities TerraPower would need to remove the gate, cattle guard, and previous cultural resource protection measures including but not limited to fill, gravel, and geotextile materials. A qualified archaeological monitor will be present during all testing activities.

TerraPower testing plan activities include the following actions:

- Remove previous cultural resource protection measures including but not limited to fill, gravel, pylons, and geotextile fabric;
- Remove the gate and cattle guard;
- Conduct a subsurface archaeological investigation along the roadbed within the site boundary;
- Perform post removal surface pedestrian inventory; and,
- Collect and catalog all encountered cultural artifacts.

No “groundwork” or facility preparation will be performed for this project scope. DOE does not anticipate adverse impacts to sensitive resources as a result of the proposed activities.

**Consultations (Section 106 NHPA, Section 7 ESA, etc.):** DOE completed the Section 106 NHPA process for this activity by preparing a draft testing plan and circulating the plan for a 30-day review to WY SHPO and consulting parties including Tribes. DOE incorporated comments received into a final testing plan.

☒ The proposed action (or the part of the proposal defined in the Rationale above) fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D. To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not:

- (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders;
- (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities;
- (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases;
- (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B (4) of 10 CFR Part 1021, Subpart D, Appendix B;
- (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B (5) of 10 CFR Part 1021, Subpart D, Appendix B.

☒ There are no extraordinary circumstances related to the proposed action that may affect the significance of the environmental effects of the proposal. The proposed action has not been segmented to meet the definition of a categorical exclusion.

☒ This proposal is not connected to other actions with potentially significant impacts (40 CFR 1501.9(e)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.1(g)(3)) and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

☐ DOE has determined that work to be carried out outside of the United States, its territories and possessions is exempt from further review pursuant to Section 5.1.1 of the DOE Final Guidelines for Implementation of Executive Order 12114; “Environmental Effects Abroad of Major Federal Actions.”

☒ The proposed action is categorically excluded from further NEPA review.

☐ A portion of the proposed action is categorically excluded from further NEPA review.

**Notes:** This categorical exclusion applies to those activities listed above for testing plan activities. Any changes to the project activities or location are subject to additional NEPA review by DOE and are not authorized for federal funding unless and until the Contracting Officer provides written authorization on those additions or modifications.

**SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.**

OCED NEPA Compliance Officer Signature:

Date: