

**U.S. DEPARTMENT OF ENERGY
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY
NEPA DETERMINATION**



RECIPIENT: National Renewable Energy Laboratory

STATE: CO

PROJECT TITLE : Accelerating Collaboration and Commercialization through External Services and Support (ACCESS) Prize

Notice of Funding Opportunity Number **Procurement Instrument Number** **NEPA Control Number** **CID Number**
GFO-NRELAcessPrize-001

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:

CX, EA, EIS APPENDIX AND NUMBER:

Description:

A9 Information gathering, analysis, and dissemination

Information gathering (including, but not limited to, literature surveys, inventories, site visits, and audits), data analysis (including, but not limited to, computer modeling), document preparation (including, but not limited to, conceptual design, feasibility studies, and analytical energy supply and demand studies), and information dissemination (including, but not limited to, document publication and distribution, and classroom training and informational programs), but not including site characterization or environmental monitoring. (See also B3.1 of appendix B to this subpart.)

B3.6 Small-scale research and development, laboratory operations, and pilot projects

Siting, construction, modification, operation, and decommissioning of facilities for smallscale research and development projects; conventional laboratory operations (such as preparation of chemical standards and sample analysis); and small-scale pilot projects (generally less than 2 years) frequently conducted to verify a concept before demonstration actions, provided that construction or modification would be within or contiguous to a previously disturbed or developed area (where active utilities and currently used roads are readily accessible). Not included in this category are demonstration actions, meaning actions that are undertaken at a scale to show whether a technology would be viable on a larger scale and suitable for commercial deployment.

Rationale for determination:

The U.S. Department of Energy (DOE) is proposing to authorize the American-Made Accelerating Collaboration and Commercialization through External Services and Support (ACCESS) Prize. This initiative aims to enhance project outcomes by providing access to specialized resources and expertise not available within the National Lab system. Eligible companies must demonstrate that the proposed external work directly benefits their funded projects. The prize would be administered by the Solar Energy Technologies Office (SETO) in partnership with the National Renewable Energy Laboratory (NREL).

The ACCESS Prize contains 1 phase to facilitate companies that are an existing SETO awardee who was offered a voucher after January 2025 to apply for the use of their SETO awarded voucher funds at external facilities outside of national labs. Phase 1 Participants in the ACCESS Prize would submit a comprehensive submission package as outlined in the rules. If selected, winners would receive reimbursement for funds expended at external facilities outside the national lab system, effectively utilizing their voucher to advance their current SETO funded projects.

Awards activities would be for various services, including, but not limited to, testing and validation, use of specialized equipment or software, certification testing, simulation or modeling, consulting, or other various requests. Individual voucher activities resulting from the prize would be dependent on the specific awardee and their particular needs, as well as the outside organization they select to complete their scope. It is likely that activities would include product certification testing or other types of testing not offered by the National Lab complex.

No known physical modification of facilities, ground disturbing activities, change in operation of existing facilities, or installation/deployment of outdoor equipment would result from the Prize administration. However, it is possible that awardee activities may result installation/deployment of outdoor equipment. Furthermore, as the specific facilities or the specific scopes of those research vouchers are not known at this time, the work locations and associated tasks, products, testing, and facilities modifications cannot be completely described at this time. If any ground disturbing activities, changes in operation of existing facilities, or installation/deployment of outdoor equipment are deemed necessary, then an additional NEPA review would be needed.

No known health and safety hazards would result from the administration and selection of the prize. No permits, licenses, or authorizations are required to perform prize administration activities. Certain licenses and authorizations may be required for outside facilities to perform the scoped work of their awarded voucher.

This ND reviews only the rules of the ACCESS Prize, which govern how the prize is administered and the requirements placed on competing teams. Participants may be asked to provide DOE with information on fabrication and testing of their device such that DOE can conduct a meaningful evaluation of the potential environmental impacts. Any activities beyond those discussed in this NEPA Determination would require further NEPA review.

Any work proposed to be conducted at a federal facility may be subject to additional NEPA review by the cognizant federal official and must meet the applicable health and safety requirements of the facility.

DOE has considered the scale, duration, and nature of proposed activities to determine potential impacts on resources, including those of an ecological, historical, cultural, and socioeconomic nature. DOE does not anticipate impacts on these resources which would be considered significant or require DOE to consult with other agencies or stakeholders.

EERE is aware of the November 12, 2024, decision in *Marin Audubon Society v. FAA*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the Council on Environmental Quality (CEQ) regulations implementing NEPA are not judicially enforceable or binding on this agency action, EERE has nonetheless elected to follow those regulations at 40 C.F.R. Parts 1500-1508, in addition to DOE's procedures/regulations implementing NEPA at 10 C.F.R. Part 1021, to meet the agency's obligations under NEPA, 42 U.S.C. §§ 4321 et seq.

NEPA PROVISION

DOE has made a final NEPA determination.

Include the following condition in the financial assistance agreement:

This ND reviews only the rules of the ACCESS Prize, which govern how the prize is administered and the requirements placed on competing teams. Once award activities and locations are identified, participants may be asked to provide DOE with information on fabrication and testing of their device such that DOE can conduct a meaningful evaluation of the potential environmental impacts.

Notes:

Solar Technologies Office (SETO)

This NEPA determination requires legal review of the tailored NEPA provision.

NEPA review completed by James Cherry, 12/11/2024.

FOR CATEGORICAL EXCLUSION DETERMINATIONS

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 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), 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.

The proposed action is categorically excluded from further NEPA review.

SIGNATURE OF THIS MEMORANDUM CONSTITUTES A RECORD OF THIS DECISION.

NEPA Compliance Officer Signature: _____



Electronically Signed By: **Andrew Montano**

NEPA Compliance Officer

Date: **12/13/2024**

FIELD OFFICE MANAGER DETERMINATION

☒ Field Office Manager review not required

☐ Field Office Manager review required

BASED ON MY REVIEW I CONCUR WITH THE DETERMINATION OF THE NCO :

Field Office Manager's Signature: _____

Field Office Manager

Date: _____