

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



RECIPIENT: 350Solutions

STATE: NC

PROJECT TITLE : Voucher Opportunity 5-13: Commercialization Support for Field Testing Supportfor Validation of Novel Resource Sustainability Technologies

Notice of Funding Opportunity Number
n/a

Procurement Instrument Number
ENERGYWERX PIA

NEPA Control Number
GFO-VoucherOpp5-009

CID Number

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:

A8 Awards of certain contracts

Awards of contracts for technical support services, management and operation of a government-owned facility, and personal services.

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.)

A11 Technical advice and assistance to organizations

Technical advice and planning assistance to international, national, state, and local organizations.

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:

In November 2022, the U.S. Department of Energy (DOE) issued a Broad Agency Announcement indicating an interest in entering into one or multiple agreements with partnership intermediaries to work with DOE's Office of Technology Transfer (OTT), other DOE offices and programs, and DOE National Laboratories and Facilities. Through one or more Partnership Intermediary Agreements (PIAs), DOE would expand its capabilities to connect and engage with the broader energy and national security ecosystem and address gaps facing companies, organizations and communities seeking to engage with DOE and/or develop, scale, commercialize, deploy, and adopt technologies relevant to DOE's mission. This NEPA determination (ND) evaluates the DOE Voucher Opportunity (VO) Program.

DOE previously completed nine NDs for this Program: OCED-PIA-001 (CX A8, A9, A11, B3.6; 05/02/2023) which applied to VO1 through VO4, GFO-VoucherOpp5OTT-001 (CX A8, A9, A11, B3.6; 08/01/2023) which applied to an additional VO (VO5) for commercialization support, GFO-VoucherOpp5OTT-002 (CX A8, A9, A11, B3.6; 01/04/2024), which applied to support voucher opportunities (SVOs) under VO5 (VO5-1 through VO5-10), GFO-VoucherOpp5-003 (CX A8, A9, A11, B3.6; 02/15/2024) which applied to VO5-11, GFO-VoucherOpp5-004 and GFO-VoucherOpp5-005 (CX A8, A9, A11, B3.6; 02/15/2024), which both applied to VO5-12, GFO-VoucherOpp5-006, (CX A8, A9, A11, B3.6; 02/15/2024) which applied to VO5-13 (Banyu), GFO-VoucherOpp5-007 (CX A8, A9, A11, B3.6, 03/28/2024), which applied to VO5-13 (Capwell), and GFO-VoucherOpp5-008 (CX A8, A9, A11, B3.6, 11/19/2024), which applied to VO5-21. This ND (GFO-VoucherOpp5-009) applies only to VO5-13. Additional NEPA review would be required for VO5-14, VO5-16, and VO5-18.

SVOs would involve typical hazards associated, office, laboratory, and pilot testing operations. Any handling, storage, or disposal of hazardous materials would occur within controlled settings and would follow existing policies and procedures. Existing health, safety, and environmental policies and procedures would be followed to mitigate hazards. All activities would comply with existing federal, state, and local laws and regulations.

SVOs would occur entirely within existing, purpose-built facilities; therefore, no adverse impacts to sensitive resources

are expected as a result of the proposed activities at any location. No change in the use, mission, or operation of existing facilities and locations would arise out of this effort.

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 conditional NEPA determination.

The NEPA Determination applies to the following Topic Areas, Budget Periods, and/or tasks:

VO5-13

The NEPA Determination does not apply to the following Topic Area, Budget Periods, and/or tasks:

VO5-14

VO5-16

VO5-18

Notes:

Office of Technology Transitions (OTT)
NEPA review completed by Jason Spencer, 01/10/2025

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.

A portion of the proposed action is categorically excluded from further NEPA review. The NEPA Provision identifies Topic Areas, Budget Periods, tasks, and/or subtasks that are subject to additional 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: **1/13/2025**

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: _____