Clean Energy Demonstration Program on Current and Former Mine Land
Request for Information

DATE: 06/29/2022
SUBJECT: Request for Information (RFI)

Description

This is a Request for Information (RFI) issued by the U.S. Department of Energy's (DOE) Office of Clean Energy Demonstrations, in collaboration with the DOE Office of Energy Efficiency and Renewable Energy (EERE) Office of Nuclear Energy (NE) and the DOE Office of Fossil Energy and Carbon Management (FECM). This RFI seeks public input to help inform DOE's implementation of the Infrastructure Investment and Jobs Act, also commonly known as the Bipartisan Infrastructure Law (BIL).[1]

The BIL is a once-in-a-generation investment in infrastructure, which will grow a more sustainable, resilient, and equitable economy through enhancing U.S. competitiveness, creating good-paying union jobs, and ensuring stronger access to economic and other benefits for disadvantaged communities. Section 40342 of the BIL authorizes DOE to establish a program to demonstrate the technical and economic viability of clean energy projects on current and former mine land, to be carried out by developing between two (2) and five (5) clean energy projects on mine land in geographically diverse regions.[2] The Office of Clean Energy Demonstrations (OCED) is appropriated $500 million for the five (5) year period encompassing fiscal years (FYs) 2022 through 2026 to carry out this program.[3]

To help inform DOE's implementation of the Clean Energy Demonstration Program on Current and Former Mine Land (also referred to as "Mine Land program"), this RFI seeks input on:

- Mine Land Development
- Mine Land Operations
- Job Creation Potential and Challenges
- Technology-Specific Concerns
- Mine Land Program Implementation
- Equity, Environmental and Energy Justice (EEEJ) Priorities

[1] Public Law 117-58 (November 15, 2021).
[2] Public Law 117-58, Div. D, Title III, § 40342(b) and (c), Nov. 15, 2021.
[3] Public Law 117-58, Div. J, Title III.

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Information collected from this RFI may be used by DOE for planning purposes, which could include developing future Funding Opportunity Announcements (FOA) or other solicitations related to section 40342.

Background

On November 15, 2021, President Joseph R. Biden, Jr. signed the Bipartisan Infrastructure Law (BIL). The BIL is a once-in-a-generation investment in infrastructure, which provides the backbone for a more sustainable, resilient, and equitable economy through enhancing U.S. competitiveness, diversifying regional economies to include supply chain and manufacturing industries, creating good-paying union jobs, and ensuring stronger access to economic and other benefits for underserved communities. The BIL appropriates more than $62 billion to DOE to ensure the clean energy future delivers true economic prosperity to the American people by:

- Investing in American manufacturing and workers, by creating good-paying jobs with the free and fair chance to join a union and supporting workforce development that enables workers to advance in their careers.
- Expanding access to energy efficiency and clean energy for families, communities, and businesses.
- Delivering reliable, clean, and affordable power to more Americans.
- Building the technologies of tomorrow through clean energy demonstrations.

As part of BIL, $500 million is appropriated for the 5-year period encompassing fiscal years (FYs) 2022 through 2026 to demonstrate the technical and economic viability of carrying out clean energy projects on current and former mine land. Between two (2) and five (5) clean energy projects will be demonstrated in geographically diverse regions of the U.S. This provision will create new opportunities for clean energy deployment on current and former mine land, with a clear priority for increasing economic opportunities and jobs in mine land communities across the country. This program will also support the Biden Administration's goal to achieve a carbon-free electric grid by 2035 and a net zero emissions economy by 2050.[4]

The mission of OCED is to deliver clean energy and industrial decarbonization demonstration projects at scale in partnership with the private sector, labor unions, other stakeholders and communities to launch or accelerate market adoption and deployment of technologies, as part of an equitable transition to a decarbonized energy system and economy. OCED was established in December 2021 and first authorized and funded through the BIL. The founding of

[4] FACT SHEET: President Biden sets 2030 Greenhouse Gas Pollution Reduction Target Aimed at Creating Good-paying Union Jobs and Securing U.S. Leadership on Clean Energy Technologies, https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/22/fact-sheet-president-biden-sets-2030-greenhouse-gas-pollution-reduction-target-aimed-at-creating-good-paying-union-jobs-and-securing-u-s-leadership-on-clean-energy-technologies/

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OCED builds on the DOE's expertise in clean energy research and development and expands DOE's scope to fill a critical gap on the path to net-zero emissions by 2050.

OCED intends to consider applicability of the Build America, Buy America Act of the BIL[5] and the Davis-Bacon Act[6] when evaluating applications under this and other BIL provisions.

Principles of equity and justice will guide BIL implementation, consistent with the Biden Administration's commitments to ensure that overburdened, underserved, and underrepresented individuals and communities have access to federal resources pursuant to EO 13985, *Advancing Racial Equity and Support for Underserved Communities*; EO 14020, *Establishment of the White House Gender Policy Council*; and EO 14008, *Tackling the Climate Crisis at Home and Abroad*. Implementation efforts will work towards the goal that 40% of the overall benefits from Federal investments in climate and clean energy, including the Clean Energy Demonstration Program on Current and Former Mine Land, flow to disadvantaged communities (DACs),[7] and do not exacerbate existing inequalities, such as disproportionate exposure to environmental hazards and harms. Moreover, the BIL implementation process should advance equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.

Strengthening prosperity – by expanding good-paying, safe union jobs and supporting job growth through investments in domestic manufacturing and supply chains – is a key goal set by President Biden and is discussed in depth in his Executive Orders (EOs) on Ensuring the Future Is Made in All of America by All of America's Workers (EO 14005), Tackling the Climate Crisis at Home and Abroad (EO 14008), Worker Organizing and Empowerment (EO 14025), Promoting Competition in the American Economy (EO 14036), and Implementing the Infrastructure Investment and Jobs Act (EO 14052). The Clean Energy Demonstration on Current and Former Mine Land program will support the creation of good-paying jobs with the free and fair choice to join a union, the incorporation of strong labor standards, and high-road workforce

[5] For more information regarding the implementation of Build America Buy America see M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

[6] The BIL includes wage requirements and directs that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work on a project assisted in whole or in part by funding made available through the BIL shall be paid wages at rates not less than those prevailing on similar projects in the locality.

[7] The Justice40 initiative, established by E.O. 14008, sets a goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities (DACs). DOE's definition of DACs, which should be used to determine benefits calculations, is available https://www.energy.gov/diversity/office-economic-impact-and-diversity.

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development, especially through registered apprenticeship and quality pre-apprenticeship programs.[8,9]

The Clean Energy Demonstration Program on Current and Former Mine Land will support the construction of at least 2 and no more than 5 clean energy demonstration projects on current and former mine land, at least 2 of which will be solar projects.[10] For purposes of this program,

[8] Registered Apprenticeship Program (RAPs) are a proven model of job preparation, registered by DOL or a DOL-recognized State Apprenticeship Agency (SAA), which employ workers and combine paid On-the-Job Learning (OJL) (also referred to as On-the-Job Training (OJT)) with Related Instruction (RI) to progressively increase workers' skill levels and wages. RAPs are also a business-driven model that provide an effective way for employers to recruit, train, and retain highly skilled workers. RAPs allow workforce partners, educators, and employers to develop and apply industry standards to training programs, thereby increasing the quality of the workforce and workforce productivity. RAPs offer job seekers immediate employment opportunities that pay sustainable wages and offer advancement along a career path as they complete their training. Registered Apprentice completers receive industry-recognized certificates of completion leading to long-term career opportunities. For more information on RAPs, please visit www.apprenticeship.gov.

[9] The US Department of Labor has developed a framework for Quality Pre-Apprenticeship Programs:

- Training and curriculum based on industry standards, approved by the Registered Apprenticeship sponsor with whom the pre-apprenticeship program is partnering.
  Strategies that increase Registered Apprenticeship opportunities for disadvantaged and under-represented individuals that will allow the participant to meet the entry requirements for a Registered Apprenticeship program upon completion. These involve:
  - » Strong recruitment efforts for populations under-represented in Registered Apprenticeship programs
  - » Educational and pre-vocational services that prepare participants to meet the minimum qualifications for entry into a Registered Apprenticeship program
  - » Activities introducing participants to Registered Apprenticeship programs and assistance in applying for those programs
- Access to support services that help participants remain in the program (such as childcare, transportation, counseling and ongoing career services).
- Collaboration with Registered Apprenticeship sponsors to promote apprenticeship to other employers as a quality approach to attain and retain a skilled workforce.
- Hands-on experience that simulates the work performed in the Registered Apprenticeship, while observing proper supervision and safety protocols.
- Formal agreements, wherever possible, with Registered Apprenticeship sponsors for entry into Registered Apprenticeship programs upon successful completion of the pre-apprenticeship program.

For additional information on pre-apprenticeship, please review USDOL's Training and Employment Notice 13-12.

[10] Section 40342(c)(1)

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a "clean energy project" is defined as a project that demonstrates one (1) or more of the following technologies[11]:

- Solar
- Microgrids
- Geothermal energy
- Direct air capture
- Fossil-fueled generation with carbon capture, utilization, and sequestration
- Energy storage, including pumped-storage hydropower and compressed air
- Advanced nuclear

In addition, DOE is interested in responses on combinations of two or more of the technologies listed above.

Technologies not included in section 40342 are not eligible for funding under this provision but may be relevant to other DOE programs and to communities seeking to develop energy projects on their mine lands. DOE invites respondents to this request to include information relevant to the development of the following technologies:

- Bioenergy
- Wind power
- Hydropower (in addition to pumped storage hydropower)
- Recovery of critical minerals

Further, for the purposes of this program, "mine land" is defined in the BIL as:

- land subject to titles IV and V of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251 et seq.), or
- land that has been claimed or patented subject to sections 2319 through 2344 of the Revised Statutes (commonly known as the "Mining Law of 1872") (30 U.S.C. 22 et seq.).[12]

Under the Mine Land program, the selected projects must demonstrate a technology with a reasonable expectation of commercial viability and also demonstrate the ability to lower barriers for future clean energy projects to access private sector financing. In selecting clean energy projects for participation in the program, and consistent with BIL, priority will be given to projects that will:

[11] Section 40342(a)(1)
[12] BIL Section 40342(a)(3)

- be carried out in a location where the greatest number of jobs can be created from the successful demonstration of the clean energy project;
- provide the greatest net impact in avoiding or reducing greenhouse gas emissions;
- provide the greatest domestic job creation (both directly and indirectly) during the implementation of the clean energy project;
- provide the greatest job creation and economic development in the vicinity of the clean energy project, particularly (i) in economically distressed areas; and (ii) with respect to dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining;
- have the greatest potential for technological innovation and commercial deployment including unlocking private sector capital markets for future clean energy projects;
- have the lowest levelized cost of generated or stored energy;
- have the lowest rate of greenhouse gas emissions per unit of electricity generated or stored; and
- have the shortest project time from permitting to completion.[13]

Technology Goals

The overall goal of this program is to demonstrate the technical and economic viability of carrying out clean energy projects on current and former mine land. Because DOE is authorized to conduct two to five demonstration projects, solutions must be carefully targeted to foster new opportunities for follow-on investment.

The development of clean energy projects on mine lands has a number of potential benefits to the local community, economy, and environment. Communities near a closed mine site could use clean energy projects to stimulate the creation of new jobs and economic benefits. The use of mine lands may also help with siting of clean energy projects by reducing pressure to develop on other types of land uses, such as open space, agricultural, or forest land.

The community, economic, employment, and environmental justice benefits of mine land development will require addressing regulatory, technical, and socio-economic challenges. Regulatory challenges can include such issues as identifying the landowner and the status of subsurface rights, obtaining the necessary permits for developing clean energy on mine land, and obtaining permission to interconnect to the grid. Technical challenges include, but are not limited to, evaluating mine lands for clean energy potential, ensuring that the ground is stable for construction, and ensuring that remediation requirements are met prior to construction.

[13] BIL Section 40342(c)(2) and (3)

Securing investment capital, assessing regional infrastructure and other assets essential to long-term project sustainability, training a local workforce, engaging employers committed to the long-term health and prosperity of workers and the local community, and ensuring that local communities share in the benefits from these projects are some of the socio-economic challenges. The responses to this RFI will help DOE identify barriers and potential solutions so that this demonstration program can stimulate private sector follow-on investments and deliver maximum benefits in terms of job creation, local economic development, environmental justice and greenhouse gas emission reductions.

DOE's Draft Strategy for BIL Implementation

This section provides a high-level draft plan for DOE's current vision to meet the BIL requirements by conducting a competitive solicitation to select clean energy demonstration projects under the Clean Energy Demonstration Program on Current and Former Mine Land. As this is a preliminary plan, it will likely change as DOE gathers feedback through the RFI and other stakeholder engagement.

DOE envisions that the projects authorized under this BIL provision will be selected through a competitive solicitation in which projects will be evaluated according to techno-economic, life cycle impact, and other criteria that reflect the BIL priorities identified above. However, the precise criteria and the plans for how the projects will be structured have yet to be determined. This draft strategy outlines how information is being gathered to understand the challenges and opportunities related to mine land projects and identify potential solutions that can be implemented during the program.

DOE is working with partners at the national laboratories to gather relevant mine land data sets and conduct analyses of existing clean energy projects on mine lands, focused on techno-economics, regional asset mapping, life-cycle impacts, job impacts, environmental justice, greenhouse gas reductions, and community benefits. These analyses will help DOE and partners identify promising sites for clean energy development and better understand the national potential for clean energy on mine land. DOE is also working with interagency partners at the Department of Interior (Office of Surface Mining Reclamation and Enforcement, Bureau of Land Management, US Fish and Wildlife Service), the Environmental Protection Agency (Office of Land and Emergency Management, RE-Powering America's Land Initiative), the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization, and elsewhere in the federal government to maximize the effectiveness of this spending and align with related efforts to promote the reuse of mine land and brownfields. DOE is also planning a series of stakeholder workshops in 2022 that will collect region-specific perspectives on the challenges and opportunities of clean energy development on mine land. The workshops will be open to the public and representatives from key stakeholder groups will be invited to

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participate in these workshops. DOE envisions that stakeholder groups participating will include, but not be limited to, the clean energy industry and its investors, the mining industry and landowners, federal and state regulatory agencies, state and local governments, labor unions, environmental justice organizations, economic development organizations, Tribal officials, disadvantaged communities (DACs), community-based organizations, conservation and environmental groups, and academic and other research institutions.

Based on information gathered in this RFI and in other stakeholder engagement, DOE expects to produce public resources, such as technical reports, best management practices, regulatory analyses, data sets, and maps. These resources will help potential applicants or host sites prepare for DOE-funded clean energy demonstration projects while also providing resources that can be used for projects outside of this program. In addition, DOE expects to initially provide technical assistance to help stakeholders, particularly state, local, and Tribal agencies and potential host sites and local communities, with evaluation activities including, but not limited to:

- characterizing the potential for clean energy on the mine land,
- assessing the interconnection, permitting, and siting needs, and
- assessing existing workforce skills, potential skills match with clean energy demonstration activities, and other economic factors critical to project success.

The goal of this technical assistance will be to increase the likelihood of successful selection and completion of the DOE demonstration projects and the building of local capacity to enable future projects outside of DOE funding. Later, DOE expects to provide additional technical assistance to selected projects to further assess the needed interconnection, transmission, and other grid components and permitting and siting necessary to interconnect the project to any generation or storage with the electric grid.[14]

Purpose

The purpose of this RFI is to solicit feedback from stakeholders, including the clean energy industry and its investors, the mining industry and landowners, federal and state regulatory agencies, state and local governments, labor unions, environmental justice organizations, Tribal officials, disadvantaged communities (DACs), community-based organizations, economic development organizations, conservation and environmental groups, and academic and other research institutions on issues related to the demonstration of clean energy projects on mine land. DOE is specifically interested in information on how demonstration programs can be implemented to stimulate private sector follow-on investments and deliver maximum benefits

[14] BIL Section 40342(e).

in terms of high-quality job creation, local and regional economic development, environmental justice and greenhouse gas emission reductions. This is solely a request for information and not a Funding Opportunity Announcement (FOA). DOE is not accepting applications.

You may answer as few or as many of the questions below as you would like. Please use the bolded Category numbers and sub-numbers as headings in your response to the greatest extent possible and refer to the questions (1A.1, 3.2, etc) in the body of your responses.

Request for Information Categories and Questions

The questions in this RFI are grouped into six categories. Respondents are invited to respond to as many or as few of the questions as they wish and should prioritize areas most relevant to their own interests.

- Category 1: Mine Land Development
- Category 2: Mine Land Operations
- Category 3: Job Creation Potential and Challenges
- Category 4: Technology-Specific Concerns
- Category 5: Mine Land Program Implementation
- Category 6: Equity, Environmental and Energy Justice (EEEJ) Priorities

Category 1: Mine Land Development

1A: Development Barriers and Needs

1) What are the major barriers (regulatory, technical, environmental, or socioeconomic) to clean energy development on current and former mine land? What strategies have overcome these barriers in successful clean energy development on mine land?
2) What planning or operational choices could an active mine operator make to improve a mine site's potential to host clean energy before, during, or after mine operation? What planning or operational decisions would reduce a mine site's potential to host clean energy, and should be avoided?
3) How should reclamation activities be adapted when reclaiming a site for a clean energy development post-mining land use?
4) What tools and data exist (perhaps at a state, Tribal or local level) that could facilitate development of clean energy projects on mine land?
5) What unique barriers exist for clean energy development on Tribal mine land?

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6) What types of technical assistance would be valuable from the DOE, national laboratories, and/or from other federal agencies in proposal development or project execution? What kinds of technical assistance do communities need to engage in and benefit from the development of clean energy on mine land?
7) What kinds of coordination between DOE and other federal agencies (e.g. the Department of Interior) would be helpful to facilitate clean energy deployment on abandoned mine lands that are reclaimed using BIL funds?

1B: Potential Environmental Impacts

1) What are the most significant environmental remediation challenges to preparing a mine site for clean energy development? How do these barriers differ based on region, type of mine, and whether the mine is active or not?
2) What potential water contamination risks are posed by the development and operation of clean energy projects on mine land? How can these risks be mitigated? Can clean energy development and operation mitigate water contamination risks or remediation costs?
3) How can DOE best ensure that demonstration projects contribute to the greatest net impact in avoiding or reducing greenhouse gas emissions, as required in BIL?

Category 2: Mine Land Operations

This category focuses on questions specifically for mine landowners and operators.

1) How do mineral rights, including rights of way, permits, or patents associated with a mine, impact the potential to develop surface-level or subsurface clean energy projects (e.g., subsurface energy storage or geothermal)? How do specific technological characteristics make a difference in that determination?
2) For active mine sites, what are the tradeoffs between owning and operating power generation facilities or contracting power through independent power providers or electrical utilities?
3) What percentage of total active mine operational energy demands are thermal (autoclaves, leach operations, space heating and cooling) versus electrical (power demand for pump and treat, solvent extraction/electrowinning, milling, or other plant facilities)? How do these percentages vary by type of mine?

4) What kind of information or data is needed to identify development opportunities for the owners and operators of current and former mine sites in clean energy?

Category 3: Job Creation Potential and Challenges

1) What kind of information or data is needed or already exists to identify and categorize job opportunities for local workers, including displaced energy workers?
2) What are the transferable skills and training gaps for displaced energy and mine workers to successfully contribute to mine land clean energy demonstration projects, and how does this vary between technologies? What training pathways are needed, or already exist, to address these needs?
3) What are the biggest potential risks to workers of mine land demonstration projects and what are the best strategies for mitigating those risks and ensuring long-term worker well-being? How does this vary between technologies?
4) How can DOE best support the creation of stable, good-paying career-track employment for local workers on mine land demonstrations and beyond DOE-funded projects, particularly for local residents and marginalized groups?
5) How can the Mine Land program ensure worker representatives and labor unions are engaged and included in the planning, decision-making, and implementation of demonstration projects?
6) What community benefit, labor, and workforce concerns or priorities are most relevant for the Mine Land program? How have/can these concerns or priorities been/be addressed?

Category 4: Technology-Specific Concerns

These questions are focused on identifying opportunities and challenges of developing the eligible clean energy technologies on mine land. Answers may address one or more of these technologies, but please indicate which technology or technologies your response covers.

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4A: Siting and Land Considerations

1) What site characteristics are necessary for successful development of the clean energy technologies on mine land? Please indicate which technology or technologies your response is addressing.
2) How does the topography and/or subsurface condition of mine land, such as slopes, ground stability, or geologic formations, influence the potential for clean energy technology(ies)? How does this differ for current versus former mine land?
3) How could the geo-mechanical stability of a mine land change over time? What surface changes would result from injection/withdrawal processes or temperature-related changes (i.e., in carbon dioxide or water injection)?

4B: Regulatory and Economic

1) What environmental reviews and permitting regulatory requirements will need to be met for clean energy technologies to be demonstrated on mine land? Are there any ambiguities or challenges in existing regulations? Which agencies are responsible for oversight and compliance in your state? Please indicate which technology or technologies your response is addressing.
2) What public outreach and engagement is effective in communicating the benefits and burdens associated with development of clean energy technologies on mine land?
3) What economic benefits do you anticipate from construction and long-term operation of clean energy technologies on mine land, and who would receive these benefits? What resources do you expect to be needed from the community to enable the long-term operation of the demonstration (emergency response, etc.)?
4) BIL requires a reasonable expectation for the clean energy technology to be commercially viable after construction. To what extent will the Mine Land program be capable of demonstrating a path to economic viability after the BIL funded phases and how could a project be structured to ensure access to private capital after the conclusion of federal funding? What non-federal entities are interested in funding mine land projects?
5) Based on Section 988 of the Energy Policy Act of 2005, the cost share requirement for demonstration and commercial application projects is 50 percent cash and/or in-kind and must come from non-Federal resources (i.e., the total project cost includes both a 50 percent DOE share and a 50 percent recipient cost share). For example, a $25 million award will require $12.5 million in matching non-Federal cost share to the $12.5 million Federal share. Is it feasible for projects to meet this 50 percent cost share requirement

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on an invoice-by-invoice basis? (Please consult 2 CFR 200.306 as amended by 2 CFR 910.130 for additional information on cost sharing requirements.)

4C: Hybrid Demonstration Projects

Hybrid projects include any project with a combination of two or more of the clean energy technologies co-deployed on mine land.

1) Are there combinations of clean energy technologies[15] that are enabled by developing on a mine land?
2) What are the potential challenges of operating a hybrid clean energy technology project on mine land?

Category 5: Mine Land Program Implementation

This category focuses on questions related to other provisions, requirements, and implementation strategy for the Clean Energy Demonstration Program on Current and Former Mine Land.

1. Which clean energy technologies should DOE focus on or prioritize in implementing the Mine Land program?
2. Considering the current state-of-the-art in clean energy development on mine land, what does the Mine Land program need to demonstrate with its projects to achieve the goal of enabling follow-on deployment on mine land?
3. What criteria should DOE, in consultation with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the Secretary of Labor, use to evaluate and select mine land projects and project finalists?
4. What criteria should DOE use to evaluate progress of ongoing projects (e.g., technical merit, workplan, market transformation plan, team and resources, financial, regional economic benefits, quality jobs, environmental justice, diversity, equity, inclusion, accessibility)?
5. How can DOE best use community consultation, consent-based siting, and Community Benefits Agreements or good neighbor agreements in the environmental and permitting review process?
6. What potential challenges or opportunities might exist to meet the new Buy American requirements in the BIL?

[15] Section 40342(a)(1)

Category 6: Equity, Environmental and Energy Justice (EEEJ) Priorities

EEEJ principles and priorities will be central to the successful implementation of the BIL. Equity requires the consideration of existing barriers underserved and underrepresented individuals and communities face when accessing Federal resources. Environmental and energy justice principles include procedural justice, distributive justice, recognition justice, and restorative justice. For the purposes of this RFI, DOE has identified the following non-exhaustive list of policy priorities as examples to guide DOE's implementation of Justice40[16] in DACs: (1) decrease energy burden;[17,18,19] (2) decrease environmental exposure and burdens;[20] (3) increase access to low-cost capital; (4) increase the clean energy job pipeline and job training for individuals;[21] (5) increase clean energy enterprise creation (e.g., minority-owned or disadvantaged business enterprises); (6) increase energy democracy, including community ownership and other economic benefits associated with the energy transition; (7) increase parity in clean energy technology access and adoption; and (8) increase energy resilience.

Equity:
Ensuring that traditionally underserved populations, including Black, Latino, Indigenous and Native American people, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural or remote areas; persons otherwise adversely affected by persistent poverty or inequality; and Historically Black Colleges and Universities (HBCUs), MSIs, and Tribal colleges and universities (TCUs), have access to Departmental programs and the high-quality jobs and economic opportunities associated with their implementation.

Environmental Justice and Energy Justice
Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation,

[16] The Justice40 initiative, established by E.O. 14008, sets a goal that 40% of the overall benefits of certain federal investments flow to disadvantaged communities (DACs). DOE's definition of DACs, which should be used to determine benefits calculations, is available https://www.energy.gov/diversity/office-economic-impact-and-diversity.
[17] The Initiative for Energy Justice https://iejusa.org/glossary-and-appendix/#glossary_of_terms
[18] DOE's LEAD tool illustrates energy burden in U.S. https://www.energy.gov/eere/slsc/maps/lead-tool
[19] Drehobl, A., Ross, L., and Ayala, R. 2020. How High are Household Energy Burdens? Washington, DC: ACEEE.
[20] Tessum, C., et al., 2019. Inequity in consumption of goods and services adds to racial–ethnic disparities in air pollution exposure. Proceedings of the National Academy of Sciences.
[21] DOE's US Energy & Employment Jobs Report (USEER), https://www.energy.gov/us-energy-employment-jobs-report-useer; Department of Labor, Civilian Labor Force by Sex, https://www.dol.gov/agencies/wb/data/facts-over-time/women-in-the-labor-force

and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys: (1) the same degree of protection from environmental and health hazards, and (2) equal access to the decision-making process to have a healthy environment in which to live, learn, and work. Environmental Protection Agency (www.epa.gov/environmentaljustice).

Energy justice refers to the goal of achieving equity in both the social and economic participation in the energy system, while also remediating social, economic, and health burdens on those disproportionately harmed by the energy system. Initiative for Energy Justice (2019).

1) What information do communities, Tribal or State governments, or other stakeholders need to effectively engage with DOE on the Mine Land program?
2) What organizations, universities, or communities should DOE consider partnering with to develop the Mine Land program?
3) How can the Mine Land program ensure community-based stakeholders/organizations are engaged and included in the planning, decision-making, and implementation processes, in both program development and individual demonstrations?
4) What equity, energy and environmental justice concerns or priorities are most relevant for the Mine Land program? How have/can these concerns or priorities been/be addressed?
5) How are adverse impacts currently measured or monitored, and which materials/processes/components result in the largest environmental impact? What opportunities exist to minimize impacts?
6) What factors should be considered when identifying and selecting the location of the technology/project/activity (e.g., economic considerations, policy considerations, environmental and energy justice considerations, geology, workforce availability and skills, current industrial and other relevant infrastructure and storage available/repurposed/reused, industry partners, minority-serving institutions (MSIs), minority-owned businesses, regional specific resources, security of supply, climate risk, etc.)?
7) How could the Mine Lands provision further energy democracy (ex. community ownership models, community governance models, community benefits agreements etc.)?

Disclaimer and Important Notes

This RFI is not a FOA; therefore, OCED is not accepting applications at this time. OCED may issue a FOA in the future based on or related to the content and responses to this RFI; however,

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This is a Request for Information (RFI) only. OCED will not pay for information provided under this RFI and no project will be supported as a result of this RFI. This RFI is not accepting applications for financial assistance or financial incentives. OCED may or may not issue a Funding Opportunity Announcement (FOA) based on consideration of the input received from this RFI.

OCED may also elect not to issue a FOA. There is no guarantee that a FOA will be issued as a result of this RFI. Responding to this RFI does not provide any advantage or disadvantage to potential applicants if OCED chooses to issue a FOA regarding the subject matter. Final details, including the anticipated award size, quantity, and timing of OCED funded awards, will be subject to Congressional appropriations and direction.

Any information obtained as a result of this RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development; this RFI does not constitute a formal solicitation for proposals or abstracts. Your response to this notice will be treated as information only. OCED will review and consider all responses in its formulation of program strategies for the identified materials of interest that are the subject of this request. OCED will not provide reimbursement for costs incurred in responding to this RFI. Respondents are advised that OCED is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted under this RFI. Responses to this RFI do not bind OCED to any further actions related to this topic.

Freedom of Information Act

Responses received under this RFI are subject to public disclosure under the Freedom of Information Act. Because information received in response to this RFI may be used to structure future programs and funding opportunity announcements and/or otherwise be made available to the public, respondents are strongly advised to NOT include any information in their responses that might be considered business sensitive, proprietary, or otherwise confidential. If, however, a respondent chooses to submit business sensitive, proprietary, or otherwise confidential information, it must be clearly and conspicuously marked as such in the response.

Confidential Business Information

Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure **must be conspicuously marked as described below. Failure to comply with these marking requirements may result in the disclosure of the unmarked information under the Freedom of Information Act or otherwise. The U.S. Federal Government is not liable for the disclosure or use of unmarked information and may use or disclose such information for any purpose.**

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If your response contains confidential, proprietary, or privileged information, you must include a cover sheet marked as follows identifying the specific pages containing confidential, proprietary, or privileged information:

Notice of Restriction on Disclosure and Use of Data:
Pages [List Applicable Pages] of this response may contain confidential, proprietary, or privileged information that is exempt from public disclosure. Such information shall be used or disclosed only for the purposes described in this RFI [Enter RFI Number]. The Government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source.

In addition, (1) the header and footer of every page that contains confidential, proprietary, or privileged information must be marked as follows: "Contains Confidential, Proprietary, or Privileged Information Exempt from Public Disclosure" and (2) every line and paragraph containing proprietary, privileged, or trade secret information must be clearly marked with double brackets or highlighting. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Evaluation and Administration by Federal and Non-Federal Personnel

Federal employees are subject to the non-disclosure requirements of a criminal statute, the Trade Secrets Act, 18 USC 1905. The Government may seek the advice of qualified non-Federal personnel. The Government may also use non-Federal personnel to conduct routine, nondiscretionary administrative activities. The respondents, by submitting their response, consent to OCED providing their response to non-Federal parties. Non-Federal parties given access to responses must be subject to an appropriate obligation of confidentiality prior to being given the access. Submissions may be reviewed by support contractors and private consultants.

Request for Information Response Guidelines

Responses to this RFI must be submitted electronically to mineland@ee.doe.gov no later than 5:00pm (ET) on 8/22/2022. Responses must be provided as attachments to an email. It is

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recommended that attachments with file sizes exceeding 25MB be compressed (i.e., zipped) to ensure message delivery. Responses must be provided as a Microsoft Word (.docx) attachment to the email, and no more than 50 pages in length, 12-point font, 1-inch margins. Only electronic responses will be accepted.

For ease of replying and to aid categorization of your responses, **please copy and paste the RFI questions, including the question numbering, and use them as a template for your response**. Respondents may answer as many or as few questions as they wish.

OCED will not respond to individual submissions or publish publicly a compendium of responses. A response to this RFI will not be viewed as a binding commitment to develop or pursue the project or ideas discussed.

Respondents are requested to provide the following information at the start of their response to this RFI:

- Company / institution name;
- Company / institution contact;
- Contact's address, phone number, and e-mail address.

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