

Date	Activity
January 31, 2025 .....	SEAs can begin to submit accurate and complete data for FY 2024 and revisions to previously submitted data for FY 2023.
March 28, 2025 .....	Date by which SEAs are urged to submit accurate and complete data for FY 2024 and FY 2023.
August 15, 2025 .....	Mandatory final submission date for FY 2023 and FY 2024 data to be used for program funding allocation purposes.
September 2, 2025 .....	Mandatory final deadline for responses by SEAs to requests for clarification or reconciliation or other inquiries by NCES or the Census Bureau. Between August 15, 2025, and September 2, 2025, SEAs may also, on their own initiative, resubmit data to resolve issues not addressed in their final submission of NPEFS data by August 15, 2025. All data issues must be resolved.

**Accessible Format:** On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

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You may also access Department documents published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

*Authority:* 20 U.S.C. 9543.

**Matthew Soldner,**

*Acting Director, Institute of Education Sciences.*

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## DEPARTMENT OF ENERGY

### Notice of Intent To Prepare an Environmental Impact Statement for the Project Cypress Direct Air Capture (DAC) Hub; Notice of Potential Floodplain and Wetland Involvement, DOE/EIS-0567

**AGENCY:** Office of Clean Energy Demonstrations, U.S. Department of Energy.

**ACTION:** Notice of intent to prepare an environmental impact statement, notice of scoping meetings, request for

comments and notice of potential floodplain and wetland involvement.

**SUMMARY:** The U.S. Department of Energy (DOE) announces its intent to prepare an environmental impact statement (EIS) pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) NEPA regulations, and the DOE NEPA implementing procedures, to assess the potential environmental impacts for the proposed action of providing financial assistance to Battelle Memorial Institute (Battelle) to facilitate the design, construction, operation, and maintenance of a portion of the Project Cypress Direct Air Capture Hub (Project Cypress). Project Cypress would demonstrate the processing, delivery, secure geologic storage, and/or conversion of, carbon dioxide (CO<sub>2</sub>) captured from the atmosphere.

**DATES:** The public scoping period for the EIS starts with the publication of this NOI and ends on December 16, 2024. DOE will hold two in-person public scoping meetings at the following dates and times (eastern time):

- Wednesday, November 20, 2024, 5 p.m.–8 p.m., Caddo-Bossier Port, 6000 Doug Attaway Blvd., Shreveport, LA 71115.
- Thursday, November 21, 2024, 5 p.m.–8 p.m., Ward 7 Recreational Center, 1615 Horridge St, Vinton, LA 70668.

All meetings are open to the public and free to attend. Details on how to participate in the public scoping meetings are available on the DOE's web page for this EIS: <https://www.energy.gov/nepa/doeeis-0567-project-cypress-regional-direct-air-capture-dac-hub-calcasieu-parish-and-caddo>. In defining the scope of the EIS, DOE will consider all scoping comments received or postmarked by December 16, 2024. Comments received or postmarked after the scoping period end date will be considered to the extent practicable.

**ADDRESSES:** Oral or written comments may be provided at the public scoping meetings. Written comments can be submitted in any of the following ways:

- **Mail or Hand Delivery Service:** Send comments in an envelope labeled "DOE/EIS-0567" and addressed to Robyn Susemihl, Burns & McDonnell, 4004 Summit Blvd. NE, Suite 1200, Atlanta, GA 30319; or
- Through the [www.regulations.gov](http://www.regulations.gov) web portal: Navigate to [www.regulations.gov](http://www.regulations.gov) and search for Docket No. DOE-HQ-2024-0080 and follow the instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Cassandra Forsyth, NEPA Document Manager, Office of Clean Energy Demonstration Projects, U.S. Department of Energy, U.S. Department of Energy, 1000 Independence Ave SW, Washington, DC 20585, email: [ocedprojectcypresseis@hq.doe.gov](mailto:ocedprojectcypresseis@hq.doe.gov) or telephone: 240-246-4998.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Infrastructure and Investment in Jobs Act, commonly known as the Bipartisan Infrastructure Law (BIL), established the Regional Direct Air Capture Hubs (DAC Hubs) program to accelerate commercialization of, and demonstrate the processing, delivery, secure geologic storage, and/or conversion of, carbon dioxide (CO<sub>2</sub>) captured from the atmosphere. DAC Hub infrastructure can provide economic value and environmental benefits for diverse applications across multiple sectors. However, if the nation is to achieve widespread DAC commercialization and realize these benefits, key challenges to the development and deployment of DAC must be overcome. These challenges include cost, durability, reliability, and performance, as well as the lack of existing DAC infrastructure capturing at least 50 kilotonnes per annum (KTA) carbon dioxide (CO<sub>2</sub>) or a DAC Hub capacity build-out plan to eventually reach the goal of at least 1,000 KTA CO<sub>2</sub>. Non-technical barriers also need to be addressed, such as fostering best practices for safety, and developing a robust supply chain and workforce. Accordingly, there is a need to reduce the cost of DAC infrastructure through

technology development to assure competitiveness and to reduce deployment timelines and uncertainties limiting U.S. DAC Hub infrastructure project development.

DOE will prepare an environmental impact statement (DOE/EIS-0567) to evaluate the potential impacts to the human environment associated with the proposed Project Cypress. The purpose of this notice of intent (NOI) is to invite public participation in the NEPA process and to encourage public input on the scope of analysis and alternatives that should be considered in the EIS.

Portions of Project Cypress may affect areas designated as floodplains or wetlands. This NOI, therefore, also serves as notice of a proposed floodplain or wetland action in accordance with DOE's floodplain and wetland environmental review requirements (10 CFR part 1022). The Project Cypress EIS will include a floodplain and wetland assessment.

#### **Purpose and Need for the Proposed Action**

The purpose and need for agency action is to comply with the DOE's statutory mandate in BIL to catalyze investment in the development of DAC Hub technology that demonstrates accelerated commercialization of, and demonstrates the processing, delivery, geologic storage, and conversion of, CO<sub>2</sub> captured from the atmosphere. The proposed action would fulfill DOE's goals of accelerating the deployment of these technologies and enabling infrastructure to attract greater investments from the private sector and promote substantial U.S. manufacturing of numerous DAC Hub related technologies.

DOE's purpose is to fund DAC Hub projects that meet the criteria for a regional DAC Hub, which state that each DAC Hub selected:

- Will facilitate the deployment of DAC projects.
- Has the potential to capture and sequester (or utilize) at least 1,000,000 metric tons of CO<sub>2</sub> from the atmosphere annually from a single unit or multiple interconnected units.
- Demonstrates the capture, processing, delivery, and sequestration or end-use of captured carbon.
- Could be developed into a regional or interregional carbon network to facilitate sequestration or carbon utilization.

DOE competitively selected Battelle under DE-FOA-0002735 to demonstrate the Regional DAC Hub technology with Project Cypress.

The need for agency action is to respond to Battelle's request for

financial assistance through the cost-shared partnership to design, construct, and operate Project Cypress with the utilization of more than one DAC technology developed in different portions of western Louisiana.

Project Cypress would provide a scalable solution for the capture of CO<sub>2</sub> directly from the air for the permanent removal of CO<sub>2</sub> to combat climate change. Project Cypress is proposing to construct state-of-the-art facilities that would accomplish carbon dioxide removal from ambient air.

#### **Proposed Action and Preliminary Alternatives**

##### *Proposed Action*

DOE's Proposed Action is to authorize the expenditure of Federal funds to design, construct, operate, and maintain a Regional DAC Hub in western Louisiana. The proposed action would fund portions of Project Cypress, including the engineering, design, construction, and operation of certain DAC facilities in Calcasieu Parish (Ward 7), situated in southwest Louisiana (LA), and certain DAC facilities in Caddo Parish (Ward 4), located in northwest LA. The proposed Project Cypress would capture and sequester CO<sub>2</sub> through the utilization of contrasting DAC technologies developed independently by Climeworks Corporation (Climeworks) and Heirloom Carbon Technologies (Heirloom), the subrecipients of grant awardee, Battelle:

- *Cypress Southwest* would consist of an approximately 300-KTA Climeworks DAC facility (Stage 1) and an approximately 1000-KTA Climeworks DAC facility (Stage 2) located in Calcasieu Parish, LA.
- *Cypress Northwest* would consist of an approximately 100-KTA Heirloom DAC facility located in Caddo Parish, LA.

##### *No Action Alternative*

As required by NEPA, DOE will consider a no action alternative where DOE would not authorize the expenditure of Federal funds for development of Project Cypress. The no action alternative provides a benchmark for comparison with environmental effects of the other alternatives.

##### *Preliminary Action Alternatives*

The EIS may also evaluate other reasonable alternatives that are technically and economically feasible and meet the purpose and need for the proposed action. Other reasonable alternatives that may be evaluated in the EIS include: (1) providing funding for Cypress Southwest only (Climeworks

DAC facility in Calcasieu Parish, LA); and (2) providing funding for Cypress Northwest only (Heirloom DAC facility in Caddo Parish, LA).

#### **Summary of Potential Impacts**

DOE's analysis and discussion in the EIS will focus on potentially significant environmental impacts. Accordingly, in the EIS, DOE anticipates evaluating potential impacts related to: (1) land use, (2) atmospheric conditions and air quality, (3) hydrologic conditions and water quality, (4) geology and soils, (5) vegetation and wildlife, (6) socioeconomic conditions, (7) environmental justice, (8) cultural resources, (9) visual resources, (10) health and safety, and (11) cumulative impacts. This list is not intended to be all-inclusive or to imply a predetermination of potential impacts. DOE invites interested stakeholders to suggest specific issues, including possible mitigation measures, within these general categories or others, to be considered in the EIS.

#### **Anticipated Permits and Authorizations**

A decision by DOE to authorize expenditure of Federal funds would not directly authorize construction or operation of Project Cypress by Battelle or project partners Climeworks and Heirloom. Other Federal authorizations will be required. These processes, as well as consultation under the Endangered Species Act and Section 106 of the National Historic Preservation Act, as appropriate, will occur concurrently with the NEPA process. Information and data on historic and cultural resources and threatened and endangered species within the area(s) potentially affected by the proposed action will assist in identifying and evaluating impacts to such resources.

In addition to consultation with the State Historic Preservation Office (SHPO), DOE will also engage in government-to-government Tribal consultation, as appropriate.

Anticipated Federal, State, and local permits or authorizations required for construction and operation of Cypress Southwest (Climeworks) may include:

- Clean Water Act (CWA) Section 404 permit (Individual or Nationwide) from the United States Army Corps of Engineers (USACE) for construction of wastewater and stormwater outfalls in waters of the United States,
- Air Permit from Louisiana Department of Environmental Quality (LDEQ) for construction and operation of emissions sources,
- Louisiana Pollution Discharge Elimination System (LPDES) Permit

from LDEQ for discharges of industrial wastewater and stormwater into waters of the State,

- LPDES General Permit No. LAR1000000 from LDEQ for discharges of stormwater from construction activities into waters of the State,
- LPDES General Permit No. LA670000 for hydrostatic test discharges during construction to waters of the State,

- Water Well Notification to the Louisiana Department of Energy and Natural Resources (LDENR) for groundwater well drilling and pumping, and

- Various permits from Calcasieu Parish including Floodplain Development Permit, Stormwater Permit, and Temporary Office Trailer Permit.

Anticipated Federal, State, and local permits or authorizations required for construction and operation of Cypress Northwest (Heirloom) may include:

- CWA Section 404 permit (Individual or Nationwide) from the USACE for construction of wastewater and stormwater outfalls in waters of the United States,

- Louisiana State 401 Water Quality Certification,

- LPDES Permit from LDEQ for discharges of industrial wastewater and stormwater into waters of the State,

- LPDES General Permit No. LAR1000000 from LDEQ for discharges of stormwater from construction activities into waters of the State,

- LPDES General Permit No. LA670000 for hydrostatic test discharges during construction to waters of the State.

#### *Floodplain or Wetland Involvement*

Floodplains and wetlands exist in the Project Cypress proposed project area. Therefore, this NOI also serves as a notice of proposed floodplain or wetland action. The EIS will include an assessment of impacts to floodplains and wetlands, and, if required, a floodplain statement of findings in accordance with DOE regulations for compliance with floodplain and wetlands environmental review (10 CFR part 1022).

#### **Schedule for Decision-Making Process**

After the draft EIS is completed, DOE will publish a notice of availability (NOA) and request public comments on the draft EIS. DOE currently expects to issue the NOA in June 2025. After the public comment period ends, DOE will review and respond to comments received and will develop the final EIS. DOE currently expects to make the final EIS available to the public in March

2026. A record of decision will be completed no sooner than 30 days after the final EIS is released, in accordance with 40 CFR 1506.10.

#### **Scoping Process**

This NOI commences the public scoping process to identify issues and potential alternatives for consideration in the EIS. Throughout the scoping process, Federal agencies, Tribes, State and local governments, and the public have the opportunity to help DOE identify significant resources and issues, reasonable alternatives, mitigation measures, and other pertinent information that DOE should consider in the EIS. DOE will hold public scoping meetings at the times and dates described above under the **DATES** section. The public will have the opportunity to present comments on the scope of the EIS. DOE representatives will be available to answer questions and provide additional information to meeting attendees. In addition to providing comments at the public scoping meetings, stakeholders may submit written comments as described in the **ADDRESSES** section.

Comments may be broad in nature or restricted to specific areas of concern, but they should be directly relevant to the NEPA process or potential environmental impacts. The scoping process allows the public and interested parties to shape the EIS impact analysis, focusing on the areas of greatest importance and identifying areas requiring less attention. DOE will consider the comments received on the scope of the EIS during the 45-day scoping period as it prepares the draft EIS.

OCED does not consider anonymous scoping comments. Please include your name and address as part of your scoping comment. All scoping comments, including the names, addresses, and other personally identifiable information included in the comment, will be part of the administrative record. DOE will protect privileged or confidential information that you submit when required by Exemption 4 of the Freedom of Information Act (FOIA), which applies to trade secrets and commercial or financial information that is privileged or confidential. Please label privileged or confidential information “Contains Confidential Information” and consider submitting such information as a separate attachment. Information that is not labeled as privileged or confidential may be regarded by DOE as suitable for public release.

#### **NEPA Cooperating Agencies**

The CEQ NEPA regulations specify that cooperating agencies and governments are those with “jurisdiction by law or special expertise.” DOE has invited the U.S. Army Corps of Engineers—Vicksburg District, U.S. Army Corps of Engineers—New Orleans District, and the U.S. Department of Agriculture to participate in the NEPA process as cooperating agencies. The U.S. Department of Agriculture and the USACE—Vicksburg District (the lead Regulatory USACE district) have accepted DOE’s invitation to become cooperating agencies.

DOE will provide cooperating agencies with a written summary of expectations for cooperating agencies, including schedules, milestones, responsibilities, scope and detail of cooperating agencies’ expected contributions, and availability of pre-decisional information.

Governmental entities that are not cooperating agencies will have opportunities to provide information and comments to DOE during the public input stages of the NEPA process.

#### **Request for Comment on Alternatives and Effects, as Well as on Relevant Information, Studies, or Analyses With Respect to the Proposed Action**

DOE requests data, comments, views, information, analysis, alternatives, or suggestions relevant to the proposed action from the public; affected Federal, Tribal, State, and local governments, agencies, and offices; the scientific community; industry; or any other interested party. Specifically, DOE requests information on the following topics:

1. Potential effects that the proposed action could have on biological, physical, socioeconomic, cultural, or other resources.
2. Other potential reasonable alternatives to the proposed action that DOE should consider, including additional or alternative avoidance, minimization, and mitigation measures.
3. Information on other current or planned activities in, or in the vicinity of, the proposed action, that could impact one another or contribute to cumulative impacts.
4. Other information, studies, or analyses relevant to the proposed action and its impacts on the human environment.

To promote informed decision-making, comments should be as specific as possible and should provide as much detail as necessary to meaningfully and fully inform DOE of why the issues raised are important to the agency’s review of the proposed action.

The draft EIS will include as an appendix, a summary of issues raised during public scoping that DOE considered in preparing the EIS and comments outside the scope of the analysis.

### Signing Authority

This document of the Department of Energy was signed on October 24, 2024, by Kelly Cummins, Acting Director, Office of Clean Energy Demonstrations, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 29, 2024.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

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**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Record of Decision: Issuance of a Loan to Lithium Nevada Corp. for the Construction and Startup of the Thacker Pass Project

**AGENCY:** Loan Programs Office (LPO), U.S. Department of Energy.

**ACTION:** Record of decision (ROD).

**SUMMARY:** The U.S. Department of Energy (DOE or the Department) announces its decision to issue a loan under the Energy Independence and Security Act of 2007, which established the Advanced Technology Vehicles Manufacturing Loan (ATVM) program, to Lithium Nevada Corp. (LNC), for the Thacker Pass Project (Project) located in Humboldt County, Nevada. The LPO loan covers Phase 1 of the Project, which entails the construction of lithium processing to include a sulfuric acid plant, lithium processing facility, and associated infrastructure. The Project is designed to produce battery-grade lithium carbonate, a critical component in the manufacturing of eligible advanced technology vehicles and qualifying components.

**ADDRESSES:** Copies of this ROD and the Final EIS may be obtained by accessing these documents and additional information about DOE's Loan Programs website at [www.energy.gov/lpo/eis-0561-thacker-pass-lithium-mine-project-humboldt-county-nevada](http://www.energy.gov/lpo/eis-0561-thacker-pass-lithium-mine-project-humboldt-county-nevada), or LPO's NEPA Program website at [www.energy.gov/lpo/environmental-compliance-1](http://www.energy.gov/lpo/environmental-compliance-1).

**FOR FURTHER INFORMATION CONTACT:** Dr. Anna Eskridge, NEPA Document Manager, Technical and Environmental Division, Loan Programs Office (LP-30), U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; telephone (240) 743-1304; email [anna.eskridge@hq.doe.gov](mailto:anna.eskridge@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** The environmental impacts of the construction, operation, and decommissioning of this project were analyzed pursuant to the National Environmental Policy Act (NEPA) in the *DOE/EIS-0561: Final Environmental Impact Statement for the Thacker Pass Lithium Mine Project, Humboldt County, Nevada (Adopted)* (88 FR 67277, September 29, 2023).

DOE LPO's review and adoption of the BLM NEPA documents covers only Phase 1 of the project to include the ore and chemical processing facilities and associated infrastructure, and not the development and operation of the open pit mine or exploration.

**NEPA Review:** Prior to DOE LPO consideration of a loan for the Project, LNC submitted the Plan of Operations for the Thacker North-South Exploration Project (case file NVN-098582) and the Thacker Pass Project Plan of Operations and Reclamation Plan (case file NVN-098586) to the U.S. Department of the Interior (DOI), Bureau of Land Management (BLM) Winnemucca District Office in September 2019. The North-South Exploration Plan of Operations would continue exploration to the north and south of the mine and processing facilities proposed in the Thacker Pass Project Plan of Operations. The Thacker Pass Mine Plan of Operations, herein referred to as the Mine Plan, would include the proposed mine, necessary processing and ancillary support facilities, and a plan for reclamation and closure of the mine and mine facilities. These Plans constituted the Thacker Pass Project analyzed in the FEIS. The Project is entirely on public land administered by the BLM in Humboldt County, Nevada, approximately 17 miles west-northwest of Orovada. Both Plans include corrections from December 2020 identified by BLM and Nevada Division of Environmental Protection (NDEP),

and mitigating measures refined during the development of the EIS.

In compliance with NEPA, BLM issued the Draft EIS on July 31, 2020, which was followed by the Final EIS on December 4, 2020. On January 15, 2021, BLM issued a Record of Decision (ROD) for the Project that approved the plan of operations. The ROD identified Alternative A as the preferred alternative.

DOE was not a cooperating agency in the development of the EIS but became a cooperating agency for the project on August 15, 2023. Based on its independent evaluation of the 2020 BLM Final EIS, DOE has determined that the documentation satisfies DOE's NEPA obligations. DOE's proposed action is to provide funding to be used to support the construction and start-up of the mine processing facilities and associated infrastructure, which are the same proposed project facilities analyzed in the BLM Final EIS. Accordingly, DOE adopted the 2020 BLM Final EIS as a DOE Final EIS (DOE/EIS-0561) on September 29, 2023.

There have been several updates to the Project since DOE's adoption of the EIS in September 2023:

- In December 2023, LNC submitted minor revisions on the approved Mine Plan to BLM. On June 25, 2024, BLM authorized a minor modification to Phase 1 of the Mine Plan, which included proposed project facility locations, configuration of some facilities, and improvement to processing operations.

- As an update to the discussions on the transloading facility in Sections 2.2.7 (Ancillary and Support Facilities) and 4.16.1 (Issues—Public Access and Transportation) of DOE/EIS-0561, a rail-to-truck transloading facility is under development by a third party in Winnemucca to deliver raw materials to the site. Trucking distances are approximately 45 miles from Winnemucca to Orovada on US Highway 95, and about 20 miles from Orovada to the site. The facility is not funded by the DOE financing and not located at the site of the Thacker Pass mine and processing facilities.

- DOE's review identified additional cumulative impacts, which are effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions (40 CFR 1508.1(i)(3)). The review identified the following present and reasonably foreseeable future actions related to the Project: