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Authority: Pub. L. 107–279, title III, section 301—National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621).

Lesley Muldoon,

Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.

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DEPARTMENT OF ENERGY

Critical Material List; Addition of Helium

AGENCY: Office of Critical Minerals and Energy Innovation, Department of Energy.

ACTION: Notice.

SUMMARY: The United States (U.S.) Department of Energy (DOE) is issuing this notice to advise the public that DOE added helium to the DOE Critical Material List. This notice also provides the link to the assessment that forms the justification for including helium on the Critical Material List. Helium is non-substitutable for multiple critical energy functions, including: semiconductor manufacturing, leak testing natural gas infrastructure, and quantum computing, along with being essential to key medical/scientific applications. Demand for helium is also growing as it enables advanced semiconductor manufacturing, which is essential for SI and data center supply chains.

ADDRESSES: The assessment that forms the justification for including helium on the Critical Material List can be found on DOE’s website: <https://www.energy.gov/cmm/what-are-critical-materials-and-critical-minerals>.

FOR FURTHER INFORMATION CONTACT:

Questions may be addressed to Jacob Ward, U.S. Department of Energy, Office of Critical Minerals and Energy Innovation, Office of Analysis and Strategy, Forrestal Building, Room CM–1, 1000 Independence Avenue SW, Washington, DC 20585; (202) 430–2229; jacob.ward@doe.gov.

SUPPLEMENTARY INFORMATION: Section 7002(a)(2) of the Energy Act of 2020 (Pub. L. 116–260, div. Z, 134 Stat. 2418) defines “critical materials” to be: any non-fuel mineral, element, substance, or material that the Secretary of Energy determines has high risk for supply chain disruption and serves an essential function in one or more energy

technologies, including technologies that produce, transmit, store, and conserve energy (referred to here as a critical material for energy) or a critical mineral (as designated by the Secretary of the Interior).¹

On August 4, 2023, DOE published its Notice of Final Determination on 2023 DOE Critical Materials List (“Critical Materials List”).² The Critical Materials List includes the following:

Critical materials for energy: aluminum, cobalt, copper*, dysprosium, electrical steel* (grain-oriented electrical steel, non-grain-oriented electrical steel, and amorphous steel), fluorine, gallium, iridium, lithium, magnesium, natural graphite, neodymium, nickel, platinum, praseodymium, terbium, silicon*, and silicon carbide*.³

Critical minerals: The Secretary of the Interior, acting through the Director of the U.S. Geological Survey (USGS), published a 2022 final list of critical minerals that includes the following 50 minerals: Aluminum, antimony, arsenic, barite, beryllium, bismuth, cerium, cesium, chromium, cobalt, dysprosium, erbium, europium, fluorspar, gadolinium, gallium, germanium, graphite, hafnium, holmium, indium, iridium, lanthanum, lithium, lutetium, magnesium, manganese, neodymium, nickel, niobium, palladium, platinum, praseodymium, rhodium, rubidium, ruthenium, samarium, scandium, tantalum, tellurium, terbium, thulium, tin, titanium, tungsten, vanadium, ytterbium, yttrium, zinc, and zirconium.

The critical materials for energy included on the Critical Material List are based on the criticality assessed in the short- and medium-term. A detailed description of DOE’s methodology can be found in its Critical Minerals Assessment published on its website in July 2023.⁴ On May 22, 2025, metallurgical grade coal for steelmaking was added to DOE’s list of critical materials for energy.⁵

¹ Section 7002(a)(2) of the Energy Act of 2020, Public Law 116–260, div. Z, 134 Stat. 2418 is codified at 30 U.S.C. 1606(a)(2).

² Notice of Final Determination on 2023 DOE Critical Materials List, 88 FR 51792 (August 4, 2023), <https://www.federalregister.gov/documents/2023/08/04/2023-16611/notice-of-final-determination-on-2023-doe-critical-materials-list>.

³ Asterisks (*) indicate materials not designated as critical minerals by the Secretary of Interior.

⁴ Critical Materials Assessment (July 2023) https://www.energy.gov/sites/default/files/2023-07/doe-critical-material-assessment_07312023.pdf.

⁵ Energy Department Designates Coal Used in Steelmaking as a Critical Material, Strengthening U.S. Energy and Manufacturing Security (May 2025) <https://www.energy.gov/articles/energy-department-designates-coal-used-steelmaking-critical-material-strengthening-us>.

By this notice, the Secretary of Energy advises the public of the addition of helium to DOE’s Critical Material List. The assessment that forms the justification for including helium on the Critical Material List can be found on DOE’s website: <https://www.energy.gov/cmm/what-are-critical-materials-and-critical-minerals>. The assessment concludes that helium is needed globally for semiconductor manufacturing and other key energy applications. Meeting the policy goal of building U.S. SI infrastructure will require expansion of semiconductor production and thereby supports the determination that helium is a DOE critical material.

Furthermore, this action directly supports the President’s policy goal of “Winning the AI Race: America’s AI Action Plan”⁶ and “Advancing United States Leadership in Artificial Intelligence Infrastructure”.⁷

Signing Authority

This document of the Department of Energy was signed on October 21, 2026, by Audrey Robertson, Assistant Secretary, Office of Critical Minerals and Energy Innovation, 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 23, 2026.

Jennifer Hartzell,

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

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⁶ White House Unveils America’s AI Action Plan (April 2025) <https://www.whitehouse.gov/releases/2025/07/white-house-unveils-americas-ai-action-plan/>.

⁷ Advancing United States Leadership in Artificial Intelligence Infrastructure (January 2025) <https://www.federalregister.gov/documents/2025/04/14/2025-06380/reinvigorating-americas-beautiful-clean-coal-industry-and-amending-executive-order-14241>.