

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TEXAS BLOCKCHAIN COUNCIL, et.al.,)
)
Plaintiffs,)
)
v.)
)
DEPARTMENT OF ENERGY, et.al.,)
)
Defendants.)
_____)

Case No. 6:24-cv-99

SUPPLEMENTAL DECLARATION BY JOSEPH DECAROLIS

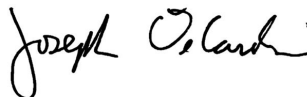
I, Joseph DeCarolis, declare as follows:

1. I am the Administrator of the U.S. Energy Information Administration (EIA) and, based on P.L. 95-91, 42 USC 7135, am responsible for the collection, evaluation and analysis of the data requested in the survey form EIA-862 that is subject to the above-captioned lawsuit.

2. On February 26, 2024, I submitted to the Office of Management and Budget (OMB) a discontinuance request. Exhibit A. In it, I stated that EIA is discontinuing (that is, formally withdrawing and ceasing), effective immediately, the emergency collection of Form EIA-862 and requested that OMB approve the discontinuance of the emergency authorization of the Form EIA-862 data collection.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 27, 2024.



Joseph DeCarolis
Administrator
U.S. Energy Information Administration.

Exhibit A

CUI//PRVCY



Department of Energy

Washington, DC 20585

February 26, 2024

Dominic J. Mancini
Deputy Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

Subject: OMB NO. 1905-0213 (Expiration Date: 07/31/2024) – Discontinuance Request

Dear Dr. Mancini:

On January 26, 2024, the U.S. Energy Information Administration (EIA) received approval from the Office of Management and Budget (OMB) to engage in the emergency collection of information using survey Form EIA-862, "Cryptocurrency Mining Facilities Report," under the emergency collection procedures set forth in the Paperwork Reduction Act (PRA), 44 U.S.C. § 3507(j), and 5 C.F.R. § 1320.13. Effective immediately, EIA is discontinuing (that is, formally withdrawing and ceasing) that emergency collection of Form EIA-862 and requesting that OMB approve EIA's discontinuance of the emergency authorization of the Form EIA-862 data collection.

On February 23, 2024, in response to litigation, EIA decided to exercise its enforcement discretion not to enforce any requirement to respond to Form EIA-862 through March 22, 2024. That same day, a federal court entered a Temporary Restraining Order, which restrained EIA from collecting data required by Form EIA-862 for a period of 14 days. *See Texas Blockchain Council et al. v. Dep't of Energy et al.*, 6:24-cv-99 (W.D. Tex.), ECF Nos. 10-1, 13. In light of these litigation developments, EIA will not be able to collect any data in response to the emergency collection of information using survey Form EIA-862 before the end of the winter. EIA accordingly has decided that it will not proceed through the emergency collection procedures set forth in 44 U.S.C. § 3507(j) and 5 C.F.R. § 1320.13 with respect to an information collection covering data of the type described in Form EIA-862 and instead will proceed through the PRA's notice-and-comment procedures, as described further below, to determine whether to request that OMB approve any collection of information covering such data. Subsequent to OMB's approval of the discontinuance of EIA's emergency authorization of the Form EIA-862 data collection, EIA will alert all respondents that they are no longer under an obligation to submit data under the emergency collection of information using survey Form EIA-862.

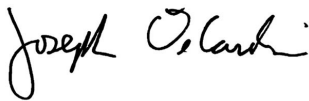
Exhibit A



Printed with soy ink on recycled paper

EIA intends to continue the process it has already begun under the PRA's notice-and-comment procedures to determine whether to request that OMB approve any collection of data of the type described in Form EIA-862. On February 9, 2024, EIA published a 60-day notice in the Federal Register seeking comments no later than April 9, 2024 on the proposed data collection of Form EIA-862. Energy Information Administration, Agency Information Collection Proposed Extension, 89 Fed. Reg. 9,140 (Feb. 9, 2024). EIA will review the comments received in response to the February 9, 2024 Federal Register notice. If EIA decides to go forward with proposing an information collection covering data of the type described in EIA-862, EIA will publish a notice in the Federal Register setting forth the proposed information collection, pursuant to 44 U.S.C. § 3507(a)(1)(D). That would trigger a public comment period of at least 30 days, after which the Director of OMB could make a decision whether or not to approve the information collection. *See* 44 U.S.C. § 3507(b).

Sincerely,



Joseph DeCarolis
Administrator
U.S. Energy Information Administration