

EXHIBIT 1

**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:

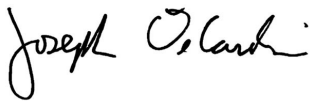
On January 26, 2024, the U.S. Energy Information Administration (EIA) received approval from the Office of Management and Budget (OMB) to engage in the emergency collection of information using survey Form EIA-862, “Cryptocurrency Mining Facilities Report,” under the emergency collection procedures set 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.



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,

A handwritten signature in black ink that reads "Joseph DeCarolis". The signature is written in a cursive style with a large initial "J" and a distinct "D".

Joseph DeCarolis
Administrator
U.S. Energy Information Administration

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 02/26/2024

Department of Energy
Energy Information Administration

FOR CERTIFYING OFFICIAL: Sandra Logan

FOR CLEARANCE OFFICER: Kenneth Pick

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received
02/26/2024

ACTION REQUESTED: Discontinue

TYPE OF REVIEW REQUESTED:

ICR REFERENCE NUMBER: 202402-1905-001

AGENCY ICR TRACKING NUMBER:

TITLE: Cryptocurrency Mining Facilities Survey

OMB ACTION: Approved

OMB CONTROL NUMBER: 1905-0213

EXPIRATION DATE:

02/29/2024

DISCONTINUE DATE:

COMMENT: The approval on this collection will be discontinued on the above date provided that no other actions are taken on this OMB Control Number. The monthly inventory of active collections will report the above date as the expiration date.

OMB Authorizing Official: Dominic J. Mancini
Deputy Administrator,
Office Of Information And Regulatory Affairs

EXHIBIT 2

From: [Kate Huddleston](#)
To: [Mark Siegmund](#)
Cc: [Chris Davis](#); [Joshua Smeltzer](#); [kara.rollins@ncla.legal](#); [russ.ryan@ncla.legal](#); [Megan Wachspress](#); [Sanjay Narayan](#)
Subject: [EXTERNAL] Re: Texas Blockchain Council v. DOE - position on amicus
Date: Tuesday, February 27, 2024 2:53:51 PM

Thanks for getting back to us so quickly, Mark, and sending the order.

Best,
Kate

On Tue, Feb 27, 2024 at 2:42 PM Mark Siegmund <MSiegmund@cjsjlaw.com> wrote:

Hi Kate,

The Court is not holding a PI hearing and just issued an order removing the hearing. See ECF No. 17. Additionally, this case is essentially resolved, as the Parties were ordered to file the agreement with the Court. Therefore, we believe any brief is improper. We oppose.

Sincerely,

Mark

Mark D. Siegmund

Partner

CHERRY JOHNSON SIEGMUND JAMES, PLLC

(254)732-2242

www.cjsjlaw.com

From: Kate Huddleston <kate.huddleston@sierraclub.org>
Sent: Tuesday, February 27, 2024 1:54 PM
To: Mark Siegmund <MSiegmund@CJSJLAW.com>; cdavis@grayreed.com;
jsmeltzer@grayreed.com; kara.rollins@ncla.legal; russ.ryan@ncla.legal
Cc: Megan Wachspress <megan.wachspress@sierraclub.org>; Sanjay Narayan
<sanjay.narayan@sierraclub.org>
Subject: Texas Blockchain Council v. DOE - position on amicus

Hi all--

Sierra Club is planning to file an amicus brief in opposition to the issuance of a preliminary injunction in Texas Blockchain Council v. DOE, 6:24-cv-00099. Could you please let us know your position on this filing by 3:30 PM Central?

Thanks,

Kate Huddleston

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Kate Huddleston

(she/her)

Staff Attorney

Sierra Club Environmental Law Program

Houston, TX

713.714.6384

kate.huddleston@sierraclub.org