

From: [Tarduogno, Matthew](#)
To: [Davis, Christopher](#); [Bartol, Bridget](#); [Dimitriou, Jasmine](#); [Hogan, Kathleen](#); [Kumar, Puesh](#); [Wilcox, Jennifer](#); [DeCarolis, Joe F. \(EIA\)](#); [Nalley, Stephen \(EIA\)](#); [Hoffman, Patricia](#); [Frisch, Carla](#); [Robinson, Maria](#)
Cc: [Nerurkar, Neelesh](#); [Neukomm, Monica](#); [Buell, Kenneth](#); [Winn, Mara E](#); [Douraghy, Ali](#); [Clark, Jamie](#); [Martin, Brandi](#); [Manning, Marsha](#); [Rasar, Kimberly](#); [Atkins, Victor C.](#); [Marko, Brian](#); [Macintyre, Douglas](#); [Hindmarch, Michelle](#); [Waylonis, Anthony J.](#); [Hindmarch, Michelle](#); [Zevin, Avi](#); [Muth, Sean](#); [Speiser, Tertia](#); [Wills, Andrew C](#); [Cando, Christian](#); [Levy, Megan M](#); [Energy Response Center](#); [Doran, Emily](#)
Subject: Morning Energy Infrastructure Update - October 17
Date: Monday, October 17, 2022 8:34:24 AM

OFFICIAL USE ONLY

All,

Below please find CESER's morning energy infrastructure update and other key information. Overall there are no significant issues or major updates to report at this time. (b) (5)

(b) (5)

(b) (5)

(b) (5)

Please let us know if you have any questions.

Best Regards,

-Matt

Matthew T. Tarduogno
Office of Cybersecurity, Energy Security, & Emergency Response
U.S. Department of Energy
Office: 202-586-2892 | Mobile: (b) (6)
Matthew.Tarduogno@hq.doe.gov

From: (b) (6), (b)(7)(C)
To: [Macintyre, Douglas](#); [McGarry, Thomas](#)
Subject: [EXTERNAL] FW: Jones Act
Date: Wednesday, June 8, 2022 10:14:36 AM
Attachments: [image001.png](#)

Good morning, Messrs. Macintyre and McGarry,

(b) (5)

(b) (5)

Thanks,

Joanne



(b) (6), (b)(7)(C)
(b) (6), (b) (7)(C)

Regulations and Rulings | Office of Trade | CBP

90 K Street NE, Washington, D.C. 20229-1177

Desk (b) (6), (b)(7)(C) | Mobile: (b) (6), (b)(7)(C) | Email: (b) (6), (b)(7)(C) [@cbp.dhs.gov](mailto:cbp@dhs.gov)

From: (b) (6), (b)(7)(C)

Sent: Wednesday, June 8, 2022 9:43 AM

To: pat.hoffman@hq.doe.gov

Subject: Jones Act

Hello, Patricia,

(b) (5)

Thanks,

Joanne



(b) (6), (b)(7)(C)
(b) (6), (b) (7)(C)

Regulations and Rulings | Office of Trade | CBP

90 K Street NE, Washington, D.C. 20229-1177

Desk: (b) (6), (b)(7)(C) | Mobile: (b) (6), (b)(7)(C) | Email (b) (6), (b)(7)(C) [@cbp.dhs.gov](mailto:(b) (6), (b)(7)(C)@cbp.dhs.gov)

This message does not originate from a known Department of Energy email system.
Use caution if this message contains attachments, links or requests for information.

From: [Bumgarner, Jennifer](#)
To: [Nouri, Ali](#); [Bartol, Bridget](#); [Troiano, Charisma L](#); [Davis, Christopher](#); [Mayorga, David](#)
Subject: RE: October 5, 2022 Daily News Briefing for DOE
Date: Wednesday, October 5, 2022 10:58:22 AM

Given that the (b) (5)

JB

From: Nouri, Ali <ali.nouri@hq.doe.gov>
Sent: Wednesday, October 5, 2022 8:27 AM
To: Bartol, Bridget <bridget.bartol@hq.doe.gov>; Troiano, Charisma L <charisma.troiano@hq.doe.gov>; Davis, Christopher <christopher.davis@hq.doe.gov>; Mayorga, David <david.mayorga@hq.doe.gov>; Bumgarner, Jennifer <jennifer.bumgarner@hq.doe.gov>
Subject: Re: October 5, 2022 Daily News Briefing for DOE

Thanks.

From: Bartol, Bridget <bridget.bartol@hq.doe.gov>
Sent: Wednesday, October 5, 2022 8:18:26 AM
To: Nouri, Ali <ali.nouri@hq.doe.gov>; Troiano, Charisma L <charisma.troiano@hq.doe.gov>; Davis, Christopher <christopher.davis@hq.doe.gov>; Mayorga, David <david.mayorga@hq.doe.gov>; Bumgarner, Jennifer <jennifer.bumgarner@hq.doe.gov>
Subject: Re: October 5, 2022 Daily News Briefing for DOE

Yeah we have said that (b) (5)

From: Nouri, Ali <ali.nouri@hq.doe.gov>
Sent: Wednesday, October 5, 2022 8:17:18 AM
To: Bartol, Bridget <bridget.bartol@hq.doe.gov>; Troiano, Charisma L <charisma.troiano@hq.doe.gov>; Davis, Christopher <christopher.davis@hq.doe.gov>; Mayorga, David <david.mayorga@hq.doe.gov>; Bumgarner, Jennifer <jennifer.bumgarner@hq.doe.gov>
Subject: Re: October 5, 2022 Daily News Briefing for DOE

Thanks. (b) (5)

(b) (5)

From: Bartol, Bridget <bridget.bartol@hq.doe.gov>
Sent: Wednesday, October 5, 2022 8:10 AM
To: Troiano, Charisma L <charisma.troiano@hq.doe.gov>; Davis, Christopher <christopher.davis@hq.doe.gov>; Mayorga, David <david.mayorga@hq.doe.gov>; Nouri, Ali <ali.nouri@hq.doe.gov>; Bumgarner, Jennifer <jennifer.bumgarner@hq.doe.gov>

Subject: Re: October 5, 2022 Daily News Briefing for DOE

+ CI

From: Troiano, Charisma L <charisma.troiano@hq.doe.gov>

Sent: Wednesday, October 5, 2022 6:13 AM

To: Davis, Christopher <christopher.davis@hq.doe.gov>; Mayorga, David <david.mayorga@hq.doe.gov>; Bartol, Bridget <bridget.bartol@hq.doe.gov>

Subject: Fwd: October 5, 2022 Daily News Briefing for DOE

Re: the 1st item— (b) (5)

Bloomberg's piece was slightly updated to say— The request follows a tense meeting between top administration officials and oil industry executives and comes amid growing concern that high gasoline prices pose a political threat to Democrats in the November elections, according to people familiar with the discussions. The Energy Department is providing insights on the economics at play and evaluating all tools on the table, but not in response to a formal or informal request for a study, said a another person familiar with administration conversations on the matter. Both people asked not to be identified discussing private deliberations.

Reuters includes our response back that: In response to the letter, an Energy Department spokesperson said that energy companies were raking in record high profits after Russia's invasion of Ukraine instead of ensuring that U.S. consumers and allies have a reliable fuel supply at a fair price. The administration is "going to continue to look at all tools available to protect Americans and uphold our commitments to our allies," the spokesperson said.

Washington Examiner (b) (5)

⋮ When Granholm first met with refiners earlier in the summer, around the time when retail gasoline prices were at their peak, she said President Joe Biden wasn't prepared to pursue export restrictions but that Biden was "not willing to take tools off the table."

From: Media Analyst <mediaanalyst@barbaricum.com>

Sent: Wednesday, October 5, 2022 5:46 AM

To: doe <doe@barbaricum.com>

Subject: [EXTERNAL] October 5, 2022 Daily News Briefing for DOE

To subscribe, email: MediaAnalyst@barbaricum.com

DOE News. 2

1. Bloomberg, Reuters: White House Takes Closer Look at Controversial Gasoline Export Ban Option. 2

2. WaPo: Biden, FEMA head to Florida as survivors scramble for federal aid. 3

Global Energy. 4

3. NYTimes: OPEC and Russia Meet Today, With A Big Cut In Oil Output On The Table. 4

4. Reuters: Nord Stream operators: Authorities won't allow us to inspect damaged pipelines. 4

5. NPR: The Nord Stream pipelines have stopped leaking. But the methane emitted broke records. 5

6. Reuters: Exclusive: White House rules out ban on natural gas exports this winter. 5

7. Bloomberg: EU Strikes Russia Sanctions Compromise That Adds Oil Price Cap. 5

8. CNBC: France's nuclear energy strategy — once its pride and joy — faces big problems this winter. 6

9. CNBC: UK selects site for prototype fusion energy plant, says it will replace coal-fired facility. 6

Electricity/Cyber Security. 6

10. Government Technology: Better Grid Management Could Start With Electric Vehicles. 6

Energy Efficiency and Renewable Energy. 7

11. E&E News: Wind and solar are booming, but emissions aren't falling. 7

Fossil Energy. 7

12. Bloomberg: Coal Revival Threatens to Push Power Sector Emissions to Record. 7

Industry News. 7

13. Bloomberg: EV Demand Sparks Revival of US Manganese Mining After

[Decades. 7](#)

[14. WSJ: U.S. Electric-Vehicle Tax Breaks Rile Asian, European Allies. 8](#)

[Nuclear Energy. 8](#)

[15. E&E News: Is nuclear energy poised for an ESG-fueled comeback?. 8](#)

[Environmental Management/Nuclear Waste Storage. 9](#)

[16. Brattleboro Reformer: Vermont Yankee doing its \(small\) part to fill Texas nuclear waste dump. 9](#)

[17. ExchangeMonitor: Los Alamos field office talks strategic plan, waste issues \(LANL\) 9](#)

[Nuclear Weapons/Security. 9](#)

[18. WSJ: As Ukrainian Forces Advance, West Plays Down Threat From Russian Nuclear Weapons. 9](#)

[19. CBS News: Rare video shows Russia moving equipment belonging to a nuclear weapons unit 10](#)

[20. Reuters: South Korea, U.S. fire missiles into the sea to protest 'reckless' North Korea test 10](#)

[21. AP: Ukraine aims to restart occupied reactors. 10](#)

[22. Reuters: Zaporizhzhia plant chief will not return to job after detention, IAEA says. 11](#)

[23. Santa Fe New Mexican: Los Alamos National Laboratory's pit production a year behind schedule \(LANL\) 11](#)

[24. WRDW/WAGT: 2,500 jobs coming to SRS with plutonium plant's construction \(SRS\) 11](#)

[Artificial Intelligence. 12](#)

[25. New Scientist: AI can tell which buildings are energy efficient from the outside. 12](#)

[Climate Change/Global Warming. 12](#)

[26. Reuters: Extreme hurricanes show time of climate change denial is over, Vatican says. 12](#)

[27. NYTimes: Climate Change Comes for the Freezers, a Key Tool for Alaska Natives. 12](#)

[28. NYTimes: Meet the Band of TV Animals That's Talking to Preschoolers About Climate. 13](#)

[29. CNBC: Video: Cities are largely to blame for climate change. Could they also be part of the solution?. 13](#)

[National News. 13](#)

[30. AP, WSJ: Twitter Says It Intends to Close Musk Deal at Original Price. 13](#)

Washington Schedule

Date	Host	Title
		Pending

DOE News

Bloomberg, Reuters: White House Takes Closer Look at Controversial Gasoline Export Ban Option

[Bloomberg](#) (Natter, Dlouhy) and [Reuters](#) (Renshaw, Gardner) reported that White House officials have asked the DOE to analyze the possible impacts of a ban on exports of gasoline, diesel and other refined petroleum products, an indication that the controversial idea is gaining traction in some parts of the Biden administration. The request follows a “tense meeting between top administration officials and oil industry executives and comes amid growing concern that high gasoline prices pose a political threat to Democrats in the November elections”, according to people familiar with the discussions. According to the article, the DOE is providing insights on the economics at play and evaluating all tools on the table. The article stated that an export ban would “mark the most radical step yet by the Biden administration to tackle gasoline prices that surged over the summer and have risen again recently.” Oil producers and energy analysts have criticized the idea, saying it could backfire by ultimately raising costs even more for US consumers, while “disrupting markets and cutting off European allies in their time of need.” The article noted that the heads of the American Petroleum Institute and American Fuel & Petrochemical Manufacturers said in a letter sent Tuesday to Secretary Granholm that limiting exports would disrupt global markets, harm US national security interests and raise fuel prices domestically. “Banning or limiting the export of refined products would likely decrease inventory levels, reduce domestic refining capacity, put upward pressure on consumer fuel prices and alienate US allies during a time of war,” the letter said. Coverage noted that as recently as Sept. 23, Sec. Granholm said restrictions were not being considered at the time. The storyline was also reported on by [Forbes](#), [Fox News](#) and the [Washington Examiner](#).

WaPo: Biden, FEMA head to Florida as survivors scramble for federal aid

The [Washington Post](#) (Hennessy-Fiske) reported that President Biden and FEMA Administrator Deanne Criswell will visit storm-ravaged parts of Florida and meet with Gov. Ron DeSantis on Wednesday, while many hurricane survivors said they were still struggling with basic needs. According to the article, multiple Floridians reported FEMA hotline hold times of more than five hours and limited information about where to get immediate help with food and housing. Over 200,000 individuals had applied for FEMA assistance as of early Tuesday, according to the Florida Division of Emergency Management. Of those, about 99,000 had been approved, for a total of about \$73 million in individual assistance, the agency said. The article noted that Gov. DeSantis announced Tuesday that the state's first disaster recovery center had opened in Fort Myers, staffed by FEMA and other federal and state emergency response agencies, and that more would be opening in coming days. The [New York Times](#) (Shear) reported that White House press secretary Karine Jean-Pierre said that President Biden will speak with homeowners and small business owners who had been affected by the storm, as well as meet with emergency medical workers who labored for several days to rescue people. According to the article, DeSantis said Tuesday that he believes FEMA has "worked very well with the state and local, and we want to continue to do it and have all hands on deck."

Global Energy

NYTimes: OPEC and Russia Meet Today, With A Big Cut In Oil Output On The Table

The [New York Times](#) (Reed) reported that OPEC and its allies, including Russia, are widely expected to approve a sizable cut in oil production in order to bolster prices when officials meet today in Vienna. Analysts say a very large cut on the order of two million barrels a day, or about 2 percent of world supplies, could be on the table. The OPEC+ gathering is the first to be held in person since the early days of the pandemic, which may signal an intention to "make a strong statement to energy markets about the group's cohesion during the fighting in Ukraine and its willingness to act quickly to defend prices", analysts say. According to the article, a substantial cut in production would be a blow to the Biden administration, which has lobbied the Saudis to increase output. [CNN](#) (Marquardt, Bertrand, Mattingly) reported that in advance of the OPEC+ gathering, the White House has launched a full-scale pressure campaign in a last-ditch effort to dissuade Middle Eastern allies from dramatically cutting oil production. According to the article, for the past several days, President Biden's senior-most energy, economic and foreign policy officials have been enlisted to lobby their foreign counterparts in Middle Eastern allied countries including Kuwait, Saudi Arabia, and the UAE to vote against cutting oil production. Some of the draft talking points circulated by the White House to the Treasury Department on Monday that were obtained by CNN framed the prospect of a production cut as a "total disaster" and warned that it could be taken as a "hostile act." The White House is "having a spasm and panicking," another US official said, describing this latest administration effort as "taking the gloves off."

Reuters: Nord Stream operators: Authorities won't allow us to inspect

damaged pipelines

[Reuters](#) reported that operators of the Nord Stream pipelines that linked Russia and Germany said they were unable to inspect the damaged sections because of restrictions imposed by Danish and Swedish authorities. Nord Stream 2 AG, the Switzerland-based operator of the Nord Stream 2 gas pipeline, said on Tuesday it will examine the condition of the leaking pipelines once a police investigation of the "crime scene" is completed and a cordon is lifted. Later on Tuesday, Nord Stream AG, operator of the older Nord Stream 1 pipeline, said they had been told by Danish authorities that receiving the necessary permits to carry out an inspection could take over 20 working days. "According to the Swedish authorities, a ban on shipping, anchoring, diving, using of underwater vehicles, geophysical mapping, etc. has been introduced to conduct a state investigation around the damage sites in the Baltic Sea," Nord Stream said in a press release.

NPR: The Nord Stream pipelines have stopped leaking. But the methane emitted broke records

[NPR](#) (Benshoff) reported that the Nord Stream pipelines rupture, preceded by multiple explosions last week, appears to be the single largest discharge of methane, an extremely potent greenhouse gas. While the exact amount of the gas released is still not known, as much as half a million metric tons of methane was leaked from the pipelines, according to estimates from the Danish government. The figures show approximately five times more methane leaked than what had been the largest leak up to that point, in Aliso Canyon in California in 2015 and 2016. The article noted that when methane, the main component in natural gas, is released into the atmosphere, it's initially more than 80 times better than carbon dioxide at trapping heat. Scientists say reducing methane emissions is a critical part of tackling climate change in the short term, because the gas has such a strong warming effect when in the atmosphere.

Reuters: Exclusive: White House rules out ban on natural gas exports this winter

[Reuters](#) (Renshaw, Hunnicutt) reported that the White House has ruled out any ban or curbs on LNG exports this winter, in a bid to help alleviate energy shortages in Europe, according to two anonymous officials. White House analysis "has only cemented support for ongoing exports", the sources said, although rising energy costs and a colder-than-expected winter could test Biden's commitment, but as of this moment, a ban "has not been seriously considered." According to the article, inventories of natural gas, the nation's primary heating fuel, are at historically low levels after U.S. companies exported record amounts to Europe in recent months to counter a cut in supplies and higher prices for European power plants. The article noted that the White House analysis reached a consensus that a natural gas ban would be too extreme and fracture key relationships with allies in Europe.

Bloomberg: EU Strikes Russia Sanctions Compromise That Adds Oil Price Cap

[Bloomberg](#) (Nardelli, Krukowska, Drozdiak) reported that European Union countries reached a compromise on a new package of Russia sanctions that includes support for a price cap on oil sales to third countries, with a formal agreement expected on Wednesday. According to the article, EU ambassadors on Tuesday night discussed

ways to mitigate the impact the new package would have on countries with large shipping industries, sources said, who asked not to be identified because the talks were private. The sanctions would “add a ban on shipping Russian oil to existing restrictions on services needed to transport it, but carve out an exemption for oil priced at or under a level set by a coalition of the Group of Seven and other countries”, according to a draft of the proposal. The sanctions package will be formally adopted by the bloc on Wednesday barring any last-minute objections by national governments.

CNBC: France’s nuclear energy strategy — once its pride and joy — faces big problems this winter

[CNBC](#) (Meredith) reported that France faces a “winter of discontent”, energy analysts say, as deep-rooted problems with its nuclear-heavy energy strategy raise serious questions about its preparedness for the colder months. According to the article, more than half of France’s state-run utility EDF’s nuclear reactors have been shut down for corrosion problems, maintenance and technical issues in recent months, thanks in part to extreme heat waves and repair delays from the pandemic. The article noted that France generates roughly 70% of its electricity from a nuclear fleet of 56 reactors.

CNBC: UK selects site for prototype fusion energy plant, says it will replace coal-fired facility

[CNBC](#) (Frangoul) reported that the United Kingdom has chosen the location for a prototype fusion energy plant, with the country’s Energy Secretary, Jacob Rees-Mogg, describing the technology as “a great hope.” In a statement Monday, authorities said the STEP (Spherical Tokamak for Energy Production) facility would be based at the West Burton power station, in Nottinghamshire, England, with the aim of completion to be by 2040. According to the article, the U.K. government said it would provide £220 million (around \$249.6 million) of funding for the STEP project’s first phase, in which the U.K. Atomic Energy Authority will ready a concept design by 2024.

Electricity/Cyber Security

Government Technology: Better Grid Management Could Start With Electric Vehicles

[Government Technology](#) (Descant) reported that innovations around home power management can not only help to determine the best time of day to recharge an electric car, they can also lead to better management of the electric grid during extreme events like heat waves. Analysis conducted by an Austin, Texas-based research firm found that EVs are perhaps the most flexible electric load on a home’s power system. Namely, because battery sizes have been increasing, often pushing the car’s range to 250 miles or more, the cars hold a lot of battery storage, which can be recharged at any time of day. Additionally, EVs, because they contain so much energy storage, can be used to power a home during power failures, as well as help to moderate demands on the electric grid. According to the article, other parts of the country are exploring the use of EVs as battery storage devices to both give the grid a boost, as well as moderate fluctuations in electric generation that can come from transitioning to more renewable power sources like wind and solar.

Energy Efficiency and Renewable Energy

E&E News: Wind and solar are booming, but emissions aren't falling

[E&E News](#) (Storrow) reported that wind and solar generation surged 22 percent through the first nine months of the year, building on a period of record-breaking renewable energy installations last year. Although this renewables growth has helped fill a gap in electricity production created by the falling use of coal, emissions impact of the wind and solar boom has been blunted by the growth of natural gas generation, which is up 7 percent. According to the article, a big question is whether the U.S. can sustain the growth in renewable generation. The Inflation Reduction Act passed by Congress in August will direct nearly \$370 billion to low emission projects over the next decade. However, the article notes, renewable energy developers face growing headwinds from the economic downturn, supply chain bottlenecks and transmission constraints.

Fossil Energy

Bloomberg: Coal Revival Threatens to Push Power Sector Emissions to Record

[Bloomberg](#) (Oda) reported that global carbon emissions from power plants may be headed for a record high this year after summer droughts and heatwaves boosted coal- and natural gas-fired generation. According to the article, the jump in fossil fuel use pushed emissions from electricity production up 1.7%, or 133 million tons, in the first eight months of this year, climate think-tank Ember said in a report Wednesday. A senior electricity analyst said in the report, “We can’t be sure if we’ve reached peak coal and gas in the power sector. Global power sector emissions are still pushing all-time highs when they need to be falling very quickly.” The article noted that the study analyzed data from 75 countries that make up 90% of global power demand.

Industry News

Bloomberg: EV Demand Sparks Revival of US Manganese Mining After Decades

[Bloomberg](#) (Fernyhough) reported that company South32 Ltd. aims to accelerate development of the first new US manganese mine for decades as carmakers rush to secure supply of the metal needed in electric vehicle batteries. Automakers are “super keen” to secure supply from the company’s Clark Deposit in Arizona, which would become the only local source of the metal, Chief Executive Officer Graham Kerr said in an interview. Demand for manganese from the battery sector is set to surge ninefold by 2030, the fastest growth rate of any of the industry’s key metals, according to Bloomberg financial analysis. Prospects for production in the US are also being bolstered by efforts to reduce supply chain reliance on China under President Joe Biden’s Inflation Reduction Act. The article noted that Sec. Granholm in July urged miners to explore potential support from agencies including the DOE’s loan programs

office.

WSJ: U.S. Electric-Vehicle Tax Breaks Rile Asian, European Allies

The [Wall Street Journal](#) (Hayashi) reported that the U.S.'s new tax-break scheme for electric vehicles has drawn angry responses from key allies in Asia and Europe, highlighting a tension between government support for the domestic automobile industry and courting allies to counter China's influence. According to the article, the European Union, Japan and South Korea say provisions in the U.S. legislation to promote clean energy, signed by President Biden in August, discriminate against their auto makers and might violate World Trade Organization rules that bar treating imported products differently from domestic ones. Foreign officials warn that the change, which they say was introduced with little consultation with the U.S.'s trading partners, "undermines Mr. Biden's effort to improve economic ties with allies by sharing technology and building supply chains to better compete with China's manufacturing clout."

Nuclear Energy

E&E News: Is nuclear energy poised for an ESG-fueled comeback?

[E&E News](#) (Portuondo) reported that supporters of nuclear energy say there's enough momentum for a nuclear renaissance that would catapult the industry into a greater role in the world's clean energy future, catalyzed in part by worldwide energy insecurity, climate change and skyrocketing energy prices. According to the article, the nuclear industry "has long voiced concerns over what it sees as hesitancy and unfair treatment in the world of climate finance and ESG", the movement to include environmental, social and governance issues in investing principles. The article noted that the ESG rating systems do give nuclear energy credit for its zero-emission ratings, but it tends to be rated low for factors such as high water use and nuclear waste. The risks of a catastrophic accident, which some would argue are inherent to nuclear plants, are particularly penalized. Nuclear advocates argue that nuclear energy should be a home run in ESG rating scores, mainly due to its zero-carbon perks and low land use. They also argue that nuclear is very safe in today's world of advanced safety technology and intense regulation and that nuclear waste issues are overblown in comparison to issues like the mining impacts of renewables. The article also noted that nuclear's future may be bright, as ESG analysts and investors are starting to say that nuclear's carbon and energy security benefits outweigh the risks of toxic nuclear waste or a catastrophic accident. The storyline was also covered by [Politico](#).

Environmental Management/Nuclear Waste Storage

Brattleboro Reformer: Vermont Yankee doing its (small) part to fill Texas nuclear waste dump

The [Brattleboro Reformer](#) (Smallheer) reported that while the decommissioning of the Vermont Yankee nuclear power plant is taking up a fair share of the annual capacity of the Waste Control Specialists' facility in west Texas, the facility is far from

using up its long-range capacity. According to the article, the Texas-Vermont Low Level Radioactive Waste Compact held its annual Vermont meeting in Montpelier last week, with the majority of its business on Thursday devoted to approving requests from other states and nuclear facilities to accept low-level radioactive waste of different grades at the WCS facility. David Carlson, manager of the facility, said it had received 253,353 cubic feet of waste, or about 3 percent of its total capacity, but about half of its current constructed capacity. Carlson also said that Vermont Yankee shipped some of its most radioactive material to WCS over the last two years, including components of the reactor vessel.

ExchangeMonitor: Los Alamos field office talks strategic plan, waste issues (LANL)

[ExchangeMonitor](#) reported that representatives of the DOE's nuclear cleanup field office at the Los Alamos National Laboratory told the Northern New Mexico Advisory Board Monday the legacy waste contractor has started digging up corrugated metal pipes at Area G.

Nuclear Weapons/Security

WSJ: As Ukrainian Forces Advance, West Plays Down Threat From Russian Nuclear Weapons

The [Wall Street Journal](#) (Luxmoore) reported that Western officials said Tuesday they hadn't seen any indications or activities out of the norm or causing concern from Russia's nuclear forces. Speaking at the Warsaw Security Forum on Tuesday, former Central Intelligence Agency Director David Petraeus dismissed the notion that even a nuclear strike of the kind hinted at by Russian President Vladimir Putin could change the battlefield balance in Russia's favor. The article noted that on Tuesday, President Biden spoke with Ukrainian President Volodymyr Zelensky, telling him that the U.S. will "continue supporting Ukraine for as long as it takes." [Reuters](#) (Smout) reported that United Kingdom foreign minister James Cleverly on Tuesday said Russian President Vladimir Putin's "sequence of strategic errors must stop and that any use of nuclear weapons would lead to consequences." A separate article from [Reuters](#) (Murray) reported that German Foreign Minister Annalena Baerbock said Tuesday that "while Russia's threat to resort to nuclear weapons must be taken seriously, the international community has made clear that it won't be daunted by them."

CBS News: Rare video shows Russia moving equipment belonging to a nuclear weapons unit

[CBS News](#) (Ott) reported that a video shared online of a train in Russia carrying equipment belonging to a Russian military unit that handles nuclear weapons should be taken as "a message to the West", a military analyst says. The video, which a U.S. official said could not be independently confirmed, shows "an armored personnel carrier with a cannon attached, as well as another vehicle belonging to the unit, being transported on the train." The analyst, Konrad Muzyka, an aerospace and defense consultant focused on Russia and Belarus, said, "Such videos are never released by chance. I'm 100% sure that there was a purpose behind posting or releasing such a video." The article noted that the video surfaced amid reports that NATO had warned

its member nations that Russia could be preparing to test its nuclear-capable Poseidon torpedo. According to CBS's coverage, the network's senior foreign correspondent Charlie D'Agata asked the exiled mayor of Melitopol, a Ukrainian city currently occupied by Russian forces, whether he believed Putin would resort to nuclear weapons as he lashes out in anger over battlefield losses. "I expect it," Mayor Ivan Federov responded. [Reuters](#) (Stewart, Singh) reported that a senior Pentagon official said on Tuesday she had no information to corroborate reports suggesting Russia "might be moving tactical nuclear weapons by rail", and added the U.S. military "had not seen anything to change its own nuclear posture." The storyline was also reported on by the [Washington Examiner](#).

Reuters: South Korea, U.S. fire missiles into the sea to protest 'reckless' North Korea test

[Reuters](#) (Roh) reported that South Korea and the U.S. military conducted missile drills in response to North Korea's launch of a ballistic missile over Japan, as the UN Security Council prepares to meet over what was Pyongyang's longest-range test. South Korean and American troops fired a volley of missiles into the sea in response, South Korea's Joint Chiefs of Staff said on Wednesday. [AP](#) (Tong-Hyung) reported that one of the missiles fired during the joint U.S.-South Korea drills malfunctioned and crashed into the ground early Wednesday, panicking confused residents in the coastal city of Gangneung. According to the article, the sound of the blast and subsequent fire led many in Gangneung to believe it could be a North Korean attack, concern that only grew as the military and government officials provided no explanation about the explosion for hours. South Korea's Joint Chiefs of Staff said no injuries were reported from the accident.

AP: Ukraine aims to restart occupied reactors

[AP](#) (Schreck, Arhirova) reported that Ukraine is considering restarting Europe's largest nuclear plant, the Zaporizhzhia Nuclear Power Plant, to ensure its safety just weeks after fears of a radiation disaster at the Russian-occupied facility, the president of the company that operates the plant said Tuesday. In an interview, Energoatom President Petro Kotin said the company could restart two of the reactors in a matter of days to protect safety installations as winter approaches and temperatures drop. The plant's last operational reactor was placed into what is known as "cold shutdown" last month, reducing the likelihood of a dangerous meltdown. "We, at the moment, are evaluating all the risks. And this depends on the weather. And actually, we don't have much time to do that," Kotin said. The article noted that Energoatom could make a decision as early as Wednesday to restart the reactors. The storyline was also reported on by [Axios](#).

Reuters: Zaporizhzhia plant chief will not return to job after detention, IAEA says

[Reuters](#) (Murphy) reported that Ihor Murashov, head of the Russian-occupied Zaporizhzhia nuclear plant in Ukraine who was detained over the weekend in what Ukraine called a Russian act of terror, will not return to that job, according to the International Atomic Energy Agency. In a statement, the IAEA said, "The IAEA understands that Mr Murashov is now with his family in territory controlled by Ukraine and will not be continuing with his duties at the ZNPP. It is not yet clear who

will replace him in this role." The article noted that IAEA Director General Rafael Grossi is due to travel to Kyiv and Moscow later this week in a bid to set up a protection zone around the plant to reduce the risk of a catastrophic accident.

Santa Fe New Mexican: Los Alamos National Laboratory's pit production a year behind schedule (LANL)

The [Santa Fe New Mexican](#) (Wyland) reported that Los Alamos National Laboratory's effort to produce 30 nuclear bomb cores a year by 2026 was stalled for 13 months because of the coronavirus pandemic, calling into question whether it can make the much-touted target. According to the article, an anti-nuclear activist obtained a "redacted management plan for the lab's plutonium operations through a Freedom of Information Act Request, which describes how the production deadline is more likely to be missed because of preparatory work being delayed during a hard-hitting stretch of the pandemic." During a 20-month stretch, "only seven months of work was accomplished in modernizing the plutonium facility and bolstering operations so the lab could reach the first goal of making 10 warhead triggers, called pits, by 2024", according to the document obtained by Los Alamos Study Group.

WRDW/WAGT: 2,500 jobs coming to SRS with plutonium plant's construction (SRS)

[WRDW/WAGT](#) reported that about 2,500 skilled craft and trade union workers will be hired for all phases of a massive construction project at the Savannah River Site that will produce the cores of nuclear weapons. According to the article, Construction on the Savannah River Plutonium Processing Facility is expected to begin before the end of this year at the U.S. Department of Energy's Savannah River Site. Crews will repurpose an unfinished National Nuclear Security Administration project into the new plant, which will produce plutonium pits – the cores of nuclear weapons. The article noted that for nearly three decades, the U.S. has not had the ability to produce as plutonium cores many as it needs to maintain nuclear readiness, according to the federal government. The new facility at SRS "is expected to produce at least 50 plutonium pits a year to help alleviate this problem."

Artificial Intelligence

New Scientist: AI can tell which buildings are energy efficient from the outside

[New Scientist](#) (Hsu) reported that new artificial intelligence technology can determine whether a building is energy efficient by analyzing existing data, potentially enabling the data to be used to get a broad picture of the energy efficiency of buildings around the world. According to the article, researchers at Stanford University trained and tested an AI on remote-sensing and public data, including Google Street View images, aerial images and satellite-based measurements, for almost 40,000 buildings in the UK.

Climate Change/Global Warming

Reuters: Extreme hurricanes show time of climate change denial is over, Vatican says

[Reuters](#) (Pullella) reported that recent extreme weather events, such as the hurricane that devastated parts of Florida, show that the time for climate change denial and skepticism is over, a senior Vatican official said on Tuesday. Cardinal Michael Czerny, a Canadian who heads the Vatican's development office, said, "The time is over for speculation, for skepticism and denial, for irresponsible populism. Apocalyptic floods, mega droughts, disastrous heatwaves, and catastrophic cyclones and hurricanes have become the new normal in recent years; they continue today; tomorrow, they will get worse." Czerny also said unchecked climate disruption and environmental degradation would lead to loss of lives and livelihoods, forced displacement, and violent conflict.

NYTimes: Climate Change Comes for the Freezers, a Key Tool for Alaska Natives

The [New York Times](#) (O'Malley) reported that increasingly stronger storms and melting permafrost are making Indigenous Alaskans struggle with keeping the power running to their freezers, which store their traditional subsistence foods. According to the article, with most traditional cold storage methods wiped out by warmer temperatures, Indigenous Alaskans are totally dependent on freezers just as climate change also threatens the power systems, which run those appliances, more with every passing season. The article noted that most rural Alaskans have at least one freezer, and by fall, they hold a winter's supply of wild food to offset the high cost of groceries flown in by plane. Freezers also preserve generations-old harvest practices and underpin delicate village economies. According to the article, climate change is causing stronger storms to threaten the villages' power grids, thereby threatening their freezer-stored food supply. The article noted that President Biden recently approved emergency aid for the communities, including grants for temporary housing and home repairs and low-interest loans to cover uninsured property losses, but some village leaders think more drastic, permanent measures will be needed, such as moving the entire village to higher ground, or shoring up the villages' power plant.

NYTimes: Meet the Band of TV Animals That's Talking to Preschoolers About Climate

The [New York Times](#) (Davenport) reported on the show "Octonauts: Above and Beyond," the recent spinoff of a long-running BBC program, and one of the first television shows directed at very young children to explicitly address climate change. According to the article, the show attempts to strike a delicate balance: gently showing 3- and 4-year-olds that their world is already changing, without frightening them with the consequences. The show, heavy on adventurous heroes, features a pair of pirate cats traveling the world to rescue animals from islands that are being swallowed by the rising seas. Climate scientists say the show's depictions are largely accurate, with one striking omission: "the program says nothing about why the Earth is heating up: the burning of oil, gas and coal."

CNBC: Video: Cities are largely to blame for climate change. Could they also be part of the solution?

[CNBC](#) (Gilchrist) reported that cities play a large role in climate change, consuming

around 75% of the world's energy and producing more than 70% of greenhouse gas emissions, but could also be part of a solution, as they may be nimble enough to avoid the bureaucracy of national politics.

National News

AP, WSJ: Twitter Says It Intends to Close Musk Deal at Original Price

[AP](#) (Krisher, O'Brien, Chase, Ortutay) and the [Wall Street Journal](#) (Lombardo) reported that Elon Musk has offered to close his acquisition of Twitter on the terms he originally agreed to, a sudden and unexpected comedown for the billionaire entrepreneur that could end a monthslong battle he has waged to get out of the \$44 billion deal. A lawyer for Musk communicated the proposal to Twitter's lawyers Monday, according to a copy of a letter that was filed with the Securities and Exchange Commission Tuesday afternoon. Twitter confirmed receipt of the letter and said it intends to close the transaction at the original price of \$54.20 per share. Should the parties agree to do so, the proposal would enable them to avert a high-stakes trial set to begin soon and potentially finalize the deal within days. Coverage noted that the five-day trial, set to begin Oct. 17, could still go forward as planned. Mr. Musk was set to be deposed later this week as part of the preparations for the trial. Musk remained mum about the turn of events on Twitter until late Tuesday afternoon, when he tweeted that "Buying Twitter is an accelerant to creating X, the everything app" without further explanation. The story was also reported on by the [New York Times](#), the [Washington Post](#), [Reuters](#), [CBS News](#), [NBC News](#) and [Politico](#).

This message does not originate from a known Department of Energy email system.
Use caution if this message contains attachments, links or requests for information.

From: [Bartol, Bridget](#)
To: [Nouri, Ali](#); [Troiano, Charisma L](#); [Davis, Christopher](#); [Mayorga, David](#); [Bumgarner, Jennifer](#)
Subject: Re: October 5, 2022 Daily News Briefing for DOE
Date: Wednesday, October 5, 2022 8:19:17 AM

(b) (5)

From: Nouri, Ali <ali.nouri@hq.doe.gov>
Sent: Wednesday, October 5, 2022 8:17:18 AM
To: Bartol, Bridget <bridget.bartol@hq.doe.gov>; Troiano, Charisma L <charisma.troiano@hq.doe.gov>; Davis, Christopher <christopher.davis@hq.doe.gov>; Mayorga, David <david.mayorga@hq.doe.gov>; Bumgarner, Jennifer <jennifer.bumgarner@hq.doe.gov>
Subject: Re: October 5, 2022 Daily News Briefing for DOE

Thanks. (b) (5)

(b) (5)

From: Bartol, Bridget <bridget.bartol@hq.doe.gov>
Sent: Wednesday, October 5, 2022 8:10 AM
To: Troiano, Charisma L <charisma.troiano@hq.doe.gov>; Davis, Christopher <christopher.davis@hq.doe.gov>; Mayorga, David <david.mayorga@hq.doe.gov>; Nouri, Ali <ali.nouri@hq.doe.gov>; Bumgarner, Jennifer <jennifer.bumgarner@hq.doe.gov>
Subject: Re: October 5, 2022 Daily News Briefing for DOE

+ CI

From: Troiano, Charisma L <charisma.troiano@hq.doe.gov>
Sent: Wednesday, October 5, 2022 6:13 AM
To: Davis, Christopher <christopher.davis@hq.doe.gov>; Mayorga, David <david.mayorga@hq.doe.gov>; Bartol, Bridget <bridget.bartol@hq.doe.gov>
Subject: Fwd: October 5, 2022 Daily News Briefing for DOE

Re: the 1st item— (b) (5)

Bloomberg's piece was slightly updated to say— The request follows a tense meeting between top administration officials and oil industry executives and comes amid growing concern that high gasoline prices pose a political threat to Democrats in the November elections, according to people familiar with the discussions. The Energy Department is providing insights on the economics at play and evaluating all tools on the table, but not in response to a formal or informal request for a study, said another person familiar with administration conversations on the matter. Both people

asked not to be identified discussing private deliberations.

Reuters includes our response back that: In response to the letter, an Energy Department spokesperson said that energy companies were raking in record high profits after Russia's invasion of Ukraine instead of ensuring that U.S. consumers and allies have a reliable fuel supply at a fair price. The administration is "going to continue to look at all tools available to protect Americans and uphold our commitments to our allies," the spokesperson said.

Washington Examiner (b) (5)

When Granholm first met with refiners earlier in the summer, around the time when retail gasoline prices were at their peak, she said President Joe Biden wasn't prepared to pursue export restrictions but that Biden was "not willing to take tools off the table."

From: Media Analyst <mediaanalyst@barbaricum.com>

Sent: Wednesday, October 5, 2022 5:46 AM

To: doe <doe@barbaricum.com>

Subject: [EXTERNAL] October 5, 2022 Daily News Briefing for DOE

To subscribe, email: MediaAnalyst@barbaricum.com

DOE News

[1. Bloomberg, Reuters: White House Takes Closer Look at Controversial Gasoline Export Ban Option](#)

[2. WaPo: Biden, FEMA head to Florida as survivors scramble for federal aid](#)

Global Energy

[3. NYTimes: OPEC and Russia Meet Today, With A Big Cut In Oil Output On The Table](#)

[4. Reuters: Nord Stream operators: Authorities won't allow us to inspect damaged pipelines](#)

[5. NPR: The Nord Stream pipelines have stopped leaking. But the methane emitted broke records](#)

[6. Reuters: Exclusive: White House rules out ban on natural gas exports this winter](#)

[7. Bloomberg: EU Strikes Russia Sanctions Compromise That Adds Oil Price Cap](#)

[8. CNBC: France's nuclear energy strategy — once its pride and joy — faces big problems this winter](#)

[9. CNBC: UK selects site for prototype fusion energy plant, says it will replace coal-fired facility](#)

Electricity/Cyber Security

[10. Government Technology: Better Grid Management Could Start With Electric Vehicles](#)

Energy Efficiency and Renewable Energy

[11. E&E News: Wind and solar are booming, but emissions aren't falling](#)

Fossil Energy

[12. Bloomberg: Coal Revival Threatens to Push Power Sector Emissions to Record](#)

Industry News

[13. Bloomberg: EV Demand Sparks Revival of US Manganese Mining After Decades](#)

[14. WSJ: U.S. Electric-Vehicle Tax Breaks Rile Asian, European Allies](#)

Nuclear Energy

[15. E&E News: Is nuclear energy poised for an ESG-fueled comeback?](#)

Environmental Management/Nuclear Waste Storage

[16. Brattleboro Reformer: Vermont Yankee doing its \(small\) part to fill Texas nuclear waste dump](#)

[17. ExchangeMonitor: Los Alamos field office talks strategic plan, waste issues \(LANL\)](#)

Nuclear Weapons/Security

[18. WSJ: As Ukrainian Forces Advance, West Plays Down Threat From Russian Nuclear Weapons](#)

[19. CBS News: Rare video shows Russia moving equipment belonging to a nuclear weapons unit](#)

[20. Reuters: South Korea, U.S. fire missiles into the sea to protest 'reckless' North Korea test](#)

[21. AP: Ukraine aims to restart occupied reactors](#)

[22. Reuters: Zaporizhzhia plant chief will not return to job after detention, IAEA says](#)

[23. Santa Fe New Mexican: Los Alamos National Laboratory's pit production a year behind schedule \(LANL\)](#)

[24. WRDW/WAGT: 2,500 jobs coming to SRS with plutonium plant's construction \(SRS\)](#)

Artificial Intelligence

[25. New Scientist: AI can tell which buildings are energy efficient from the outside](#)

Climate Change/Global Warming

[26. Reuters: Extreme hurricanes show time of climate change denial is over, Vatican says](#)

[27. NYTimes: Climate Change Comes for the Freezers, a Key Tool for Alaska Natives](#)

[28. NYTimes: Meet the Band of TV Animals That's Talking to Preschoolers About Climate](#)

[29. CNBC: Video: Cities are largely to blame for climate change. Could they also](#)

[be part of the solution?](#)

National News

[30. AP, WSJ: Twitter Says It Intends to Close Musk Deal at Original Price](#)

Washington Schedule

Date	Host	Title
		Pending

DOE News

1. Bloomberg, Reuters: White House Takes Closer Look at Controversial Gasoline Export Ban Option

[Bloomberg](#) (Natter, Dlouhy) and [Reuters](#) (Renshaw, Gardner) reported that White House officials have asked the DOE to analyze the possible impacts of a ban on exports of gasoline, diesel and other refined petroleum products, an indication that the controversial idea is gaining traction in some parts of the Biden administration. The request follows a “tense meeting between top administration officials and oil industry executives and comes amid growing concern that high gasoline prices pose a political threat to Democrats in the November elections”, according to people familiar with the discussions. According to the article, the DOE is providing insights on the economics at play and evaluating all tools on the table. The article stated that an export ban would “mark the most radical step yet by the Biden administration to tackle gasoline prices that surged over the summer and have risen again recently.” Oil producers and energy analysts have criticized the idea, saying it could backfire by ultimately raising costs even more for US consumers, while “disrupting markets and cutting off European allies in their time of need.” The article noted that the heads of the American Petroleum Institute and American Fuel & Petrochemical Manufacturers said in a letter sent Tuesday to Secretary Granholm that limiting exports would disrupt global markets, harm US national security interests and raise fuel prices domestically. “Banning or limiting the export of refined products would likely decrease inventory levels, reduce domestic refining capacity, put upward pressure on consumer fuel prices and alienate US allies during a time of war,” the letter said. Coverage noted that as recently as Sept. 23, Sec. Granholm said restrictions were not being considered at the time. The storyline was also reported on by [Forbes](#), [Fox News](#) and the [Washington Examiner](#).

2. WaPo: Biden, FEMA head to Florida as survivors scramble for federal aid

The [Washington Post](#) (Hennessy-Fiske) reported that President Biden and FEMA Administrator Deanne Criswell will visit storm-ravaged parts of Florida and meet with Gov. Ron DeSantis on Wednesday, while many hurricane survivors said they were still

struggling with basic needs. According to the article, multiple Floridians reported FEMA hotline hold times of more than five hours and limited information about where to get immediate help with food and housing. Over 200,000 individuals had applied for FEMA assistance as of early Tuesday, according to the Florida Division of Emergency Management. Of those, about 99,000 had been approved, for a total of about \$73 million in individual assistance, the agency said. The article noted that Gov. DeSantis announced Tuesday that the state's first disaster recovery center had opened in Fort Myers, staffed by FEMA and other federal and state emergency response agencies, and that more would be opening in coming days. The [New York Times](#) (Shear) reported that White House press secretary Karine Jean-Pierre said that President Biden will speak with homeowners and small business owners who had been affected by the storm, as well as meet with emergency medical workers who labored for several days to rescue people. According to the article, DeSantis said Tuesday that he believes FEMA has "worked very well with the state and local, and we want to continue to do it and have all hands on deck."

Global Energy

3. NYTimes: OPEC and Russia Meet Today, With A Big Cut In Oil Output On The Table

The [New York Times](#) (Reed) reported that OPEC and its allies, including Russia, are widely expected to approve a sizable cut in oil production in order to bolster prices when officials meet today in Vienna. Analysts say a very large cut on the order of two million barrels a day, or about 2 percent of world supplies, could be on the table. The OPEC+ gathering is the first to be held in person since the early days of the pandemic, which may signal an intention to "make a strong statement to energy markets about the group's cohesion during the fighting in Ukraine and its willingness to act quickly to defend prices", analysts say. According to the article, a substantial cut in production would be a blow to the Biden administration, which has lobbied the Saudis to increase output. [CNN](#) (Marquardt, Bertrand, Mattingly) reported that in advance of the OPEC+ gathering, the White House has launched a full-scale pressure campaign in a last-ditch effort to dissuade Middle Eastern allies from dramatically cutting oil production. According to the article, for the past several days, President Biden's senior-most energy, economic and foreign policy officials have been enlisted to lobby their foreign counterparts in Middle Eastern allied countries including Kuwait, Saudi Arabia, and the UAE to vote against cutting oil production. Some of the draft talking points circulated by the White House to the Treasury Department on Monday that were obtained by CNN framed the prospect of a production cut as a "total disaster" and warned that it could be taken as a "hostile act." The White House is "having a spasm and panicking," another US official said, describing this latest administration effort as "taking the gloves off."

4. Reuters: Nord Stream operators: Authorities won't allow us to inspect damaged pipelines

[Reuters](#) reported that operators of the Nord Stream pipelines that linked Russia and Germany said they were unable to inspect the damaged sections because of restrictions imposed by Danish and Swedish authorities. Nord Stream 2 AG, the Switzerland-based operator of the Nord Stream 2 gas pipeline, said on Tuesday it will

examine the condition of the leaking pipelines once a police investigation of the "crime scene" is completed and a cordon is lifted. Later on Tuesday, Nord Stream AG, operator of the older Nord Stream 1 pipeline, said they had been told by Danish authorities that receiving the necessary permits to carry out an inspection could take over 20 working days. "According to the Swedish authorities, a ban on shipping, anchoring, diving, using of underwater vehicles, geophysical mapping, etc. has been introduced to conduct a state investigation around the damage sites in the Baltic Sea," Nord Stream said in a press release.

5. NPR: The Nord Stream pipelines have stopped leaking. But the methane emitted broke records

[NPR](#) (Benshoff) reported that the Nord Stream pipelines rupture, preceded by multiple explosions last week, appears to be the single largest discharge of methane, an extremely potent greenhouse gas. While the exact amount of the gas released is still not known, as much as half a million metric tons of methane was leaked from the pipelines, according to estimates from the Danish government. The figures show approximately five times more methane leaked than what had been the largest leak up to that point, in Aliso Canyon in California in 2015 and 2016. The article noted that when methane, the main component in natural gas, is released into the atmosphere, it's initially more than 80 times better than carbon dioxide at trapping heat. Scientists say reducing methane emissions is a critical part of tackling climate change in the short term, because the gas has such a strong warming effect when in the atmosphere.

6. Reuters: Exclusive: White House rules out ban on natural gas exports this winter

[Reuters](#) (Renshaw, Hunnicutt) reported that the White House has ruled out any ban or curbs on LNG exports this winter, in a bid to help alleviate energy shortages in Europe, according to two anonymous officials. White House analysis "has only cemented support for ongoing exports", the sources said, although rising energy costs and a colder-than-expected winter could test Biden's commitment, but as of this moment, a ban "has not been seriously considered." According to the article, inventories of natural gas, the nation's primary heating fuel, are at historically low levels after U.S. companies exported record amounts to Europe in recent months to counter a cut in supplies and higher prices for European power plants. The article noted that the White House analysis reached a consensus that a natural gas ban would be too extreme and fracture key relationships with allies in Europe.

7. Bloomberg: EU Strikes Russia Sanctions Compromise That Adds Oil Price Cap

[Bloomberg](#) (Nardelli, Krukowska, Drozdiak) reported that European Union countries reached a compromise on a new package of Russia sanctions that includes support for a price cap on oil sales to third countries, with a formal agreement expected on Wednesday. According to the article, EU ambassadors on Tuesday night discussed ways to mitigate the impact the new package would have on countries with large shipping industries, sources said, who asked not to be identified because the talks were private. The sanctions would "add a ban on shipping Russian oil to existing restrictions on services needed to transport it, but carve out an exemption for oil priced at or under a level set by a coalition of the Group of Seven and other countries", according to a draft of the proposal. The sanctions package will be formally adopted by the bloc on Wednesday barring any last-minute objections by national

governments.

8. CNBC: France’s nuclear energy strategy — once its pride and joy — faces big problems this winter

[CNBC](#) (Meredith) reported that France faces a “winter of discontent”, energy analysts say, as deep-rooted problems with its nuclear-heavy energy strategy raise serious questions about its preparedness for the colder months. According to the article, more than half of France’s state-run utility EDF’s nuclear reactors have been shut down for corrosion problems, maintenance and technical issues in recent months, thanks in part to extreme heat waves and repair delays from the pandemic. The article noted that France generates roughly 70% of its electricity from a nuclear fleet of 56 reactors.

9. CNBC: UK selects site for prototype fusion energy plant, says it will replace coal-fired facility

[CNBC](#) (Frangoul) reported that the United Kingdom has chosen the location for a prototype fusion energy plant, with the country’s Energy Secretary, Jacob Rees-Mogg, describing the technology as “a great hope.” In a statement Monday, authorities said the STEP (Spherical Tokamak for Energy Production) facility would be based at the West Burton power station, in Nottinghamshire, England, with the aim of completion to be by 2040. According to the article, the U.K. government said it would provide £220 million (around \$249.6 million) of funding for the STEP project’s first phase, in which the U.K. Atomic Energy Authority will ready a concept design by 2024.

Electricity/Cyber Security

10. Government Technology: Better Grid Management Could Start With Electric Vehicles

[Government Technology](#) (Descant) reported that innovations around home power management can not only help to determine the best time of day to recharge an electric car, they can also lead to better management of the electric grid during extreme events like heat waves. Analysis conducted by an Austin, Texas-based research firm found that EVs are perhaps the most flexible electric load on a home’s power system. Namely, because battery sizes have been increasing, often pushing the car’s range to 250 miles or more, the cars hold a lot of battery storage, which can be recharged at any time of day. Additionally, EVs, because they contain so much energy storage, can be used to power a home during power failures, as well as help to moderate demands on the electric grid. According to the article, other parts of the country are exploring the use of EVs as battery storage devices to both give the grid a boost, as well as moderate fluctuations in electric generation that can come from transitioning to more renewable power sources like wind and solar.

Energy Efficiency and Renewable Energy

11. E&E News: Wind and solar are booming, but emissions aren’t falling

[E&E News](#) (Storrow) reported that wind and solar generation surged 22 percent through the first nine months of the year, building on a period of record-breaking renewable energy installations last year. Although this renewables growth has helped fill a gap in electricity production created by the falling use of coal, emissions impact of the wind and solar boom has been blunted by the growth of natural gas generation,

which is up 7 percent. According to the article, a big question is whether the U.S. can sustain the growth in renewable generation. The Inflation Reduction Act passed by Congress in August will direct nearly \$370 billion to low emission projects over the next decade. However, the article notes, renewable energy developers face growing headwinds from the economic downturn, supply chain bottlenecks and transmission constraints.

Fossil Energy

12. Bloomberg: Coal Revival Threatens to Push Power Sector Emissions to Record

[Bloomberg](#) (Oda) reported that global carbon emissions from power plants may be headed for a record high this year after summer droughts and heatwaves boosted coal- and natural gas-fired generation. According to the article, the jump in fossil fuel use pushed emissions from electricity production up 1.7%, or 133 million tons, in the first eight months of this year, climate think-tank Ember said in a report Wednesday. A senior electricity analyst said in the report, “We can’t be sure if we’ve reached peak coal and gas in the power sector. Global power sector emissions are still pushing all-time highs when they need to be falling very quickly.” The article noted that the study analyzed data from 75 countries that make up 90% of global power demand.

Industry News

13. Bloomberg: EV Demand Sparks Revival of US Manganese Mining After Decades

[Bloomberg](#) (Fernyhough) reported that company South32 Ltd. aims to accelerate development of the first new US manganese mine for decades as carmakers rush to secure supply of the metal needed in electric vehicle batteries. Automakers are “super keen” to secure supply from the company’s Clark Deposit in Arizona, which would become the only local source of the metal, Chief Executive Officer Graham Kerr said in an interview. Demand for manganese from the battery sector is set to surge ninefold by 2030, the fastest growth rate of any of the industry’s key metals, according to Bloomberg financial analysis. Prospects for production in the US are also being bolstered by efforts to reduce supply chain reliance on China under President Joe Biden’s Inflation Reduction Act. The article noted that Sec. Granholm in July urged miners to explore potential support from agencies including the DOE’s loan programs office.

14. WSJ: U.S. Electric-Vehicle Tax Breaks Rile Asian, European Allies

The [Wall Street Journal](#) (Hayashi) reported that the U.S.’s new tax-break scheme for electric vehicles has drawn angry responses from key allies in Asia and Europe, highlighting a tension between government support for the domestic automobile industry and courting allies to counter China’s influence. According to the article, the European Union, Japan and South Korea say provisions in the U.S. legislation to promote clean energy, signed by President Biden in August, discriminate against their auto makers and might violate World Trade Organization rules that bar treating imported products differently from domestic ones. Foreign officials warn that the change, which they say was introduced with little consultation with the U.S.’s trading partners, “undermines Mr. Biden’s effort to improve economic ties with allies by

sharing technology and building supply chains to better compete with China's manufacturing clout."

Nuclear Energy

15. E&E News: Is nuclear energy poised for an ESG-fueled comeback?

[E&E News](#) (Portuondo) reported that supporters of nuclear energy say there's enough momentum for a nuclear renaissance that would catapult the industry into a greater role in the world's clean energy future, catalyzed in part by worldwide energy insecurity, climate change and skyrocketing energy prices. According to the article, the nuclear industry "has long voiced concerns over what it sees as hesitancy and unfair treatment in the world of climate finance and ESG", the movement to include environmental, social and governance issues in investing principles. The article noted that the ESG rating systems do give nuclear energy credit for its zero-emission ratings, but it tends to be rated low for factors such as high water use and nuclear waste. The risks of a catastrophic accident, which some would argue are inherent to nuclear plants, are particularly penalized. Nuclear advocates argue that nuclear energy should be a home run in ESG rating scores, mainly due to its zero-carbon perks and low land use. They also argue that nuclear is very safe in today's world of advanced safety technology and intense regulation and that nuclear waste issues are overblown in comparison to issues like the mining impacts of renewables. The article also noted that nuclear's future may be bright, as ESG analysts and investors are starting to say that nuclear's carbon and energy security benefits outweigh the risks of toxic nuclear waste or a catastrophic accident. The storyline was also covered by [Politico](#).

Environmental Management/Nuclear Waste Storage

16. Brattleboro Reformer: Vermont Yankee doing its (small) part to fill Texas nuclear waste dump

The [Brattleboro Reformer](#) (Smallheer) reported that while the decommissioning of the Vermont Yankee nuclear power plant is taking up a fair share of the annual capacity of the Waste Control Specialists' facility in west Texas, the facility is far from using up its long-range capacity. According to the article, the Texas-Vermont Low Level Radioactive Waste Compact held its annual Vermont meeting in Montpelier last week, with the majority of its business on Thursday devoted to approving requests from other states and nuclear facilities to accept low-level radioactive waste of different grades at the WCS facility. David Carlson, manager of the facility, said it had received 253,353 cubic feet of waste, or about 3 percent of its total capacity, but about half of its current constructed capacity. Carlson also said that Vermont Yankee shipped some of its most radioactive material to WCS over the last two years, including components of the reactor vessel.

17. ExchangeMonitor: Los Alamos field office talks strategic plan, waste issues (LANL)

[ExchangeMonitor](#) reported that representatives of the DOE's nuclear cleanup field office at the Los Alamos National Laboratory told the Northern New Mexico Advisory Board Monday the legacy waste contractor has started digging up corrugated metal

pipes at Area G.

Nuclear Weapons/Security

18. WSJ: As Ukrainian Forces Advance, West Plays Down Threat From Russian Nuclear Weapons

The [Wall Street Journal](#) (Luxmoore) reported that Western officials said Tuesday they hadn't seen any indications or activities out of the norm or causing concern from Russia's nuclear forces. Speaking at the Warsaw Security Forum on Tuesday, former Central Intelligence Agency Director David Petraeus dismissed the notion that even a nuclear strike of the kind hinted at by Russian President Vladimir Putin could change the battlefield balance in Russia's favor. The article noted that on Tuesday, President Biden spoke with Ukrainian President Volodymyr Zelensky, telling him that the U.S. will "continue supporting Ukraine for as long as it takes." [Reuters](#) (Smout) reported that United Kingdom foreign minister James Cleverly on Tuesday said Russian President Vladimir Putin's "sequence of strategic errors must stop and that any use of nuclear weapons would lead to consequences." A separate article from [Reuters](#) (Murray) reported that German Foreign Minister Annalena Baerbock said Tuesday that "while Russia's threat to resort to nuclear weapons must be taken seriously, the international community has made clear that it won't be daunted by them."

19. CBS News: Rare video shows Russia moving equipment belonging to a nuclear weapons unit

[CBS News](#) (Ott) reported that a video shared online of a train in Russia carrying equipment belonging to a Russian military unit that handles nuclear weapons should be taken as "a message to the West", a military analyst says. The video, which a U.S. official said could not be independently confirmed, shows "an armored personnel carrier with a cannon attached, as well as another vehicle belonging to the unit, being transported on the train." The analyst, Konrad Muzyka, an aerospace and defense consultant focused on Russia and Belarus, said, "Such videos are never released by chance. I'm 100% sure that there was a purpose behind posting or releasing such a video." The article noted that the video surfaced amid reports that NATO had warned its member nations that Russia could be preparing to test its nuclear-capable Poseidon torpedo. According to CBS's coverage, the network's senior foreign correspondent Charlie D'Agata asked the exiled mayor of Melitopol, a Ukrainian city currently occupied by Russian forces, whether he believed Putin would resort to nuclear weapons as he lashes out in anger over battlefield losses. "I expect it," Mayor Ivan Federov responded. [Reuters](#) (Stewart, Singh) reported that a senior Pentagon official said on Tuesday she had no information to corroborate reports suggesting Russia "might be moving tactical nuclear weapons by rail", and added the U.S. military "had not seen anything to change its own nuclear posture." The storyline was also reported on by the [Washington Examiner](#).

20. Reuters: South Korea, U.S. fire missiles into the sea to protest 'reckless' North Korea test

[Reuters](#) (Roh) reported that South Korea and the U.S. military conducted missile drills in response to North Korea's launch of a ballistic missile over Japan, as the UN Security Council prepares to meet over what was Pyongyang's longest-range test. South Korean and American troops fired a volley of missiles into the sea in response,

South Korea's Joint Chiefs of Staff said on Wednesday. [AP](#) (Tong-Hyung) reported that one of the missiles fired during the joint U.S-South Korea drills malfunctioned and crashed into the ground early Wednesday, panicking confused residents in the coastal city of Gangneung. According to the article, the sound of the blast and subsequent fire led many in Gangneung to believe it could be a North Korean attack, concern that only grew as the military and government officials provided no explanation about the explosion for hours. South Korea's Joint Chiefs of Staff said no injuries were reported from the accident.

21. AP: Ukraine aims to restart occupied reactors

[AP](#) (Schreck, Arhirova) reported that Ukraine is considering restarting Europe's largest nuclear plant, the Zaporizhzhia Nuclear Power Plant, to ensure its safety just weeks after fears of a radiation disaster at the Russian-occupied facility, the president of the company that operates the plant said Tuesday. In an interview, Energoatom President Petro Kotin said the company could restart two of the reactors in a matter of days to protect safety installations as winter approaches and temperatures drop. The plant's last operational reactor was placed into what is known as "cold shutdown" last month, reducing the likelihood of a dangerous meltdown. "We, at the moment, are evaluating all the risks. And this depends on the weather. And actually, we don't have much time to do that," Kotin said. The article noted that Energoatom could make a decision as early as Wednesday to restart the reactors. The storyline was also reported on by [Axios](#).

22. Reuters: Zaporizhzhia plant chief will not return to job after detention, IAEA says

[Reuters](#) (Murphy) reported that Ihor Murashov, head of the Russian-occupied Zaporizhzhia nuclear plant in Ukraine who was detained over the weekend in what Ukraine called a Russian act of terror, will not return to that job, according to the International Atomic Energy Agency. In a statement, the IAEA said, "The IAEA understands that Mr Murashov is now with his family in territory controlled by Ukraine and will not be continuing with his duties at the ZNPP. It is not yet clear who will replace him in this role." The article noted that IAEA Director General Rafael Grossi is due to travel to Kyiv and Moscow later this week in a bid to set up a protection zone around the plant to reduce the risk of a catastrophic accident.

23. Santa Fe New Mexican: Los Alamos National Laboratory's pit production a year behind schedule (LANL)

The [Santa Fe New Mexican](#) (Wyland) reported that Los Alamos National Laboratory's effort to produce 30 nuclear bomb cores a year by 2026 was stalled for 13 months because of the coronavirus pandemic, calling into question whether it can make the much-touted target. According to the article, an anti-nuclear activist obtained a "redacted management plan for the lab's plutonium operations through a Freedom of Information Act Request, which describes how the production deadline is more likely to be missed because of preparatory work being delayed during a hard-hitting stretch of the pandemic." During a 20-month stretch, "only seven months of work was accomplished in modernizing the plutonium facility and bolstering operations so the lab could reach the first goal of making 10 warhead triggers, called pits, by 2024", according to the document obtained by Los Alamos Study Group.

24. WRDW/WAGT: 2,500 jobs coming to SRS with plutonium plant's construction (SRS)

[WRDW/WAGT](#) reported that about 2,500 skilled craft and trade union workers will be hired for all phases of a massive construction project at the Savannah River Site that will produce the cores of nuclear weapons. According to the article, Construction on the Savannah River Plutonium Processing Facility is expected to begin before the end of this year at the U.S. Department of Energy's Savannah River Site. Crews will repurpose an unfinished National Nuclear Security Administration project into the new plant, which will produce plutonium pits – the cores of nuclear weapons. The article noted that for nearly three decades, the U.S. has not had the ability to produce as many plutonium pits as it needs to maintain nuclear readiness, according to the federal government. The new facility at SRS “is expected to produce at least 50 plutonium pits a year to help alleviate this problem.”

Artificial Intelligence

25. New Scientist: AI can tell which buildings are energy efficient from the outside

[New Scientist](#) (Hsu) reported that new artificial intelligence technology can determine whether a building is energy efficient by analyzing existing data, potentially enabling the data to be used to get a broad picture of the energy efficiency of buildings around the world. According to the article, researchers at Stanford University trained and tested an AI on remote-sensing and public data, including Google Street View images, aerial images and satellite-based measurements, for almost 40,000 buildings in the UK.

Climate Change/Global Warming

26. Reuters: Extreme hurricanes show time of climate change denial is over, Vatican says

[Reuters](#) (Pullella) reported that recent extreme weather events, such as the hurricane that devastated parts of Florida, show that the time for climate change denial and skepticism is over, a senior Vatican official said on Tuesday. Cardinal Michael Czerny, a Canadian who heads the Vatican's development office, said, “The time is over for speculation, for skepticism and denial, for irresponsible populism. Apocalyptic floods, mega droughts, disastrous heatwaves, and catastrophic cyclones and hurricanes have become the new normal in recent years; they continue today; tomorrow, they will get worse.” Czerny also said unchecked climate disruption and environmental degradation would lead to loss of lives and livelihoods, forced displacement, and violent conflict.

27. NYTimes: Climate Change Comes for the Freezers, a Key Tool for Alaska Natives

The [New York Times](#) (O'Malley) reported that increasingly stronger storms and melting permafrost are making Indigenous Alaskans struggle with keeping the power running to their freezers, which store their traditional subsistence foods. According to the article, with most traditional cold storage methods wiped out by warmer temperatures, Indigenous Alaskans are totally dependent on freezers just as climate change also threatens the power systems, which run those appliances, more with every passing season. The article noted that most rural Alaskans have at least one

freezer, and by fall, they hold a winter's supply of wild food to offset the high cost of groceries flown in by plane. Freezers also preserve generations-old harvest practices and underpin delicate village economies. According to the article, climate change is causing stronger storms to threaten the villages' power grids, thereby threatening their freezer-stored food supply. The article noted that President Biden recently approved emergency aid for the communities, including grants for temporary housing and home repairs and low-interest loans to cover uninsured property losses, but some village leaders think more drastic, permanent measures will be needed, such as moving the entire village to higher ground, or shoring up the villages' power plant.

28. NYTimes: Meet the Band of TV Animals That's Talking to Preschoolers About Climate

The [New York Times](#) (Davenport) reported on the show "Octonauts: Above and Beyond," the recent spinoff of a long-running BBC program, and one of the first television shows directed at very young children to explicitly address climate change. According to the article, the show attempts to strike a delicate balance: gently showing 3- and 4-year-olds that their world is already changing, without frightening them with the consequences. The show, heavy on adventurous heroes, features a pair of pirate cats traveling the world to rescue animals from islands that are being swallowed by the rising seas. Climate scientists say the show's depictions are largely accurate, with one striking omission: "the program says nothing about why the Earth is heating up: the burning of oil, gas and coal."

29. CNBC: Video: Cities are largely to blame for climate change. Could they also be part of the solution?

[CNBC](#) (Gilchrist) reported that cities play a large role in climate change, consuming around 75% of the world's energy and producing more than 70% of greenhouse gas emissions, but could also be part of a solution, as they may be nimble enough to avoid the bureaucracy of national politics.

National News

30. AP, WSJ: Twitter Says It Intends to Close Musk Deal at Original Price
[AP](#) (Krisher, O'Brien, Chase, Ortutay) and the [Wall Street Journal](#) (Lombardo) reported that Elon Musk has offered to close his acquisition of Twitter on the terms he originally agreed to, a sudden and unexpected comedown for the billionaire entrepreneur that could end a monthslong battle he has waged to get out of the \$44 billion deal. A lawyer for Musk communicated the proposal to Twitter's lawyers Monday, according to a copy of a letter that was filed with the Securities and Exchange Commission Tuesday afternoon. Twitter confirmed receipt of the letter and said it intends to close the transaction at the original price of \$54.20 per share. Should the parties agree to do so, the proposal would enable them to avert a high-stakes trial set to begin soon and potentially finalize the deal within days. Coverage noted that the five-day trial, set to begin Oct. 17, could still go forward as planned. Mr. Musk was set to be deposed later this week as part of the preparations for the trial. Musk remained mum about the turn of events on Twitter until late Tuesday afternoon, when he tweeted that "Buying Twitter is an accelerant to creating X, the everything app" without further explanation. The story was also reported on by the [New York Times](#), the [Washington Post](#), [Reuters](#), [CBS News](#), [NBC News](#) and [Politico](#).

This message does not originate from a known Department of Energy email system.
Use caution if this message contains attachments, links or requests for information.

From: [REDACTED] (b) (5)
Subject: RE: [EXTERNAL] ***** Yesterday's public hearing by US Energy Secretary Y. G. Anholm under so was our outline 40% odds that the Biden administration will impose a new oil price cap
Date: Thursday, September 29, 2022 3:22:00 PM

(b) (5)

From: Lisa Tol, B. Sigel, B. Sigel, b.sigel@hq.doe.gov
Sent: Thursday, September 29, 2022 3:25 PM
To: (b) (5) Sigel, b.sigel@hq.doe.gov; David, Ch. Stophel, ch.stophel@hq.doe.gov; Tuik, David, david.tuik@hq.doe.gov; Doan, Tim, tim.doan@hq.doe.gov
Subject: FW: [EXTERNAL] ***** Yesterday's public hearing by US Energy Secretary Y. G. Anholm under so was our outline 40% odds that the Biden administration will impose a new oil price cap

Hi,
It's that business model to take guesses/add commentary, but gets decent eyeballs.

Bridget Baral
Deputy Chief of Staff
U.S. Department of Energy
b.sigel@hq.doe.gov (b) (5)
P. Anholm, SHA/wh/h/s

From: Rap dan Ene gy [mailto:rap.dan.ene@hq.doe.gov]
Sent: Thursday, September 29, 2022 2:00 PM
To: Lisa Tol, B. Sigel [mailto:lisa.tol@hq.doe.gov]
Subject: [EXTERNAL] ***** Yesterday's public hearing by US Energy Secretary Y. G. Anholm under so was our outline 40% odds that the Biden administration will impose a new oil price cap

[REDACTED]

(b) (4)

[REDACTED]

View PDF

Rep/Gen Energy Group clients can access this and archived content on our [web portal](#).

This email was sent to rap.dan.ene@hq.doe.gov. In some instances, this email and any linked content, was prepared exclusively for the use of Rep/Gen Energy Group clients and may not be redistributed, retransmitted or disclosed, in whole or in part, or in any form or manner, without the express written consent of Rep/Gen Energy Group.

© Copyright Rep/Gen Energy Group 2022.

This message does not or originate from a known Department of Energy email system. Use caution if this message contains attachments, links or requests for information.

From: [Bartol, Bridget](#)
To: [Davis, Christopher](#)
Subject: Fwd: Connecting Julie R and DepSec Turk
Date: Tuesday, September 27, 2022 5:05:40 PM

Latest on Jones act

From: Sherwood-Randall, Liz D. EOP/WHO (b) (6)
Sent: Tuesday, September 27, 2022 5:02 PM
To: Kumar, Puesh <puesh.kumar@hq.doe.gov>; Rodriguez, Julie C. EOP/WHO (b) (6) >; Turk, David <david.turk@hq.doe.gov>
Cc: Brian.C.Dees (b) (6) (b) (6) >; Muse, Whitney <whitney.muse@hq.doe.gov>; Tarduogno, Matthew <matthew.tarduogno@hq.doe.gov>; Rice, Susan E. EOP/WHO (b) (6) >; Bhattacharyya, Arpita <arpita.bhattacharyya@hq.doe.gov>; Bartol, Bridget <bridget.bartol@hq.doe.gov>; Durkovich, Caitlin A. EOP/NSC (b) (6) >; Bartol, Bridget <bridget.bartol@hq.doe.gov>; Neukomm, Monica <monica.neukomm@hq.doe.gov>
Subject: [EXTERNAL] RE: Connecting Julie R and DepSec Turk

+ SER

Thank you, Puesh. (b) (5)

Liz

From: Kumar, Puesh <puesh.kumar@hq.doe.gov>
Sent: Tuesday, September 27, 2022 4:45 PM
To: Rodriguez, Julie C. EOP/WHO <(b) (6) >; Turk, David <david.turk@hq.doe.gov>; Sherwood-Randall, Liz D. EOP/WHO (b) (b) (6) >
Cc: Deese, Brian C. EOP/WHO (b) (6) >; Muse, Whitney <whitney.muse@hq.doe.gov>; Tarduogno, Matthew <matthew.tarduogno@hq.doe.gov>; Bhattacharyya, Arpita <arpita.bhattacharyya@hq.doe.gov>; Bartol, Bridget <bridget.bartol@hq.doe.gov>; Durkovich, Caitlin A. EOP/NSC (b) (6) >; Bartol, Bridget <bridget.bartol@hq.doe.gov>; Neukomm, Monica <monica.neukomm@hq.doe.gov>
Subject: RE: Connecting Julie R and DepSec Turk

All,

We wanted to provide you with a couple of quick updates:

- (b) (5)

(b) (5)

-

Best,
Puesh

--

Puesh M. Kumar
Director
Office of Cybersecurity, Energy Security, and Emergency Response
U.S. Department of Energy

Desk: 202-586-9044 | Cell: (b)(6)
He/Him/His Pronouns

From: Rodriguez, Julie C. EOP/WHO (b) (6)
Sent: Tuesday, September 27, 2022 12:29 PM
To: Turk, David <david.turk@hq.doe.gov>; Sherwood-Randall, Liz D. EOP/WHO (b) (b) (6)
Cc: Brian.C.Deese@(b) (6) Muse, Whitney <whitney.muse@hq.doe.gov>; Kumar, Puesh <puesh.kumar@hq.doe.gov>; Tarduogno, Matthew <matthew.tarduogno@hq.doe.gov>; Bhattacharyya, Arpita <arpita.bhattacharyya@hq.doe.gov>; Bartol, Bridget <bridget.bartol@hq.doe.gov>
Subject: [EXTERNAL] RE: Connecting Julie R and DepSec Turk

Thanks all. Attached is literally what we just received from the PRG. On standby for whatever else you need.

From: Turk, David <david.turk@hq.doe.gov>
Sent: Tuesday, September 27, 2022 12:27 PM
To: Sherwood-Randall, Liz D. EOP/WHO (b) (6) >; Rodriguez, Julie C. EOP/WHO (b) (6) >
Cc: Deese, Brian C. EOP/WHO <(b) (6) >; Muse, Whitney <whitney.muse@hq.doe.gov>; Kumar, Puesh <puesh.kumar@hq.doe.gov>; Tarduogno, Matthew <matthew.tarduogno@hq.doe.gov>; Bhattacharyya, Arpita <arpita.bhattacharyya@hq.doe.gov>; Bartol, Bridget <bridget.bartol@hq.doe.gov>
Subject: RE: Connecting Julie R and DepSec Turk

Thanks, Liz.

I just conferred with our team and (b) (5), including:

• (b) (5)
•
•

Thanks again for flagging. We are now executing ASAP.

Dave

From: Sherwood-Randall, Liz D. EOP/WHO (b) (6)
Sent: Tuesday, September 27, 2022 12:17 PM
To: Rodriguez, Julie C. EOP/WHO <(b) (6)>; Turk, David
<david.turk@hq.doe.gov>
Cc: Brian.C.Deese@(b) (6)
Subject: [EXTERNAL] Connecting Julie R and DepSec Turk

Julie – (b) (5)

Please connect directly as soon as you are able to do so.

Liz & Brian

This message does not originate from a known Department of Energy email system.
Use caution if this message contains attachments, links or requests for information.

This message does not originate from a known Department of Energy email system.
Use caution if this message contains attachments, links or requests for information.

This message does not originate from a known Department of Energy email system.
Use caution if this message contains attachments, links or requests for information.

From: [Turk, David](#)
To: ^{(b) (6) Secret} [Davis, Christopher](#)
Cc: (b) (6) [Bhattacharyya, Arpita](#); [Bartol, Bridget](#)
Subject: FW: Connecting Julie R and DepSec Turk
Date: Tuesday, September 27, 2022 12:27:54 PM

FYI below, Secretary and Christopher,

(b) (5)

Dave

From: Turk, David
Sent: Tuesday, September 27, 2022 12:27 PM
To: Sherwood-Randall, Liz D. EOP/WHO (b) (6) >; Rodriguez, Julie C. EOP/WHO (b) (6)
Cc: Brian.C.Deese@(b) (6) Muse, Whitney <whitney.muse@hq.doe.gov>; Kumar, Puesh <puesh.kumar@hq.doe.gov>; Tarduogno, Matthew <Matthew.Tarduogno@hq.doe.gov>; Bhattacharyya, Arpita <arpita.bhattacharyya@hq.doe.gov>; Bartol, Bridget <bridget.bartol@hq.doe.gov>
Subject: RE: Connecting Julie R and DepSec Turk

Thanks, Liz.

I just conferred with our team and we are executing asap, including:

- (b) (5)
-
-

Thanks again for flagging. We are now executing ASAP.

Dave

From: Sherwood-Randall, Liz D. EOP/WHO (b) (6)
Sent: Tuesday, September 27, 2022 12:17 PM
To: Rodriguez, Julie C. EOP/WHO (b) (6) ; Turk, David <david.turk@hq.doe.gov>
Cc: [Brian.C.Deese@\(b\) \(6\)](#)
Subject: [EXTERNAL] Connecting Julie R and DepSec Turk

Julie (b) (5)

Please connect directly as soon as you are able to do so.

Liz & Brian

This message does not originate from a known Department of Energy email system.
Use caution if this message contains attachments, links or requests for information.

From: [Bartol, Bridget](#)
To: [Aron-Dine, Aviva R. EOP/WHO](#); [Vivek.Viswanathar \(b\) \(6\)](#); [Nerurkar, Neelesh](#); [Turk, David](#)
Subject: Fwd: Here's New England story on wire, will hit internet in a few moments
Date: Thursday, September 15, 2022 9:34:47 PM

Hi all,

Please find the Reuters piece on today's meeting below.

Thanks,
Bridget

From: Gardner, Timothy (Reuters) <timothy.gardner@thomsonreuters.com>
Sent: Thursday, September 15, 2022 5:23 PM
To: Troiano, Charisma L <charisma.troiano@hq.doe.gov>
Subject: [EXTERNAL] Here's New England story on wire, will hit internet in a few moments

U.S. energy chief Granholm meets with New England governors on fuel supplies - Reuters News

15-Sep-2022 05:20:05 PM

By Timothy Gardner

WASHINGTON, Sept 15 (Reuters) - U.S. Energy Secretary Jennifer Granholm met with the governors of six states in the U.S. Northeast on Thursday to talk about their concerns about soaring fuel costs heading into winter, the Department of Energy said.

The meeting came after governors, including Charles Baker of Massachusetts, Janet Mills of Maine and Ned Lamont of Connecticut, [wrote](#) Granholm in July about their concerns about prices for liquefied natural gas (LNG) and other fuels in the wake of Russia's invasion of Ukraine.

Participants in the meeting talked about ways to ensure adequate supplies of electricity and heating fuels in region which typically experiences tight energy markets in winter, a source at the DOE said.

The DOE has made sure contracts for LNG for industry and other consumers are in place. In addition, President Joe Biden's infrastructure law last year included a \$500 million boost in funding for the Low Income Home Energy Assistance Program, which helps U.S. consumers access heating fuel and weatherize their homes, and the administration has called on Congress for more funding.

"This meeting is an opportunity to talk about what has happened and how we can continue to stay really closely aligned to mitigate any risks on reliability and try to maintain affordability (of fuel) in the coming weeks and months," the source said.

The New England governors said in the letter that the DOE should explore suspending the Jones Act, a law requiring goods moved between U.S. ports to be carried by U.S. staffed and flagged ships that are built domestically, for part or all of the upcoming winter.

They also urged the department to see how its heating oil and gasoline reserves in the Northeast, which hold a total of 2 million barrels of fuel, could be used this winter and to see about modernizing them given the region's changing resource mix.

In response to a question about waiving the Jones Act, the source reiterated that LNG contracts have been ensured. "In the event that there is an issue where additional supplies of heating fuels are needed, we would work with the states as appropriate to see what tools are needed," the source added.

Granholm late last month urged the seven major U.S. oil refiners including Exxon Mobil Corp [XOM.N](#) and Valero Energy Corp [VLO.N](#) to not increase fuel exports after energy companies sent record shipments abroad as domestic oil production rose and global fuel demand recovered. ([Full Story](#))

Granholm "underscored the concern about the low levels of privately-held refined product inventories in key regions, including New England, and its ask of oil and gas companies to ensure they are building adequate inventories to handle disruptions from hurricanes or other events," the DOE said in a statement about the meeting.

(Reporting by Timothy Gardner
Editing by Marguerita Choy)

This message does not originate from a known Department of Energy email system.
Use caution if this message contains attachments, links or requests for information.

From: [Powell, John](#) on behalf of [Powell, John <john.powell@hq.doe.gov>](#)
To: [Baumann, Jeremiah](#); [McGarry, Thomas](#); [Macintyre, Douglas](#); [Zevin, Avi](#); [Westfall, Lynn \(EIA\)](#)
Cc: [Perry, Robert](#); [Oosterling, Paul S](#); [Gele, Lionel J](#); [Roark, Christopher S](#)
Subject: RE: tonight's last request: Jones Act
Date: Sunday, March 6, 2022 8:26:34 AM
Attachments: [US-Customs-Coastwide-Trade-Jones-Act.pdf](#)
[Jones Act brief discription.pdf](#)

Attached are two briefers from CBP on the Jones Act, a skide deck, and a long breifer, that may be helpful.

John Powell
202-586-1814

(b) (6)

From: Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>
Sent: Sunday, March 6, 2022 8:59 AM
To: McGarry, Thomas <thomas.mcgarry@hq.doe.gov>; Macintyre, Douglas <douglas.macintyre@hq.doe.gov>; Powell, John <john.powell@hq.doe.gov>; Zevin, Avi <avi.zevin@hq.doe.gov>; Westfall, Lynn (EIA) <lynn.westfall@eia.gov>
Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul S <paul.oosterling@spr.doe.gov>; Gele, Lionel J <lionel.gele@spr.doe.gov>; Roark, Christopher S <christopher.roark@spr.doe.gov>
Subject: RE: tonight's last request: Jones Act

(b) (5)

From: McGarry, Thomas <thomas.mcgarry@hq.doe.gov>
Sent: Sunday, March 6, 2022 8:44 AM
To: Macintyre, Douglas <douglas.macintyre@hq.doe.gov>; Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>; Powell, John <john.powell@hq.doe.gov>; Zevin, Avi <avi.zevin@hq.doe.gov>; Westfall, Lynn (EIA) <lynn.westfall@eia.gov>
Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul S <paul.oosterling@spr.doe.gov>; Gele, Lionel J <lionel.gele@spr.doe.gov>; Roark, Christopher S <christopher.roark@spr.doe.gov>
Subject: Re: tonight's last request: Jones Act

I believe you are correct Doug.

Tom

From: Macintyre, Douglas <douglas.macintyre@hq.doe.gov>
Sent: Sunday, March 6, 2022 8:42:39 AM
To: Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>; Powell, John <john.powell@hq.doe.gov>; Zevin, Avi <avi.zevin@hq.doe.gov>; Westfall, Lynn (EIA) <lynn.westfall@eia.gov>

Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul S <paul.oosterling@spr.doe.gov>; Gele, Lionel J <lionel.gele@spr.doe.gov>; McGarry, Thomas <thomas.mcgarry@hq.doe.gov>; Roark, Christopher S <christopher.roark@spr.doe.gov>
Subject: Re: tonight's last request: Jones Act

Tom, Lionel, or Chris,

(b) (5)

Doug

From: Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>
Sent: Sunday, March 6, 2022 8:37:21 AM
To: Macintyre, Douglas <douglas.macintyre@hq.doe.gov>; Powell, John <john.powell@hq.doe.gov>; Zevin, Avi <avi.zevin@hq.doe.gov>; Westfall, Lynn (EIA) <lynn.westfall@eia.gov>
Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul S <paul.oosterling@spr.doe.gov>; Gele, Lionel J <lionel.gele@spr.doe.gov>; McGarry, Thomas <thomas.mcgarry@hq.doe.gov>; Roark, Christopher S <christopher.roark@spr.doe.gov>
Subject: RE: tonight's last request: Jones Act

(b) (5)

From: Macintyre, Douglas <douglas.macintyre@hq.doe.gov>
Sent: Saturday, March 5, 2022 9:54 PM
To: Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>; Powell, John <john.powell@hq.doe.gov>; Zevin, Avi <avi.zevin@hq.doe.gov>; Westfall, Lynn (EIA) <lynn.westfall@eia.gov>
Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul S <paul.oosterling@spr.doe.gov>; Gele, Lionel J <lionel.gele@spr.doe.gov>; McGarry, Thomas <thomas.mcgarry@hq.doe.gov>; Roark, Christopher S <christopher.roark@spr.doe.gov>
Subject: RE: tonight's last request: Jones Act

Minor edits and 1 comment from me. Nice job!

Doug

From: Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>
Sent: Saturday, March 5, 2022 9:39 PM
To: Powell, John <john.powell@hq.doe.gov>; Zevin, Avi <avi.zevin@hq.doe.gov>; Macintyre, Douglas <douglas.macintyre@hq.doe.gov>; Roark, Christopher S <christopher.roark@spr.doe.gov>
Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul S <paul.oosterling@spr.doe.gov>; Gele, Lionel J <lionel.gele@spr.doe.gov>; McGarry, Thomas <thomas.mcgarry@hq.doe.gov>;

Westfall, Lynn (EIA) <lynn.westfall@eia.gov>

Subject: RE: tonight's last request: Jones Act

All right team – thank you all SO much for these rapid responses. Attached is a memo for people to edit and comment on. But PLEASE TRACK CHANGES so I can reconcile quickly.

From: Powell, John <john.powell@hq.doe.gov>

Sent: Saturday, March 5, 2022 9:22 PM

To: Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>; Zevin, Avi <avi.zevin@hq.doe.gov>; Macintyre, Douglas <douglas.macintyre@hq.doe.gov>; Roark, Christopher S <christopher.roark@spr.doe.gov>

Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul S <paul.oosterling@spr.doe.gov>; Gele, Lionel J <lionel.gele@spr.doe.gov>; McGarry, Thomas <thomas.mcgarry@hq.doe.gov>; Westfall, Lynn (EIA) <lynn.westfall@eia.gov>

Subject: Re: tonight's last request: Jones Act

(b) (5)

From: Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>

Sent: Saturday, March 5, 2022 9:19:02 PM

To: Powell, John <john.powell@hq.doe.gov>; Zevin, Avi <avi.zevin@hq.doe.gov>; Macintyre, Douglas <douglas.macintyre@hq.doe.gov>; Roark, Christopher S <christopher.roark@spr.doe.gov>

Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul S <paul.oosterling@spr.doe.gov>; Gele, Lionel J <lionel.gele@spr.doe.gov>; McGarry, Thomas <thomas.mcgarry@hq.doe.gov>; Westfall, Lynn (EIA) <lynn.westfall@eia.gov>

Subject: RE: tonight's last request: Jones Act

(b) (5)

From: Powell, John <john.powell@hq.doe.gov>

Sent: Saturday, March 5, 2022 9:18 PM

To: Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>; Zevin, Avi <avi.zevin@hq.doe.gov>; Macintyre, Douglas <douglas.macintyre@hq.doe.gov>; Roark, Christopher S <christopher.roark@spr.doe.gov>

Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul S <paul.oosterling@spr.doe.gov>; Gele, Lionel J <lionel.gele@spr.doe.gov>; McGarry, Thomas <thomas.mcgarry@hq.doe.gov>; Westfall, Lynn (EIA) <lynn.westfall@eia.gov>

Subject: Re: tonight's last request: Jones Act

(b) (5)

From: Roark, Christopher <Christopher.Roark@SPR.DOE.GOV>
Sent: Saturday, March 5, 2022 8:53:18 PM
To: Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>; Zevin, Avi <avi.zevin@hq.doe.gov>; Macintyre, Douglas <douglas.macintyre@hq.doe.gov>
Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul S <paul.oosterling@spr.doe.gov>; Gele, Lionel J <lionel.gele@spr.doe.gov>; McGarry, Thomas <thomas.mcgarry@hq.doe.gov>; Powell, John <john.powell@hq.doe.gov>; Westfall, Lynn (EIA) <lynn.westfall@eia.gov>
Subject: RE: tonight's last request: Jones Act

Doug,

Sorry for late response, I agree with your comments.

Note, (b) (5) [Redacted]

Hopefully the above is helpful.

Best,

Christopher Roark
Crude Oil Management Team Lead
U. S. Department of Energy - SPR
(O): 504-734-4134
(C): (b) (6) [Redacted]

From: Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>
Sent: Saturday, March 5, 2022 7:24 PM
To: Zevin, Avi <avi.zevin@hq.doe.gov>; MacIntyre, Douglas (HQ) <Douglas.Macintyre@HQ.DOE.GOV>
Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul <Paul.Oosterling@SPR.DOE.GOV>; Gele, Lionel <Lionel.Gele@SPR.DOE.GOV>; Roark, Christopher <Christopher.Roark@SPR.DOE.GOV>

McGarry, Thomas (HQ) <Thomas.McGarry@hq.doe.gov>; Powell, John <john.powell@hq.doe.gov>;
Westfall, Lynn (EIA) <lynn.westfall@eia.gov>

Subject: [External] RE: tonight's last request: Jones Act

(b) (5)

From: Zevin, Avi <avi.zevin@hq.doe.gov>

Sent: Saturday, March 5, 2022 8:22 PM

To: Macintyre, Douglas <douglas.macintyre@hq.doe.gov>; Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>

Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul S <paul.oosterling@spr.doe.gov>; Gele, Lionel J <lionel.gele@spr.doe.gov>; Roark, Christopher S <christopher.roark@spr.doe.gov>; McGarry, Thomas <thomas.mcgarry@hq.doe.gov>; Powell, John <john.powell@hq.doe.gov>; Westfall, Lynn (EIA) <lynn.westfall@eia.gov>

Subject: Re: tonight's last request: Jones Act

(b) (5)

As with Doug, please don't hesitate to push back on this.

Avi Zevin
Deputy General Counsel for Energy Policy
Office of General Counsel | U.S. Department of Energy
avi.zevin@hq.doe.gov | 202-586-2703
(he/him/his)

From: Macintyre, Douglas <douglas.macintyre@hq.doe.gov>

Sent: Saturday, March 5, 2022 8:16:26 PM

To: Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>

Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul S <paul.oosterling@spr.doe.gov>; Gele, Lionel J <lionel.gele@spr.doe.gov>; Roark, Christopher S <christopher.roark@spr.doe.gov>; Zevin, Avi <avi.zevin@hq.doe.gov>; McGarry, Thomas <thomas.mcgarry@hq.doe.gov>; Powell, John <john.powell@hq.doe.gov>; Westfall, Lynn (EIA) <lynn.westfall@eia.gov>

Subject: RE: tonight's last request: Jones Act

Jeremiah,

See my answers in Red. Again, if any of my guys (and John Powell) see I made a mistake, it is (b) (5)

Doug

From: Baumann, Jeremiah <jeremiah.baumann@hq.doe.gov>

Sent: Saturday, March 5, 2022 7:48 PM

To: Macintyre, Douglas <douglas.macintyre@hq.doe.gov>

Cc: Perry, Robert <robert.perry2@hq.doe.gov>; Oosterling, Paul S <paul.oosterling@spr.doe.gov>; Gele, Lionel J <lionel.gele@spr.doe.gov>; Roark, Christopher S <christopher.roark@spr.doe.gov>; Zevin, Avi <avi.zevin@hq.doe.gov>; McGarry, Thomas <thomas.mcgary@hq.doe.gov>; Powell, John <john.powell@hq.doe.gov>; Westfall, Lynn (EIA) <lynn.westfall@eia.gov>

Subject: tonight's last request: Jones Act

Ok, (b) (5)

- (b) (5)

-

- (b) (5)

-

■ (b) (5)

■

■

■

*What Every Member of the
Trade Community Should Know About:*

Coastwise Trade: Merchandise



AN INFORMED COMPLIANCE PUBLICATION

JANUARY 2009

U.S. CUSTOMS and BORDER PROTECTION

NOTICE:

This publication is intended to provide guidance and information to the trade community. It reflects the position on or interpretation of the applicable laws or regulations by U.S. Customs and Border Protection (CBP) as of the date of publication, which is shown on the front cover. It does not in any way replace or supersede those laws or regulations. Only the latest official version of the laws or regulations is authoritative.

Publication History

First Published: January 2009

PRINTING NOTE:

This publication was designed for electronic distribution via the CBP website (<http://www.cbp.gov>) and is being distributed in a variety of formats. It was originally set up in Microsoft Word97®. Pagination and margins in downloaded versions may vary depending upon which word processor or printer you use. If you wish to maintain the original settings, you may wish to download the .pdf version, which can then be printed using the freely available Adobe Acrobat Reader®.

PREFACE

On December 8, 1993, Title VI of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), also known as the Customs Modernization or "Mod" Act, became effective. These provisions amended many sections of the Tariff Act of 1930 and related laws.

Two new concepts that emerge from the Mod Act are "*informed compliance*" and "*shared responsibility*," which are premised on the idea that in order to maximize voluntary compliance with laws and regulations of U.S. Customs and Border Protection, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the Mod Act imposes a greater obligation on CBP to provide the public with improved information concerning the trade community's rights and responsibilities under customs regulations and related laws. In addition, both the trade and U.S. Customs and Border Protection share responsibility for carrying out these requirements. For example, under Section 484 of the Tariff Act, as amended (19 U.S.C. 1484), the importer of record is responsible for using reasonable care to enter, classify and determine the value of imported merchandise and to provide any other information necessary to enable U.S. Customs and Border Protection to properly assess duties, collect accurate statistics, and determine whether other applicable legal requirements, if any, have been met. CBP is then responsible for fixing the final classification and value of the merchandise. An importer of record's failure to exercise reasonable care could delay release of the merchandise and, in some cases, could result in the imposition of penalties.

Regulations and Rulings in CBP's Office of International Trade ("OT") has been given a major role in meeting the informed compliance responsibilities of U.S. Customs and Border Protection. In order to provide information to the public, CBP has issued a series of informed compliance publications on new or revised requirements, regulations or procedures, and a variety of classification and valuation issues.

This publication, prepared by the Border Security & Trade Compliance Division of Regulations and Rulings, is part of a series of informed compliance publications advising the public of new or revised regulations or procedures. "Coastwise Trade: Merchandise" is a guideline for the coastwise transportation of merchandise as it relates to the Jones Act. We sincerely hope that this material, together with seminars and increased access to rulings of U.S. Customs and Border Protection, will help the trade community to improve voluntary compliance with customs laws and to understand the relevant administrative processes.

The material in this publication is provided for general information purposes only. Because many complicated factors can be involved in customs issues, an importer may wish to obtain a ruling under Regulations of U.S. Customs and Border Protection, 19 C.F.R. Part 177, or to obtain advice from an expert who specializes in customs matters, for example, a licensed customs broker, attorney or consultant.

Comments and suggestions are welcomed and should be addressed to the Executive Director, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street, NW, (Mint Annex), Washington, D.C. 20229.

Sandra L. Bell
Executive Director, Regulations and Rulings
Office of International Trade

(This page intentionally left blank)

INTRODUCTION.....	1
Background	1
Coastwise Laws	2
THE JONES ACT	2
Transportation of Merchandise.....	2
What is Merchandise?	3
What is not Merchandise?.....	3
Application of the Jones Act.....	3
Requirements	4
IMPLEMENTING REGULATIONS	5
Vessels entitled to engage in coastwise trade.....	5
Coastwise transportation of merchandise	5
New and Different Product	6
Prematurely landed merchandise.....	6
Empty Cargo Containers, Stevedoring Equipment.....	6
PENALTY	7
EXCEPTIONS	7
WAIVER AUTHORITY	8
National Defense.....	8
Waiver Request.....	9
Coordination with Other Agencies	9
ADDITIONAL INFORMATION.....	10
The Internet.....	10
Customs Regulations	10
Customs Bulletin	10
Importing Into the United States	11
Informed Compliance Publications	11
Value Publications.....	12
"Your Comments are Important".....	13

(This page intentionally left blank)

INTRODUCTION

The purpose of this Informed Compliance Publication (ICP) is to identify the laws and regulations that are to be adhered to by the trade community engaged in the coastwise transportation of merchandise, such that the trade community is informed of its legal obligations, and in order to maximize voluntary compliance with laws and regulations enforced by U.S. Customs and Border Protection (CBP).

Under Title 19 of the Code of Federal Regulations § 4.80b (19 CFR § 4.80b), “[a] coastwise transportation of merchandise takes place, within the meaning of the coastwise laws, when merchandise laden at a point embraced within the coastwise laws (“coastwise point”) is unladen at another coastwise point, regardless of the origin or ultimate destination of the merchandise.” For example, a coastwise transportation occurs when merchandise is loaded onto a vessel in San Francisco and carried to Seattle, where it is unloaded.

Specifically, in this publication, CBP will summarize:

- The “Jones Act”
- CBP Regulations
- Exceptions
- Waivers

Background

For over 200 years, the United States Customs Service¹, now CBP, has been responsible for enforcing and administering laws and regulations² which set forth procedures to control and oversee vessels arriving in, and departing from, U.S. ports and the coastwise transportation of merchandise between U.S. ports.

Federal laws protecting U.S. shipping date back to the First Congress in 1789. American shipping in the United States coastwise³ trade has been protected from foreign competition, in order to encourage the development of an American merchant marine, for both national defense and commercial purposes. As a result, all vessels

¹ The U.S. Customs Service was removed from the Treasury Department and became a component of the Department of Homeland Security (DHS), pursuant to the Homeland Security Act of 2002, Pub. L. 107-296 (November 25, 2002), secs. 403, 411, and is now known as U.S. Customs and Border Protection (CBP) (DHS Delegation Number 7010.1, of June 20, 2003).

² Customs (now CBP) has always enforced coastwise laws except for a 58-year period (1884-1942) when the responsibility resided with the former Bureau of Navigation under the Treasury and Commerce.

³ In this context, the term “coastwise” refers to vessels engaged in domestic trade, or those traveling regularly from port to port in the United States. BLACK’S LAW DICTIONARY 233 (5th ed. 1979).

engaged in the coastwise trade have been required to be American-built and American-owned.

The coastwise law governing the transportation of merchandise was first established by Section 27 of the Merchant Marine Act of 1920, sponsored by Senator Wesley L. Jones (hence its name, the "Jones Act"), which revamped the U.S. shipping laws governing cabotage, shipping mortgages, seamen's personal injury claims, etc. That statute provided that "[N]o merchandise shall be transported by water, or by land and water, on penalty of forfeiture thereof, between points in the United States, including districts, territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States."

As stated above, the intent of the coastwise laws, including the Jones Act, was to protect U.S. shipping interests. The coastwise laws are highly protectionist provisions that are intended to create a "coastwise monopoly" in order to protect and develop the American merchant marine, shipbuilding, etc. (see Headquarters Ruling (HQ) 116630 (March 27, 2006) and cases cited therein).

Coastwise Laws

Generally, the coastwise laws prohibit the transportation of passengers or merchandise between points in the United States embraced within the coastwise laws in any vessel other than a vessel built in, documented under the laws of, and owned by citizens of the United States.

Title 46 of the United States Code covers the coastwise laws, including the Jones Act, that are administered by CBP. Specifically, the Jones Act was formerly found in 46 U.S.C. App. 883. However, pursuant to Public Law 109-304, 120 Stat. 1632, enacted on October 6, 2006, Title 46, United States Code (U.S.C.), setting forth the shipping laws was substantially reorganized and recodified. Consequently, the Jones Act is now codified at 46 U.S.C. § 55102.

THE JONES ACT

Transportation of Merchandise—46 U.S.C. § 55102

The Jones Act (46 U.S.C. § 55102), provides that the transportation of merchandise between U.S. points is reserved for U.S.-built, owned, and documented vessels. Pursuant to section 55102, "a vessel may not provide any part of the transportation of merchandise by water, or by land and water, between points in the United States to which the coastwise laws apply, either directly or via a foreign port, unless the vessel— (1) is wholly owned by citizens of the United States for purposes of engaging in the coastwise trade; and (2) has been issued a certificate of documentation with a

coastwise endorsement under chapter 121 of Title 46 or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement.”

Consequently, foreign-flag vessels are prohibited from engaging in the coastwise trade—transporting merchandise between U.S. coastwise points. In addition, the same prohibitions apply to U.S.-flag vessels that do not have a coastwise endorsement on their document, i.e., are not coastwise qualified.

What is Merchandise?

CBP uses the definitions provided in 46 U.S.C. § 55102(a) and 19 U.S.C. § 1401(c), to determine what is considered merchandise for purposes of enforcing the Jones Act.

Pursuant to 19 U.S.C. § 1401(c), the word “merchandise” means goods, wares and chattels of every description and includes merchandise the importation of which is prohibited. Monetary instruments as defined in section 5312 of Title 31 of the United States Code are also considered merchandise.

Statutory Definition: 46 U.S.C. § 55102(a) the term “merchandise,” as used in 46 U.S.C. § 55102, is defined for the purpose of that statute as including 1) merchandise owned by the United States Government, a State, or a subdivision of a State; and 2) valueless material.

What is not Merchandise?

Equipment of the transporting vessel is not considered merchandise, nor is the baggage or personal effects of crew or passengers. Vessel equipment includes items which are “necessary and appropriate for the navigation, operation or maintenance of a vessel and for the comfort and safety of the persons on board.” See Treasury Decision (T.D.) 49815(4) (1939).

Similarly, sea stores, i.e., supplies for the consumption, sustenance, and medical needs of the crew and passengers during the voyage are not considered merchandise. See T.D. 40934 (1925).

Accordingly, these items are not considered merchandise when they are transported in the vessel on which they are used.

Application of the Jones Act

1. Where Does the Jones Act Apply?

The Jones Act applies to the United States, including the island territories and possessions of the United States, e.g., Puerto Rico. See 46 U.S.C. § 55101(a). However, the coastwise laws generally do not apply to the following: 1) American

Samoa; 2) the Northern Mariana Islands; 3) Canton Island; or 4) the Virgin Islands. See 46 U.S.C. § 55101(b).

2. U.S. Territorial Waters

The territorial waters of the United States consist of the territorial sea, defined as the belt, three nautical miles wide, seaward of the territorial sea baseline, and to points located in internal waters, landward of the territorial sea baseline, in cases where the baseline and coastline differ. This includes all inland navigable waterways. In interpreting the Jones Act, CBP has consistently ruled that a point in the United States territorial waters is a point in the United States embraced within the coastwise laws.

3. Outer Continental Shelf: Coastwise Points

In order for an activity to constitute coastwise trade, there must be a transportation between "coastwise points." In addition to the U.S. territorial waters as defined above, coastwise points also include certain points on the Outer Continental Shelf (OCS):

Section 4(a) of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. § 1333(a); "OSCLA"), provides in part that the laws of the United States are extended to: "the subsoil and seabed of the outer Continental Shelf and to all artificial islands, and all installations and other devices permanently or temporarily attached to the seabed, which may be erected thereon for the purpose of exploring for, developing, or producing resources therefrom...to the same extent as if the outer Continental Shelf were an area of exclusive Federal jurisdiction within a state."

Therefore, the Jones Act is extended to artificial islands and similar structures, as well as to mobile oil drilling rigs, drilling platforms, and other devices attached to the seabed of the outer continental shelf for the purpose of resource exploration operations. For example, drilling rigs located on the OCS are considered points or places in the U.S. for purposes of enforcing the Jones Act. Similarly, floating, anchored warehouse vessels, when anchored on the OCS to supply drilling rigs on the OCS, are also points in the U.S. for purposes of the Jones Act, since they are essential to the operation of the drilling rig. See Customs Service Decisions (C.S.D.s) 81-214 and 83-52; see also, HQ 107579 (May 9, 1985). Likewise, the Jones Act is extended to mobile oil drilling rigs during the period they are secured to or submerged onto the seabed of the OCS. See Treasury Decision (T.D.) 54281(1). The installation or device must be permanently or temporarily attached, and it must be used for the purpose of exploring for, developing or producing resources therefrom, in order to be considered a coastwise point.

Requirements: Coastwise-Qualified

1. Vessel Documentation

The 11th Act of Congress in 1789 established the documentation system for U.S. vessels, in order to regulate coastwise trade. The United States Coast Guard (USCG)

issues certificates of documentation, and determines the eligibility of vessels for a coastwise endorsement to appear on such certificates.

2. Coastwise Endorsement

A vessel that is built in, documented under the laws of, and owned by citizens of the United States, and which obtains a coastwise endorsement from the USCG, is referred to as "coastwise-qualified." Specifically, the term "coastwise-qualified vessel" means a U.S.-flag vessel having a certificate of documentation with a coastwise endorsement under 46 U.S.C. § 12112.

3. Vessel Eligibility

The certificates of documentation issued by the USCG provide conclusive evidence of nationality for international purposes, which allow qualified vessels to engage in the restricted coastwise trade. In order to engage in the coastwise trade, a vessel must meet certain eligibility requirements to qualify for a certificate of documentation and coastwise endorsement (e.g., build, ownership, etc.). These requirements are solely within the purview of the USCG. They make determinations such as what constitutes "U.S. build," for purposes of vessel eligibility for documentation and coastwise endorsement.

IMPLEMENTING REGULATIONS

Vessels entitled to engage in coastwise trade—19 CFR § 4.80

The applicable CBP regulations governing the Jones Act are found in Title 19 of the Code of Federal Regulations (CFR), Part 4 (19 CFR Part 4). These regulations closely track the statutory requirements for vessels engaging in coastwise trade.

In order for any vessel of five net tons or more to engage in coastwise transportation, it must have a coastwise endorsement on its certificate of documentation. Vessels of less than five net tons may not be documented by the USCG. For those vessels to engage in coastwise transportation, they must, except for their tonnage, otherwise be entitled to be documented with a coastwise endorsement. See 19 CFR § 4.80(a)(2).

Coastwise transportation of merchandise—19 CFR § 4.80b

Under 19 CFR § 4.80b, "[a] coastwise transportation of merchandise takes place, within the meaning of the coastwise laws, when merchandise laden at a point embraced within the coastwise laws ("coastwise point") is unladen at another coastwise point, regardless of the origin or ultimate destination of the merchandise." For example, a coastwise transportation occurs when merchandise is loaded onto a vessel in San Francisco and carried to Seattle, where it is unloaded.

New and Different Product—19 CFR § 4.80b(a)

Under the CBP regulations, merchandise is not considered to be transported coastwise if at an intermediate port or place other than a coastwise point (e.g., foreign port or place or at a port or place in a territory or possession of the U.S. not subject to the coastwise laws), it is manufactured or processed into a “new and different product.” The subsequent transportation of the new and different product to a coastwise point would not be deemed a violation of the coastwise laws. See HQ 116650 (June 9, 2006) (processing fuel oil in Canada into conventional gasoline resulted in manufacture or processing into new and different products).

Prematurely landed merchandise—19 CFR § 4.34

CBP regulations provide a very narrow exception to the coastwise merchandise statute for merchandise that is prematurely discharged. Specifically, under 19 CFR § 4.34(a), inward foreign cargo that is “prematurely landed and left behind” by an importing vessel “through error or emergency” may be reladen on the next available vessel owned or chartered by the owner of the importing vessel for transportation to the originally intended destination, provided that the importing vessel “actually entered” the port of destination of the prematurely landed cargo. In effect under these circumstances, the merchandise could be reladen on a non-coastwise-qualified vessel and transported to the intended destination. See HQ H006047 (February 2, 2007) (citing Customs Bureau Letter of December 28, 1956, MA 192018.4, to Collector, Tampa, FL). However, the terms and conditions of § 4.34(a) are strictly construed, such that the error or emergency must pertain to the cargo itself, rather than to the vessel (see HQ H006047 and cases cited therein).

Empty Cargo Containers, Stevedoring Equipment—19 CFR § 4.93

CBP regulations allow U.S. vessels that do not have a coastwise endorsement, as well as foreign-flag vessels of nations that grant reciprocal privileges to vessels of the U.S., to transport certain articles between points embraced within the coastwise laws of the United States. These items include empty cargo vans, empty lift vans, and empty shipping tanks and the equipment for use with said empty cargo vans, lift vans and shipping tanks; empty barges specifically designed to be carried aboard a vessel and equipment (excluding propulsion equipment) for use with such barges; and empty instruments of international traffic (IIT). These items are exempt from the application of CBP regulations concerning the coastwise laws, if they are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling the cargo in foreign trade. Similarly, stevedoring equipment and material are also exempt, if they are owned or leased by the owner or operator of the transporting vessel, or owned or leased by the stevedoring company contracting for the lading or unlading of that vessel, and is transported without charge for use in the handling of cargo in foreign trade. The list of nations that extend reciprocal privileges to U.S. vessels is set forth at 19 CFR § 4.93(b).

PENALTY

The statute, 46 U.S.C. § 55102(c), provides in pertinent part that merchandise transported in violation of the Jones Act “is liable to seizure by and forfeiture to the Government. Alternatively, an amount equal to the value of the merchandise (as determined by the Secretary of [the Department of] Homeland Security or the actual cost of the transportation, whichever is greater, may be recovered from any person transporting the merchandise or causing the merchandise to be transported.”

The applicable CBP regulations regarding penalties for violating coastwise laws are found in 19 CFR § 4.80(b), which provide for forfeiture of the merchandise or, in the discretion of the port director, forfeiture of a monetary amount up to the value of the merchandise. However, CBP may remit without payment any penalty which arises for violation of the coastwise laws if there is satisfactory evidence that the violation occurred as a direct result of an arrival of the transporting vessel in distress. See 19 CFR § 171.11(c); see also mitigation guidelines set forth in ICP entitled “Mitigation Guidelines: Fines, Penalties, Forfeitures and Liquidated Damages,” February 2004 revision, p. 183 *et seq.*

EXCEPTIONS

Former 46 U.S.C. App. 883 contained a number of “provisos” or exceptions to the Jones Act. In the recodification of Title 46, the provisos were codified into separate sections, as summarized below:

Transportation of hazardous waste—Sec. 55105(b):

Although the transportation of hazardous waste is deemed to be transportation of merchandise under section 55102, under specified circumstances, the prohibition does not apply to certain foreign vessels.

Merchandise transferred between barges—Sec. 55106:

Under specified circumstances, merchandise may be transferred between barges if reciprocal privileges are extended to U.S. vessels.

Empty cargo containers and barges—Sec. 55107:

In general, section 55102 does not apply to the transportation of empty cargo vans, empty lift vans, or empty shipping tanks; equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and equipment (except propulsion equipment) for use with those barges; empty instruments for international traffic (IIT); stevedoring equipment and material, if the government of the nation of the vessel's registry extends reciprocal privileges to vessels of the United States⁴.

⁴ The list of nations is found at 19 CFR § 4.93.

Platform jackets—Sec. 55108:

Section 55108(b) authorizes the transportation of certain “platform jackets.”

Use of foreign documented oil spill response vessels—Sec. 55113:

An oil spill response vessel documented under the laws of a foreign country may operate in waters of the United States on an emergency basis, for the purpose of recovering, transporting, and unloading in a U.S. port oil discharged as a result of an oil spill in or near those waters, if an adequate number and type of U.S. coastwise-qualified oil spill response vessels are unavailable and the foreign country extends reciprocal privileges to U.S. vessels.

Canadian rail lines—Sec. 55116:

Section 55102 does not apply to the transportation of merchandise between points in the continental United States, including Alaska, over through routes in part over Canadian rail lines and connecting water facilities if the routes are recognized by the Surface Transportation Board and rate tariffs for the routes have been filed with the Board.

Great Lakes rail route—Sec. 55117:

Section 55102 generally does not apply to the transportation of merchandise loaded on a railroad car when the railroad car is transported in a railroad car ferry operating between fixed terminals on the Great Lakes as part of a rail route under certain circumstances.

Yukon River—Sec. 55119:

Section 55102 currently does not apply to the transportation of merchandise on the Yukon River, until the Alaska Railroad is completed.

Transportation of merchandise and passengers on Canadian vessels—Sec. 55121:

Section 55121(b)(2) provides that the prohibitions of section 55102 currently do not apply to the transportation of merchandise on Canadian vessels between Hyder, Alaska, and other points in southeastern Alaska or in the U.S. outside Alaska, until the Secretary of Transportation determines that service by vessels of the U.S. is available to provide such transportation.

WAIVER AUTHORITY—46 U.S.C. § 501

National Defense

The Jones Act can only be waived in the interest of national defense, pursuant to 46 U.S.C. § 501. Under 46 U.S.C. § 501, the Secretary of Defense may request the Secretary of the Department of Homeland Security (DHS) to waive the Jones Act to the extent the Secretary of Defense considers such a waiver necessary in the interest of national defense. In this instance, CBP, pursuant to a delegation of authority from the Secretary of DHS shall grant the waiver. For all other waiver requests, the Secretary of DHS is authorized to grant the waiver request if the Secretary of DHS considers it

necessary in the interest of national defense (46 U.S.C. § 501(b)). It should be noted that in this latter instance, P.L. 110-417, section 3510, (122 Stat. 4356, enacted on October 14, 2008), amended § 501(b), to require that the Maritime Administrator be consulted regarding the non-availability of qualified United States flag capacity to meet national defense requirements, before the Secretary of DHS grants the waiver request.

Waiver Request

A waiver request should include the purpose for which waiver is sought, port(s) involved, and estimated period of time for which the waiver is sought.

Requests to waive the provisions of the coastwise laws administered by CBP should be referred to the Cargo Security, Carriers & Immigration Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 799 9th Street, NW, Washington, DC 20229, phone (202) 325-0030, fax (202) 325-0152.

Coordination with Other Agencies

CBP's enforcement and administration of the Jones Act requires coordination with other interested agencies, such as the Maritime Administration of the U.S. Department of Transportation, the U.S. Coast Guard, the U.S. Department of Defense, and the U.S. Department of Energy. As mentioned above, the USCG determines vessel eligibility for coastwise endorsement and issues certificates of documentation. The U.S. Department of Transportation's Maritime Administration monitors and assesses the operating status of U.S.-flag vessels, and advises CBP on such U.S. vessel availability. The U.S. Department of Energy monitors energy supply needs and advises CBP during periods of actual or imminent shortages of energy on requests for waivers of the Jones Act. Similarly, the U.S. Department of Defense ascertains the impact of certain energy supply situations on its operations, and whether a waiver request is in the interest of national defense. If the Department of Defense is the requesting party for a waiver, CBP grants the waiver request. For all other requests, CBP makes a recommendation to the Secretary of DHS who is the deciding authority on the waiver request.

ADDITIONAL INFORMATION

The Internet

The home page of U.S. Customs and Border Protection on the Internet's World Wide Web, provides the trade community with current, relevant information regarding CBP operations and items of special interest. The site posts information -- which includes proposed regulations, news releases, publications and notices, etc. -- that can be searched, read on-line, printed or downloaded to your personal computer. The web site was established as a trade-friendly mechanism to assist the importing and exporting community. The web site also links to the home pages of many other agencies whose importing or exporting regulations that U.S. Customs and Border Protection helps to enforce. The web site also contains a wealth of information of interest to a broader public than the trade community. For instance, on June 20, 2001, CBP launched the "Know Before You Go" publication and traveler awareness campaign designed to help educate international travelers.

The web address of U.S. Customs and Border Protection is <http://www.cbp.gov>

Customs Regulations

The current edition of *Customs Regulations of the United States* is a loose-leaf, subscription publication available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; telephone (202) 512-1800. The latest edition of Title 19, *Code of Federal Regulations*, is also available for sale from the same address. All proposed and final regulations are published in the *Federal Register*, which is published daily by the Office of the Federal Register, National Archives and Records Administration, and distributed by the Superintendent of Documents. Information about on-line access to the *Federal Register* may be obtained by calling (202) 512-1530 between 7 a.m. and 5 p.m. Eastern time. These notices are also published in the weekly *Customs Bulletin* described below.

Customs Bulletin

The *Customs Bulletin and Decisions* ("*Customs Bulletin*") is a weekly publication that contains decisions, rulings, regulatory proposals, notices and other information of interest to the trade community. It also contains decisions issued by the U.S. Court of International Trade. Each year, the Government Printing Office publishes bound volumes of the *Customs Bulletin*. Subscriptions may be purchased from the Superintendent of Documents at the address and phone number listed above.

Importing Into the United States

This publication provides an overview of the importing process and contains general information about import requirements. The current edition of *Importing Into the United States* contains much new and revised material brought about pursuant to the Customs Modernization Act ("Mod Act"). The Mod Act has fundamentally altered the relationship between importers and U.S. Customs and Border Protection by shifting to the importer the legal responsibility for declaring the value, classification, and rate of duty applicable to entered merchandise.

The current edition contains a section entitled "Informed Compliance." A key component of informed compliance is the shared responsibility between U.S. Customs and Border Protection and the import community, wherein CBP communicates its requirements to the importer, and the importer, in turn, uses reasonable care to assure that CBP is provided accurate and timely data pertaining to his or her importation.

Single copies may be obtained from local offices of U.S. Customs and Border Protection, or from the Office of Public Affairs, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229. An on-line version is available at the CBP web site. *Importing Into the United States* is also available for sale, in single copies or bulk orders, from the Superintendent of Documents by calling (202) 512-1800, or by mail from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7054.

Informed Compliance Publications

U.S. Customs and Border Protection has prepared a number of Informed Compliance publications in the "*What Every Member of the Trade Community Should Know About...*" series. Check the Internet web site <http://www.cbp.gov> for current publications.

Value Publications

Customs Valuation under the Trade Agreements Act of 1979 is a 96-page book containing a detailed narrative description of the customs valuation system, the customs valuation title of the Trade Agreements Act (§402 of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979 (19 U.S.C. §1401a)), the Statement of Administrative Action which was sent to the U.S. Congress in conjunction with the TAA, regulations (19 C.F.R. §§152.000-152.108) implementing the valuation system (a few sections of the regulations have been amended subsequent to the publication of the book) and questions and answers concerning the valuation system. A copy may be obtained from U.S. Customs and Border Protection, Office of International Trade, Regulations and Rulings, Valuation & Special Programs Branch, 799 9th Street, NW, (Mint Annex), Washington, D.C. 20229.

Customs Valuation Encyclopedia (with updates) is comprised of relevant statutory provisions, CBP Regulations implementing the statute, portions of the Customs Valuation Code, judicial precedent, and administrative rulings involving application of valuation law. A copy may be purchased for a nominal charge from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7054. This publication is also available on the Internet web site of U.S. Customs and Border Protection.

The information provided in this publication is for general information purposes only. Recognizing that many complicated factors may be involved in customs issues, an importer may wish to obtain a ruling under CBP Regulations, 19 C.F.R. Part 177, or obtain advice from an expert (such as a licensed Customs Broker, attorney or consultant) who specializes in customs matters. Reliance solely on the general information in this pamphlet may not be considered reasonable care.

Additional information may also be obtained from U.S. Customs and Border Protection ports of entry. Please consult your telephone directory for an office near you. The listing will be found under U.S. Government, Department of Homeland Security.

“Your Comments are Important”

The Small Business and Regulatory Enforcement Ombudsman and 10 regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement activities and rate each agency’s responsiveness to small business. If you wish to comment on the enforcement actions of U.S. Customs and Border Protection, call 1-888-REG-FAIR (1-888-734-3247).

REPORT SMUGGLING 1-800-BE-ALERT



Visit our Internet web site: <http://www.cbp.gov>

U.S. Customs & Border Protection



Coastwise Trade: Navigating through the Jones Act

UNIFORMED COMPONENTS



Office of Air and Marine



Office of Border Patrol



Office of Field Operations

THREE PRONGED MISSION



What Are Coastwise Trade Laws

Restrict transportation of passengers and merchandise between points in the United States by vessels that are;

- Built in the United States
- Documented under U.S. law
- Owned by citizens of the United States

CBP is the enforcement arm of Coastwise Trade

Purpose of Coastwise Laws

To create a “coastwise monopoly” for the **development and protection of domestic shipbuilding and American maritime interests** by prohibiting transportation of merchandise and passengers between coastwise points in the United States by vessels not coastwise qualified.

- Protection of the maritime interest in the United States
- Protection of the shipbuilding interest in the United States

Jones Act & National Security

Domestic Maritime System includes:

- Over 360 Seaports
- Excess of 3,000 seaport facilities
- Over 40,000 regulated vessels

National Security mission is a layered approach

- Enforcement of the Jones Act

Jones Act & National Security

Without Coastwise Trade Laws

Southern land border	– 1,989 miles
Northern land border	– 5,525 miles
National coastline	– 95,000 miles

Without coastwise trade laws:

- Unfettered access by foreign-owned vessels
 - Inland waterways, rivers, harbors
 - Unencumbered access to seaport facilities
 - Refineries, critical infrastructures, etc...

Merchandise v. Equipment

- 19 U.S.C. 1401(c) – “...goods, wares, and chattels of every description, and includes merchandise the importation of which is prohibited, and monetary instruments as defined in section 5312 of Title 31.
- Vessel Equipment - items which are “necessary and appropriate for the navigation, operation, or maintenance of a vessel and for the comfort and safety of the persons on board.” Treasury Decision (T.D.) 49815(4) (1939)

****When transported by the vessel on which it is used.**

The Jones Act

46 U.S.C. 55102

No vessel may provide any part of the transportation of **merchandise** by water, or by land and water, between points in the United States to which the coastwise laws apply, either directly or via a foreign port, **unless the vessel is:**

- U.S.-built, owned and documented with a coastwise endorsement or, if exempt from documentation, would otherwise be eligible.

The Jones Act - Penalties

46 U.S.C. 55102(C)

Penalty

- Merchandise subject to seizure OR
- **Monetary penalty equal to the value of the merchandise** OR
- actual cost of the transportation, whichever is greater, from any person transporting the merchandise or actually causing it to be transported.

Additional Maritime Coastwise Trade Laws

- **Passenger Vessel Services Act (PVSA)**
 - 46 U.S.C. 55103
- **Dredging Act**
 - 46 U.S.C. 55109
- **Towing Act**
 - 46 U.S.C. 55111
- **Salvage Act**
 - 46 U.S.C. 80104
- **Oil Spill Response Act**
 - 46 U.S.C. 55113

Jones Act Division of Enforcement (JADE)

- National Unit approved July 2017
- Located within Field Office, New Orleans
- Education & Enforcement

Purpose of JADE

- Provide uniformity across CBP and the industry regarding coastwise trade laws
- Clearinghouse for all coastwise trade law issues
- Facilitate legitimate trade

What Will JADE Do

- Assist ports of entry with issues involving coastwise trade
- Contact ports of entry when allegations are forwarded to our attention
- Providing outreach to industry partners
- Monitor e-Allegation portal for Jones Act allegations
- Providing awareness training to CBP and internal DHS partners
- Provide informal preliminary findings to industry partners on coastwise trade questions
 - Consultation with Chief Counsel/Regulations & Rulings

Formal rulings will be requested through Regulations & Rulings

Jones Act Division of Enforcement (JADE)

How to contact the JADE

- Mike Hebert - (504) 670-2074
- Roy Gauthreaux - (504) 670-2308
- Group Mail box is jonesact@cbp.dhs.gov

Where Does the Jones Act Apply?

- The United States, including island territories and possessions of the United States.
- U.S. Territorial Waters of the United States
 - 3nm wide belt wide, seaward of the territorial sea baseline
 - Internal waters, landward of the territorial sea baseline
 - Inland navigable waterways

Jones Act Application Exceptions

46 U.S.C. 55101

- American Samoa
- Northern Mariana Islands
- Virgin Islands (until President declares otherwise)

Puerto Rico – **Jones Act applies**, PVSA does not unless U.S vessel available. 46 U.S.C. 55104

Where Does the Jones Act Apply?

The laws of the United States are extended to the **subsoil** and **seabed of the OCS** and to **all artificial islands**, and all installations and other devices permanently or temporarily attached to the seabed, which may be erected thereon for the purpose of exploring for, developing, or producing resources therefrom, or any such installation or other device (other than a ship or vessel) for the purpose of transporting such resources, to the same extent as if the OCS were an exclusive Federal jurisdiction located within a State.

Outer Continental Shelf Lands Act OCSLA - 43 U.S.C. 1333(a)(1)

Applicability To OCS



Does OCSLA Apply?

2 – Prong Test

- Is the “installation or device” –
 - (1) “permanently or temporarily attached”

AND

 - (2) “for the purpose of exploring for, developing or producing resources therefrom”



Formal Rulings

- <http://rulings.cbp.gov/index.asp>
- Regulations and Rulings, Office of Trade at Headquarters
- 19 CFR 177.9(c)
 - No other person should rely on the ruling letter or assume that the principles of that ruling will be applied in connection with any transaction other than the one described in the letter.

Offshore Drilling

Are You Attached?

Attachment is recognized in the following circumstances:

- Drill stem is inserted into the seabed;
- Support or anchoring system is in place but the drill stem is not yet inserted into the seabed;
- While “**dynamically positioned**” over a drill site with only the drill stem expected to be in contact with the seabed, the stem is temporarily withdrawn for reasons of safety, service, adjustment, or repair;
- Platforms or production facilities attached to the seabed by any means.

What Is A Point

- Domestic Seaports
- Areas within the territorial waters
- Drilling rig or MODU that is operating on the OCS in the drilling mode
- Production facilities
- Vessels attached in support of oil & gas activities

Registry Endorsement

46 U.S.C. 12111 (Registry Endorsement)

- (d)(1) Only a vessel for which a certificate of documentation with a **registry endorsement** is issued may engage in—
 - (A) the setting, relocation, or recovery of the anchors or other mooring equipment of a **mobile offshore drilling unit** that is **located over the OCS**;

Registry Endorsement (cont'd)

- (B) the transportation of merchandise or personnel to or from a point in the U.S. from or to a MODU located over the OCS that is **not attached** to the seabed.
- (2) Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of this title (46 U.S.C. 12112).

Vessel Documentation

- Registry Endorsement
 - Vessel can engage in foreign trade
- Coastwise Endorsement
 - Vessel can engage in unrestricted coastwise trade, dredging, & towing.

Vessel Documentation

U.S. Built

U.S. built vessel permanently loses coastwise endorsement eligibility if:

- Sold in whole or part to a non U.S. citizen
- Vessel is registered under laws of a foreign country
 - 46 USC 12132 (a)
 - Vessels of more than 200 gross tons
- Rebuilt outside of the United States
 - 46 USC 12132 (b)
 - Determination made by USCG

United States Maritime Administration (MARAD)

- Department of Transportation
- Responsible for determining if there are eligible coastwise qualified vessels that can perform the job.



M O V I N G T H E
AMERICAN
ECONOMY

e-Allegations

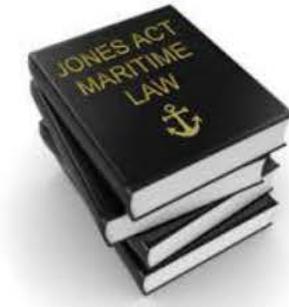
<https://eallegations.cbp.gov/Home/allegation>



Waiver Authority

46 U.S.C. 501

- (a) Department of Defense request – CBP grants in-house
 - Criterion – **National Defense**
- (b) All other requests – Secretary of DHS is deciding authority
 - Criterion - **National Defense & consultation by MARAD**



Points to Remember

- **CBP** – Enforces coastwise laws
- **U.S. Coast Guard** - Determines vessel eligibility for coastwise endorsement
 - Issues certificates of documentation
- **Maritime Administration** – Assesses U.S. vessel availability

From: [McNicholas, Mailinh](#)
To: [Turk, David](#)
Cc: [Bhattacharyya, Arpita](#); [Davenport, Shari](#); [Katta, Kaushik](#); [Loverde, Angelina](#)
Subject: Briefing Book 9/29
Date: Wednesday, September 28, 2022 5:56:58 PM
Attachments: [\[09.28.2022\] S2 Meeting with Senator Coons.docx](#)
[01. MASTER SKED S2 Africa Trip Oct. 2022.docx](#)

Hey Deputy,

Attached please find the digital copies of the briefing book for 9/29. We'll have the NASEO memos for you tomorrow afternoon. Thanks!

For Thursday:

11:30AM	Meeting with Sen. Chris Coons
2:30PM	Call with NASEO Western States (AM)
3:00PM	Call with NASEO Midwestern States (AM)

FYI

Africa Trip Itinerary

Mailinh McNicholas (she/her)
Special Assistant to the Deputy Secretary
(M) (b)(6)



TOPLINES: MEETING WITH SENATOR CRIS COONS (DE)

EVENT / MEETING DESCRIPTION & PURPOSE (2-4 bullets max)

- YOU are meeting with Senator Coons to discuss shared clean energy priorities, including the implementation of the DOE Foundation, IIJA, and IRA; and to follow up on Secretary Granholm's visit to DE.
- Senator Coons requested this meeting with YOU, and it will be an informal conversation.

OFFENSE (Key Points / Issues WE want to raise)

• (b) (5)

DEFENSE

• (b) (5)

PARTICIPANTS

- Senator Coons
- Anna Yelverton, Legislative Director and Energy lead for
- DOE Staff: Ali Nouri, Assistant Secretary for Congressional Affairs.



MEMO: MEETING WITH SENATOR CRIS COONS (DE)

Date: Thursday, September 29th, 2022
Location: Senator Coons Office: 218 Russell Senate Office Building
Requested by: Senator Coons
Prepared by: Becca Ward, Senate DAS, CI
Press: Closed

LOGISTICS/TICK TOCK

- This is an informal conversation

FURTHER BACKGROUND / NOTES / CONTEXT

DOE Foundation:

- (b) (5)
-
-
-
-

- (b) (5)
-
-
-

Strategic Petroleum Reserve Releases and the Jones Act

- (b) (5)
-
-
-
-

(b) (5) Energy

- (b) (5)
-
-
-

(b) (5) : IRA Provisions

(b) (5)

- (b) (5)
-

(b) (5)

Hydrogen

(b) (5)

• (b) (5)

Renewable Fuel Standard:

• (b) (5)
• (b) (5)

Hydrogen:

• (b) (5)

Strategic Petroleum Reserve

• (b) (5)

FULL BIOS OF PARTICIPANTS



Senator Chris Coons (D-DE)

United States Senate

Senate: Since 2010

Next Election: 2026

Born: September 9, 1963, in Greenwich, Connecticut

Home: Wilmington

Education: Amherst College, AB, 1985 (chemistry and political science); Yale University, JD, 1992, M.A.R., 1992 (ethics)

Profession: Lawyer; education foundation aide; campaign aide

Religion: Presbyterian

Family: Wife, Annie Lingenfelter; three children

COMMITTEES: (117th Congress)

- *Select on Ethics (Chairman)*
- Appropriations
 - *State, Foreign Operations, and Related Programs (Chairman)*
 - Commerce, Justice, Science, and Related Agencies
 - Energy and Water Development
 - Financial Services and General Government
 - Military Construction and Veterans Affairs, and Related Agencies
 - Transportation, Housing and Urban Development, and Related Agencies
- Judiciary
 - *Privacy, Technology, and the Law (Chairman)*
 - Immigration, Citizenship, and Border Safety
 - Intellectual Property
 - Human Rights and the Law
- Foreign Relations
 - *Multilateral International Development, Multilateral Institutions and International Economic, Energy and Environmental Policy (Chairman)*
 - East Asia, the Pacific and International Cybersecurity Policy
 - Europe and Regional Security Cooperation
 - Africa and Global Health Policy
- Small Business and Entrepreneurship

BACKGROUND

The former county executive has made a name for himself as a dependable Democratic vote who despite historic levels of partisanship, works to build cross-aisle alliances on his core priorities.

Coons was born in Greenwich, Connecticut, but grew up in Hockessin, Delaware, and attended Tower Hill, a private school founded by the du Pont family. His mother taught elementary school. His father worked for a food processing firm and founded his own cabinet and countertop manufacturing company. He graduated from Amherst with a degree in chemistry and political science. Coons then earned a law degree from Yale Law School and a master's in ethics

from Yale Divinity School. He also studied as an undergraduate at the University of Nairobi in Kenya, where he says up-close experience with poverty added to his altered ideological leanings. He later went on to work for the South African Council of Churches.

After college he worked for several nonprofits, including the Investor Responsibility Research Center and the National Coalition for the Homeless. From 1996 to 2004, Coons worked as an attorney for Delaware-based W.L. Gore & Associates, which is owned by his stepfather's family. (Its most famous product is Gore-Tex fabric). Elected to the New Castle County Council in 2000, he served as its president for four years before becoming county executive in 2005.

POLITICAL HIGHLIGHTS

Member, Senate Seat for Delaware, 2010 to present; President, New Castle County Council, 2001-2005; County Executive, New Castle, 2005-2010

Selected Caucus and Special Organization Memberships: Cybersecurity Caucus; National Laboratory Caucus; Climate Solutions Caucus; Fuel Cell and Hydrogen Caucus; Renewables and Energy Efficiency Caucus; Veterans Jobs Caucus; Climate Change Task Force; Democratic Conference Committee; Democratic Steering and Outreach Committee

SPONSORED DOE-RELATED LEGISLATION

117th Congress

- **S. 3806 - Hydrogen for Trucks Act of 2022:** A bill to require the Secretary of Transportation, in consultation with the Secretary of Energy, to establish a grant program to demonstrate the performance and reliability of heavy-duty fuel cell vehicles that use hydrogen as a fuel source.
- **S. 3112 - Hydrogen for Industry Act of 2021:** A bill to amend the Energy Policy Act of 2005 to establish a Hydrogen Technologies for Heavy Industry Grant Program.
- **S. 1359 - Partnerships for Energy Security and Innovation Act of 2021:** A bill to establish the Foundation for Energy Security and Innovation.
- **S. 1034 - Financing Our Energy Future Act:** A bill to amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels.
- **S. 799 - SCALE Act:** A bill to require the Secretary of Energy to establish programs for carbon dioxide capture, transport, utilization, and storage.
- **S. 3118 (Co-sponsor): Hydrogen Infrastructure Finance and Innovation Act** - A bill to require the Secretary of Energy to establish a hydrogen infrastructure finance and innovation pilot program.
- **S. 3111 (Co-sponsor): Hydrogen for Ports Act of 2021** - A bill to require the Secretary of Energy to establish a grant program to support hydrogen-fueled equipment at ports and to conduct a study with the Secretary of Transportation and the Secretary of Homeland Security on the feasibility and safety of using hydrogen-derived fuels, including ammonia, as a shipping fuel.
- **S. 1918 (Co-sponsor): Battery and Critical Mineral Recycling Act of 2021** - A bill to support the reuse and recycling of batteries and critical minerals.

- **S. 1038 (Co-sponsor): Regional Greenhouse Gas Reduction Act of 2021** - A bill to establish the Office of Regional Greenhouse Gas Reduction Programs within the Environmental Protection Agency.



DRAFT OOU

5/2/2023 5:15 PM

Cape Town, South Africa * Accra, Ghana

Deputy Secretary David Turk

Africa Trip Overview Page

Sunday, October 2, 2022 – Saturday, October 8, 2022

(b) (5)



DRAFT OOU

5/2/2023 5:15 PM

Cape Town, South Africa * Accra, Ghana

(b) (5)



DRAFT OOU

5/2/2023 5:15 PM

Cape Town South Africa * Accra Ghana

(b) (5)



DRAFT OOU

5/2/2023 5:15 PM

Cape Town, South Africa * Accra, Ghana

(b) (5)



DRAFT OOU

5/2/2023 5:15 PM

Cape Town, South Africa * Accra, Ghana

(b) (5)



DRAFT OOU

5/2/2023 5:15 PM

Cape Town South Africa * Accra Ghana

(b) (5)



DRAFT OOU

5/2/2023 5:15 PM

Cape Town South Africa * Accra Ghana

(b) (5)



DRAFT OOU

5/2/2023 5:15 PM

Cape Town, South Africa * Accra, Ghana

(b) (5)



DRAFT OOU

5/2/2023 5:15 PM

Cape Town, South Africa * Accra, Ghana

(b) (5)



DRAFT OOU

5/2/2023 5:15 PM

Cape Town, South Africa * Accra, Ghana

(b) (5)



DRAFT OOU

5/2/2023 5:15 PM

Cape Town, South Africa * Accra, Ghana

(b)

(5)



DRAFT OOU

5/2/2023 5:15 PM

Cape Town, South Africa * Accra, Ghana

(b) (5)



DRAFT OOU

5/2/2023 5:15 PM

Cape Town, South Africa * Accra, Ghana

(b) (5)



DRAFT OOU

5/2/2023 5:15 PM

Cape Town South Africa * Accra Ghana

(b) (5)

From: [Graham, Kareemah \(CONTR\)](#)
To: [McGarry, Thomas](#)
Cc: [Turner, Shenee](#)
Subject: eDOCS: FOR YOUR ACTION - Program Office Review - EXEC-2022-007823
Date: Wednesday, November 16, 2022 4:12:48 PM
Attachments: [image001.png](#)
[EXEC-2022-007823 - incoming - Walberg, Upton, Huizenga, Moolenaar, Bergman, McClain and Meijer.pdf](#)
[EXEC-2022-007823 - incoming - Walberg, Upton, Huizenga, Moolenaar, Bergman, McClain and Meijer1.pdf](#)

Good Afternoon Tom,
Please see the attached incoming correspondence:

From: Tim Walberg and (6) other Members of Congress
Email to: Secretary Jennifer Granholm
Subject: Writes with questions regarding the Department's plan to increase domestic energy production
Program Determination Due Date: 11/21/22

Please Note: ** A response is not required unless instructed.*
CR-40 is responsible for informing CESER ES whether or not we decide to respond for tracking purposes. Please reply with our decision by the Program Determination due date.

All internal OPR Actions will be prepared using SharePoint. If you decide a response is necessary, I will share this Action with Action Documents via SharePoint for collective collaboration.

Thank you for your response.

Kareemah Graham, M.S.
Program Assistant
Contractor to the U.S. Department of Energy
Office of Cybersecurity, Energy Security, and Emergency Response (CESER)
Office of Strategic Petroleum Reserves (SPR)
CR-40 | Rm: 3G-024 | P: 202-586-4415 |
1000 Independence Ave, SW
Washington DC, 20585
E: kareemah.graham@hq.doe.gov | E: kgraham@bcs-hq.com | www.bcs-hq.com



Congress of the United States
Washington, DC 20515

October 24, 2022

The Honorable Jennifer Granholm
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Dear Secretary Granholm:

As gas prices rise again in our shared home state of Michigan, we continue to be concerned about the lack of action to increase domestic energy production from the U.S. Department of Energy and the Biden administration.

Recently, the consequences of this inaction have once again become apparent. On October 5, the Organization of Petroleum Exporting Countries (OPEC) announced that it will cut its oil production by two million barrels per day beginning in November.¹ Gas prices in Michigan have begun to rise in response to the anticipated cuts, up nearly forty cents a gallon since last month.² Already, more than 20 million families are behind on their utility bills.³ This is another price hike Americans cannot afford.

As the Biden administration's policies have crippled American energy independence, the United States has become increasingly reliant on foreign oil and petroleum products. Despite repeated warnings from experts and Republican Members of Congress, this increased reliance on foreign oil threatens both our energy and economic security.

Instead of unleashing American energy, the administration unsuccessfully campaigned for OPEC to increase production. After being rebuffed, there are now reports that the White House is preparing to scale down sanctions on Venezuela's authoritarian regime to allow oil exports. These actions are completely at odds with the reality of United States energy potential.

The United States is sitting on 264 billion barrels of untapped oil⁴, yet this administration has leased fewer acres for oil-and-gas drilling offshore and on federal land than any other

¹ Stein, J., Lerman, R., & Hudson, J. (2022, October 5). OPEC, allies move to slash oil production, eliciting blistering White House response. *The Washington Post*. <https://www.washingtonpost.com/business/2022/10/05/opec-plus-oil-cut-russia-saudi-arabia/>

² AAA Gas Prices. (2022, October 17). *Michigan Average Gas Prices*. <https://gasprices.aaa.com/?state=MI>

³ Dumas, B. (2022, August 27). More than 20 million US households are behind on utility bills. *Fox Business*. <https://www.foxbusiness.com/economy/more-than-20-million-households-behind-utility-bills>

⁴ Egan, M. (2016, July 5). U.S. has more untapped oil than Saudi Arabia or Russia. *CNN Business*. <https://money.cnn.com/2016/07/05/investing/us-untapped-oil/index.html>

administration dating back to the end of World War II.⁵ This summer, when gas prices were the highest in history, President Biden announced plans to block new offshore oil drilling in the Atlantic and Pacific oceans.⁶

Amid an already tight energy market and record high inflation, the OPEC cuts will have significant impacts beyond prices at the pump. Despite these concerning trends, both your department and the White House have not adequately outlined how you plan to address these significant shortfalls in global production and the impact it will have on American consumers.

Please respond to the following by November 21, 2022:

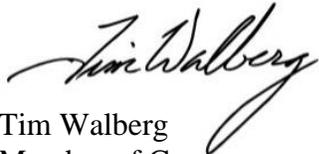
1. Describe what specific actions you are taking or are prepared to take to increase domestic oil and gas production.
2. Describe your interactions with other federal agencies, the states, and the White House related to oil and petroleum product exploration and production.
3. Describe your interactions with other federal agencies, the states, and the White House related to the status of current and future oil and gas infrastructure.
4. To temporarily lower gas prices and calm global markets, the administration depleted the Strategic Petroleum Reserve (SPR) to the lowest level since 1984. On October 20, President Biden announced the sale of an additional 15 million barrels. Describe what specific actions you are taking or are prepared to take to replenish the SPR and increase emergency reserves.
5. Describe your interactions with the Environmental Protection Agency concerning any policies, actions, and regulations that reduce energy production, such as recent enforcement actions involving using ozone standards to curb energy production in the Permian Basin.
6. Describe your interactions with other federal agencies and the White House related to implementing an export ban on U.S. crude oil, gasoline, and/or diesel and how this action would impact gas prices.
7. List all regulatory actions you are considering or have taken since the start of the administration to alleviate high gas prices.

⁵ Puko, T. & DeBarros, A. (2022, September 4). Federal Oil Leases Slow to a Trickle Under Biden. *Wall Street Journal*. https://www.wsj.com/articles/federal-oil-leases-slow-to-a-trickle-under-biden-11662230816?st=00nat01jktbnxbx&reflink=desktopwebshare_permalink

⁶ Puko, T. (2022, July 1). Biden Seeks to Block New Offshore Drilling in Atlantic, Pacific. *Wall Street Journal*. <https://www.wsj.com/articles/biden-plans-to-block-new-offshore-oil-drilling-in-atlantic-pacific-11656709209>

We look forward to your response to this request.

Sincerely,



Tim Walberg
Member of Congress



Fred Upton
Member of Congress



Bill Huizenga
Member of Congress



John Moolenaar
Member of Congress



Jack Bergman
Member of Congress



Lisa McClain
Member of Congress



Peter Meijer
Member of Congress

From: [Cunningham, Derrick](#)
To: [Standley, Erica](#); [Stanton, Kimberly \(CONTR\)](#); [Proctor, Stephanie](#)
Cc: [Johnsen, Steven \(CI\)](#)
Subject: FW: MI Delegation Letter to Secretary Granholm - OPEC and Gas Prices
Date: Monday, October 24, 2022 1:26:37 PM
Attachments: [MI Delegation Letter - OPEC and Gas Prices.pdf](#)

For the system

From: Harris, Michael <michael.harris2@hq.doe.gov>
Sent: Monday, October 24, 2022 12:56 PM
To: Pfaeffle, Frederick <frederick.pfaeffle@hq.doe.gov>; deForest, Alicia <alicia.deforest@hq.doe.gov>
Cc: Nouri, Ali <ali.nouri@hq.doe.gov>; Bumgarner, Jennifer <jennifer.bumgarner@hq.doe.gov>; Cunningham, Derrick <derrick.cunningham@hq.doe.gov>; Johnsen, Steven (CI) <steven.johnsen@hq.doe.gov>
Subject: FW: MI Delegation Letter to Secretary Granholm - OPEC and Gas Prices

Another gas/OPEC letter here. This one from R MI House Members. (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

Kindly,

Michael R. Harris

Legislative Affairs Advisor (House)
Congressional and Intergovernmental Affairs
U.S. Department of Energy
michael.harris2@hq.doe.gov | (b) (6)
he/him/his

From: Fulling, Ali <Ali.Fulling@mail.house.gov>
Sent: Monday, October 24, 2022 11:24 AM
To: Brown, Tara <tara.brown@hq.doe.gov>; Harris, Michael <michael.harris2@hq.doe.gov>; Ward, Rebecca <rebecca.ward@hq.doe.gov>; Craig, Danisha <danisha.craig@hq.doe.gov>; Oliver, Martha <martha.oliver@hq.doe.gov>
Subject: [EXTERNAL] MI Delegation Letter to Secretary Granholm - OPEC and Gas Prices

Good morning,

Please see the attached letter to Secretary Granholm regarding the recent OPEC decision and rising gas prices. It is signed by all Republican members of the Michigan delegation.

Thank you for your time. Please contact me if you have any questions.

Best,

Ali

Ali Fulling

Policy Advisor

The Office of Rep. Tim Walberg (MI-07)

Phone: 202-225-6276

This message does not originate from a known Department of Energy email system.
Use caution if this message contains attachments, links or requests for information.

Congress of the United States
Washington, DC 20515

October 24, 2022

The Honorable Jennifer Granholm
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Dear Secretary Granholm:

As gas prices rise again in our shared home state of Michigan, we continue to be concerned about the lack of action to increase domestic energy production from the U.S. Department of Energy and the Biden administration.

Recently, the consequences of this inaction have once again become apparent. On October 5, the Organization of Petroleum Exporting Countries (OPEC) announced that it will cut its oil production by two million barrels per day beginning in November.¹ Gas prices in Michigan have begun to rise in response to the anticipated cuts, up nearly forty cents a gallon since last month.² Already, more than 20 million families are behind on their utility bills.³ This is another price hike Americans cannot afford.

As the Biden administration's policies have crippled American energy independence, the United States has become increasingly reliant on foreign oil and petroleum products. Despite repeated warnings from experts and Republican Members of Congress, this increased reliance on foreign oil threatens both our energy and economic security.

Instead of unleashing American energy, the administration unsuccessfully campaigned for OPEC to increase production. After being rebuffed, there are now reports that the White House is preparing to scale down sanctions on Venezuela's authoritarian regime to allow oil exports. These actions are completely at odds with the reality of United States energy potential.

The United States is sitting on 264 billion barrels of untapped oil⁴, yet this administration has leased fewer acres for oil-and-gas drilling offshore and on federal land than any other

¹ Stein, J., Lerman, R., & Hudson, J. (2022, October 5). OPEC, allies move to slash oil production, eliciting blistering White House response. *The Washington Post*. <https://www.washingtonpost.com/business/2022/10/05/opec-plus-oil-cut-russia-saudi-arabia/>

² AAA Gas Prices. (2022, October 17). *Michigan Average Gas Prices*. <https://gasprices.aaa.com/?state=MI>

³ Dumas, B. (2022, August 27). More than 20 million US households are behind on utility bills. *Fox Business*. <https://www.foxbusiness.com/economy/more-than-20-million-households-behind-utility-bills>

⁴ Egan, M. (2016, July 5). U.S. has more untapped oil than Saudi Arabia or Russia. *CNN Business*. <https://money.cnn.com/2016/07/05/investing/us-untapped-oil/index.html>

administration dating back to the end of World War II.⁵ This summer, when gas prices were the highest in history, President Biden announced plans to block new offshore oil drilling in the Atlantic and Pacific oceans.⁶

Amid an already tight energy market and record high inflation, the OPEC cuts will have significant impacts beyond prices at the pump. Despite these concerning trends, both your department and the White House have not adequately outlined how you plan to address these significant shortfalls in global production and the impact it will have on American consumers.

Please respond to the following by November 21, 2022:

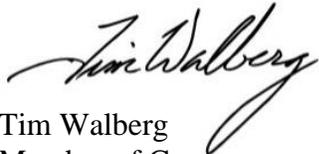
1. Describe what specific actions you are taking or are prepared to take to increase domestic oil and gas production.
2. Describe your interactions with other federal agencies, the states, and the White House related to oil and petroleum product exploration and production.
3. Describe your interactions with other federal agencies, the states, and the White House related to the status of current and future oil and gas infrastructure.
4. To temporarily lower gas prices and calm global markets, the administration depleted the Strategic Petroleum Reserve (SPR) to the lowest level since 1984. On October 20, President Biden announced the sale of an additional 15 million barrels. Describe what specific actions you are taking or are prepared to take to replenish the SPR and increase emergency reserves.
5. Describe your interactions with the Environmental Protection Agency concerning any policies, actions, and regulations that reduce energy production, such as recent enforcement actions involving using ozone standards to curb energy production in the Permian Basin.
6. Describe your interactions with other federal agencies and the White House related to implementing an export ban on U.S. crude oil, gasoline, and/or diesel and how this action would impact gas prices.
7. List all regulatory actions you are considering or have taken since the start of the administration to alleviate high gas prices.

⁵ Puko, T. & DeBarros, A. (2022, September 4). Federal Oil Leases Slow to a Trickle Under Biden. *Wall Street Journal*. https://www.wsj.com/articles/federal-oil-leases-slow-to-a-trickle-under-biden-11662230816?st=00nat01jktbnxbx&reflink=desktopwebshare_permalink

⁶ Puko, T. (2022, July 1). Biden Seeks to Block New Offshore Drilling in Atlantic, Pacific. *Wall Street Journal*. <https://www.wsj.com/articles/biden-plans-to-block-new-offshore-oil-drilling-in-atlantic-pacific-11656709209>

We look forward to your response to this request.

Sincerely,



Tim Walberg
Member of Congress



Fred Upton
Member of Congress



Bill Huizenga
Member of Congress



John Moolenaar
Member of Congress



Jack Bergman
Member of Congress



Lisa McClain
Member of Congress



Peter Meijer
Member of Congress

From: [Toyzaki, Edward Y.](#)
To: [Macintyre, Douglas](#); [Perry, Robert](#)
Cc: [Suntoke, Jamshed](#)
Subject: Response Letter to Congress
Date: Friday, October 28, 2022 12:42:29 PM
Attachments: [101922.incoming.pdf](#)
[SPR_102422.incoming.pdf](#)

Hi Doug and Robert,

Happy Friday! (b) (5)

• (b) (5) --(b) (5)

(b) (5)

•(b) (5)

• (b) (5)

(b) (5)

Best,
Teddy

Attorney-Adviser (GC-76)
Office of the General Counsel
U.S. Department of Energy
Office: 202-586-0126
Mobile: (b) (6)
edward.toyozaki@hq.doe.gov

Congress of the United States
Washington, DC 20515

19 October 2022

The Honorable Jennifer Granholm
Secretary
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, D.C. 20585

The Honorable Debra Haaland
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Secretaries Granholm and Haaland,

This administration has done everything possible to discourage oil production and raise energy costs on the American people, and the egregious results speak for themselves: the average national price of a gallon of gas peaked at over five dollars in June before decreasing due to a drop off in demand and the onset of recession.

While some Americans have come to view a brief decline in gas prices as a welcome respite during record high inflation, increasing interest rates, and a sputtering economy, gas prices are still much too high and they are starting to increase again. On Wednesday, October 5, news outlets reported that OPEC and non-OPEC producers will pursue output cuts of two million barrels of oil a day; due to the OPEC cartel's reconstituted and outsized influence in the crude oil market, the price of oil could well increase to over \$100 per barrel in short order. This is a foreseeable issue that deserves your full attention and commitment - there is zero excuse for failing to prepare for every contingency.

Last year, in what can only charitably be described as a misplaced reaction to the imposition of high energy costs on the American people, Secretary Granholm laughed when asked what her plan was to increase oil production in America. In March, she also suggested that Americans should purchase electric vehicles to avoid rising gas prices. This extraordinary adoption of a "let them eat cake" mentality, coupled with this government's inability and unwillingness to approve onshore and offshore oil drilling, indicates that neither one of you, nor anyone else in this administration, has a plan to insulate Americans from the effects of a volatile oil market.

The only concept approaching an energy plan this administration has announced involves a rapid switch towards exclusive use of renewable energy. From the use of cobalt in the construction of electric vehicles, to the procuring of polysilicon in the production of solar panels, this administration seems to have no issue with utilizing slave labor. By plowing forward in his design to halve all greenhouse gas (GHG) emissions by 2030, Joe Biden has all but ignored the stark human rights atrocities this policy is enabling. Make no mistake: the only way this GHG

target is met is if the Biden administration continues to implicitly endorse the use of forced and even child labor within Chinese Communist Party (CCP) supply chains.¹

Given the prospect of a worsening energy crisis, we demand answers to the following questions by **COB Wednesday October 26, 2022**:

- 1). Secretary Granholm, does the Biden administration anticipate higher gas prices considering the OPEC cartel's intention to reduce output by a reported two million barrels² a day? What is currently being done to mitigate OPEC's influence and ensure that Americans will not be subject to future financial strain at the pump? A year after laughing off the question, do you finally have a plan to increase oil production in the United States?³
- 2). Secretary Haaland, CNN reports that the White House is "having a spasm and panicking"⁴ due to OPEC's efforts to cut output. Is the outsized influence of far Left "environmentalist" groups, many of whom have served as de facto apologists for genocide, preventing this administration from increasing domestic energy production?
- 3). Secretary Haaland, due to OPEC's announcement on October 5, are you prepared to recommend regulatory relief to facilitate expedited onshore and offshore oil and gas drilling, including but not limited to exemptions from the National Environmental Policy Act (NEPA)?
- 4). Secretary Granholm, OilX, a consultant company, estimated that by the end of this month, the SPR will hold only 179 million barrels of medium-sour crude oil, the type of crude oil preferred by US refineries. Last year, the SPR contained 621 million barrels, and one projection indicates that the reserve will shrink to 358 million barrels by the end of this month.⁵ As of September 14, this administration has withdrawn almost 24% of the SPR's supply since March.⁶

Does this administration plan to withdraw even more barrels from the Strategic Petroleum Reserve (SPR)? Is there any plan to limit this rapid depletion of the SPR?

¹ Crawford, A. (2017, February 28). *Meet Dorsen, 8, who mines cobalt to make your smartphone work*. Sky News. Retrieved October 3, 2022, from <https://news.sky.com/story/meet-dorsen-8-who-mines-cobalt-to-make-your-smartphone-work-10784120>

² Person. (2022, October 5). *OPEC+ JMMC agrees oil output cuts of 2 mln bpd - sources*. Reuters. Retrieved October 5, 2022, from <https://www.reuters.com/business/energy/opec-jmmc-agrees-oil-output-cuts-2-mln-bpd-sources-2022-10-05/>

³ "Biden's Energy Secretary on Plans to Increase Oil Production." *Bloomberg Politics*. 5 November 2021. <https://www.youtube.com/watch?v=un5N690N3MY>

⁴ Marquardt, A., Bertrand, N., & Mattingly, P. (2022, October 4). *White House launches last ditch effort to dissuade OPEC from cutting oil production to avoid a 'total disaster'* | *CNN politics*. CNN. Retrieved October 5, 2022, from <https://www.cnn.com/2022/10/04/politics/white-house-lobby-opec-oil-production-cuts-gasoline-prices-midterms/index.html>

⁵ Blas, J. (2022, June 17). *The US Is Depleting Its Strategic Petroleum Reserve Faster Than It Looks*. Bloomberg. Retrieved October 3, 2022, from <https://www.bloomberg.com/opinion/articles/2022-06-17/the-us-is-depleting-its-strategic-petroleum-reserve-faster-than-it-looks?leadSource=verify%20wall>

⁶ Denning, L. (2022, September 14). *Biden's Strategic Petroleum Reserve move adds to energy contradictions*. Bloomberg.com. Retrieved October 5, 2022, from <https://www.bloomberg.com/opinion/articles/2022-09-14/biden-s-strategic-petroleum-reserve-move-adds-to-energy-contradictions?leadSource=verify+wall>

Did political considerations play any role in extending the SPR's withdrawal program – initially intended to end on October 31 – beyond Election Day 2022?

5). Secretary Granholm, given that the only way to realize a 50% cut in greenhouse gas emissions by 2030 necessitates continued reliance on a CCP-dominated supply chain, does the Biden administration believe that child and slave labor is merely an unfortunate byproduct in the fight against global warming? Is it acceptable to tell Americans to purchase electric vehicles when the inputs for EVs are typically sourced with forced labor?

6). Secretaries Granholm and Haaland, natural gas prices are at a 14-year high, and as the winter approaches, natural gas prices will likely continue to skyrocket. Have your respective departments developed contingency plans to confront potential rolling blackouts and brownouts, and what will likely be a very expensive winter for millions of Americans? Please provide any accompanying details regarding any such plans.

Thank you in advance for your consideration of these critical questions and we look forward to your timely response.

Sincerely,



Lauren Boebert
Member of Congress



Mary E. Miller
Member of Congress



Troy E. Nehls
Member of Congress



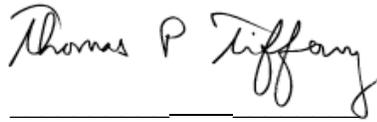
Andy Biggs
Member of Congress



W. Gregory Steube
Member of Congress



Louie Gohmert
Member of Congress



Tom Tiffany
Member of Congress



Dan Bishop
Member of Congress



Glenn Grothman
Member of Congress



Randy K. Weber
Member of Congress



Doug LaMalfa
Member of Congress

Congress of the United States
Washington, DC 20515

October 24, 2022

The Honorable Jennifer Granholm
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Dear Secretary Granholm:

As gas prices rise again in our shared home state of Michigan, we continue to be concerned about the lack of action to increase domestic energy production from the U.S. Department of Energy and the Biden administration.

Recently, the consequences of this inaction have once again become apparent. On October 5, the Organization of Petroleum Exporting Countries (OPEC) announced that it will cut its oil production by two million barrels per day beginning in November.¹ Gas prices in Michigan have begun to rise in response to the anticipated cuts, up nearly forty cents a gallon since last month.² Already, more than 20 million families are behind on their utility bills.³ This is another price hike Americans cannot afford.

As the Biden administration's policies have crippled American energy independence, the United States has become increasingly reliant on foreign oil and petroleum products. Despite repeated warnings from experts and Republican Members of Congress, this increased reliance on foreign oil threatens both our energy and economic security.

Instead of unleashing American energy, the administration unsuccessfully campaigned for OPEC to increase production. After being rebuffed, there are now reports that the White House is preparing to scale down sanctions on Venezuela's authoritarian regime to allow oil exports. These actions are completely at odds with the reality of United States energy potential.

The United States is sitting on 264 billion barrels of untapped oil⁴, yet this administration has leased fewer acres for oil-and-gas drilling offshore and on federal land than any other

¹ Stein, J., Lerman, R., & Hudson, J. (2022, October 5). OPEC, allies move to slash oil production, eliciting blistering White House response. *The Washington Post*. <https://www.washingtonpost.com/business/2022/10/05/opec-plus-oil-cut-russia-saudi-arabia/>

² AAA Gas Prices. (2022, October 17). *Michigan Average Gas Prices*. <https://gasprices.aaa.com/?state=MI>

³ Dumas, B. (2022, August 27). More than 20 million US households are behind on utility bills. *Fox Business*. <https://www.foxbusiness.com/economy/more-than-20-million-households-behind-utility-bills>

⁴ Egan, M. (2016, July 5). U.S. has more untapped oil than Saudi Arabia or Russia. *CNN Business*. <https://money.cnn.com/2016/07/05/investing/us-untapped-oil/index.html>

administration dating back to the end of World War II.⁵ This summer, when gas prices were the highest in history, President Biden announced plans to block new offshore oil drilling in the Atlantic and Pacific oceans.⁶

Amid an already tight energy market and record high inflation, the OPEC cuts will have significant impacts beyond prices at the pump. Despite these concerning trends, both your department and the White House have not adequately outlined how you plan to address these significant shortfalls in global production and the impact it will have on American consumers.

Please respond to the following by November 21, 2022:

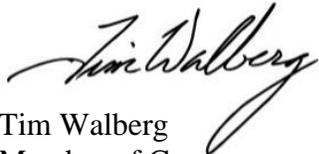
1. Describe what specific actions you are taking or are prepared to take to increase domestic oil and gas production.
2. Describe your interactions with other federal agencies, the states, and the White House related to oil and petroleum product exploration and production.
3. Describe your interactions with other federal agencies, the states, and the White House related to the status of current and future oil and gas infrastructure.
4. To temporarily lower gas prices and calm global markets, the administration depleted the Strategic Petroleum Reserve (SPR) to the lowest level since 1984. On October 20, President Biden announced the sale of an additional 15 million barrels. Describe what specific actions you are taking or are prepared to take to replenish the SPR and increase emergency reserves.
5. Describe your interactions with the Environmental Protection Agency concerning any policies, actions, and regulations that reduce energy production, such as recent enforcement actions involving using ozone standards to curb energy production in the Permian Basin.
6. Describe your interactions with other federal agencies and the White House related to implementing an export ban on U.S. crude oil, gasoline, and/or diesel and how this action would impact gas prices.
7. List all regulatory actions you are considering or have taken since the start of the administration to alleviate high gas prices.

⁵ Puko, T. & DeBarros, A. (2022, September 4). Federal Oil Leases Slow to a Trickle Under Biden. *Wall Street Journal*. https://www.wsj.com/articles/federal-oil-leases-slow-to-a-trickle-under-biden-11662230816?st=00nat01jktbnxbx&reflink=desktopwebshare_permalink

⁶ Puko, T. (2022, July 1). Biden Seeks to Block New Offshore Drilling in Atlantic, Pacific. *Wall Street Journal*. <https://www.wsj.com/articles/biden-plans-to-block-new-offshore-oil-drilling-in-atlantic-pacific-11656709209>

We look forward to your response to this request.

Sincerely,



Tim Walberg
Member of Congress



Fred Upton
Member of Congress



Bill Huizenga
Member of Congress



John Moolenaar
Member of Congress



Jack Bergman
Member of Congress



Lisa McClain
Member of Congress



Peter Meijer
Member of Congress