

Comments: PRA 2577-0230

Comment #1:

Submitted by Obelisk (James Hunter Poole) - [Regulations.gov](https://www.regulations.gov): (this appears to be an erroneous posting to this PRA as it was address to DOE)

James Hunter Poole, Executive Chairman & CEO, Obelisk Tech Systems, Inc.

CAGE 9S0L8 | UEI U34MSJ6A6413 | Thomasville, Georgia

Re: Docket No. DOE-HQ-2024-0077; RIN 1920-AA01; 91 FR 7405 (Feb. 18, 2026)

DOE should withdraw this NOPR. The proposal codifies a user-charge rate change (3% → 1% Federal Administrative Charge) and expands Part 1009's applicability to foreign entities and DOE contractors on a record that substitutes internal guidance for properly promulgated regulation and that fails statutory fairness-and-cost-basis showings.

1. Ultra vires reliance on internal guidance — 5 U.S.C. § 706(2)(C). The NOPR expressly aligns its pricing framework with DOE Order 522.1A (approved Oct. 28, 2024) and directs readers to the DOE directives website. DOE Order 522.1A has not been published in the Federal Register, has not undergone notice-and-comment, and is not incorporated by reference under 1 CFR Part 51. Under *Appalachian Power Co. v. EPA*, 208 F.3d 1015 (D.C. Cir. 2000), an agency cannot use guidance to practically bind the public without rulemaking. Substituting an internal order for the substantive content of a legislative rule is ultra vires.

2. Significance determination error — E.O. 12866 § 3(f). The NOPR states OIRA determined this "final regulatory action" is non-significant (language itself inconsistent with NOPR posture). A rate change tied to EO 14192 and affecting non-Federal entities at minimum raises a § 3(f)(4) novel-policy-issue question because it conditions a statutory IOAA charge rate on executive-branch deregulatory direction rather than on 31 U.S.C. § 9701(b) factors.

3. IOAA factor omission — 31 U.S.C. § 9701(b). The statute requires fees be set on

cost to the government, value to the recipient, public policy, and other relevant facts. The NOPR walks through none of these factors. Selecting 1% because an EO favors deregulation, without analysis of the cost-recovery impact on DOE programs, fails State Farm reasoned-decisionmaking.

4. A-25 departure without exception — OMB Circular A-25. A-25 requires full-cost recovery as the default. The 1% rate departs from full-cost recovery at the administrative-charge layer. Either the agency must demonstrate aggregate full-cost recovery or request a formal A-25 exception with public documentation. Neither appears on the record.

5. § 7259a ceiling compliance not modeled — 42 U.S.C. § 7259a. The statute caps the charge at 3%. The NOPR drops to 1% with no compliance modeling showing that recovered charge at 1% combined with other mechanisms achieves actual overhead recovery.

6. Scope expansion is vague — 5 U.S.C. § 553(b). Extending Part 1009 to "foreign entities and governments" and to "DOE contractors" as "current practice but not documented" does not identify which contractor classes (prime, M&O, CRADA, SBIR), which foreign-entity categories, or which transaction types are now in scope. Regulated parties cannot know ex ante whether they are within the rule's reach.

7. Logical outgrowth risk — *Long Island Care v. Coke*. A final rule that specifies contractor classes or foreign-entity categories for the first time will not be the logical outgrowth of a notice that named only "current practice."

8. Exclusion-list manipulation — § 1009.4. The NOPR expands the exclusions catalog across a dozen categories (IPDF, power marketing, SPR, excess property, uranium inventory, IP royalties, mercury management, IPA details). Each exclusion removes a transaction category from pricing reach. The cumulative scope effect is not evaluated.

9. CAS 406 inconsistency — 48 CFR § 9904.406-30. The NOPR adopts CAS 406's "cost objective" term but does not reconcile DOE's "full cost" with CAS 406's

allocable-cost and cost-accounting-period standards.

10. Cross-layer collapse. This action violates APA procedural requirements under 5 U.S.C. §§ 553 and 706, fails IOAA statutory-factor requirements under 31 U.S.C. § 9701, departs from A-25 without documented exception, and cannot support § 3(f) non-significance.

Requested relief: (a) withdraw the NOPR; (b) re-issue with DOE Order 522.1A either fully incorporated by reference under 1 CFR Part 51 or replaced with legislative text; (c) publish 2022 reimbursable-work volume data and derivative analyses; (d) restart OIRA § 3(f) review.

Full enforcement memorandum attached (OBELISK-ENF-DOE-001).

Comment #2

By Anonymous:

Comment on HUD 60-Day PRA Notice: Public Housing Reform; Change in Admission and Occupancy Requirements
OMB Control No. 2577-0230 | Docket: HUD-2006-0262

I. Legal Standard

Under the Paperwork Reduction Act, an agency seeking OMB approval of an information collection must provide a specific, objectively supported estimate of respondent burden. 5 CFR 1320.8(b)(2). This requires the agency to identify the activities that constitute a response and to support the time estimate with reference to those defined activities. Where a collection encompasses activities that differ in kind, trigger, or frequency, the estimate must be supported at the level of those activities. This requirement applies to revisions as well as initial approvals; where the scope of underlying activities has changed, the burden estimate must reflect those changes with corresponding specificity.

II. The Burden Estimate Cannot Be Validated Because the Underlying Activities Are Not Defined or Separated

HUD presents this collection as a single annual response per public housing agency, estimated at 24 hours. The notice describes, however, at least three materially distinct activities: maintenance and periodic updating of written admission and occupancy policies; annual reporting obligations introduced by the Housing Opportunity Through Modernization Act of 2016, including over-income family counts and waiting list data; and provision of policies in response to requests from tenants, legal aid organizations, HUD, and other parties.

These activities are not interchangeable. Policy maintenance is ongoing and internally driven. HOTMA reporting is a distinct statutory obligation — established under Section 103 of HOTMA, amending the United States Housing Act of 1937 — that requires PHAs to compile and transmit specific data on defined subject matter on an annual cycle. Request-driven disclosure is externally triggered, event-dependent, and variable in frequency and scope. These functions cannot be represented as a single “response” with a single associated time estimate without identifying how each component contributes to the total.

HUD does not identify which of these activities constitute the single annual “response” reflected in its estimate of 1 response per respondent and 24 hours per response, nor does it provide a basis for allocating that time across activities.

HOTMA reporting — a recurring data-based requirement with defined outputs — cannot be treated as a component of policy maintenance without analytical justification HUD has not provided. The request-driven component presents an additional structural problem: HUD provides no volume assumptions, frequency estimates, or variability bounds. Without such information, there is no basis to derive a fixed annual burden per respondent from activities that are externally triggered and variable in occurrence.

Because the underlying activities are not defined or separated, the 24-hour estimate cannot be disaggregated or tested. The collection as described requires separate identification of policy maintenance activities, HOTMA reporting requirements, and request-driven disclosure, along with independent burden estimates for each. Where HOTMA reporting is identified as a distinct component of the collection, consistency in the burden estimate requires that it be evaluated as a separate reporting activity in subsequent revisions.

III. Request

OMB should not approve this collection as submitted. HUD should be required to: (1) identify the specific activities constituting a response under this collection; (2) provide separate burden estimates for policy maintenance, HOTMA reporting, and request-driven disclosure; and (3) supply a methodology for any burden component attributable to externally triggered requests, including the volume and frequency assumptions underlying that estimate.