

Appendix B
Summary of Comments on Forms and Instructions
Received in Response to
Federal Register Notice (72 FR 40290)
Published July 24, 2007

Introduction

The Energy Information Administration (EIA) received 21 sets of comments from interested parties in response to the *Federal Register* notice 72 FR 40290 published on July 24, 2007 (See Table B1). The comments addressed proposed changes to the coal forms/surveys, instructions, and the collection of data elements. The EIA responses to the comments are found below. Copies of the comments received in reply to the notice are available in the U.S. Department of Energy (DOE) Public Reading Room located in Room 1E-190 at 1000 Independence Avenue, S.W., Washington, DC 20585.

Many interested parties offered comments that result in changes to the proposed forms. Some of the comments were editorial in nature, while others result in substantive changes to the instructions and/or the structure of the forms. The editorial comments are not listed below, but were addressed appropriately in the forms and/or their instructions. In many cases, the comments are either summarized below or representative comments are presented in this Appendix by the EIA.

General Comments

Comment: It was requested that standard fields in the new versions of the forms be populated with the same information currently found in the existing forms so that the respondents will not have to re-enter all of the information.

Response: EIA agrees with the comment. EIA will populate new forms with previously received contact information.

Comment: The EIA was advised to enforce its jurisdictional authority to impose fines on non-reporting entities in order to bolster the completeness and effectiveness of survey data.

Response: In such cases where EIA deems it necessary, it will pursue civil action pursuant to section 13(b) of the Federal Energy Administration Act, as amended, grants EIA the authority to pursue financial sanctions against non-reporting entities.

Comment: The EIA was advised to form a “user advisory group” that could meet on a regular basis and be charged with providing continuous guidance to the administration and “assist it in keeping current with user needs and the evolution of practices in the industry.”

Response: EIA prefers not to form a user advisory group because the logistical effort and cost of meeting periodically with a user advisory group requires resources that EIA cannot spare given its other reporting responsibilities. EIA instead prefers to meet on an ad hoc basis with interested users such as the National Mining Association, industry consultants, and state geological survey office staff in order to solicit feedback. EIA does carefully consider comments and suggestions provided by its users and survey respondents.

Comments on Sensitive Data

Comment: Numerous commenters expressed concern about EIA's intention to release certain economic data nine months after the aggregate data is published in the appropriate report. Specifically, commenters felt that making the economic data available to the public would reveal sensitive and proprietary cost and production data to competitors. Additionally, one commenter expressed concern that if EIA were to publish the economic data as planned, it would lead to discontinued participation by producers and thus compromise the effectiveness/completeness of the surveys.

Response: EIA has decided not to change its currently existing disclosure policy regarding sensitive economic data.

Comments on Form EIA-3

Comment: Clarification is needed on who is required to fill out Schedule G relating to gasified coal manufacturing. Specifically, it was pointed out that the instructions to the schedule do not adequately specify whether respondents that manufacture gasified coal used internally in the manufacturing of chemicals must fill out the schedule since the gasified coal is not manufactured for energy purposes.

Response: EIA agrees with the comment. The instructions for Schedule G have been changed to clarify who is required to file. They specifically state that facilities which gasify coal to create non-energy input streams for their own internal processes do not have to complete Schedule G.

Comment: One respondent asked for clarification on whether coal preparation plants that only clean raw coal qualify as one of the options presented in Section I. D – Plant Type (i.e. Manufacturing Plant, Commercial Plant, Institutional Plant or Coal Transformation / Processing plant).

Response: The Form EIA-3 is a coal consumption and quality report. Thus, there are no coal preparation plants in the survey frame, and no further need for additional clarification as to who should file a report. However, the individual who asked for clarification was responded to directly.

Comment: It was suggested that the Distribution Section be shortened to reduce the amount of work for the respondent.

Response: The distribution data elements collected on the Form EIA-3 have been reviewed, and they require minimal work, time, and effort. They place no additional burden upon the respondent.

Comments on Form EIA-8A

Comment: It was requested that, in order to avoid confusion, the definition of “Pit Inventory” be changed from “Coal in place which has been surveyed or prepared for mining” to “Coal in place which has been surveyed or prepared for mining and/or processing”.

Response: The EIA does not accept the proposed change to the definition of Pit Inventory to include coal surveyed or prepared for processing. Coal surveyed or prepared for processing ordinarily has been mined. This coal should not be considered as part of pit inventory.

Comment: It was suggested that it may be redundant to ask for beginning of year information and end of year information.

Response: EIA agrees with the comment. EIA pre-populates the beginning-of-year stock field with data provided by the respondent for the previous period. The respondent does not need to enter the beginning-of-year data. The form then asks for ending stock levels and allows for an adjustment to be made in case the beginning stock level was adjusted by the respondent due to processing gains or losses. New respondents, of course, would be required to enter beginning-of-year stocks the first time they file Form EIA-8A.

Comments on Form EIA-7A

Comment: One respondent expressed concern over double reporting of prepared waste coal. Specifically, the respondent explained that waste coal obtained from surface mines and resized may be counted twice since it is being reported by both the surface mine and the preparation plant. The respondent suggested that waste coal plants only report material that they both mine and size as opposed to material they only prepare.

Response: Waste coal which is processed by preparation plants from surface mines and resized is not counted twice because only surface mines report the production data relating to the coal. The preparation plants only report labor hours relating to the processing of the waste coal. Moreover, EIA does not actually collect any coal production data but reports data collected by MSHA. In MSHA’s survey, it instructs coal producers to only report clean coal production and not waste coal.

Comments on Form EIA-6A

Comment: It was suggested that eliminating the EIA-6A survey would lead to poorer quality of data and diminished utility to market participants because the consolidation of forms reduces the number of available data sources and thus the ability to analyze and compare alternative information.

Response: The EIA has concluded that the proposed alternative (capturing data from electric surveys) will maintain data quality and significantly reduce the burden on current respondents. It is anticipated that during the 2007 survey cycle, the EIA will compare the data from EIA-6A respondents to the replacement and new source data. Efforts will focus on identifying and resolving any differences exhibited to maintain the quality, utility and clarity of the data to support public policy analysis of the coal industry.

Table B1. Commenters Responding to the Federal Register Notice of July 24, 2007

Number	Commenter
1	Austin White Lime Company
2	Dominion Clearinghouse
3	East River Coal Company
4	Eastman Chemical Company
5	General/Unknown Company Name
6	Hiller Group
7	Logan & Kanawha Coal Co.
8	Luminant
9	Martin Marietta Magnesia Specialities LLC
10	Mississippi Lime
11	National Lime Association
12	National Mining Association
13	Palmer Management Corporation
14	Peabody Energy Corp.
15	Piney Creek LP
16	Platts
17	Sequoia Energy LLC
18	TECO Coal Corporation
19	TransAlta Centralia Mining LLC
20	TXU Portfolio Management
21	Western Lime Corporation