

SUPPORTING STATEMENT FOR COAL SURVEY FORMS
PART A
(EIA-3, 5, 7A, and 8A)
OMB number 1905-0167

INTRODUCTION

The U.S. Energy Information Administration (EIA) of the U.S. Department of Energy (DOE) is requesting a change to the disclosure policy for the following four coal survey forms:

- EIA-3 “Quarterly Coal Consumption and Quality Report, Manufacturing and Transformation/Processing Coal Plants and Commercial and Institutional Coal Users”
- EIA-5 “Quarterly Coal Consumption and Quality Report – Coke Plants”
- EIA-7A “Coal Production and Preparation Report”
- EIA-8A “Coal Stocks Report”

No changes are proposed for the standby forms:

- EIA-1 “Weekly Coal Monitoring Report – General Industries and Blast Furnaces”
- EIA-4 “Weekly Coal Monitoring Report – Coke Plants”
- EIA-6Q “Quarterly Coal Report”
- EIA-20 “Weekly Coal Monitoring Report, Coal Burning Utilities and Independent Power Producers”

The Coal Statistics Team (CST) in EIA’s Office of Oil, Gas, and Coal Supply Statistics is responsible for the collection of these forms. Together, these forms collect data on coal production, consumption, receipts, stocks, and prices, as well as the quality of coal. Aggregates of these data are used by the CST to conduct industry analyses, economic modeling, coal supply and demand studies, and forecasting.

CHANGES

Forms EIA-3, EIA-5, 7A, and EIA-8A:

The EIA-3, EIA-5, EIA-7A, and EIA-8A coal survey forms (OMB No. 1905-0167) were approved by OMB in June 2011. Prior to June, 2011, the company-level information reported for these non-cost and non-revenue data fields were protected from public release. Cell suppression was applied to the protected data elements in the tabular data. After the information collection request for the coal survey forms was approved in June, 2011, EIA modified its forms to reflect the change to publicly release company-level information that was reported for all non-cost and non-revenue data fields. However, EIA never released any company level data files that contain the reported values for these non-cost and non-revenue data fields. EIA continued to only release tabular data and apply cell suppression to the tabular data. Subsequently, several trade groups representing the coal industry, including the National Lime Association, Council of Industrial Boiler Owners, National Environmental Development Association, and National Mining Association sent comments and expressed concerns about the potential release of company-level responses for non-cost and non-revenue data. Some companies refused to provide data requested on the survey forms, while others partially responded but did not report values for the non-cost and non-revenue data fields. EIA met with the trade groups representing the coal industry at the end of August 2011 and discussed the trade group's concerns. EIA does not propose any change in its disclosure protections regarding cost and revenue data. EIA will continue to protect the cost data reported on Forms EIA-3 and EIA-5, and the revenue data reported on Forms EIA-7a and EIA-8A. EIA will continue to apply cell suppression to the tabular data containing cost and revenue data.

The CST proposes the following changes in the disclosure protection provisions to Forms EIA-3, EIA-5, EIA-7A, and EIA-8A.

- Modify the disclosure protection section in the survey instructions from public release of the reported information in identifiable form to protect company information reported on these forms to the extent it satisfies exemption criteria under the Freedom of Information Act and the Trade Secrets Act
- Disclosure limitation techniques will not be applied to non-cost and non-revenue aggregate statistical data published from these surveys.

The current disclosure limitation procedures cause significant information loss in the tabular data so EIA will not apply disclosure limitation techniques to the published non-cost and non-revenue aggregate statistical data. The utility of providing aggregate statistical coal data outweighs the need to suppress sensitive table cells. For example, data on coal stocks are suppressed for three out of four census regions in Table 38 of the Quarterly Coal Report available at <http://www.eia.gov/coal/data.cfm#stocks>. Even at the national level, there is significant information loss from data suppression for coal stocks at manufacturing plants, see Table 40 in the Quarterly Coal Report available at <http://www.eia.gov/coal/data.cfm#stocks>. The loss of information concerning coal stocks undermines the States' ability to comprehensively plan for their energy needs, even at the regional level, in the event of an energy supply disruption. The

coal industry supported these proposed changes and did not submit any negative comments concerning the proposal to discontinue the use of disclosure limitation techniques to the tabular data released on EIA's website.

Form 7A:

With regard to Form EIA-7A only, the name and address of the responding company, the mine or plant type, and location will continue to be considered public information. These data elements will continue to be released in EIA's public use files and will not be protected from disclosure in identifiable form when releasing statistical aggregate (State-level) information. These data elements are currently released on the EIA website in the Form EIA-7A public use file, along with company identifiable Mine Safety and Health Administration (MSHA) data, which are also not protected.

- Modify disclosure policy to protect all other information reported on the EIA-7A from public release in identifiable form to the extent it satisfies exemption criteria under the Freedom of Information Act and the Trade Secrets Act
- Discontinue applying disclosure limitation techniques to geographical non-monetary aggregate statistical data published from these surveys

All proposed changes to the data protection provisions for Forms EIA-3, EIA-5, EIA-7A, and EIA-8A will be retroactive and apply to data reported for calendar years 2011 and 2012. Applying this change retroactively to data reported for 2011 preserves the continuity of certain data series and provides continuity for the main components of EIA's pre-2011 data protection policy. Responses to EIA-1, EIA-3, EIA-4, EIA-5, EIA-6Q, EIA-7A, EIA-8A, and EIA-20 are mandatory.

JUSTIFICATION

1. Legal Authority

The following provisions provide the authority for these mandatory data collections:

Section 13(b), 15 U.S.C., Section 772(b), of the Federal Energy Administration Act of 1974 (FEAA) Public Law 93-275 states:

"All persons owning or operating facilities or business premises who are engaged in any phase of energy supply or major energy consumption shall make available to the [Secretary] such information and periodic reports, records, documents, and other data relating to the purposes of this Act, including full identification of all data and projections

as to source, time, and methodology of development, as the [Secretary] may prescribe by regulation or order as necessary or appropriate for the proper exercise of functions under the Act."

The functions of the Secretary are set forth in Section 5(b), 15 U.S.C., Section 764(b), of the FEAA, which states that the Secretary shall, to the extent he is authorized by Section 5(a) of the FEAA ... "

(2) assess the adequacy of energy resources to meet demands in the immediate and longer range future for all sectors of the economy and for the general public; ...

(9) collect, evaluate, assemble, and analyze energy information on reserves, production, demand, and related economic data; ...

(12) perform such other functions as may be prescribed by law."

As the authority for invoking Section 5(b) above Section 5(a), 15 U.S.C., Section 764(a), of the FEAA in turn states:

"Subject to the provisions and procedures set forth in this Act, the [Secretary] shall be responsible for such actions as are taken to assure that adequate provision is made to meet the energy needs of the nation. To that end, he shall make such plans and direct and conduct such programs related to the production, conservation, use, control, distribution, rationing, and allocation of all forms of energy as are appropriate in connection with only those authorities or functions --

(1) specifically transferred to or vested in him by or pursuant to this Act; ...

(3) otherwise specifically vested in the [Secretary] by the Congress."

Authority for invoking Section 5(a) of the FEAA is provided by section 52, 15 U.S.C., Section 790a, of the FEAA, which states that the Administrator of the EIA:

"...[Shall] establish a National Energy Information System...[which] shall contain such information as is required to provide a description of energy supply and consumption...

(b) ...the System shall contain such energy information as is necessary to carry out the Administration's statistical and forecasting activities, ... and such energy information as is required to define and permit analysis of--

(1) the institutional structure of the energy supply system including patterns of ownership and control of mineral fuel... energy resources and the production, distribution, and marketing of mineral fuels and electricity;

(2) the consumption of mineral fuels, non-mineral energy resources, and electricity by such classes, sectors, and regions as may be appropriate for the purposes of this Act;

(3) the sensitivity of energy resource reserves, exploration , development, production, transportation , and consumption to economic factors, environmental constraints, technological improvements, and substitutability of alternate energy sources...

(5) industrial, labor, and regional impacts of changes in patterns of energy supply and consumption."

2. Needs for and Uses of the Data

The information collected on the EIA survey forms includes basic statistics concerning coal production, preparation, distribution, trade, and consumption. Coal prices, quality, and stocks are collected as well. EIA data are widely used for policy analysis, economic modeling, forecasting, coal supply and demand studies, and in guiding research and development programs.

The following EIA publications/products use data supplied by one or more of the coal survey forms:

- Daily Energy Review
- Today in Energy
- Weekly Coal Production Report
- Monthly Energy Review
- Quarterly Coal Report
- Quarterly Coal Distribution Report
- Annual Coal Report
- Annual Coal Distribution Report
- Annual Energy Review
- State Energy Profiles

In addition, EIA uses the data in short-term and long-term models such as the Short-Term Integrated Forecasting System and the National Energy Modeling System (NEMS) Coal Market Module. The forecast data also appear in the *Short-Term Energy Outlook*, <http://www.eia.gov/forecasts/steo/>, and the *Annual Energy Outlook*, <http://www.eia.gov/forecasts/aeo/> publications.

The following U.S. government publications use EIA coal data:

- Monthly Industrial Production Report, Federal Reserve Board
- Annual Productivity Measures for Selected Industries, Department of Labor
- Annual Statistical Abstract of the United States, Bureau of the Census

Additionally, EIA coal data and analyses are used by Congress, Federal agencies, and State and local governments to reach decisions on national and local policies and a variety of important coal-related issues, including energy development and use, environmental protection, domestic welfare, and the health of the coal industry. EIA provides information essential to Presidential and Congressional commissions dealing with Federal coal leasing actions, assessing coal mine safety and health issues, and evaluating the potential for the DOE Clean Coal Technology program. EIA coal data are used for conducting non-utility power producer growth analysis, evaluating electric utility responses to the Clean Air Act Amendments of 1990, determining appropriate changes to surface mining regulations, estimating Black Lung tax revenues, estimating coal export potential, and assessing transportation capabilities and rates.

Numerous Congressional committees, particularly those dealing with energy, the environment, public lands, health and safety, commerce, transportation, water resources, research and development, the Federal budget, and taxes need detailed coal supply and disposition data. Legislative analyses conducted by the Congressional Research Service of the Library of Congress also require reliable and comprehensive coal industry information.

Some of the regional and State agencies that use EIA coal data and statistics for economic and energy supply and demand analyses are: the Geological Survey of Alabama, the Kentucky Department of Mines and Minerals, the New Jersey Energy Department; the New York State Energy Office, the Southern Governors' Association, the Utah Energy Office, the Virginia Department of Mines, Minerals and Energy Administration, the West Virginia Department of Energy, Kentucky Governor's Office for Coal and Energy Policy, and Pennsylvania State University.

Trade associations also depend upon EIA coal data for economic, regulatory, and legislative analyses. Included in this group are: the Association of American Railroads, the Edison Electric Institute, the Indiana Coal Association, the Mining and Reclamation Council of America, the National Mining Association, the Mississippi Valley Coal Exporters Council, the West Virginia Coal Association, and the Wyoming Mining Association.

Additional users of EIA data are coal producers and distributors, coal-consuming companies, financial/analytic service firms, publishing organizations, the media (electronic and printed), transportation companies, law firms, academic researchers, and coal labor unions, all of which employ coal data for economic, financial, technical, and market analyses. EIA data also are used in provisions that support commercial contracts and labor agreements. The following are examples of studies conducted and models created using EIA data:

- 2009: The National Institute of Occupational Safety and Health began using EIA coal data and Mining Safety and Health Administration data as inputs to develop a model that generates predictions on mines that pose the highest statistical risk of serious injuries and fatalities.

- 2010: EIA coal data was used in a research study by Stanford University on the effect of unionization on coal mine safety. The findings were published by Cornell University's ILR Review in February 2013.
- 2012: Boston University accessed EIA data to study if utilizing contractors made mine work environments riskier.
- 2012: Harvard University used EIA data to examine and analyze the effects of energy diversification; the price of coal paid by power producers and decisions made by operators to comply with sulfur emission regulations.

Coal data collected by EIA are also utilized by international agencies, such as the International Energy Agency (IEA) and the Organization for Economic Cooperation and Development (OECD), to produce the *Coal Information* and *Energy Statistics of OECD Countries* publications, respectively.

3. Use of Improved Technology to Reduce Respondent Burden

All EIA non-standby coal surveys, except for the EIA-8A, have been incorporated into an Internet Data Collection (IDC) system. This migration to an IDC system has reduced respondent burden as the system addresses edits and other errors while the survey is being completed. Further, it eliminates the respondent processing steps associated with sending the paper forms back to EIA by mail, as the respondent can now complete the form online by using the IDC. Our primary form of communication is email. This allows EIA to conduct timely communications with all respondents.

Currently, Form EIA-8A is collected using a Secure File Transfer (SFT). The EIA plans to transition to an IDC system for the EIA-8A in the near future, depending on available resources.

4a. Efforts to Identify Data Duplication

As part of a continuing effort to avoid data duplication, the EIA routinely reviews and evaluates coal industry information available from a variety of sources, including other Federal agencies, industry trade associations, State governments, and commercial information services, to identify instances of duplication. Additionally, in the public notices and consultations associated with the triennial re-clearance of the Coal Program Package, the EIA specifically encourages respondents and data users to identify alternate sources of the coal information the EIA proposes to collect.

Instances of potential data duplication identified by the EIA are evaluated in terms of data coverage, level of aggregation, frequency of collection, data reliability, and statutory requirements to determine whether alternate data sources represent a suitable substitute for EIA data.

4b. Why Similar Existing Information Cannot Be Used

After reviewing other coal data survey collections, it was concluded that no unnecessary duplication of reported data would be created. Furthermore, an analysis of similar existing information was performed. This analysis also revealed no significant duplications in reported material. A thorough investigation was made of federal data collections concerning coal production.

EIA uses the coal production and employment data reported on MSHA Form 7000-2, "Quarterly Mine Employment and Coal Production Report," to estimate coal production, employment statistics, and coal productivity. EIA also uses the coal production reported on MSHA Form 7000-2 as a control total in quality assurance activities used to verify coal sales reported to EIA via Form EIA-7A.

To make data collection and processing more efficient and reduce the coal industry's reporting burden, EIA works closely with MSHA to eliminate any redundancy. While MSHA collects coal production and employment information, EIA collects information on the type and status of coal operations, characteristics of coal beds mined, recoverable reserves, productive capacity, and the disposition of coal mined. EIA applies quality checks to all production data before it is released.

Form EIA-846, "Manufacturing Energy Consumption Survey," collects the total quantity of coal purchased for use as a fuel source from a sample of manufacturing establishments. However, this survey is only conducted once every four years and there is only a small sample of manufacturing establishments that report this information. Form EIA-923, "Power Plant Operations Report," also collects data from electric power producers on coal purchased for generating electricity. This survey only collects data from entities that have a 1 megawatt nameplate capacity to generate electricity. Form EIA-3 collects data from a larger class of respondents than just entities that have the capacity to generate electricity. For these reasons, Forms EIA-846 and EIA-923 are inadequate substitutes for the data collected on Form EIA-3. Form EIA-3 is the only survey form that collects comprehensive annual data on coal purchases from all manufacturing facilities, gasification/liquefaction plants, coal transformation plants, commercial entities, and institutional entities that consume or use in excess of 1,000 short tons in one year.

5. Provisions for Reducing Burden on Small Businesses

EIA recognizes the need to minimize the reporting burden on small businesses and designs data surveys so that small operations are not unduly affected. Additionally, the EIA has established reporting thresholds for surveys likely to affect small businesses. These thresholds either eliminate the reporting requirement for small businesses or limit the amount of information they are asked to supply.

EIA-3: Reporting on the Form EIA-3, "Quarterly Coal Consumption and Quality Report – Manufacturing and Transformation/Processing Coal Plants and Commercial and Institutional Coal Users," is limited to manufacturing facilities including coal transformation plants,

commercial entities and institutional entities consuming more than 1,000 short tons of coal annually.

EIA-5: All companies operating coke plants within the United States must submit Form EIA-5, “Quarterly Coal Consumption and Quality Report – Coke Plants.” There are currently 19 coke plants operating in the United States. There is no reporting threshold for Form EIA-5 and all companies are required to report. The U.S. Small Business Administration defines the small business size standard for a coke plant under the North American Industry Classification System (NAICS) code 324991 as having an average employment of less than 500 employees. EIA does not collect employment data from coke plants and does not know the average employment size of the respondents. Form EIA-5 does collect coke production data. In 2012, the average market share of U.S. coke production for 17 out of 19 coking coal facilities was 4% per facility. The similar market shares indicate that these 17 facilities have similar production volumes. The remaining two plants comprise slightly more than 30% of total U.S. coke production. EIA needs to collect coal consumption information from all 19 plants to have complete market coverage on coal consumption from this manufacturing sector. To the extent that a coke plant has less than 500 employees, the reporting burden that may be incurred by a small business in the coke manufacturing industry is necessary for assessing coal supply and market conditions.

EIA-7A: Reporting on Form EIA-7A is limited to U.S. coal mining companies that produce 25,000 or more short tons of coal during the reporting year, except for anthracite mines. All anthracite mines that produced 10,000 or more short tons during the reporting year must submit Form EIA-7A. Standalone facilities (e.g., preparation plant/tipple/loading dock/train load-out) that worked 5,000 or more hours must submit Form EIA-7A.

EIA-8A: Reporting on Form EIA-8A is limited to coal brokers, coal traders, and coal terminals in the 50 United States and the District of Columbia that own stocks of 10,000 or more short tons of coal originating in the United States on December 31st of the reporting year. Companies that take custody (physical possession) of the coal and transport, but never own, the coal need not report. Companies that report coal stocks on Form EIA-923, “Power Plant Operations Report,” need not report.

6. Results of Collecting Data Less Frequently

In keeping with its mandate, EIA is recognized as the major collector of comprehensive and reliable U.S. energy supply and demand data. The Federal Government and State governments, as well as the private sector of the economy, rely on the EIA for energy statistics and consider its publications reliable and timely indicators of current energy conditions and trends. The non-standby coal forms proposed in this Information Collection Request (ICR) represent two quarterly surveys (EIA-3 and EIA-5) and two annual surveys (EIA-7A and EIA-8A). Less frequent reporting on any of these four forms would prevent EIA from meeting its mandate of providing timely, essential, and reliable information.

7. Compliance with 5 CFR 1320.5

Guidelines for controlling paperwork burden on the public are provided in 5 CFR 1320.5. All EIA coal surveys are conducted in accordance with these guidelines. In the event of a coal supply disruption, information could be collected weekly on Forms EIA-1, EIA-4, and EIA-20. This weekly frequency is justified by the need to provide rapid response during such a supply disruption to prevent adverse national economic impacts or to alleviate potential human suffering. When these emergency situations arise, EIA will notify OMB and submit the appropriate ICR revisions along with supporting documents and information regarding the supporting reasons and change in reporting burden as deemed necessary in order to activate the surveys.

8. Summary of Consultations outside the Agency

It is the policy and practice of EIA to change confidentiality policies for EIA surveys through Federal Register announcements, as required by the Paperwork Reduction Act, and as directed by the Office of Management and Budget. Federal Register notices were published on November 27, 2012, and May 10, 2013 announcing the following change in the confidentiality policy for Forms EIA-3, 5, 7A, and 8A. EIA did not receive any adverse comments from these Federal Register notices. A webinar was held on December 19, 2012, by EIA to explain the change in data protection policy for these survey forms to the survey respondents.

Following the December 19, 2012 webinar presentation, we received verbal comments by telephone and from attendees who attended the live presentation that the presentation was thorough and covered all prior concerns felt by many respondents. In addition, we received verbal requests to amend the IDC survey instructions in accordance with the changes we were proposing. A few respondents that wanted some clarity on the mercury question in the Form EIA-3 survey were provided with instructions and explanations.

9. Remuneration

Respondents will not be paid or provided any gifts in return for responding to EIA coal data surveys.

10. Provisions for Confidentiality of Information

After the information collection request for the coal survey forms was approved in June, 2011, EIA modified its forms to reflect the change to publicly release company-level information that was reported for all non-cost and non-revenue data fields. However, EIA continued to only release tabular data and apply cell suppression to the tabular data. EIA never released any company level data files that contain the reported values for these non-cost and non-revenue data fields so restoring the protection retroactively to strengthen confidentiality protections will not cause any problems with disclosure risk or the public release of any aggregate statistical data or any coal information products.

For **Forms EIA-3 and EIA-5**, the information reported will be protected and not disclosed to the public to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. §552, the DOE regulations, 10 C.F.R. §1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. §1905.

The Federal Energy Administration Act requires the Energy Information Administration to provide company-specific data to other Federal agencies when requested for official use. The information reported on these forms may also be made available, upon request, to another component of the Department of Energy (DOE); to any Committee of Congress, the Government Accountability Office, or other Federal agencies authorized by law to receive such information. A court of competent jurisdiction may obtain this information in response to an order. The information may be used for any non-statistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.

For **Form EIA-3**, disclosure limitation procedures are applied to the “Total Cost of Coal Received” data reported in Part II and “Commodity Cost” data reported in Part VI to protect these data elements and to ensure that the risk of disclosure of identifiable information is very small¹. Disclosure limitation procedures are not applied to the other aggregate statistical and quantity data published from this survey. Thus, there may be some non-cost and non-revenue aggregate statistics that are based on data from fewer than three respondents, or that are dominated by data from one or two large respondents. In these cases, it may be possible for a knowledgeable person to estimate the information reported by a specific respondent.

For **Form EIA-5**, disclosure limitation procedures are applied to the Total Cost of Coal Received” in Part II, “Total Revenues from Commercial Sales,” for Coke and Breeze in Part III, and “Commodity Cost” in Part IV to protect these data elements and to ensure that the risk of disclosure of identifiable information is very small. Disclosure limitation procedures are not applied to the other aggregate statistical and quantity data published from this survey. Thus, there may be some non-cost and non-revenue aggregate statistics that are based on data from fewer than three respondents, or that are dominated by data from one or two large respondents. In these cases, it may be possible for a knowledgeable person to estimate the information reported by a specific respondent.

¹ This sentence appears in all EIA surveys that apply cell suppression methodology to minimize the risk of disclosure (public identification) of the identity of individual reporting units and information about them. Zero risk is not always a realistic attainable goal when applying disclosure limitation methodologies to tabular data. There is always some risk of identity disclosure in any information product that applies disclosure limitation methodologies. “Very small” has common meaning among statisticians and means near zero but greater than zero. See the first paragraph on page one of FCSM Working Paper No. 22 Report on Disclosure Limitation Methodology “available at <http://www.fcsm.gov/working-papers/spwp22.html> “ The required protection is achieved by the application of statistical disclosure limitation procedures whose purpose is to ensure that the risk of disclosing confidential information about identifiable persons, businesses or other units will be very small.”

For **Form EIA-7A**, the name and address of the responding company, the mine type or plant type, and location is considered public information and may be released in company identifiable form. All other information reported on this form will be protected and not disclosed to the public to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. §552, the DOE regulations, 10 C.F.R. §1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. §1905.

The Federal Energy Administration Act requires the Energy Information Administration to provide company-specific data to other Federal agencies when requested for official use. The information reported on these forms may also be made available, upon request, to another component of the Department of Energy (DOE); to any Committee of Congress, the Government Accountability Office, or other Federal agencies authorized by law to receive such information. A court of competent jurisdiction may obtain this information in response to an order. The information may be used for any non-statistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.

Disclosure limitation procedures are applied to the “Total Revenue” from “Open Market Sales,” “Captive Market Sales,” and “Export Coal Sales” information reported in Part V to protect these data elements and ensure that the risk of disclosure of identifiable information is very small. Disclosure limitation procedures are not applied to the other aggregate statistical data published from this survey. Thus, there may be some non-cost and non-revenue aggregate statistics that are based on data from fewer than three respondents, or that are dominated by data from one or two large respondents. In these cases, it may be possible for a knowledgeable person to estimate the information reported by a specific respondent.

For **Form EIA-8A**, the information reported will be protected and not disclosed to the public to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. §552, the DOE regulations, 10 C.F.R. §1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. §1905.

The Federal Energy Administration Act requires the Energy Information Administration to provide company-specific data to other Federal agencies when requested for official use. The information reported on these forms may also be made available, upon request, to another component of the Department of Energy (DOE); to any Committee of Congress, the Government Accountability Office, or other Federal agencies authorized by law to receive such information. A court of competent jurisdiction may obtain this information in response to an order. The information may be used for any non-statistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.

Disclosure limitation procedures are applied to the “Total Revenue of Coal Exports” from each origin state, reported in Part III, to protect these data elements and ensure that the risk of disclosure of identifiable information is very small. Disclosure limitation procedures are not applied to the other aggregate statistical data published from this survey. Thus, there may be

some non-cost and non-revenue aggregate statistics that are based on data from fewer than three respondents, or that are dominated by data from one or two large respondents. In these cases, it may be possible for a knowledgeable person to estimate the information reported by a specific respondent.

For standby **Forms EIA-1, EIA-4, EIA-6Q and EIA-20**, the information reported will be protected and not disclosed to the public to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. §552, the DOE regulations, 10 C.F.R. §1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. §1905.

The Federal Energy Administration Act requires the Energy Information Administration to provide company-specific data to other Federal agencies when requested for official use. The information reported on these forms may also be made available, upon request, to another component of the Department of Energy (DOE); to any Committee of Congress, the Government Accountability Office, or other Federal agencies authorized by law to receive such information. A court of competent jurisdiction may obtain this information in response to an order. The information may be used for any non-statistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.

Disclosure limitation procedures are applied to the statistical data published the survey information to ensure that the risk of disclosure of identifiable information is very small.

11. Justification for Sensitive Questions

There are no questions of a sensitive nature on the coal survey forms.

12. Reporting Burden Estimates

a. Estimates of Hour Burden

The total annual burden is estimated to be 4,530 hours. There are a total of 1639 respondents to various coal surveys, and on average the estimated annual burden on each is 2.76 hours. Forms EIA-1, 4, 6Q and 20 are not included in the burden estimates shown below because they are standby forms and may not be used during this three year clearance cycle.

Annual Burden Estimates for Coal Program Surveys

Form	Individual Response in Burden Hours	Number of Respondents	Annual Reporting Frequency	Total Burden Hours
EIA-3 Manufacturing	1.25	460	4	2300

EIA-3 Coal Synfuel	0.9	56	4	201.6
EIA-5	1.5	20	4	120
EIA-7A	1.8	1006	1	1810.8
EIA-8A	1	97	1	97
Total		1639		4530

b. Estimates of Annualized Cost to Respondents

Based on the estimated rate of \$68.32 per hour for employees who would complete these forms, the total annual respondent cost for all forms is estimated to be:

$$\$68.32/\text{hour} \times 4,530 \text{ hours/year} = \$309,490$$

An average cost per hour of \$68.32 is used because that is the average loaded (salary plus benefits) cost for an EIA employee assigned to data survey work. EIA assumes that the survey respondent workforce completing surveys for EIA is comparable with the EIA workforce.

13. Estimate of Total Annual Cost Burden to Respondents

The EIA estimates that there are no capital, start-up, or operating costs to respondents beyond the cost of the hours described in Item 12.

14. Estimated Annualized Costs to the Federal Government

Federal Government activities and costs associated with the surveys included in the Coal Program information collection are included in the Annual Operating Plans for the Office of Oil, Gas and Coal Supply Statistics of EIA. The estimated annualized cost to the government, including personnel, forms development, maintenance, data collection, and processing is \$566,000. The overall annual costs to the Federal Government have fallen from about \$586,000 estimated for the last year of the current authorization cycle, representing a 3.4% savings in Federal costs.

The Federal Government coal forms cost estimate for FY 2013 is shown below:

ANNUAL COST TO THE FEDERAL GOVERNMENT, COAL FORMS (ESTIMATED)

Data Collection & Processing	\$317,000
Programming, Maintenance, and System Enhancement	<u>249,000</u>
Total	\$566,000

15. Changes in Respondent Burden

Previously, the total burden reported for this collection was 4,549 hours. The decrease in the number of hours is the result of a decrease in the number of respondents submitting Form EIA-3, due largely to a decrease in coal consumption and an increase in cheaper natural gas consumption. While industrial plants continued to use coal, many institutional entities (i.e. hospitals, universities) have stopped using coal.

16. Schedule for Collecting and Publishing Data

Plans to tabulate and publish data collected by the coal data collection forms are described below.

a. Weekly Forms

All weekly forms are standby forms. Standby Forms EIA-1, EIA-4, and EIA-20 will be used to collect data only during coal supply disruptions from a sample of respondents and will not be published in an individually identifiable form. When these emergency situations arise, EIA will notify OMB and submit the appropriate ICR revisions along with supporting documents and information regarding the supporting reasons and change in reporting burden as deemed necessary in order to activate the surveys. . The data collected from Forms EIA-1 and EIA-4 from manufacturing and coke plants (respectively) will be used in the compilation of public statistical reports for monitoring coal consumption and stocks. Form EIA-20, if and when activated, will include electric utilities and independent power producers, and is designed to gather up-to-date information that will enable DOE to closely monitor electric power coal consumption and stocks and evaluate the potential impact of a coal supply disruption.

A report week is defined as a calendar week beginning 12:01 A.M. on Sunday and ending at midnight on the following Saturday. A telephone call will be made to collect the data on each form beginning each Monday of each report week during the coal supply disruption.

b. Quarterly Forms

Quarterly Forms EIA-3 and EIA-5 will be used in the compilation of aggregated statistical reports to provide Congress with basic statistics concerning coal receipts, consumption, stocks, and prices at reporting facilities. Coal quality data, coal origin, and transport mode employed will be collected for coal shipments as well.

The quarterly forms are due approximately one month after the close of each quarter. The quarters are:

- Q1 January 1 – March 31
- Q2 April 1 – June 30
- Q3 July 1 – September 30

Q4 October 1 – December 31

Form EIA-3 data will appear in the following reports:

- Monthly Energy Review <http://www.eia.gov/totalenergy/data/monthly/>
- Quarterly Coal Report <http://www.eia.gov/coal/production/quarterly/>
- Quarterly Distribution Report <http://www.eia.gov/coal/distribution/quarterly/>
- Annual Coal Report <http://www.eia.gov/coal/annual/>
- Annual Distribution Report <http://www.eia.gov/coal/distribution/annual/>

Form EIA-6Q is a standby form. If activated, this form would collect quarterly coal production data from U.S. coal producers and distributors. Currently, EIA-6Q type quarterly production data are collected by the Mine Safety and Health Administration (MSHA) and provided to EIA under a cooperative agreement. EIA plans to continue to obtain quarterly coal production data from MSHA and only would activate form EIA-6Q in the eventuality that MSHA discontinued its coal production survey. When these emergency situations arise, EIA will notify OMB and submit the appropriate ICR revisions along with supporting documents and information regarding the supporting reasons and change in reporting burden as deemed necessary in order to activate the survey.

c. Annual Forms

Annual Form EIA-7A collects information on coal production and related information from U.S. coal mining operations. Form EIA-8A collects coal stocks and export data from U.S. coal brokers, coal traders, and coal terminals.

Data collected will appear in the following reports:

- Weekly Coal Production Report <http://www.eia.gov/coal/production/weekly/>
- Quarterly Coal Report <http://www.eia.gov/coal/production/quarterly/>
- Annual Coal Report <http://www.eia.gov/coal/annual/>
- State Energy Profiles <http://www.eia.gov/state/>

17. OMB Number and Expiration Date

The OMB Number and expiration date will be displayed on all the data collection forms and instructions.

18. Exceptions to the Certification Statement

There are no exceptions to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.