

INFORMATION MANUAL

THE NATIONAL COAL COUNCIL

An Advisory Committee to the Secretary of Energy

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www.nationalcoalcouncil.org

THE NATIONAL COAL COUNCIL (NCC)
An Advisory Committee to the Secretary of Energy

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TABLE OF CONTENTS

	Page
Introduction	1
Membership	2
Study Procedures	3
Meetings	4
Officers	5
Staff	5
Finances	5
Committees.....	6
Entities	6

- Appendix A: NCC Purpose
- Appendix B: List of NCC Reports
- Appendix C: NCC Charter
- Appendix D: Past NCC Chairs

ACKNOWLEDGEMENT

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INTRODUCTION

Coal is, and for the foreseeable future will continue to be, a major source of domestic, ever cleaner energy. Currently it supplies just more than half of the nation's electricity reliably, at low cost, and without pressure from the international energy marketplace. It plays an even greater role in energy supply in the major developing economies of the world such as China, India and the nations of Southeast Asia.

However, coal-based energy faces numerous challenges. Recent dramatic events in the economy, especially in the environment and energy sectors, are driving policy changes on the local, national and international levels. Every nation, state, municipality and individual will be impacted by these changes. To help the US Secretary of Energy address these policy changes, and their impacts on energy and the environment, the National Coal Council ("NCC" or "Council"), a Federal Advisory Committee, was established in 1984 to provide written advice and recommendations with regard to the use of coal.

The NCC has a formal structure, a membership of up to 125 individuals from a broad spectrum of interests, and formal processes in place to address the study and review requests made by the Secretary of Energy. The NCC is an advisory body that is by law specifically precluded from lobbying the U.S. Congress. Also, under the laws of the Federal Advisory Committee Act (FACA), its meetings are open to the public. The NCC is a tax-exempt organization, supported entirely by voluntary contributions from its members. It receives no funds whatsoever from the federal government, and its studies are provided at no cost to the Department of Energy.

This Manual provides information on the NCC membership, organization and its relationship with the Office of the Secretary of Energy. It also serves as a reference document regarding the history and prior work of the NCC. More information, including the latest full reports submitted by the NCC to the Secretary, can be found on the Council's website: www.nationalcoalcoalouncil.org.

MEMBERSHIP

Any individual with the necessary expertise on coal and coal-related energy issues may be nominated to become a member of the NCC. This nomination must be made in writing and may be made either directly to the Office of the Secretary of Energy or through a member of the NCC. The Secretary is the only person who can appoint nominees to membership. This membership is a personal appointment, based on the individual's knowledge, experience and other qualifications deemed appropriate by the Secretary. The term of membership is two (2) years. Should a member's personal or professional situation change, that member may submit a letter of resignation to the Secretary. Memberships are not transferable and are not corporate. Only individuals, not corporations, can be NCC members. A current list of members can be found on the NCC web site.

The current membership represent all segments of coal interests, including coal producers and shippers, coal users, technology developers, academia, research institutions, environmental and consumer groups, state regulatory experts, Native Americans and others (**see Figure 1**). Current members represent 35 states plus the District of Columbia (**see Figure 2**). Their function is to carry out the NCC's mission of advising the Secretary of Energy on coal-related matters.

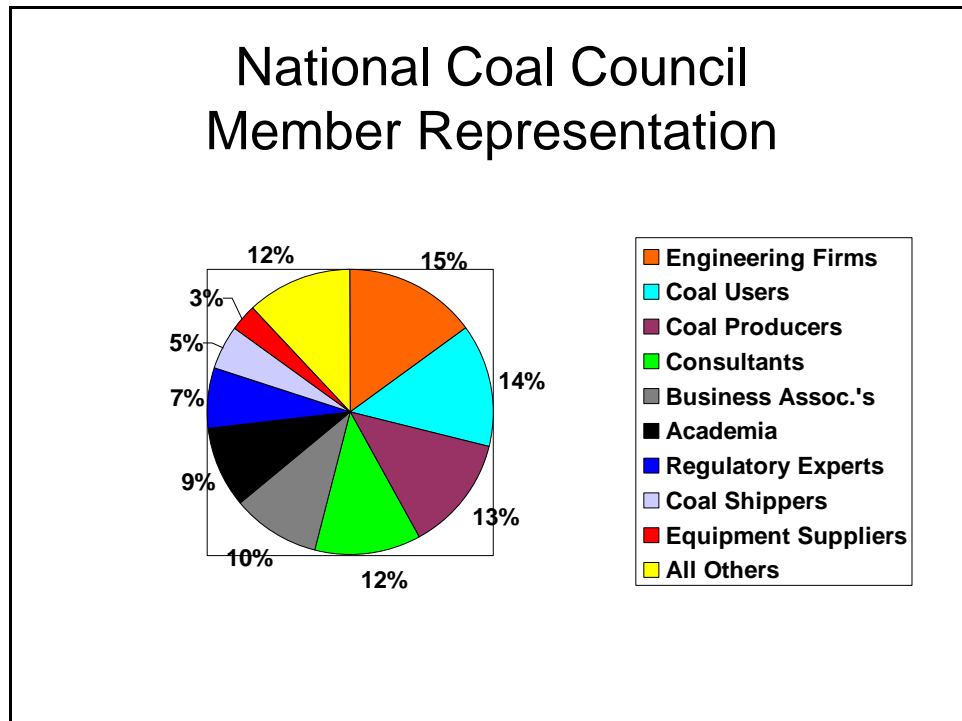


Figure 1: National Coal Council Member Representation (January, 2009)

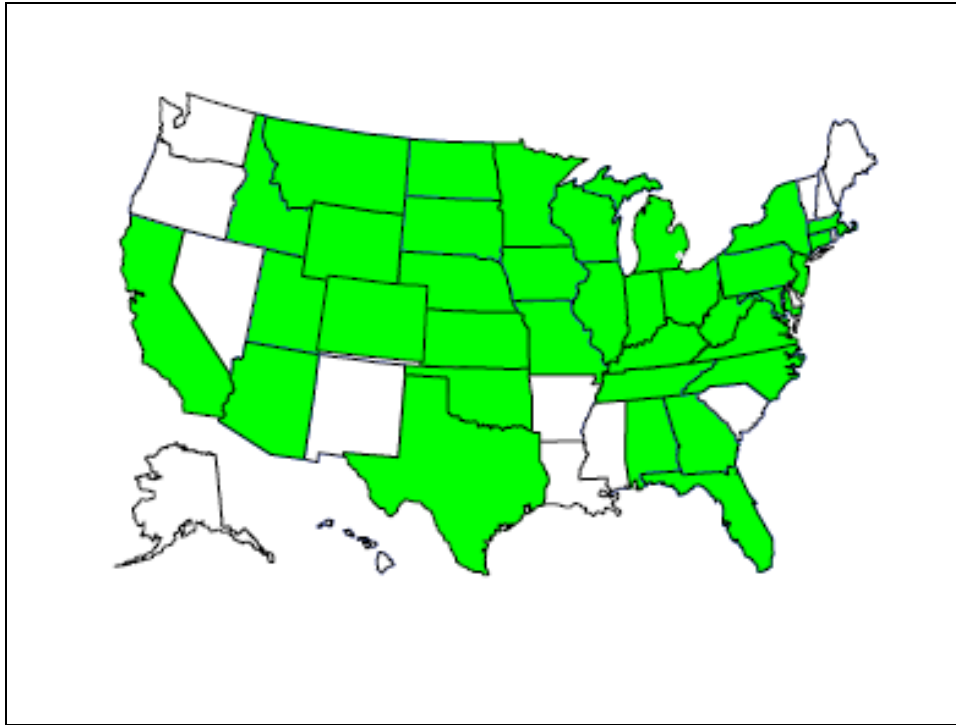


Figure 2: States represented on The National Coal Council (January, 2009)

The NCC officers consist of a Chair and a Vice-Chair, who are elected by the full membership. The NCC is not a trade association, and it does not engage in any of the usual trade association activities. By law, it is specifically precluded from lobbying the Congress. The Council represents a broad view of coal and its related industries and takes into account the views of all parts of the country. It is specifically structured as a broad-based, objective advisory group whose approach is national in scope.

STUDY PROCEDURES

The procedures governing the preparation of NCC reports are based upon guidelines set forth in the Federal Advisory Committee Act of 1972 (FACA), the NCC Charter (Appendix A), Articles of Incorporation and By-laws, other rules and regulations of the Federal government and procedures derived by the NCC over its years of operation.

The first major studies undertaken by the NCC were presented to the Secretary in the summer of 1986. A complete list of studies conducted by the NCC over the years can be found in Appendix C. The full text of several of the most recent reports can be found on the NCC's web site.

When the NCC receives a study request from the Secretary, it is referred to the NCC Coal Policy Committee (CPC). The CPC then forms an ad hoc working group to conduct the study. Working group membership can be comprised of experts from within and outside the NCC membership. However, non-member experts may not chair any working group.

Upon completion of a draft report by the working group, the draft is forwarded to the full CPC for its review. Following action by the CPC, the report is forwarded to the NCC Executive Committee and then to the full Council for final action. A vote on the report by the full Council membership is then taken in the next public meeting of the Council. A simple majority is required in order to submit the report and its findings and recommendations to the Secretary. Should there be any dissenting opinion of any NCC member it is included in an appendix to the report in its entirety.

Following this approval by the full Council the report is professionally produced for publication and forwarded to the Secretary. In addition, informational copies are supplied to appropriate entities in the Executive branch, members of Congress, governors and state legislators, colleges and universities, and to the public. A downloadable copy is also placed on the NCC's web site. The usual time for completion of reports is approximately six (6) months. However, the NCC can move in an expedited manner should the Secretary need completion of a report in less time.

Additionally, the CPC also meets periodically to consider policy matters affecting the production and use of coal. From these discussions, issues may develop which, if agreed to by the full Council, may be submitted to the Secretary for his/her consideration as possible topics for study.

MEETINGS

Regular meetings of the full NCC are held twice each year. Additional meetings may be held as necessary. Regular NCC meetings are held in the spring and fall and usually take place in the Washington, DC area over a span of two days. They generally consist of committee meetings and a networking reception the first afternoon/evening, with a full Council meeting the next morning, generally concluding by noon.

The Secretary of Energy must approve in advance all NCC meetings conducted under the FACA guidelines, and a designated federal official must co-chair the meeting. These meetings are noticed in the Federal Register and are open to the public. Members of the public are afforded an opportunity to speak at these meetings.

Members are urged to attend all meetings. When it is not practicable to do so, the use of non-voting alternates is strongly encouraged.

OFFICERS

The officers of the NCC consist of a Chair and Vice Chair elected for a two (2) year term by the members, and a Treasurer and Secretary who are appointed by the Chair.

STAFF

The Chief Operating Officer of the NCC is the Executive Vice President, who is appointed by the Executive Committee.

The Executive Vice President may, in turn employ and/or contract for such support staff as is necessary to conduct the business of the NCC. This may include both permanent and temporary personnel.

The staff consists of one full-time permanent assistant to the Executive Vice President; a Certified Public Accountant contracted to handle the ongoing financial matters of the NCC; a contracted legal Counsel who oversees legal affairs; and a separately contracted Certified Public Accountant who conducts the annual audit. In addition, temporary help is employed as the need arises.

FINANCES

The NCC receives no funds from the federal government. It is a totally self-supporting, tax-exempt entity. Revenues to finance the activities of the NCC are derived from the following sources:

- Annual voluntary contributions as agreed to by the members;
- Interest from investment of Council reserve funds; and
- Gifts, bequeaths, grants, etc.

The voluntary contributions are usually assessed in the fall of each year for the following year. The level of assessment is based upon a budget necessary to meet the expenditures for the following year, as considered and approved annually by the Finance and Executive Committees.

Funds are used exclusively for costs associated with meetings, studies, and office overhead. None of these funds are paid to federal government employees.

COMMITTEES

Membership appointments to all Council committees are made by the NCC Chair, generally in consultation with other members of the Executive Committee and the staff. Appointments to the sub-committees and work groups are made by the Committee Chair, generally in consultation with the NCC Chair and the Executive Vice President and Chief Operating Officer.

Individuals are chosen based upon their knowledge and expertise, as well as a demonstrated willingness to be involved in the activities of the NCC. Non-Council experts often are sought to augment and serve on study groups; however, they may not chair such groups and they do not have a vote on any motions the Council may ultimately take.

Members are welcomed and encouraged to volunteer for an appointment to a given committee. A member appointed to a committee or work group is invited to assign a staff representative to attend to the working activities of the group, if need be.

The term of appointment to a committee coincides with the two-year term on the full NCC. Work group appointments are generally for the term of the activity involved. On-going participation in the work of a committee and/or work group is the primary measure of a member's continued service on that body.

SPECIAL NOTE: UNDER FACIA, THE APPOINTING AUTHORITY (i.e. the Secretary) IS REQUIRED TO MONITOR THE LEVEL OF PARTICIPATION AND CONTRIBUTION OF EACH APPOINTEE. ANY MEMBER WHO CHOOSES NOT TO BE ACTIVE COULD POTENTIALLY NOT BE RE-APPOINTED TO THE NEXT TERM OF THE NCC.

ENTITIES

The National Coal Council is that body appointed by the Secretary and is usually referred to as the NCC or the Council. To serve as a housekeeping entity for the Council and to assist in administration and fiscal matters, a Virginia non-stock, non-profit entity was created and is known as The National Coal Council, Inc. ("NCC, Inc."). All members of the NCC are automatically members of NCC, Inc. Very succinctly, all policy matters fall under the purview of the NCC, and everything else of an administrative or fiscal nature is under the auspices of NCC, Inc.

There are three NCC, Inc. administrative committees:

EXECUTIVE COMMITTEE: The Executive Committee of the Council, which under the Articles of Incorporation serves also as the Board of Directors of NCC, Inc., has authority over all of the activities of the NCC. The Executive Committee consists of the Chair and Vice-Chair of the NCC, who are elected by the Council members, and up to 15 appointed members. The Executive Committee acts upon and makes recommendations to the full membership on significant administrative matters, such as the annual budget, audit, nominations of the officers, and on all activities pertaining to program studies of the NCC. Past Chairs (Appendix D) of the NCC serve as ex-officio members of the Executive Committee. The Executive Vice President and the legal Counsel serve as staff support to this and all other committees.

FINANCE COMMITTEE: The Finance Committee exercises oversight authority over the fiscal activities of the Council. It is also responsible for personnel matters and other functions such as recommending the annual voluntary contribution assessments.

NOMINATING COMMITTEE: The primary responsibility of the Nominating Committee is the development and recommendation of a slate of officers (Chair and Vice-Chair of the NCC) to be voted on by the Council at its annual meeting of the members.

The principal operating committee of the NCC is:

COAL POLICY COMMITTEE: The primary function of the CPC is to prepare draft reports on issues requested by the Secretary of Energy for review by the full NCC membership prior to submission to the Secretary. The CPC also considers issues and subjects for review by the Secretary for possible study by the NCC. All matters reviewed and acted on by the CPC are forwarded for review by the Executive Committee and, if approved, to the full Council for its action. All meetings of this Committee are subject to the requirements of FACA. As such, all meetings of the Committee are open to the public and are noticed in the Federal Register. A verbatim transcript is kept of all proceedings of the Committee.

NOTE: The CPC is the principal operating committee of the NCC. The work groups that draft studies for the NCC are recruited from prestigious groups of experts throughout the country on the topic under consideration. Paid consultants are rarely used to assist in NCC studies. When it is deemed necessary to utilize consultants for a specific purpose, the Executive Committee must approve such action.

APPENDIX A: NCC Purpose

In the fall of 1984, The National Coal Council was chartered and in April 1985, the Council became fully operational. This action was based on the conviction that such an industry advisory council could make a vital contribution to America's energy security by providing information that could help shape policies relative to the use of coal in an environmentally sound manner which could, in turn, lead to decreased dependence on other, less abundant, more costly, and less secure sources of energy.

The Council is chartered by the Secretary of Energy under the Federal Advisory Committee Act. The purpose of The National Coal Council is solely to advise, inform, and make recommendations to the Secretary of Energy with respect to any matter relating to coal or the coal industry that he may request.

Members of The National Coal Council are appointed by the Secretary of Energy and represent all segments of coal interests and geographical disbursement. The National Coal Council is headed by a Chair and Vice-Chair who are elected by the Council. The Council is supported entirely by voluntary contributions from its members. To wit, it receives no funds whatsoever from the Federal Government. In reality, by conducting studies at no cost, which might otherwise have to be done by the Department, it saves money for the government.

The National Coal Council does not engage in any of the usual trade association activities. It specifically does not engage in lobbying efforts. The Council does not represent any one segment of the coal or coal-related industry nor the views or any one particular part of the country. It is instead to be a broad, objective advisory group whose approach is national in scope.

Matters which the Secretary of Energy would like to have considered by the Council are submitted as a request in the form of a letter outlining the nature and scope of the requested study. The first major studies undertaken by The National Coal Council at the request of the Secretary of Energy were presented to the Secretary in the summer of 1986, barely one year after the start-up of the Council.

APPENDIX B: NCC Reports

The complete text of the most recent reports and summaries of older reports can be found on NCC's web site at: www.nationalcoalcouncil.org

Reports Conducted By The National Coal Council

- | | |
|-------------------|--------------------------------------------------------------------------------------------------------------------|
| May 2008 | The Urgency of Sustainable Coal |
| June 2007 | Technologies to Reduce or Capture and Store Carbon Dioxide Emissions |
| March 2006 | Coal: America's Energy Future (Volumes I & II) |
| Nov. 2004 | Opportunities to Expedite the Construction of New Coal-Based Power Plants |
| May 2003 | Coal-Related Greenhouse Gas Management Issues |
| May 2002 | Increasing Coal-Fired Generation Through 2010: Challenges and Opportunities |
| May 2001 | Increasing Electricity Availability from Coal-Fired Generation in the Near-Term |
| Nov. 2000 | The Research and Development Needs for the Sequestration of Carbon Dioxide as Part of a Management Strategy |
| Nov. 1998 | Coal's Role in Achieving Economic Growth and Environmental Stability |
| Oct. 1997 | Clean Air Act Rules, Climate Change, Restructuring of the Electricity Industry – Special Report |
| Feb. 1997 | Vision 2020: The Role of Coal in U.S. Energy Strategy |
| May 1995 | A Critical Review of Efficient and Environmentally Sound Coal Utilization Technology |
| Feb. 1994 | Clean Coal Technology for Sustainable Development |
| Nov. 1993 | The Export of U.S. Coal and Coal Technology |
| Feb. 1993 | The Role of U.S. Coal in Energy, the Economy, and the Environment – Special Report |

May 1992 **Special Report on Externalities**

Jan. 1992 **Improving Coal's Image: A National Energy Strategy Imperative**

Jan. 1992 **The Near Term Role for Coal in the Future Energy Strategy of the United States**

June 1990 **The Long Range Role of Coal in the Future Energy Strategy of the United States**

June 1990 **Industrial Use of Coal and Clean Coal Technology – Addendum Report**

Dec. 1988 **The Use of Coal in the Industrial Commercial, Residential and Transportation Sectors**

Nov. 1988 **Innovative Clean Coal Technology Deployment**

June 1987 **Improving International Competitiveness of U.S. Coal and Coal Technologies**

June 1987 **Reserve Data Base: Report of The National Coal Council**

June 1986 **Report on Industrial Boiler New Source Performance Standards**

June 1986 **Interstate Transmission of Electricity**

June 1986 **Clean Coal Technologies**

June 1986 **Coal Conversion**

APPENDIX C: National Coal Council Charter

DEPARTMENT OF ENERGY CHARTER NATIONAL COAL COUNCIL

1. **Committee's Official Designation:**

National Coal Council (NCC)

2. **Objectives and Scope of Activities and Duties:**

The National Coal Council provides advice and recommendations on a continuing basis as requested by the Secretary of Energy on general policy matters relating to coal, including:

- a. Federal policies which affect, directly or indirectly, the production, marketing, and use of coal;
- b. Plans, priorities, and strategies to address more effectively the technological, regulatory, and social impact issues relating to coal production and use;
- c. Appropriate balance between various elements of Federal coal-related programs;
- d. Scientific and engineering aspects of coal technologies, including emerging coal conversion, utilization, or environmental control concepts;
- e. The progress of coal research and development pursuant to the Office of Coal Research Act, Public Law No. 86-599.

3. **Time Period Necessary for the Committee to Carry Out its Purpose:**

In view of the goals and purposes of the Council, it is expected to be continuing in nature.

4. **Official to Whom This Committee Reports:**

The NCC will report to the Secretary of Energy.

5. **Agency Responsible for Providing Necessary Support for This Committee:**

The Department of Energy. Within the Department, primary support shall be furnished by the Office of Fossil Energy.

6. **Description of Duties for Which the Committee is Responsible:**

The duties of the Council are solely advisory and are stated in paragraph 2 above.

7. **Estimated Annual Operating Costs in Dollars and Person-Years:**

\$100,000: one-half person-year.

8. **Estimated Number and Frequency of Meetings:**

The Council will meet approximately twice a year on a semi-annual basis. Subcommittees will meet as required.

9. **Committee's Termination Date (If Less Than Two Years From Date of Establishment or Renewal):**

Not applicable.

10. **Subcommittee(s):**

To facilitate the functioning of the National Coal Council, subcommittees may be formed. The objectives of the subcommittees are to make recommendations to the Council with respect to particular matters concerning plans and programs which are related to the responsibilities of the Council.

11. **Members:**

- a. Council members shall be appointed by the Secretary of Energy.
- b. Approximate number of Council members: 100-125
- c. Membership terms shall be for a period of up to two years. Council members may be reappointed to additional terms following review.
- d. In addition to non-federal members, the Council shall include ex officio representation by other Federal agencies with responsibility for aspects of policy relating to coal.

12. **Officers:**

- a. The officers of the Council shall consist of a Chairperson, a Vice Chairperson, and such other officers as may be approved by the Secretary of Energy.
- b. The Chairperson and the Vice Chairperson shall be elected by the Council and will serve for a period of one year.

The charter for the National Coal Council is hereby approved on:

November 6, 2007
Date

/signed by/ Carol A. Matthews
Carol A. Matthews
Acting Committee Management Officer

November 7, 2007
Date Filed

APPENDIX D: Past Chairs of the National Coal Council, Inc.

May 2008 - Present	Michael G. Mueller, President Ameren Energy Fuels & Services Company
March 2006 – May 2008	Georgia Nelson, President & CEO PTI Resources, LLC
May 2004 – March 2006	Thomas Kraemer, Group Vice President BNSF Railway Company
May 2002 – May 2004	Wes M. Taylor, President, Generation Business Unit TXU Energy
May 2000 – May 2002	Steven F. Leer, President & CEO Arch Coal Incorporated
May 1998 – May 2000	E. Linn Draper, Jr., Chair, President & CEO American Electric Power Company
May 1996 – May 1998	Clifford R. Miercort, President & CEO The North American Coal Corporation
May 1994 – May 1996	Joseph W. Craft, President MAPCO COAL , Inc.
May 1992 – May 1994	William R. Wahl, former Vice President, AMAX, Inc.
May 1991 – May 1992	W. Carter Grinstead, Jr., former Vice President, Exxon Coal and Minerals Company
June 1989 – May 1991	William Carr President, Jim Walter Resources, Inc.
June 1987 – June 1989	James G. Randolph, former President, Kerr-McGee Coal Company, Former Assistant Secretary for Fossil Energy, U.S. Department of Energy; Brigadier General (USAF retired)
June 1986 – June 1987	James W. McGlothlin Chair, The United Companies
June 1985 – June 1986	The Honorable John N. Dalton, former Governor of Virginia. B.R. Brown, President, Consolidation Coal Company succeeded as Chair during this term due to the untimely death of General Dalton