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**Sent:** Monday, December 01, 2014 8:49 AM  
**To:** Cohen, Daniel  
**Cc:** Cymbalsky, John  
**Subject:** DOE Posting Practices

Dan: it has come to our attention that DOE is revising posted materials with no notice to the public either that a change has been made or what the change is. This practice, an example of which is provided below, is extremely prejudicial and harmful to those trying to understand the basis for DOE actions and needs to be corrected as soon as possible. DOE provided notice on September 22, 2014, that it was posting its preliminary draft life cycle spreadsheet in the remanded furnace proceeding at the following site: <http://www.regulations.gov/#!documentDetail;D=EERE-2014-BT-STD-0031-0002>. Needless to say, interested parties like APGA have dedicated a lot of man-hours attempting to analyze and understand this spreadsheet. However, it turns out that sometime after September 22, DOE posted another (amended) spreadsheet at that site (see attached example pages), and it did so with no notice to the public that this was occurring or what the change or changes were. Thus, analysis of the original spreadsheet performed after the new spreadsheet was posted (whenever that was) focused on the wrong spreadsheet and potentially resulted in a work product that cannot be used because it is no longer accurate. We learned of this no-notice switch by pure happenstance, and while we now know that some "Summary Switching" data from the original spreadsheet has changed, we have no idea either why or what other data may have changed. Trying to make that determination could take countless hours (which could then be overtaken by yet another unannounced posting). You may recall that APGA ran into this practice of re-posting with no notice during the DFR proceeding (see APGA Jan. 13, 2014 Initial Br. at 13-14), but we failed to appreciate that this was standard operating procedure for DOE. This practice is intolerable from the standpoint of interested members of the public attempting to understand what and why DOE is proposing to do or not do something. We respectfully request that DOE immediately amend its practice such that whenever a revised document is posted, the public be given timely notice of the revised posting and informed as to what the revisions are. APGA appreciates your prompt consideration of this request as well as a response indicating whether DOE intends to heed this request. Bud



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