



AD HOC COALITION OF SMALL BUSINESS REFINERS

May 20, 2010

By email: expartecommunications@hq.doe.gov

Daniel Cohen
Assistant General Counsel for Legislation and Regulatory Law
Office of the General Counsel
Department of Energy
1000 Independence Avenue SW
Washington DC 20585-0121

Re: Ex Parte Memorandum

Dear Mr. Cohen:

On Friday, May 14, 2010, 20 Small Business Refiners representing 15 companies conferred with the Department of Energy Office of Policy and International Affairs in a conference call about a survey DOE plans to conduct. This will be a revision of the DOE "*Small Refineries Exemption Study*" which was issued in January 2009 and which influenced EPA's small refiner/small refinery provisions in the RFS2 rule, published in the Federal Register on March 26, 2010.

The purpose of the study is to determine whether RFS2 imposes disproportionate hardship on small refineries. DOE is in the process of crafting a questionnaire/survey that will help the agency develop a set of metrics to better assess the economic impact of RFS compliance for small refineries. DOE had indicated to Small Business Refiners that the agency wanted to better understand what kind of issues might be relevant to the determination of disproportionate hardship on small refineries. Small Business Refiners offered to assist in any way possible.

The May 14 conference call was the third in a series initiated by DOE for the purpose noted above. The other calls took place on April 22 and April 29. After those first two discussions, Small Business Refiners provided DOE with a list of suggested areas of concern and questions. DOE reviewed that information and circulated a draft survey document to Small Business Refiners on May 13. That document was the subject of the May 14 conference call.

DOE said during the call that the agency hopes to incorporate many of the issues raised by Small Business Refiners in the final survey document which will be submitted to the Office

of Management and Budget as soon as possible. DOE hopes to have completed the survey and resultant analysis in time to provide information to EPA by early September 2010.

A list of participating companies and their representatives follows. Not all companies or individuals participated in all the conference calls.

Questions about this submission may be directed to any of the participating companies or to Sally V. Allen, Gary-Williams Energy Corporation, 370 17th Street, Suite 5300, Denver, CO 80202. (303) 628.3800. sallen@gwec.com

Sincerely yours,



Sally V. Allen
Vice President, Administration and Governmental Affairs
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DOE

Participant(s)

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Company

American Refining Group
Coffeyville Resources Rfg
& Mktg (CVR Energy)
Countrymark
Deleck Refining
Frontier Refining
Gary-Williams Energy

Holly Corporation
Kern Oil & Refining
Lion Oil
Montana Refining
NCRA
Paramount Petroleum
Placid Refining
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John Robinson; Don Keck
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Dexter Busby, Mike Raile
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