

INTERSTATE COMMERCE COMMISSION

[Notice No. 153]

ASSIGNMENT OF HEARINGS

SEPTEMBER 23, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 125674 (Sub-No. 12), The Sentinel Star Express Company, DBA Jack Rabbit Express, now assigned October 19, 1976, at Atlanta, Ga. is canceled and reassigned for October 18, 1976 (3 days), at Orlando, Florida, at the Gold Key Inn, 7100 South Orange Blossom Trail and October 22, 1976 (2 days), at Atlanta, Ga., at the American Motor Hotel, Spring Street at Carnegie Way.

MC 10761 (Sub-Nos. 184, 240, 246, 247, 249, 253, 254, 256, 257, 259, 260, 266, 268 and 274), Transamerican Freight Lines, Inc., now assigned September 27, 1976 at Chicago, Illinois, has been postponed to September 28, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C. and continued to December 14, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 108398 (Sub-No. 46), Ringsby-Pacific LTD., now assigned November 8, 1976, at Portland, Oreg. is cancelled and application dismissed.

MC 544 (Sub-No. 1), Vancouver-Portland Bus Co. now being assigned November 8, 1976 (1 week) at Portland, Oregon in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 76-28356 Filed 9-27-76; 8:45 am]

[AB 19 (Sub-No. 19)]

BALTIMORE AND OHIO RAILROAD CO.

Abandonment Portion of the Ohio and Little Kanawha Branch Between Relief and Philo, in Muskingum, Morgan, and Washington Counties, Ohio

SEPTEMBER 17, 1976.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Environmental Affairs Staff to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. § 4321, et seq.

Said comments, which were made by the Village of Malta Corporation, Malta-

McConnelsville Chamber of Commerce, Village of Malta, Malta Division of Phillips Industry, Inc., the Ohio Ferro-Alloys Corporation, and Taylor Woodcraft, have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423; telephone 202-275-7011.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 76-28358 Filed 9-27-76; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 23, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before October 13, 1976.

FSA No. 43242—*Single Empty Freight Trailers Between Points in Southwestern and Southern Territories*. Filed by Southwestern Freight Bureau, Agent, (No. B-631), for interested rail carriers. Rates on single empty freight trailers, as described in the application, between points in southwestern and southern territories.

Grounds for relief—Rate relationship, short-line distance formula and grouping.

Tariff—Supplement 150 to Southwestern Freight Bureau, Agent, tariff SW/S-84-H, I.C.C. No. 5012. Rates are published to become effective on October 30, 1976.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 76-28355 Filed 9-27-76; 8:45 am]

[AB 3 (Sub-No. 9)]

MISSOURI PACIFIC RAILROAD CO.

Abandonment Between Dearing and Dexter in Montgomery, Chautauqua, and Cowley Counties, Kansas

SEPTEMBER 17, 1976.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Environmental Affairs Staff to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq.

Said comments which were made by Gaston-Shore Quarries, Inc., and the South Central Kansas Economic Development District have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423; telephone (202) 275-7011.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 76-28357 Filed 9-27-76; 8:45 am]

[Notice 126]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 23, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the *FEDERAL REGISTER* publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the *FEDERAL REGISTER*. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2095 (Sub-No. 4 TA), filed September 14, 1976. Applicant: KEIM TRANSPORTATION, INC., 420 North Sixth, R.F.D. 2, Box 10, Sabetha, Kans. 66534. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., 700 Kansas Ave., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and materials and supplies used in the installation and distribution thereof, from the plantsite and warehouses of Georgia-Pacific Corporation, located at Blue Rapids, Kans., to points*

NOTICES

in Illinois, Indiana and Kentucky, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia-Pacific Corporation, Gypsum Division, 1062 Lancaster Ave., Rosemont, Pa. 19010. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 77016 (Sub-No. 16 TA), filed September 14, 1976. Applicant: BUDIG TRUCKING CO., 1100 Gest St., Cincinnati, Ohio 45203. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Columbus, Ohio and Bluefield, West Virginia-Virginia; from Columbus, Ohio over U.S. Highway 23 to Chillicothe, Ohio, thence over U.S. Highway 35 to junction U.S. Highway 60, thence over U.S. Highway 60 to Charleston, W. Va.; thence over U.S. Highway 21 to Bluefield, West Virginia-Virginia and return over the same routes; between Portsmouth, Ohio and Bluefield, West Virginia-Virginia; from Bluefield, West Virginia-Virginia over U.S. Highway 21 to Wytheville, Va., thence over U.S. Highway 11 to Roanoke, Va., and return over the same routes; from Bluefield, West Virginia-Virginia over U.S. Highway 460 to Roanoke, Va., and return over the same route; from Bluefield, West Virginia-Virginia over Interstate Highway 77 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 581, thence over Interstate Highway 581 to Roanoke, Va. and return over the same routes; between Columbus, Ohio and Huntington, W. Va.; from Columbus, Ohio over U.S. Highway 23 to junction U.S. Highway 60, thence over U.S. Highway 60 to Huntington, W. Va., and return over the same routes; from Columbus, Ohio over U.S. Highway 23 to junction Interstate Highway 64.

Thence over Interstate Highway 64 to Huntington, W. Va., and return over the same routes; between Wytheville, Va., and Bristol, Va.; from Wytheville, Va., over Interstate Highway 81 to Bristol, Va., and return over the same route; between Wytheville, Va., and Galax, Va.; from Wytheville, Va., over U.S. Highway 21 to its junction with U.S. Highways 58 and 221, thence over U.S. Highways 58 and 221 to Galax, Va., and return over the same routes, serving on the above specified routes all intermediate points and all off-route points located in Boone, Cabell, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers, Wayne, Webster and Wyoming Counties, W. Va., and Boyd County, Ky. Applicant intends to tack its existing authority with MC-106451 and sub numbers thereunder. Applicant also intends to interline at Akron and Columbus, Ohio; Wheeling, Clarksburg, Parkersburg, Charleston and Huntington, W. Va.; Bluefield, West Virginia-Virginia and Roanoke, Va., for 180 days. Supporting Shippers: There are approximately 55 statements of support attached to the application, which may be examined at

the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 107496 (Sub-No. 1046TA), filed September 14, 1976. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rendered pork fat*, in bulk, in tank vehicles, from Fairbury, Nebr., to Oklahoma City, Okla. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fairbury Foods Co., 4223 Center St., Omaha, Nebr. 68105. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 109397 (Sub-No. 340TA), filed September 13, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64901. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid radioactive waste*, in bulk, in tank vehicles, from the facilities of Arkansas Power & Light Co., at or near Susselville, Ark., to the facilities of Todd Shipyard, at or near Galveston, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: South West Nuclear Company, 7066-A Commerce Circle, Pleasanton, Calif. 94566. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 110525 (Sub-No. 1167TA) filed September 15, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maleic anhydride*, in bulk, in tank vehicles, from the plantsite of Ashland Chemical Company, at Neal, W. Va., to points in Indiana, New Hampshire, New York and Ohio, for 180 days. Supporting shipper: Ashland Chemical Company, P.O. Box 2219, Columbus, Ohio 43216. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 110525 (Sub-No. 1168TA) filed September 14, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., P.O. Box 200, Down-

No. MC 94350 (Sub-No. 368TA), filed September 14, 1976. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Road at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points in Rockingham County, N.C., to points in North Carolina, South Carolina, Virginia and West Virginia, for 180 days. Supporting shipper: Nobility Homes, Inc., P.O. Box 878, Reidsville, N.C. 27320. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 106451 (Sub-No. 17TA) filed September 15, 1976. Applicant: COOK MOTOR LINES, INC., P.O. Box 370, Akron, Ohio 44305. Applicant's repre-

ington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial process water treating compound, liquid*, in bulk, in tank vehicles, (1) from the plantsite of Betz Laboratories at Garland, Tex., to Casper, Wyo.; Valiant, Pryor, Enid and Tulsa, Okla.; Wickliffe, Ky.; Wichita, Eldorado, Bushton and McPherson, Kans.; and to points in Louisiana and (2) from the plantsite of Betz Laboratories at Macon, Ga., to points in Louisiana and Mississippi, restricted in part (1) to exclude those commodities that are petroleum products, for 180 days. Supporting shipper: Betz Laboratories, Inc., Somerton Road, Trevose, Pa. 19047. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 112617 (Sub-No. 351TA) filed September 14, 1976. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maleic anhydride*, in bulk, in tank vehicles, from the plantsite of Ashland Chemical Co., at or near Neal, W. Va., to points in Connecticut, Delaware, New Jersey, Ohio (east of U.S. Highway 23 and north of U.S. Highway 40), South Carolina, Texas (points in Harris County only), Virginia and Wisconsin, for 180 days. Supporting shipper: Marvin H. Hansen, Traffic Manager, Ashland Chemical Company, P.O. Box 2219, Columbus, Ohio 43216. Send protests to: Elbert Brown, Jr., District Supervisor, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 116063 (Sub-No. 147TA) filed September 13, 1976. Applicant: WESTERN-COMMERCIAL RANSPORT, INC., 2929 West 5th St., P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and vegetable oils*, in bulk, in tank vehicles, from Jacksonville, Ill., to Richmond, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Denny A. Glassmeyer, Traffic Manager, Anderson Clayton Foods, P.O. Box 6165, Dallas, Tex. 75222. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 125368 (Sub-No. 13TA), filed September 13, 1976. Applicant: CONTINENTAL COAST TRUCKING COMPANY, P.O. Box 26, Holly Ridge, N.C. 28445. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite

1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Deerfield, Ill., to points in Florida, Georgia, North Carolina, South Carolina, Tennessee and Alabama, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, Ill. 60015. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 128988 (Sub-No. 87TA) filed September 13, 1976. Applicant: JO-KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, foodstuffs, and commodities in bulk), from points in Beaver, Westmoreland, Allegheny, Adams, Mercer and Delaware Counties, Pa., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary Line between the United States and Canada. Restricted against the transportation of commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. Supporting shipper: Westinghouse Electric Corp., 290 Leger Road, North Huntingdon, Pa. 15642. Send protests to: Mary A. Francy, Bureau of Operations, Room 1321 Federal Bldg., 300 North Los Angeles, St., Los Angles, Calif. 90012.

No. MC 136343 (Sub-No. 93TA) filed September 14, 1976. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonelle Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp board, wrapping paper and woodpulp*, from the facilities of The Chesapeake Corporation of Va., located at West Point, Va., to Newark and Yorklyn, Del.; Adams, Charlemont, Dalton, Fitchburg, Holyoke, Housatonic, Irving, Lawrence, Lee, Millers Falls, Monroe Bridge, Northboro, Pepperell, Turners Falls and Whitman, Mass.; Bennington and Claremont Center, N.H.; Amsterdam, Beaver Falls, Binghamton, Buffalo, Carthage, Cohoes, Fulton, Glens Falls, Hudson Falls, Limes Falls, Little Falls,

Newton Falls, North Tonawanda, Pulaski, Rochester and Syracuse, N.Y.; Caledonia, Cleveland, Pequa, North Randall and Toledo, Ohio; and Gettysburg, Hanover, Latrobe, New Oxford, Oakmont, Scranton, Tyrone and York, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Chesapeake Corporation of Virginia, West Point, Va. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 138875 (Sub-No. 34TA), filed September 10, 1976. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wooden I beams and wood and steel trusses combined*, from the plantsite of Trus Joist Corporation, Eugene, Oreg., to points in Washington and Montana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Trus Joist Corporation, 100 W. 31st, Boise, Idaho. Send protests to: Barney L. Lardin, District Supervisor, Interstate Commerce Commission, Box 07, Boise, Idaho 83724.

No. MC 139043 (Sub-No. 2TA), filed September 14, 1976. Applicant: JOSEPH F. SACCOMANNO, doing business as S.A.C. TRANSPORTATION, East 428 14th, Spokane, Wash. 99202. Applicant's representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, wine and related advertising material moving therewith*, from points in Sonoma, Solano and Fresno Counties, Calif., to points in Spokane County, Wash., under a continuing contract with B & B Distributors, Inc., for 180 days. Supporting shipper: B & B Distributors, Inc., N. 1004 Ruby, Spokane, Wash. 99202. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 139420 (Sub-No. 13TA), filed September 13, 1976. Applicant: ART GREENBERG, doing business as GLACIER TRANSPORT, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen novelty confections and dietetic frozen desserts*, from Grand Forks, N. Dak., to Eugene, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bridgman Division of Land-O-Lakes, Inc., 9th St., and University Ave., Grand Forks, N.

NOTICES

Dak. 58201. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 142390 (Sub-No. 1TA), filed September 14, 1976. Applicant: TRANSIT MOVING, INC., Colonial Park, Suite 116, 1027 Hollywood Blvd., Iowa City, Iowa 52240. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles or materials, expanded*, in shipper-owned or shipper-leased trailers, (1) from Chicago, Ill., to Iowa City, Iowa; St. Louis, Mo.; and Omaha, Nebr.; and (2) from Omaha, Nebr., to Des Moines, Iowa, under a continuing contract with Clark-Crain Foam Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Clark-Crain Foam Industries, Inc., 1550 E. 97th Place, Chicago, Ill. 60628. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 142441 (Sub-No. 1TA), filed September 14, 1976. Applicant: LARRY DEAN FRIESE, doing business as FRIESE CONSTRUCTION COMPANY, Route 2, Box 190-B, Daphne, Ala. 36526. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, asphalt and road base materials*, in bulk, in dump vehicles, from Baldwin, Mobile, Escambia, Monroe, Conecuh, Clarke and Washington Counties, Fla., to points in Florida on and west of U.S. Highway 231 and points in Mississippi on and south of U.S. Highway 80, for 180 days. Supporting shipper: Rachels-Horton Industries, d.b.a. Smith-Kelly Supply Company, Box 1227, Mobile, Ala. 36607. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 142444TA, filed September 13, 1976. Applicant: CAL-TEX, INC., 3051

Capri Lane, Costa Mesa, Calif. Applicant's representative: Kellner & Steffire, 700 South Flower St., Suite 818, Los Angeles, Calif., 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular route, transporting: *Synthetic yarn, synthetic fiber and the materials and supplies used in connection with the manufacturing thereof*, from the facilities, production and plantsite of American Enka, located at Enka and Ashville, N.C.; Clemson, S.C.; and Lowlands, Tenn., on the one hand, and the facilities of Pharr Yarns, Inc., located at McAdenville, Gastonia, Belmont, and Spencer Mountain, N.C.; Glover, S.C.; Rome, Ga.; and Los Angeles and Costa Mesa, Calif., on the other. Restriction: The above described service to be restricted to transportation performed under a continuing contract or contracts, with Pharr Yarns, Inc., of McAdenville, N.C., for 180 days. Supporting shipper: Pharr Yarns, Inc., Mary A. Francy, Bureau of Operations, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142153 (Sub-No. 2TA), filed September 8, 1976. Applicant: DANNER'S INCORPORATED, 102 Bedford St., Houston, Tex. 77012. Applicant's representative: John W. Carlisle, 609 Fannin Bldg., Suite 300, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, restricted to ship's officers, crew members, company personnel and representatives engaged in and responsible for the operation, maintenance, repair and safety of ocean going ships and vessels and their baggage and detained persons, including stowaways when moving under guard or in custody of applicant, and their baggage*, (a) between Intercontinental Airport, Houston, Tex.; Gulfport-Biloxi Municipal Airport, Gulfport-Biloxi, Miss.; Ryan Airport, Baton Rouge, La., Greenville, Municipal Airport, Greenville, Miss.; Rio Grande Valley Airport, Brownsville, Tex.; Moisant Airport, Metairie, La.; Corpus Christi International Airport, Corpus Christi, Tex.; Lake Charles Municipal Airport, Lake Charles, La.; Jefferson County Airport, Beaumont, Tex., and Scholes Field, Galveston, Tex., on the one hand, and, on the other, the Gulf Ports of Houston Navigation District, Baytown-LaPorte, Galveston, Cor-

pus Christi, Port Lavaca, Orange, Brownsville, Port Arthur, Beaumont, Freeport, Port Neches and Texas City, Tex.; Lake Charles, Baton Rouge, and New Orleans, La.; Biloxi, Gulfport, Pascagoula and Greenville, Miss., and (b) between the Gulf Ports named in (a) above, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 515 Rusk, Room 8610 Federal Bldg., Houston, Tex. 77002.

No. MC 142445 TA filed September 14, 1976. Applicant: DANVILLE SHUTTLE SERVICE, INCORPORATED, Route 6, Box 281, Avalon Drive, Danville, Va. 24541. Applicant's representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, Va. 23229. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, between Danville, Va., and the Greensboro-High Point-Winston Salem Airport, at or near Friendship, N.C., from Danville, Va., over U.S. Highway 29 to junction Interstate Highway 85 at or near Greensboro, N.C., thence over Interstate Highway 85 to junction Interstate 40 thence over Interstate 40 to junction Interstate Highway 40 and North Carolina Highway 68, thence over North Carolina Highway 68 to Greensboro-High Point-Winston Salem, Airport and return over the same route serving 00 intermediate points, for 180 days. Supporting shippers: There are approximately 19 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, P.O. Box 210, Roanoke, Va. 24011.

By the Commission.

GORDON H. HOMME, Jr.,
Acting Secretary.

[FRC Doc. 76-28359 Filed 9-27-76; 8:45 am]

register federal

TUESDAY, SEPTEMBER 28, 1976

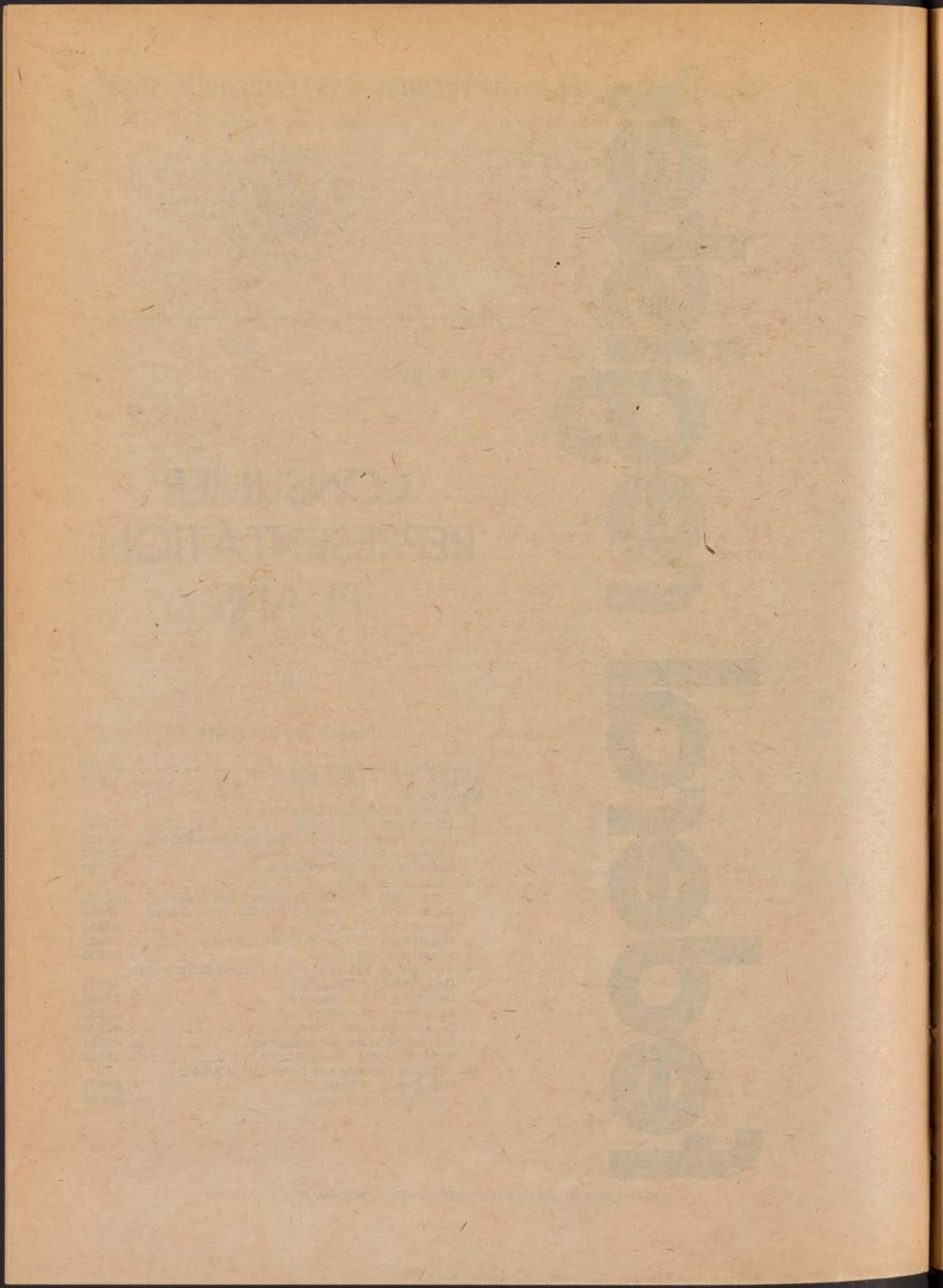


PART II:

CONSUMER REPRESENTATION PLANS

TABLE OF CONTENTS

Presidential Memorandum.....	42763
Memorandum for the President.....	42767
Agency Plans:	
A. Energy and Natural Resources:	
Department of the Interior.....	42769
Energy Research and Development Administration.....	42776
Environmental Protection Agency.....	42781
Federal Energy Administration.....	42787
B. Human Services:	
Department of Health, Education, and Welfare.....	42796
Department of Housing and Urban Development.....	42806
Department of Labor.....	42815
Department of Transportation.....	42822
Veterans Administration.....	42830
C. Agriculture, Economics and General Government:	
Department of Agriculture.....	42841
Department of Commerce.....	42845
Department of Justice.....	42853
Department of the Treasury.....	42858
General Services Administration.....	42861
Small Business Administration.....	42866
D. National Security and International Affairs:	
Department of State.....	42871
Department of Defense.....	42875



THE PRESIDENT

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE, Washington, September 27, 1976.

This year marks the celebration of our Nation's 200th Birthday. It is appropriate that we embark on the Tricentennial with a reaffirmation of government for the people, by the people. As one more step in this direction, this issue of the **FEDERAL REGISTER** includes Consumer Representation Plans developed at my request by 17 Federal Executive Branch Departments and Agencies.

In initiating this effort, my guidelines to the Departments and Agencies were that they should work from within and improve the existing structure, rather than create another new agency to oversee other agencies or establish an agency with an adversary function built into its mandate.

Let us not lose sight of our objective: This is a time for open government. Consumers rightly demand to be a part of the decision-making process. It has not taken us 200 years to realize this; however, it has taken too long to accomplish it. It is a basic premise of these plans that where the machinery and the techniques for assuring consumer representation already exist, they are to be strengthened and that where they do not exist, they will be instituted. Further, these Consumer Representation Plans shall always be subject to improvement when deficiencies are noted or when a new need becomes evident. The Federal Government must provide effective ways to assure consumer representation at the earliest possible stages of the decision-making process.

In the past, the consumer's right to be heard has not been fully recognized by all government agencies. Too often the consumer's voice has been treated lightly or overlooked entirely. In considering public interest policy, I expect government decision-makers to balance the effect government policy will have between producers, distributors, transporters, retailers, labor and the consumers who support the entire system through the purchase of goods and services for personal, household or family use.

This can be accomplished only through participation. The consumer's right to be heard means that the consumer must be involved in the development of programs and participation in decision-making mechanisms that affect his or her interests. It means that the individual consumer with a complaint or a criticism must not only be heard, but that those complaints will be acted upon by the government.

The procedures embodied in the Consumer Representation Plans confirm an essential aspect of the way government must operate, with openness and candor.

I believe that certain other action must be taken at this time. Therefore, I am herewith directing implementation of the following:

1. The Special Assistant to the President for Consumer Affairs shall have continuing responsibility to monitor the extent and effectiveness with which Departments and Agencies carry forth the policies embodied in the Consumer Representation Plans.
2. The Office of Management and Budget shall assess during the annual budget process the effectiveness of the Consumer Representation Plans. With assistance from that office and that of the Departments and Agencies, my Special Assistant for Consumer Affairs shall develop a summary report evaluating the various consumer programs, and this report shall be released to the public.
3. Each Department and Agency shall instruct employees on the purposes and availability of the Representation Plans and shall maintain internal monitoring and evaluation systems. As need arises, the Consumer Representation Plan of that Depart-

THE PRESIDENT

ment or Agency shall be strengthened, and any changes in the Plans presented here shall be duly noticed in the **FEDERAL REGISTER** with an appropriate period allowed for comment.

4. In recognition of the need for consumers to have direct access to appropriate Federal officials, each Department and Agency publishing in the **FEDERAL REGISTER** a rulemaking, regulation, guideline or other policy matter shall provide in a manner and format determined by the General Services Administration the name, address, and telephone number of the appropriate person responsible for responding to citizen inquiry or comment.

5. To further promote my declaration of consumer education, the Office of Consumer Affairs in the Department of Health, Education and Welfare has established an Interagency Consumer Education and Information Liaison. This group and the Office of Consumer Affairs will provide technical support for the development, dissemination and use of education and information provided by the Federal Government to our schools and communities. It also prevents duplication within that program. To further this work, each Department and Agency shall support and participate to the extent they are charged with a consumer education and information function. Further, I am directing my Special Assistant for Consumer Affairs to coordinate this activity, encourage the participation of independent agencies outside the immediate Executive Branch Departments and Agencies, and provide me with an annual summary of the Federal Government's efforts in the area of consumer education and information.

6. To meet a special need of an important segment of our population, each Department and Agency shall cooperatively make every effort in regional and field offices to have available bilingual personnel, fluent in an appropriate language for the non-English speaking consumers who are regularly in need of contact with that office. Similar efforts shall be made, as appropriate, by headquarters offices in Washington, D.C. When a policy matter significantly affecting these segments of our population in their role as a consumer is proposed, Departments and Agencies shall make extra effort to reach these citizens through multi-lingual notices and all other appropriate means.

7. In order to assure dialogue on specific and general consumer concerns throughout the country, the Federal Executive Boards and the Federal Regional Councils shall establish, as appropriate, programs to help assure Federal liaison with individual consumers, as well as community and State and local consumer organizations. I am directing my Special Assistant for Consumer Affairs, in coordination with the Office of Management and Budget, to develop guidelines for this effort within thirty days.

8. After reviewing the functions of the Office of Consumer Affairs in the Department of Health, Education and Welfare, and the Consumer Information Center in the General Services Administration, I have decided each of their strengths in serving the consumer interest would be enhanced by a more consolidated approach. Therefore, I am directing my staff to seek methods that will strengthen that relationship, and to seek to accommodate the consolidation of staff, resources and functions of the Consumer Information Center with the Office of Consumer Affairs.

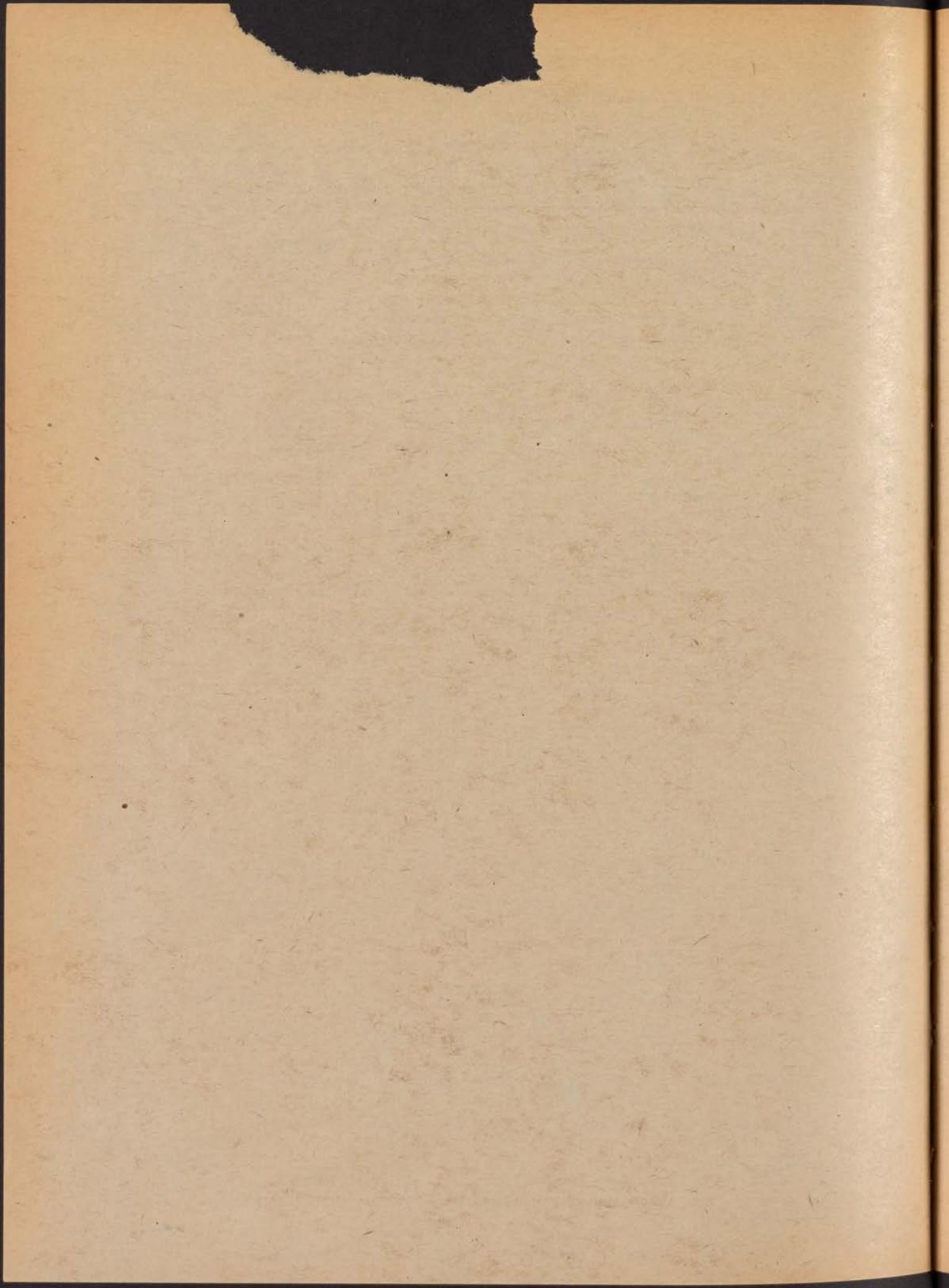
I believe these eight actions universally applied across the Executive Branch will enhance the Consumer Representation Plans which follow. The plans are, at this point, policy statements, and I am instructing each Department and Agency, where they have not done so, to implement them at once. In addition, the Departments and Agencies, along with my Special Assistant for Consumer Affairs, shall ensure that there is wide public dissemination of information about the availability of procedures embodied in these Plans. I look forward to increased responsiveness of the Federal

Government to consumer concerns. I also look forward to more American consumers participating in the decision-making process.

Finally, in September, the independent regulatory agencies will be submitting reports to me, in response to my request, on the expected improvements. I have asked these agencies to improve consumer representation as well as to provide improved economic analyses of the consequences of their proposed actions, to rely more on marketplace competition, and to eliminate regulatory delay.

This Memorandum and the accompanying Consumer Representation Plans shall be published in the **FEDERAL REGISTER**.

Gerald R. Ford



CONSUMER REPRESENTATION PLANS

Memorandum for the President

From:

James T. Lynn, Director, Office of Management and Budget.

Virginia H. Knauer, Special Assistant to the President for Consumer Affairs.

The White House, Washington, September 1, 1976.

In response to your directive, Consumer Representation Plans have been prepared by the 17 Federal Executive Departments and agencies. In fulfilling your charge to us as coordinators we have conducted a three-part program to accomplish that task. First, we published proposed Consumer Representation Plans for comment in the November 26, 1975 issue of the **FEDERAL REGISTER**; second, we provided more than a 90-day comment period during which we held nine regional conferences and 17 public hearings to discuss agency programs with consumer groups and the public; and last, we have worked with the departments and agencies in their drafting of the final Plans incorporating the substantive concerns and suggestions received from the public during that comment period.

Circulation of the proposed Plans in November was wide-spread and constructive criticism of the Plans was elicited. The National Consumer Advisory Council, Public Citizen, Congressmen, and hundreds of independent consumer and citizen groups cognizant of needed governmental improvements gave their comments. We found that consumer suggestions made to strengthen the Plans centered around the development of regulations, dissemination of information, complaint handling mechanisms, effective consumer representation on advisory committees, and the establishment of primary consumer contacts within agencies. These concerns were recognized in revisions to the proposed Plans of November 26.

Specific actions to be taken as specified in the final Plans include a significant reform on a Federal-wide basis which deserves special note. As part of their Plan, GSA is requiring that all agency proposals in the **FEDERAL REGISTER** include a clear and easily understandable summary statement preceding each important regulation or notice. To insure that this information is available to a wide readership, GSA is also preparing a new weekly digest of these statements along with a summary calendar of events updated weekly. This vastly improved method of notification of proposed and final Federal actions will make information on regulations available for those people and organizations who want to, but often cannot, participate in government decisions.

In summary, this experience proved to us and the officials from the various Executive Departments and agencies participating that people do take an interest in their government's recognition of consumers, do want to participate in decision-making, and most importantly, when given the opportunity, consumers will give their time and effort to express their needs and concerns. Because of this, program managers and policy makers in the departments and agencies are more sensitive to consumer interests, and the reform needed to accommodate the inclusion of consumers in decision-making is being institutionalized with their full support.

What we are experiencing through this pioneering effort is reassuring as we see top level Federal employees throughout the government dedicated to see these Plans work. With their monitoring and accountability, with congressional oversight, and, most important, with feedback from the American people, this consumer representation initiative which you began will work, and work effectively. It will now enable our citizens to more fully participate in all aspects of their rights in the marketplace of goods and services in our

THE PRESIDENT

free-enterprise system. And this will be accomplished on a cost-effective basis, by reordering priorities among ongoing activities and by reallocating existing resources in these departments and agencies.

While we are satisfied with these Plans which will be published in the **FEDERAL REGISTER**, we also recognize that they are in one sense not final. We recognize the need for Executive Branch departments and agencies to make improvements as they become necessary so as to continually provide consumers the opportunity to participate effectively in the Federal decision-making process.

DEPARTMENT OF THE INTERIOR

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Special Assistant for Consumer Affairs to the Assistant Secretary—Management, U.S. Department of the Interior, Washington, D.C. 20240 (202) 343-8331

TABLE OF CONTENTS

- I. Statement of Purpose.
- II. Executive Summary.
- III. Overview of Department Programs.
- IV. Definition of Consumer.
- V. Implementation Objectives.
- VI. Responsibility.
- VI. Department Guidelines.
 - A. Identification of Consumer Impact Programs.
 - B. Identification of Consumers.
 - C. Consumer Information and Input.
 - D. Consideration of Consumer Input.
 - E. Decision Feedback.
- VIII. Major Decision-Making Processes.
 - A. Outer Continental Shelf Leasing.
 - B. National Coal Policy.
 - C. National Environmental Policy Act.
- Appendix A.—Organization Chart.
- Appendix B.—Bureau, Office and Regional Contacts.
- Appendix C.—Public Comment (January through May 1976).

I. STATEMENT OF PURPOSE

The Consumer Representation Plan has been developed in response to President Ford's request in April of 1975 that the Federal agencies analyze their decision-making process to determine how they could be more responsive to the needs of the American consumer.

The purpose of this Plan is to commit the Department of the Interior (DOI) to improved public participation in decision-making and to identify how this will occur. This purpose is to be achieved primarily within existing organizational structure and resources. Existing decision-making processes will be improved and expanded to serve as the principal vehicles for public participation. The intent of this plan is to make consumer representation in Department decision-making a regular and consistent practice of everyday business.

II. EXECUTIVE SUMMARY

The Consumer Representation Plan commits the Department to improved public participation in decision-making and identifies how this will occur. For the purposes of the plan, consumers are defined as individuals and organizations, public and private, whose interests will be substantially impacted by Departmental decisions and actions.

The objectives of the plan are: (1) Identify programs, policies, decisions, projects or other actions that could have a major impact on the consumer; (2) identify applicable concerned consumer groups and establish effective working relationships; (3) inform consumers in a timely manner of anticipated actions and provide an open and understandable way for consumers to voice concerns and present to the decision-makers their ideas and suggestions; (4) ensure that decision-makers listen and evaluate consumer concerns and ideas; and (5) provide appropriate feedback concerning what was decided and what rationale was used to reach the decision.

Responsibility for overall program development and evaluation is assigned to the Office of the Assistant Secretary—Management where a position of Special Assistant for Consumer Affairs will be established. Major Bureaus and Offices are responsible for development and implementation of a consumer representation program tailored to fit their organization and activities. Field Special Assistants to the Secretary will coordinate implementation at the regional level in conjunction with identified Bureau regional personnel.

Guidelines for consumer representation program development are provided which deal with: Identification of consumer impact programs; identification of consumers; means of informing consumers about proposed actions and obtain-

ing consumer comment before action is taken. Such means include public meetings, resource workshops, advisory committees, environmental impact statements, advance notice of proposed rulemaking or policy development, questionnaires and consumer correspondence. The guidelines also provide for consideration of consumer input and decision feedback.

The Plan details three of the major activities of the Department which cut across the jurisdiction of more than one Bureau, and describes the decision process and the opportunities for public participation of each activity. The activities so described are: Outer Continental Shelf Leasing, National Coal Policy, and the National Environmental Policy Act.

III. OVERVIEW OF DEPARTMENT PROGRAMS

The jurisdiction of the Department of the Interior includes the administration of more than 500 million acres of Federal land, including National Park and National Wildlife Refuge Systems, and trust responsibilities for approximately 50 million acres of land, mostly Indian reservations; the conservation and development of mineral and water resources including those of the Outer Continental Shelf; the promotion of mine health and safety; the conservation, development, and utilization of fish and wildlife resources; the coordination of Federal recreation programs; the preservation and administration of the Nation's scenic and historic areas; the operation of Job Corps Conservation Centers and Youth Conservation Corps Camps and the coordination of manpower and youth training programs; the reclamation of arid lands in the West through irrigation; and the management of hydroelectric power systems. The Department of the Interior is also concerned with the social and economic development of the territories of the United States and in the Trust Territory of the Pacific Islands, and administers programs providing services to Indians and Alaskan Native people.

The Department's operations are under the direction of the heads of ten major Bureaus and several Offices. Although central direction and policy originate in Washington, program operations are generally conducted through the Bureaus' own network of regional and field offices where the consumer-agency interface normally occurs.

IV. DEFINITION OF CONSUMER

For the purpose of this plan, consumers are defined as individuals and organizations, public and private, whose interests will be substantially impacted by Departmental decisions or actions.

V. IMPLEMENTATION OBJECTIVES

Departmental Bureaus and Offices whose decisions, programs and actions have a substantial impact on the consumer will implement this plan by meeting, insofar as possible, the following objectives:

- A. Identify programs, policies, decisions, projects or other actions that could have a major impact on the consumer.
- B. Identify applicable concerned consumer groups and establish effective working relationships.
- C. Inform consumers in a timely manner of anticipated actions and provide an open and understandable way for consumers to voice concerns and present to the decision-makers their ideas and suggestions.
- D. Ensure that decision-makers listen and evaluate consumer concerns and ideas.
- E. Provide appropriate feedback concerning what was decided and what rationale was used to reach the decision.

VI. RESPONSIBILITY

Responsibility for implementation of this plan will be assigned in several key places throughout the Departmental

structure. These include the Assistant Secretary—Management, Bureaus and Offices, and the Secretary's Field Special Assistants.

A. ASSISTANT SECRETARY—MANAGEMENT

The Assistant Secretary—Management is responsible for overall Department program development and an annual evaluation and report to the Secretary on program effectiveness. A position of Special Assistant for Consumer Affairs will be established in the Office of the Assistant Secretary—Management. The incumbent in this position will:

1. Provide guidance in the development of Bureau and Office consumer representation programs consistent with Departmental guidelines (see section VII).

2. Work with the Office of Public Affairs and the bureau Public Information Officers to develop improved mechanisms for exchange of information with consumers.

3. Ensure responsive and timely action on consumer correspondence directed to the Department.

4. Act as a liaison between the Office of the Secretary and consumer representation contacts in the major Bureaus and Offices.

5. Establish positive relationships with consumer organizations and representatives of groups impacted by decisions of the Department and actively seek their opinions and recommendations on issues of special interest to their constituencies.

6. Make the Secretary and pertinent Bureau and Office heads aware of consumer concerns.

B. BUREAUS AND OFFICES

Each Bureau and Office which makes decisions or administers programs that can substantially impact consumers is responsible for the development and effective implementation of a consumer representation program that will meet the purpose and objectives stated in the Departmental Plan. Each of these programs will be tailored to fit the organization, activities and consumers of the particular Bureau or Office. The Special Assistant for Consumer Affairs will be available for any necessary technical assistance.

Each Bureau and Office will also identify one person to serve as a focal point for developing, implementing, and monitoring its particular consumer representation program and to serve as a national level contact for consumer complaints and suggestions. This individual will be so placed in the organization that he or she can take effective and responsive action to ensure consumer outreach and participation as well as timely responsive action on consumer complaints and suggestions.

Bureaus and Offices with personnel in the field will appoint a consumer contact at the regional level to work in conjunction with the Secretary's Field Special Assistants in implementation of this plan.

C. FIELD SPECIAL ASSISTANTS TO THE SECRETARY

Field Special Assistants (FSA's) will coordinate the handling of regional problems which involve more than one Bureau. At present, the FSA's, as part of their ongoing responsibilities, meet informally with organizations and public interest groups. The FSA's also chair Field Committees composed of regional heads of major Interior Bureaus. These committees, which meet quarterly, will establish as a part of their meeting agendas an exchange of information with regard to consumer concerns. FSA's will communicate this information to the appropriate parties and the Special Assistant for Consumer Affairs.

VII. DEPARTMENT GUIDELINES

Bureaus and Offices will ensure that the purpose and objectives of the Departmental Consumer Representation Plan are clearly communicated to all appropriate decision-making field levels. Insofar as appropriate, Bureaus and Offices will develop consumer representation programs consistent with the following guidelines.

A. IDENTIFICATION OF CONSUMER IMPACT PROGRAMS

Each Bureau and Office will identify the programs, policies and decisions under its purview that have a substantial consumer impact. Programs so identified are subject to the guidelines.

B. IDENTIFICATION OF CONSUMERS

Within the limitations of the Privacy Act and other applicable law and regulations, Bureaus and Offices will identify the concerned consumer groups that are affected by their programs or activities, and will maintain lists of individuals who have expressed an interest in such programs and activities, to ensure that they can be contacted. The office involved in making program decisions that impact consumers is often a field office. In such a case, it would be the appropriate office to carry out the identification process. Lists of interested consumer groups and individuals and their addresses should be updated periodically to ensure their accuracy. The lists should be used to contact consumers when appropriate and to inform them of proposed actions. In addition, local and national news media outlets will be identified to provide effective general notification.

C. CONSUMER INFORMATION AND INPUT

Each Bureau and Office will review its practices and procedures for informing consumers about proposed actions that have a substantial consumer impact and for obtaining consumer comment before final decisions are taken. Appropriate steps will be taken to modify or expand these practices and procedures where practicable to improve their efficiency and effectiveness. Among the steps to be considered are the following:

1. *Public Meetings.* This approach will be considered when the magnitude of public interest or the significance of the action warrants giving the public an opportunity to obtain information and express its views in a public meeting environment. Offices conducting such meetings will ensure that Departmental participants are fully informed and trained to conduct this type of session. In order to ensure adequate consumer representation, wherever possible, all public meetings will be (a) held to accommodate the public's time and travel schedules; (b) preceded by a notice to news media covering the area of interest; (c) preceded by letters or notices to affected parties; (d) conducted within fair time limits depending upon the size of the meeting.

2. *Resource Workshops.* Resource workshops are informal, problem-solving sessions where individuals and groups are invited to help gather and analyze data to determine a course of action or reach a solution. Resource workshops are usually held to obtain public assistance on technical data for land and water use planning decisions. They emphasize soliciting information from user groups, interested individuals and technical experts who can add to Interior's knowledge of the area. Workshops will continue to be used, when appropriate, in the development of planning information and planning decisions.

3. *Advisory Committees.* The Department has more than 100 advisory committees composed of some 1,700 members who represent a variety of interests and consumer viewpoints. These committees serve the Department in a valuable advisory capacity. In some instances, committee membership is prescribed by statute. In others, the Secretary has limited appointing authority. Bureaus and Offices will ensure that, where statutes permit, the membership of these committees represent a balanced viewpoint not only in terms of functional and industrial interests but also in terms of the interests of environmentalists, minorities, and the general public, as appropriate.

All advisory committee meetings are subject to the provisions of the Federal Advisory Committee Act, P.L. 92-463. OMB Circular A-63 provides guidance for implementation of the Act.

4. *Environmental Impact Statements.* Many actions of this Department result in impacts on the land and its resources. In such cases, environmental assessments or environmental impact statements (EIS's) are required.

Guidelines promulgated by the Department prescribe the procedures and timing for public notice, public hearings, distribution of draft and final environmental impact statement and announcement of decisions. In order to facilitate better consumer understanding and input, these guidelines also provide that copies of EIS's will be available upon request.

without charge to the extent program funding will permit. In those cases where cost of reproduction is substantial, the public may be charged a fee no greater than the incremental cost of reproduction. These guidelines will continue to be followed.

When EIS's are particularly large or complex, Bureaus may, where appropriate, prepare expanded summaries which encapsulate the proposed action, its alternatives, and the environmental impacts of the proposal and alternatives. This document should provide needed information for public understanding and comment.

5. Advance Notice of Rulemaking or Policy Development. Wherever a Bureau or Office is faced with a problem that is novel or controversial and the agency action or inaction will have a substantial impact on the consumer, it should present the problem to the public and obtain public comment before the agency develops a specific proposal for consideration. The advance notice is placed in the Federal Register and describes a situation or problem to be dealt with, including attempted solutions. The public is then asked to comment on the problem and offer possible solutions supported by factual information which will assist in the development of a proposed rule or policy. Bureaus and Offices shall use this process as appropriate.

6. Questionnaires and Surveys. Questionnaires and surveys sent to interested persons are used to develop an idea of the specific resource conflicts and various types of solutions involved in issues affecting the general public. They are also used to solicit public expression of preference with regard to policy and goals. The Department will continue this practice and will request written, supplementary comments where appropriate. The Assistant Secretary-Management will be consulted before questionnaires are sent to the public. Appropriate clearance from the Office of Management and Budget must be obtained before this input method is utilized to ensure that a valid approach is used and to preclude an unnecessary burden on the public.

7. Consumer Correspondence. Correspondence received directly from consumers or through their Congressmen is often a signal of needed consumer input. Managers must be sensitive to recognize these signals and provide the opportunity for consumer participation.

Bureaus and Offices will ensure responsive and timely action on consumer complaints. If a reply cannot be made promptly, a letter of acknowledgement should be sent explaining briefly the reason for the delay and stating when a response can be expected.

D. CONSIDERATION OF CONSUMER INPUT

As part of their Consumer Representation program, Bureaus and Offices will establish decision-making procedures which ensure that information obtained from consumers in response to proposed actions is given an objective and considered evaluation before decisions are reached.

E. DECISION FEEDBACK

Effective public participation in Departmental decision-making requires more than informing consumers of proposed actions and soliciting and considering their views. Advising the interested public of the final decision is a necessary, integral part of the entire process.

Appropriate communication channels (letters and news releases, as well as the **FEDERAL REGISTER**) will be used to inform the interested and affected consumer of decisions reached. Where opposing views were evident, the rationale for the decision will be given. Particular, but not exclusive, attention will be given to inform those consumers who participated in the information gathering and review stages.

VIII. MAJOR DECISION-MAKING PROCESSES

Outer Continental Shelf Leasing, implementation of the National Coal Policy, and enforcement of the provisions of the National Environmental Policy Act are representative of major activities in the Department which cut across the jurisdictions of several Bureaus. These activities involve major issues confronting the Department today, and their importance is not likely to diminish in the near future. Indeed, they have aroused the keen interest and concern of the

general public as well as the involved Indian tribes, States, and the Federal Government. Each activity provides an opportunity for public participation which is described, in turn, below.

A. OUTER CONTINENTAL SHELF LEASING

The Department of the Interior is responsible for managing and developing the mineral resources of the submerged lands of the Outer Continental Shelf (OCS) pursuant to the OCS Lands Act of 1953. The program is handled jointly by the U.S. Geological Survey and the Bureau of Land Management. The Outer Continental Shelf Advisory System, which includes the OCS Advisory Board (policy) and the OCS Environmental Studies Committee (technical), has been established to advise the Secretary of the Interior and other officials of the Department relative to all aspects of exploration and development of OCS resources, including the Environmental Studies Program pertaining to potential OCS leasing areas. Following is a summary of stages in the OCS oil and gas lease sale decision process which involve public participation.

Stage	Time before decision (months)	Public participation
1. Call for nominations	12 to 24	Federal Register notice requesting general public, including industry and States to suggest specific tracts which should or should not be considered for sale.
2. Tentative tract selection	13 to 15	States are consulted after tentative selection and again prior to a final decision on the lease sale proposal.
3. EIS process	Approximately 12	Includes detailed environmental assessment of each tract. States are requested to participate in preparation of draft EIS. The draft EIS is made available to the public. Public hearings are held. Written comments are considered. A final EIS is prepared and made available to the public before a final decision.
4. Decision and notice of sale	1 to 2	Governors of affected States are consulted prior to a decision on the lease sale proposal.
5. Lease development plan (approved by U.S. Geological Survey)		Lessee must advise affected States of planned onshore and offshore operations. States are given sixty (60) days to review and comment prior to action by the Geological Survey on a request for approval.
Related procedures: Development of OCS operating orders		Rulemaking process: Public comments and special consultation with affected State.

B. NATIONAL COAL POLICY

The vast Federal coal resources of the American West constitute a vital source of energy for a Nation too heavily dependent on foreign sources of petroleum. These coal deposits must be developed in a sound, rational and environmentally prudent manner so that coal can take its rightful place in the Nation's energy matrix. As manager of this public resource, the Department of the Interior is moving to establish a firm and realistic coal policy. The most important element of a more rational Federal coal policy is the implementation of a new coal leasing process. To this end, Secretary of the Interior Thomas S. Kleppe announced his decision in January 1976 to adopt the Energy Minerals Activity Recommendation System (EMARS), which was developed by the Bureau of Land Management.

On March 16, 1976, proposed procedures for competitive coal leasing were announced in the **FEDERAL REGISTER**, and on June 1, 1976, final rulemaking was published (41 FR 22051). The regulation explains the steps the Department will take through the EMARS process before it issues a competitive coal lease. A part of that system is a "call for nominations of areas of interest," which is a major new vehicle enabling the public to inform the Department in advance where coal leasing is considered desirable and where it is not. In those areas where a regional EIS must be prepared, a minimum period of 15 months will be necessary from the date of the call for nominations to the Secretary's decision.

The chart below details the steps of the EMARS coal leasing process.

EMARS COAL LEASING PROCESS**NOMINATION/APPLICATION PROCESS**

- Call for Nominations of areas of interest by industry & public
- Map Showing Nominations (Furnished to States & requesting parties)

BLM PLANNING PROCESS

--MFP--

- Analysis of Nominations (State Government Participation)
- Multiple Resource Inventory and Analysis
 - State-Federal-Public Involvement
- Public Meeting and Comments on Nominations
- Proposed Tract Recommendations (BLM & USGS with State participation)

REGIONAL ENVIRONMENTAL IMPACT STATEMENT

- Identification of Proposed Actions
- Publish draft Environmental Impact Statement
- Public hearings and comments on Environmental Impact Statement and Proposed actions
- Publish Final Environmental Impact Statement

SECRETARY'S DECISION PROCESS

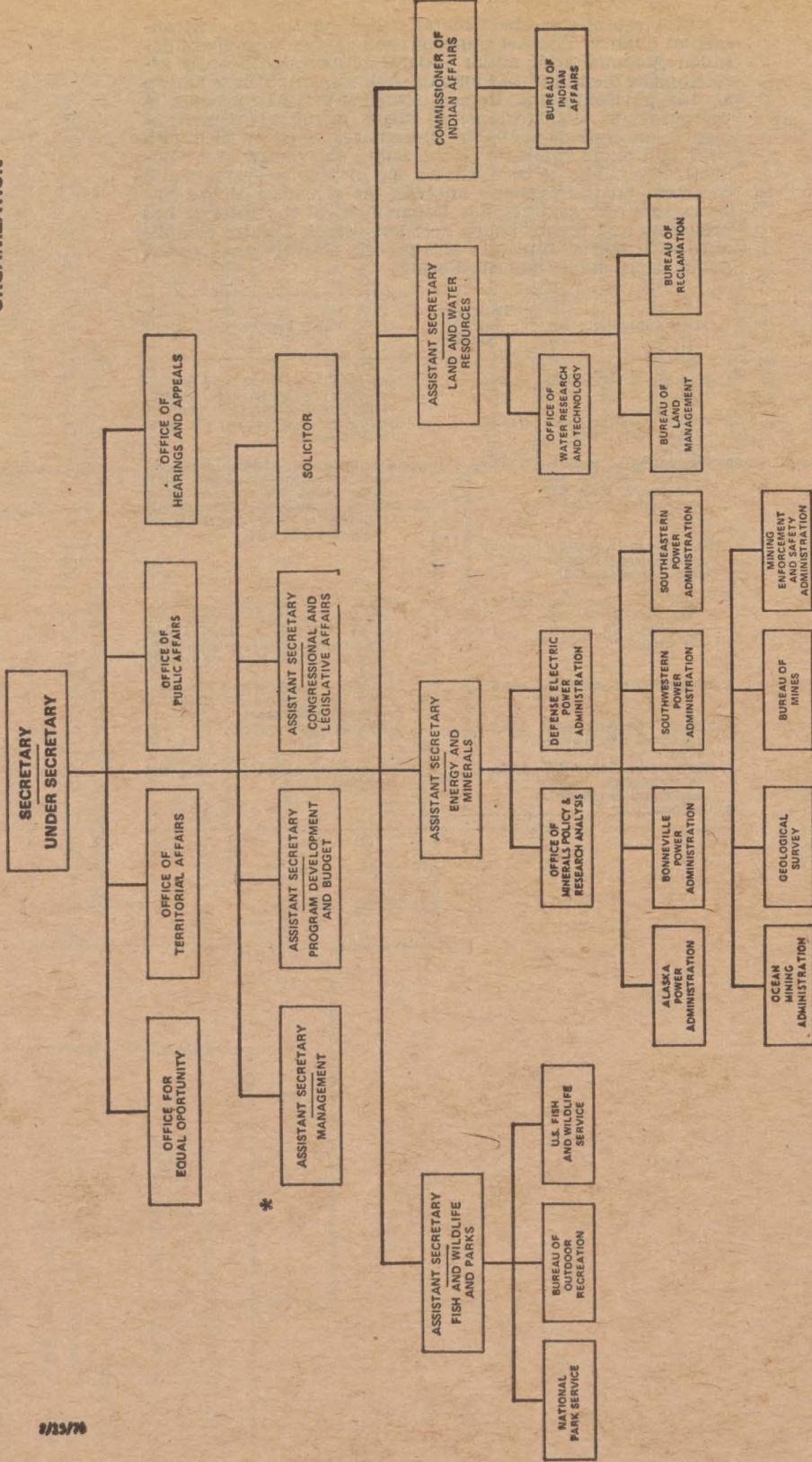
- Tract evaluation (USGS)
- Recommendation by State Directors and Director
- Consultation with State Governors and other Fed. Agencies
- Secretary's Decision
- Sale notice
- Lease Sale

C. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

NEPA establishes the Federal policy relating to environmental quality. The Act requires each agency to prepare detailed statements for major Federal actions significantly affecting the quality of the human environment. This is known as the environmental impact statement (EIS) process. A written report of environmental effects, including an environmental analysis of available alternatives, must be filed with CEQ and made available to the public for review and comment. The public, in turn, has an opportunity to evaluate and comment on the agency's analysis. As guardian of the Nation's natural resources, the Department of the Interior has programs and makes policy decisions which require compliance with NEPA. Interior's EIS process actively involves the public in the stages described below.

Major steps in process	Time before decision (months)	Public involvement
1. Proposed action identified.	6 to 24.....	May identify action or need for EIS through application for benefit, strong interest, litigation, etc.
2. Public announcement that study will be made.	5 to 18.....	General practice but may not occur in all cases.
3. Preparation of environmental study and assessment, draft EIS or negative determination.	5 to 18.....	No requirement. BLM and NPS hold public meetings at local level. BOR holds public meetings on rivers and trails studies. Others may hold meetings or seek comments on individual case basis.
<i>(Following steps omitted if negative determination is made on need for EIS)</i>		
4. Public announcement that draft EIS is available for public comment.	3 to 6†.....	Required announcement. Public comment solicited. Normal comment period is 45 days. Public meeting or hearings are not mandatory but, in practice, are usually held.
5. Preparation of final EIS.	1 to 6.....	Members of public who commented may be contacted for additional views or information.
6. Public announcement that final EIS is available.	1 to 2.....	Required announcement.
7. Waiting period after EIS is published, before action can be taken.	30 days.....	Comments accepted but not solicited.
8. Decision.....		

NOTICES

Department of the Interior
ORGANIZATION

8/23/76

* Primary Consumer Contact

APPENDIX A

APPENDIX B.—DEPARTMENT OF THE INTERIOR CONSUMER REPRESENTATION CONTACTS

Bureau or Office Name	Individual
Department of the Interior (in general), 18th and C Sts. NW., Washington, D.C. 20240.	Mrs. Jean Hawkins, Special Assistant to the Assistant Secretary—Management, (202) 343-8331.
Assistant Secretary—Program Development and Budget, 18th and C Sts. NW., Washington, D.C. 20240.	David Reynolds, Program Analyst, Office of Policy Analysis, (202) 343-8875.
Assistant Secretary—Land and Water Resources, 18th and C Sts. NW., Washington, D.C. 20240.	Maurice Nugent, Staff Assistant, (202) 343-2920.
Bureau of Indian Affairs, 1951 Constitution Ave. NW., Washington, D.C. 20245.	Ms. Phyllis J. Cross, Intergovernmental Relations Officer, (202) 343-8297.
Bureau of Land Management, 18th and C Sts. NW., Washington, D.C. 20240.	Daniel Alfieri, Chief, Office of Public Affairs, (202) 343-4151.
Bureau of Mines, 2401 E St. NW., Washington, D.C. 20241.	Alfred Weiss, Assistant Director, Program Development and Budget, (202) 634-1340.
Bureau of Outdoor Recreation, 18th and C Sts. NW., Washington, D.C. 20240.	Douglas Baldwin, Chief, Office of Communications, (202) 343-5726.
Bureau of Reclamation, 18th and C Sts. NW., Washington, D.C. 20240.	Jim Hart, Chief, Office of Public Affairs, (202) 343-4662.
Fish and Wildlife Service, 18th D.C. 20240.	John Mattoon, Assistant Director, Public Affairs, (202) 343-5634.
U.S. Geological Survey, The Na-22092.	Tom Kugel, Branch of Management Analysis, (703) 860-7211.
Mining Enforcement and Safety Administration, 4105 Wilson Blvd., Arlington, Va. 22203.	William A. Yost, Chief, Division of Management Research and Planning (703) 235-8344.
National Park Service, 18th and C Sts., NW., Washington, D.C. 20240.	John Cook, Associate Director, Park System Management (202) 343-5731.
Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99802.	E. Robert Haag, Chief, Division of Administrative Services (907) 586-7405.
Bonneville Power Administra-18th and C Sts. NW., Washington, D.C. 20240.	William H. Clagett, Assistant Administrator (202) 343-6955.
Southeastern Power Adminis-18th and C Sts. NW., Washington, D.C. 20240.	Harry F. Wright, Chief, Division of Fiscal Operations (404) 283-3261.
Southwestern Power Adminis-18th and C Sts. NW., Washington, D.C. 20240.	Jack K. Hatfield, Director, Planning Staff (918) 581-7426.
Office of Water Research and Technology, 18th and C Sts., NW., Washington, D.C. 20240.	George O. Cassaday, Staff Assistant (202) 343-4608.

REGIONAL CONTACTS—SPECIAL ASSISTANTS (FIELD REPRESENTATIVES) TO THE SECRETARY

Roger Sumner Babb, Special Assistant to the Secretary—Northeast Region, U.S. Department of the Interior, John F. Kennedy Federal Building, Room 2003N—Government Center, Boston, Massachusetts 02203 (617) 223-5104.

June Whelan, Special Assistant to the Secretary—Southeast Region, U.S. Department of the Interior, Suite 410, Financial Services Building, 148 Cain Street, N.E., Atlanta, Georgia 30303 (404) 526-4524.

Madonna McGrath, Acting Special Assistant to the Secretary—North Central Region, U.S. Department of the Interior, 230 S. Dearborn Street, Room 3249, Chicago, Illinois 60604 (312) 353-8015.

Willard E. Lewis, Jr., Special Assistant to the Secretary—Southwest Region, U.S. Department of the Interior, Federal Building, Room 4030, 517 Gold Street, S.W., Albuquerque, New Mexico 87102 (505) 766-2838.

William L. Rogers, Special Assistant to the Secretary—Missouri Basin Region, U.S. Department of the Interior, Denver Federal Center, Building 67, Room 688, Denver, Colorado 80225 (303) 231-3120.

Webster Otis, Special Assistant to the Secretary—Pacific Southwest Region, U.S. Department of the Interior, 450 Golden Gate Avenue, Box 36098, San Francisco, California 94102 (415) 556-8200.

Charles Hoyt, Special Assistant to the Secretary—Pacific Northwest Region, U.S. Department of the Interior, Bonneville Bldg., Room 702, 1002 N.E. Holladay Street, Box 3621, Portland, Oregon 97208 (503) 234-3361.

Arthur Kennedy, Special Assistant to the Secretary—Alaska, Post Office Box 120, Anchorage, Alaska 99501 (907) 265-5278.

APPENDIX C.—PUBLIC COMMENT ON PROPOSED CONSUMER REPRESENTATION PLAN (JANUARY THROUGH MAY 1976)

This revised Consumer Representation Plan of the Department of the Interior reflects the oral comments and suggestions received during the White House Consumer Representation Plan Conferences held in nine cities throughout the country during January 1976, those received in writing during the comment period which closed March 1, 1976, and testimony presented at a hearing held at the Department of the Interior on February 26, 1976.

Several organizations, representing consumers and other constituencies of the Department, were invited to review this revised Plan and participate in an informal discussion meeting at the Department on May 25, 1976. On May 26, 1976, a representative of the Department met with the White House Consumer Advisory Council to review the contents of the Plan, answer questions, and hear their comments.

Two specific suggestions received in writing have been incorporated into the Plan. They are: (1) review of the makeup of advisory committees to ensure that membership is balanced to reflect not only functional and industrial interests but environmentalists, minorities, and the general public as well; and (2) use of Advanced Notice of Proposed Rulemaking or Policy Development for major regulations and policies to be promulgated by the Department which could impact consumers to a substantial degree.

Other written comments suggested such mechanisms as toll-free telephone service for consumer complaints and the use of Social Security information to develop mailing lists of poverty level consumers. It was determined that the cost benefit to be derived from the provision of toll-free telephone service would not justify this substantial expenditure of funds. It was also felt that use of Social Security information to develop mailing lists of poverty level citizens would violate the privacy of those individuals.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Assistant to the Administrator (Consumer Representation)
Office of the Administrator, Energy Research and Development Administration, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545 (202) 376-4015.

TABLE OF CONTENTS

- I. Statement of Purpose.
- II. Executive Summary.
- III. Primary Organizational Units Involved.
- IV. ERDA Consumer Representation Plan.
 - A. Definition of Consumer.
 - B. Consumer Contact Points.
 - C. Consumer Representation Mechanisms.
 - 1. Specific Plans for Implementing the Consumer Representation Plan.
 - 2. Public Meetings, Workshops and Hearings.
 - 3. Information Services.
 - 4. Environmental Impact Statements.
 - 5. Consumer Correspondence and Complaint Handling.
 - 6. Advanced Notice of Rulemaking.
 - 7. Advisory Committees.
- Appendix A.—Consumer Contact Points.
- Appendix B.—ERDA Operations Offices.
- Appendix C.—Comments on the Preliminary ERDA Consumer Representation Plan.
- Appendix D.—ERDA Organization Chart.

I. STATEMENT OF PURPOSE

The purpose of the Consumer Representation Plan of the Energy Research and Development Administration (ERDA) is to insure to the greatest extent possible that consumers as defined in this plan have the opportunity to comment on proposed ERDA regulations, policies, and major program actions covered by this plan before the agency reaches a decision, and that these comments are considered by ERDA in the agency's decisionmaking process. This plan describes ERDA's intent to provide meaningful information to the consuming public; solicit consumer opinion; and insure that the agency is responsive to consumer comments. Through these means, the Consumer Representation Plan is designed to make it easier for the consuming public to focus its attention on issues of concern within ERDA, and make its views regarding these issues known to the agency.

II. EXECUTIVE SUMMARY

Consumer representation provides an important means for ERDA to ascertain views and concerns regarding the ultimate acceptability of energy technologies while the technologies are still in the research and development stage. Information about ultimate acceptability is an important consideration which influences the development of energy technologies.

This Consumer Representation Plan focuses on (1) individuals who do or will consume directly for personal or household purposes energy that has been produced or conserved by means of technologies developed by or with the support of ERDA; and (2) non-profit organizations (a) created specifically for consumer advocacy or protection; or (b) dedicated to representing the needs of specific population groups; or (3) otherwise dedicated to preserving and enhancing the quality of life.

ERDA has and continues to develop a number of methods by which consumers can be represented. Public meetings provide a forum for communication between ERDA top management and the consuming public. ERDA is expanding its information services program, with dissemination of literature on energy technology subjects to individuals and groups. Also within the information services program, cooperative activities are planned with organizations representing a cross-section of the general public, with the goals of conducting regional and local seminars, developing information packages

for the membership, and offering special projects for use by the organizations.

ERDA's comprehensive procedures for environmental review of significant major proposals for administrative and legislative actions also provide avenues for substantial public involvement. In addition, ERDA's procedures for advanced notice of rulemaking provide means for public comment on proposed agency rules and regulations.

With regard to correspondence, consumers are urged to contact directly officials responsible for the ERDA energy research, development and demonstration (RD&D) programs in which they are interested, and a list of such contact points is provided in appendices to this plan. However, in the event that correspondence and complaints may not have received appropriate response, ERDA is designating an Assistant in the Office of the Administrator to act as a point of appeal for consumers. In addition, for internal ERDA implementation purposes specific plans to implement this Consumer Representation Plan will be prepared by the programs and offices listed in Appendix A.

III. PRIMARY ERDA ORGANIZATIONAL UNITS INVOLVED

Established by Pub. L. 93-438, the Energy Research and Development Administration is mandated

to bring together and direct Federal activities relating to research and development on the various sources of energy, to increase the efficiency and reliability in the use of energy, and to carry out the performance of other functions, including . . . general basic research activities.

While exercising central responsibility for management of energy research, development, and demonstration, the Administrator of ERDA is charged by statute with responsibility to disseminate information and is authorized to establish procedures for periodic consultation with representatives of science, industry, environmental organizations, consumers, and others who have information that could contribute to the direction and evaluation of the agency's program.

These responsibilities and authorities have been recognized explicitly by ERDA in *A National Plan for Energy Research, Development and Demonstration: Creating Energy Choices for the Future* (ERDA-48) and the 1976 update of the document (ERDA 76-1).

This Consumer Representation Plan applies to all ERDA RD&D programs except for actions substantially involving classified matters; contract, grant and agreement review and selection; personnel actions, including security investigations; and other actions substantially involving information that cannot, by law, be disclosed. ERDA programs to which this Plan applies are listed below:

A. FOSSIL ENERGY DEVELOPMENT

Coal.
Petroleum and Natural Gas.
In-Situ Technology.

B. SOLAR, GEOTHERMAL AND ADVANCED ENERGY SYSTEMS DEVELOPMENT

Solar Energy Development.
Geothermal Energy Development.
Physical Research.
Magnetic Fusion Power Research and Development.

C. CONSERVATION RESEARCH AND DEVELOPMENT

Transportation Energy Conservation.
Electrical Energy Systems.
Buildings and Community Systems.
Industrial Energy Conservation.

Conservation Research and Technology.
Energy Storage Systems.

D. NUCLEAR ENERGY DEVELOPMENT

Liquid Metal Fast Breeder Reactor Program.

Other Reactor Concepts and Technology:

Gas cooled reactors.

Light water reactor technology.

Nuclear applications.

Uranium Enrichment.

Fuel Cycle Research and Development:

Waste management.

Reprocessing.

Resource assessment.

E. NATIONAL SECURITY

Laser Fusion.

Nuclear Materials Safeguards.

F. ENVIRONMENTAL AND SAFETY RESEARCH

Biomedical and Environmental Research.

Safety, Standards and Compliance.

Environmental Control Technology.

Technology Overview.

IV. ERDA CONSUMER REPRESENTATION PLAN

Consumer representation is an important component of ERDA's mission since consumers ultimately will use the energy generated from or conserved by the agency's technological products. These technologies, therefore, must be socially, environmentally, economically, and institutionally acceptable. Consumer representation provides an important means for ascertaining views and concerns regarding the ultimate acceptability of energy technologies while the technologies are still in the research and development stage.

Information from consumers will be considered in formulating and evaluating ERDA programs. Consumer representation will involve two-way communication between consumers and ERDA decisionmakers, and ERDA will strive to develop and implement effective representation methods. In order to be represented more effectively, ERDA hopes that consumers will take advantage of the opportunities afforded, making their ideas and concerns known to the agency.

A. DEFINITION OF CONSUMER

Since ERDA's mission is to research and develop energy technologies and since energy is a universally used commodity, there are many diverse types of consumers of ERDA's products. However, this plan focuses only on (1) individuals who do or will consume directly for personal or household purposes energy that has been produced or conserved by means of technologies developed by or with the support of ERDA; and (2) non-profit organizations (a) created specifically for consumer advocacy or protection; or (b) dedicated to representing the needs of specific population groups; or (c) otherwise dedicated to preserving and enhancing the quality of life.

B. CONSUMER CONTACT POINTS

Consumers should contact directly the ERDA decision-makers whose programs are of interest. (Appendix A contains the addresses of these persons.) ERDA Operations Offices also can be used as convenient contact points for ERDA consumers throughout the United States. (Appendix B lists the addresses of these offices.)

In addition to these program and regional contact points, ERDA recognizes the need for agency-wide coordination of implementation of the Consumer Representation Plan. Accordingly, ERDA will announce in the near future the appointment of an Assistant to the Administrator who will be responsible for coordinating and monitoring the implementation of the Consumer Representation Plan and evaluating its progress. The Assistant will report his findings to the Administrator, who has ultimate responsibility for the plan. The Assistant also will act as a point of appeal for consumer complaints that may not have been resolved in an appropriate fashion, and the Assistant should be contacted in such cases. (Appendix A provides the address of the Assistant to the Administrator.)

C. CONSUMER REPRESENTATION MECHANISMS

1. Specific Plans for Implementing the Consumer Representation Plan. For internal ERDA implementation purposes, specific plans for implementing this Consumer Representa-

tion Plan will be prepared by the programs and offices listed in Appendix A. The specific plans will describe major decision points, issues and activities for which input is sought; affected consumers; and planned interaction mechanisms. It should be noted that although consumers will be specified in order to provide a focus for implementing the specific plans, participation by all interested consumers will be welcomed.

2. Public Meetings, Workshops and Hearings. One of ERDA's statutory duties is to prepare annually *A National Plan for Energy Research, Development and Demonstration: Creating Energy Choices for the Future*. The purpose of the National Energy RD&D Plan, among other things, is to establish energy RD&D policy for the Federal government, discuss priorities for energy research and development, and summarize the status of RD&D programs throughout the Federal government.

ERDA has established a series of public meetings throughout the Nation in order for all interested persons to comment on the National Energy RD&D Plan. These meetings have been well attended, and provide a forum for communication between ERDA top management and the public. Meetings have been held in Atlanta, Seattle, Denver, and Chicago and in the remainder of 1976 are scheduled for San Francisco, and Boston. ERDA expects to continue these meetings in the years to come. Other meetings and workshops are held by specific ERDA programs. As required by statute, the U.S. Council on Environmental Quality holds annual hearings on the adequacy of attention to energy conservation methods and environmental protection.

3. Information Services. ERDA is initiating an improved program for information dissemination designed to inform consumers of ERDA programs and solicit their views. There are several major areas where information services are being improved. ERDA is preparing and disseminating publications on energy technology subjects. This information is mailed periodically to individuals and groups and is available on request. Another major focus of this activity is to communicate with larger segments of the general population through the multiplier effect of organized public groups. Cooperative programs will be developed with organizations representing various cross-sections of the general public, including civic organizations, union groups, labor and management organizations and environmental groups. Priority activities that are now being investigated using these groups to help increase the public's understanding of energy technology options include: (1) Conducting regional and local seminars with organizational leaders; (2) preparing information packages for distribution to the membership; and (3) offering special projects for use by the local chapters.

Another focus is on new programs using the Nation's educational systems as important means of developing public understanding of national energy resource and technology options. The next year's educational program priority is to develop new classroom materials for elementary and secondary schools. This effort will include career opportunity materials for vocational and technical high school students.

ERDA is developing expanded programs for science museum demonstrations and exhibits. ERDA also is planning to produce approximately 40 public service announcements and news features for television and radio audiences. These presentations will inform the public of specific ERDA RD&D activities as the activities reach important stages of development. The public will be invited to write for further information in their particular areas of interest.

4. Environmental Impact Statements. ERDA's comprehensive procedures for environmental review provide for substantial public involvement. Proposed administrative and legislative actions and policy developments are carefully analyzed to determine the potential effects on the quality of the human environment. If these effects are determined to be significant and an environmental impact statement is to be prepared, ERDA publishes in the Federal Register and mails to all known interested persons and organizations a notice of intent to prepare the statement. This notice, which invites suggestions from the public, describes the proposed action in enough detail to allow meaningful public input. ERDA considers the responses received in preparing the draft environmental impact statement, which discusses in detail the economic, social and environmental issues relevant to decisions on the proposed action. The availability of this statement is announced in the Federal Register and through press releases. The notice of availability of the document also is sent to all known interested persons and organizations. Copies of the

NOTICES

document are made available for review and comment to those known to have a specific interest, and to all who request copies. The period allowed for comments is at least 45 days and is flexible with more time allowed for review of voluminous and controversial statements. When determined by the Assistant Administrator for Environment and Safety to be in the public interest, ERDA holds a public hearing on the statement to obtain additional public input. All comments received on the draft are carefully considered in the preparation of the final statement which discusses the public concerns and responds to all comments received. The final environmental impact statement is made publicly available and becomes the environmental input to agency decision-making on the proposed action.

5. *Consumer Correspondence and Complaint Handling.* Consumers are encouraged to make their views known through correspondence to appropriate ERDA officials since response to consumers will be handled within the agency on a program by program basis. For general ERDA publications and information, the Office of Public Affairs at the Washington, D.C., headquarters or at the ERDA Operations Offices listed in Appendix B should be contacted.

Consumer complaints should be submitted directly to appropriate ERDA program officials (listed in Appendix A, section 1) for timely response. For complaints that may not have been handled in a responsive manner, consumers should contact the previously mentioned Assistant to the Administrator for assistance, including in the correspondence a history of the unresponsive handling to date. As part of his monitoring duties, the Assistant to the Administrator periodically will review complaint handling procedures and recommend more effective ones to the Administrator as necessary.

6. *Advanced Notice of Rulemaking.* In accordance with the provisions of the Administrative Procedures Act, ERDA will give advance notice of proposed rulemaking or policy development in the *FEDERAL REGISTER* to afford consumers an opportunity to participate in the development of the rule or policy. The period allowed for public comment on proposed rulemaking will be flexible depending on the substance of each proposed regulation. A highly controversial notice of proposed rulemaking, for example, may require a comment period longer than one without significant policy implications. In drafting proposed regulations, ERDA will attempt to avoid using highly technical phrases and jargon in order to make its messages more readable to the public.

7. *Advisory Committees.* ERDA has a number of advisory committees comprised of individuals drawn from many segments of the public including scientific, industrial, and environmental groups. Overall, these committees act as vehicles for advising the agency on policy matters. Advisory committee meetings are announced in advance in the *FEDERAL REGISTER*. In addition, ERDA currently is conducting a comprehensive review of the agency's advisory committee structure. Comments that have been received regarding consumer representation on ERDA's advisory committees will be considered fully in the review.

APPENDIX A.—CONSUMER CONTACT POINTS

1. For requests, comments and complaints regarding specific ERDA energy research and development programs, contact as appropriate the persons listed below:

Mr. Austin N. Heller, Assistant Administrator for Conservation, Energy Research and Development Administration, Washington, D.C. 20545.

Dr. James L. Liverman, Assistant Administrator for Environment and Safety, Energy Research and Development Administration, Washington, D.C. 20545.

Dr. Philip C. White, Assistant Administrator for Fossil Energy, Energy Research and Development Administration, Washington, D.C. 20545.

General Alfred D. Starbird, Assistant Administrator for National Security, Energy Research and Development Administration, Washington, D.C. 20545.

Dr. Richard W. Roberts, Assistant Administrator for Nuclear Energy, Energy Research and Development Administration, Washington, D.C. 20545.

Dr. Robert L. Hirsch, Assistant Administrator for Solar, Geothermal and Advanced Energy Systems, Energy Research and Development Administration, Washington, D.C. 20545.

2. For comments regarding the policies and contents of *A National Plan for Energy Research, Development and Demonstration: Creating Energy Choices for the Future*, contact:

Mr. Roger W. A. LeGassie, Assistant Administrator for Planning, Analysis, and Evaluation, Energy Research and Development Administration, Washington, D.C. 20545.

3. For copies of the ERDA Consumer Representation Plan, information about public meetings on the National Energy RD&D Plan and other items discussed in Section (IV(C)(3))—"Information Services," contact:

Mr. John W. King, Director, Office of Public Affairs, Energy Research and Development Administration, Washington, D.C. 20545.

4. For comments specifically relating to this Consumer Representation Plan, and for a point of appeal for requests, comments and complaints that may not have been appropriately answered, contact:

Assistant to the Administrator (Consumer Representation), Office of the Administrator, Energy Research and Development Administration, Washington, D.C. 20545.

In all correspondence regarding matters that may not have been appropriately handled, please include a description of the unresponsive handling to date.

APPENDIX B.—ERDA OPERATIONS OFFICES

Herman E. Roser, Manager, U.S. ERDA, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico 87115.

Robert H. Bauer, Manager, U.S. ERDA, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.

Dr. Charles E. Williams, Manager, U.S. ERDA, Idaho Operations Office, 550 2nd Street, Idaho Falls, Idaho 83401.

Mahlon E. Gates, Manager, U.S. ERDA, Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114.

Robert J. Hart, Manager, U.S. ERDA, Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830.

Alex G. Fremling, Manager, U.S. ERDA, Richland Operations Office, P.O. Box 550, Richland, Washington 99352.

Robert D. Thorne, Manager, U.S. ERDA, San Francisco Operations Office, 1333 Broadway, Wells Fargo Building, Oakland, California 94616.

N. Stetson, Manager, U.S. ERDA, Savannah River Operations Office, P.O. Box "A", Aiken, South Carolina 29801.

APPENDIX C.—COMMENTS ON THE PRELIMINARY ERDA CONSUMER REPRESENTATION PLAN

ERDA participated in a number of activities designed to obtain consumer comments on the Executive Department and Agency Consumer Representation Plan. The review process included publishing a preliminary ERDA Consumer Representation Plan in the *FEDERAL REGISTER* on November 26, 1975; distributing reprints of the plan to more than 20,000 individuals and groups participating in nine regional White House conferences and a public hearing in Washington, D.C.; and receiving written public comments during the required 95-day review period (November 26, 1975–March 1, 1976).

Many of the written and oral comments pertained to improving or initiating consumer communication techniques, and these have been factored into the final version of ERDA's plan. For instance, suggestions that the agency "provide more education tools, newsletters, and publications to consumers" and "conduct consumer representation activities at local-regional levels," are reflected in the plan, and the use of consumer research techniques such as questionnaires and opinion sampling is being considered.

Other comments pertained to changing the composition of ERDA advisory committees. It was suggested that representatives of low and middle income residential consumers be added; a consumer advisory committee be established as well as committees for solar, geothermal and conservation programs; a procedure be established to appeal closed advisory committee sessions and at a minimum that the agenda of such meetings be published; and a more open and systematic solicitation process for advisory committee members be established. These suggestions are being considered actively as a part of a comprehensive review of ERDA's advisory committee structure which now is underway. Suggestions were also made regarding establishing within ERDA an Office of Consumer Affairs and a Consumer Complaint Office. After careful consideration, ERDA concluded that these suggestions would have the disadvantage of tending to isolate consumer representation from agency research and development programs. Therefore, ERDA has decided to delegate responsibility for consumer representation activities directly to key program managers. This approach is intended to provide consumers with direct contact to decisionmakers and pro-

NOTICES

42779

grams of interest while also providing a point of appeal in the Office of the Administrator for complaints that may not have been satisfactorily handled at the program level.

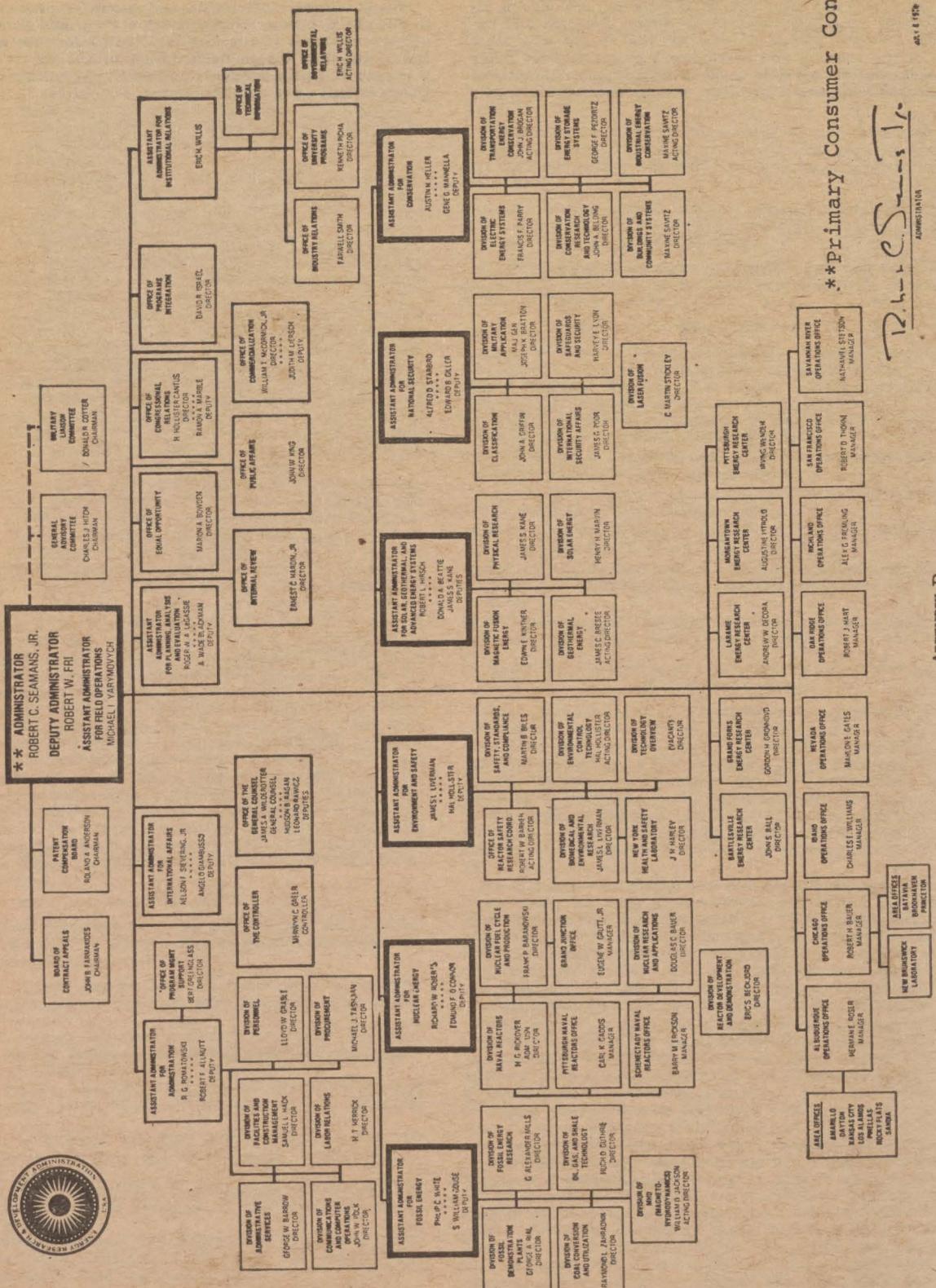
Sponsoring an annual public interest conference attended by key decisionmakers also was suggested. ERDA feels that the ongoing regional meetings on *A National Plan for Energy Research and Development: Creating Energy Choices for the Future* and other activities of the research and development programs serve many of the same objectives as would be served by such a public interest conference. However, this suggestion will be assessed thoroughly

by the Assistant to the Administrator responsible for evaluating the progress of the Consumer Representation Plan, as will be a suggestion regarding establishing a public advisor within the agency.

Finally, several individuals and groups expressed disbelief in ERDA's Consumer Representation Plan, and "credibility" was a frequent theme in the nine regional conferences as well. ERDA is hopeful that the implementation of the efforts described in this plan will help demonstrate ERDA's commitment to an effective consumer representation process.

NOTICES

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION



APPENDIX D

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FEDERAL REGISTER, VOL. 41, NO. 189—TUESDAY, SEPTEMBER 28, 1976

ENVIRONMENTAL PROTECTION AGENCY

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Special Assistant for Consumer Affairs, U.S. Environmental Protection Agency, 401 M Street, S.W. (Rm. A-101), Washington, D.C. 20460 (202) 755-0425.

TABLE OF CONTENTS

- I. Statement of Purpose.
- II. Executive Summary.
- III. Primary Operating Units Involved.
- IV. Agency Plan for Consumer Representation.
 - A. Consumer Participation and Involvement.
 - 1. Consumer Participation in Regulatory Policy.
 - 2. Consumer Complaints.
 - 3. Special Assistant for Consumer Affairs.
 - B. Consumer Information Output.
 - 1. Communication to Consumers on Issues and Decisions.
 - 2. Feedback on Consumer Comments.
 - 3. Consumer Education Programs.
- Appendix A.—U.S. Environmental Protection Agency Organization Chart.
- Appendix B.—Contact Points for Consumers at EPA Headquarters.
- Appendix C.—Contact Points for Consumers at EPA Regional Offices and National Environmental Research Centers.
- Appendix D.—Public Comment on the Proposed Consumer Representation Plan.

I. STATEMENT OF PURPOSE

This plan provides a mechanism for facilitating consumer participation in both general policy formulation and the development of individual standards and regulations and for giving EPA a better understanding of the consumer's viewpoint. The purpose of this plan is to ensure to the greatest extent possible that persons who are affected by any major sponsored legislation, regulation, policy, decision or program action are provided with sufficient information to understand the Agency's intent, and are given the opportunity to have their views on the subject considered in the Agency's decision-making process.

II. EXECUTIVE SUMMARY

The Environmental Protection Agency Consumer Representation Plan calls for an active program for consumer involvement in regulatory and policy making decisions as well as an increased consumer information program. A position of Special Assistant to the Administrator for Consumer Affairs has been established to serve as a focal point for consumer contacts.

A number of mechanisms have been implemented to increase consumer input into Agency decisions. Offices developing new policy and rulemaking are required to incorporate explicit plans for public participation as part of the program to develop a rulemaking. The Special Assistant and the Office of Public Affairs will participate in the Agency Steering Committee review of forthcoming standards and regulation to assure that consumer concerns are considered. Lists of regulation under development will be announced publicly. Advance notification of individual rulemakings will be issued. These lists and notifications will be made by direct communication to consumers and consumer organizations and by press releases, as well as through the **FEDERAL REGISTER** mechanism. These actions have been implemented through a memorandum from the Administrator delegating responsibility and accountability.

An Agency-wide consumer complaint handling system has been initiated governing the preparation and management of Agency responses to consumer complaints. It provides a basis for control and analysis of consumer complaints so that specific areas of consumer concern may be identified and utilized by Agency management in the policy and decision-making process.

Consumer information services have been increased. In addition to providing information to the general consumer, the Agency has identified a number of consumer "subgroups", e.g. farmers, labor, youth, urban constituents, and is tailoring programs to provide information for each subgroup.

The plan identifies specific individuals and offices with EPA at both the regional and headquarters level to contact for information and to provide input.

III. PRIMARY OPERATING UNITS INVOLVED

EPA is a decentralized agency with Regional Offices and laboratories responsible for implementing and enforcing the policies, programs and regulations developed by the headquarters offices. This plan applies to all elements of the Agency. Direct contact with consumers will be maintained by each Headquarters Office and at each Regional Office. An organization chart showing the EPA organization and consumer contact points is included in this plan as Appendix A.

At the headquarters level, consumer contact will be coordinated by the Special Assistant to the Administrator for Consumer Affairs, although all offices responsible for the preparation of standards, regulations, guidelines and/or policy will be required to communicate with consumers and consumer groups. Responses to consumer complaints will be coordinated by the Public Information Center (PIC). Information on EPA activities and programs will be provided by PIC and the Office of Public Affairs. Appendix B provides a list of contact sources within EPA headquarters.

At the regional level, consumer contact is coordinated through the Office of Public Affairs. Appendix C is a list of contacts in each Regional Office.

IV. AGENCY PLAN FOR CONSUMER REPRESENTATION

Every citizen has a right, by law, to know what EPA is doing. This "right to know" is fulfilled by putting information on public record or by responding to requests for information. Some of the tangible evidence of this public record are found in technical publications, testimony, speeches, official statements, regulations, and similar documents.

EPA's consumer program is based on the principle that the public not only has the right to know, but also the "need to know." The difference is one of initiative. Under the concept of right to know, the information must be made available to the citizen who wants it. But if he needs to know, he must be sought out and informed.

The right to know and the need to know are basic to the operation of the Environmental Protection Agency programs for two major reasons: (1) EPA programs have a direct effect on an individual's health and well-being; and (2) many EPA programs need full and active citizen support and participation if pollution control is to succeed.

A. CONSUMER PARTICIPATION AND INVOLVEMENT

1. *Consumer Participation in Regulatory Policy.* It is the policy of the Agency to encourage participation by affected parties and interested members of the public in the development of regulations.

EPA Order 1000.6 entitled "Policy and Procedures for the Standards and Regulations Development Process" provides for participation and review by interested members of the public in development of standards. This order and the implementing "Standards and Regulations Manual" establish a policy and procedural framework for the development, internal coordination, external clearance, and promulgation of environmental standards, regulations, guidelines and notices of proposed rulemaking. The purpose of the Order is to insure that all concerned internal EPA offices, and external sources that have an interest in any contemplated EPA action, have the opportunity to provide input. The Order established a Steering Committee composed of senior representatives of the Agency's principal offices. The Steering Committee evaluates the majority of the Agency's standards, regulations and guidelines during the planning and development phases, and reviews them prior to publication in proposed or final forms.

NOTICES

The Office of Planning and Management coordinates the Agency's standard-setting activities, and ensures that interested groups and individuals have the opportunity to participate.

The lead program office for each regulation is responsible for implementing this policy of public participation and is required to actively solicit the views of the interested public, the Congress, State and local governments, Regional Offices, and regulated parties in the development of all regulations. Participation will take place throughout the rulemaking process, including consultation prior to both proposal and promulgation of regulations.

Within EPA, requests for the Administrator's approval to initiate a program to develop a standard, regulation, or major policy are required to include explicit plans for external participation. The decision to develop a new regulation will be announced publicly, including the issuance of a Federal Register Notice soliciting views and suggestions.

Such Notices will include the name of the staff person who will be available for direct contact by the public. Such Notices will be mailed to consumers and consumer groups known to have an interest in these regulations, and will be announced to the press. As part of its plan for public participation, each lead office, with the assistance of the Office of Public Affairs and the Special Assistant to the Administrator for Consumer Affairs must determine the need for public hearings either prior to or after proposal of such program.

Public participation is also obtained through the use of advisory committees. Committees, such as the National Air Quality Criteria Advisory Committee and the National Drinking Water Advisory Council meet regularly to review pertinent policy issues and specific forthcoming standards and regulations. All these committees have members representing the general public, and the meetings are open to the public. Concerned consumers have the opportunity at these meetings to present information related to the agenda, and to request consideration of matters related to the charter of the committee.

The Agency conducts detailed economic analyses of its regulatory actions prior to their proposal. These analyses range from microeconomic studies of the impacts of a particular action to general industry studies, and studies of the overall impact of pollution control requirements on inflation, GNP, and unemployment. Outside organizations and individuals have an opportunity to comment on these studies. Notices have been and will continue to be provided in the *FEDERAL REGISTER* and through direct mailings announcing the availability of such documents. In addition, EPA prepares Environmental Impact Statements for many significant actions. Draft versions are issued at the time of proposal of regulations or policy, and the public is invited to comment on these statements. The Agency will distribute such analyses and statements to interested parties as early in the development stage as possible.

Prior to proposal, the Agency distributes draft versions of policy statements and regulations to its Regional Offices, the EPA Offices of Legislation and Public Affairs, other Federal agencies, representatives of State and local governments, affected parties, and interested private citizens and environmental groups. Comments are reviewed and meetings are held with interested organizations and individuals, as appropriate, to resolve problems or questions which may have been identified.

After proposal in the *Federal Register*, the public is afforded an opportunity to comment on the proposed regulations. Should the rulemaking be of major significance, or be controversial, one or more public hearings may be held.

Prior to promulgation of a policy or regulation, the EPA office having the responsibility for its preparation prepares a detailed summary of comments received, their disposition, and the rationale for the action taken. Internal and external review of the action to be promulgated is repeated. A summary of comments received and the Agency response is prepared and incorporated into the *Federal Register* promulgation. Individual consumers and groups that participated in the development of a policy or regulation will be informed of the Agency's decisions. Copies of the promulgated regulations will be forwarded to parties that contributed input.

In addition to these programs conducted by the lead offices to ensure participation in the development of individual regulations, EPA will periodically publish a list of major regulations under development. The Office of Planning and Management will prepare such lists and will incorporate these lists

into *Federal Register* Notices. These lists will also be distributed to consumers and consumer groups known to have an interest.

The Agency is taking steps to assure that these programs are implemented. On April 23, 1976, the Administrator issued a memorandum to all Agency Offices reaffirming the policy of the Agency to encourage participation by interested members of the public in the development of regulations and establishing specific requirements for its implementation on both new regulations and regulations currently under development. The memorandum requires requests for approval of regulatory starts to include explicit plans for external participation, calls for revision of the standards and regulations manual to be updated to place further emphasis on public participation, requires each program office developing standards to actively seek the views of the public and to coordinate these public participation activities with the Office of Regional and Intergovernmental Operations, Public Affairs, and Legislation and the Administrator's staff. It requires decisions to develop new regulations to be announced publicly, and notices of such to include the name of the staff person who will be available for direct contact by the public. This memorandum also requires several regulations under development to be subjected to a special program of extensive external involvement.

2. Consumer Complaints. Consumer complaints are to be handled in accordance with EPA Order 1560.1, issued November 20, 1975. All Agency offices are required to take positive steps to insure timely, effective response to consumer complaints on environmental matters.

This Order establishes Agency-wide policy and procedures governing the preparation and management of Agency responses to consumer complaints. It provides a basis for control and analysis of consumer complaints so that specific areas of consumer concern may be identified and utilized by Agency management in the policy and decision-making process.

The Public Information Center (PIC) has the responsibility to provide overall Agency coordination of consumer complaints. PIC prepares general responses, refers and controls specific complaints, maintains files, and provides reports and recommendations on all consumer complaints. Regional and Program Offices and field installations are required to prepare responses to complaints received directly from the public or through referrals.

Each office receiving consumer complaints maintains a control, logging, follow-up and reporting system for complaints received directly from the public either in writing or by oral means, and for complaints referred to the office. Responses to direct complaints are to be made in 10 working days; responses to referred complaints are to be made in 15 working days.

The Public Information Center prepares monthly reports indicating the subjects, volume, and analysis of complaints. These reports are submitted to the Assistant Administrator for Planning and Management for policy considerations, and to other officials depending upon specific issues raised.

3. Special Assistant for Consumer Affairs. The position of Special Assistant to the Administrator for Consumer Affairs has been established within the Agency as a focal point for consumer organizations and individual consumers. The Special Assistant will act as a liaison between national, state and local consumer organizations and Agency offices, will provide technical assistance and guidance in the development of Agency consumer representation programs, will establish relationships with consumer groups impacted by Agency policy and regulations, will coordinate the consumer activities of the Agency and will advise the Administrator on Agency matters of concern to consumers. The Special Assistant will transmit the concerns of consumers and consumer related organizations to the Administrator and the appropriate Agency offices. The mailing address for the Special Assistant is listed in Appendix B.

B. CONSUMER INFORMATION OUTPUT

In order to contribute to Agency planning or to forthcoming regulations, the consumer must have information available on the Agency's programs and goals. To provide this information, EPA's Consumer Representation Plan calls for increasing communication to consumers on issues and decisions, providing feedback to consumers on their comments, and a significant consumer education program on EPA activities.

1. Communication to Consumers on Issues and Decisions. Information on issues and decisions of EPA will be provided to consumers through the following channels:

FEDERAL REGISTER

Conferences.

Press Releases.

Speeches and Testimony.

Communication with environmental and citizen groups.

General mailings and media coverage.

Mailings tailored to specialized groups.

All standards, regulations and guidelines are published in the **FEDERAL REGISTER**. In addition, copies of the regulations will be prepared and distributed to known interested parties. Copies will be sent to parties who contributed to development of the regulations. EPA maintains a mailing list and distributes press releases on significant Agency decisions and findings. Each release will provide the name and telephone number of an individual to contact for further information. Press conferences are to be held on significant Agency actions and findings. The public and the press are to be notified of such conferences and will be afforded an opportunity for discussion through a question-and-answer session following the conferences.

There are a number of environmental news reporting services which are kept up-to-date on EPA activities. Through their publications a large segment of the concerned public is kept informed of actions and activities of the Agency.

2. Feedback on Consumer Comments. Feedback to the consumer is handled within the Agency on a program-by-program basis. A major portion of the general information is handled by the Public Information Center and the Office of Public Affairs at both the headquarters and the regional level. Technical responses are provided by the appropriate program office.

When the consumer or group has raised a technical point or has contributed technical data in support of a proposed rulemaking or policy, a staff member of the office preparing the rulemaking or policy generally contacts the consumer, either by mail or telephone to deliver EPA's response. Often, a meeting is set up to provide and obtain further information.

Each comment related to a proposed Agency action is analyzed, and a response is prepared. This response is either an indication of concurrence with the commenter, or explains the rationale for the rejection of the comment. A report analyzing each of the comments is prepared and made available to the public. In addition, the preamble to the promulgated regulation provides a summary of response to major comments. Copies of the promulgated regulations, including such summaries, are sent to individuals who have provided or requested information.

3. Consumer Education Programs. Public education plays a major role at EPA and substantial information is available

on every major EPA program. Perhaps the best known example is the Agency program on automobile fuel economy. Another major consumer education program is related to the safe use of pesticides.

Pamphlets and reports are available at all technical levels ranging from the elementary school level to highly technical reports presented at scientific conferences. In addition to these reports, a number of reports are prepared for Congress, and distributed to the public.

The public education program is not limited to reports and booklets. Other communication media are also used to transfer information. These include informal public meetings and workshops, news releases, public service advertising, and television shows where viewers can discuss issues by telephone, advisory boards, and lectures by EPA officials to clubs and related organizations. Most recently, "town forum" type meetings have been initiated, where EPA officials meet with the public to informally discuss EPA's programs.

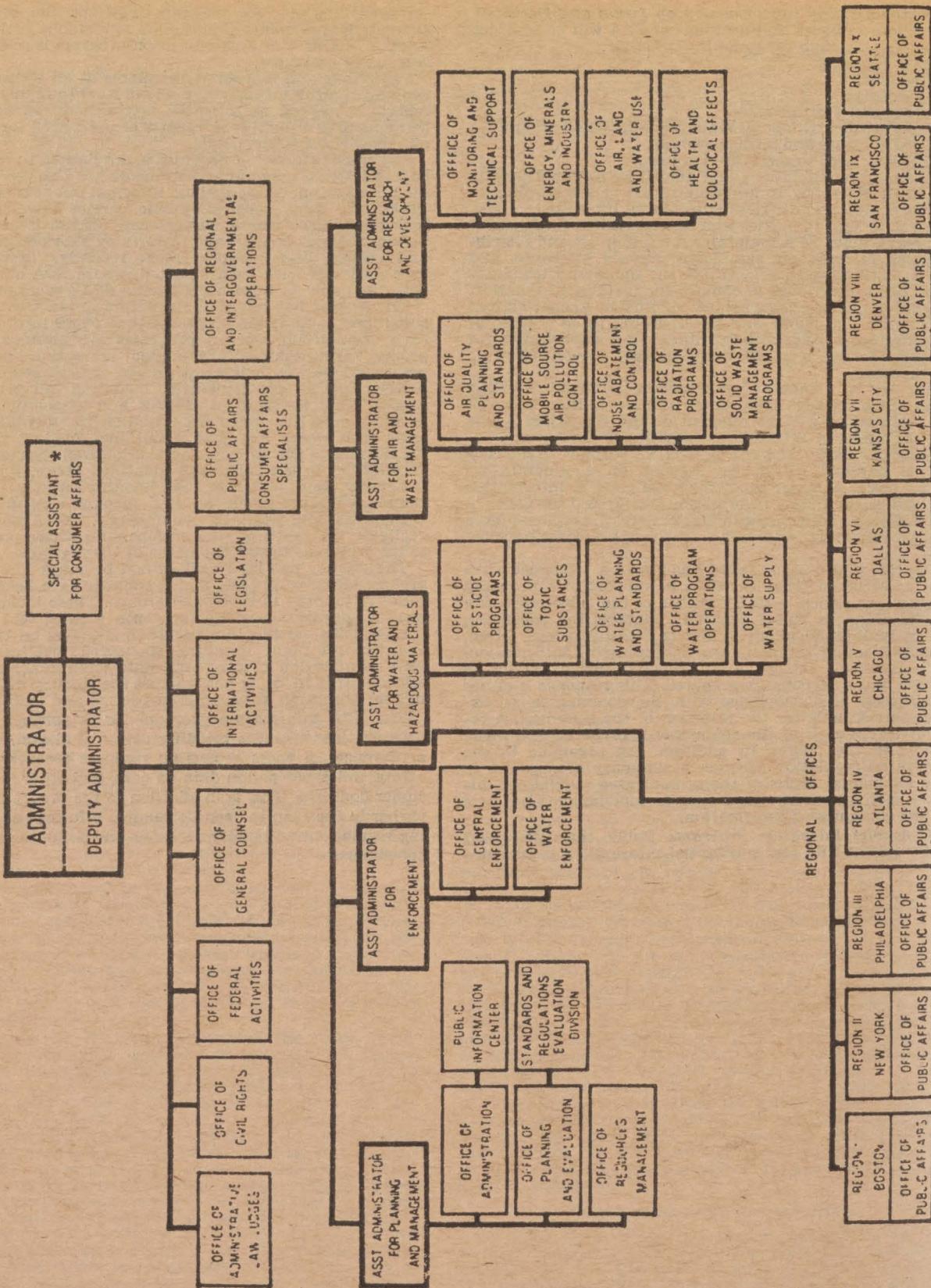
The Agency has initiated a program to identify "consumer subgroups" and tailor programs to provide information for each such group. Special programs are planned for labor groups, farm organizations, outdoor recreation and camping organizations, youth interest groups, retired people and the elderly, urban constituencies including minority ethnic groups, local government officials and associations. This is in addition to the conservation and environmental organizations with which EPA has maintained contact throughout the lifetime of the Agency, and to organized consumer groups. In addition to the subgroups identified above, the proposed Consumer Representation Plan identified a number of additional subgroups such as low income consumers, home economists, and planning commissions. The Agency will investigate the needs of such groups, and where possible, will tailor programs to suit the needs of these groups.

The Agency has held background briefings for these subgroups. Many pamphlets and brochures have been prepared that are tailored to individual groups. These include supplemental education packets for youth groups, fact sheets on the pesticide certification program, speakers on transportation control plans in cities, sponsored meetings between EPA information officers and state environmental officers, and meetings in major cities across the country with environmental groups on automobile inspection and maintenance.

The EPA information program for established consumer organizations includes briefings at national and/or regional conferences of these groups on resource recovery, pesticide safety, miles-per-gallon data on cars, and other related consumer concerns. This is in addition to the programs outlined earlier in the Plan to keep Consumers informed of forthcoming regulations and policy decisions and obtaining input from consumers.

**U.S. ENVIRONMENTAL PROTECTION AGENCY
ORGANIZATION CHART**

APPENDIX A



Primary Consumer Contact Point

APPENDIX B.—CONTACT POINTS FOR CONSUMERS AT EPA HEADQUARTERS

Headquarters Mailing Address: U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Consumer Representative: Ms. Helen Fenske, Special Assistant to the Administrator for Consumer Affairs (A-101) (202) 755-0425.

Consumer Complaints: Ms. May C. Pettit, Public Information Center, Facilities and Support Service Division, Office of Planning and Management (PM-215) (202) 755-0707.

Information on EPA Activities and Consumer Programs: Ms. Kate Stahl, Consumer Affairs Specialist, Office of Public Affairs (A-107) (202) 755-0710.

Standards and Regulations—General: Mr. Walter C. Barber, Director, Standards and Regulations Evaluation Division (PM-223), Office of Planning and Evaluation (202) 755-2265.

Standards and Regulations—Individual Regulations: Announcements will be made in the *FEDERAL REGISTER* and through media for regulations under development. The name of the program manager to contact will be listed for each rulemaking.

APPENDIX C.—CONTACT POINTS FOR CONSUMERS AT EPA REGIONAL OFFICES AND NATIONAL ENVIRONMENTAL RESEARCH CENTERS

Paul Keough, Director of Public Affairs, U.S. Environmental Protection Agency, Region I—Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203 (617) 223-7223.

Herman Phillips (Acting), Director of Public Affairs, U.S. Environmental Protection Agency, Region II—Room 1005, 26 Federal Plaza, New York, N.Y. 10007 (212) 264-2515.

Diane Margenau, Director of Congressional and Public Affairs, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, Pa. 19106 (215) 597-9816.

Charles Pou, Director of Public Affairs, U.S. Environmental Protection Agency, Region IV, 1421 Peachtree St., N.E., Atlanta, Ga. 30309 (404) 526-3004.

Frank Corrado, Director of Public Affairs, U.S. Environmental Protection Agency, Region V, 230 S. Dearborn Chicago, Illinois 60604 (312) 353-5800.

Betty Williamson, Director of Public Affairs, U.S. Environmental Protection Agency, Region VI—First International Bldg., 1201 Elm St., Dallas, Texas, 75270 (214) 749-1962.

Rowena Michaels, Director of Public Affairs, U.S. Environmental Protection Agency, Region VII—Room 249, 1735 Baltimore Avenue, Kansas City, Mo. 64108 (816) 374-5894.

Howard Kayner, Director of Public Affairs, U.S. Environmental Protection Agency, Region VIII, Lincoln Tower Bldg., Suite 900, 1860 Lincoln Street, Denver, Colorado 80203 (303) 837-4905.

David Calkins, Chief, External & Inter-Governmental Relations Branch, U.S. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, Calif. 94111 (415) 556-8266.

Donald R. Bliss, Director of Public Affairs, U.S. Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101 (206) 442-1203.

Chris West, Director of Public Affairs, Nat'l Environmental Research Ctr., 200 S.W. 35th Street, Corvallis, Oregon 97330 (503) 752-4300.

Geneva Douglas, Director of Public Affairs, Nat'l Environmental Research Ctr., P.O. Box 15027, Las Vegas, Nevada 89114 (702) 736-2969.

Ernie Minor, Director of Public Affairs, Nat'l Environmental Research Ctr., Cincinnati, Ohio 45268 (513) 634-8348.

Elizabeth M. Martin, Director of Public Affairs, U.S. Environmental Protection Agency, Office of Administration, Research Triangle Park, North Carolina 27711 (919) 688-8569.

APPENDIX D—PUBLIC COMMENT ON THE PROPOSED CONSUMER REPRESENTATION PLAN

On November 26, 1975, the Environmental Protection Agency, along with other Federal departments and agencies, proposed a Consumer Representation Plan (40 FR 5523). EPA participated in White House Regional Conferences held in Boston (January 16, 1976), Houston (January 21, 1976) and Denver (January 26, 1976). In addition, the Agency held two public hearings on February 27, 1976 at Agency headquarters. Comments were also solicited at the six other Regional Conferences held by other agencies. Meetings were also held with consumer groups on May 19, 1976 and with the Consumer Advisory Council on May 25, 1976.

In all, 41 comments were received by the Agency. A large number of these did not relate directly or indirectly to the Plan, but rather, related to specific Agency actions. Comments unrelated to the plan have been answered individually. The Agency has compiled a detailed summary of all comments received and responses to those related to the Plan. Individual copies of this summary may be

obtained, without charge, from the Public Information Center, Office of Planning and Management (PM-215), U.S. Environmental Protection Agency, Washington, D.C. 20460. The public comments are available for inspection at the Freedom of Information Center, 401 M St., S.W., Washington, D.C. 20460.

A brief summary of comments related to the plan and the Agency response is given below.

The largest number of comments related to the pros and cons of adopting a Consumer Plan rather than the forming of a "Consumer Agency". The response to these comments has been prepared by the Office of Consumer Affairs.

A number of commenters expressed concern that there is no central focal point for consumer participation within the Agency. Accordingly, the Agency has created a position of Special Assistant to the Administrator for Consumer Affairs. In addition to other duties elaborated on in the Plan, the Special Assistant will transmit the concerns of consumers and consumer-related organizations to the appropriate Agency offices at headquarters and in the regions.

A large number of comments related to the mechanisms of increasing public, and especially consumer participation in development of regulations and policy. In particular, a number of commenters recommended the use of mechanisms other than *FEDERAL REGISTER* Notices for requesting public comment. Several others indicated that comment periods of 30-45 days are insufficient to allow appropriate response to major issues or regulations. In response to these comments the Agency has adopted a program to improve public awareness of Agency actions. Advance notice of Agency rulemaking will be given for the development of all significant new regulatory Agency actions. In addition to publication in the *FEDERAL REGISTER*, this advance notification will be mailed to consumer and other groups known to have an interest in such programs, and to individual consumers who have requested or provided information on related matters. The EPA "consumer subgroup" program will aid in identifying groups to be notified.

As noted in the Plan, each Office having a lead role in developing rulemaking or policy will be required to prepare explicit plans for external participation at the time the program to develop the rulemaking is initiated. These plans will be reviewed by the Special Assistant to the Administrator for Consumer Affairs and by the Office of Public Affairs. The Special Assistant and the consumer specialists within the Office of Public Affairs will participate in reviews by the Agency's Steering Committee for review of standards, regulations and other rulemaking.

The length of time available for public response to proposed rulemaking is of necessity, a compromise between the need to expedite issuing a regulation and affording the most desirable period of time to allow a studied response. Often, deadlines are established by statute. The Agency will attempt, where practical, to extend the time for public comment to proposed regulations. However, it should be noted, that although the typical response time for comments had been set at 30-45 days, it always has been Agency policy to accept and consider comments after the comment period has expired up until the final regulation is prepared. This policy will be continued, and a comment period of 60 days will be allowed for major regulations, when such time does not conflict with statutory deadlines.

A public interest organization criticized EPA's advisory committees as being too formal, thereby making it difficult for members to fully state their position. This organization further notes that environmentalists have been dropped from such advisory committees because they have been too effective in pinpointing EPA weaknesses. The Agency strongly refutes this latter statement, and knows of no such cases. It is true that advisory committees have a formal agenda and as a result, are not the most effective method of obtaining public input. On the other hand, these committees, as required by the Federal Advisory Committee Act, have a balanced membership including members representing the public interest. At these meetings, concerned consumers have the opportunity to present related information and to request consideration of matters related to the charter of the committee.

Several commenters expressed concern that this plan is a headquarters plan and that there is insufficient regional and local participation. It should be realized that overall policy and the majority of rulemaking is conducted at the headquarters office. However, the Agency is aware and takes into consideration regional and local needs. The Office of Regional and Intergovernmental Liaison (ORIO) is represented on the Agency's standing Steering Committee for standards and regulations. In the setting of standards a lead region is designated to participate in the working group developing the rulemaking and to represent all ten regions. Other regions are also invited to participate. Each regulation developed is circulated to affected regions for review.

NOTICES

The Plan has been expanded to include procedures for complaint handling at the regional level. In addition, review of National Pollutant Discharge Elimination System permits and state implementation plans takes place at the regional level and procedures for review of such call for public participation.

A few commenters expressed disappointment in the Agency program for handling consumer complaints. The Agency has been aware of the need for improvement of the handling of consumer complaints and on November 20, 1975 issued an internal order (EPA Order 1560.1) revising complaint handling procedures. The order established Agency-wide policy and procedures governing the preparation and management of Agency responses to com-

plaints and provides a basis for control and analysis of complaints so that specific areas of concern may be identified and utilized by Agency management in the policy and decision-making process. In addition to designating the Public Information Center as the overall Agency coordination point for complaints, it establishes procedures for Regional and Program Offices and sets requirements for control, logging, follow-up, reporting and response time.

Finally, a number of commenters indicated the difficulty of determining contact points within the Agency. Accordingly, as part of the plan, the Agency is providing the names, addresses and telephone numbers of contact points within the Agency, as well as an organization chart of the Agency.

FEDERAL ENERGY ADMINISTRATION

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Director, Office of Consumer Affairs/Special Impact, Room 4310, Federal Energy Administration, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461 (202) 961-6055.

TABLE OF CONTENTS

- I. Statement of Purpose.
- II. Executive Summary.
- III. Primary Operating Units.
- IV. Agency Plan.
- V. Schedule of Events.
- Appendix A.—Analysis of Comments.
- Appendix B.—Federal Energy Administration Organization Chart.
- Appendix C.—Consumer Affairs/Special Impact Contacts.

I. STATEMENT OF PURPOSE

The purpose of this Consumer Representation Plan is to enable persons who are affected by major FEA sponsored legislation, regulation, policy, decision or program action to have the opportunity to comment on the subject before a decision is reached, and to provide for consideration of these views in the agency's decision-making process. It is FEA's intent to actively solicit consumer opinion and to make the individual offices responsive to consumer requests for information and opportunities to be heard.

It is a basic premise of this plan that existing machinery and techniques for assuring consumer representation will be strengthened and that, where they do not exist, they will be instituted.

It is also our purpose to provide the mechanism for giving the management of the agency a better understanding of consumers' concerns and viewpoints. The Plan is intended to make it easier for the public and consumer groups to focus their attention on issues of special and general concern within the agency.

II. EXECUTIVE SUMMARY

A. On August 15, 1976, the Administrator will issue Guidelines for all FEA Assistant Administrators and Office Directors to follow in obtaining consumer participation in major FEA program and policy development. The Guidelines will include provisions for implementing the following improved procedures for consumer participation:

1. *Advisory Committees.* FEA is reexamining the composition of the agency's Advisory Committees to ensure adequate consumer representation on each Advisory Committee. There will be wider solicitation for consumer representatives and communication will be increased among the representatives on various committees. Procedures will be improved for notifying the public of Committee meetings, maintaining records, providing responses to the Committees on their recommendations, and informing the Committees of pending issues.

2. *Utilizing Consumer Complaints as an Information and Guidance Tool.* The Office of Consumer Affairs/Special Impact plans to implement a computer oriented consumer complaint/correspondence processing system. This system will be designed to provide to all program offices aggregate data on the energy problems of consumers by location and by type of complaint.

3. *Consumer or Citizen Conferences.* This mechanism will be utilized more frequently by FEA offices. Each regional CA/SI officer will work with State Energy Offices and private organizations to conduct state Consumer Energy Workshops in coordination with the National CA/SI office. Workshops will be scheduled at locations which are accessible. Meetings will be open to the public, and special mailings will be used to invite citizens who are not affiliated with an organized group, as well as members of groups who are particularly affected by rising energy costs.

4. *Liaison with Consumer Groups.* Each program office will have standing arrangements that provide for consultation and exchange of views with interested or affected persons and organizations on development or revision of major plans,

programs, or other significant actions prior to decision making. The CA/SI Office will serve as the focal point for coordinating this exchange of views. Regional CA/SI Officers will maintain liaison with State Energy Offices, and they will hold monthly meetings with citizens and citizen organizations to hear their views on FEA policies and programs. Citizens will be invited in each region to discuss issues of concern to consumers.

5. *Public Hearings.* FEA will ensure adequate notice of proposed changes in rules, regulations, orders, etc., by providing the maximum possible notice of public hearings in the *FEDERAL REGISTER* in straightforward language, and will provide notices to national and local press and periodicals in the form of news releases suitable for publication as news items. Discussions of highly technical information will appear in the preambles of *Federal Register* notices. When feasible, hearings will be scheduled outside of Washington, and special mailings by the Office of Communications and Public Affairs, the Office of Consumer Affairs/Special Impact, and the Regional CA/SI Officers will be used to solicit written testimony from interested citizens.

6. *Staff Development of Consumer Information and Analytical Materials.* (a) Each Assistant Administrator and Office Director shall provide, to the extent practicable, policy or technical information concerning major proposals and other important program or policy actions at the earliest practicable time, and at places easily accessible to interested persons and organizations, and inform consumers about the availability of such material to enable them to make informed and constructive contributions to the agency's decisionmaking process. Special efforts will be made to summarize complex technical materials for public and media use.

(b) The office initiating a program or policy action will provide a response to interested persons and organizations concerning their recommendations and suggestions (other than comment on rulemaking) within a reasonable period of time after receipt of such recommendations.

The Guidelines for implementation of the Plan will set forth specific criteria for the development and dissemination of policy and program information.

7. *Consumer Impact Evaluation.* For any major proposal as defined by the FEA Directive for Implementation of Executive Order 11821 (which requires that major proposals for legislation and for the promulgation of rules and regulations by an executive branch agency be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated), the Assistant Administrator or Office Director must indicate that where such a major proposal has been evaluated, the evaluation includes a section on consumer impact which contains:

(a) An analysis of the principal cost or direct price effects of the action on markets, consumers, businesses, regions of the country, and where feasible, an analysis of secondary cost and price effects. These analyses should have as much quantitative data and precision as practicable and should cover a time period sufficient to determine economic and inflationary impacts.

(b) An indication of the benefits to be derived from the proposed action. These benefits should be quantified to the extent practicable.

(c) A review of alternatives to the proposed action.

FEA will maintain a list of all major proposals which have been evaluated in accordance with Chapter 4 of the Directive for the Evaluation. Copies of that list and the Summary of the Inflationary Impact Evaluation and the accompanying consumer impact evaluation will be made available to the public for inspection through the Public Document Room, FEA National Office, 12th and Pennsylvania Avenue, N.W.,

NOTICES

Washington, D.C. 20461. These documents will be written in a form suitable for a general audience.

8. *Increased Availability of Materials Containing Consumer Impact Evaluations.* FEA will increase availability of materials containing analytical information that will be useful to consumers at the earliest practicable time and at places easily accessible to interested or affected persons and organizations and inform them of the availability of this information through consumer organizations, press releases and speeches by FEA officials. As outlined in Section 7, Consumer Impact Evaluation, FEA will ensure that summaries of these evaluations are available for public inspection.

9. *External Liaison.* Media communication techniques will be utilized more fully to solicit consumer opinions and to publicize agency decisions and their impact. This will be accomplished through providing increased accessibility for consumers to regular mailing lists, speeches by key officials outlining the opportunities for consumers to provide input on agency decisions, and wider dissemination of information describing opportunities for participation through news releases, national periodicals and newsletters.

In addition, FEA will regularly publish lists of current rulemakings and administrative proceedings and lists of new publications, scheduled hearings and workshops. These lists will be developed by the FEA Office of Communications and Public Affairs.

B. The Director of the Office of Consumer Affairs/Special Impact will be responsible for coordinating the implementation of the Plan and will report directly to the Administrator. Each program office and Regional Administrator will submit individual plans to the Director of the Office of Consumer Affairs/Special Impact through the Office of Management and Administration for implementation of the Plan and the Guidelines. Each program office will designate a liaison person to work with the CA/SI office to implement the Plan. In each Regional Office the CA/SI Officer will serve as the focal point for implementation of the Plan.

III. PRIMARY OPERATING UNITS INVOLVED

Due to the influence of energy on American life and the role that this agency plays in determining national energy policy, actions of virtually every office in FEA have high impact upon consumers.

The *Office of Consumer Affairs and Special Impact* is presently a part of the Office of Intergovernmental, Regional and Special Programs, but by special provision the Director of CA/SI has independent and direct access to the decision-making process and the Administrator. In addition to the CA/SI office located in Washington, D.C., there are ten regional Consumer Affairs/Special Impact Officers who are responsible for implementing FEA consumer policies and programs in the regions. The functions of the CA/SI office and the regional CA/SI Officers are as follows:

1. Review and analyze the actual and potential impact of FEA policies, programs and energy related problems on the consumer, the poor, the handicapped, and the elderly.

2. Advise the Administrator on the results of reviews and analyses so that he may consider those factors in the development of FEA policies and programs.

3. Provide information on FEA policies and programs to Federal, State, and local agencies, and private organizations representing consumer and special impact concerns.

4. Review the policies and programs of other Federal agencies with potential for alleviating the energy-related problems of consumers, the poor, the handicapped, and the elderly.

5. Recommend new or modified Federal policies and programs to alleviate the adverse effects of energy problems on consumers, the poor, the handicapped, and the elderly and assist in the development and implementation of new programs.

6. Review the policies and programs at State and local levels with potential for alleviating the energy-related problems of the consumer, the poor, the handicapped, and the elderly.

7. Recommend new or modified State and local level programs to alleviate the adverse effects of energy problems on consumers, the poor, the handicapped, and the elderly and assist in the development and implementation of new programs.

In performing these functions CA/SI has sought maximum consumer involvement. With respect to policies and programs which originate in other offices, CA/SI has both coordinated

consumer input on request by those offices and ensured that offices solicit consumer input on FEA policies. Each program office will appoint a consumer liaison who will be responsible for coordinating with CA/SI to implement the Plan.

A. PROGRAM OFFICES

Office of Energy Resource Development assesses the adequacy of energy resources to meet demands in both the short and long-term for all sectors of the economy and for the general public; develops and implements policies and programs which promote the development of energy resources to insure adequate supplies; and expedites the development, on a site-specific basis, of necessary energy projects.

Office of Regulatory Programs develops plans and programs for dealing with energy shortages; promotes stability in energy prices to the consumer; promotes free and open competition in all aspects of the energy field; prevents unreasonable profits within the various segments of the energy industry; and assures that energy regulations are designed and implemented in a fair and efficient manner so as to minimize hardship and inequity.

Office of Conservation and Environment develops and implements voluntary and mandatory energy conservation programs aimed at reducing the U.S. demand for energy and ensures that energy goals are balanced with environmental concerns. Within the *Office of Conservation and Environment*, the *Office of Environmental Programs* coordinates the preparation of FEA Environmental Impact Statements; advises the agency on environmental matters related to energy production, conversion, and consumption; and advises the agency on the energy and economic impacts associated with environmental requirements.

Office of Policy and Analysis collects, evaluates, assembles and analyzes energy information on reserves, production, demand and related economic data; develops plans and programs for dealing with energy production shortages; assesses 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 by forecasting short and long range supply and demand; analyzes the economic impact of energy policies on consumers, industry and the economy; and recommends policies to the Administrator with respect to the establishment of a comprehensive national energy policy in relation to the energy matters for which the Federal Energy Administration has responsibility. This office also has responsibility for ensuring the preparation of inflationary impact evaluations.

Office of International Energy Affairs directs development, analysis, evaluation, monitoring, coordination and implementation of international aspects of energy policy, analyzes domestic energy policy from an international perspective and seeks to assure appropriate integration of domestic and international policies.

B. LIAISON OFFICES

Office of Management and Administration administers a broad range of FEA-wide management activities which include organizational studies and program formulation and analysis.

Office of Intergovernmental, Regional and Special Programs develops effective arrangements for the participation of State and local governments, small business and consumers in the resolution of energy problems.

Office of Congressional Affairs responds to requests from Congress and acts as FEA's Congressional liaison and processes consumer/constituent communications which have been sent by consumers to Members of Congress.

Office of Communications and Public Affairs responds to public/consumer inquiries and disseminates information from the agency to the public.

C. OFFICES OF GENERAL COUNSEL AND PRIVATE GRIEVANCES AND REDRESS

Office of General Counsel serves as the chief legal advisor to the Administrator in all matters of law and policy, particularly with regard to implementation of statutes administered by the Federal Energy Administration and regulations promulgated pursuant to such statutes; provides continuing legal review of agency operations, compliance and enforcement activities and represents the agency, through the Department of Justice, in all litigation where the agency is a party.

Office of Private Grievances and Redress receives and evaluates petitions filed by persons adversely affected by any order, rule or regulation issued by the Administrator in carrying out the functions assigned to him under the FEA Act and petitions filed by persons requesting special redress, relief, or other extraordinary assistance and makes recommendations to the Administrator for appropriate action.

Each of the FEA offices previously described participates in the processes through which decisions are made in FEA. These processes are described below because a major purpose of this Plan is to heighten consumer awareness of the system so that consumers will be able to provide comments at the appropriate levels of decision-making.

PROCESSES THROUGH WHICH FEA DECISIONS ARE MADE

A. ISSUE RESOLUTION

The FEA decision-making process is a standard operating mechanism within the agency. When an issue is identified which necessitates a high level policy decision, an issue paper is written by the originating office and circulated to all Assistant Administrators for evaluation by the Policy Issues Coordinator (who reports to the Deputy Assistant Administrator for Policy within the Office of Policy and Analysis). Comments and recommendations are prepared by each Assistant Administrator and Office Director who has an interest in the policy issue. These comments and recommendations are returned to the originating office via the Policy Issues Coordinator where all comments are reviewed and appropriately incorporated into the paper. As a result of the process to this point, the issue has been clarified and the various options for implementation and their impacts have been analyzed. The issue is then forwarded to the Deputy Administrator for review and an issues review meeting is convened to discuss the issue. This group, composed of all Assistant Administrators and Office Directors, including the Director of the Office of Consumer Affairs/Special Impact, recommends to the Administrator a specific course of action. If a consensus is not reached by this group, the issue paper is forwarded to the Administrator with each office's recommendation noted.

The Administrator makes the final decision on the issue, and authorizes the appropriate office to begin implementation. The system which has been described is used not only for policy proposals, but also for regulation development, program implementation and initiation of all actions directed by the President. In the past, policy proposals, regulations and program plans have come, to a large extent, from four main sources—FEA offices, Congress, the public and the President.

B. PROGRAM DEVELOPMENT

The Program Development Process is utilized to resolve issues concerning the location and execution of a major FEA program which would be newly included in FEA operating plans; would involve significant change from existing program direction or priorities; or would require appropriation of available resources or distribution of resources currently available. The Action Assistant Administrator (AA), the General Counsel (OGC) or a member of the Executive Staff prepares a memo which is forwarded to the Office of Management and Administration (M&A) outlining the various aspects of the program proposal. The Process Manager for M&A forwards the proposal to the Office of Policy and Analysis (P&A) and prepares a program and resource management evaluation. P&A conducts required impact assessments and reviews the proposal for consistency with FEA and Energy Resources Council (ERC) policy. These comments are appended to the proposal and incorporated into all future program recommendations. M&A forwards the proposal with M&A and P&A comments to OGC, relevant Assistant Administrators, major Office Directors and Regional Administrators for review and comment. Upon receipt of their comments, the Process Manager meets with the initiating AA to develop a final recommendation for the Deputy Administrator and the Administrator. After a program is approved by the Administrator, the Deputy Administrator advises the Process Manager who will advise the action AA of the approval and initiates the administrative follow-up actions which include integration into agency operating programs. The Action AA takes the necessary operational implementation steps approved in the program document.

IV. AGENCY PLAN

INTRODUCTION

The Federal Energy Administration was established during a crisis resulting from the sudden energy shortage created by the Oil Embargo of 1973. Its functions were primarily regulatory in that the agency was mandated to allocate available petroleum products to consumers at equitable prices. During the first year of the agency's existence, an analytical and data gathering arm was established to assist the President in developing a national energy policy as required by the Federal Energy Administration Act (FEAA) of 1974. Therefore, the FEA is in the position of acting as both a regulatory and policy formulating agency. Additional programs grew out of the energy policy articulated by the President. In addition, the agency is often required to respond on short notice to requests for energy analysis from both Congress and the Administration.

As the crisis atmosphere subsided and as agency officials became sensitized to the need for public awareness of agency policies and goals, the mechanisms for involving consumers were used more frequently. The development of this plan for consumer representation provides the basis for and a commitment to, more complete involvement of consumers in the agency's activities. Consumer participation techniques have always been used in the agency's regulatory process to the extent required by law, and consumer and public interest groups have in fact participated in the rulemaking and other activities by which FEA regulatory policies are effectuated. Those offices which are responsible for the development and implementation of programs have, to some extent, used one or more of the consumer participation techniques listed in this Plan.

It is the Agency's intention to maximize advance consumer involvement in the development of programs and policies covered by this Plan. In those instances in the past where the Agency has failed to provide specific impact information, it has been due to the fact that FEA initially used supply, demand and consumption data compiled by other agencies and by industry. Those data were not compiled in a format which allowed detailed specific impact evaluation. FEA has now developed its own data base and is filling identified data gaps. We will continue to refine our data system to provide more specific impact information.

This Plan also creates a responsibility on the part of various offices within the Agency to provide information to consumers, and places principal responsibility for implementation upon individual program offices, thereby increasing the Agency's accountability for its actions.

A. FEA MECHANISMS FOR OBTAINING CONSUMER OPINION

On August 15, 1976, the Administrator will issue Guidelines for all FEA Assistant Administrators and Office Directors to follow in obtaining consumer participation in major FEA program and policy development. The Guidelines will include provisions for implementing the following improved procedures for consumer participation.

1. *Advisory Committee.* There are currently 13 FEA Advisory Committees in addition to the Consumer Affairs/Special Impact (CA/SI) Advisory Committee. Each of these has from 1 to 3 consumer representatives, except the CA/SI Advisory Committee where the majority of the members represent various consumer sub-groups. FEA has begun to reexamine the composition of all Advisory Committees to ensure adequate consumer representation. As a result of this investigation the following policies will be implemented for which specific procedures will be outlined in the Guidelines:

(a) Each FEA Advisory Committee will be composed of 10 percent consumer representatives where practicable. Consumer representatives will be defined as individuals with the expertise and experience to represent the consumer point of view.

(b) The CA/SI Advisory Committee will be structured to provide balanced representation of consumer and special impact groups as well as diverse regional and income groups.

(c) Mechanisms for seeking nominations for consumer representatives on FEA Advisory Committees will be expanded. When vacancies occur, FEA will solicit nominations through news releases, FEA publications, consumer organizations' newsletters and notices in the Consumer Register. The CA/SI office will maintain a list of interested persons and organizations and will contact them to request names of prospective appointees.

NOTICES

(d) FEA will increase communication and coordination between consumer representatives on FEA Advisory Committees by providing information on activities and actions of the CA/SI Advisory Committee.

(e) Following each Advisory Committee meeting the appropriate program office will prepare a summary for the Administrator. FEA will reply to requests for information which have been made by the Committee. Commitments made by FEA officials to provide information or other related assistance will be reported to the Administrator and followed up in subsequent Committee meetings.

(f) Meetings will be announced at least 15 days in advance, except in cases of emergency or where an Advisory Committee meets on a monthly schedule. Mechanisms to notify citizens of upcoming meetings will be expanded to include the CONSUMER REGISTER, consumer publications and local newspapers through distribution in energy columns.

(g) Notices for meetings will clearly specify the agenda. Members may be consulted to determine items that they wish to have on the agenda so that the published agenda accurately reflects topics to be discussed.

(h) Efforts will be made to schedule meeting in cities other than Washington so that the members of the public in areas outside Washington will have an opportunity to attend and present public statements.

(i) Transcripts of all FEA Advisory Committee meetings are available under the Freedom of Information Act, the Advisory Committee Act and the FEA. They may be obtained upon request from the FEA Advisory Committee Management Office.

(j) In regular meetings with Advisory Committees, the Administrator or his representative will outline pending policy issues so that the Committee will have an opportunity to analyze the issues fully and develop substantive comments.

2. *Consumer Correspondence and Complaints.* FEA's enabling legislation does not confer upon the agency the jurisdiction to solve most energy-related consumer problems. For this reason, most complaints are referred to a Federal, State or local governmental or private organization that is capable of offering assistance. Nevertheless, the volume of complaints and consumer correspondence received by the agency is great, and it contains a large amount of information. This information, if catalogued and analyzed, could be of significant value in the policy formulation and implementation process. To facilitate this, the Office of Consumer Affairs/Special Impact will implement a computerized consumer complaint/correspondence processing system. In addition to collecting, storing and providing data on correspondence received by the various offices within the Federal Energy Administration, including the Office of Communications and Public Affairs, the system will be designed to remedy the defects which currently exist in FEA's correspondence and complaint handling procedures as pointed out by the TARP Study,¹ as those defects relate to policy formation.

First, all correspondence and complaint data will be located at one point, for easy reference. Receipt of correspondence will be acknowledged and responses will be personalized. Data on the correspondence will be maintained which will include the type of complaint, region, State and discernible socio-economic characteristics of the complainant. In addition, information will be included in the FEA response to indicate when a referral was necessary and where such referral has been made. By arranging this information in various combinations, data emerge which will be helpful in providing support for policy formulation which accurately reflects the interests and concerns of consumers expressed in their correspondence. For example, if correspondence data reveals that a current policy or regulation is having an undesirable effect on a specific part of the population, such as the elderly, this information can be used to support a recommendation to change that policy or regulation.

Second, this system will produce summary sheets on a monthly basis which will be circulated to all program offices. The sheets will provide those offices with an accurate profile of the types of complaint by region, State and socio-economic characteristics of both the correspondence which has been re-

ceived during the month and a summary of all correspondence received prior to that date. If more detailed information is desired by any office, a request can be made and the appropriate data will be provided.

It is anticipated that, along with the institution of the computer system, a correspondence unit will be added to the Office of Consumer Affairs/Special Impact, enabling that office and therefore FEA, to more effectively and rapidly deal with consumer correspondence by giving it the capability to refer complaints and problems to other governmental agencies which have the ability and authority to solve the complaints. This unit will aggressively follow referrals, by using the system to maintain referral information, and to ensure that the referral agency is helpful to the consumer.

In the future, the system will be capable of storing and producing correspondence information not only from energy-related consumer correspondence received by FEA, but also those complaints received by State and local energy offices when that information is forwarded to FEA by the agencies on a voluntary basis. This will yield an even greater data base for use in the formulation of Federal energy policy. By October 1, 1977, FEA will evaluate the usefulness of the system to see if it significantly improves the decision-making process as it relates to consumers and to determine if it should be continued.

3. *Consumer or Citizen Conferences.* The Office of Consumer Affairs/Special Impact has found consumer/citizen conferences to be extremely useful in obtaining citizen opinions and ideas for use in policy formulation. This mechanism will be used more frequently by other FEA offices in the future.

Since consumer/citizen conferences can be used for general and informational purposes as well as specific program planning circumstances, each program office will either conduct some form of consumer/citizen conference or make arrangements to participate in relevant citizen conferences arranged by other offices, agencies, or private organizations. When planning conferences, efforts shall be made to present a balanced point of view and to invite diverse citizen groups.

The regional CA/SI Officers are now coordinating with State energy offices and other groups in the planning of state-level consumer energy workshops in order to provide a forum for the exchange of ideas and information and to obtain opinions on FEA policies and programs from all interested consumer groups and citizens. In scheduling these workshops, efforts will be made to hold the meetings in locations and at times which are convenient for a broad section of the public to attend. The meetings will be open to the public; however, special mailings will be used to notify consumers and special impact groups.

The appropriate FEA official, program or regional office will provide feedback to citizens on their recommendations.

4. *Liaison with Consumer Groups.* FEA will maintain regular contacts with consumer groups at both the national and regional levels.

Each FEA program office will improve utilization of this technique by developing standing arrangements that provide to the maximum extent practicable for appropriate consultation and exchange of views with interested persons and consumer organizations on the development or revision of major policies or programs prior to decision-making. Such arrangements will include either maintaining a list of all persons interested in participating in the decision-making process and contacting interested persons and organizations before issues are resolved, or advising the CA/SI office that FEA would like to solicit consumer opinion. The CA/SI Office will arrange for appropriate meetings. In addition, each FEA office will regularize this contact with consumer groups by periodically scheduling meetings as appropriate to permit consumers to present their views on major program or policy actions. The offices will provide appropriate program, policy or technical information for such meetings to interested individuals. The FEA will continue to provide to the public, in connection with promulgation of final regulations, the rationale for such decisions. The CA/SI office will serve as the focal point for coordinating this exchange of views.

The regional CA/SI Officers will be responsible for forwarding to CA/SI information from their region on consumer views and energy problems. They will accomplish this through regular consultation with State Energy Offices and consumers. Each CA/SI Officer will hold monthly meetings with citizens and citizen organizations to hear their views on FEA policies and programs and provide information on FEA

¹ In 1975 the Office of Consumer Affairs of the Department of Health, Education and Welfare, contracted with Technical Assistance Research Programs (TARP) to determine the feasibility of improving the handling of consumer complaints. The resulting study described and evaluated the FEA Consumer complaint-handling system.

activities. In addition, citizens will be invited regularly to discuss their concerns relating to energy issues.

5. *Public Hearings.* Public hearings are held whenever they are required by the FEA Act, other laws, or when the public interest would be served. The typical problem inherent in these proceedings is providing adequate public notice. One method of overcoming this problem, as described in the previous section on *Liaison with Consumer Groups*, is to actively solicit consumer opinion through mass mailings to groups with interest in a particular issue. However, this procedure alone is inadequate. FEA will provide the maximum possible notice of public hearings in the *FEDERAL REGISTER* and the *CONSUMER REGISTER*, and will prepare press releases for national and local press and periodicals in a form suitable for news articles. Straightforward language will be used in the text of the Notice. When the information is particularly technical, discussions will appear at the beginning of the Notice. When possible, hearings will be held outside of Washington and the ten Federal regional cities. Since equal weight is given to written testimony in the analysis of comments, the Office of Communications and Public Affairs, the CA/SI Office and the regional CA/SI Officers will conduct special mailings of Notices to ensure that interested citizens are informed of proceedings.

6. *Consumer Impact Evaluation.* For any major proposal as defined in the FEA Directive for Implementation of Executive Order 11821² (which requires that major proposals for legislation and for the promulgation of rules and regulations by an executive branch agency be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated), the Assistant Administrator or Office Director must indicate that where such a major proposal has

² The identification of major proposals is discussed in Chapter 3 of the Directive on the *Evaluation of the Inflationary Impact of Major Proposals for Legislation and for Promulgation of Regulations or Rules*. "Proposals for the promulgation of a rule or regulation will be examined pursuant to Chapter 2 [of the Directive] and under the criteria outlined herein if such a proposal has completed consideration under FEA's internal procedures and represents an addition to or modification of the published *Federal Energy Guidelines*. In accordance with the intent of paragraph 4a of OMB Circular A-107, a proposal for legislation or the promulgation of a rule or regulation is a major proposal if its implementation is reasonably expected, within two years of its adoption unless a superseding time period is provided, to cause as a primary or direct effect:

a. *An increase in consumer costs.* Any proposal which would produce increased costs of energy supplied to consumers in the United States exceeding \$100 million in the first year is a major proposal.

The criterion specified in paragraph 6a will constitute the primary factor in determining whether a proposal is major. However, the criteria outlined below may also be taken into account where appropriate:

b. *Other costs.* Any proposal likely to produce increased costs exceeding \$50 million in any one year or \$75 million in any two year period for any industry (4 digit SIC code), or State or local government is a major proposal;

c. *Effect on competition.* Any proposal likely to substantially lessen competition, limit market entry, restrain market information, increase concentration, or tend to create a monopoly or monopolistic market power in any line of commerce where commerce in the relevant market exceeds \$100 million per year is a major proposal;

d. *Reductions in supply of important materials.* Any proposal which would reduce the supply of important materials, products, or services (e.g., farming, automobiles, steel, construction, petrochemicals) by more than three percent will be considered a major proposal;

e. *Employment.* Any proposal likely to result in a decrease of employment in any year of 0.2 percent (170,000 workers) on a national level, or of 10,000 workers in a single economic sector, industry (4 digit SIC code) or a State or a local government is a major proposal;

f. *Effect on productivity.* Any proposal likely to result in cost impacts of the magnitude referred to in paragraph 6a through a reduction or restriction of industry output capacity or capital investment, an increase in labor man hours per unit of output, or a reduction or restriction in adaptation of new techniques, equipment, processes, or skills is a major proposal.

g. *Other.* Any other proposal determined in the sole discretion of the Administrator to have have an effect comparable to the effects just described and so designated by the FEA Administrator will be considered a major proposal.

been evaluated, the evaluation includes a section on consumer impact which contains:

(a) An analysis of the principal cost or direct price effects of the action on markets, consumers, businesses, regions of the country, and where feasible, an analysis of secondary cost and price effects. These analyses should have as much quantitative data and precision as practicable and should cover a time period sufficient to determine economic and inflationary impacts.

(b) An indication of the benefits to be derived from the proposed action. These benefits should be quantified to the extent practicable.

(c) A review of alternatives to the proposed action.

The CA/SI office will participate in the analytical review of all draft inflationary impact evaluations prepared by the Office of Economic Impact Analysis.

Where a major proposal is evaluated in accordance with Chapter 37 of The Directive on the *Evaluation of the Inflationary Impact of Major Proposals for Legislation and for Promulgation of Regulations or Rules*, the summary of that statement will be prepared and sent to the Public Document Room of FEA, 12th & PA Avenue, NW, Room 3116, Washington, D.C. 20461, for public inspection in accordance with that Directive. At the same time a copy of the summary paper will be forwarded to the Office of Consumer Affairs/Special Impact for dissemination to the public.

As required by that Directive, if a proposal does not reasonably appear to be a major proposal as described in paragraph 6 of the Directive, the transmittal letter for legislation or the notice for proposed rules or regulations presented to the *FEDERAL REGISTER* for publication will include a statement that the proposal has been reviewed in accordance with the Directive and has been determined not to require an evaluation of its inflationary impact as provided for therein. Included in such notice will be an explanation of why the proposal appears to be non-major. This explanation will be summarized subsequent to publication of the notice and also will be forwarded to the FEA Public Document Room and to the Office of Consumer Affairs/Special Impact for dissemination to the public.

7. *Marketing Surveys and Consumer Behavior Research.* In order to plan, implement, evaluate and improve its programs and policies, it is necessary for FEA to determine in the most systematic and scientific way possible, how government policies and programs, in conjunction with energy scarcities, higher prices, regulations, and laws affect American consumers' attitudes, beliefs, and preferences, and actual energy consumption patterns. To do this, large surveys drawn in such a way to be representative of the entire population have been conducted by FEA over the past two years and will be conducted in the coming year. To complement these surveys, focused group discussions of representative consumers in various cities have and will be conducted to help government officials understand the underlying beliefs and motivations of consumers regarding energy problems and their own energy using behavior. The Office of Consumer Affairs/Special Impact has an oversight role with respect to these surveys.

B. INFORMATION FEA WILL PROVIDE TO ENHANCE CONSUMER PARTICIPATION IN THE DECISION-MAKING PROCESS

1. *Consumer Education.* FEA will make every effort to translate highly technical information into a form that is relevant to and understandable by the general public.

Special efforts will be made through consumer conferences, Advisory Committees, liaison with consumer groups and agency communications to inform citizens of the basic energy issues, the options that are available to resolve these issues and the implications of implementing a particular option.

2. *Increased Availability of Documents and Materials Containing Consumer Impact Evaluations.* Subsection 7(i) paragraph (E), of the Federal Energy Administration Act of 1974 states that all internal rules and guidelines related to the development of a rule, regulation or order should be publicly available, with adequate provisions for ensuring confidentiality. However, the public is generally not aware of the types of useful information which have been developed by FEA and are available upon request. Part 202 of the *Federal Energy Guidelines* sets forth in detail the procedures for handling requests for information. An awareness of a document's existence, however, does not guarantee that

NOTICES

a citizen knows how to request a document. Therefore, the Guidelines promulgated by the Administrator will contain provisions to ensure that the availability of informational materials is adequately publicized and that accessibility is increased. In addition, FEA will provide policy, program and technical information at the earliest practicable time and at places easily accessible to interested persons and organizations so they can make informed and constructive contributions to agency decisions. Public reading rooms at the National and Regional offices will have information on file. Citizens who are unable to travel to these locations may forward requests for information to the FEA Office of Communications and Public Affairs or to the National Energy Information Center, 12th & Pennsylvania Ave., NW, Room 1412, Washington, D.C. 20461. FEA will publicize the availability of this information through consumer newsletters, special mailings to consumer organizations, press releases and speeches by FEA officials.

3. *Staff Development of Consumer Information and Analytical Materials.* Generally, consumer information and analytical materials have not been developed specifically for distribution to consumers during the early stages of policy and program formulation. For the most part this has been due to those factors outlined in the Preamble which have limited the agency's ability to widely publicize proposed policies and programs.

However, FEA will improve utilization of this technique by requiring that policy, program or technical information be made available to interested or affected persons or organizations at the earliest practicable time, at places easily accessible, and that consumers are informed about the availability of such material so they can make informed and constructive contributions to agency decisions. FEA will provide feedback to consumers on their recommendations and suggestions. The Guidelines for implementation of the Plan will set forth specific criteria for the development and dissemination of policy and program information.

4. *Speeches by Key Decision-Makers.* FEA will expand this function. The Guidelines will outline procedures for key officials to follow to publicize FEA's effort to improve consumer participation in the FEA decision-making process by publicly explaining the process and soliciting consumer views.

5. *External Liaison.* Currently, the FEA Office of Communications and Public Affairs provides news releases on major policy decisions, speeches by key officials, and notices of meetings and other agency activities to interested press officials via routine mailings. Consumer groups and other interested individuals can be added to the mailing lists upon request, but they are generally not aware that this service exists. The Office of Consumer Affairs will submit its mailing list to the Office of Communications and Public Affairs for inclusion in regular distribution lists.

A special newsletter, the *Energy Reporter*, provides information on FEA policies to consumers and community leaders in nontechnical language. Often ideas for articles submitted by recipients are followed-up in order to provide a publication which is responsive to consumers.

Speeches and news releases will outline opportunities for consumers to make their views known to FEA and will provide feedback to citizens on whether their suggestions have been adopted. The Guidelines promulgated by the Administrator will include provisions to ensure that media communication techniques are utilized to both publicize opportunities for consumer input and provide feedback on agency decisions.

Both the Office of Consumer Affairs and the Office of Public Affairs maintain mailing lists of public interest groups which are categorized according to the areas of specific interest or expertise. The mailing list maintained by the Office of Public Affairs is the mailing list for the *Energy Reporter*. This system has the capability to list public interest groups by category of interest, region or state. Currently the circulation of the *Energy Reporter* is limited to 30,000. However, consumer interest in the publication has steadily increased and FEA is investigating the possibility of expanding the circulation of this publication. In addition, the Office of Consumer Affairs/Special Impact maintains a categorized list of public interest groups and interested citizens. This list is not computerized. However, the computer system for the *Energy Reporter* mailing list has the capacity for additional sub-systems of data. Therefore, CA/SI will com-

puterize its existing mailing list by adding a special sub-system to the *Energy Reporter* computer system. This is intended to provide a flexible and accessible mailing list for disseminating information to interested groups and soliciting input for public hearings and informal liaison meetings on specific issues and policies.

In addition, FEA will publish regularly lists of current rulemakings and administrative proceedings, and lists of new FEA publications, scheduled hearings and workshops.

6. *Consumer Consultants.* Over the past year the Federal Energy Administration has contracted with public interest groups or individuals to prepare papers or special studies. Two studies were recently completed by public interest groups through contracts with the Office of Consumer Affairs/Special Impact. One of the studies was a handbook for State Energy Offices for dealing with consumer energy problems and the second evaluated and analyzed the existing data on the adverse impacts of energy issues and actions on special consumer groups. Other studies are now underway through contracts with public interest groups to identify techniques that consumers can use to influence transportation decisions within their community and on various conservation strategies for citizens.

In addition, FEA Advisory Committee members may recommend to the Administrator that the appropriate FEA program office undertake studies on specific issues. FEA will evaluate such recommendations according to the criteria established for awarding contracts. If the proposed study is approved, the appropriate program office may initiate the study through the regular procurement process. Where an agency determination is made that such a study is appropriate, the technical representative for the study must be an employee of the federal government. Appropriate consultation with the Advisory Committee will be maintained throughout this process.

7. *Responsibility for Implementation.* The Director of the Office of Consumer Affairs will be responsible for coordinating the implementation of the Plan and will report directly to the Administrator. Each program office and Regional Administrator will submit individual plans to the Director of the CA/SI office, through the Office of Management and Administration, for implementation of the Plan and the Guidelines.

Each program office will designate a liaison person to work with the CA/SI office to implement the Plan. In each regional office the CA/SI Officers will serve as the focal point for implementation of the Plan.

V. SCHEDULE OF EVENTS

Publication of Final FEA Consumer Representation Plan; June 1976.

Computerized CA/SI consumer mailing list will be operational; July 1976.

Publication of Final Guidelines to Implement the FEA Consumer Representation Plan; August 1976.

Full Implementation of Final Plan and Guidelines; August 1976.

Deadline for program offices to submit plans for implementation of the Plan and the Guidelines; August 1976.

Implementation of Computerized Complaint Processing System; October 1976 (Contingent upon Congressional approval of FY 76 funds).

APPENDIX A.—ANALYSIS OF COMMENTS

On November 26, 1975, the Administrator of the Federal Energy Administration published a proposed Consumer Representation Plan which outlined specific mechanisms for increasing public participation in the FEA decision-making process (40 Fed. Reg. 55237). Proposed Guidelines for implementation of the Plan were circulated for public comment in January, 1976.

The Federal Energy Administration participated in regional White House Conferences on Consumer Representation and conducted a formal hearing in Washington on February 25, 1976. In addition, several meetings were held with representatives of consumer and citizen groups and Administrator Zarb and FEA staff in order to obtain public comment on the Plan. More than seventy sets of written comments as well as a number of verbal comments were received and reviewed. The Federal Energy Administration has carefully considered all comments submitted. All written comments are on file with the agency. Many suggestions have been adopted or substantially satisfied by editorial changes in, deletion from, or additions to the Plan or Guidelines for implementing the Plan. The principal revisions and the Agency's responses to the major comments are summarized below.

GENERAL

1. Almost all consumers and consumer groups responding said that the Plan did not outline specific agency actions in sufficient detail or did not commit the agency to specific action. Efforts have been made throughout the Plan to state in greater detail, those actions which will be taken to encourage consumer participation, and language has been clarified in a number of cases where comments suggested clarification was needed.

2. Several comments raised questions on the right of appeal when citizen views have not been adopted. Review procedures are available at present in connection with FEA regulatory programs and are set out in FEA regulations.

3. Consumer organizations indicated that the Plan does not provide any assurance that the views of consumers will be adopted. The purpose of the Plan is to ensure that all citizens have the maximum opportunity to present their views to decision-makers. Final decisions will be made after consideration not only of consumer views—which may be divergent and conflicting—but also of all other information available to the agency.

4. Many comments questioned whether the agency was serious about increasing consumer participation because it did not provide funds for consumer representation or participation in legal proceedings. This concept implies that consumer opinions have not been sought in the early stages of decision-making and that the consumer's only recourse are the courts. Since FEA lacks the legislative authority to provide grants for this purpose and because it requires funds other than those budgeted for FY '76 and '77, this recommendation has not been incorporated in the Plan for immediate implementation. However, the concept is being investigated for possible funding and implementation at a later date.

5. Some consumer groups requested a cost/benefit analysis of the Plan. Data are not currently available to develop such a quantitative analysis. If conceptually possible, a cost/benefit analysis will be conducted in July 1977, one year after the Plan is operational.

6. Representatives of consumer organizations and the Consumer Affairs/Special Impact Advisory Committee proposed several measures for improving consumer participation in the FEA decision-making process. Those measures included establishing a legal advocate, that is an FEA Office of Public Advocate that would represent the consumer interest before FEA; funding consultants to provide technical expertise to public interest organizations and the CA/SI Advisory Committee; and communicating issues to the Committee and the general public as soon as possible. FEA does not believe that these measures can be justified at this time. These measures will be considered in the future if the Consumer Representation Plan proves to be inadequate.

7. Several comments noted that the Plan focused on obtaining consumer opinions on issues but suggested that additional emphasis be given to providing information to the public on pending issues and decisions, and providing feedback to consumer organizations on their recommendations. An attempt has been made to incorporate this suggestion throughout the Plan to ensure that consumers receive information as soon as an issue is identified and that they receive feedback on their recommendations. One specific example is that the Administrator, in his regular meetings with the CA/SI Advisory Committee, will summarize the major issues that are pending before FEA.

8. Several consumer representatives noted that while the proposed Plan stated that no additional funds would be necessary for the implementation of the Plan, they felt that additional funds were necessary in many cases to ensure effective implementation of the Plan. As stated in the proposed Plan, immediate implementation of the FEA Plan will not require funds other than those outlined in the budgets for FY '76 and '77. Where additional funding is being contemplated for future fiscal years, this is noted in the Plan.

ADVISORY COMMITTEES

1. One consumer organization suggested that the CA/SI Advisory Committee be disbanded and that other FEA advisory Committees be restructured to include $\frac{1}{4}$ to $\frac{2}{3}$ bona fide consumer representatives. The rationale for this recommendation was that by putting the majority of consumer representatives on one Advisory Committee it would be easy for FEA to isolate and ignore consumer opinions. In considering this comment it was determined that the CA/SI Advisory Committee is the only FEA Advisory Committee which exclusively represents the views of consumers and special impact groups and therefore should not be disbanded. However, Section 1 has been expanded to require, where practicable, ten percent consumer representatives on each FEA Advisory Committee in addition to other categories required. These representatives will be individuals who have the experience, expertise and impartiality to appropriately represent the consumer point of view.

2. As a result of suggestions by consumers, provisions have been added to Section 1 to clarify policies on the composition of the CA/SI Advisory Committee, to increase consumer representation, to outline better mechanisms for seeking committee nominations, to increase coordination among consumer representatives of all FEA Advisory Committees and to ensure an FEA reply to committee requests and recommendations. The Guidelines will specify, in greater detail, the procedures for implementing policies for Advisory Committees outlined in the Plan.

Computer-Oriented Consumer Complaint/Correspondence System.

1. The computer-oriented complaint processing system is an attempt to address the criticism raised in the TARP study that FEA does not utilize consumer correspondence for policy analysis nor does a mechanism exist to ensure resolution or follow-up of consumer complaints.

2. The language of Section 2 has been revised to clarify that the socio-economic data which are stored on the computer system will be obtained directly from correspondence, and the public will not be required to fill out additional forms. Language has been added to clarify FEA's intent to have complaints received at the regional, State and local level forwarded to the National office for storage and analysis in the data base. It should be noted that it was never intended that the CA/SI office would process or respond to all consumer complaints. Rather, the complaint processing system will be implemented by the CA/SI office in conjunction with the mail answering functions of the Office of Communications and Public Affairs and other offices. The correspondence unit contemplated for the CA/SI office will be responsible for follow-up on referrals and for analysis of data obtained from consumer correspondence.

3. Many comments criticized the Plan for buck-passing in that complaints cannot always be resolved by FEA. The fact remains that FEA does not in many cases have legislative authority to resolve individual consumer complaints. It is anticipated that data obtained from the system will substantiate policy proposals for dealing with entire classes of consumer complaints.

4. Many comments suggested that the data collected should be available to the public. The Plan has been modified to clarify the fact that aggregated information collected will be available to the public as provided in the Freedom of Information Act.

CONSUMER/CITIZEN CONFERENCE

1. Numerous comments called attention to the fact that Section 3 does not clearly specify that consumer conferences will be coordinated with State Energy Offices and private groups. The language has been modified to reflect this fact.

2. As a result of suggestions by citizens, this section has been expanded to specify that, when possible, consumer conferences will be held in cities other than the ten Federal regional cities and that the broadest possible cross-section of both individual citizens and organizations will be invited to attend.

3. One comment recommended that such conferences be conducted bi-annually and others recommended that workshops be conducted in Hawaii during the off-season and in Alaska to evaluate socio-economic impacts of energy resource development. While these suggestions are excellent, such activities would require resources other than those budgeted for FY '76 and FY '77. However, in programming funds for future projects, the funding of such efforts will be considered.

LIAISON WITH CONSUMER GROUPS

1. Several comments suggested that the CA/SI office hold weekly meetings with representatives of consumer organizations. The CA/SI office has maintained contact with consumers and has scheduled meetings frequently. However, it has found that it is more useful for citizens and representatives of consumer organizations to meet directly with the official who is responsible for a particular policy or program. Both the Plan and the Guidelines were designed to formalize the contact between citizens and the various program offices. The concept of monthly meetings with consumer groups has, however, been incorporated in the functions of the Regional CA/SI Officers since they are the focal point for the solicitation of consumer opinion in the regions.

2. In response to other suggestions, this section has been modified to provide that in each region citizens will be invited to discuss issues of particular concern to consumers. In addition, the communication function of CA/SI Officers with State Energy Offices has been clarified.

In response to comments from consumer representatives this section has also been modified to reflect the fact that this liaison will be used not only to solicit consumer opinions but to provide information and feedback on consumer recommendations.

NOTICES

PUBLIC HEARINGS

1. Numerous groups stressed a need for a more precise definition of "maximum possible notice" and recommended a provision of 90 days to ensure adequate time for consumer groups to develop their position. We favor a comment period which is of sufficient length to permit citizens and consumer organizations to prepare testimony. However, under the recently enacted Energy Policy and Conservation Act which was signed on December 22, 1975, the Congress has in most cases prescribed a time-table for implementation of the various provisions. When rulemakings are proposed the stated advance notice given will be consistent with other applicable statutory requirements and will be extended beyond those requirements, when possible.

2. Many consumer groups asked that hearings be held in cities outside of Washington and in cities outside the ten Federal regional cities. Section 5 has been revised to indicate that hearings will be held in cities in addition to Washington to the maximum extent possible. However, since equal weight is given to written comments, provisions have been incorporated to ensure the broadest solicitation of written testimony.

CONSUMER IMPACT EVALUATION

1. Several comments criticized this section by saying that it only required FEA to do that which is already required by law. Although FEA must prepare consumer impact evaluations as part of Inflationary Impact Evaluations required under Executive Order 11821, the FEA Plan provides for summaries of these evaluations to be prepared for a general audience.

2. As a result of consumer comments, Section 6 has been modified to include a definition of major proposals and to specify the mechanisms for preparation, publication and dissemination of these documents.

MARKETING SURVEYS AND CONSUMER BEHAVIOR RESEARCH

This section has been modified to reflect the FEA effort to obtain information on the beliefs and opinions of consumers regarding energy problems.

CONSUMER EDUCATION

This section has been modified to indicate that FEA will continue its efforts to provide technical information to consumers in understandable language.

INCREASED AVAILABILITY OF DOCUMENTS AND MATERIALS CONTAINING CONSUMER IMPACT EVALUATIONS

In response to criticisms from consumer groups that information is generally available only after decisions are made, an additional section has been added to outline methods for consumers to obtain this information prior to decision-making.

STAFF DEVELOPMENT OF CONSUMER INFORMATION AND ANALYTICAL MATERIALS

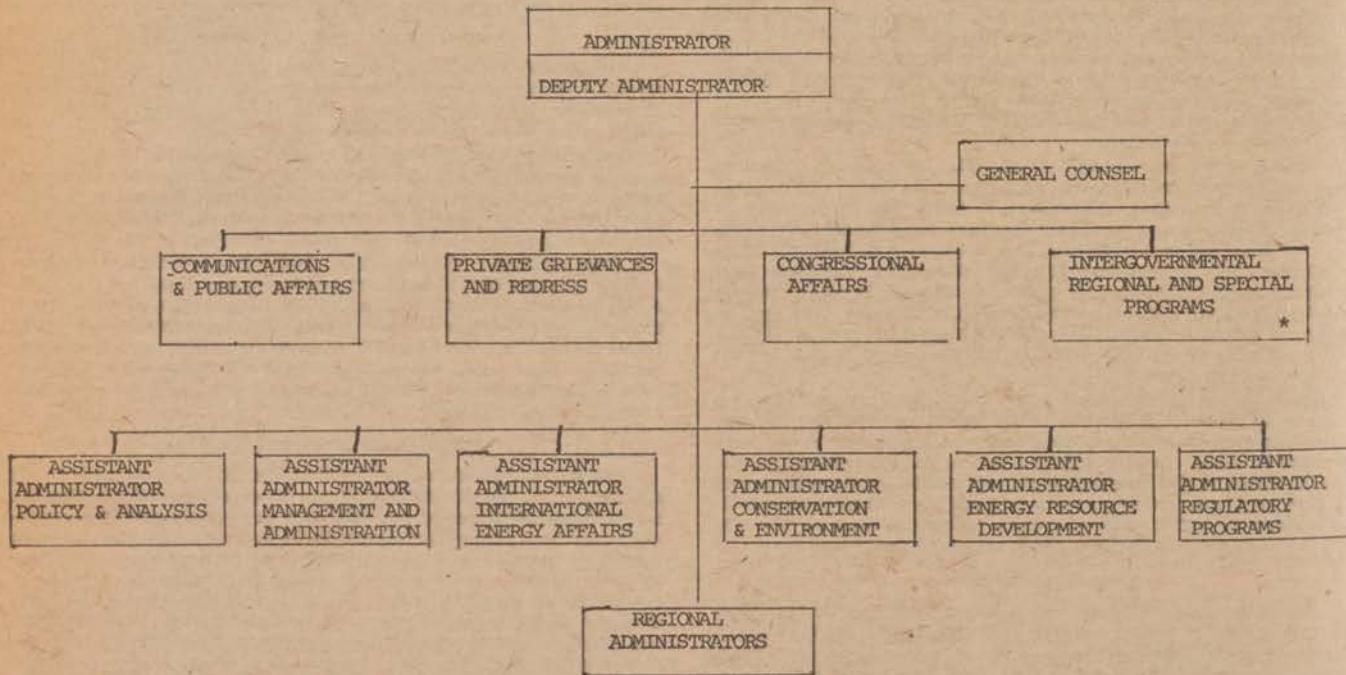
This section has been expanded in response to consumer comments that consumer information and analytical materials are available only after the fact, to indicate that the Guidelines for Implementation of the Plan will set forth specific criteria for the development and dissemination of policy and program information at the earliest practicable time.

EXTERNAL LIAISON

1. Consumer groups unanimously applauded the FEA publication, the *Energy Reporter* and suggested that this document be made available to all citizens who request it even if they are not members of an organized consumer group. It was felt that this was an excellent suggestion and FEA is exploring the possibility of expanding the circulation of the *Energy Reporter*. However, this particular provision was not incorporated into the Plan because immediate implementation cannot be assured.

2. One comment suggested a quarterly publication combining a list of current rulemaking and other administrative proceedings, a list of new FEA publications and announcements of scheduled hearings and workshops. The language of Section V(6) has been revised to include this suggestion.

APPENDIX B.—FEDERAL ENERGY ADMINISTRATION



* Primary Consumer Contact

APPENDIX C.—CONSUMER AFFAIRS/SPECIAL IMPACT CONTACTS
NATIONAL OFFICE

Jerry Penno, Director, Consumer Affairs/Special Impact, Federal Energy Administration, 1200 Pennsylvania Avenue, NW, Washington, DC 20461 (202) 961-6055.

REGIONAL OFFICES

Roberta Walsh, Consumer Affairs/Special Impact Officer, Federal Energy Administration, Region I, 150 Causeway Street, Boston, MA 02114 (617) 223-0504.

Jane Delgado, Consumer Affairs/Special Impact Officer, Federal Energy Administration, Region II, 26 Federal Plaza, New York, N.Y. 10007 (212) 264-0520.

Curtis Morris, Consumer Affairs/Special Impact Officer, Federal Energy Administration, Region III, 1421 Cherry Street, Philadelphia, PA 19102 (215) 597-3880.

Betty Camp, Consumer Affairs/Special Impact Officer, Federal Energy Administration, Region IV, 1655 Peachtree Street, NE, Atlanta, GA 30309 (404) 526-2046.

Cheryl Smith, Consumer Affairs/Special Impact Officer, Federal Energy Administration, Region V, 175 West Jackson Boulevard, Third Floor, Chicago, IL 60604 (312) 353-8998.

Patricia Frazee, Consumer Affairs/Special Impact Officer, Federal Energy Administration, Region VI, 2826 Mockingbird Lane, Dallas, TX 75235 (214) 749-7714.

Jerry Thurston, Consumer Affairs/Special Impact Officer, Federal Energy Administration, Region VI, P.O. Box 2208, 112 East 12th Street, Kansas City, MO 64142 (816) 758-5533.

Richard David, Consumer Affairs/Special Impact Officer, Federal Energy Administration, Region VIII, P.O. Box 26247, 1075 South Yukon Street, Denver, CO 80226 (303) 234-2449.

Robert Laffel, Consumer Affairs/Special Impact Officer, Federal Energy Administration, Region IX, 111 Pine Street, San Francisco, CA 94111 (415) 556-7130.

Ken Pounds, Consumer Affairs/Special Impact Officer, Federal Energy Administration, Region X, 1992 Federal Building, 915 Second Avenue, Seattle, WA 98174, (206) 442-7285.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

HEW Consumer Representation Coordinator, Office of Consumer Affairs, Department of Health, Education, and Welfare, 330 Independence Ave. SW., Washington, D.C. 20201 (202) 245-1957

TABLE OF CONTENTS

- I. Statement of Purpose.
- II. Executive Summary.
- III. Primary Operating Units involved.
 - A. Office of Consumer Affairs.
 - B. Departmental Major Components.
- IV. Departmental Plan.
 - A. Mechanisms for obtaining Consumers' Views.
 - B. Mechanisms for Implementing the Consumer Representation Plan.
 - C. Mechanisms for Consumer Information Dissemination.

Appendix A—HEW Organization Chart.
 Appendix B—Consumer Contact Points.
 Appendix C—Synopsis of Comment on the Proposed Department of Health, Education, and Welfare Consumer Representation Plan.

I. STATEMENT OF PURPOSE

The purpose of the HEW Consumer Representation Plan (CRP) is to ensure that persons who are affected by HEW regulations, policies, guidelines, program actions or other significant decisions the Department makes are informed and have the opportunity to comment before a decision is reached, and that these views are duly considered in the agency's decisionmaking process. It is intended to more actively solicit consumer opinion and to make the Department's programs more responsive to the consumer. The Plan also is intended to assure that the Department's constituent agencies and their programs are responsive to consumer inquiries and complaints.

In addition, it is the purpose of the Plan to provide HEW agency and program managers with a better understanding of consumer concerns and viewpoints and to make it easier for the public and consumer groups to focus their attention on issues of special and general concern within HEW.

It is a basic premise of the CRP that where the machinery and the techniques for assuring consumer representation already exist they are to be strengthened and that where they do not exist they will be developed.

II. EXECUTIVE SUMMARY

This HEW CRP is different in form and substance from the proposed CRP published for comment in the *FEDERAL REGISTER* of November 26, 1975. This Plan is reflective of many comments from a broad spectrum of consumers, consumer organizations and spokespersons. The Plan endeavors to maximize consumer involvement in the development of HEW programs and policies. The HEW Office of Consumer Affairs serves as a focal point for consumer complaints and inquiries. The Office of Consumer Affairs has a responsibility to assure that persons who are affected by regulations, policies, guidelines, program actions or other significant decisions are represented in the decisionmaking process in HEW and to encourage and assist all other Federal agencies to assure similar consumer representation.

The Plan includes provision for implementing the following improved procedures for consumer participation:

A. MECHANISMS FOR PUBLIC NOTIFICATION OF HEW DECISIONS

1. *Departmental Regulations Policy.* The head of the responsible agency shall prepare a plan for implementing the statute, court order or administrative mandate requiring development of a regulation of major program significance. A Notice of Intent shall be published and publicized, and comment invited when consideration of important policy issues will be aided by public comment before beginning the drafting of regulations. Agencies may release draft Notices of Proposed Rulemaking as long as all interested parties have equal access. The period allowed for public comment on pro-

posed regulations shall be flexible, i.e., longer than presently customary for controversial regulations. Final regulations shall be reviewed to determine whether they remain necessary and appropriate. A Special Assistant for Regulatory Reform shall assist agencies in implementing the new procedures and in drafting regulations comprehensive to the average citizen. As a demonstration of the principles involved, Medicaid, Higher Education, and Vocational Education regulations are currently being rewritten.

2. *Regional Communication With Consumers.* The Department shall emphasize Regional Office proximity to the level at which HEW programs directly affect consumers. Through its Regional Offices HEW shall use the "Town Meeting" format for discussing the Department's position and the concerns of consumers on major issues that lend themselves to such a format; form Regional Advisory Groups to improve communication on a broad range of issues; establish permanent liaisons with voluntary groups; develop a regional level system to assure feedback on information programs; and develop a more systematic approach to public information planning for rulemaking.

3. *Public Hearings.* HEW shall take affirmative action to encourage maximum consumer participation at public hearings required by regulation or law. In addition to the usual required notice in the *FEDERAL REGISTER*, advance notice of hearings in simple and understandable language shall be provided by the use of HEW's newsletter, *Consumer News*; press releases for national and local press periodicals in a form suitable for news articles; and mass mailings. In addition, an effort shall be made to schedule hearings at a location and time convenient for consumers, and whenever possible, outside of Washington or Federal Regional Cities.

4. *Consumer Complaint Handling.* The findings and recommendations of the Department's study of complaint handling in the Washington offices of HEW agencies shall be released by September 1, 1976. By November 26, the Secretary shall issue complaint handling guidelines for the Department's agencies. Thereafter, the Office of Consumer Affairs shall review agency complaint handling systems periodically. Consumer complaint handling in HEW agency Regional Offices, State and local governments, industry and voluntary groups shall be the subject of a study to begin in the fall of 1976.

B. HEW MECHANISMS FOR IMPLEMENTING CONSUMER REPRESENTATION PLAN

1. *Consumer Focal Point.* Consumer focal points and sources of additional information about consumer representation activities of the Department and its Regional Offices are listed. In those cases where a consumer is unable to communicate with the appropriate Department agency, the Office of Consumer Affairs serves as a point of entry into the Department by providing a referral service which follows up to assure consumers that a prompt and substantive response is forthcoming.

2. *Accountability.* Responsibility for oversight of implementation of the Department's plan and for program accountability rests with the Office of Consumer Affairs, which will receive a semiannual progress report from each principal operating component and Regional Office and publish an Annual Report to consumers in the *FEDERAL REGISTER* and *Consumer Register* on HEW activity in consumer representation in the previous Fiscal Year.

3. *Agency Consumer Coordinators.* Each HEW principal operating component and Regional Office shall designate a consumer coordinator to direct the coordination of consumer activities. Coordinators shall work for increased communication between the Department and the consumer community and, working with the Office of Consumer Affairs, increase

the awareness of Departmental personnel of their responsibilities to consumers.

4. *Advisory Committees.* In meeting its responsibility to assure that all Federal agencies consider the interests of consumers, the Department shall (a) review its advisory committees in order to evaluate the scope and effectiveness of consumer representation; and (b) require HEW agencies to publish and publicize vacancies for and appointments of consumer representatives on advisory committees. HEW's Office of Consumer Affairs shall similarly review other Federal agency consumer advisory committees and establish a directory of relevant Federal Advisory Committees, their consumer representatives, and addresses at which consumers can communicate with the consumer representatives.

C. MECHANISMS FOR CONSUMER INFORMATION

1. *Consumer Information Coordination.* The Department's coordinators for consumer information shall assure that all HEW consumer information is easily understandable, widely disseminated, and non-duplicative. Further, an interdepartmental Consumer Education and Information Liaison group shall work to develop standards for and coordination of all Federal consumer information and education.

2. *Communication With Consumers on Issues and Decisions.* Action shall be initiated to maximize dissemination of information on HEW issues and decisions to consumers. In addition to publishing consumer-related standards, regulations and guidelines in the *FEDERAL REGISTER*, such information shall continue to be compiled in easy-to-read language and distributed to subscribers of *Consumer News* and *Consumer Register*. Also, press releases, testimony, general and specialized mailings, and conferences with consumer representatives will be encouraged.

3. *Feedback on Consumer Comments.* The appropriate Department representative shall provide expeditious and substantive response to consumer comments on a Department activity such as proposed rulemaking or other policy action. Such communications shall be available for public review.

4. *Consumer Conferences.* The Office of Consumer Affairs, in cooperation with other concerned elements of the Office of the Secretary, shall work with Departmental agencies to select appropriate subjects for conferences with consumers designed to increase dialogue between the Department and the consumers it serves. Such meetings at the national and local levels shall provide an informal setting for administrators to receive citizen opinions and ideas for use in policy formulation as well as an opportunity to explain the reasoning behind past decisions.

5. *Liaison with Consumer Groups.* Each HEW program shall develop a system for appropriate consultation and exchange of views with consumers on the development or revision of major policy or programs prior to decisionmaking. Such liaison shall be regularly scheduled at the national and local levels and shall be facilitated by compiling a list of interested consumers and consumer groups in each area.

III. PRIMARY OPERATING UNITS INVOLVED

HEW is a decentralized Department with Regional Offices responsible for implementing and enforcing the policies, programs, and regulations developed by the headquarters agencies. This Plan applies to all elements of the Department. Direct contact with consumers shall be maintained by each HEW agency headquarters office and at each Regional Office. A chart of HEW's organization and a listing of consumer contact points are included in this Plan as Appendices A and B, respectively.

At the headquarters level, consumer contact shall be coordinated by the Director, Office of Consumer Affairs, although all agencies and programs responsible for the preparation of standards, regulations, guidelines, and/or policy shall be required to communicate with consumers and consumer groups.

A. The *Office of Consumer Affairs (OCA)* is part of the Office of the Secretary. The Director, OCA, shall be responsible for coordinating and assisting Department agencies in implementing this Consumer Representation Plan. Each agency of the Department will provide to the Director, OCA, a written semi-annual report on its compliance with the Plan. The Director, OCA, shall make periodic written reports to the Secretary of HEW and to agency administrators on consumer concerns and recommended actions.

The OCA also serves as the staff of the Special Assistant to the President for Consumer Affairs and, as such, is involved

in national consumer issues outside the normal jurisdiction of HEW. In meeting this additional responsibility, the Office encourages and assists in the development of new consumer programs, makes recommendations to improve the effectiveness of Federal consumer programs, cooperates with State agencies and voluntary organizations in advancing the interests of consumers, handles consumer complaints, recommends legislation, and encourages productive dialogue and interaction between industry, government and the consumer. In addition, the Office assures that the interests of consumers are presented and considered in a timely manner by the appropriate levels of the Federal Government in the formulation of policies and in the operation of programs that affect the consumer interest.

E. AFFECTED COMPONENTS

All components of HEW will be responsible for the implementation of this Plan. (See Organization Chart, Appendix A.) HEW's major components are:

Office of the Secretary.
Office of Civil Rights.
Office of Human Development.
Public Health Service.
Social Security Administration.
Social and Rehabilitation Service.
Education Division.
Regional Offices.

IV. DEPARTMENTAL PLAN

The HEW Consumer Representation Plan presented below is very different in form and substance from the proposed Plan published for comment in the *FEDERAL REGISTER* of November 26, 1976. The comments (see Appendix C) on the proposed Plan which the Department received from consumers and consumer groups and other interested parties indicated that consumers were deeply concerned about five areas—the way in which HEW agencies develop regulations, disseminate and receive information, and handle complaints, whether consumers are effectively represented on HEW advisory committees, and the establishment of consumer focal points within agencies. Moreover, most respondents did not feel that these concerns were dealt with adequately in the series of agency plans that made up the proposed HEW Plan. In order to avoid piecemeal solutions to problems consumers experience with all HEW agencies, and to assure that in these major areas consumers shall know what to expect from all components of the Department, the HEW Plan below describes a series of Departmentwide initiatives in these five and related areas. A draft of this Plan was discussed with the members of the Presidentially-appointed Consumer Advisory Council, the President of the Consumer Federation of America, and the Coordinator of Consumer Programs for the Community Nutrition Institute and former President of the Maryland Citizens Consumer Council and Acting Director of the National Consumers League. Suggestions from these reviewers have been incorporated into this Plan.

HEW's agencies are also committed to a variety of specific steps to improve consumer representation and responsiveness to consumers, in addition to implementation of the Departmental policies described below. Examples of these include:

A demonstration of an ombudsman service for consumers experiencing problems with Social Security matters which have not been resolved through normal channels. A pilot project for the demonstration, just begun in Boston, will be followed by additional demonstrations in selected areas in various regions.

The Assistant Secretary for Education shall establish a Consumer Representation Policy Council, consisting of top-level staff from each of the Education Division's primary operating units, to monitor and stimulate consumer participation in education programs and advise the Assistant Secretary on consumer representation policy and operating procedures. The Council shall be staffed and coordinated by a Director of Consumer Representation responsible to the Assistant Secretary. A complete description of consumer response mechanisms in the Education Division is in preparation and will be widely distributed through direct mailings and publication in *American Education*.

Within the Public Health Service the Food and Drug Administration shall seek authority to use trained volunteers to gather con-

NOTICES

sumer points of view on major issues in the regulation of food, drugs and biologics, cosmetics, and medical and radiological devices, and shall establish a time limit for responding to consumer petitions.

Detailed information on HEW agency activities in consumer representation is available from:

HEW Consumer Representation Coordinator, Office of Consumer Affairs, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202/245-1957.

In addition to the activities addressed in this Plan, the Secretary is examining other ways to improve participation by citizens in Departmental decisionmaking and policy development. As these are developed, they shall be proposed for public consideration and comment.

This Plan outlines Department policy for all HEW agencies, to be modified only by the Secretary as the need for modification arises.

A. MECHANISMS FOR OBTAINING CONSUMER'S VIEWS

1. *Departmental Regulations Policy.* A comprehensive body of new policies and procedures for the issuance of regulations has been developed. These policies and procedures apply to the development and issuance of regulations, whether of Department-wide effect or limited to a particular program administered by a single component within the Department, except where authority to issue a category of regulations has been specifically delegated by the Secretary.

Although existing delegations remain in effect, such delegations will continue only to the extent that it is demonstrated that policy review and direction by the Secretary's Office is necessary.

Even in those cases where authority is delegated, the policy set forth in this memorandum should be followed to the extent feasible by officials to whom the delegations have been made.

These procedures will not be applied to regulations for which a Notice of Proposed Rule Making (NPRM) was transmitted to the Office of the Secretary prior to July 25, 1976.

a. The development of specific program regulations is the responsibility of the Assistant Secretary or Principal Operating Component (POC), e.g., Education Division, etc., head who is responsible for the administration of that program. The development of crosscutting or Department-wide regulations will be the responsibility of the appropriate Departmental officials.

b. Except where authority to issue regulations without prior approval of the Secretary has been specifically delegated, no Notices of Intent (NOIs), NPRMs or final rules may be issued or published without the signed approval of the Secretary.

c. Any proposed regulation which the appropriate Assistant Secretary, POC head or the Secretary has determined to be of major program significance may not be executed or published even as a NOI or NPRM until a regulation implementation plan has been submitted to the Secretary by the appropriate Assistant Secretary or POC head and the plan has been approved by the Secretary or the Under Secretary.

The regulation implementation plan instructions concerning form and content will also provide for the use of a modified or abbreviated plan for regulations not having a major program significance.

In approving a regulation implementation plan, the Secretary or the Under Secretary may authorize the Assistant Secretary or the POC head to proceed with the development and issuance of a NOI, NPRM or a final rule without obtaining further specific authorization from the Secretary for that regulation or set thereof.

d. A NOI should be published, and the implementation plan should so provide, whenever the Department's consideration of important policy issues will be aided by public comment prior to publication of a NPRM. The NOI mechanism should be liberally used to permit interested outside groups and other members of the public to have an impact on the decisionmaking process at an early stage. Therefore, implementation plans that fail to provide for a NOI will be critically reviewed.

e. In addition to publication in the *FEDERAL REGISTER*, other channels of communication with the public will be liberally used in order to reach as many interested individuals and organizations as possible.

f. Public hearings to permit the Department to receive information and views on proposed regulations should be held either before or after the publication of NPRMs if it appears that such hearings will aid the Department in developing its position on any of the issues involved. Advance notice of any such hearings will be published either as part of a NOI or separately.

g. Each NOI and NPRM shall set forth the major issues to be addressed in the development of the regulation and the major alternatives that the Department is considering to resolve those issues. If there is more than one Assistant Secretary or POC head having a direct jurisdictional interest in a particular regulation and if any of them have submitted to the Secretary different views concerning the major issues, these views should be stated in the NOI or NPRM along with the source of the views.

h. In the spirit of openness, a draft regulation may be disclosed upon request prior to its publication in proposed form. If, however, the availability of the draft has not already been stated in a public notice, such a notice will be published before the disclosure is made. In addition to publication, steps should be taken to make copies of the draft directly available to interested groups and individuals, including the appropriate committees and Members of Congress.

i. Each NOI and NPRM will give the name, position, address and telephone number of a contact person within the Department who will be available to answer inquiries and receive information concerning the proposed regulation.

j. Except as otherwise authorized or required by the Administrative Procedure Act and the rules and regulations of the Department, the comment period provided for in NPRMs will be at least 45 days unless the regulation implementation plan has justified the lesser period of 30 days and the plan has been approved by the Secretary or the Under Secretary.

k. Each NOI and the preamble to each NPRM and final regulation will be written in common everyday English understandable to the general public.

l. Whenever, as a result of public comment or for any other person, it appears to the appropriate Assistant Secretary or POC head that a major provision in a proposed regulation should be significantly changed before being published as a final rule, the regulations should be carefully reviewed to determine whether the NPRM fairly permitted public comment on the issue embodied in the change. If it further appears that the public did not have a fair opportunity to comment on the matter which is the subject of the change, a new NPRM should be published inviting such comment.

m. Each final regulation sent to the Secretary for approval should be accompanied by a separate written plan for monitoring and reviewing the effect of the regulation after its publication. This plan should state the dates by which the results of the regulation will be reviewed.

n. A long-range plan for reviewing regulations shall be developed. The plan shall include:

Categories or criteria for selecting regulations for reconsideration.
Means for comparing results with intent.
Plans for an automatic review system for regulations.

o. The Secretary has designated a Special Assistant for Regulatory Reform within his Office to assist agencies with the implementation of the new regulatory policies and to make recommendations to him on regulatory issues. In addition, the Special Assistant shall assist HEW agencies to draft regulations comprehensible to the average citizen. To demonstrate this principle, the Special Assistant for Regulatory Reform, in cooperation with the Office of the Federal Register and the responsible HEW agencies, has begun work on a model project to rewrite the portions of HEW regulations in the *Code of Federal Regulations* which pertain to the Medicaid, Higher Education, and Vocational Education programs. The purpose of this project is to demonstrate that regulations can be written so as to be generally understandable and still meet Congressional intent and legal requirements.

2. *Consumer Participation at the Regional Level.* All HEW agencies conduct extensive information programs, primarily centralized in Washington. In response to the need, cited by many comments on the proposed HEW Consumer Representation Plan, for improvement in information exchange at levels more accessible to consumers in order to facilitate more effective consumer representation, HEW plans a series of initiatives at the regional level. These steps are intended to take advantage of Regional Office proximity to the actual level at which HEW programs affect individuals, to local media,

and to local consumers and consumer groups. Under the overall coordination of the Office of the Secretary, the HEW Regional Offices shall:

Use the "Town Meeting" format to discuss issues that lend themselves to this format.

Form advisory groups at the regional level, reporting to the Regional Director, with appropriate citizen representation from each state, to form regular information channels on a broad range of issues.

Establish permanent liaisons with voluntary groups at the regional level, to augment existing liaison with such groups at the national level, as a vehicle for improving citizens' information and participation in decisions on HEW-related issues.

Develop regional systems to assure appropriate feedback on the effectiveness of Departmental information programs.

Develop, with consumer consultation, a more systematic approach to public information regarding proposed and existing regulations to parallel the administrative actions described under the reform of HEW regulations procedures above.

3. Public Hearings. Public hearings shall be held whenever they are required by regulation or law. An inherent problem in this process has been providing adequate public notice. Hereafter, HEW agencies shall actively solicit consumer opinion. Methods to be used shall include mass mailings to groups with interest in the particular issue, maximum advance notice of public hearings in the *FEDERAL REGISTER* and HEW's *Consumer News*, and press releases for national and local press and periodicals in a form suitable for news articles. Straightforward language shall be used in the text of notices and when the information is particularly technical, non-technical explanations will appear at the beginning of the notice. When possible, hearings will be held outside of Washington and the ten Federal Regional cities. In planning for public hearings, the need for public advertising and bilingual notices shall be considered. Additionally, locations selected shall be accessible to public transportation and when possible, meeting times should be scheduled during lunch hours and in the evening so interested consumers may better avail themselves of the opportunity to attend. Since equal weight is given to written testimony in the analysis of comments, HEW agencies shall conduct a special mailings to ensure that interested citizens are informed of proceedings. Follow-up shall also be taken by providing participants the resulting end product (regulations, guidelines, policy determinations, etc.) of the public hearings as well as a summary analysis of the comments received.

4. Consumer Complaint Handling. Indications of widespread deficiencies in the handling of consumer complaints by HEW and other Departments and agencies, led the Department to contract with an independent consultant firm (Technical Assistance Research Programs, Inc.) to conduct a systematic study of consumer complaint handling by 22 Federal agencies. Phase I of the study covered 15 agencies which regulate the marketplace or have a significant role in the development of marketplace regulations policy. Two HEW components were included in Phase I, the Food and Drug Administration and the Office of Consumer Affairs. For the purpose of the study, however, each was considered a separate agency.

The Food and Drug Administration handles complaints in three different offices depending on the nature of the complaint and the deficiencies the study noted varied among the three. The overall recommendations for FDA of Phase I of the study were that response time and response quality needed continuing monitoring and evaluation and that complaints should be a factor in agency policy development. Recommended for the Office of Consumer Affairs were improved correspondence control and referral followup procedures and better systems for policy analysis based on complaint data. Both the Food and Drug Administration and the Office of Consumer Affairs are implementing the study's recommendations.

Phase II of the study covers seven service-oriented agencies and includes HEW's Social and Rehabilitation Service, Social Security Administration, and Public Health Service (other than the Food and Drug Administration). The study examines agencies' correspondence control and tracking procedures, determines the promptness and responsiveness of replies, and assesses follow-up procedures. In addition a survey of a representative sample of consumers will be made to learn how they presently go about getting complaints resolved and their familiarity with Federal and other complaint-resolving agencies.

The Phase II findings and recommendations will be completed and made public by September 1, 1976. By November 26, the Secretary will issue complaint handling guidelines for the Department's agencies. These guidelines will be a Secretarial directive and will include standards for correspondence control and tracking, response time, responsiveness of replies, and follow-up.

Until the Secretary issues complaint handling guidelines for HEW, complaints by consumers, consumer groups, or other members of the public with respect to any Departmental matter may be addressed either to the agency involved or to the Director, Office of Consumer Affairs. All such complaints will be carefully considered and promptly answered. The Director, OCA, will analyze complaints received on major issues and render advice with respect to appropriate changes in Department policies and programs.

Phase III and IV of the complaint study will examine the manner in which State and local governments, industry, voluntary groups, and Federal field offices handle consumer complaints. Phase IV will also contain a summary of conclusions and recommendations.

B. HEW MECHANISMS FOR IMPLEMENTING THE CONSUMER REPRESENTATION PLAN

1. Consumer Focal Point. A significant number of comments on HEW's proposed Plan stressed the need of consumers for a "focal point," an office or individual responsible for assuring that consumers' inquiries, complaints and proposals receive prompt and substantive responses. Within HEW the Office of Consumer Affairs, whose Director reports to the Secretary, has this responsibility. OCA provides a referral service in order to direct particular concerns to the Federal, state or local government office with legal authority to deal with the problem, or to the manufacturer, retailer or industry complaint-handling mechanism involved, with, in all cases, a copy requested for the Office of Consumer Affairs of the response to the consumer. This provides the office with information on consumer problems and the adequacy of government and industry response to them which, when aggregated, indicates areas in need of Departmental policy review, regulatory action, or legislation.

Consumer inquiries, complaints or suggestions regarding HEW programs or requests for further information about HEW consumer representation activities may be addressed to the Office of Consumer Affairs.

Within OCA, the Director shall designate a single consumer focal point to ensure that adequate consumer representation is provided for all HEW-related activities. OCA will continue to act as a consumer focal point for the entire Department, but time can sometimes be saved by contacting the office listed for the appropriate region, if known (See Appendix B). Referrals may be necessary, but the Offices listed are responsible for assuring a prompt and substantive response in any event.

2. Accountability. The Office of Consumer Affairs, with the cooperation of the Assistant Secretary for Public Affairs and the Special Assistant to the Secretary for External Affairs, shall be responsible for program accountability and shall provide oversight of all elements in the implementation of the Plan. It will publish in the *FEDERAL REGISTER* and *Consumer Register* an Annual Report to Consumers, describing how each element of the Department offered opportunities for consumer representation during the previous Fiscal Year. Consumer comments on the Report will be encouraged in order to increase the Department's responsiveness.

Each HEW principal operating component and Regional Office shall have responsibility for implementing this Plan and for developing its own consumer representation program, and shall submit a written report semi-annually to the Office of Consumer Affairs of its compliance with this Plan.

3. Agency Consumer Coordinators. The Head of each HEW principal operating component and each HEW Regional Director shall designate a consumer coordinator who, in this capacity, shall report directly to him or her and shall work with the Office of Consumer Affairs. The person so designated will assist the Administrator in coordination of the agency's activities as they relate to consumer interests. There shall be regularly scheduled meetings of these consumer coordinators with the Director, Office of Consumer Affairs, the Assistant Secretary for Public Affairs, and the Special Assistant to the Secretary for External Affairs. The consumer coordinators shall:

NOTICES

- a. Act as a means of channeling significant agency and Regional Office information to consumers and consumer groups;
- b. Recommend programs for open communication with consumer leaders and organizations;
- c. Increase awareness among all personnel of their responsibility to serve consumers;
- d. Reflect consumer viewpoints in the formulation of agency and regional office policies that affect consumers.

The Coordinator shall also take steps to see that consumer groups and representatives have access to officials of the Department with responsibility for the subject matter involved in a particular problem or problem of interest to those groups or representatives.

4. *Advisory Committees.* There are currently over 300 HEW advisory committees in addition to the Consumer Advisory Council to the Director of the Office of Consumer Affairs. Most of the committees act in a technical review capacity. A significant number of them, however, give policy advice on various program matters.

Most of those who commented on consumer representation on HEW advisory committees felt that not all HEW advisory committees which should number consumer representatives among their members do so, or that in many cases so-called consumer representatives lack qualifications to adequately represent consumers. In response to these comments the Department will take the following steps.

Conduct a review, in consultation with consumer representatives, of HEW advisory committees to:

1. Determine whether persons serving as consumer representatives on committees which have legislatively or administratively mandated consumer representation do represent the target groups with which these programs are concerned;
2. Identify additional advisory committees to which consumer representatives could appropriately and legally be appointed;
3. Assess the degree to which consumer representatives are oriented by the agencies they are serving to the agency's responsibilities, programs and powers;
4. Publish for comment the findings and recommendations of the review by March 15, 1977.

Require HEW agencies to:

1. Assure that advisory committees, whose composition is not prescribed by law and which deal with matters having significant impact on consumers, shall have consumer representation.
2. Systematically publicize in a timely manner scheduled vacancies for consumer representatives on advisory committees, including publication in the *FEDERAL REGISTER*, release to the media, mailings to consumer groups, etc., and to make a request for nominations part of the vacancy announcement;
3. Publicize in the same way appointments of consumer representatives to advisory committees, and mailing addresses at which consumers can communicate with them;
4. Include descriptions of representatives' qualifications in such announcements.

In addition, the Department's Office of Consumer Affairs which has by Executive Order responsibility for assuring that the interests of consumers are considered by all Federal agencies, shall conduct a review identical to the HEW review described above of the advisory committees of all Executive Branch Departments and agencies and work with the Departments and agencies to similarly publicize consumer representative vacancies, appointments and mailing addresses. The Office of Consumer Affairs will also compile and publish a directory of relevant Federal advisory committees and their consumer representatives and addresses at which consumers can send them suggestions, etc. This directory will be available by March 15, 1977. In 1978 the directory will be expanded to include information on consumer representatives' qualifications.

C. MECHANISMS FOR CONSUMER INFORMATION DISSEMINATION

In order to contribute to the agencies planning or to forthcoming regulations, the consumer must have information available on agencies' programs and goals. To provide this information, HEW's Consumer Representation Plan calls for increasing communication to consumers on issues and decisions, and providing feedback to consumers on their comments.

1. *Consumer Information Coordination.* The Secretary has designated the Director, Office of Consumer Affairs, and the

Assistant Secretary for Public Affairs Coordinators for Consumer Information. The Coordinators shall:

Review HEW consumer information to assure that it is in plain English.

Assure that HEW agencies utilize all appropriate media, including print, radio, television, posters and exhibits, to assure wide dissemination of HEW consumer information.

In cooperation with the Office of the Federal Register, develop a system for coordinating summaries and digests of HEW *Federal Register* notices to assure their comprehensibility and dissemination to consumers.

Coordinate consumer information publications and radio and television productions of HEW agencies with other Federal agencies to avoid duplication of effort and funds.

Because the Office of Consumer Affairs has, by Executive Order, responsibility for coordinating the consumer programs of all Federal agencies, the President has directed the Director, Office of Consumer Affairs, to provide the consumer information coordinative services listed above for all Federal agencies.

Consequently:

(1) OCA shall designate a coordinator of Federal consumer information and

(2) An interdepartmental Consumer Education and Information Liaison group has been established to provide a forum for interagency communication about and setting of standards for Federal consumer information and education.

The OCA coordinator will ensure that all Federal consumer information is easily understandable, widely disseminated and non-duplicative.

2. *Communication to Consumers on Issues and Decisions.* Information on issues and decisions of HEW will be provided to consumers through the following channels:

FEDERAL REGISTER

Consumer News and Consumer Register

Conferences

Press Releases

Speech and Testimony

Informal meetings with consumer groups

General mailings and media coverage

Mailings tailored to specialized groups

Hearings

All proposed and final standards, regulations and guidelines are published in the *FEDERAL REGISTER*. Copies will be prepared and distributed to known interested parties. Copies will also be sent to parties who contributed to development of the regulations. HEW agencies maintain mailing lists and distribute press releases on significant Department decisions and findings. Each release includes the name and telephone number of an individual to contact for further information. Press conferences are held on significant Department actions and findings. The public and the press are notified of such conferences and afforded an opportunity for discussion through a question-and-answer session following the conferences.

There are a number of news reporting services which are kept current on HEW activities. Through them a large segment of the concerned public is kept informed of actions and activities of the Department. Moreover, selected consumer-related standards, regulations and guidelines are summarized in non-technical, understandable language in the *OCA Consumer News* or *Consumer Register*.

3. *Feedback on Consumer Comments.* When a consumer or group has contributed technical data in support of a proposed rulemaking or policy or has raised a technical point, a staff member of the office preparing the rulemaking or policy will respond to the consumer, either by mail or telephone to deliver HEW's response. When appropriate, a meeting is set up to provide and obtain further information.

Each major comment related to a proposed Department action is analyzed, and a response is prepared. Depending on the nature of the letter, this response will acknowledge the commenter, or explain the rationale for the rejection of the comment. A report summarizing such comments will be prepared and made available to the public. In addition the preamble to the final regulation shall provide a summary of major comments and the Department's response. Copies of the final regulations, including such summaries are sent to individuals who have requested or provided information.

4. *Consumer Conferences.* The Office of Consumer Affairs has found consumer conferences to be extremely useful in obtaining citizen opinions and ideas for use in policy formulation. Therefore, OCA shall continue to work with other agencies to identify other areas which would be appropriate subjects for future consumer conferences.

Since consumer conferences can be used for general and informational purposes as well as specific program planning, each of the Department's programs may conduct consumer conferences of its own or participate in relevant consumer conferences arranged by other programs or private organizations. When planning conferences, efforts shall be made to balance points of view and to invite diverse consumer groups.

In the planning of consumer conferences at the Regional level, HEW Regional Offices shall coordinate with consumer groups to provide for maximum of exchange of ideas and information and to obtain opinions on HEW policies and programs from all interested consumer groups and citizens. In scheduling these conferences, efforts shall be made to hold the meetings in locations and at times which are convenient for a broad section of the public to attend. The conferences shall be open to the public. Special mailings shall be used to notify consumers and special interest groups.

The responsible HEW official, program or Regional Office will provide feedback to citizens on their recommendations.

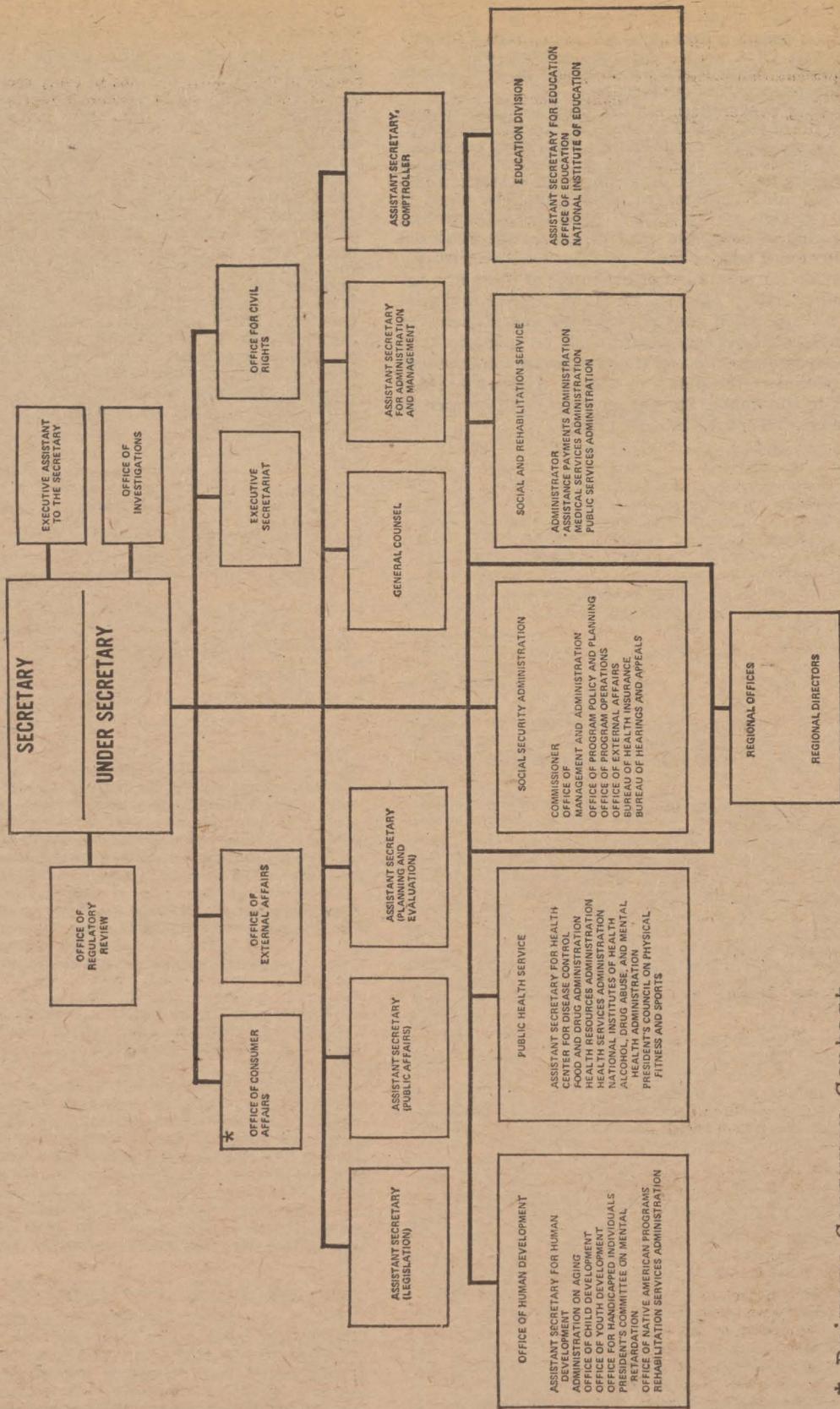
5. *Liaison With Consumer Groups.* HEW will maintain regular contacts with consumer groups at both the national and regional levels.

Working with the Special Assistant to the Secretary for External Affairs and the Office of Consumer Affairs, each HEW program shall develop standing arrangements that provide to the maximum extent practicable for appropriate consultation and exchange of views prior to decision-making with interested persons and consumer organizations on the development or revision of major policies or programs. Such arrangements shall include maintenance of a list of persons and organizations who have indicated interest in participating in the decisionmaking process and contact with them before issues are resolved. The HEW Office of Consumer Affairs and the Special Assistant to the Secretary for External Affairs shall assist as necessary in compiling such lists. In addition, each HEW agency shall regularize its contact with consumer groups by periodically scheduling meetings to permit consumers to present their views on major program or policy actions. Appropriate program policy or technical information for such meetings will be provided to interested individuals. HEW shall continue to provide to the public the rationale for such decisions.

NOTICES

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

APPENDIX A—HEW ORGANIZATION CHART



* Primary Consumer Contact

APPENDIX B—CONSUMER CONTACT POINTS

Office of Consumer Affairs, Department of Health, Education, and Welfare, Washington, D.C. 20201, 202/245-6164.
Consumer representation information—202/245-1957.

Region I.—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region II.—New York, New Jersey, Puerto Rico, Virgin Islands.

Region III.—Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.

Region IV.—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Region V.—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

Region VI.—Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Region VII.—Iowa, Kansas, Missouri, Nebraska.

Region VIII.—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.

Region IX.—Arizona, California, Hawaii, Nevada, Guam, Trust Territory of the Pacific Islands, American Samoa.

Region X.—Alaska, Idaho, Oregon, Washington.

Regional Focal Points
Edward F. O'Connell, Special Assistant to the Regional Director, Department of Health, Education, and Welfare, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Massachusetts 02203; (617) 233-5084.

Robert B. O'Connell, Assistant Regional Director for Public Affairs, Department of Health, Education, and Welfare, Federal Building, 26 Federal Plaza, New York, N.Y. 10007; (212) 264-3620.

Joseph Yarbrough, Assistant Regional Director for Intergovernmental Affairs, Department of Health, Education, and Welfare, 3535 Market St., Philadelphia, Pa. 19101; (215) 596-6476.

Walter D. Branch, ARD/Intergovernmental Affairs, Department of Health, Education, and Welfare, 50 Seventh St. NE, Atlanta, Ga. 30323; (404) 285-8873.

Lee Feldman, ARD/Public Affairs, Department of Health, Education, and Welfare, 300 South Wacker Dr., Chicago, Ill. 60606; (312) 353-5164.

William Van Rush, Jr., ARD/Public Affairs, Department of Health, Education, and Welfare, 1114 Commerce St., Dallas, Tex. 75202; (214) 729-2436.

Richard Wall, Public Information Specialist, Office of Public Affairs, Department of Health, Education, and Welfare, 601 East 12th St., Kansas City, Mo. 64106; (816) 758-3438.

Carl Coleman, ARD/Public Affairs, Department of Health, Education, and Welfare, 1961 Stout St., Denver, Colo. 80202; (303) 327-2694.

Robert Fouts, ARD/Public Affairs, Department of Health, Education, and Welfare, Federal Office Building, 50 Fulton St., San Francisco, Calif. 94102; (415) 556-2246.

Richard Grant, ARD/Intergovernmental Affairs, Department of Health, Education, and Welfare, Arcade Plaza, 1321 Second Ave., Seattle, Wash. 98101; (206) 399-1290.

APPENDIX C—SYNOPSIS OF PUBLIC COMMENTS ON THE PROPOSED DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE CONSUMER REPRESENTATION PLAN

A proposed HEW Consumer Representation Plan (CRP) was published with the CRPs of all 17 Federal Executive Agencies and Departments in the *FEDERAL REGISTER* of November 26, 1975. Interested persons were invited to comment. Regional CRP conferences in nine cities across the country were held during January 1976 to further inform consumers and to stimulate response. In addition, a formal hearing on the HEW Consumer Representation Plan was held in Washington on February 27, in which interested parties testified. Individuals were given until March 1, 1976, to file written comments. Two hundred and seventy-five written comments were received in addition to oral comments delivered at the plenary sessions of the nine conferences and the HEW workshops at the Kansas City, Philadelphia and Los Angeles conferences. Both oral and written comments are categorized below. The oral comments are not quantified because the poor intelligibility of one of the tapes made quantification arbitrary.

The comment summarized below has been carefully considered in developing the Department's final plan. The major comments, in fact, resulted in the development of an entirely new plan. Comments regarding the proposed plans of HEW agencies have also been considered, although not in every case adopted, by the agencies in their planning of consumer representation activities. The Departmental initiatives in the HEW plan are, of course, binding on HEW agencies.

GENERAL COMMENTS: MOST OR ALL HEW AGENCIES

Fifty-six respondents mentioned problems pertaining to the general distribution of consumer information on regulatory and other policy issues, the need for consumer education to assure effective participation in the HEW decisionmaking process, and training for participation in technical areas such as health planning or education councils. Thirty-four written comments stressed the need for consumer involvement in proposed rulemaking before publication in the *FEDERAL REGISTER*. Six of these also proposed that substantive comments receive a substantive, analytic response, either as part of the final regulation or in correspondence, and one of these suggested a mechanism to monitor the quality of analysis. The need for consumer critique of the implementation of plans which affect the consumer at the local level was mentioned in eight statements. Eighteen cited the lack of an identifiable person or focal point to whom consumers could address themselves and expect a prompt, substantive response. Regular meetings with consumer representatives was the recommendation of six respondents, five of them emphasizing meetings at the local level. Five comments requested that the CRPs be made mandatory rather than discretionary, with enforcement capability, i.e., that sanctions be applied to agencies that disregard the CRP.

Consumer representatives on Federal councils or panels were the subject of 17 comments. Fourteen requested a specific definition of the term "consumer" which would accurately reflect the general citizenry as opposed to professionals or what were considered to be "vested interests." Additionally, nine statements addressed the absence or insufficient consideration of the handicapped in all HEW CRPs. Consumer participation in the planning process was the subject of 19 comments. Essentially, these requested representation at all levels of planning and policy development for low-income groups, minorities, and those persons considered to be educationally disadvantaged. Six comments suggested financial compensation for "volunteer" consumer representatives, pointing out that professionals and industry representatives receive income from their employers in addition to compensation for travel and other expenses when serving as advisors to the Federal Government. One comment addressed the issue of the need for in-service human relations training for Federal employees who deal with, or plan for, consumers. Another comment complained of vague and ambiguous language in the CRP and suggested greater specificity and clarity.

The absence of complaint procedures or systems in the plan was cited by seven comments and the omission of Consumer Representation Plans for the Offices of Human Development and Civil Rights was criticized by five. Another comment made by four representatives of consumer groups was that none of the CRPs provide consumers with specific new legal rights or appeal processes. One respondent suggested that all plans should show the functions and responsibilities of each agency and the offices within it.

Three respondents objected to the format or location of the regional conferences. Criticized were the lack of germaneness of many consumer comments, inadequate enforcement of the three-minute limit on consumer statements, and the fact that consumers who were not located near the cities in which regional conferences were held could not afford to attend them.

Oral comments made at regional CRP conference plenary sessions and at HEW workshops in Kansas City, Philadelphia and Los Angeles reflected almost identical consumer concerns. Consumer review before regulations are proposed, and the need for consumer representation at all levels of decisionmaking were the dominant issues. The need for clear, specific information, easily available to the consumer was the next most frequent comment. The absence of a focal point, the need for consumer representation enforcement powers, representation of minorities and the handicapped, and consumer training for participation on advisory councils were also prominently mentioned. The need for in-service training for Federal officials so that they would be more sensitive to consumer concerns also surfaced, and a separate consumer agency received support. Conference formats and locations received criticism similar to that in the written comments. In addition, several participants felt that conferences should not have been held during working hours. While some participants criticized the conferences as wastes of resources that could have been used for

NOTICES

more effective means of consumer representation, others liked what several termed the "town meeting" approach and felt that HEW should use it more extensively.

At the formal hearing held in Washington, D.C., February 27, 1976, seven persons submitted testimony to the Hearing Clerk. The need for dissemination of information, consumer input at the local level and participation of advisory councils were the substance of the comments. Several professional organizations offered their services in achieving these goals. Prompt response to consumer complaints was also targeted as a desirable addition to all plans.

SPECIFIC: OFFICE OF CONSUMER AFFAIRS (OCA)

Of 13 written comments which related to the OCA, six applied to the need for State and local government consumer officials and consumer group representatives to participate in Federal consumer policy decisions. Information dissemination, the need for OCA to present both sides of disputed issues in information it distributes, "feedback" and follow-up were also stressed. One respondent pointed out that OCA should implement the recommendations of the study of complaint handling it had commissioned which included a complete system for processing complaints. This respondent urged that OCA alter its staffing and budgeting pattern so that a greater ratio of personnel with policy development capability could broaden the office's activity in representing consumer interests before Federal agencies. Other comments suggested that either OCA or an appointed Ombudsman serve as a well-identified source of information and redress for consumers. Seven comments urged that OCA assume a lead role in simplifying the language of Federal regulations. Two comments proposed that OCA serve as a clearinghouse for nominations of consumer representatives to Federal advisory councils and related comments proposed that OCA increase the number of disadvantaged and minority consumer representatives on such councils.

SPECIFIC: SOCIAL SECURITY ADMINISTRATION (SSA)

Fourteen comments concerned the need for provision in SSA's CRP for adequate and direct distribution of information to the elderly at the neighborhood level. Respondents pinpointed exceptions to SSA's general rules as information which would be of particular value and was unavailable to most. The need for consultation with consumers prior to drafting regulatory proposals and the need for clear and simple language in SSA regulations and other communications was stressed. One consumer group stated that SSA avoids comments on broad areas of policy by such devices as inclusion in the Claims Manual, instead of publication in the *FEDERAL REGISTER*, with no opportunity for consumer participation. Inclusion of the elderly on proposed panels or advisory councils was the subject of four comments. Two respondents said that the agency does not have a good consumer complaint resolution mechanism in the plan, with one complaining of waiting periods of up to six months for answers as being not unusual.

The plenary sessions and workshops reflected the same concerns. Additionally, one individual said the SSA plan represented no change in the agency's regard for constitutional rights of clients or the impact of regulations on clients. Another statement asked that the plan include provision of bilingual employees to assist clients for whom English is a second language.

At the formal hearing in Washington on February 27, 1976, testimony was offered which endorsed the concept of an Ombudsman for SSA, provided that person was truly representative of consumer (beneficiary) interests, and proposed a consumer advisory group composed solely of beneficiaries.

SPECIFIC: SOCIAL AND REHABILITATION SERVICE (SRS)

Public assistance recipients' problems with food stamps were the subject of four comments, suggesting a need for better coordination between SRS and the Food and Nutrition Service of the Department of Agriculture. Two respondents said the plan did not address the question of the "borderline poor" as it applied to housing and other benefits for which they just miss being eligible. Many respondents requested that they be placed on SRS's mailing list for advance notices of proposed rulemaking and related materials. Also one comment said the SRS plan represented no change and two other comments questioned SRS's sincerity about consumer representation and its commitment to adopting the views of consumers on proposed rules. One consumer group said that SRS shorts-circuits the rulemaking process by issuance of action transmittals which attempt to change agency policy, or by publishing Final Rules without having first published proposed rules for comment, when such haste is not required. Similar comments came out of the plenary sessions and workshops.

SPECIFIC: EDUCATION DIVISION (E)

Four comments spoke to consumer representation on advisory groups or councils, specifically the inclusion of elementary school educators, students, and broad community representation which would comprehend "potential" consumers. The plan itself was said by two respondents to be "exhortive" rather than action-oriented, and the vague language precluded agency accountability for proposed change. A complaint mechanism with adequate follow-up by employees who were charged with being "responsive" was suggested in three statements.

The National Institute of Education plan was cited because it did not provide for solicitation of consumer views prior to decisions on grants. Also, more information from NIE to consumers was requested.

At the plenary sessions and workshops, respondents said the plan did not provide for a focal point for consumer inquiries or complaints; and that regulations were full of "red tape" which discouraged full use of available assistance. Several representatives of such groups requested that professional educators and their associations be considered "consumers." Other comments suggested that consumers be specifically defined and that communication between consumers on one hand and planners and regulators on the other hand be improved. Improvements in consumer participation in developing minority education programs, the appointment of a non-Federal coordinator to monitor the implementation of the Education Division's CRP, and the making of consumer representation the controlling factor in the basic planning of E programs were the substance of the remaining oral comments.

At the Washington hearing, a detailed statement spoke to the question of professional consumer educator representation in all facets of Part F, Consumer and Homemaking, of the Vocational Education Act, including legislation under consideration, reaching target groups, participation in national conferences, avoidance of duplicative services, funding, and selection of advisory boards or councils.

SPECIFIC: PUBLIC HEALTH SERVICE (PHS)

The Public Health Service's Consumer Representation Plan elicited five written comments relating to the National Health Planning and Resource Development Act (P. L. 93-641). The qualifications of the consumer representatives were a basic issue in all comments. Recommended were the election or appointment of an Ombudsman and neighborhood meetings at which a consensus opinion would be reached and related to the health service agency board as the official consumer position on any issue. Training and education for specific consumer functions under the law were suggested, in addition to a network system of consumer information for better communication, and consumer evaluation of the implementation of the program. One comment on patients' rights suggested that fragmentation within the bureaucracy resulted in application of regulations that was "limiting, unconsultative and even abusive" to patients' rights. Two comments requested additional detail on the consumer representation programs and plans of the Alcohol, Drug Abuse, and Mental Health Administration. Two respondents criticized the Office of Nursing Home Affairs for including nursing home operators in its definition of "consumer."

The plenary sessions and workshops also generated comments on P. L. 93-641. In substance, they requested greater consumer input in selection of consumer representatives, with a clearer definition of consumer, regulations reduced to simple English, feedback as the law is implemented, and financial reimbursement for consumers who participate. A relative lack of concern for nursing home patients as compared to nursing home operators was also a subject of oral comment.

SPECIFIC: OFFICE OF HUMAN DEVELOPMENT (HD)

Fourteen comments related to the elderly. These were in part not relevant to procedures for consumer representation, but complained of the absence of provisions within the HEW CRP to improve services to the aged, such as transportation and congregate feeding. Quite relevant, however, were comments urging a CRP for HD, and more consumer participation in developing proposed regulations before they are published, local or neighborhood sources of information on assistance, benefits and referrals for the aged, as well as a focal point for aged consumer contact with HEW.

At the plenary sessions and workshops a number of comments cited the elderly as a group whose needs are not well understood by Federal planners, as a reservoir of talent for volunteer service on councils and commissions, and as consumers who are not consulted prior to or after the implementation of regulations or laws which

affect their lives. The need for child representation in the decision-making process of programs which affect children was also cited.

SPECIFIC: REGULATORY REVIEW AND REFORM

Thirteen written comments were received. One asked for review of duplication by HEW agencies because of program regulatory requirements. Another suggested that all agencies adopt the proposed HEW regulation which would permit a waiver when two or more regulations taken together are in conflict. Several suggested that regulations published in the *FEDERAL REGISTER* be more succinctly stated, with less "bureaucratus." One comment proposed that regulations should be written so that needed services to a particular segment of society were not precluded because of the narrow range of conditions for eligibility. Increased availability of information, the use of simple language, and agency responsibility to represent and protect consumer interests were the subjects of the balance of comments received. The workshops and plenary sessions

elicited similar comments. Comments were made regarding the unnecessary "red tape" of regulations, "obtuse" language, absence of consumer input into proposed regulations, and changes without consumer notification or review. Designated agency contacts were suggested for individuals or groups who had particular needs relating to the regulatory process. These contact persons would be responsible for general dissemination of information to the public on regulations which had direct impact on consumers.

OTHER COMMENTS

Thirty-seven written comments were judged to have no application to the proposed plan because they were beyond the plan's scope. These included employment requests, offering of services from the private sector, 12 suggestions that an independent consumer agency be established, and 12 complaints which pertained to individual difficulties with HEW agencies. The latter were referred for appropriate action, with a request for a copy of responses to the Office of Consumer Affairs.

NOTICES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Consumer Representation Plan

ASSISTANT SECRETARY FOR CONSUMER AFFAIRS
AND REGULATORY FUNCTIONS

U.S. Department of Housing and Urban Development,
Suite 4100, Washington, D.C. 20410, Telephone: (202)
755-8702.

TABLE OF CONTENTS

- I. Statement of Purpose.
- II. Executive Summary.
- III. Primary Organizations Involved.
- IV. The Departmental Plan.
 - A. The Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions.
 - B. Department-Wide Consumer Representation Actions.
- Appendix A.—Organizational Charts.
- Appendix B.—Consumer Representation and Protection Activities in Selected HUD Programs.
 - 1. Federal Insurance Administration.
 - 2. FHA Minimum Property Standards.
 - 3. Condominiums.
 - 4. Lead Based Paint Research.
- Appendix C.—Summary of Public Comments.
- Appendix D.—Consumer Complaint Coordinators.

I. STATEMENT OF PURPOSE

HUD initially specified four primary national goals for Fiscal Year 1976: promoting viable communities, providing decent housing, achieving equal opportunity, and effectively coping with natural disasters. Against a background of increasing HUD regulatory and consumer responsibilities, however, HUD added a significant additional goal:

TO ASSURE THAT THE BASIC RIGHTS OF CONSUMERS ARE CONSIDERED AND RESPECTED IN ALL HOUSING AND COMMUNITY DEVELOPMENT ACTIVITIES.

This goal encompasses three objectives:

To develop, promulgate, and, to the extent appropriate, assist in the enforcement of meaningful guidelines, standards and regulations aimed at protecting consumers against abuses in housing and community development.

To assure, to the extent appropriate, that effective remedies are available to consumers.

To provide for effective communication between HUD and consumers on issues of policy, and to respond in a timely fashion to consumer complaints and information requests.

The purpose of the HUD Consumer Representation Plan is to insure that the goals and objectives outlined here are met.

II. EXECUTIVE SUMMARY

One of the five primary HUD national goals is "to assure that the basic rights of consumers are considered and respected in all housing and community development activities." To achieve this goal, HUD policy-makers and program managers will design their programs with an understanding of consumer needs. That understanding requires that the Department will afford consumers a reasonable and timely opportunity to communicate their views to decision-makers, provide access to relevant background information, provide access to an informed representative within each Department program for a prompt response to their questions and complaints and have a knowledgeable advocate within the agency to represent their views in the decision-making process.

Affirmative steps have been planned or taken to assure that consumer needs are understood, considered and acted upon by HUD policy-makers. This plan identifies the actions being planned and taken.

1. HUD has consolidated its consumer and regulatory functions under an Assistant Secretary for Consumer Affairs and Regulatory Functions. This Office will provide a clear access point for consumers, represent consumer interests in Departmental policy-making, act to see that consumer complaints are satisfactorily handled, and seek ways to improve HUD communications with consumers. The Office has regulatory responsibilities in areas dealing with interstate land

sales, mobile home construction standards and real estate settlement procedures; and services as coordinator for HUD programs and policies for the elderly, handicapped and for Indian affairs. The Office is part of the Departmental issuance system, with authority to nonconcur and appeal. Consumer Affairs and Regulatory Functions (CARF) also has the authority to seek review of program decisions by the Secretary and Under Secretary.

2. Each Program Assistant Secretary and Regional Administrator has designated a consumer affairs representative who is responsible for seeing that consumer inquiries are handled.

3. Use of the advance notice of proposed rule making has been increased, regular meetings between HUD officials and consumer groups will be planned, and a consumer communications network has been prepared. All program offices will actively solicit consumer and consumer interest group comments on pending policy decisions.

4. HUD is establishing a consumer complaint and inquiry handling system to expedite handling consumer complaints and information requests. A reporting system is also being developed to provide management with information as to the nature, frequency, and subject of the consumer complaints received.

CARF has the authority to monitor consumer complaint appeals processes of program areas and to refer to the Secretary the need for an improved appeals system where required.

5. HUD is improving and expanding its consumer education materials, with consumer participation.

6. HUD is establishing a procedure for issuing consumer information news releases, and for providing information on decisions of consumer interest to the General Services Administration and the Department of Health, Education, and Welfare for use in their consumer publications.

7. Consumer representation in Department decisions will be built from the field level up, through HUD Area, Insuring and Regional Offices. Each Field Office will initiate a consumer review of its operations under its own plan and within guidelines established by CARF. A CARF field presence will be derived through allocation of field staff time to CARF-designated tasks.

III. PRIMARY OPERATING UNITS INVOLVED

Although the recently created Office of Consumer Affairs and Regulatory Functions (CARF) provides a focal point for consumer representation, all HUD programs with a direct or indirect impact upon consumers will participate in steps to ensure responsiveness to the consumer interests.

A. OFFICE OF CONSUMER AFFAIRS AND REGULATORY FUNCTIONS
(CARF)

On February 27, 1976, the Secretary of Housing and Urban Development established the Office of Consumer Affairs and Regulatory Functions (CARF), to be headed by an Assistant Secretary. On May 6, 1976, the Assistant Secretary was officially delegated the "primary responsibility for key regulatory functions and consumer affairs." This delegation stated:

The Assistant Secretary will monitor policy issuances governing the operation of the various programs administered by the Department to identify and represent the consumer interest involved, act as liaison between the Department and public and private organizations concerned with consumer matters, and generally assure that consumer's interests are respected in the decision-making processes of the Department. Specifically, the Assistant Secretary has responsibility for developing policy initiatives that (a) create mechanisms to ensure that consumer views are factored into Departmental decisions, and (b) result in recommendations to the Department based on an analysis of recurring consumer concerns. The Assistant Secretary shall also have responsibility for Indian

programs and policies and the continuation of functions currently being carried out by the Assistant to the Secretary for Programs for the Elderly and the Handicapped.

Prior to the establishment of CARF, a series of steps had been taken within the Department in an effort to achieve the fifth national goal and in response to President Ford's policy initiative on consumer concerns in the Executive Branch.

These steps included:

(1) Seeking public views (oral and written) on a November, 1975, publication of the Department's Consumer Representation Plan. The Department received over 150 comments on the Plan.

(2) Establishing a Task Force on implementation of the Proposed Departmental Consumer Representation Plan. Established by Secretary Hills, December, 1975, that Task Force prepared for the establishment of CARF, monitored implementation of other actions within the Department, and served as the principal liaison to the public on issues relating to the Plan.

(3) Requesting (by the Secretary) each principal staff officer and Regional Administrator to designate someone from his/her staff to be responsible for coordinating consumer affairs activities. Emphasis was placed on improving the manner in which consumer complaints were currently handled. By January 6, 1976, all offices had designated a consumer affairs representative.

(4) Participating in January and February, 1976, in a series of White House Conferences on the Consumer Representation Plans.

(5) Taking action to increase consumer comments on pending policy through advanced rule-making and undertaking a concerted effort to improve the quality of consumer information materials.

B. OTHER HUD OFFICES

All of the Department's programs either directly or indirectly affect consumers by improving the houses and communities in which they live. The HUD Consumer Representation Plan therefore extends to all offices of the Department, to include:

Office of the Secretary.

Fair Housing and Equal Opportunity.

Housing.

Federal Insurance Administration.

Policy Development and Research.

New Communities.

Community Planning and Development.

Federal Disaster Administration.

Field Offices.

IV. DEPARTMENTAL PLAN

A. AUTHORITY AND RESPONSIBILITY OF CARF

The Department has established the Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions (CARF) to consolidate consumer and regulatory concerns which had previously been delegated throughout the Department. CARF is headed by an Assistant Secretary who is nominated by the President and confirmed by the Senate. The Assistant Secretary also reports to Congress on matters of budget and substantive programs.

The Assistant Secretary for CARF is one of seven HUD Assistant Secretaries, and reports directly to the Secretary. In this way issues of consumer importance can be brought directly to the Secretary's attention, and the other Assistant Secretaries can be dealt with on an equal footing, thereby elevating consumer concerns to the highest level of Departmental decision-making.

A field presence for CARF will be created through the allocation of field staff time to specific tasks identified by CARF and performed under the direct supervision of the field office director. Examples of the types of tasks to be performed at field office level are:

Regulatory functions: Chair meetings, assist in drafting of voluntary standards; Consumer affairs: Take public views on issues through conferences, chair ad hoc consumer meetings, public hearings, solicit written comments.

CARF's ability to "assure that the basic rights of consumers are considered and respected" rests in large part in the power of the Office to nonconcur and appeal.

CARF has become part of the issuance system, a process intended to complement the systematic involvement of con-

sumers in HUD decision-making. As a full-fledged partner in this system, CARF reviews every proposed and final regulation, issuance, handbook, possible legislative enactment, as to which a Departmental or program position is being formulated.

B. DEFINITION AND RIGHTS OF HUD'S CONSUMERS

A question often asked which deserves some discussion is: "Who are consumers?" HUD deals with a variety of entities in many different ways and the list can include the apartment dweller, the mortgage banker, the broker, the public housing tenant, the city government, and so forth. For purposes of clarification, however, this Plan refers to the organizations (e.g., lending institutions) which are the intermediaries between HUD and the ultimate consumer as "clients". But to make that distinction is not to answer the question: Who should receive the attention and services of the Office of Consumer Affairs and Regulatory Functions? At least theoretically, CARF should be available to serve all "Consumers" and "clients". But given limited resources, CARF must establish priorities. First priority will be given to serving "the ultimate consumers", i.e., any person who lives under a roof and may have need for the products and services of the Department of Housing and Urban Development.

The next question to be answered is: What are those consumers' rights vis-à-vis HUD? The Department Consumer Representation Plan provides that ultimate consumers have a right to greater access to the HUD decision-making process. To ensure this, HUD will guarantee: (a) meaningful consumer involvement in decision-making, (b) responsive consumer complaint handling, and (c) informed citizenry on housing and community development matters.

The plan recognizes that consumer involvement requires that basis needs be met:

That HUD policy-makers and program managers design their policies and procedures with a clear understanding of the needs of the intended beneficiaries, including consumer and constituent industry groups.

That consumers, as well as other client groups, have reasonable and timely opportunities to communicate their views to program designers and operators.

That consumers have access to relevant background materials, in order to provide informed comments on proposed policies and regulations.

That knowledgeable advocates of consumer affairs, within HUD, be solicited for views on highly technical issues.

That consumers contact someone in HUD for a timely answer to their questions or a prompt response to their complaints.

In meeting these requirements CARF will take the following steps:

Identify the issues requiring public viewpoints.

Analyze the issues including the options being considered and the impact of the various options.

Determine whose views will be sought (target groups, national sample, etc.).

Determine the methods for ascertaining public views and actually ascertain the views.

Analyze the public positions and prepare documents to be forwarded to the decision-makers with CARF recommendations.

C. ISSUE IDENTIFICATION AND ANALYSIS

CARF will develop criteria for identifying issues which will form the subject of public discussion; the development of these criteria will be open to consumer involvement.

The types of issues selected will be those having the most wide-ranging effect on the ultimate consumer. Since HUD's mandate is to provide a decent home and a suitable living environment for every American family, barriers to achieving those goals are proper subjects for discussion. Examples of such barriers are:

Possible inequities in the marketplace, lack of due process; insufficient community responsiveness; lack of programs designed to meet effectively the needs of particular groups.

Once the issues are identified, CARF will use policy analysts/researchers to gather from a variety of sources—HUD, consumer groups, industry—as much information as is available to describe the issue, what is known about options available to solve the problems identified, and what is known about the possible impact of the various options on the public.

Issue analysis is crucial to meaningful public participation, as it provides to the public the same quality of information, in an understandable format and language, that is available to the decision-maker.

D. CONSUMER NETWORK

CARF is developing a communications network that will facilitate Department contact with representative populations. The network consists of public interest groups, national and local consumer organizations, public housing authorities, State housing finance agencies, State community affairs offices and State and local consumer affairs offices. The Department has determined that an effective source of consumer advice and counsel can be derived from building up consumer-Department communications from the field level.

A field network will be developed at each HUD Area, Insuring and Regional Office level. It will encompass ad hoc panels of consumers for discussions of issues and problems; and mailing lists, developed by each field office with support from CARF as necessary, consisting of active consumer-oriented housing groups, consumer and consumer groups frequently in contact with HUD, industry groups, and State and local agency representatives interested in housing issues.

E. CONSUMER REPRESENTATION IN POLICY AND PROGRAM DECISIONS

The means for engaging public response will depend upon the issue under question. Similarly, the issue will determine whether the general population will be approached for view-taking or a sample of the established network.

HUD shall increase its use of the Advance Notice of Proposed Rule Making, by publishing in the **FEDERAL REGISTER** for public comment prior to formulating regulations. Program officers will use the network mailing lists to solicit comment on proposed policies and programs. On some issues, random surveys will be used to seek views, supplemented by other public communications (e.g., press releases, radio spots). On still other issues, heads of client agencies will be questioned, to ascertain the nature of the concerns of those they serve.

HUD program officials will periodically meet with consumer groups under the auspices of the Assistant Secretary for Consumer Affairs and Regulatory Functions. Access will be achieved both through the use of group and individual meetings in response to specific consumer concerns. CARF will hold open monthly meetings with interested members of the public to discuss its operations. These meetings will be announced in the **FEDERAL REGISTER** and by press release and direct notification to consumer groups.

Throughout the Department, consumer representation will be achieved by other operating offices in the following ways:

Public Hearings: This mode of involvement could be used to some extent as in the past with prepared texts submitted in advance, and summaries presented to an audience by members of the public. The traditional mode could be altered by having the hearings conducted by community leaders in the community and the transcripts on video tapes forwarded to the decision-makers at HUD.

Ad hoc consumer panels: Convened to discuss specific topics.

Conferences: Face-to-face conferences where certain participants present papers on a particular issue with respondent panels structured to critique the papers. The product of the entire effort would be forwarded to HUD.

One basic vehicle for seeking views would be solicitation of written comments on an issue paper. In order to make this less burdensome on the public, short answer forms might be used. (True/false, checklists, etc.)

Surveys: Written public opinion surveys have been used for over 40 years, but only recently have they been extensively employed as a short-term feedback mechanism.

Resource Centers: Identify all HUD offices and a sample of public libraries as a resource center to provide and solicit information. The public would be encouraged to go to the HUD offices not only with problems but also with ideas which might be gathered in a variety of ways.

Goals programs: Recruit local consumer organizations to develop statements of housing and community development goals and objectives. Allow a larger audience (including industry and government) to analyze the real world problems of the proposals then return to the local organization for rebuttal.

Citizen Evaluations: Identify citizen teams to evaluate the effectiveness of program operations and content, with a further mandate to recommend changes.

Public Access TV: Since 1972, the FCC has required all cable TV companies to provide public access channels in their system. HUD can suggest topics for citizen group discussion and dramatization with planned audience feedback designed to get views.

CARF bears the responsibility to ensure that such public views, once taken, are transmitted to the decision-maker, along with a recommendation and the basis for that recommendation.

CARF's authority further provides a direct appeal to the Under Secretary and Secretary to review a decision of the program officials in light of the public's views.

One comment made in the field hearings on the proposed Consumer Representation Plans was that the plans did not provide for consumer feedback on the operation of the agency. It was contended that agencies would be more responsive if they allowed for a definite and regular system of public commenting on agency operation. It is CARF's intention that each HUD office initiate a consumer review. The manner in which these reviews would be conducted would be decided by each field office within guidelines established by the Office of Consumer Affairs and Regulatory Functions.

F. IMPROVING CONSUMER COMPLAINT HANDLING

In late 1974, a special study of the HUD complaint system was conducted (TARP study) under contract from the Office of Consumer Affairs, HEW. At the same time, analysis of consumer complaint handling in both HUD Central and Field Offices was undertaken by the Special Assistant to the Secretary for Consumer Affairs. Both studies found that there was no focal point in Field or Central Offices for the effective coordination of consumer complaint handling. Both found a general failure to utilize complaints to identify programmatic problems, and an absence of systematic compilation of complaint data. With few exceptions, while there was a system of tracking "controlled" consumer complaints often there were no effective quality controls of the responses, assurances of timeliness, or evaluations of system performance. Since many of the questions or complaints received by Central Office were local in nature, close to 80 percent were sent out to the field for response, and no follow-up was taken.

Ultimate responsibility for successful implementation of the consumer complaint handling system rests with the program and field office. CARF, however, assumes the responsibility to monitor and coordinate the efficient operation of the Department-wide consumer complaint handling system by pursuing the following management objectives:

(1) **Statistics Reporting:** CARF will be the focal point in the Department for collecting and analysis of consumer complaint data necessary for problem identification, policy recommendations, and, where applicable, program recognition of a job well done.

(2) **Evaluation:** CARF will evaluate the effectiveness of the consumer complaint handling system to assure that responses are of sufficient speed and quality as to give reasonable promise of substantial progress toward meeting the needs of consumers. Recommendations for improvements will be sought from consumers and derived from analysis of backlog complaints, response time, and random sampling of correspondence for quality control.

(3) **Policy Analysis:** Written reports from the Consumer Complaint Coordinators and CARF evaluative data will be consolidated and distributed by CARF on a regular basis to Assistant Secretaries and Regional Administrators to provide feedback and serve as a basis for assessing the impact of policies and programs on the consuming public.

(4) **Accountability:** CARF, in consultation with consumer complaint coordinators, will develop written guidelines to establish policy of and responsibility for responding to complaints—written, telephone, or personal visits. Such guidelines will be available for review by the consuming public.

(5) **Opportunity for Review:** In instances where there is not a process whereby a decision can be reviewed at a higher level than that of the initial decision,¹ a consumer can request

¹ CARF will assist offices to develop review procedures on request.

the Office of Consumer Affairs and Regulatory Functions to review a previous Departmental decision.

The types of complaints which might be expected to be part of such a review process are those where it appears that the individual's complaint may not have been handled properly because the action taken by HUD appeared to be:

Based on a mistake of law or fact;

Based on inadequate grounds;

Accomplished by inadequate statement of reasons.

When the request for review is received, CARF may respond in one of four ways:

(1) Take no other action and inform complainant of that decision where the following exists:

(a) A remedy already exists;

(b) The problem has been solved;

(c) The complaint is trivial, frivolous, vexatious or is not made in good faith; or

(2) Refer the request for review to the office answering the original complaint with request for clarification, reconsideration; or

(3) Refer the request for review and action to a higher program official than the one handling the original complaint; or

(4) Request the Under Secretary/Secretary to review the matter after having exhausted all other avenues with the Department. The decision to refer the matter will only be made where:

It represents a class of cases where the issue is a policy matter and a proper response requires a change in policy; or

The complaint is indicative of a serious failure in program operations severely impacting upon consumers.

G. CONSUMER INFORMATION AND EDUCATION

The effective communication of information is a key to consumer participation in government decision-making and to consumer protection.

CARF will work to assure that the Department communicates effectively by:

Reviewing all documents published by HUD for readability and sensitivity to consumer issues. Where a document does not meet these criteria, CARF will nonconcur in its distribution.

Providing technical assistance to program areas for preparing and revising educational materials.

Preparing documents for public distribution on subjects of general interest where a need has been determined.

In addition, another major undertaking of the Office, in conjunction with HUD's Office of Public Affairs, other offices within the Department and consumer and industry groups, will be to write a basic handbook on housing that will assist any member of the public who wants to become involved in the decision-making process at HUD. Examples of the kinds of information to be covered in the handbook are:

Systems of financing housing;

The relationship of housing starts to the economy;

The role and function of secondary mortgage market;

HUD's methods for getting public views.

HUD will seek consumer involvement in the preparation of its consumer oriented publications. In improving its distribution mechanism for these materials, the Department will work through consumer and community organizations, and the media, as well as ensuring that all Field Offices will be supplied with adequate inventory for display and dissemination.

HUD will also seek to expand the list of its publications in GSA Index of Selected Federal Publications of Consumer Interest, and will cooperate with the GSA public opinion polls of consumer literature.

HUD will establish a formal procedure for public dissemination of information on consumer related actions through the Office of Public Affairs in the form of consumer news releases. The CARF communications network (discussed at part D of this section) will be used for this purpose, as well. In addition, short descriptions of such actions will be provided to the Office of Consumer Affairs at the Department of Health, Education and Welfare for use in its publication, *Consumer News*.

H. POLICY AND PROGRAM OFFICES WITHIN CARF

The Departmental Advisors on Indian Policy and Programs and Elderly and Handicapped Programs each serve an external constituency that has identifiable, common concerns to

which HUD must respond in a coherent, consistent way. These offices thus serve as focal points for housing and community development matters as they relate to these constituent groups. In order to operate effectively, both offices must do the following:

Maintain through direct personal coordination with appropriate Departmental offices, full knowledge of all activities and developments within HUD which affect the constituent group;

Review continually, through the use of task forces and other means, the adequacy of HUD's policies and procedures involving the constituent group, making such recommendations as may be appropriate;

Participate in HUD budgetary or policy meetings involving matters directly affecting the constituent group;

Consult on the preparation of policy statements affecting the constituent group delivered by Departmental spokespersons;

Maintain an open dialogue with the leaders of major constituent group organizations, explaining Departmental programs and policies, receiving their thoughts concerning pertinent HUD activities and anticipating problems and/or criticisms.

The type of specific activities involved are:

Elderly and Handicapped Program

Participate on the Task Force to develop proposed HUD policy for disabled.

Participate in selection process for sponsors of housing for the elderly (Section 202).

Coordinate activities of Elderly/Handicapped Coordinators in the field.

Develop informational brochures of interest to elderly and handicapped.

Indian Programs and Policy

Determine what are the barriers to efficient, prompt processing of Indian housing by:

a. Surveying representatives of Indian communities to determine their perceptions of how the processing can be improved.

b. In order to determine Federal officials' perceptions of the barriers, meeting with representatives of HUD's Offices of Housing and General Counsel, representatives of area and regional offices, Bureau of Indian Affairs and Indian Health Service.

Develop training guidelines for Indian Housing Authority personnel

Improve information available to Indian people on home-buying, home ownership, and rentals

Develop a strategy for dealing with housing and community development problems of urban Indians

Develop improved and innovative design and construction plans for Indian housing.

I. PROGRAM DEVELOPMENT AND EVALUATION

There is no guaranteed "most effective" way of insuring that consumers' views are considered in decision-making and there is no guaranteed "most effective" way of stimulating private sector solutions to problems which may become subject to regulatory action. This makes it important for CARF not only to put in place carefully conceived approaches to program delivery but also to create a means by which it can evaluate these approaches. Therefore, there shall be constant testing of alternative methods of accomplishing the goals in order to be prepared to supplement or supplant the current systems—whichever is required—and to maximize CARF's effectiveness.

Demonstration projects are also potentially useful research and evaluation tools for the policy and program Offices. One of the underlying reasons for having separate Offices to deal with the policies of HUD that affect Indians, elderly and handicapped is that each of these groups has distinct concerns with regard to HUD activities, which are, in some way, unique to the group and yet which are common to the group members. Thus, the concept of a demonstration project may well be a viable one to adopt to support policy recommendations for these groups. As an example, the activities in support of the objective, to insure the development of the total Indian community, includes the development of demonstration projects in conjunction with relevant Federal agencies, which respond to the needs of entire communities. Also, the proposal to fund a housing exchange between elderly

NOTICES

people who are "overhoused" in older homes in the secondary ring of the city with younger, growing families who are crowded into smaller homes in the center city is conceived as a demonstration and falls within the rationale developed above.

Consumer Affairs will draw upon research and evaluation projects to support their activities.

Research to define the scope of the communication problems (i.e., whom to reach, how to reach them, when to reach them) from HUD to the consumer is also essential to the effective implementation of the communications network.

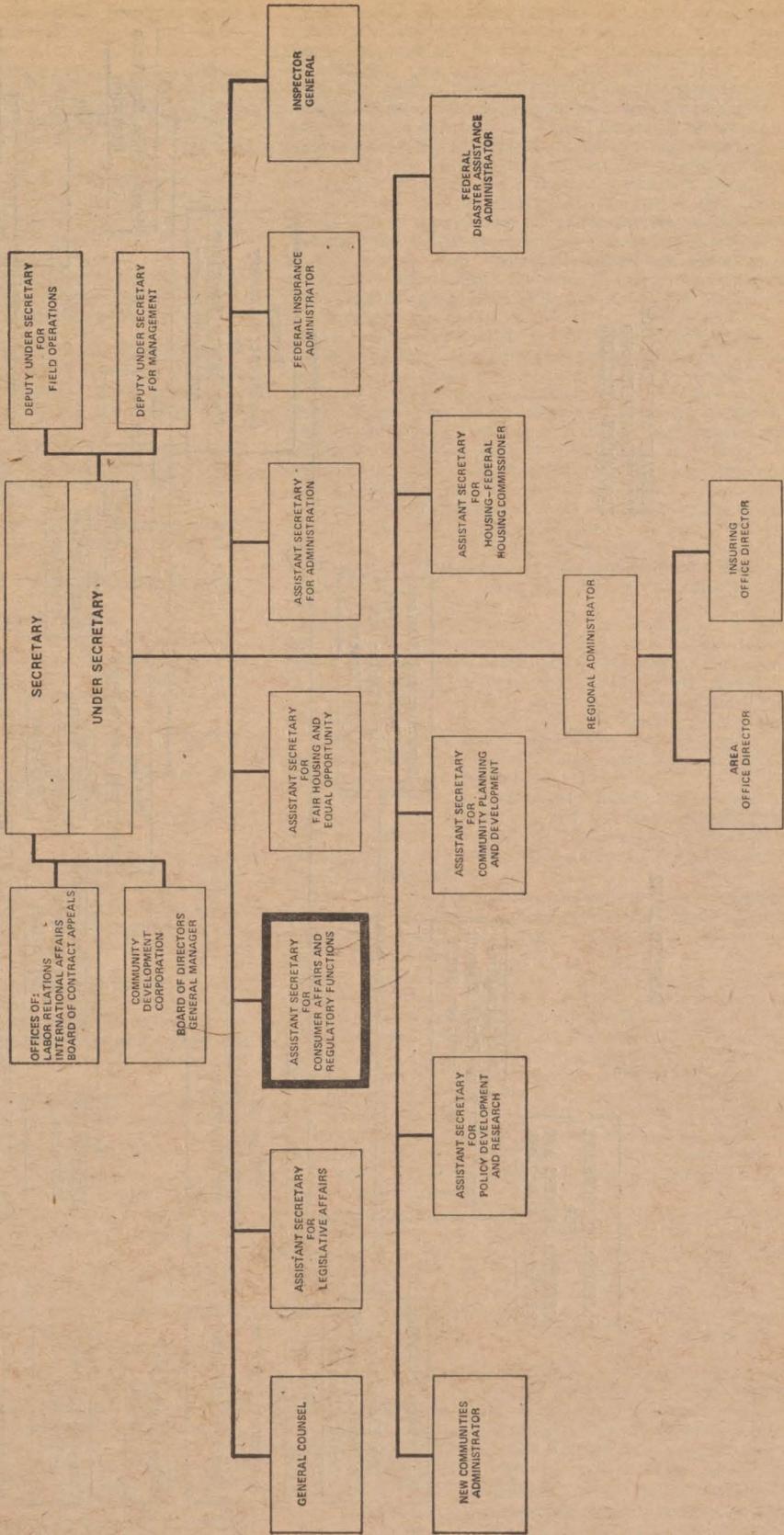
Examining existing alternative solutions to the problems of involving consumers in the decision-making process should be an integral part of the activities of consumer programs. Although such "testing" will be done, to some extent, based on present knowledge, research efforts could support these activities by enabling Consumer Affairs to look sys-

tematically at those aspects of participation that it deems most problematic. For instance, Consumer Affairs may believe it necessary to see whether a number of small group meetings on a given policy issue produces more "satisfactory" participation than a public meeting with the representatives of participants assured. And they may wish, further, to consider whether the type of issue has any bearing on the effectiveness of each forum.

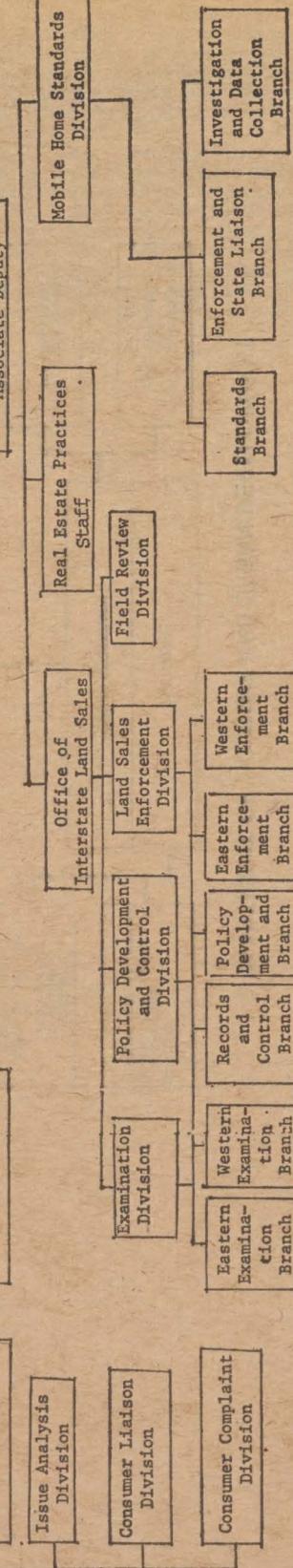
Demonstration projects that are easily replicated could serve as a useful tool to Consumer Affairs, should it desire to establish independent mechanisms for consumer participation at the local level. For instance, "model" sounding boards could be set up in several cities and smaller communities to demonstrate how consumer views can be made to count. There could and should be built into such a demonstration a coordinating mechanism that will ensure that the results of the demonstration do not go unnoticed.

APPENDIX A1

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT



APPENDIX A2

ASSISTANT SECRETARY FOR
CONSUMER AFFAIRS AND
REGULATORY FUNCTIONSASSISTANT SECRETARY
FOR
CONSUMER AFFAIRS AND
REGULATORY FUNCTIONSAdministrative
and Field Support
Services StaffDepartmental Advisor
on
The Elderly and
The Handicapped and
Staff DirectorOffice of
Program Development
and EvaluationDepartmental Advisor
on Indian Programs
and Policies and
Staff DirectorDeputy
Assistant Secretary
for
Regulatory Functions
Associate Deputy

APPENDIX B.—CONSUMER REPRESENTATION AND PROTECTION ACTIVITIES IN SELECTED HUD PROGRAMS

1. Federal Insurance Administration.

a. National Flood Insurance Program provides Federally subsidized flood insurance to property owners in areas prone to flood, mudslide or flood-related erosion, whose communities participate in this program. The program also includes flood plain mapping and management efforts.

Final regulations will shortly be published in the **FEDERAL REGISTER**, requiring that with all new or renewed flood insurance policies, a notice ("stuffer") must be included directing consumer inquiries or complaints to the Federal Insurance Administrator. Toll free lines are also required under these regulations.

b. Riot Reinsurance Program assists property owners in urban areas to obtain essential insurance coverage, against loss from fire, vandalism and malicious mischief, on property located in areas subject to possible civil disturbances.

Final regulations will shortly be published in the **FEDERAL REGISTER**, requiring that with all riot reinsurance policies, a notice must be included directing consumer inquiries or complaints to the State insurance commissioner, for audit by the Federal Insurance Administrator.

c. Federal Crime Insurance Program enables businessmen and residents of homes and apartments to purchase burglary and crime insurance in States where it is difficult to obtain in the private market.

With all new or renewed crime insurance policies, a notice must be included directing consumer inquiries or complaints to the Federal Insurance Administrator.

d. Insurance availability problems are also studied by the Federal Insurance Administration.

2. FHA Insurance and Minimum Property Standards.

The Federal Housing Administration (FHA) provides mortgage insurance to qualified homebuyers, providing a low downpayment, long-term, fully amortized mortgage. The property is Federally appraised, for value, and the builder is required to provide a one-year warranty.

FHA-insured properties must also meet minimum property standards promulgated by HUD.

A booklet describing what to look for when buying a home, and FHA minimum property standards, is under preparation.

An FHA nationwide consumer information telephone number has been established.

3. Condominiums.

To meet consumer needs in the growing condominium market, plans are underway to revise the booklet, "Questions about Condominiums" to develop a manual for homeowner's associations, and to adapt the "Home Buyer's Estimator of Monthly Housing Costs" for condominium purchaser's use.

4. Lead Based Paint Research.

Pursuant to the Lead Based Paint Poisoning Prevention Acts of 1971 and 1973, designed to eliminate the hazards of high lead content paint, HUD is conducting a three city experimental project, testing new hazard elimination techniques for cost and effectiveness. Demonstration projects in cooperation with the Center for Disease Control are also underway.

HUD is also preparing new regulations to eliminate this hazard from residential structures financially assisted by the Department.

APPENDIX C.—SUMMARY OF PUBLIC COMMENTS

The Department received approximately 150 responses on the Proposed Consumer Representation Plan, 40 FR 55161. Approximately one-half of them were from individual consumers who cited specific problems or raised questions directed at a particular program.

Most of the remaining comments came from civic, community and State organizations, with a scattering of letters from industry and trade associations, minority group organizations, labor unions, financial institutions, media groups and universities.

The comments fell into several categories. Below is a discussion of the nature of the comments and HUD's resolution of them.

On Consumer Complaint Handling. A number of commentors suggested that HUD improve the consumer complaint mechanism through effective quality control of the responses, assurances of timeliness and evaluations of system performances.

HUD has done this in its plan and gone one step further to establish a complaint review system. Already consumer complaint coordinators have been named by each program Assistant Secretary, Program Administrator and Regional Administrator. The system is now being put into place.

One person recommended a toll free phone number for con-

sumer complaints. That proposal was not adopted but will be studied further. In any event it is HUD's view that a toll free number should not be utilized until the entire review process is established.

On Information Request Handling and Consumer Education. The general theme of the comments was that the requests for information should be handled in a more responsive manner and that HUD personnel should be trained to handle requests for information. HUD does not now have a system for providing information to the public. This will be improved, moreover, through greater involvement of field personnel with the public, and through a review of all public documents for a sensitivity to consumers. At the present time CARF is reviewing publications of the Department to ensure that they communicate and are sensitive to consumer issues. The Office either suggests factors to be considered in future documents or alternative language for use in the particular publication being reviewed.

In a similar vein, HUD received many comments on the consumer education program and its distribution of materials. The comments and suggestions included the following:

Distribute materials to libraries and consumer groups; make use of direct mailings; make use of media; devise methods of bringing information directly to minority consumers; use satellite offices to distribute consumer education materials; and insure that low and moderate-income citizens are informed about housing and community development issues. In establishing the HUD consumer network, consideration was given to the necessity to reach all consumers irrespective of economic level or race. HUD contemplates using the network as one way of distributing educational materials. Further, the HUD Office of Public Affairs has developed and will continue to develop ways of working with the media to inform and educate consumers.

On Consumer Involvement in Policy-making. At present before effective communication patterns have been created between the program offices and consumers, CARF has participated extensively in the Departmental Clearance Process. CARF viewed the perspective we provided through comments during this period as a less desirable, though hopefully still meaningful, temporary alternative to the more significant responses that will be generated in increasing numbers as consumers become more fully and directly involved in the Departmental decision-making process.

CARF's comments during this interim period are divisible into two classes. First, CARF reacted to proposed legislation for which a Departmental response was being sought. Second, it responded to requests for clearance of Departmental proposed and final regulations and issuances.

With respect to legislative materials, CARF reviews every piece of proposed legislation on which a Departmental position is being formulated. CARF has in fact commented on a wide variety of issues in this process.

With respect to other Departmental issuances, CARF has participated in the formulation of the Department's position on issues as diverse as proposed regulations on Section 8 bonus allocations, proposed tenant eviction regulations, miscellaneous revisions to the single family mortgagor's handbook, proposed revisions to the handbook and regulations regarding the drafting, clearing and publication of Federal Register materials, the **HUD Unified Issuance Handbook**, the **Community Services Functions Field Handbook**, and the **Inflation Impact Statement Handbook**, among others.

But, as was indicated in the plan, this system is an interim one. It is HUD's intent to involve consumers, directly, in a meaningful way in policy-making.

HUD's intention conforms to the recommendations made by those commenting on the Proposed Consumer Representation Plan. The same point was made in a variety of ways: "Involve grass-roots level participation in policy decisions; include low-income citizen participation in policy decisions; there should be consumer feedback and input through use of public forums and advisory groups; solicit views from consumers, state and local consumer protection groups."

General. Many of the comments dealt with specific program areas or constituted a request for information. CARF has referred the requests for information to the relevant office. Where there were comments or complaints about a specific program, those have been catalogued and will be used by CARF in determining what issues should be subjected to greater public participation and what issues should be the subject of a recommended change in policy.

APPENDIX D.—CONSUMER COMPLAINT COORDINATORS

For complaints and inquiries, use the following addresses and telephone numbers:

NOTICES

REGIONAL OFFICES AND TELEPHONE NUMBERS

Region I

John F. Kennedy Building, Boston, Massachusetts 02203 (617) 223-4067—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region II

26 Federal Plaza, New York, New York 10007 (212) 264-4233—New Jersey, New York, Puerto Rico, Virgin Islands.

Region III

Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106 (215) 597-2560—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.

Region IV

Peachtree-Seventh Building, 50 Seventh Street, N.E., Atlanta, Georgia 30323 (404) 526-2516—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Region V

300 South Wacker Drive, Chicago, Illinois 60606 (312) 353-1134—Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin.

Region VI

Earl Cabell Building, 1100 Commerce Street, Dallas, Texas 75242 (214) 749-7406—Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Region VII

Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106 (616) 758-2558—Iowa, Kansas, Missouri, Nebraska.

Region VIII

Federal Building, 19th and Stout Streets, Denver, Colorado 80202 (303) 837-3721—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.

Region IX

450 Golden Gate Avenue, P.O. Box 36003, San Francisco, California 94102 (415) 556-8504—Arizona, California, Hawaii, Nevada, Guam, American Samoa.

Region X

Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101 (206) 442-5330—Alaska, Idaho, Oregon, Washington.

HUD CENTRAL OFFICE AND TELEPHONE NUMBER (AREA CODE 202)

Office of General Counsel, 755-7090.

Legislative Affairs, 755-7380.

Public Affairs, 755-5284.

Community Planning & Development, 472-2836.

New Communities, 755-6170.

Government National Mortgage Association, 755-5927.

Equal Opportunity, 755-5673.

Administration, 755-5206.

Federal Insurance Administration, 755-7355.

Office of Interstate Land Sales, 755-5860.

Inspector General, 755-6430.

Federal Disaster Assistance Administration, 634-7906.

Policy Development & Research, 755-5531.

Housing, 755-5996.

Consumer Affairs and Regulatory Functions, 755-5354.

DEPARTMENT OF LABOR

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Special Assistant to the Secretary for Consumer Affairs,
U.S. Department of Labor, Room 1032 South, 3rd &
Constitution Avenue, N.W., Washington, D.C. 20210
(202) 523-7304.

TABLE OF CONTENTS

- I. Statement of Purpose.
- II. Executive Summary.
- III. Operating Units Involved.
- IV. Department Plan.
- A. General Actions.
- B. Structure and Organization of Consumer Activities.
- C. Agency Consumer Affairs Programs.
- V. Schedule of Events.
- VI. Allocation of Resources.
- Appendix A.—Department of Labor Consumer Contacts.
- Appendix B.—Public Comment on the Proposed Consumer Representation Plan (January through May, 1976).
- Appendix C.—Consumer Affairs Organization Chart.

I. STATEMENT OF PURPOSE

The Department of Labor is committed to assuring that consumers who are affected by the laws, regulations, policies and programs it administers have the opportunity to participate at the earliest possible stage in the process through which decisions are made, and that these consumers are as fully informed as possible about actions affecting them.

The purpose of the Department's Consumer Representation Plan is to carry out these objectives by making Department agencies more responsive to consumer needs and concerns. Where the mechanisms for consumer participation already exist, they will be strengthened and where they do not exist, they will be instituted.

II. EXECUTIVE SUMMARY

The degree of consumer representation in the Department of Labor has varied to date. In some agencies, procedures for consumer input already exist and in others—particularly new programs—these procedures are in the developing stages.

The first goal of the Department plan is to standardize the basic opportunities for consumer representation throughout all agencies in each of the consumer impact areas. For this reason, the first section of the plan outlines general actions that will be implemented by all agencies to formalize and make generally uniform the Department's commitment to increasing consumer representation. These are new actions that go beyond the mechanisms that already exist.

Included in these general actions to improve responsiveness to consumers are a commitment to assure balanced representation of consumer viewpoints on advisory committees, the development of new methods to involve consumer in the pre-proposal stage of regulations, scheduling annual open meetings in regional cities for consumer comment on program operations, regulations and policies, information exchange with general consumer groups, issuance of news releases or other suitable informational materials on Federal Register notices, improvement in the language of notices and publication of a summary preceding each notice and publication of a series of one-page consumer fact sheets on major laws and programs in easily understood language.

The second section of the plan establishes a structure and organization for consumer activities in the Department based on the appointment of a Special Assistant to the Secretary for Consumer Affairs with overall responsibility for coordinating and monitoring the consumer program in the Department, the appointment of agency consumer representatives in Washington and in the regions, and the establishment of a Secretary's Committee on Consumer Affairs to coordinate consumer affairs programs throughout the Department.

The final section contains the specific new actions each agency with consumer impact will take, as part of their consumer affairs programs, to implement the Department plan

and to correct any specific weaknesses in consumer representation.

Some of these actions include town hall meetings to be held across the country on job safety and health issues, toll-free telephone numbers for consumers, providing all consumers who comment on regulations with copies of the final regulations and a new consumer information program explaining the Consumer Price Index.

III. OPERATING UNITS INVOLVED

The Department of Labor enforces laws that protect the rights of workers to safe and healthful working conditions, a minimum hourly wage and overtime pay, unemployment insurance, workers' compensation and freedom from employment and pay discrimination. In addition, the Department protects workers' pension rights, helps them train for and find jobs, works to strengthen free collective bargaining and keeps track of changes in employment, prices and other national economic statistics. The Department is therefore primarily concerned about the quality of worklife in America and with the relationship between workers, employers and jobs. Its programs are not concerned with any specific product in the consumer sense which is available in the marketplace.

The following specific Department agencies conduct rule-making and information activities that affect consumers:

A. EMPLOYMENT AND TRAINING ADMINISTRATION (ETA)

Provides training, placement services, transitional public service jobs and unemployment compensation from State and local agencies to people who are unemployed or seeking new work.

1. Comprehensive Employment and Training Program (CETA)—Provides State and local governments with funds to design and operate job training programs to meet local needs. During periods of high unemployment, these governments provide Federally-funded public service jobs for unemployed workers. CETA also provides special assistance to disadvantaged workers including Indians, migrant and seasonal farm workers, offenders and older workers.

2. Bureau of Apprenticeship and Training—Promotes apprenticeship programs in skilled trades under the National Apprenticeship Act.

3. Job Corps—Provides job training and basic education for disadvantaged youth in a residential environment.

4. Work Incentive Program (WIN)—Helps welfare recipients get and keep jobs. WIN is conducted in cooperation with the U.S. Department of Health, Education and Welfare.

5. U.S. Employment Service (USES)—Directs the Federally-funded State employment service system which provides job placements through computerized job banks, counseling, testing and referral to training and offers a variety of employer services. USES also administers special programs to aid veterans and disadvantaged people.

6. Unemployment Insurance Service—Directs the Federal-State unemployment insurance system and other unemployment compensation programs, including those for veterans, federal employees and persons jobless due to foreign imports or natural disasters, such as floods.

7. Office of Policy, Evaluation and Research—Supports and conducts research into employment and training problems, develops projects to test new ways of serving workers with particular job-related needs and evaluates employment and training programs.

B. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

Develops, issues and enforces safety and health standards to protect workers on the job. OSHA inspects workplaces for

NOTICES

standards violations, issues citations and proposes penalties for non-compliance with regulations. OSHA aids States in developing their own job safety and health plans and conducts education, training and information programs to promote workplace safety and health practices.

C. LABOR-MANAGEMENT SERVICES ADMINISTRATION (LMSA)

Supervises and regulates certain union activities, protects participants' rights in private pension and welfare benefit plans, protects reemployment rights of veterans and provides assistance to labor and management in resolving disputes through collective bargaining.

1. **Pension and Welfare Benefit Programs**, Office of Employee Benefits Security—Administers the Employee Retirement Income Security Act which protects the employee benefit rights of workers in private industry. The ERISA program is jointly administered with the Internal Revenue Service and the Pension Benefit Guaranty Corporation.

2. **Labor-Management Standards Enforcement**—enforces the Labor-Management Reporting and Disclosure Act requiring unions to make annual financial reports and to comply with standards for conducting union elections.

3. **Veterans Reemployment Rights**—Assists veterans in exercising their reemployment rights and works with the Veterans Employment Service of the Employment and Training Administration and the U.S. Department of Defense.

4. **Labor-Management Policy Developments**—Conducts special studies on collective bargaining problems and research on policy development.

D. BUREAU OF INTERNATIONAL LABOR AFFAIRS (ILAB)

Provides trade adjustment assistance to workers displaced from their jobs by increased imports, participates in multilateral trade negotiations, provides technical assistance to developing countries and aids U.S. foreign affairs agencies in international labor matters.

E. BUREAU OF LABOR STATISTICS (BLS)

Collects, analyzes and publishes data on the labor force, employment, unemployment, occupational outlook, wages, industrial relations, prices, family budgets, consumer expenditures, labor turnover, productivity, economic growth and occupational safety and health.

F. EMPLOYMENT STANDARDS ADMINISTRATION (ESA)

Enforces laws and regulations setting employment standards, provides workers' compensation to longshore, harbor workers and federal workers injured on the job, and benefits to miners suffering from black lung and their dependents, enforces equal employment opportunity requirements for Federal contractors and promotes the status of working women.

1. **Wage and Hour Division**—Enforces Federal wage and hour laws which set the minimum wage, overtime pay, equal pay, child labor and record-keeping standards; enforces laws prohibiting age discrimination in employment, establishing wage garnishment procedures, requiring registration by farm labor crew leaders, requiring safe and healthy living conditions for farm workers, and setting wage and hour standards for Government contract work.

2. **Federal Contract Compliance Programs**—Administers the Federal government's program requiring equal employment opportunity for workers regardless of race, color, sex, religion, national origin, handicap or veteran's status on Federal contract work.

3. **Workers' Compensation Programs**—Provides compensation for Federal employees and other groups who suffer job-related injuries, diseases and deaths; provides compensation for maritime workers or their survivors, and compensation benefits and medical treatment to miners with black lung disease as well as benefits for their survivors.

4. **Women's Bureau**—Develops policies and programs to promote the welfare of women in the workforce, encourages better use of manpower and offer assistance to State and community leaders and other nations on women and work.

IV. DEPARTMENT PLAN

A. GENERAL ACTIONS

This part of the Department plan outlines general actions the Department will take agency-wide to standardize and increase basic opportunities for consumer participation and representation in each of the consumer impact areas. These

actions set the basic guidelines or framework within which Department agencies will conduct their consumer affairs programs.

A. Decision-Making and Program Planning. To strengthen consumer participation in decision-making the Department will:

1. Assure that deadlines for public comment, submission of data, notification of intent to appear at hearings and committee meetings are reasonable and permit maximum participation by consumers.

2. Assure balanced representation of consumer viewpoints on advisory committees including the appointment of public members knowledgeable in consumer matters.

3. Increase contacts with general consumer groups to obtain information and technical data for use in rulemaking and program development.

4. Better utilize Department conferences and seminars to encourage consumer input and involvement in decision-making.

5. Develop new methods to involve consumers in pre-proposal stage of regulations development.

B. Evaluation of Existing and Proposed Programs. To improve consumer participation in the evaluation process, the Department will:

1. Hold an annual open meeting in each of our regional cities for consumers to evaluate program operations, regulations and policy.

2. Develop new procedures to expand consumer input into program and policy evaluation and to incorporate the input into the evaluation process.

3. Increase contacts with general consumer groups to encourage their input into the evaluation of existing and proposed Department programs.

C. Data Transmission. To increase the flow of information and data from consumers the Department will:

1. Better utilize public members of Department advisory committees and councils to transmit consumer views and information and, where possible, replace public members whose terms have expired with persons who have background in consumer matters.

2. Establish contacts with consumers to solicit consumer input.

3. Develop contacts with general consumer groups to solicit information, and research materials reflecting consumer viewpoints.

D. Correspondence and Complaint Handling. To improve response to consumer correspondence and complaints the Department will:

1. Assure that general correspondence and consumer complaints are handled promptly and responsively.

2. Strengthen procedures to assure that complaints and suggestions are funneled into the decision-making process.

E. Communications to Consumers. To expand communication with consumers the Department will:

1. Issue timely **FEDERAL REGISTER** notices to inform consumers about rulemaking activities.

2. Issue general news releases or other suitable publication of information contained in **Federal Register** notices on the development of regulations and policy.

3. Improve the language in **Federal Register** notices and publish a summary statement in understandable language to directly precede the actual notice.

4. Develop a mailing list of general consumer organizations across the country for use in mailing out consumer news releases and other consumer information materials.

F. Feedback to Consumers. To improve response and feedback to consumers about their comments the Department will:

1. Publish a summary of significant consumer comments on proposed policy and rulemaking in the **FEDERAL REGISTER**.

2. Develop new methods for feedback to consumers about their program and policy comments.

G. Consumer Education. To strengthen existing consumer education programs the Department will:

1. Publish one-page consumer fact sheets in easily understood language on major laws and programs administered by the agencies with information on where and how consumers can obtain assistance.

2. Prepare articles for Department publications, and the general and trade media on how consumers can participate in the rulemaking activities of Department agencies.

B. STRUCTURE AND ORGANIZATION OF CONSUMER ACTIVITIES

The Department of Labor has not previously had organizational lines of responsibility to coordinate and consolidate consumer affairs activities. Up to this time each agency has conducted consumer activities individually. The second part of the Department's plan outlines the policy, organization and responsibilities that have been established for the Department's overall consumer program. These procedures have been issued in the form of a Secretary's Order which makes them part of the operating policy of the Department of Labor.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 14, 1976.
Washington, May 14, 1976.

SECRETARY'S ORDER 12-76.

Subject: Delegation of Authority for Implementing the Department of Labor's Consumer Representation Plan

1. *Purpose.* To delegate authority and assign responsibility for the Department of Labor's (DOL) Consumer Representation Plan and the development of DOL Agency Consumer Affairs Programs, and to establish the position of Special Assistant to the Secretary for Consumer Affairs and the Secretary's Committee on Consumer Affairs.

2. *Background.* The President has directed that the Federal government become more responsive to consumer needs by increasing opportunities for consumers to participate in decision-making and by informing consumers about agency activities affecting them. The Department has developed and will implement its Consumer Representation Plan which outlines procedures to achieve these goals.

3. *Policy.* It is the policy of the Department to assure that client groups and individual consumers affected by regulations, policy, decisions, and program actions are given adequate opportunity to comment and participate in the decision-making and review processes, and that they are informed about actions that affect them.

4. *Delegation of Authority and Assignment of Responsibility.*

a. The position of *Special Assistant to the Secretary for Consumer Affairs* is established within the Department. The Special Assistant is delegated authority to establish procedures and guidelines for implementing the Department's Consumer Representation Plan, for monitoring DOL Agency Consumer Affairs Programs, for reporting and making recommendations on consumer affairs activities—external and internal—to the Secretary of Labor, and for serving as liaison with client groups, individual consumers, consumer organizations, the White House Office of Consumer Affairs, the private sector and certain Federal, State, and local consumer units.

b. *DOL Agency Heads* are assigned responsibility for developing DOL Agency Consumer Affairs Programs to implement the Department's Consumer Representation Plan and for assuring compliance with its objectives.

5. *Action.*a. *DOL Agency Heads* will:

(1) Develop Agency Consumer Affairs Programs that will strengthen the role of client groups and consumers in Agency decision-making, improve complaint-handling procedures, develop opportunities for participation in program and policy evaluation, develop methods of feedback to consumers, and improve consumer information programs.

(2) Implement the following actions specified for their Agencies in the Department's Consumer Representation Plan:

(a) Establish formal contacts with consumer organizations representing both client groups and general consumers to solicit input into decision-making.

(b) Publish a summary of proposed regulations and policy in understandable language to appear (preceding technical notices) in the Federal Register.

(c) Issue timely news releases in conjunction with Federal Register notices to allow the greatest possible time for public comment after receipt of the release.

(d) Publish a summary of significant public comments on proposed policy and rulemaking in the Federal Register.

(e) Appoint a DOL Agency Consumer Representative to assist in assuring client group and individual consumer involvement in decision-making.

b. *DOL Agency Consumer Representatives* will:

(1) Monitor, on behalf of DOL Agency Heads, implementation of the Department's Consumer Representation Plan and the Agency's Consumers Affairs Program to assure that they are implemented and administered according to overall policy, guidelines, and procedures.

(2) Serve as contact point within the Agency for consumer affairs matters.

(3) Report quarterly to the Special Assistant for Consumer Affairs on the progress of the Agency's Consumer Affairs Program.

c. *Regional Directors* will:

(1) Monitor for the Special Assistant for Consumer Affairs the implementation of the Department's Consumer Representation Plan as it affects field operations.

(2) Work with other DOL regional officials to achieve maximum responsiveness to client group and individual consumer requests and complaints.

(3) Serve as liaison on consumer matters with client groups, individuals, consumer organizations, businesses, and other State and local units in the regions.

(4) Report quarterly to the Special Assistant for Consumer Affairs on the status of consumer representation in the regions.

6. A *Secretary's Committee on Consumer Affairs* is established within the DOL to assure coordination and focus for the various consumer programs operated throughout the Department.

a. *Organization.* The Secretary's Committee on Consumer Affairs will be chaired by the Special Assistant for Consumer Affairs, who may designate a member of the Committee to serve as Chairperson in the event of absence.

b. *Membership.* In addition to the Chairperson, the Committee will be composed of DOL Agency Consumer Representatives, and two Regional Directors to be chosen by the Under Secretary on a rotating basis.

c. *Meeting Schedule.* The Secretary's Committee on Consumer Affairs will meet at least once quarterly. The Chairperson, after reasonable notice to all members, may convene additional meetings as the Committee requires.

W. J. USEY, Jr.,
Secretary of Labor.

C. AGENCY CONSUMER AFFAIRS PROGRAMS

The final section of the Department plan contains the agency consumer affairs programs or the specific actions each agency with consumer impact will take to implement the Department plan and to correct any specific weaknesses in consumer representation.

Employment and Training Administration

The Employment and Training Administration (ETA) will undertake an active program to encourage consumer participation in the various phases of decisionmaking and improve communications with consumers.

A. *Decision-Making and Program Planning.* 1. ETA will communicate regularly with consumers and consumer groups to disseminate policy and program information and elicit comments and recommendations for consideration in decision-making.

B. *Evaluation of Existing and Proposed Programs.* 1. ETA will notify prime sponsors of programs under the Comprehensive Employment and Training Act (CETA), apprenticeship programs registered by State agencies and other program operators of its support for consumer participation in policy and program decisions. ETA will consider the amount of consumer participation as one criterion upon which the program will be evaluated.

C. *Data Transmission.* 1. ETA will consider knowledge in the consumer area as a criterion in selecting public members for new advisory committees or replacing members of existing committees.

D. *Correspondence and Complaint Handling.* 1. ETA will establish a complaint handling procedure that responds to consumer questions and complaints. Consumer questions and complaints will be handled at the point closest to their origin wherever possible. Problems that are not resolved at local, State or regional levels will be referred to the National Office for handling.

E. *Communication to Consumers.* 1. Program offices preparing Federal Register notices will make available to consumers on request, a summary of the notice.

2. To better serve non-English speaking consumers, ETA will provide translations of certain consumer publications. It will also provide copy, in English, for translation and distribution to non-English speaking groups by consumer organizations who wish to provide this service to their members. Within program and budget limitations, ETA will assist consumer groups in activities to communicate program and policy information to the non-reading public.

3. News releases announcing information published in the **FEDERAL REGISTER** will be issued to the press and wire services. In some cases depending on the nature of the notice, spot announcements will be produced for radio and television.

F. Feedback to Consumers. 1. ETA will respond promptly to consumer proposals and where appropriate, this reply will include analysis and evaluation of the proposal and the decision made.

G. Consumer Education. 1. ETA will continue to publish a series of consumer leaflets on current programs. Leaflets covering major program changes and new developments will be published and given wide distribution.

2. ETA will participate in Departmentwide programs of consumer education by (a) analyzing consumer needs as indicated by questions and problems they raise (b) developing consumer education materials and (c) providing personnel to conduct or participate in consumer education sessions.

Each Regional Administrator and each member of the ETA Executive Council will report to the Assistant Secretary at the end of each quarter on activities and accomplishments in improving consumer representation.

Occupational Safety and Health Administration

The consumer affairs program discusses specific measures already in place and others soon to be implemented or underway—to assure agency responsiveness to consumer needs.

A. Decision-Making and Program Planning.

B. Evaluation of Existing and Proposed Programs. 1. OSHA will increase significantly the role of advisory committees, particularly the National Advisory Committee on Occupational Safety and Health. This will be done to increase the value to the decision-making process of the various viewpoints represented by committee membership. In particular, the committee will establish a number of subcommittees to determine ways of overcoming objections raised in the past to OSHA programs and policies.

2. OSHA also has scheduled a series of "town hall" meetings to gather information and suggestions on how it should change safety and health regulations being considered for amendment. These meetings will be held in various locations nationwide to make it easier for consumer interests to be heard at the pre-proposal stage.

3. OSHA will broaden its contacts with interested and affected consumers before drawing up proposed rules.

4. OSHA will expand contacts with special consumer groups affected by its rules and standards.

C. Data Transmission. 1. OSHA will encourage the various members of its ad hoc and standing advisory committees to convey to OSHA the views of the constituencies they represent, as well as to convey to those groups information on OSHA progress, goals and accomplishments so their views may be soundly developed.

D. Correspondence and Complaint Handling. 1. OSHA has instituted new procedures to assure that employee complaints related either to safety and health or to discrimination are in every case investigated from both angles. This will assure, for example, that employees with discrimination complaints do not leave unmentioned complaints of working conditions possibly affecting coworkers, and vice versa.

2. OSHA will develop a system to evaluate response to consumer queries that will assure all other affected persons or groups are informed of the response as well. In this way, information on policy determinations, for example, will be transmitted not only to the correspondent, but to other constituencies as well.

3. OSHA is studying the feasibility of a form post card for acknowledging receipt of consumer/comment on proposed standards and regulations. Limitations on funding and personnel staffing have, in the past, precluded such action.

4. OSHA is investigating a "one-stop-shopping" concept for providing service to all consumers. This would involve locating the correspondence section, publications office, document review room and public affairs office in a single physical facility. This would also include toll-free telephone numbers for consumer.

E. Communications to Consumers. 1. OSHA already is operating under all the steps outlined in the Department plan for improvement in this area. However, one very vital area that has long been neglected in OSHA is being revitalized—audio-visual communications. Under pending reorganizational considerations, OSHA will reestablish the capability to produce for internal and external use, films,

film strips, slides, video tapes and audio tapes to enhance the agency capability to transmit information about its programs to consumers. This capability will be particularly valuable in reaching smaller employers, most of whom do not have affiliations with trade or professional groups, and their employees, most of whom are not unionized.

F. Feedback to Consumers. 1. In addition to developing a system for acknowledging receipt of comment on proposed regulations, OSHA will, to the extent feasible, use that system as the basis for a mailing list that will be used to disseminate a copy of the final regulations promulgated. This will assure consumers not only that their comments have been received and acknowledged, but they will have the added advantage of reviewing the final rules soon after promulgation to learn to what extent their views played a part in the final decision.

G. Consumer Education. 1. The addition of audio-visual capability will enhance OSHA's ability to expand consumer education programs. A prototype program is now underway as part of the National Emphasis Program of inspecting foundries and metal-stamping operations, that will present employer and employee groups with educational material directly related to their industry before OSHA undertakes intensive inspection activity in that industry. Such tailored educational programs, coupled with on-site consultation efforts to identify and eliminate job hazards, will greatly enhance OSHA's consumer education efforts.

2. OSHA also is actively preparing a series of consumer fact sheets, each designed to explain in simple, clear terms the aspects of various OSHA functions and activities. Each stresses the ways in which consumers can interact with OSHA in that particular program activity.

Labor-Management Services Administration

Section 1—Labor-Management Standards Enforcement (LMSE). LMSE administers reporting and disclosure laws requiring labor organizations to file annual financial reports. In addition, LMSE regulates union trusteeships and the election of union officers. The impact of this office on the general consumer is therefore more limited than that of other agencies.

LMSE will undertake the following activities as part of its consumer affairs program.

A. Decision-Making and Program Planning. 1. LMSE will publish all regulations as proposals with adequate time for comment by interested consumers.

2. LMSE will increase contacts with consumer groups through meetings to gain their input in the early stages of the development of regulations and policy.

B. Correspondence and Complaint Handling. 1. LMSE will improve the efficiency of correspondence processing and response.

2. LMSE will reduce the average response time to requests for union financial reports.

C. Communications to Consumers. 1. LMSE will prepare news releases on all major proposed regulations to coincide with publication of the proposal in the **Federal Register**. Special distribution will be made to national and international unions, and major trade media, and consumer groups upon request.

2. LMSE will increase the number of consumer publications and revisions of present publications.

3. LMSE will make the annual report on enforcement and reporting more informative for consumers.

D. Feedback to Consumers. 1. LMSE will establish additional procedures to increase the feedback of information to consumers. One new procedure will be to provide all consumers who comment on proposed regulations with copies of the final regulations once they are published.

2. LMSE will include an evaluation of the comments received on **Federal Register** notices in the Register with a discussion of which were adopted and which were rejected.

E. Consumer Education. 1. LMSE's technical assistance program, a consumer education program, will be emphasized July 1976.

2. LMSE will conduct additional special seminars for union officers and members to inform them of their rights and responsibilities. LMSE personnel work closely with labor unions and other consumer groups in scheduling and conducting these seminars and training sessions.

Section 2—Office of Veterans' Reemployment Rights. The Office of Veterans' Reemployment Rights (OVRR) assist

veterans, reservists and National Guardsmen in exercising their reemployment rights with employers they leave to perform military training or service. OVRR does not develop regulations or have rulemaking authority under the reemployment law, therefore its consumer affairs program consists primarily of information dissemination to the specific clients affected by this law.

As part of its consumer affairs program OVRR will do the following:

A. *Communications to Consumers.* 1. OVRR will schedule question and answer sessions on radio with employer representatives, union representatives and veterans' organizations.

2. OVRR will establish toll-free telephone numbers for calls to OVRR and LMSA field offices.

3. OVRR will provide additional speakers at employer representative meetings, Chambers of Commerce, union conventions, and Reserve and National Guardsmen Training Centers.

4. OVRR will produce TV public service spot announcements on the reemployment law.

Section 3—*Pension and Welfare Benefit Programs, Office of Employee Benefits Security.* This office administers the newest Labor Department program, the Employee Retirement Income Security Act (ERISA) which protects the employee benefit rights of workers in the private sector.

The ERISA program is still in the early stages of implementation.

While ERISA uses many of the standard mechanisms for consumer input outlined in the section on existing consumer mechanisms, the office will develop specific new actions to enhance consumer representation as the program develops.

Bureau of International Labor Affairs

The consumer affairs program of the Bureau of International Labor Affairs (ILAB) focuses primarily on the area of ILAB responsibility which falls most clearly within the consumer area: the Trade Adjustment Assistance (TAA) Program for workers.

A. *Decision-Making and Program Planning.* 1. ILAB will issue news releases which coincide with publication of *FEDERAL REGISTER* Notices seeking comments at specific stages of regulations development or announcing public hearings involving the TAA program. These releases will be given wide dissemination to interested or affected consumer groups.

B. *Evaluation of Existing and Proposed Programs.* 1. The written and oral comment process will be reinforced by a careful review of suggestions presented at public hearings for utilization in future program operations.

2. Comments on the TAA program are and will be solicited from workers and their representatives, and this process will be expanded to include a broader spectrum of the workers who have been affected by the program. During the 12-month period commencing May 1, 1976, ILAB will conduct a survey of individual consumers (i.e., workers who have been certified as eligible to apply for adjustment assistance) to get their evaluation of the effectiveness of the TAA program as it relates to them.

3. The role of the Trade Act Policy Committee will be expanded as a part of the ILAB consumer affairs program. This Committee, which is chaired by the Deputy Under Secretary, will now meet at least quarterly to reevaluate the TAA program in the light of the various consumer inputs regarding it. Within budgetary and other constraints, the Committee will meet in open session with consumer representatives in the regional cities as well as in Washington, D.C.

C. *Data Transmission.* 1. As a method of possibly achieving even greater consumer data transmission, the Solicitor's Office of the Labor Department will draft additional language for inclusion in the standard Notice of Investigation concerning each new trade adjustment assistance case which the Department institutes. This language will solicit and encourage public comment regarding each case. Information which could prove useful for the Department's investigation may well result from this action.

2. ILAB will strengthen consumer contacts.

D. *Correspondence and Complaint Handling.* 1. ILAB will continue its policy to answer all letters within ten working days.

2. ILAB will inform consumers about the appeals mechanism available to them.

E. *Communication to Consumers.* 1. The Spotmaster audio news service will be utilized to report particularly significant developments in the trade adjustment assistance program.

F. *Feedback to Consumers.* 1. As a key part of its consumer feedback program, ILAB will pay careful attention to consumer comments. All consumer comments or data submissions made in connection with public hearings will become a part of the public record.

G. *Consumer Education.* 1. A consumer fact sheet on the program has been issued and will be updated periodically. The detailed news releases also contribute to consumer education. Frequent contacts—by telephone and in writing—with the media, the general consumer, and the client groups also help significantly in this regard.

Bureau of Labor Statistics

The Bureau of Labor Statistics (BLS) has no regulatory or enforcement functions. Its programs are almost entirely concerned with collecting economic data and providing it to consumers. For this reason, the BLS consumer affairs program is primarily information oriented.

A. *Evaluation of Existing and Proposed Programs.* 1. BLS is requesting that a special committee be appointed to examine and evaluate employment and unemployment data.

B. *Correspondence and Complaint Handling.* 1. BLS is improving handling of periodical subscriptions and publications orders by the Government Printing Office.

C. *Communications to Consumers.* 1. BLS will develop a consumer information program to help consumers understand changes in the Consumer Price Index and what they mean.

2. BLS will attempt to further reduce the price of its publications by the Government Printing Office in order to make them more available to consumers.

3. BLS will publish a monthly list of its new publications for consumer use.

D. *Consumer Education.* 1. BLS will issue one-page consumer fact sheets on its various programs.

2. BLS will prepare a pamphlet explaining revised Consumer Price Index.

Employment Standards Administration

The Employment Standards Administration (ESA) will take the following actions as part of its consumer affairs program to encourage Consumer participation in decision-making.

A. *Decision-Making and Program Planning.* 1. Advanced notices of proposed rulemaking will generally be issued in the *FEDERAL REGISTER* to give consumers an opportunity to participate in the pre-proposal stage of the regulations process.

2. Where appropriate, ESA will hold more public hearings. 3. The consultation process will be formalized and expanded.

4. Public members of advisory committees will be asked to represent consumer views. Where possible, new public members will be selected to reflect consumer opinions.

5. ESA will hold or participate in one Departmental Consumer conference annually in each of the ten regions. The purpose of the conferences is to encourage consumer comment on policy formulation and execution.

B. *Evaluation of Existing and Proposed Programs.* 1. ESA will assure that all public comments are fed directly into the evaluation process.

C. & D. COMMUNICATIONS TO CONSUMERS AND CONSUMER EDUCATION

1. ESA will produce and distribute additional radio and television public service announcements and film materials to inform consumers of their rights and responsibilities under ESA laws.

2. ESA will disseminate special news articles on subjects of consumer interest to the press and wire services. Where appropriate, radio and TV spot announcements will be produced and made available.

3. ESA will distribute a new exhibit system to regional and area offices for appropriate showings to consumers and client groups.

V. SCHEDULE OF EVENTS

A. ACTIONS

1. Appointment of Special Assistant for Consumer Affairs, July 1976.

2. Appointment of agency consumer representatives, July 1976.

3. Appointment of regional members of Secretary's Committee on Consumer Affairs, July 1976.

NOTICES

4. Development of agency consumer affairs programs, April 1976.
5. Implementation of general action requiring issuance of news releases on **FEDERAL REGISTER** notices, February 1976.
6. Adoption of Secretary's Order on Consumer Representation, May 1976.
7. Implementation of general action requiring issuance of consumer fact sheets, November 1975.

VI. ALLOCATION OF RESOURCES

The Department of Labor will implement its Consumer Representation Plan and conduct its consumer affairs programs with current resources by reallocating personnel and resources as needed, consistent with the laws the Department administers. In the future, additional new resources may be added.

Approved and Submitted by:

W. J. USERY, Jr.,
Secretary of Labor.

JUNE 11, 1976.

APPENDIX A.—DEPARTMENT OF LABOR CONSUMER CONTACTS

Individuals or organizations with consumer questions, problems or comments can contact the following persons in the Department of Labor for assistance:

WASHINGTON

Consumer comments should be addressed by mail to:

John W. Leslie, Special Assistant to the Secretary for Consumer Affairs, U.S. Department of Labor, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210.

REGIONAL OFFICES

Consumer comments may be addressed by mail or telephone

I. Statement of Purpose.**Region I—Boston**

Gerald P. Reidy, Consumer Representative, Room 1700-C, JFK Building, Boston, Mass. 02203 (617) 223-5430.

Region II—New York

Stephen D. Blum, Consumer Representative, Room 3500, 1515 Broadway, New York, N.Y. 10036 (212) 399-5252

Region III—Philadelphia

Thomas M. Foglietta, Consumer Representative, Room 14320, 3535 Market St., Philadelphia, Pa. 19104 (215) 596-1116.

Region IV—Atlanta

Eugene W. Griner, Consumer Representative, Room 500, 1371 Peachtree St., NE, Atlanta, Ga. 30309 (404) 526-5366.

Region V—Chicago

Alexander P. White, Consumer Representative, 10th Floor, 230 South Dearborn St., Chicago, Ill. 60604 (312) 353-4122.

Region VI—Dallas

Paul W. Story, Consumer Representative, Suite 744, 555 Griffin Square Bldg., Dallas, Texas 75202 (214) 749-3842.

Region VII—Kansas City

Richard W. McAviney, Consumer Representative, Room 2505, Federal Office Bldg., 911 Walnut St., Kansas City, Mo. 64106 (816) 374-5941.

Region VIII—Denver

Robert J. Brown, Acting Consumer Representative, Room 17034 Federal Office Bldg., 1961 Stout St., Denver, Colo. 80202 (303) 837-3791.

Region IX—San Francisco

George W. Smith, Consumer Representative, Room 10064 Federal Office Bldg., 450 Golden Gate Avenue, San Francisco, Calif. 94102 (412) 556-8754.

Region X

James T. Hughes, Consumer Representative, Room 8003 Federal Building, 900 First Avenue, Seattle, Washington 98174 (206) 442-1545.

APPENDIX B—PUBLIC COMMENT ON THE PROPOSED CONSUMER REPRESENTATION PLAN

(January through May 1976)

The Department of Labor received a number of comments on its Consumer Representation Plan from organizations, individuals and consumer groups. These comments, both oral and written, came during the regional White House Conferences on Consumer Representation, the comment period for the plan as published in the **FEDERAL REGISTER** and the public hearing held in Washington on the Department's plan.

After a careful review of all the comments, the Department has amended its plan to include changes recommended by consumers.

Several consumer groups and individuals commented that the original plan was too general and did not specify actions that would be taken to improve consumer representation. While the intent of the plan was to provide a framework which would commit and guide agencies of the Department in strengthening consumer participation but allow them the flexibility to decide the most effective means to do this, a new section which includes agency consumer affairs programs has been added to the plan. This section spells out specific actions agencies will take to correct weaknesses in consumer representation.

A second prevalent comment was that the plan did not specify how Department consumer representatives would be accountable for their activities. This revised plan includes a section on structure and organization of consumer activities spelling out, in a Secretary's Order, the Department's commitment to increase consumer involvement as well as delegating responsibility for consumer activities.

Briefly, the order establishes a Special Assistant to the Secretary for Consumer Affairs responsible for overseeing the execution of the Department plan, monitoring agency consumer affairs programs and serving as liaison with consumer groups, and client organizations. The Special Assistant reports directly to the Secretary of Labor concerning the conduct of the Department's consumer program.

In addition, agency heads are responsible directly to the Secretary for assuring compliance with the objectives of the Department's plan and for administering their agency's consumer affairs program. To formalize the exchange of information, the order sets up a Secretary's Committee on Consumer Affairs, chaired by the Special Assistant and composed of agency consumer representatives appointed by agency heads. Agency consumer representatives must also report quarterly to the Special Assistant on the status of their consumer programs.

In the Department's view, the success of the consumer program is best assured by placing the responsibility for the execution of the program on the line officers of the Department rather than in a staff office without line authorities.

Another comment on the plan was that it failed to provide for consumer representatives in the field. The revised Department plan designates the Regional Directors or Secretary's representatives in the field to serve as consumer liaison.

As the result of another comment, the Department has added a provision to the plan for an annual open meeting in each of the regions to give consumers the opportunity to comment on programs, regulations and policies.

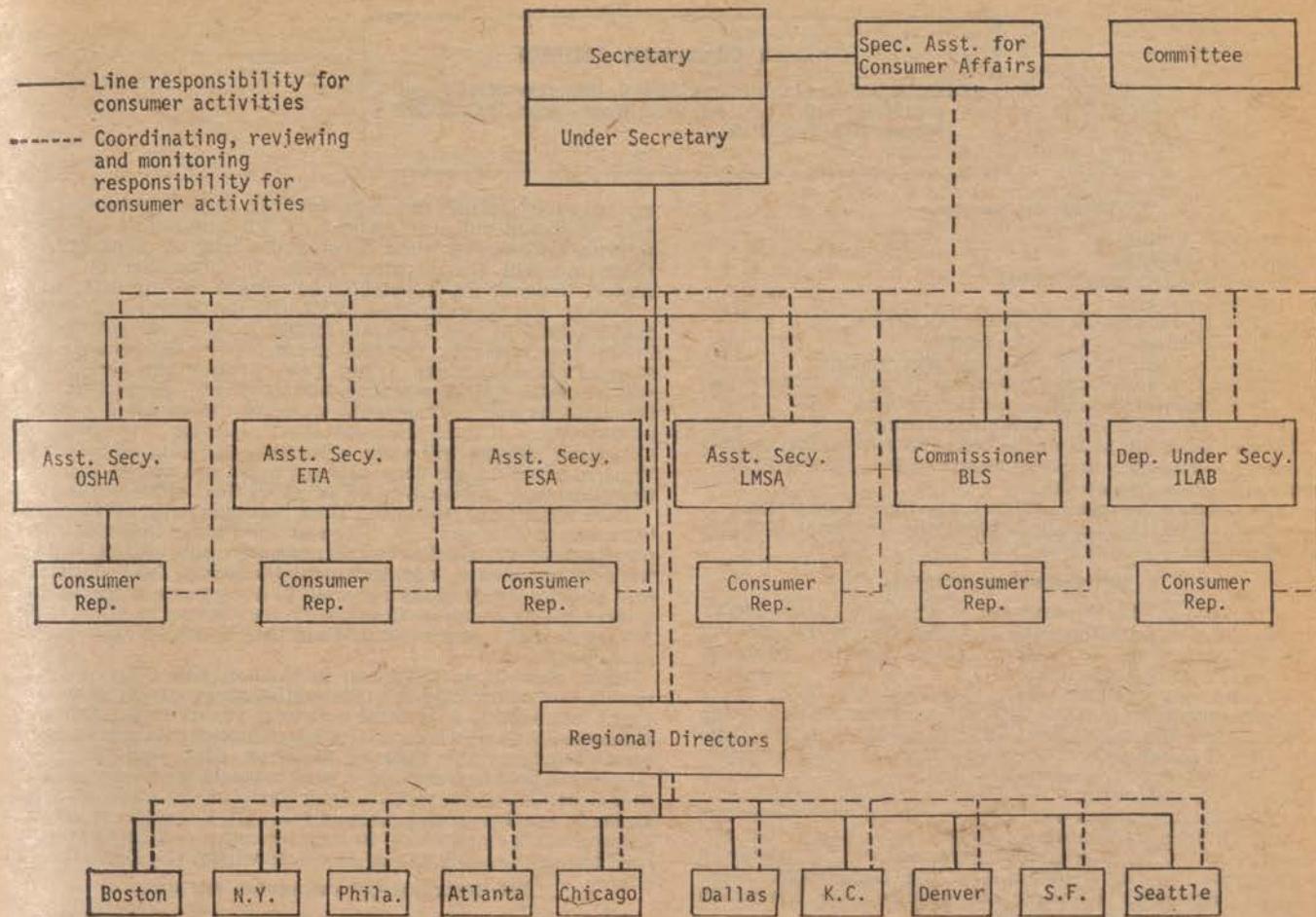
The Department will also increase its efforts to publish consumer materials in languages other than English to better serve the minority communities.

Several consumers suggested that the Department include provisions for a toll-free telephone to connect consumers with regional offices. While the Department does not currently have the funds to undertake this project, several agencies now have toll free numbers and others are planning to fund this type of activity as part of their consumer affairs programs.

Public Citizen commented that the plan fails to provide for analyzing consumer complaints as an index of the Department's overall performance and as the basis for possible policy revisions or changes.

The Department plan does provide for the inclusion of consumer information in the evaluation process of each agency. On a Department-wide basis, this task is part of the review and coordinating function which the Special Assistant for Consumer Affairs will perform and this point will be included in the guidelines and procedures to be issued for implementing the Department's plan.

APPENDIX C
CONSUMER AFFAIRS ORGANIZATION CHART



NOTICES

DEPARTMENT OF TRANSPORTATION

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Director, Office of Consumer Affairs, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590
Phone: 202-426-4542.

TABLE OF CONTENTS

I. Statement of Purpose
II. Executive Summary
III. Primary Organizations Involved
IV. Departmental Plan
(1) How Consumers Are Represented in DOT
(2) How Consumers Can Contact DOT
(3) How DOT Solicits and Uses Consumers' Opinions
(4) How Consumers Can Participate in DOT's Rulemaking, Policymaking, and Program Development
(5) How the Department Informs Consumers
(6) How DOT Will Monitor the Consumer Representation Plan
Appendix A.—Consumer Responsibilities and Functions in DOT
Appendix B.—Organization Chart
Appendix C.—Announcement of DOT's Consumer Mailing List
Appendix D.—Public Comments on DOT Proposed Consumer Representation Plan (January—May 1976)

I. STATEMENT OF PURPOSE

The purpose of the Department of Transportation (DOT) Consumer Representation Plan is to accelerate the opening of DOT's operations to public scrutiny and to consumer participation in decisionmaking.

First, the plan outlines what DOT does and shows where consumer representation fits into the transportation picture. It summarizes the missions of DOT's operating administrations and also indicates where the consumer affairs officers are located within those administrations.

Second, the plan outlines the opportunities for communication between consumers and DOT. It explains how consumers can make known complaints and opinions, and how they can take part in DOT's rulemaking, policymaking, and program development. It also explains how the Department seeks and uses consumers' opinions, and how it keeps consumers informed on transportation issues.

Third, the plan makes consumer representation a matter of Departmental policy by specifying that all elements of DOT shall: (1) strengthen procedures for being responsive to consumers' needs and concerns; (2) solicit consumers' opinions; and (3) support consumer participation in Departmental activities.

The Department of Transportation encourages comments from consumers as it implements this Plan.

II. EXECUTIVE SUMMARY

Responsibility for consumer representation in the Department of Transportation (DOT) rests with: the Assistant Secretary for Environment, Safety, and Consumer Affairs; the Director of the Office of Consumer Affairs in the Office of the Assistant Secretary for Environment, Safety, and Consumer Affairs; and six consumer affairs officers in the Department's operating administrations.

Consumers are invited to comment on the progress of this Plan and on all DOT programs and decisions. Consumer mail should be addressed to the Department's consumer affairs officers. It will be answered or acknowledged within 15 days.

To solicit consumers' comments, DOT uses such methods as requiring applicants for funds to involve citizens in the local planning process, public hearings, liaison with consumer organizations, and advisory committees. DOT will find ways to broaden and strengthen its present methods for soliciting and using consumers' comments, including the development of a departmentwide system for analyzing consumer mail and for disseminating these analyses within the Department.

In rulemaking, DOT will: follow notice-and-comment procedures even in exempted areas where there is a substantial public interest in a proposed rule; use Advance Notices of Proposed Rulemaking to the fullest extent possible; allow at least 45 days for public comment on each proposed rule; and

evaluate and publish the costs, benefits, and other impacts of each proposed rule. In addition, DOT will follow specified internal procedures when developing costly or controversial rules and will also provide regular opportunities for consumers to comment on established rules and grant programs.

Concerning policymaking, DOT will—as often as is practical—publish in the *FEDERAL REGISTER* Advance Notices of Policy Development, requesting consumer comment at the earliest planning stage. Other new participatory techniques will be developed. In response to consumers' suggestions, the Department will explore techniques for increasing consumer participation in local transportation planning. The Office of Consumer Affairs will work with the operating administrations to expand such consumer participation and to increase the consumer responsiveness of DOT field office staffs.

DOT's consumer-oriented press releases will be stamped "Consumer Advisory" or "Request for Public Comment," as appropriate. Press releases and consumer publications will be written in concise, non-technical language. DOT decisions and policies will be fully reported to consumers, with reasons and expected impacts. Consumers are invited to place their names on DOT consumer mailing lists by use of the coupon in Appendix C.

Each element in DOT will implement this Plan and will develop its own consumer representation program. Each element will submit a detailed quarterly report to the Office of Consumer Affairs which will oversee implementation and will also publish in the *FEDERAL REGISTER*, each fiscal year, an Annual Report to Consumers, with requests for comment. The Office of Consumer Affairs will continue to work with all Departmental elements, through the DOT Consumer Affairs Coordinating Committee, to increase consumer participation and to advance consumers' interests within the Department.

III. PRIMARY ORGANIZATIONS INVOLVED

The primary organizations involved in the Department of Transportation Consumer Representation Plan are the Office of Consumer Affairs in the Office of the Assistant Secretary for Environment, Safety, and Consumer Affairs and the following operating administrations within the Department: the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the National Highway Traffic Safety Administration, the U.S. Coast Guard, and the Urban Mass Transportation Administration.

IV. DEPARTMENTAL PLAN

(1) HOW CONSUMERS ARE REPRESENTED IN DOT

The U.S. Department of Transportation (DOT) fosters the development and maintenance of a safe, efficient, and effective national transportation system for the movement of people and goods. The responsibilities of the Secretary of Transportation include advising the President on national transportation affairs and directing the activities of the Department. DOT is composed of the Office of the Secretary and seven operating administrations.

In the Office of the Secretary, responsibility for consumer activities rests with the Assistant Secretary for Environment, Safety, and Consumer Affairs, who is appointed by the President and reports to the Secretary. The Assistant Secretary's staff includes three offices which have a direct impact on the consumer—the Office of Environmental Affairs, the Office of Safety Affairs, and the Office of Consumer Affairs.

The Office of Consumer Affairs is headed by a director who reports to the Assistant Secretary for Environment, Safety, and Consumer Affairs.

Six of DOT's seven operating administrations have direct consumer responsibilities. In each of these six operating administrations, responsibility for consumer activities rests with a staff member who has been identified by the head of

the administration. The titles and placement of the operating administrations' consumer affairs officers are:

Federal Aviation Administration. Chief of the Community and Consumer Liaison Division; reports to the Assistant Administrator for Public Affairs.

Federal Highway Administration. Associate Administrator for Planning; reports to the Administrator.

Federal Railroad Administration. Consumer Affairs Officer in the Office of Public Affairs; reports to the Public Affairs Officer.

National Highway Traffic Safety Administration. Chief of the Office of Consumer Services; reports to the Director of the Office of Public Affairs and Consumer Services.

United States Coast Guard. Chief of the Information and Administrative Staff; reports to the Chief of the Office of Boating Safety.

Urban Mass Transportation Administration. Director of Public Affairs; reports to the Administrator.

The consumer function of each DOT element and the responsibilities of their consumer affairs officers are described in Appendix A.

Consumer affairs activities throughout DOT are coordinated through the DOT Consumer Affairs Coordinating Committee.

(2) HOW CONSUMERS CAN CONTACT DOT

DOT welcomes consumer correspondence. All consumer mail should be sent to the consumer affairs officers in the operating administrations:

Fred Pelzman, Chief, Community & Consumer Liaison Division, Federal Aviation Administration, Washington, D.C. 20591. Phone: 202/426-1960.

W. Lee Mertz, Associate Administrator for Planning, Federal Highway Administration, Washington, D.C. 20590. Phone: 202/426-0885.

Eric Hanson, Consumer Affairs Officer, Office of Public Affairs, Federal Railroad Administration, Washington, D.C. 20590. Phone: 202/426-0881.

Gilbert Watson, Chief, Consumer Services, Office of Public Affairs & Consumer Services, National Highway Traffic Safety Administration, Washington, D.C. 20590. Phone: 202/426-0670.

Cdr. Manuel Tubella, Jr., Chief, Information & Administrative Staff, Office of Boating Safety, U.S. Coast Guard, Washington, D.C. 20590. Phone: 202/426-1080.

Lloyd Schwalb, Director, Office of Public Affairs, Urban Mass Transportation Administration, Washington, D.C. 20590. Phone: 202/426-4043.

When issues concern more than one operating administration, consumers should write to: Ann Uccello, Director, Office of Consumer Affairs, DOT, Washington, D.C. 20590. Telephone: 202/426-4518.

Individual consumers and consumer organizations wishing to meet with DOT staff members should write or call the appropriate consumer affairs officer listed above or check local phone directories, under "U.S. Government," for DOT field offices.

To assure that consumer mail will receive prompt helpful answers, DOT follows these procedures:

Each consumer affairs officer is responsible for acknowledging consumers' letters or for forwarding them to the proper program specialist or administrative officer for reply.

When a complaint deals with a matter or a product that is not related to DOT's responsibilities, the consumer affairs officer will forward the letter to the appropriate government agency or manufacturer and will notify the consumer of this action.

It will be Departmental policy to respond to all consumer mail within 15 working days. If additional time is required for locating information, solving problems, or following up on complaints, the consumer will be so informed.

(3) HOW DOT SOLICITS AND USES CONSUMERS' OPINIONS

A. *Soliciting Consumers' Opinions*

To obtain consumers' viewpoints and advice on specific transportation issues, as well as on general policy and program planning, DOT uses a variety of techniques:

Citizen Participation in Local Planning. DOT requires applicants for DOT funds, such as airport and transit authorities and State highway departments, to hold public hearings and engage in other citizen participation efforts at the local

level. Hearings cover such topics as airport and highway locations and mass transit projects. Citizen views of the economic, social, and environmental effects of the project for which funding is being sought must be solicited at these public hearings and at other steps in the planning process.

Public Hearings. In developing policy and regulations, the Department holds public hearings on issues of concern to consumers, such as transportation of the elderly and handicapped, consumer representation, noise abatement, and automobile safety standards. The records of these hearings are made part of the Department's formal record.

Meetings. Local conferences, workshops, and informal planning meetings with the public are organized by field personnel, and similar meetings and informal listening sessions are held at DOT headquarters in Washington.

Attitudinal Studies. A variety of techniques such as attitudinal studies and market research is used as appropriate to test public views.

Consumer Liaison. The Department maintains liaison with consumer organizations and with State and local consumer protection agencies through personal contacts and through attendance at conventions. In addition, consumer periodicals are monitored regularly. All of these efforts will be strengthened, to bring DOT consumer affairs officers into closer contact with consumer organizations and government agencies outside DOT.

Hotlines. The National Highway Traffic Safety Administration has been operating an experimental hotline since October 1975, first in a ten-state area and more recently in the continental U.S. The purpose is to gather consumers' reports on auto safety defects and to respond to their inquiries. If this pilot project proves to be a productive and cost-effective technique, other DOT elements will consider installing similar telephone hotlines.

Mailing Lists. All elements in the Department are developing new consumer mailing lists that will include individual consumers as well as consumer organizations. These will be used in an experimental program under which consumers will be notified of and asked to comment on significant policy, program, and rulemaking activities. The cost effectiveness of this experiment will be evaluated. DOT invites consumers to place their names on these mailing lists by using the coupon printed in Appendix C.

Other methods used to solicit consumer comments on DOT rules, policies, and programs are described in Section (4).

Advisory Committees. The Department's advisory committees deal with subjects ranging from highly technical areas to semi-technical topics of significant interest to consumers. In the Office of the Secretary, the Citizens' Advisory Committee on Transportation Quality acts as a citizens' sounding board for the Department, assessing transportation policies and programs from a citizens' viewpoint, and recommending new initiatives to the Secretary. Other advisory committees that have occasion to deal with consumer concerns include the National Boating Safety Advisory Council, the National Motor Vehicle Safety Advisory Council, the National Highway Safety Advisory Committee, and the Youths Highway Safety Advisory Committee. It is the Department's policy to seek increased consumer participation on advisory committees.

B. *Using Consumers' Opinions*

The Department will increase its efforts to distribute reports to all appropriate staff members which will summarize the information gathered by the techniques described above. It will be DOT policy to give careful consideration to these consumer viewpoints when developing Departmental policies, programs, regulations, and legislation.

The Department will initiate a comprehensive system for responding to and analyzing consumer inquiries, comments, and complaints received by all elements of the Department. Periodic reports of these analyses will be distributed throughout the Department. These reports will be given careful consideration during Departmental decisionmaking and policy-making and will also be publicized.

In addition, each element in the Department will explore ways to make the best use of the consumer mail. Examples of such internal use are: the National Highway Traffic Safety Administration's system for computerizing consumer complaints about auto safety defects and the Coast Guard's system for reports of boat defects. This data is used to initiate defect investigations and to develop and check compliance with automobile safety standards and boating safety rules.

NOTICES

(4) HOW CONSUMERS CAN PARTICIPATE IN DOT'S RULEMAKING, POLICYMAKING, AND PROGRAM DEVELOPMENT

DOT's full commitment to consumer participation in transportation decisionmaking was reaffirmed by the Secretary of Transportation in "A Statement of National Transportation Policy" (September 17, 1975) which declared: "Government must . . . promote consumer participation in public decisionmaking. . . . The consumer should be an active participant in the formulation of transportation policy."

To implement this policy, all elements of DOT will review and strengthen responsiveness to consumer concerns and will more actively solicit consumers' views in rulemaking and policy development.

A. Rulemaking

Like all Federal agencies, DOT's rulemaking procedures follow the notice-and-comment requirements of the Administrative Procedures Act. DOT, however, has also adopted internal procedures that enhance the opportunities for consumer participation in rulemaking. These efforts stem from two separate actions. One was a study begun in 1972; the other was a policy statement published in April 1976.

(1) 1972-1975. In 1972, at the direction of Secretary Volpe, the Department's Office of Consumer Affairs began an examination of current rulemaking procedures at DOT. During this study, the Office of Consumer Affairs convened a workshop of consumers and specialists to explore and suggest ways to improve DOT's rulemaking procedures.

As a result of its study, the Office of Consumer Affairs published in 1974 "Consumer Involvement in Rulemaking."¹ This report made five recommendations to the Secretary; it also included the consumer workshop's informal suggestions concerning ways to involve consumers. The recommendations were endorsed by Secretary Brinegar in August 1974, and in May 1975 Secretary Coleman directed their implementation.

Three of the five recommendations created new procedures designed to broaden opportunities for consumer comment. They are summarized here:

- That DOT operating administrations follow the notice-and-comment procedures for rules that relate to public property, loans, grants, benefits, or contracts, and have a substantial public interest even though these rules are exempt from notice-and-comment procedures.
- That Advance Notices of Proposed Rulemaking (ANPRMs) be used to the fullest practical extent.
- That at least 45 days be allowed for public comment on proposed rules.

The other two recommendations were administrative and provided for (1) compilation and publication of periodic reports on changes in policies and/or procedures and on special activities and techniques for consumer involvement in rulemaking and (2) designation by each DOT element of a liaison person knowledgeable in rulemaking procedures to work with the Office of Consumer Affairs to stimulate consumer participation in rulemaking.

(2) 1976. On April 16, 1976, DOT published a notice in the *FEDERAL REGISTER* announcing three internal Departmental policies designed to improve the analysis and review of Departmental regulations. Under these policies, consumers are assured of: (1) an evaluation of likely impacts (including costs, benefits, and other data) for consideration in commenting on DOT proposed rulemaking; and (2) a role in the systematic review of existing regulations.

The three Departmental policies are summarized here:

Policy I. Before issuing a Notice of Proposed Rulemaking, each Departmental element will evaluate the probable impacts of the proposal. This evaluation will be used in deciding whether to issue the proposal and will be summarized in the notice of proposed rulemaking. The evaluation will include estimates of cost and benefits and other impacts on industry, on consumers, and on the Federal, State, and local governments resulting from the proposal. Before issuing a final regulation, the Departmental element will repeat the same procedure.

Each Departmental element will evaluate and document the probable impacts before adopting administrative requirements for grant programs if the requirements involve important policy changes or if they will probably create significant costs to Federal, State, and local governments, to industry,

or to consumers. Each evaluation will include estimates of costs and benefits and other impacts resulting from the changed requirement.

An evaluation is not needed if the grant program requirement or publication of the proposed regulation is required by law, or if the head of the Departmental element decides that the expected impact is minimal. In each case of minimal impact, the head of the element will notify the Secretary in writing.

Policy II. For regulations that may be costly or controversial, the head of the Departmental element will notify the Secretary at least 30 days before issuing a Notice of Proposed Rulemaking. The Secretary will be told (1) the need for the regulation; (2) the substance of the regulation; (3) alternatives considered; (4) results of the evaluation; (5) anticipated positions of interested parties; (6) assessment of consumers' interests; (7) technological feasibility, if appropriate; (8) other pertinent data concerning the probable impact.

At least 30 days before a final regulation of this type is issued, the head of the Departmental element will notify the Secretary in writing.

Policy III. Each Departmental element will establish a structured system to provide regular opportunities for the affected public to comment on its regulations and significant grant program requirements. The purpose of this process is to judge whether present regulations and grant requirements are effective or necessary, or whether they should be revised to suit new situations.

B. Policymaking and Program Development

As often as is practical, elements of the Department will request consumers' suggestions concerning policies and programs which DOT plans to develop on subjects that significantly affect consumers. Such a request for consumer comment will be published in the *FEDERAL REGISTER* at the earliest stage of the planning process through the use of an Advance Notice of Policy Development or similar techniques. In this way, consumers will be brought into the planning process before the Department's position is established. Such DOT requests for consumer comment on policy and program development will be publicized through press releases, consumer mailing lists, and Departmental newsletters.

In addition, consumers can influence DOT policy and program development through public hearings, conferences with DOT officials, Departmental advisory committees, and other techniques described in Section (3). New participatory techniques will be developed, for it is Departmental policy to experiment with opportunities for consumer involvement and to be receptive to consumers' suggestions in this regard.

In line with this policy, DOT is planning to focus on a particular aspect of citizen participation that was requested by consumers. Among the comments on DOT's Proposed Consumer Representation Plan, there were suggestions that DOT support increased consumer participation in local transportation planning. In response, DOT will explore and develop new participatory techniques for ways to: (1) increase the responsiveness shown by DOT field office staffs to local consumers' concerns; and (2) expand opportunities for citizen participation in local transportation planning.

Recommendations based on this effort will be developed by the Office of Consumer Affairs, in consultation with the operating administrations and consumer organizations. As the recommendations are being formulated, proposed plans will be published in the *FEDERAL REGISTER*, with requests for comment.

(5) HOW THE DEPARTMENT INFORMS CONSUMERS

DOT staff members are now placing special emphasis on using clear, concise language and non-technical terms when preparing materials for publication. This approach will be followed in press releases, in publications written for the general public, and in notices published in the *FEDERAL REGISTER*. When DOT decisions and policies are described in these publications, effort will be made to explain clearly what result is expected from each proposed or final action.

When a press release reports on a DOT proposed regulation, it is conspicuously labeled "Request for Public Comment." When a press release announces news of special interest to consumers, the release is labeled "Consumer Advisory."

Major DOT decisions will be explained to the public in Departmental reports or statements. These statements will describe the opinions that consumers expressed on the issue and will also explain why various consumer preferences did or did

¹ Consumers who want a single free copy of this study may write to the Director, Office of Consumer Affairs, Department of Transportation, Washington, D.C. 20590.

not prevail. These statements will be summarized and publicized in Departmental press releases.

The consumer mailing lists being developed by all elements in the Department will be used to inform consumers of significant DOT actions and issues.

For urgent safety announcements, the Department uses radio and television public service announcements, pre-recorded messages to the media, safety bulletins, and press releases.

In addition to publishing booklets, fact sheets, and newsletters to inform consumers about transportation issues, the Department conducts consumer education programs. These range from presentation of boating safety classes to development of instructional materials for use in schools at all grade levels. Consumers who have questions about DOT publications or about education and information programs may write to the consumer affairs officers in the Office of the Secretary or the operating administrations.

(6) HOW DOT WILL MONITOR CONSUMER REPRESENTATION

Each element of the Department will have the responsibility for implementing this Consumer Representation Plan and for developing its own consumer representation program. Each element will report quarterly to the Office of Consumer Affairs concerning implementation of the Consumer Representation Plan.

The quarterly report submitted by each DOT element will include such information as: (1) *Consumer Participation in Rulemaking* (Were Advance Notices of Proposed Rulemaking published in the FEDERAL REGISTER on matters of substantial interest to consumers? On what subjects? How much comment time allowed? How many replies from consumers? What consumer viewpoints were stated? How many Notices of Proposed Rulemaking were published in the FEDERAL REGISTER on matters of substantial interest to consumers? On what subjects? How much comment time allowed? How many replies from consumers? What consumer viewpoints were stated?) (2) *Consumer Participation in Policy and Program Development* (Were requests for comment on policy and programs published in the FEDERAL REGISTER through the use of the Advance Notice of Proposed Rulemaking or similar techniques? On what subjects? How much comment time allowed? How many replies from consumers? What consumer viewpoints were stated? How many public hearings were held? On what subjects and where? How many meetings and conferences were held? On what subjects and where? How many public opinion polls were conducted, and on what subjects? What other techniques were used to solicit consumers' views?) (3) *Communications* (What consumer publications were produced? What press releases were sent out with the "Consumer Advisory" label and the "Request for Public Comment" label? What radio broadcast items were produced? What television public service announcements were produced?) (4) *Consumer Education Programs* (What exhibits were designed and where were they displayed? What instructional materials were prepared and how were they disseminated?)

The Office of Consumer Affairs will provide oversight of all elements' implementation of the Consumer Representation Plan. The Office of Consumer Affairs will publish in the FEDERAL REGISTER an Annual Report to Consumers, describing how each element of the Department offered opportunities for consumer representation during the the fiscal year. Consumer comments will be encouraged in order to increase the Department's responsiveness.

The Office of Consumer Affairs will work with all elements of the Department, through the Consumer Affairs Coordinating Committee (see Appendix A) to increase opportunities for consumer participation and to advance the interests of consumers.

APPENDIX A—CONSUMER RESPONSIBILITIES AND FUNCTIONS IN DOT

OFFICE OF THE SECRETARY

The Assistant Secretary for Environment, Safety, and Consumer Affairs is appointed by the President, confirmed by the Senate, and reports to the Secretary. One of the six offices at the Assistant Secretary level in DOT, this individual is responsible for coordinating departmentwide programs concerning the consumer, transportation safety, security of passengers and cargo, the impact of transportation on the environment, and facilitation of the movement of goods and people throughout the transportation system. This Assistant Secretaryship was established in 1971 and its presence un-

derscores the Department's commitment to developing significant consumer programs. The Assistant Secretary's staff includes three offices which have a direct impact on the consumer—the Office of Environmental Affairs, the Office of Safety Affairs, and the Office of Consumer Affairs, with its specific consumer responsibility.

The Office of Consumer Affairs is headed by a director who reports to the Assistant Secretary for Environment, Safety, and Consumer Affairs.

The Office of Consumer Affairs encourages two-way communication between DOT and consumers. Toward that goal, the office undertakes two kinds of activities: first, identifying consumers' needs and preferences, and presenting these views to the Department's policymakers and decisionmakers; and second, producing and distributing information to help consumers become more knowledgeable about transportation goods and services. In addition, the Office of Consumer Affairs advances the development of consumer projects and programs throughout DOT by working with the Department's six operating administrations that impact on consumers—the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the National Highway Traffic Safety Administration, the Urban Mass Transportation Administration, and the U.S. Coast Guard.

The DOT Consumer Affairs Coordinating Committee is chaired by the Director of the Office of Consumer Affairs. The Committee is made up of representatives from each operating administration, each assistant secretary's office, the Office of the General Counsel, and the Office of Public Affairs. The Committee develops and coordinates departmentwide approaches and programs to advance consumer participation in DOT programs and policies, and to stimulate consumer awareness and education.

OPERATING ADMINISTRATIONS

Consumer responsibilities and functions are described here for six of DOT's operating administrations. The Department's seventh operating administration, which does not have a direct consumer mandate, is the St. Lawrence Seaway Development Corporation, a self-sustaining Federal corporation that develops and maintains the U.S. portion of the Seaway. The Corporation is encouraged by statute to hold hearings and to solicit comments when making rules and setting tolls or charges.

The head of each operating administration is appointed by the President, confirmed by the Senate, and reports to the Secretary of Transportation. The heads of the operating administrations are called "Administrators," except for the Coast Guard which is headed by a Commandant.

FEDERAL AVIATION ADMINISTRATION (FAA)

The Federal Aviation Administration is responsible for promoting and regulating aviation safety; developing and operating a national airspace system to ensure the safe and efficient use of U.S. airspace by civil and military aircraft; protecting the environment from aircraft noise, sonic boom, and emissions; fostering the development of civil aviation; and promoting, especially through airport development grants, a national system of public airports. To carry out its responsibilities, the FAA issues and enforces regulations for the certification of aircraft, airmen, airports, and air agencies; for the use of the U.S. airspace; and for air operations.

Organization for Consumers

The Chief of the Community and Consumer Liaison Division in the Office of the Assistant Administrator for Public Affairs is the consumer affairs officer for FAA. The Assistant Administrator reports directly to the Administrator.

The Community and Consumer Liaison Division monitors FAA activities relating to consumers and advises the Assistant Administrator for Public Affairs on ways to improve responsiveness to consumers. The division fosters consumer involvement in FAA rulemaking by special efforts to inform consumers of proposed rules and to encourage their attendance at hearings and conferences. The Community and Consumer Liaison Division also responds to consumer complaints and inquiries and prepares information materials for distribution to consumers and the news media.

FEDERAL HIGHWAY ADMINISTRATION (FHWA)

The FHWA improves highway transportation systems and their operation in cooperation with the States, and grants financial aid to States for highway construction and safety improvements. It is responsible for a national regulatory and enforcement program covering safety of commercial motor carriers engaged in interstate and foreign commerce and motor carriers transporting hazardous materials. It also administers the Highway Beautification program and with NHTSA promotes State and local highway safety.

NOTICES

Organization for Consumers

The Associate Administrator for Planning is the consumer affairs officer in FHWA. He reports directly to the Administrator, and is the principal advisor to the Administrator on all FHWA planning and policymaking. He participates fully in FHWA policy determinations and program formulation and directs the activities of the Office of Program and Policy Planning and the Office of Highway Planning. His office has responsibility for coordinating consumer representation in FHWA.

FEDERAL RAILROAD ADMINISTRATION (FRA)

FRA promotes rail safety, establishes safety standards for rail operations, conducts research into rail safety and improved technology and operations, and investigates train accidents. FRA is also involved in railroad reorganizations, disbursal of public funds, testing, and in operating the Alaska Railroad.

Organization for Consumers

Consumer representation in FRA is the responsibility of the Consumer Affairs Officer in the Office of the Administrator. The Consumer Affairs Officer maintains contact with consumers and consumer organizations and other government agencies, and advises the Administrator, through the Public Affairs Officer, of the impact of present and proposed FRA policies, programs and legislation on consumers and other railroad users.

The Consumer Affairs Officer is responsible for broadening consumer participation in rulemaking, and for conducting a nationwide consumer information program concerning safety defects, railroad accident advisories, and consumer information passenger service and protection bulletins.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA)

NHTSA reduces deaths, injuries, and property losses caused by highway accidents in the United States through enforcement of Federal motor vehicle and equipment performance standards, investigation of reported safety-related motor vehicle defects, enforcement of laws requiring the recall and free remedy of such defects, and development of various highway safety standards.

Organization for Consumers

The Chief of the Office of Consumer Services is the consumer affairs officer in NHSTA. He reports to the Administrator through the Director of the Office of Public Affairs and Consumer Services.

The Office of Consumer Services analyzes, appraises, and evaluates the responsiveness, scope, and relevance of NHTSA's consumer services effort, provides guidelines or evaluates means by which other divisions of NHTSA may improve their consumer-oriented efforts, and recommends changes, innovations, or procedural improvements to make NHTSA's programs more responsive to consumers' needs and views. It also provides advice, assistance, and measurement of the impact of present and proposed policies and programs on consumers.

The Office informs consumers through the news media and by disseminating safety literature on special hazards, monthly reports of investigations, and through consumer fact sheets.

UNITED STATES COAST GUARD (USCG)

The USCG is a multimission agency charged with primary responsibilities in the areas of maritime safety, law enforcement, and the facilitation of transportation in the marine mode. The Coast Guard is one of the Armed Forces of the United States.

The specific program directly affected with consumer involvement is that of Recreational Boating Safety, and it is, therefore, the program subject to the Consumer Representation Plan. This program makes, enforces, and supervises Federal standards for the manufacture and operation of recreational boats. The Coast Guard Auxiliary, an organization of 48,000 volunteers, provides courtesy examination of boats for compliance with standards and requirements; offers courses in small boating, basic seamanship, and motor-boat handling; and disseminates general boating safety information.

Organization for Consumers

The Chief of the Information and Administrative Staff is the Consumer Affairs Officer in the Coast Guard. He reports to the Commandant through the Chief of the Office of Boating Safety and is responsible for coordinating the activities of the National Boating Safety Advisory Council which advises the Coast Guard on boating safety rulemaking and other major boating safety matters, administering a boating safety information program which utilizes national mass media, overseeing the preparation of regulations within the Office of Boating Safety, and responding to consumer inquiries.

URBAN MASS TRANSPORTATION ADMINISTRATION (UMTA)

UMTA administers grant programs to benefit consumers by providing improved transit service. These include: grants to aid States and other public bodies in financing mass transit facilities, operations, and equipment in urban areas; grants for research, development, and demonstrations to improve mass transportation service; and grants for technical studies for planning, engineering, and design of urban mass transportation projects.

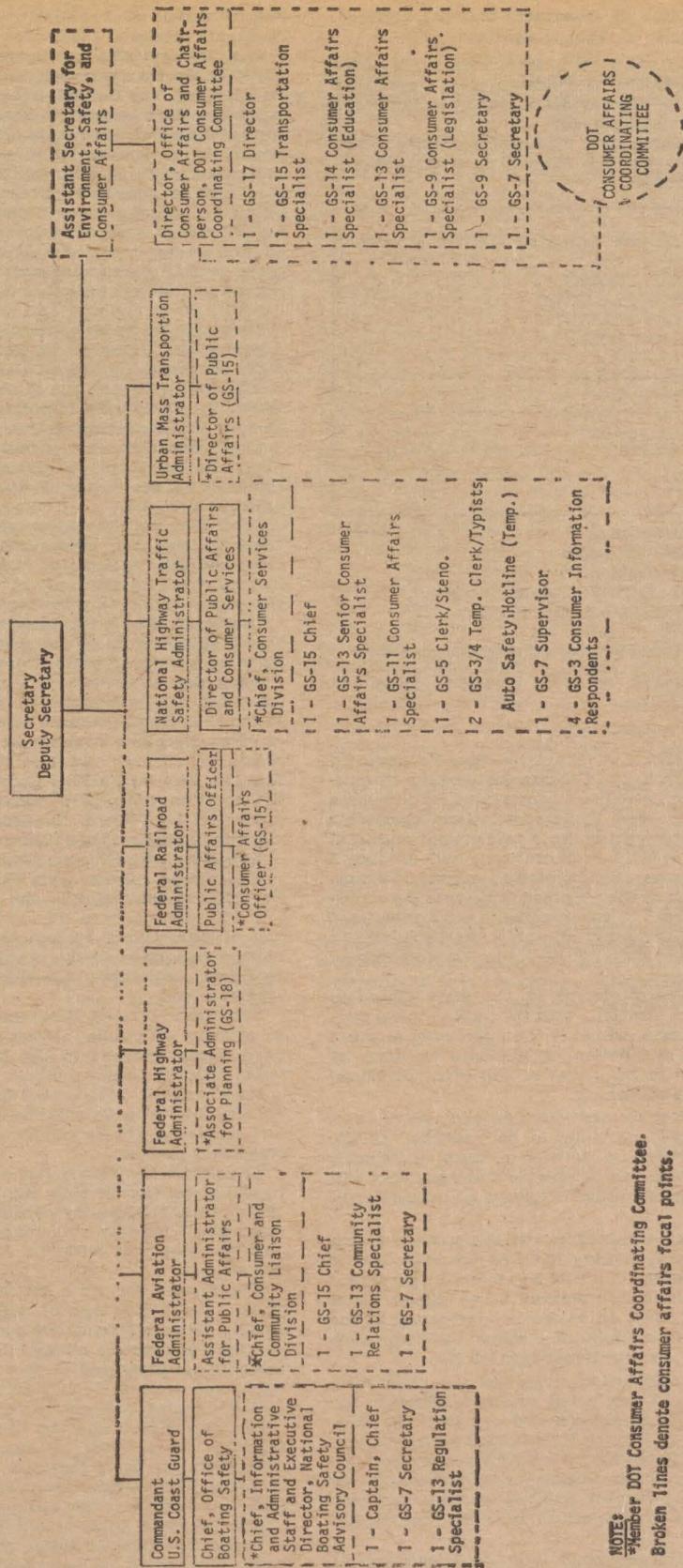
UMTA also provides grants to public agencies and private non-profit organizations for the transportation needs of the elderly and the handicapped. In addition, UMTA focuses on providing adequate mobility for other groups of the transportation disadvantaged, and provides grants for mass transit needs to smaller communities, including rural areas.

Organization for Consumers

The Director of Public Affairs in the Office of the Administrator is the consumer affairs officer for UMTA. The Director advises UMTA management on ways to increase agency responsiveness to consumer concerns, responds to consumer complaints, directs UMTA's public affairs programs providing information to consumers, conducts public hearings on matters of concern to consumers, and monitors UMTA's effectiveness in providing other opportunities for consumer participation in rulemaking, policy and program development.

NOTICES

APPENDIX B
U.S. DEPARTMENT OF TRANSPORTATION
Organization for Implementing the Proposed Consumer Representation Plan



NOTICES

APPENDIX C.—ANNOUNCEMENT OF CONSUMER MAILING LISTS,
U.S. DEPARTMENT OF TRANSPORTATION

You may use this coupon if you wish to have your name added to one or more of the Department of Transportation's consumer mailing lists. The lists will be used as described in Section (3) A of the DOT Consumer Representation Plan.

Check the boxes to show which DOT elements interest you and mail the coupon to: Office of Consumer Affairs, Office of the Secretary, DOT, Washington, D.C. 20590.

Please place my name on the following DOT consumer mailing lists:

— NHTSA	— FAA
— UMTA	— FHWA
— USCG	— FRA
— OST/OCA	

Name _____

Organization _____

Street _____

City, State, ZIP Code _____

FAA—Federal Aviation Administration.

FHWA—Federal Highway Administration.

FRA—Federal Railroad Administration.

NHTSA—National Highway Traffic Safety Administration.

UMTA—Urban Mass Transportation Administration.

USCG—U.S. Coast Guard.

OST/OCA—Office of the Secretary—Office of Consumer Affairs.

APPENDIX D.—PUBLIC COMMENTS ON THE PROPOSED CONSUMER REPRESENTATION PLAN, U.S. DEPARTMENT OF TRANSPORTATION

(JANUARY THROUGH MAY 1976)

In response to the publication of the Department's proposed Consumer Representation Plan in the FEDERAL REGISTER of November 26, 1975, the Department received nearly one hundred responses from individuals, consumer groups, trade associations, charitable organizations, associations representing State government and local officials, community action agencies, corporations, and unions. A substantial number of comments were directed at specific programs of the Department rather than at the proposed Consumer Representation Plan. Approximately half of the comments were submitted in writing. The others were presented at public meetings and at workshops held in conjunction with White House Conferences on Consumer Representation Plans.

A significant number of the comments on the Plan related to methods for improving communications with the public. It was suggested that the FEDERAL REGISTER, which is the publishing medium for many Government rules and notices, is not read regularly by consumers, and explanations in lay terms of the effect of official notices are often necessary but lacking.

The Department is responding to these comments in several ways. First, since official actions will continue to be published in the FEDERAL REGISTER, the Department is striving to make its issuance more readable to the lay person and to provide materials that will allow consumers to comprehend the basic impact of matters published in the Register.

The Plan proposes better communication with the public through more effective use of consumer mailing lists. Respondents agreed with this idea and asked that their names be placed on particular mailing lists. Such lists permit information to be disseminated quickly to persons or groups likely to be directly interested in the subject. Appendix C in the Plan includes a coupon allowing consumers to request inclusion on any Departmental list.

The National Newspaper Association suggested that advertisements in local newspapers at times when decisions affecting the locality are being made would be an effective way to notify consumers of important matters. By Federal law, the Government's purchase of newspaper advertising is subject to specific administrative procedures. In certain specified cases, however, such notices may be a useful and permissible tool to expand public awareness, and consideration will be given to it in situations involving substantial consumer concern.

The Center for Auto Safety suggested that the public service advertising sponsored by the Department is of interest to consumers, and recommended more public involvement in the choice of subjects and approval for the advertising. The Georgia Easter Seal

Society also advised greater use of public service advertising on the electronic media.

The Department's public service advertisements are either prepared in cooperation with The Advertising Council, Inc. or have its approval. The Council is composed of advertising agencies that volunteer their services to assist government in producing public service messages. All major programs of the Council must be approved by a representative advisory committee before they are accepted for sponsorship by the Council. In addition, the Department has sought advice from its citizens' advisory committees on publicity techniques to obtain greater public compliance with transportation energy conservation efforts. Individual departmental administrations routinely consult with their appropriate advisory groups, other government agencies, and private sector organizations concerning advertising content and approaches. These methods will continue to be explored and used when appropriate.

There was favorable comment on the use of the labels "Consumer Advisory" and "Request for Public Comment" on news releases and other information of particular interest to consumers. The Department is widening the use of this tool to enable consumers and the media to distinguish important matters of public interest from routine informational releases.

There were a number of recommendations on the ways in which consumer views may be presented to the Department, including emphasis on the responsiveness of regional offices of Federal Government agencies.

Consistent with the advice given, the Department has committed itself to increasing field office responsiveness to consumers' concerns and also to expanding opportunities for citizen participation in local transportation planning. The Department's intentions in this regard are described in Section (4) B of the Plan.

The South East Community Organization of Baltimore suggested that regulations be issued specifying how much weight should be given to consumer views expressed at hearings on highway plans. Current departmental procedures require that comments must be identified and responded to, especially in environmental impact statements. The legitimate interests of many parties and the range of views expressed would make it difficult to generalize as to which points of view should receive the greatest weight in the final decision. The South East Community Organization also suggested the creation of a DOT "ombudsman." The Office of Consumer Affairs in the Office of the Secretary has the responsibility for advancing the interest of consumers in DOT.

The Maryland Citizens Consumer Council advised against the use of public opinion polls to determine consumer attitudes. The Department understands the limitations inherent in such polls and will participate in them only after judicious review of the need and circumstances. In selected instances, market research techniques may be a useful supplement to consumer views gathered by direct communication with consumers and consumer advocate organizations.

The Public Interest Economics Foundation urged greater reliance by agencies on public interest economic research. The suggestion is particularly relevant to the Department's statement in its Proposed Plan that the public's views will be sought regarding the costs of possible Government action in Advance Notices of Proposed Rulemaking. The Foundation's judgments and those of other social scientists will be valuable at that and at other stages in the regulatory process.

The Center for Auto Safety suggested that consumers be involved in the preparation of both legislative and budgetary proposals. The Department continually considers consumers' views; however, the most direct way for consumers to affect these proposals is to provide the Congress with testimony and written views during its proceedings.

The Center for Auto Safety also suggested that Department officials maintain logs of telephone conversations with outside parties. When such conversations relate to pending regulatory dockets, DOT officials are obliged to record the contact and submit the information presented to the docket. In other cases, however, the requirement would be extremely burdensome from the administrative standpoint, and cannot be imposed as a general proposition.

Congress Watch and the Center for Auto Safety urged support for bills now pending in Congress to allow agencies to reimburse consumers for costs incurred while participating in agency proceedings. The Department is considering this matter and the possible alternatives to the approaches presently before the Congress.

The proposed Plan stated that information would be sought through the Advance Notice of Proposed Rulemaking on potential costs and benefit of rulemaking actions that have a substantial impact on consumers. Following implementation of such types of regulations, an analysis of the costs and benefits will be made. Congress Watch suggested that these analyses are inappropriate

since so many of the Department's rules concern safety rather than economic issues. Standard Oil of Indiana and the National Association of State Aviation Officials recommended that detailed cost-benefit analyses be prepared for the Advance Notice and refined at each stage of the rulemaking process.

We have given serious thought to both these comments and have chosen not to adopt them. Although it is true that a safety regulation will often not lend itself to formal analyses of costs and benefits, this does not automatically mean that no useful information exists on its costs/benefits to consumers. However, the Department will not belabor such analyses by attempting to do them on rules that have a negligible impact on consumers or for which we know beforehand that the evidence will not be relevant to the final decision. The Department will take the time to seek the specific information it needs to make the analysis a valuable effort.

The suggestion that comprehensive analyses of costs and benefits be prepared at the Advance Notice stage is considered impractical. Often such Advance Notices are general in content, and indicate an uncertainty by the Government as to the best way to proceed into rulemaking. To impose a requirement for a formal analysis at that stage is unrealistic. A more useful step, as outlined in the Consumer Representation Plan, is to ask consumers who offer comments in response to an Advance Notice also to assess the costs and benefits of their suggestions. The information submitted at that point would be useful to the Department in assessing the impact of its regulations at later stages of the rulemaking process.

The Department was criticized for not having published as DOT Orders the recommendations contained in the DOT Office of Consumer Affairs report to the Secretary entitled "Consumer Involvement in Rulemaking." The recommendations, endorsed by Secretary Brinegar and directed to be implemented by Secretary Coleman, are now part of the DOT Consumer Representation Plan.

Several comments were received relating to complaint handling by the Department. One proposed that the Hotline concept now used by the National Highway Traffic Safety Administration (NHTSA) be adopted by other agencies as well. As provided in the Plan, other administrations in DOT may decide to adopt the technique if the NHTSA experiment is successful.

Congress Watch expressed concern that the study recommendations of the Technical Assistance Research Programs, Inc., prepared for the Office of Consumer Affairs in HEW, had not been adopted by the National Highway Traffic Safety Administration. The two recommendations involved use of form letters and logging of telephone conversations. Both of these were implemented within four to six weeks after the recommendations were received by NHTSA.

Regarding the Proposed Plan's designation of consumer focal points, several commenters urged that the individuals chosen have sufficient standing in the organization to be able to present consumer views to the highest levels in the Department.

Congress Watch asked that consumer representatives be subject to Senate approval and responsible to the Congress. The Department's highest ranking consumer representative, the Assistant Secretary for Environment, Safety, and Consumer Affairs, is a Presidential appointee subject to Senate confirmation. Providing for such approvals at each lower level within the Department having consumer involvement is an unnecessary burden, and would not significantly affect the overall accountability of the Department's program to the Congress or consumers.

Another comment asked for more specificity in the description of the consumer affairs officers' duties. These descriptions have been included in Appendix A of the Plan.

In another area, the Chicago Model Cities group recommended that a percentage of DOT advisory committee members come from economically disadvantaged communities. The membership of many of these committees is often specified by statute. The setting of a fixed percentage from any group, however, is an unnecessary constraint on the Department's ability to create a balanced advisory committee. Where the Department does have discretion, it will renew its efforts to attain broader representation.

Several comments were received urging that an evaluation of the administrations' efforts to implement the Plan be published and consumer views sought. Because of the importance of the Plan, the Department will publish, in the media (including the *FEDERAL REGISTER*), an Annual Report to Consumers describing how each element of the Department offered opportunities for consumer representation during the fiscal year. Consumer comments will be encouraged in order to increase the Department's responsiveness.

Two other sets of comments on DOT's Consumer Representation Plan should be noted:

(1) Following the close of the comment period on the proposed Plan, a statement summarizing the proposed Plan was submitted to the House Government Operations Subcommittee on Commerce, Consumer, and Monetary Affairs. The statement was presented by DOT Assistant Secretary for Environment, Safety, and Consumer Affairs, Judith T. Connor, who had been invited to testify by the Subcommittee's Chairman, Benjamin S. Rosenthal. Mrs. Connor's summary of the proposed Plan also described the consumer programs that already existed in the Department prior to the President's directive that Executive Departments develop Consumer Representation Plans. Mr. Rosenthal questioned whether the staff of seven in the Office of Consumer Affairs could adequately represent consumers' interests in the Department, which employs 110,000 persons.

(2) In the course of developing a final Consumer Representation Plan, a draft of the final Plan was submitted to the President's Consumer Advisory Council for review. The Council commented favorably on the clear and simple style in which the Plan was written, on its listing of phone numbers as well as names and addresses of DOT's consumer affairs officers, and on DOT's intention to issue an Annual Report to Consumers.

NOTICES

VETERANS ADMINISTRATION

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Consumer Affairs Coordinator, Veterans Administration,
810 Vermont Avenue, N.W., Washington, D.C. 20420
(202) 389-2641.

TABLE OF CONTENTS

- I. Purpose of the Plan.
- II. Executive Summary.
- III. How the VA and its Consumers Interact.
 - A. Department of Medicine and Surgery.
 - B. Department of Veterans Benefits.
 - 1. Compensation and Pension Service.
 - 2. Education and Rehabilitation Service.
 - 3. Loan Guaranty Service.
 - 4. Insurance Service.
 - C. National Cemetery System.
 - D. Supporting Staffs.
 - 1. Information Service.
 - 2. General Counsel.
 - 3. Board of Veterans Appeals.
 - E. Independent Advisors.
 - 1. Veterans' Organizations.
 - 2. Advisory Committees.
- IV. Planned Actions To Improve Consumer Participation.
- V. Where To Go for Assistance.
- Appendix

I. PURPOSE OF THE PLAN

The purpose of this Plan is to identify areas where consumer representation and participation in the decision-making process can be enhanced. The Consumer Representation Plan expands upon present channels of communication and sets forth formal guidelines for seeking and using consumer input. These views will be channeled to officials in a position to take action. They will be given appropriate consideration in VA decision-making.

The Veterans Administration's major objective is to provide service to veterans and their dependents. To fulfill this mission, the VA administers a variety of programs, including compensation, pension, education, vocational rehabilitation, insurance, home loans, burial, and health care and hospitalization. A careful analysis has been made of the major operating elements to determine the extent of present consumer involvement. Regulations and procedures were reviewed to determine how they can be made more responsive to consumers' needs.

One way in which consumer representation has been accomplished is through the VA's close working relationship with veterans' organizations. Veterans' programs and benefits which are administered by the VA are prescribed by law; many organizations and individuals were contacted to see how the current system responds to the needs of veterans and their beneficiaries and how it can be improved. It has been a policy of the VA to keep these groups informed of upcoming decision points and invite them to offer their suggestions and criticisms; in this way they often have effected substantive changes in policies or regulations.

The earlier Proposed Consumer Representation Plan generated numerous letters and participation by many individuals in the White House Regional Conferences and the Washington Hearings. Comments and questions from these sources centered on the various programs and were summarized and reviewed carefully by program officials before drafting this final Plan. The data revealed a general acceptance of the proposed Plan and approval of continued efforts to be responsive to consumers. Also, prior to the publication of the final Plan, officials of the VA met with veterans' organizations' representatives to review and solicit additional comments or suggestions regarding the Plan. Those suggestions which could strengthen and improve the existing system are included in the new Planned Actions.

II. EXECUTIVE SUMMARY

The VA has three major operating organizations: the Department of Medicine and Surgery, the Department of Vet-

erans Benefits, and the National Cemetery System. Although each of them is involved in providing benefits to veterans and their dependents, their functions are distinct and therefore are treated in separate plans, which together constitute the overall VA Plan. Although every staff element contributes to the service rendered, the three staff offices with the greatest consumer interaction are discussed. These are Information Service, General Counsel, and Board of Veteran Appeals.

To maintain continuing responsiveness to consumer needs, the VA has designated the Associate Deputy Administrator as Consumer Affairs Coordinator. Direct responsibility for consumer affairs has been vested in Veterans Assistance Service which, through its Veterans Service Divisions located in 50 states, serves as a single point of entry for all veterans with questions or problems. It is able to cross organizational lines to handle any inquiry. In addition to resolving complaints, Veterans Assistance Service is active in outreach efforts and coordinates the dissemination of information to grass-roots veterans. This is accomplished through Veterans Benefits Counselors, Veterans Representatives on Campus, a toll-free telephone network, mobile vans, and the solicitation of veterans' opinions of service through mailings.

Consumer input is received from six major sources: interested individuals; the veteran; the veterans' organizations; data gathered in ongoing evaluations and surveys conducted internally and by independent advisors; Advisory Committees; and community organizations. To be responsive to almost 30 million veterans and an even larger number of dependents is a significant challenge. There is an active outreach effort to keep veterans informed of their entitlement, rather than letting them seek out the VA on their own. The VA encourages dialogue with its consumers and, although every problem has not been averted, an effort is made to limit it to a one-time-only occurrence. The Administrator of Veterans Affairs takes a personal interest in finding out the problems and concerns of veterans, their dependents and survivors. Meetings with veterans' organizations are fostered. To insure adequate representation of the Vietnam Era veteran, two Vietnam veterans serve as staff assistants to the Administrator and his Deputy. These individuals maintain open dialogue with the youngest of our veterans and their various groups.

Consumer involvement is particularly visible at the hospitals and Regional Offices. The main functions of facilities at the local level are to provide service and to disseminate information. Hospitals, outpatient clinics, domiciliaries, and nursing homes furnish a full spectrum of health care; Regional Offices are the contact points for veterans wishing to obtain information about their benefits, and serve also as administration points for all non-medical programs. To make it easier for the veteran to get information about benefits, mobile vans travel to remote communities throughout the country. The VA also provides veterans with toll-free telephone numbers to Regional Offices in most states. A group of veteran specialists knowledgeable in VA programs answers the phones, records any problems, and relays them to the proper official for action. Another method of reaching the consumer is the Veteran Representative on Campus.

Because of the vast number of veterans served, the field stations are active in providing information to consumers regarding their veterans' benefits. They maintain close ties with the local media which disseminate press releases and informational material and cover newsworthy activities, thus enhancing consumer involvement. Veterans' organizations are given office space in hospitals and Regional Offices, which promotes communication with VA management on an informal and continuing basis. Additionally, field station directors hold monthly meetings with veterans' groups to advise them formally of VA activities and to receive their responses. Since

hospitals and Regional Offices are veterans' first points of contact with the VA, their interests generally are limited to specific situations. However, nonconsumers, such as lending institutions and schools, contribute constructive suggestions which aid consumer service by streamlining procedures.

It is the policy of all hospitals and Regional Offices to respond to all complaints in an expeditious manner. When a station discerns a pattern indicating a problem more than local in scope, contact is made with the appropriate Central Office officials. Complaints received at Central Office are accorded the same priority handling.

Veterans often influence changes in procedures through their complaints and suggestions. For example, when Central Office receives the same complaint from a number of hospitals (as when a badly designed form was causing long queues) they will change procedures systemwide. Direct correlation between these changes and the demands of the Vietnam veterans can be shown for: the elimination of much of the military jargon from VA hospitals, the establishment of Drug Dependence Treatment Centers, and the creation of a Vietnam veterans' committee at each hospital.

The VA has launched a new program evaluation system in which consumer impact will be a major consideration. Currently, two major areas are under evaluation: the Education and Nursing Home Care programs. After the two pilots have been completed, the evaluation system will be expanded to other programs and used as a continuing self-check mechanism.

III. HOW THE VA AND ITS CONSUMERS INTERACT

A. DEPARTMENT OF MEDICINE AND SURGERY

The primary objective of the Department of Medicine and Surgery (DM&S) is the delivery of health care to veterans. To fulfill this mission, the VA operates 171 hospitals consisting of over 95,000 hospital beds. In addition to a full spectrum of services for hospitalized patients, DM&S offers a variety of programs aimed at keeping veterans as functioning members of their environments. Hospital based home care is a special medical service, administered by a hospital, which provides individual medical, nursing, social, and rehabilitative care to patients within their family setting. Outpatient care is available at VA medical facilities to veterans for all service-related disabilities. It is available also for any condition if the veteran has a service-connected disability of 80% or more and for other veterans to obviate the need for hospitalization. Veterans determined eligible by the VA and who are not within easy distance of VA facilities can avail themselves of fee-basis medical visits, with the VA paying the cost. The VA provides a full range of psychiatric care including therapy for family members if this would facilitate the treatment of the veteran. The domiciliary care program is designed to motivate the veteran to return to the community in a self-sustaining and independent living situation or to assist him/her to reach optimal usefulness in a protective environment. Nursing home care is provided to eligible veterans as needed.

An individual's health and medical care frequently take precedence over all other interests. Although the patient and the family are concerned deeply with the treatment program, the scientific nature of medical treatment often prevents direct consumer contribution. Yet, DM&S actively seeks consumer input and the patient's interests always are accorded primary consideration in the areas of service. There are a number of well-developed systems to assure the patient's views are obtained in a timely and constructive manner. These are utilized to determine the quality of service and the responsiveness of the health care facility to the patient's needs.

1. *Policy Advisory and Program Planning.* Unquestionably, the most significant consumer participation in policy and program planning is through the recipients of medical care. There are mechanisms, both formal and informal, whereby information is channeled to the appropriate management level. The VA organization for providing health care is highly decentralized, with broad authority delegated to the director and management staff of the hospital or other medical facility. There is extensive personal contact involved in medical care and the concerns of the patient (consumer) are relayed rapidly to local management through normal organizational channels. This input is reflected also in planning and policy decisions. The hospital and clinic staff members providing treatment are perhaps the most effective advocates of the consumer on the local level.

More formal mechanisms for consumer participation at the local level include veterans organizations, Veterans Administration Voluntary Service, patient satisfaction surveys, and local advisory committees. The close relationship between the VA and veterans' organizations has been especially helpful. Service officers of major veterans' organizations are provided office space in VA hospitals and serve as effective consumer representatives for both individuals and consumer groups. Top officials of the hospital meet regularly with these representatives with the objective of obtaining their advice relating to planning and policy decisions. The major organizations also employ National Service Officers who conduct surveys of hospitals and make formal reports with recommendations for action at both local and national levels. Further, these organizations are a major source of consumer representation in policy and planning decisions at the Central Office level. As a routine practice, all proposed changes in regulations and other administrative issues having significant impact on the VA medical program are furnished the veterans' organizations in advance, and their comments and recommendations always are given full consideration. Some organizations, such as the Paralyzed Veterans of America, represent specific groups with common problems and maintain close contact with appropriate program officials in the VA Central Office.

All VA hospitals are supported by large numbers of individual volunteers sponsored by veterans' and other local organizations. These volunteers primarily perform duties which place them in personal contact with patients at the hospital. They provide a vital link between the hospitalized patient and the community, and also serve as a channel of communication between patients and hospital management. Representatives of these volunteer groups meet with top hospital officials monthly to exchange views on means of improving service to patients. They also are kept informed, and consulted when appropriate, of plans and policy decisions that will affect the hospital community.

Local advisory committees are used in hospitals as a means of determining needs and obtaining recommendations for action to improve services. As a typical example, most hospitals have established a Vietnam Era Veterans Committee to increase responsiveness to these veterans. Although local advisory committees are composed primarily of members of the hospital staff, long-term patients frequently are included, and in all cases, committee members have close communication with both patients and veterans' organizations. At the national level, a number of advisory bodies have been constituted with membership from both government agencies and nongovernment institutions. Wherever appropriate, leaders of organizations having special interests in veterans' affairs and related fields are included in the membership of these groups. As a matter of policy, advisory committee members are chosen to provide wide representation from the various groups who work with or are served by the VA. They are chartered and function to provide advice and assistance to the VA in specific subject areas, and they contribute significantly in policy and program planning decisions. Standing committees on veterans' affairs have been established in both the House of Representatives and the Senate. These committees have the responsibility for reviewing VA activities and both have established subcommittees on hospitals and health which are concerned more directly with the activities of DM&S. These subcommittees hold hearings in Washington, D.C., and in various locations throughout the country, and obtain testimony from individuals and organizations regarding the VA medical program. As a result, these committees frequently suggest changes in policies and regulations. DM&S often enters into contracts with universities and private research institutions as well as consulting firms to perform independent studies of present and future veterans' needs on a scientific basis. When considered appropriate these studies include direct consumer contact of a marketing survey nature to determine their desires and preferences. These have been helpful in planning medical care facilities.

2. *Evaluation.* Within DM&S, there is an extensive program designed to assure that the quality of health care is maintained at a high level. This program is known as Health Services Review Organization (HSRO) and consists of two parts. The first is a systematic internal review requirement which is applied to all health care facilities. This is an ongoing review process, carefully structured to cover all significant elements of health care and to identify opportunities for improvement. Consumer involvement is included

NOTICES

through the patient satisfaction questionnaire. The second part of the HSRO Program involves systematic external reviews. These are external in the sense that they are conducted by teams made up of members that are not associated with the health care facility under review. These teams evaluate the quality of care and service being provided. The procedures they use include interviews with patients and veterans' organization representatives. The reaction of consumers is evaluated carefully by the review teams, and significant findings are included in the report and are considered in making recommendations. Action to correct any identified deficiencies is controlled and monitored at the Central Office level and special follow-up reviews are made as necessary. For example, if patient reaction were critical of the food service at a particular hospital, representatives of the Central Office Dietetic Service would survey that function at the hospital with the objective of eliminating the cause of such complaints.

Another form of internal evaluation regularly employed by DM&S utilizes the ad hoc committee or task force technique to review existing policies, proposals, and plans pertaining to systemwide programs. Usually, these groups are made up of officials from DM&S and other VA staff offices who have special qualifications in the subject area. Committees of hospital directors frequently have been utilized for this purpose. It is customary for such groups to solicit the views and recommendations of consumers of health services and these normally are included in the reports and considered in the recommendations made to the Chief Medical Director. In addition to those reviews controlled and carried out within DM&S, the medical care programs are subject to evaluation by other elements of the VA and also outside sources. Internal audits of programs and operations relating to medical care normally involve surveys of medical installations or studies of major medical programs. Management engineering studies relating to medical care usually encompass evaluation of the nonprofessional aspects of the health care delivery system with the objective of recommending administrative improvements. Review of health care facilities is made also by accreditation surveys of national organizations for the purpose of determining whether or not a hospital, or a portion thereof, meets national standards for accreditation. The General Accounting Office, representing the legislative branch of government, reviews medical care programs to determine their effectiveness in relation to the intent of the authorizing legislation. All of these audits, studies, surveys, and reviews involve contact with individual consumers or consumer groups as may be appropriate. These activities are well-publicized and consumers have an opportunity to make their views known to the groups conducting the evaluation. In addition, evaluations of medical care programs and facilities are conducted by groups directly representing the consumer. As indicated earlier, major veterans' organizations routinely conduct surveys of VA hospitals with the full cooperation of the VA. They make formal reports including recommendations to local management officials and to the VA at the national level. The VA makes a formal response to these reports after full consideration is given to the findings and recommendations.

3. Communication. The main channel for communication with the consumer is via the veterans' organizations. Each veterans' organization has a newsletter which is distributed to keep its membership informed about matters of concern to them and, therefore, of concern to the VA. Information from the grass-roots levels is transmitted to state and national headquarters through conventions and other meetings of the various veterans' organizations. The VA Central Office and field facilities maintain close liaison with these groups by attending the conferences and conventions. Information received at these conferences and at other formal and informal meetings are funneled back through the VA system to the heads of the appropriate services and to the Administrator. Feedback of consumer-initiated suggestions, criticisms, or complaints are handled through similar information channels when appropriate or by direct contact with the consumer.

In addition, there are scheduled monthly meetings between hospital staff and veterans' representatives. Other meetings, in the field or at Central Office, are arranged as needed. All services are involved to some extent, but Voluntary Service and Medical Administration Service are particularly active in this function, and in communicating to consumers major issues and decisions that affect them.

In VA hospitals and other medical facilities, agency-prescribed policies and procedures are followed in processing and controlling complaints received by mail. Such mail is routed immediately to the field station head who is required to maintain control to assure that prompt and appropriate action is taken. Allegations of a very serious nature are referred to Central Office where they are processed in accordance with Central Office operating instructions. Written guidelines are used as an aid in analyzing complaints and in taking corrective action. VA directives require that necessary action be initiated as soon as possible. In addition to expeditious and considerate response to all complaints received in written form, it is policy and practice that VA medical facility directors and key staff officials be available for personal discussions with complainants. Complaints assist program officials in identifying areas where improvements can be made. In conjunction with other information, this has been instrumental in effecting changes to policies, procedures, regulations, and proposed legislation.

A large amount of information disseminated by the VA is directly or indirectly consumer oriented. Consumer education is accomplished through a variety of mass media mechanisms, through veterans' organizations, and via person-to-person contacts in hospitals and clinics. There are Veterans Benefits Counselors in every hospital who assist and talk with veterans. Educational and informative pamphlets are distributed on the initiative of the VA or in response to a request from the consumer. In addition to the relatively formal methods described above, Medical Administration Specialists have daily contact with veterans in admission offices or when the veteran makes an outpatient visit. Throughout the course of a veteran's medical care, hospital staff and volunteers have formal and informal contacts relaying information or educating the veteran in reference to the services or treatment he/she is receiving.

B. DEPARTMENT OF VETERANS BENEFITS

The Department of Veterans Benefits (DVB) administers an integrated program of benefits and services established by law for veterans, service personnel, and their dependents or beneficiaries. Administration is decentralized to a network of field stations with at least one office located in each state. Benefits and services are grouped in four program categories: Compensation and Pension, Education and Rehabilitation, Loan Guaranty, and Insurance. Separate Central Office Services formulate policy and provide program management staff support.

1. Compensation and Pension Service

Compensation and Pension (C&P) Service adjudicates claims and makes awards for disability and death, compensation and pension, taking into account related income, dependency, appealed claims, independent reviews, and correspondence action.

a. Policy Advisory and Program Planning. Substantive rule-making in C&P Service involves changes in the Schedule for Rating Disabilities and in the general regulations. The rating schedule is updated periodically to conform to advances in medical sciences, modern surgical practices, and new drugs; also, to reflect changes in legislation, rating practices, and procedures. Changes in general regulations, other than those implementing legislation, may be initiated by recommendations from veterans' organizations, members of Congress, and other individuals when study of the recommendations indicates they are valid and meritorious. Some changes result from suggestions submitted by field station employees who are involved with and are responsible for the adjudication of individual claims. Other changes come about when a Central Office review of an individual case indicates the existing regulation may result in inequities. After approval by the Administrator, the proposed regulatory changes are published in the *FEDERAL REGISTER* and public comment is invited.

b. Evaluation. Two major sources of consumer input help to evaluate the C&P program: Contact with individual veterans and consultation with veterans' organizations. They provide critical analyses of the programs under C&P jurisdiction. Veterans' organizations are consulted concerning promulgation of proposed rules; their recommendations, as well as those of claimants, are followed where possible.

To insure the protection of the consumer and the continuing evaluation of C&P programs, ongoing reviews are undertaken. These include statistical quality control, regular station audits, and administrative review of specific cases.

c. *Communication.* Information for consumers regarding C&P benefits is disseminated through pamphlets explaining VA programs and through the use of the media to call to the attention of the veteran population recent changes to the law, regulations, or procedures.

Complaint mail from consumers and Congress is reviewed at the highest levels of authority and assists the VA in helping Congress to keep abreast of and be responsive to the needs of veterans and their dependents. Consumers who are dissatisfied with the determination regarding a claim for benefits have the right to be heard. This gives the claimants an opportunity to have their views considered in the decision-making process directly affecting their own well-being. They also are granted appellate rights to intermediate reviews and a hearing before the Board of Veterans Appeals.

2. Education and Rehabilitation Service

The Education and Rehabilitation (E&R) Service determines entitlement, provides counseling, and makes awards for educational benefits including related dependency and training changes. It also aids, guides, and prescribes vocational rehabilitation for service-disabled veterans including counseling and supervision of trainees.

a. *Policy Advisory and Program Planning.* E&R Service receives consumer newsletters from veterans' organizations, branches of the military, and other groups concerned with veterans' training. Recommendations from these sources and the Vietnam Veteran Civic Councils are used in planning new programs, developing guidelines for area field stations, and reviewing the E&R Program. The Service uses suggestions from the President's Committee on the Employment of the Handicapped and the Rehabilitation Services Administration's Veterans' Rehabilitation Coordination Committee. For example, an expression of consumer dissatisfaction with the termination date for vocational rehabilitation benefits for certain seriously disabled veterans was a factor in the proposal of legislation to provide an extension of these benefits.

b. *Evaluation.* The Federal Interagency Committee on Education represents thirty agencies and departments administering educational support programs. The Subcommittee on Educational Consumer Protection reviews the efforts of Federal agencies in the emerging field of educational consumer protection and promotes cooperation with non-Federal organizations. E&R Service has participated in major recommendations concerning a federally coordinated educational consumer complaint system and full disclosure of consumer rights and responsibilities.

The Administrator's Education and Rehabilitation Advisory Committee assists in the evaluation of existing programs and service, recommends needed new projects, and participates in long-range planning and development. Members are persons eminent in the fields of education, labor and management, and representatives of the institutions furnishing vocational rehabilitation or education. Veterans of each era and representatives of the Department of Health, Education and Welfare, and the Department of Labor also serve on the Board. The Committee's recommendations may involve regulatory and administrative changes as well as legislative proposals. The purpose of the Central Office Education and Training Review Panel is to protect the consumer from fraudulent practices and waste of funds. The Panel holds public hearings which offer opportunities for testimony by consumers regarding matters previously considered by the field station Committee on Educational Allowances.

The Compliance Survey Program was designed to assure the VA that veterans or other eligible persons enrolled in education or training receive the best education and training available. It is an effective program evaluation tool. Schools and beneficiaries are given opportunities to offer suggestions for improving service to consumers during liaison visits and compliance surveys. Feedback is obtained from beneficiaries, station personnel, and training establishments; suggestions that have merit may alter policy affecting the consumer.

E&R Service reviews, in compliance with the law, approval notices of state approving agencies concerning home study courses. If defects in the school's enrollment contracts, procedures, and advertising are discovered, they are brought to the attention of the appropriate state approving agency. When accreditation is involved, E&R Service notifies the National Home Study Council. The VA has entered into an agreement with the Federal Trade Commission to utilize its resources to

investigate an institution's advertising, sales, or enrollment practices.

The quality control program provides information as to the quality level of operations and enables the VA to identify problems. Effective quality control includes the quality review itself, analysis of the findings, and determination of the action required to eliminate the causes of errors.

c. *Communication.* The management of E&R Service participates in many consumer-oriented meetings to establish rapport with consumers and technical groups, to keep abreast of current trends, and to solicit suggestions. They also attend meetings concerning counseling and training of the disabled. Regional meetings with VA personnel to introduce revised or new techniques in data processing are an ongoing program. This allows experts to elucidate fully a particular phase of computer processing and improve service to consumers. Meetings with state approving agencies are held each year. Suggestions for legislation, program improvements, changes in regulations and directives, and long-range planning are welcomed. Planning for the forthcoming fiscal year's state reimbursement contracts is discussed. A critique and evaluation of existing programs are part of the agenda of the working committees. This is one way of obtaining consumer input, disseminating information, and testing consumer reaction to proposed changes. Also, the expertise of educational authorities is especially helpful.

Prior to their effective date, proposed regulations are published in the *FEDERAL REGISTER* for public review and comment. The VA maintains mailing lists to insure proper distribution of approved amendments to regulations, changes in the Agency's procedures, and general information. They are distributed to state approving agencies, schools, and interested parties. Additions to the list may be made by individuals seeking to keep informed of current programs. Periodically, the VA publishes a *Veterans Education Newsletter* which is sent to approximately 25,000 institutions, organizations, agencies, and individuals concerned with veterans' educational affairs.

Consumer correspondence is evaluated carefully to detect developing patterns so future problems in these areas can be avoided. Central Office receives correspondence from consumers with comments concerning proposed regulations. Recently, communications from individuals and state approving agencies concerning standards of satisfactory progress in degree-granting institutions have resulted in amendments to regulations to insure student progress and the elimination of abuses.

E&R Service considers the complaints it has received when making submissions to Congress for new legislation. All complaints are acted upon immediately, with particular attention paid to issuing duplicate checks when money has not been received. When a beneficiary has not received adequate assistance from a Regional Office or has been given wrong information, every effort is made to correct the condition and to identify the reasons for the release of inaccurate information so this will not be repeated. Consumers who disagree with a decision regarding a claim for benefits have the right to appeal a determination to the Board of Veterans Appeals. When benefits have been withheld due to administrative error or when anyone has suffered a loss by relying on an erroneous VA determination of eligibility, the case is considered for equitable relief.

3. Loan Guaranty Service

The Loan Guaranty Program makes possible the guaranty of low- or no-downpayment loans for veterans. The Service determines eligibility; establishes reasonable value of properties; issues guaranty or insurance for home, mobile home, and refinancing loans; services loans and settles claims by holders of outstanding GI loans; and acquires, manages, and sells a portfolio of VA-owned loans and properties.

a. *Policy Advisory and Program Planning.* The Loan Guaranty Program traditionally has utilized the indirect consumer advocacy of housing industry groups as aids in policy formulation. National organizations such as the Mortgage Bankers Association, National Association of Home Builders, Manufactured Housing Institute, and the National Association of Real Estate Brokers assist in policy-making through their reviews of proposed policy statements of major significance and ad hoc consultations and committee memberships. Such input provides for consideration of the legal, technical, financial, and sales practices prevalent in the housing industry which are important to the program's operation and mission.

NOTICES

Much reliance is placed on the recommendations of Regional Office personnel as to veterans' needs and concerns since direct veteran-consumer input is limited by the infrequent nature of homebuying. Equally valuable participation in the policy and program planning phase is gained from Central Office review of precedent, hardship, and complaint cases; the reports of twenty-two counseling centers which advise minority homebuyers; Loan Guaranty Officers' conferences; and quality control visits to Regional Offices. Major changes or new policies are published in the *FEDERAL REGISTER* and public responses are evaluated carefully in finalizing new policies or procedures.

b. *Evaluation.* Ongoing evaluation functions are operated through a statistical quality control system and a systematic analysis program. Regional Offices randomly select loan cases for detailed review as to timeliness, accuracy, and adequacy of actions taken, and for conformity with VA policies and procedures. The results of each review and the associated case are forwarded to Central Office on a periodic basis for validation of the findings. The system thus alerts Regional Offices immediately to any areas needing attention on a technical basis and serves to inform Central Office of particular recurring problems at local facilities. The system also acts as an indicator for possible policy or procedural changes or other corrective actions when Central Office reviews reveal trends through the identification of similar problems at a number of Regional Offices. Such trends often have pointed up the need for clarification of manual instructions or a change in the requirements applicable to caseload processing.

The systematic analysis of Loan Guaranty operations at Regional Offices provides an ongoing review of all program areas for those aspects of management which cannot be evaluated through single-case reviews. Such subjects as staff utilization, review of complaints, the balance of productivity between functional activities, and comparisons of workload to the fiscal plan are covered in this analysis. Also included are staffing and training plans and an overall comparison of accomplishments in relation to program objectives at the local level.

c. *Communication.* Communication with veterans falls into four major categories: education, such as distributing general program and homebuying information; complaints against builders or other program participants; assistance to veterans who are having trouble meeting mortgage payments; and action in connection with the subsequent sale of the veteran's home. In most cases, the lending institution making the loan will have all the necessary contacts with the veteran from loan application through closing. Therefore, once they obtain home loans, most veterans have no further need to contact Loan Guaranty personnel unless they have complaints, fail to meet mortgage payments, or elect to sell the property.

The VA furnishes veterans with preliminary guides useful in the homebuying process. Pamphlets, such as "Questions and Answers on Guarantee and Direct Loans to Veterans," "To the Homebuying Veteran," and "Questions and Answers on Mobile Home Loans for Veterans," provide information on eligibility for loans, typical financing requirements, and tips on selecting a home. These pamphlets also are made available routinely to military bases, libraries, schools, and community information centers.

Construction complaints constitute the major category of complaint correspondence. New homes inspected by the VA or FHA during construction are subject to a one-year warranty which the seller must furnish to the veteran. Normally, builders readily rectify defects when contacted by veteran purchasers. Should builders fail to remedy defects for which they are responsible, Regional Offices will assist veterans in securing correction. A pamphlet sent to the veteran after loan closing includes instructions on how to proceed with complaints, and internal operating instructions provide for control of complaint mail with inspections at Government expense and appropriate follow-up action within specified time limits. Continued failure on the part of builders to correct deficiencies can result in sanctions such as refusal to appraise other housing which the builder has under construction or ready for sale. Builders may be suspended from further participation if they repeatedly fail to make necessary corrections. Veterans also report problems with lenders and brokers. Such correspondence normally is given prompt attention and repeated actions determined prejudicial to veterans can result in the suspension of the offending party from participation in the program.

When lenders notify the VA that veterans have defaulted on loans, the local Regional Office contacts the veterans, reviews their financial status, and provides counseling to assist them in making arrangements with the lenders to cure the delinquency. It is the VA's policy to seek forbearance for veterans in all worthy cases, when it is probable that they can bring the payments current within a reasonable period. The Agency and veterans have benefited significantly in this respect through the cooperation with lenders which Regional Offices have fostered.

Contacts with veterans also occur at the time they seek to obtain a release of liability in connection with a sale of their home, for restoration of entitlement when their loans have been paid in full and the property is sold, or when they seek restoration of entitlement based on the proposed sale of their homes to veterans who will substitute entitlement for that of the veteran-seller.

4. Insurance Service

Life insurance protection for military personnel and veterans is provided under five separate programs administered by the VA and three programs which are supervised by the VA through a contractual relationship with private companies. Insurance Service maintains accounts and authorizes changes to existing GI insurance policies, determines acceptability of applications for new insurance, adjudicates disability and death claims, and makes awards for benefits or policy proceeds.

a. *Policy Advisory and Program Planning.* In order to meet the needs of the veteran population, Insurance Service is receptive to and seeks out their viewpoint. Veterans' organizations are consulted regarding changes in regulations and procedures. Generally, changes to the Insurance Program come about as responses to consumer needs. An example is the amendment of Servicemen's Group Life Insurance which extended coverage to certain Reservists, increased the amount of coverage, and established a new program, Veterans' Group Life Insurance.

b. *Evaluation.* The primary consideration of the Insurance Program is to serve veterans in a timely fashion while maintaining strict quality control. The quality control program makes random checks daily to assure that the processing of veterans' inquiries was correct and was within prescribed time limits. Systematic analyses, as scheduled by management, provide critical overall review of insurance operations. They furnish the means for determining the accuracy of the operations, the quality of service rendered, and whether present operating techniques are practical and economical.

To make certain the insureds are receiving the highest quality service, periodic visits are made to the Office of Servicemen's Group Life Insurance. Procedures are checked and whenever discrepancies are detected, they are discussed with responsible officials. Recommendations for improvements in operations are made.

c. *Communication.* Matters of concern to veterans are relayed to the VA at biennial training seminars which answer questions raised by veterans' representatives and inform them of insurance activities. The VA distributes pamphlets about government life insurance to key groups throughout the country, including VA installations, veterans' organizations, and the Armed Forces.

The VA takes a positive attitude in explaining kinds of insurance to veterans, always allowing them to determine which type is best for their personal needs. There are operating procedures to safeguard the interests of veterans. For example, applications for cash surrender of policies are not processed until it is evident that policyholders are aware of the pertinent facts regarding the change. A special effort is made to inform all insureds whenever new legislation involving insurance is passed. This is accomplished through the news media, television, radio, special meetings, etc.

The Insurance Centers at Philadelphia and St. Paul have established procedures to control complaint mail to insure a prompt reply. This mail is analyzed regularly to determine if changes in procedures or other corrective action is warranted. Since an individual has the right to have a case heard by the Board of Veterans Appeals, there are formal procedures for handling appeals. Reports of contact are prepared for all telephone and personal inquiries from insureds or their representatives about government life insurance. These are forwarded to the proper operating element and are processed on a priority basis.

C. NATIONAL CEMETERY SYSTEM

The National Cemetery System (NCS) is responsible for providing a gravesite for the burial of veterans, active duty military personnel, and their eligible dependents, and for furnishing a headstone or marker for the grave. Headstones and markers also are provided for the unmarked graves of veterans buried in private cemeteries.

1. *Policy Advisory and Program Planning.* In 1973, Congress transferred the National Cemetery System from the Department of the Army to the VA. Two of the most important endeavors at present are the establishment of new cemeteries and the development and expansion of existing ones.

Consumer expressions received through Congressional interests, veterans' groups, and the printed media are reviewed on a regular basis. Public Law 93-43 directed the establishment of an advisory committee to represent the desires of the consumer and to make recommendations to the Administrator. There is a Congressional Inquiry Section within the Planning and Evaluation Staff to receive and give full consideration to all inquiries about cemetery matters from Congress and the White House. Professional organizations such as the National Funeral Directors' Association are encouraged to report on consumer problems. Consumer input is received from local architectural engineers and veterans' groups. Cemetery master plans are prepared for review by interested local and Congressional officials. Consumer views on the headstone/marker program are received through county and state service officers, cemetery officials, and funeral directors who serve veterans and their families at the time of burial.

2. *Evaluation.* Within NCS, field supervising offices give direct supervision and guidance to the national cemeteries. They make periodic on-site evaluations to judge the service provided and to solicit expressions of satisfaction from the families of the deceased. Consumer demands that cannot be resolved locally are transmitted to Central Office for consideration.

New concepts are submitted to Congressional Committees, veterans' organizations, funeral directors and cemetery associations, and national cemetery superintendents' conferences for evaluation. The Advisory Committee on Cemeteries and Memorials is a relatively new mechanism for the evaluation of cemetery policies and planning. It is composed of a cross-section of veterans representing many veterans' groups.

3. *Communication.* The VA Regional Offices work with funeral directors, furnishing them forms, burial flags, and necessary information to assist the next of kin at the time of the veteran's death. The best source of information for consumers is the local funeral director who comes to their assistance at the time of a death. The Armed Forces and Retired Associations and veterans' organizations make known to their members the kinds of burial benefits that are available. NCS provides information for publications the associations issue. National cemetery superintendents appear before local groups to discuss the cemeteries and the benefits available.

A number of helpful aids have been developed to facilitate the dissemination of pertinent information. These include a list of national cemeteries with addresses and telephone numbers, and a leaflet, "Interments in National Cemeteries," which describes eligibility for burial in a national cemetery and the procedure to follow.

Complaints received at VA national cemeteries are resolved locally whenever possible. Significant complaint trends are brought to the attention of key officials at weekly staff meetings. A complaint reporting system has been instituted whereby national cemetery superintendents are required to report all complaints to the Director National Cemetery Service.

D. SUPPORTING STAFFS

1. *Information Service.* The major function of Information Service is consumer education regarding available benefits. Through the public service cooperation of the media, the office reminds the public of continuing VA benefits, new benefit laws, important deadlines, and changes in policies and regulations. Veterans and their dependents are urged to contact the VA for assistance.

Approximately 6,000 local and national news releases are distributed each year to 11,000 daily and weekly newspapers, wire services, and veteran and military publication; radio and TV material is released weekly to the nation's electronic media. In addition, two weekly recorded radio programs are distributed to about 3,400 radio stations and to the Armed

Forces Radio Network; question-and-answer features, benefit filler facts, and cartoon features are sent to the print media; magazine articles and information are prepared; and the office publishes a comprehensive booklet, "Federal Benefits for Veterans and Dependents," which is disseminated to the media and the public through all VA facilities, and is sold in volume by the Government Printing Office.

The Service also publishes a biweekly *Public Opinion Digest* for distribution to agency officials and field stations. This condensation of critical and favorable comment on VA programs and activities serves to alert all stations to new trends, as well as potential problem areas that might impede service to consumers.

2. *General Counsel.* The General Counsel serves as the chief officer of the VA in all matters of law and legislation. He directs and is responsible for all litigation involving the VA, interpretative advice on matters of law, and preparation of the VA legislative program based upon the recommendations of the operating units. The General Counsel, including the field and Central Office, has limited direct contact with the public. He and his staff answer letters from the general public which deal with legislative or legal problems. Correspondence which indicates a possible need for regulatory changes or new legislation is segregated and reviewed with the program officials who are responsible for recommending changes. There also is contact with the public in conjunction with claims filed under the Federal Tort Claims Act and in matters concerning the Medical Care Recovery Act and the Loan Guaranty Program.

3. *Board of Veterans Appeals.* The Board of Veterans Appeals is the final authority whenever the veteran is dissatisfied with a previous determination regarding a claim for benefits. The policy of the BVA is to act in favor of the veteran when it has the power to do so. By regulation all reasonable doubt is resolved in the appellant's behalf. A veteran can make a personal appearance and be represented by an attorney or give one of the veterans' organizations power of attorney to represent him/her at no charge.

As the semi-autonomous appellate body of the VA, the Board does not formulate or routinely comment on agency regulations or policy pertaining to substantive entitlement to benefits. However, when areas of regulatory ambiguity are identified in connection with its day-to-day activities, the Board notifies appropriate elements of the agency and makes suggestions for changes in policy. The Board of Veterans Appeals is in touch with Central Office and the field stations in its efforts to resolve problems which have been identified or complaints which have been presented by those outside the agency.

E. INDEPENDENT ADVISORS

1. *Veterans' Organizations.* Before the consumer advocacy movement became popular, veterans formed numerous effective organizations to represent their interests. VA representatives attend conventions and conferences held by veterans' organizations at the local, state, and national levels to discuss VA matters. These organizations have been and are well-informed on VA benefits. Since membership is not requisite for receiving a veterans' organization's assistance, the number of veterans represented by these groups exceeds their actual membership rolls.

Interaction with veterans' organizations takes many forms. Prior notice of major changes is sent to the largest groups and their comments are reviewed, along with all those who respond to *FEDERAL REGISTER* publication of impending revisions to VA policies. Annual seminars, usually coinciding with their national conventions, provide a forum for discussion between VA representatives and veteran leaders. There are frequent meetings between veterans' groups and top staff in Central Office and at hospitals and Regional Offices. The VA provides the veterans' organizations with a supply of its informational publications and claims forms to facilitate their work. Some of the groups make on-site evaluations of hospitals and Regional Offices, submitting their findings to the Administrator. Occasionally, they draft new legislative proposals and attempt to have them introduced in Congress when this is the most effective way to achieve a desired end.

These organizations communicate with their constituents through a network of national headquarters, departments at the state level, districts, and nearly 30,000 local posts or chapters. The VA conducts training courses for local service officers of veterans' organizations to familiarize new appointees with veterans' benefits and the procedures for obtaining them. The veterans' organizations and the VA have many

NOTICES

shared goals; the maintenance of open relations with all of them benefits the veteran consumer.

2. Advisory Committees. Advisory Committees are an important resource tool of the VA. Twenty-eight committees provide professional expertise in evaluating both new and existing programs.

The charters of all the Advisory Committees have drawn on consumer and professional involvement, in order to provide balanced advice to the Administrator. Professional members of the committees are eminent in the field of education, labor, medicine, public health, and other disciplines affected by VA activities. Veterans are highly visible board members with considerable impact on regulations and policy. In fact, all veterans serving on the Chief Medical Director's Advisory Committee on Spinal Cord Injuries have personal experience with the unique needs of this segment of the veteran population.

When an institution has been disapproved for further education benefits by a Regional Office, it can appeal to the Central Office Education and Training Review Panel. The Panel protects consumers from fraudulent practices and the waste of funds. The VA wants to insure that any benefits derived through third parties are of high quality and are in the best interests of the veteran or beneficiary.

IV. PLANNED ACTIONS TO IMPROVE CONSUMER PARTICIPATION

PLANNED ACTION 1

Prior to publication in the *FEDERAL REGISTER*, advance notice of new programs, policies, changes in regulations, and other VA activities is sent to the major veterans' organizations. This mailing list will be expanded to include all nationally recognized veterans' organizations and other select veterans' groups representing special interests.

Schedule of Events. This action was initiated in conjunction with the release of the Proposed Consumer Representation Plan in November 1975. To date, the list of veterans' organizations has been expanded to thirty-three, an increase of twenty-seven. This more extensive list is being used for a one-year trial period, after which it will be modified according to the response and interest shown by these organizations.

PLANNED ACTION 2

The VA has initiated a new system of in-depth program evaluations which will be considerably more far-reaching than any previous appraisal efforts. Program evaluations will assess on a continuing basis the impact of all programs administered by the VA in order to determine their effectiveness in achieving stated goals, and evaluate their achievements in relation to cost, impact on related programs, and structure for delivery of services. Input from veterans will be a major consideration in these evaluations. The information developed will be made available to the public and provided on a regular basis to the appropriate Congressional Committees.

Schedule of Events. In September 1975, a test of program evaluation methodology began in two programs. Completion of the pilot is scheduled for September 1976, at which time ten to fifteen additional programs will be selected for evaluation under the refined methodology resulting from the initial test. September 1977 is the target date for the addition of fifteen to twenty more programs to the system; the remainder will be undertaken by September 1978.

PLANNED ACTION 3

The VA has prided itself on maintaining good relations with the veterans' organizations. Following publication of the proposed Plan, five working meetings were held with the veterans' groups. Because of this success, the VA plans to continue holding such meetings, while expanding the list of invitees to include all organizations on the new mailing list. The agenda will be revised to promote greater participation by the veterans' organizations.

Schedule of Events. A series of meetings with veterans' organizations has been initiated and will be completed by mid-December, following the election of new commanders of the respective organizations.

PLANNED ACTION 4

Vietnam Veterans Civic Councils (VVCC) have been established at the Regional Offices in every state. Council membership is not limited to Vietnam veterans, but includes other veterans' groups, local community members, or other interested parties. Minutes of the meetings are sent to the Chief

Benefits Director, Deputy Administrator, and department or staff offices for appropriate action, when the subject matter is pertinent. Since these have been effective at the local level, added emphasis will be given to the councils by including 1) a representative (designated by the Chief Medical Director) of a VA hospital near the Regional Office, and 2) a representative of the National Cemetery System where appropriate.

Schedule of Events. Policies will be amended and personnel will be designated to attend the scheduled meetings of the VVCC.

PLANNED ACTION 5

The Health Service Review Organization Program will be improved as hospitals and other health care facilities become increasingly proficient in systematic internal review techniques, including the use and analysis of patient satisfaction data. An increase in the number of systematic external reviews conducted each year also is planned.

Schedule of Events. Implementation of the Health Service Review Organization Program is taking place on a continuing basis in order to improve constantly the delivery of health care.

PLANNED ACTION 6

Loan Guaranty Service will establish an Issues Review Group to consist of selected representatives of major housing industry organizations and veterans' groups, who routinely will receive copies of all published materials, as well as preliminary copies of policy statements for review and comment prior to publication. Members of the groups may be requested from time-to-time to meet on an ad hoc voluntary basis.

Schedule of Events. Implementation of this action will occur at the same time as publication of the final Plan.

PLANNED ACTION 7

Loan Guaranty Service will issue instructions to Regional Offices to stimulate wider release of information on VA home loans to veteran consumer groups at the local level.

Schedule of Events. Instructions are being prepared and will be released before the end of the calendar year.

PLANNED ACTION 8

Loan Guaranty Service is developing a list of housing industry officials and veterans' organizations who receive preliminary policy statements of major import. Comments are considered in finalizing such policies.

Schedule of Events. The action was initiated in conjunction with the release of the proposed Plan.

PLANNED ACTION 9

A consumer guide will be prepared to promote a better understanding of GI term insurance for the approximately two million veterans holding this type of policy. This pamphlet will call attention to the steep premium increases at older ages and point out the advantages of converting to a permanent plan of insurance before the term premium becomes prohibitive.

Schedule of Events. Action has been initiated to prepare the pamphlet which was distributed July 1, 1976.

PLANNED ACTION 10

When major insurance legislation is enacted, special seminars will be conducted with representatives of veterans' organizations and Veterans Benefit Counselors to explain the legislation and its impact on veterans.

Schedule of Events. This policy is effective immediately; the special seminars will be held whenever Congressional action requires them.

PLANNED ACTION 11

The Associate Deputy Administrator has been designated Consumer Affairs Coordinator with responsibility for full implementation of this Plan. The position will seek new initiatives and insure that consumer interests are considered in the formulation of future policies and procedures.

Schedule of Events. This action became effective on July 14, 1976.

V. WHERE TO GO FOR ASSISTANCE

For information or assistance write, call, or visit a Veterans Benefits Counselor at your nearest VA Regional Office, VA office or VA Hospital listed on the following pages. Application for medical benefits may be made at any VA station with medical facilities.

If telephoning, many states have toll-free service to the VA from communities in the state. Consult your local directory or information assistance operator for the latest listing of these numbers. All other telephone numbers may be found in local telephone directories or obtained from the operator without charge.

GI life insurance is administered at the VA Center in St. Paul or Philadelphia. For any information concerning a policy, write directly to the VA Center administering it, giving the insured's policy number, if known. The insured's full name, date of birth, and service number should be given if the policy number is not known.

VA installations are listed below by state. Information on VA benefits may be obtained from the following installations:

Regional Offices (RO):

Other offices (O):

Centers (Regional Offices and Insurance) (C):

Hospitals (H):

Domiciliary (D):

Outpatient Clinic (independent) (OC):

Outpatient Clinic (physically separated from hospital) (OCH):

Outpatient Clinic Substation (OCS):

ALABAMA

Birmingham (H) 35233, 700 S. 19th St.

Mobile (OCS) 36617, 2451 Fillingim St.

Montgomery (H) 36109, 215 Perry Hill Rd.

Montgomery (RO) 36104, 474 S. Court St.

Tuscaloosa (H) 35401.

Tuskegee (H) 36083.

ALASKA

Juneau (RO) 99801, Federal Bldg., U.S. Post Office & Courthouse, P.O. Box 1288, 709 W. 9th St.

Anchorage (O) 99501, Rm. 214, Loussac-Sogn Bldg., 429 D St.

ARIZONA

Phoenix (H) 85012, 7th St. & Indian School Rd.

Phoenix (RO) 85012, 3225 N. Central Ave.

Prescott (H&D) 86313.

Tucson (H) 85723.

ARKANSAS

Fayetteville (H) 72701.

Little Rock (RO) 72201, Federal Bldg., 700 W. Capitol Ave.

Little Rock (H) 72206, 300 W. Roosevelt Rd.

CALIFORNIA

Fresno (H) 93703, 2615 E. Clinton Ave.

Livermore (H) 94550.

Long Beach (H) 90801, 5901 E. 7th St.

Los Angeles (RO) 90024, Federal Building, 11000 Wilshire Blvd., West Los Angeles.

Los Angeles (H&D) 90073, Sawtelle & Wilshire Blvd.

Los Angeles (OC) 90013, 425 S. Hill St.

Martinez (H) 94553, 150 Muir Rd.

Oakland (OCS) 94612, 1515 Clay St., Oakland, Phone: 893-0405.

Palo Alto (H) 94304, 3801 Miranda Ave.

San Diego (RO) 92108, 2022 Camino Del Rio North.

San Diego (H) 92161, 3350 LaJolla Village Dr.

San Diego (OCH) 92108, Palomar Building, 2022 Camino Del Rio North.

San Francisco (RO) 94105, 211 Main St.

San Francisco (H) 94121, 4150 Clement St.

Sepulveda (H) 91343.

COLORADO

Denver (RO) 80225, Building 20, Denver Federal Center.

Denver (H) 80220, 1055 Clermont St.

Fort Lyon (H) 81038.

Grand Junction (H) 81501.

CONNECTICUT

Hartford (RO) 06103, 450 Main St.

New London, Phone: 447-0377.

New Haven, Phone: 562-2113.

Newington (H) 06111, 555 Willard Ave.

West Haven (H) 06516, W. Spring St.

DELAWARE

Wilmington (RO&H) 19805, 1601 Kirkwood Highway.

DISTRICT OF COLUMBIA

Washington (RO) 20421, 941 N. Capitol St., N.E.

Washington (H) 20422, 50 Irving St., N.W.

FLORIDA

Bay Pines (H,D,&OCH) 33504.

Gainesville (H) 32602, Archer Rd.

Jacksonville (O&OCS) 32201, Post Office & Courthouse Bldg., 311 W. Monroe St.

Lake City (H) 32055.

Miami (H) 33125, 1201 N.W. 16th St.

Miami (O) 33130, Federal Building Rm. 100 51 S.W. 1st Ave.

Orlando (OCS) 32806, 83 W. Columbia St.

St. Petersburg (OCH) 33731, P.O. Box 13594.

St. Petersburg (RO) 33731, P.O. Box 1437, 144 1st Ave. S.

Tampa (H) 33612, 13000 N. 30th St.

GEORGIA

Atlanta (RO) 30308, 730 Peachtree, St. N.E.

Augusta (H) 30904.

Decatur (H) 30033, 1670 Clairmont Rd. N.E.

Dublin (H&D) 31021.

HAWAII

Honolulu (RO) 96801, P.O. Box 3198 (Air Mail), 680 Ala Moana Blvd.

IDAHO

Boise (RO) 83724, Federal Bldg. and U.S. Courthouse, 550 W. Fort St. Box 044.

Boise (H) 83702, 5th and Fort St.

ILLINOIS

Chicago (H) 60611, 333 E. Huron St. (Lakeside).

Chicago (H) 60680, (West Side) P.O. Box 8195, 820 S. Damen Ave.

Chicago (RO) 60605, 536 S. Clark St.

Danville (H) 61832.

Downey (H) 60064.

Marion (H) 62959.

Hines (H) 60141.

INDIANA

Evansville, Phone: 426-1403.

Fort Wayne (H) 46805, 1600 Randallia Dr.

Gary, Phone: 886-9184.

Indianapolis (RO) 46204, 575 N. Pennsylvania St.

Indianapolis (H) 46202, 1481 W. 10th St.

Marion (H) 46952.

IOWA

Des Moines (RO) 50309, 210 Walnut St.

Des Moines (H) 50310, 30th & Euclid Ave.

Iowa City (H) 52240.

Knoxville (H) 50138.

KANSAS

Leavenworth (H&D) 66048.

Topeka (H) 66622, 2200 Gage Blvd.

Wichita (RO&H) 67218, 5500 E. Kellogg.

KENTUCKY

Lexington (H) 40507.

Louisville (RO) 40202, 600 Federal Place.

Louisville (H) 40202, 800 Zorn Ave.

LOUISIANA

Alexandria (H) 71301.

New Orleans (RO) 70113, 701 Loyola Ave.

New Orleans (H) 70146, 1601 Perdido St.

Shreveport (H&O) 71130, 510 E. Stoner Ave.

MAINE

Togus (RO&H) 04330.

Portland (O) 04111, 76 Pearl St.

MARYLAND

Baltimore (RO&OCH) 21201, 31 Hopkins Plaza Federal Bldg.

Baltimore (H) 21218, 3900 Loch Raven Blvd.

Fort Howard (H) 21052.

Perry Point (H) 21902.

MASSACHUSETTS

Bedford (H) 01730, 200 Spring Rd.

Boston (H) 02130, 150 S. Huntington Ave.

Boston (RO) 02203, John Fitzgerald Kennedy Federal Bldg. Government Center.

Boston (OC) 02108, 17 Court St.

Brockton (H) 02401.

Lowell (OCS) 01852, Old Post Office Bldg.

New Bedford (OCS) 02740, 749 Purchase St.

Northampton (H) 01060.

NOTICES

Springfield (O&OCS) 01103, 1200 Main St.
West Roxbury (H) 02132, 1400 VFW Parkway.
Worcester (OCS) 01601, 595 Main St.

MICHIGAN

Allen Park (H) 48101.
Ann Arbor (H) 48105, 2215 Fuller Rd.
Battle Creek (H) 49016.
Detroit (RO) 48226, P.O. Box 1117A, Patrick V. McNamara Bldg., 477 W. Michigan Ave.
Grand Rapids (OCS) 49502, 260 Jefferson St. N.E.
Iron Mountain (H) 49801.
Saginaw (H) 48602, 1500 Weiss St.

MINNESOTA

Minneapolis (H) 55417, 54th St. & 48th Ave. South.
St. Cloud (H) 56301.
St. Paul (C) 55111.
St. Paul (C) 55111, Federal Bldg., Fort Snelling.
St. Paul (OCH) 55111, Fort Snelling.

MISSISSIPPI

Biloxi (H&D) 39531.
Jackson (RO&H) 39216, 1500 E. Woodrow Wilson Ave.

MISSOURI

Columbia (H) 65201, 800 Stadium Road.
Kansas City (O) 64106, 260 Federal Office Bldg., 601 E. 12th St.
Kansas City (H) 64128, 4801 Linwood Blvd.
Poplar Bluff (H) 63901.
St. Louis (RO) 63103, Rm. 4705, Federal Bldg., 1520 Market St.
St. Louis (H) 63125, 915 N. Grand Blvd.

MONTANA

Fort Harrison (RO&H) 59636.
Miles City (H) 59301.

NEBRASKA

Grand Island (H) 68801.
Lincoln (RO) 68508, 100 Centennial Mall North.
Lincoln (H) 68510, 600 S. 70th St.
Omaha (H) 68105, 4101 Woolworth Ave.

NEVADA

Henderson (OCS) 89015, 102 Lake Mead Dr.
Reno (H) 89502, 1000 Locust St.
Reno (RO) 89502, 1201 Terminal Way.

NEW HAMPSHIRE

Manchester (RO) 03108, 497 Silver St.
Manchester (H) 03104, 718 Smyth Rd.

NEW JERSEY

East Orange (H) 07019.
Lyons (H) 07939.
Newark (RO&OCH) 07102, 20 Washington Pl.
Trenton, Phone: 989-8116.

NEW MEXICO

Albuquerque (RO) 87101, 500 Gold Ave., S.W.
Albuquerque (H) 87108, 2100 Ridgecrest Dr., S.E.

NEW YORK

Albany (H) 12208.
Albany (O) 12201, Executive Park, North Stuyvesant Plaza.
Batavia (H) 14020.
Bath (H&D) 14810.
Bronx (H) 10468, 130 W. Kingsbridge Rd.
Brooklyn (H) 11209, 800 Poly Place.
Brooklyn (OC) 11205, 35 Ryerson St.
Buffalo (RO) 14202, Federal Bldg., 111 W. Huron St.
Buffalo (H) 14215, 3495 Bailey Ave.
Canandaigua (H) 14424.
Castle Point (H) 12511.
Montrose (H) 10548.
New York City (H) 10010, 1st Ave., at E. 24th St.
New York City (RO&OCH) 10001, 252 7th Ave. at 24th St.
Northport (H) 11768, Long Island.
Rochester (O&OCS) 14614, 100 State St.
Syracuse (O) 13202, Gateway Bldg., 809 S. Salina St.
Syracuse (H) 13210, Irving Ave. & University Pl.

NORTH CAROLINA

Asheville (H) 28805.
Durham (H) 27705, 508 Fulton St.

Fayetteville (H) 28301, 2300 Ramsey St.
Salisbury (H) 28144.
Winston-Salem (RO&OCH) 27102, 251 W. Main St.

NORTH DAKOTA

Fargo (RO&H) 58102, 21st Ave. & Elm St.

OHIO

Akron, Phone: 535-3227.
Brecksville (H) 44141, 10000 Brecksville Rd.
Chillicothe (H) 45601.
Cincinnati (H) 45220, 3200 Vine St.
Cincinnati (O) 45202, Rm. 1024, Federal Off. Bldg., 550 Main St.
Cleveland (H) 44106, 10701 E. Boulevard.
Cleveland (RO) 44199, Federal Office Bldg., 1240 E. 9th St.
Columbus (O&OCS) 43215, 360 S. Third St.
Columbus (OC) 43210, 456 Clinic Drive.
Dayton (H&D) 45428.
Toledo, Phone: 244-5887.

OKLAHOMA

Muskogee (H) 74401, Memorial Station, Honor Heights Dr.
Muskogee (RO) 74401, 125 S. Main St.
Oklahoma City (O) 73102, 200 N.W. 4th St.
Oklahoma City (H) 73104, 921 N.E. 13th St.
Tulsa, Phone: 583-5891.

OREGON

Portland (H) 97207, Sam Jackson Park.
Portland (RO) 97204, 1220 S.W. 3rd Avenue.
Portland (OCH) 97204, 426 S.W. Stark St.
Roseburg (H) 97470.
White City (D) 97501.

PENNSYLVANIA

Altoona (H) 16603.
Butler (H) 16001.
Coatesville (H) 19320.
Erie (H) 16501, 135 E. 38th St. Blvd.
Harrisburg (OCS) 17108, Federal Bldg., 228 Walnut St.
Lebanon (H) 17042.
Philadelphia (H) 19104, University & Woodlawn Aves.
Philadelphia (C) 19101, P.O. Box 8079, 5000 Wissahickon Ave.
Philadelphia (OCH) 19102, 1421 Cherry St.
Pittsburgh (RO&OCH) 15222, 1000 Liberty Ave.
Pittsburgh (H) 15240, University Drive C.
Pittsburgh (H) 15206, Highland Drive.
Wilkes-Barre (O) 18711, 19-27 N. Main St.
Wilkes-Barre (H) 18703, 1111 E. End Blvd.

PHILIPPINES

Manila (RO) 96528, 1131 Roxas Blvd., APO San Francisco (Air Mail).

PUERTO RICO

Ponce (OCS) 00731, Calle Isabel #60.
San Juan (RO&H) 00936, Barrio Monacillos, Rio Piedras GPO Box

RHODE ISLAND

Providence (RO) 02903, 321 So. Main St.
Providence (H) 02908, Davis Park.

SOUTH CAROLINA

Charleston (H) 29403, 109 Bee St.
Columbia (RO) 29201, 1801 Assembly St.
Columbia (H) 29201, Garners Ferry Rd.
Greenville (OCS) 29607, Piedmont East Bldg., 87 Villa Road.

SOUTH DAKOTA

Fort Meade (H) 57741.
Hot Springs (H&D) 57747.
Sioux Falls (RO&H) 300 North Dakota Ave.

TENNESSEE

Chattanooga (OCS) 37411, Bldg. 6200 East Gate Center.
Knoxville (OCS) 37920, Baptist Prof. Bldg., 200 Blount Ave.
Memphis (H) 38104, 1030 Jefferson Ave.
Mountain Home (H&D) 37684, Johnson City.
Murfreesboro (H) 37130.
Nashville (RO) 37203, 110 9th Ave., S.
Nashville (H) 37203, 1310 24th Ave., S.

TEXAS

Amarillo (H) 79106, 6010 Amarillo Blvd., W.
Big Spring (H) 79720.
Bonham (H&D) 75418.
Corpus Christi (OCS) 78404, 1502 S. Brownlee Blvd.

NOTICES

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Dallas (O) 75202.
U.S. Courthouse and Federal Office Bldg., 1100 Commerce St.
Dallas (H) 75216, 4500 S. Lancaster Rd.
El Paso (OC) 79905, 4819 Alameda Ave.
Houston (RO) 77054, 2515 Murworth Drive.
Houston (H) 77211, 2002 Holcombe Blvd.
Kerrville (H) 78028.
Lubbock (O&OC) 79401, Federal Building, 1205 Texas Ave., Room 814.
Marlin (H) 76681.
McAllen (OCS) 78501, 1220 Jackson Ave.
San Antonio (H) 78284, 7400 Merton Minter Blvd.
San Antonio (O) 78285, 410 S. Main St.
San Antonio (OC) 78285, 307 Dwyer Ave.
Temple (H&D) 76501.
Waco (RO) 76710, 1400 N. Valley Mills Dr.
Waco (H) 76703, Memorial Drive.
Waco (OCH) 76710, 1400 N. Valley Mills Dr.

UTAH

Salt Lake City (RO) 84138, 125 S. State St.
Salt Lake City (H) 84113.

VERMONT

White River Junction (RO&H) 05001.

VIRGINIA

Hampton (H&D) 23667.
Richmond (H) 23249, 1201 Broad Rock Rd.

Roanoke (RO) 24011, 210 Franklin Rd. S.W.
Salem (H) 24153.

WASHINGTON

American Lake (H) 98493, Tacoma.
Seattle (RO) 98174, Federal Office Building, 915 2nd Ave.
Seattle (H) 98108, 4435 Beacon Ave., S.
Seattle (OCH) 98104, Smith Tower, 2nd & Yesler.
Spokane (H) 99208, N. 4815 Assembly St.
Vancouver (H) 98661.
Walla Walla (H) 99362, 77 Wainwright Dr.

WEST VIRGINIA

Beckley (H) 25801, 200 Veterans Ave.
Clarksburg (H) 26301.
Huntington (RO) 25701, 502 8th St.
Huntington (H) 25701, 1540 Spring Valley Dr.
Martinsburg (H&D) 25401.
Wheeling (OCS) 26003, 11th & Chapline Sts.

WISCONSIN

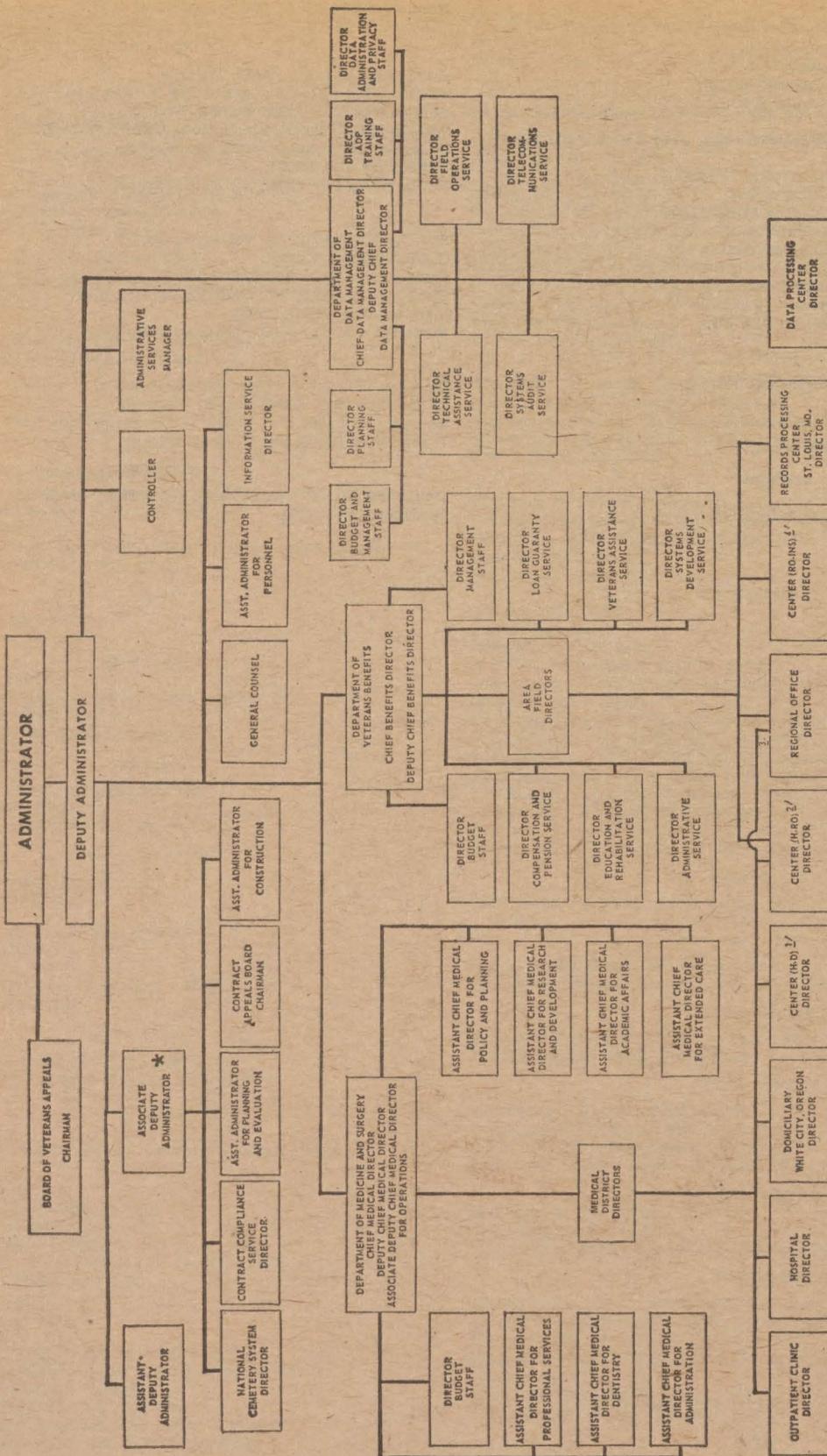
Madison (H) 53705, 2500 Overlook Terrace.
Milwaukee (RO) 53202, 342 N. Water St.
Tomah (H) 54660.
Wood (H&D) 53193, 500 W. National Ave.

WYOMING

Cheyenne (RO&H) 82001, 2360 E. Pershing Blvd.
Sheridan (H) 82801.

NOTICES

ORGANIZATION OF THE VETERANS ADMINISTRATION



* Primary Consumer Contact

2 Combined Hospital and Dental Office
2 Combined Hospital and Medical Office
2 Consultant Client where authorized
2 Canadian Office and Insurance Center Philadelphia office has staff responsibility for agency insurance programs

DEPARTMENT OF AGRICULTURE

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Special Assistant to the Secretary of Agriculture for Consumer Affairs, U.S. Department of Agriculture, Room 225-W, Washington, D.C. 20250 (202) 447-3165

TABLE OF CONTENTS

- I. Statement of Purpose.
- II. Executive Summary.
- III. Primary Organizations Involved.
- IV. Departmental Plan.
- Appendix—USDA Organization Chart.

I. STATEMENT OF PURPOSE

The United States Department of Agriculture is the Federal Government's principal policymaking arm with respect to the nation's production, distribution, and consumption of agricultural commodities, foodstuffs, and forest resources, and related activities falling within the purview of USDA. The purpose of the Department's adoption of this Consumer Representation Plan is to inform and involve consumers in the actions of the Department which may have a significant impact on them. To achieve this purpose, existing decision-making processes and informational and educational mechanisms within the Department will be improved and expanded in order to afford greater opportunity for consumer input in decision-making and to inform consumers generally of important aspects of Departmental actions. For purposes of this Plan, consumers are those individuals whose economic or social interests are primarily related to the use of agricultural commodities or services for personal or household purposes.

II. EXECUTIVE SUMMARY

USDA'S Consumer Representation Plan—

Affords better consumer input and information. This Plan affords greater opportunity for the expression and consideration of consumer viewpoints in connection with major Departmental decision-making.

Strengthens the Role of The Special Assistant for Consumer Affairs. The Plan provides a charter for the role of the Department's Special Assistant for Consumer Affairs in coordination of the Department's efforts to consider consumer viewpoints on major issues and to keep consumers and consumer groups informed with respect to major Departmental actions.

Provides for consumer coordinators in each major department agency. The Plan provides for the appointment of a consumer coordinator in each major Department agency who will advise the Agency Administrator on consumer matters and reflect consumer viewpoints on significant agency issues.

Establishes two committees for consideration of consumer matters. This Plan provides for the establishment of (1) a Consumer Responsiveness Committee comprised of high-ranking Department officials which will advise the Secretary on actions and activities of the Department as they relate to consumer interest and participation; and (2) a National Consumer Advisory Committee which will meet regularly and advise the Secretary and Department officials regarding significant policy matters of interest to consumers as well as the overall effectiveness of the Department's consumer effort.

Includes procedures for assuring opportunity for consumer input and information. The Plan includes procedures to be followed by Department agencies when contemplating major changes in policy or any action likely to have a significant impact on consumers.

Insures prompt responses to consumer complaints. The Plan provides that consumer complaints addressed to the Department on any issue will be seriously considered and promptly answered.

Provides for coordination by the Assistant Secretary for Marketing and Consumer Services. The Plan provides that the Assistant Secretary for Marketing and Consumer Services

is responsible for program coordination, and that the Special Assistant for Consumer Affairs will assist Department agencies in implementation of the Plan.

III. PRIMARY ORGANIZATIONS INVOLVED

A. *Special Assistant to the Secretary for Consumer Affairs*—coordinates Department actions on problems and issues of importance to consumers.

B. *Agricultural Marketing Service*—administers a broad program of standardization, grading, inspection, market news and regulatory functions to assist in the orderly marketing and distribution of food and farm products.

C. *Agricultural Research Service*—provides the necessary knowledge and technology so that farmers can produce efficiently, conserve the environment, and meet the food and fiber needs of the American people. The agency conducts the Department's basic research in human nutrition and national dietary levels.

D. *Agricultural Stabilization and Conservation Service*—administers specified commodity and related land use programs designed for voluntary production adjustment, resource protection, and price, market, and farm income stabilization.

E. *Animal and Plant Health Inspection Service*—conducts regulatory control programs to protect the wholesomeness of meat and poultry products for human consumption; includes meat and poultry inspection, animal and plant quarantine and disease and pest control programs.

F. *Commodity Credit Corporation*—its objective is to stabilize and protect farm income and prices, to assist in maintaining balanced and adequate supplies of agricultural commodities and their products, and to facilitate the orderly distribution of commodities.

G. *Cooperative State Research Service*—administers funds for research conducted in the states on agriculture, rural development and human nutrition, primarily through land grant colleges.

H. *Economic Research Service*—develops and carries out a program of research to provide economic intelligence for agriculture-related industries, and regarding all aspects of food production, consumption and prices.

I. *Extension Service*—in cooperation with state and county governments, conducts continuing education programs for youth and adults in agricultural production, home economics, family life and related subjects.

J. *Farmer Cooperative Service*—conducts studies to support cooperatives that market farm products, purchase production supplies, and perform related business services.

K. *Farmers Home Administration*—provides credit for those in rural America who are unable to get credit from other sources at reasonable rates and terms.

L. *Federal Crop Insurance Corporation*—promotes the general welfare by providing crop insurance against loss from unavoidable causes such as weather, insects, and disease.

M. *Food and Nutrition Service*—administers the Department's various food assistance programs, such as food stamps and child nutrition programs.

N. *Foreign Agricultural Service*—is an export promotion and service agency for U.S. agriculture.

O. *Forest Service*—promotes conservation and wise use of the nation's forests and land resources, including recreational uses.

P. *Office of Communications*—provides information on all consumer programs of the Department. Publications, slides, film strips and exhibits on a variety of subjects of interest to consumers are available free or for a minimal charge.

Q. *Packers and Stockyards Administration*—administers the Packers and Stockyards Act of 1921. The principal objective of the act is to assist in the maintenance of free competi-

NOTICES

tive practices in the marketing of livestock, meat and poultry, as well as meat and poultry products.

R. Rural Development Service—coordinates social and economic development programs in rural areas of the nation, including a wide range of assistance measures for communities of 10,000 population or less.

S. Rural Electrification Administration—makes and guarantees loans to finance electric and telephone service in rural areas.

T. Soil Conservation Service—has the responsibility for developing and carrying out a national soil and water conservation program in cooperation with landowners and operators and other land users and developers, with community planning agencies and regional resource groups, and with other agencies of government—Federal, State and local.

U. Statistical Reporting Service—prepares estimates and reports of agricultural production, supply, price and other items necessary to the orderly operation of the U.S. agricultural economy. These reports include statistics on field crops, fruits and vegetables, cattle, hogs, poultry, and related products. Other estimates concern prices received by farmers for products sold and prices paid by them for commodities and services.

IV. DEPARTMENTAL PLAN

COMMITTEE FOR CONSUMER RESPONSIVENESS

Purpose: The Committee for Consumer Responsiveness is established for the purpose of coordinating the Department's interests and responsibilities as they affect consumers and consumer groups, and assuring that relevant Departmental decision-making processes are open to effective expression of informed consumer viewpoints.

Objectives: The objectives of the Committee are (1) to facilitate an appropriate public input in the setting of the Department's priorities and goals; (2) to promote continuing awareness among consumers and consumer groups of proposed changes in policies and regulations and the bases therefor; and (3) to serve as a focal point in the Department where major consumer complaints and comments can be reviewed and appropriate action taken.

Functions: The Committee will advise the Secretary on Department-wide activities as they relate to consumer participation, and will seek avenues through which further consumer participation can be developed. The Committee may also consider major Departmental issues of interest to consumers. On occasion, the Committee for Consumer Responsiveness may meet jointly with the USDA National Consumer Advisory Committee or with other appropriate consumer representatives for any of these purposes.

Membership: The Committee will consist of a minimum of ten Agency Administrators. The chairperson for the Committee will be the Assistant Secretary for Marketing and Consumer Services. The vice-chairperson will be the Special Assistant to the Secretary for Consumer Affairs. The Committee will meet at the call of the chair, or at least bimonthly, for the consideration of Departmental activities of interest and importance to consumers.

Staff Support: The Office of the Special Assistant will provide necessary staff support for the Committee. Departmental agencies may be called upon to provide further staff support and assistance as needed.

B. USDA NATIONAL CONSUMER ADVISORY COMMITTEE

A USDA National Consumer Advisory Committee will be established under Federal Advisory Committee Act procedures and Departmental regulations. The Committee will be comprised of consumer representatives knowledgeable with respect to Departmental programs and activities. The Committee will meet at least two times annually. The Committee will advise the Secretary with respect to (1) policy matters of significant interest to consumers; (2) the effectiveness of the Department's overall efforts with respect to expression and consideration of consumer viewpoints; (3) problems of primary importance to consumers; and (4) means by which unmet consumer needs can appropriately be met by the Department and its agencies.

C. OTHER USDA NATIONAL ADVISORY COMMITTEES

All other USDA national advisory committees whose composition is not prescribed by law and which deal with matters having significant impact on consumers, as determined by the Secretary, will have consumer representation in their memberships.

D. PROCEDURES TO BE FOLLOWED ON SIGNIFICANT CONSUMER PROPOSALS

Each Agency Administrator will use the following procedures when contemplating a major change in agency policy, or any action which will have a significant impact on consumers. These internal management procedures will be followed to assist the Secretary and agency heads in considering consumer views in connection with the development and implementation of proposals having significant impact on consumers.

Notice

Agency administrators will seek consumer input at an early stage in connection with any proposal involving a major change in agency policy, when the issues are likely to have a significant impact on consumers. Depending upon the degree of possible impact on consumers, and the level of consumer interest, the form of consumer involvement may include publication of a Notice of Intent to promulgate proposed regulations. The Notice of Intent shall be a concise statement of the intent to develop a regulation, identifying the issues involved.

Comment Period

When proposals are published in the *FEDERAL REGISTER*, and such proposals have been identified as having significant impact on consumers (based on the five (5) factors listed below), an extended comment period will be utilized to provide an adequate opportunity for consumer input.

Consumer Summary

When any such proposal is published in the *FEDERAL REGISTER*, it will contain a "consumer summary," a short explanation of the proposal in easy-to-understand language spelling out its major points and its possible impact on consumers. Likewise, announcement of final Departmental action in the *FEDERAL REGISTER* on such proposal will include a concise statement evaluating the viewpoints expressed by consumers.

Consumer Viewpoints

Consumer viewpoints received on any proposal by the Special Assistant to the Secretary for Consumer Affairs will be expressed to the appropriate decision-makers for their consideration before a final decision is reached on such proposal.

Impact Criteria

The following factors will be considered by Agency Administrators in determining whether an issue has significant impact on consumers:

1. Is there a history of consumer interest in the issue?
2. Are there adverse social and economic impacts?
3. Are these impacts long-term or short-term?
4. Are the consequences irreversible or irretrievable?
5. Is there potential for widespread controversy?

Emergency Situations

Consideration of consumer interests under this Plan may be suspended in emergency situations which involve imminent hazards to human health, or the control of outbreaks of animal or plant diseases or widespread infestations of pests.

E. CONSUMER COMPLAINTS

Complaints by consumers, consumer groups, or other members of the public with respect to any Departmental matter may be addressed either to the Agency involved or to the Special Assistant to the Secretary for Consumer Affairs. All such complaints will be seriously considered and promptly answered. The Special Assistant for Consumer Affairs will have access to all complaints filed with the Department and will analyze complaints received on major issues and render advice with respect to appropriate changes in Department policies and programs.

F. COORDINATION

The Assistant Secretary for Marketing and Consumer Services will be responsible for program coordination, and the Special Assistant to the Secretary for Consumer Affairs will be responsible for assisting Department agencies in implementing this Consumer Representation Plan. Each agency will provide to the Special Assistant a summary of consumer issues as they arise. The Special Assistant will make periodic written reports to the Secretary of Agriculture and to Agency Administrators on consumer concerns and recommended actions.

G. THE SPECIAL ASSISTANT TO THE SECRETARY FOR CONSUMER AFFAIRS

The Special Assistant to the Secretary for Consumer Affairs serves as a focal point for coordinating Department consideration of consumer viewpoints; acts as liaison between the Department and consumers, including consumer organizations, consumer specialists in Federal, State, and local governments, and consumer representatives in private industry; and expresses consumer viewpoints to Department officials whenever appropriate in connection with major Department proposals having significant consumer impact. The Special Assistant also serves to communicate to consumers and consumer groups Departmental action on issues having significant consumer interest.

Specifically, the Special Assistant:

Consults with and advises Department officials, including the Secretary, with respect to issues and questions of importance to consumers, and serves as a liaison between the Department and consumer organizations.

Coordinates responses to consumer complaints addressed to the Department.

Serves as a spokesperson for the Department and for the Secretary at appropriate events which focus on consumer issues, including conventions, panels, seminars, and other events.

Aids in developing programs for informing the public of Department services to consumers.

Maintains liaison with other consumer affairs specialists in the Federal Government, State and local governments, and private industry.

The Special Assistant to the Secretary for Consumer Affairs is: Nancy Harvey Steorts, U.S. Department of Agriculture, Room 225-W, Washington, D.C. 20250, and will serve as Consumer Contact at the Department.

H. AGENCY CONSUMER COORDINATORS

The Administrator of each major Department agency will appoint a consumer coordinator who, in this capacity, will report directly to the Administrator of that agency and will work with the Special Assistant to the Secretary for Consumer Affairs. The individual so designated will assist the Administrator in coordination of the agency's activities as they relate to consumer interests. There will be regularly scheduled meetings of the agency consumer coordinators with the Special Assistant. The agency consumer coordinator will recommend programs for open communication with consumer leaders and organizations, reflect consumer viewpoints in the formulation of agency policies that affect consumers, increase awareness among all agency personnel of their responsibility to serve consumers, and act as a means of channeling significant agency information to consumers and consumer groups. The following will serve as Agency consumer coordinators:

Agricultural Marketing Service, Mr. Tom Porter, Director, Federal-State Marketing Improvement Program, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-7691.

Agricultural Research Service, Mr. Gene Farkas, Director of Information, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-5787.

Agricultural Stabilization and Conservation Service, Mr. William Cummings, Director of Public Information, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-5237.

Animal and Plant Health Inspection Service, Dr. Harry Mussman, Associate Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-3861.

Cooperative State Research Service, Dr. Elizabeth Davis, Coordinator of Home Economics Research, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-4329.

Economic Research Service, Dr. Alden Manchester, Program Leader, Economic Research Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-8707.

Extension Service, Mrs. Josephine Lawyer, Family Resource Management Specialist ES-Home Economics-USDA, Extension Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-6079.

Farmers Home Administration, Mr. Walter Bunch, Director of Information, Farmers Home Administration, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-4323.

Federal Crop Insurance Corporation, Mr. Tom Lodge, Assistant Director of Information, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-4006.

Food and Nutrition Service, Mrs. Bonnie Whyte, Deputy Director, Information Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-8138.

Foreign Agricultural Service, Mr. Philip Mackie, Deputy Assistant Administrator, Foreign Commodity Analysis, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-3510.

Forest Service, Mr. Robert Lake, Director of Information, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-3760.

Office of Communications, Mr. Theodore Crane, Chief of Special Reports Division, Office of Communications, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-4335.

Packers and Stockyards Administration, Mr. Sebastian Filippone, Director of Information, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7415.

Rural Development Service, Mr. Gary Madson, Deputy Administrator, Rural Development Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-7595.

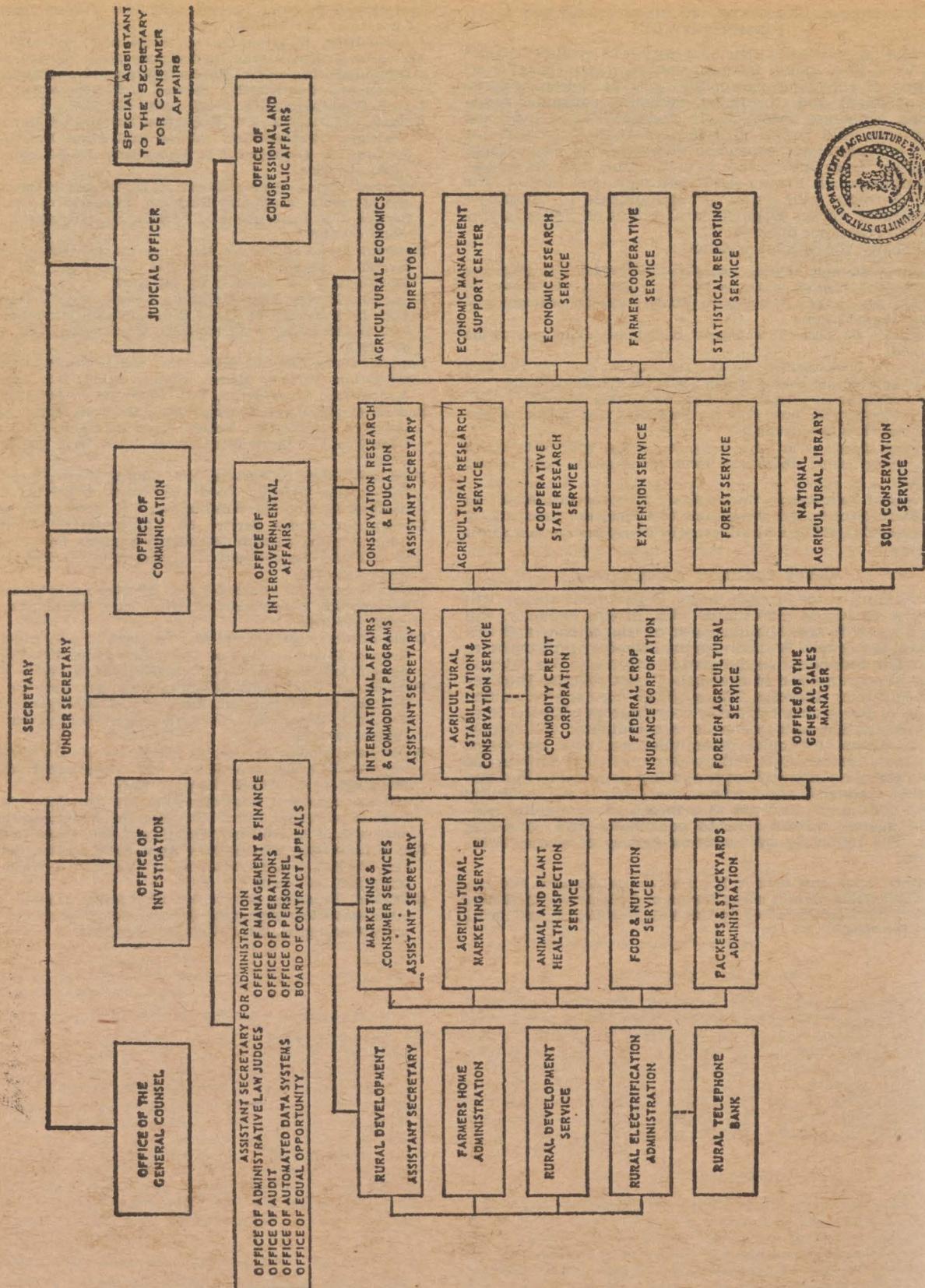
Rural Electrification Administration, Mr. Dan Jones, Member Surfaces Coordinator, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-4245.

Soil Conservation Service, Mrs. Anne Zack, Writer, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-3875.

Statistical Reporting Service, Mr. Kent Miller, Director of Information, Statistical Reporting Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-5455.

U.S. DEPARTMENT OF AGRICULTURE

APPENDIX



DEPARTMENT OF COMMERCE

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Staff Director, Consumer Affairs Council and Director of Consumer Affairs, Room 3800, U.S. Department of Commerce, Washington, D.C. 20230 (202) 377-3176.

TABLE OF CONTENTS

- I. Statement of Purpose.
- II. Executive Summary.
- III. Departmental Plan.
 - A. Primary Consumer-Related Activities and Operating Units Involved.
 - B. Initiatives for Influencing and Coordinating Consumer Representation.
 - C. Individual Agency Plans.
 - 1. National Marine Fisheries Service.
 - 2. National Bureau of Standards.
 - 3. Domestic and International Business Administration.
 - 4. National Fire Prevention and Control Administration.
- Appendix A.—Organization Chart of the U.S. Department of Commerce.
- Appendix B.—Summary of Public Comments and Hearings.

I. STATEMENT OF PURPOSE

The U.S. Department of Commerce provides a wide range of services to the general public and to business in discharging its mission of encouraging economic growth. The Department was established by the Congress in 1903 to "foster, promote, and develop the foreign and domestic commerce . . . of the United States." Because commerce by definition involves an interdependent relationship between buyer and seller, the Department recognizes its role in being as responsible and accountable to the consumer as it is to business. The purpose of this Consumer Representation Plan is to assure that consumers' needs and opinions are solicited and duly considered in the decision-making processes of the Department of Commerce.

II. EXECUTIVE SUMMARY

The Consumer Representation Plan of the Department of Commerce describes the consumer-related activities of the Department and the primary operating units responsible for these programs. Current procedures for consumer participation and public disclosure are identified, and recommendations are made for increasing and improving consumer involvement.

Major initiatives are outlined for influencing and coordinating consumer representation activities throughout the Department.

Primary Consumer-Related Activities and Operating Units Involved

The Department's primary consumer-related activities include the functions of product information, inspection, and grading; standards-making; technical assistance; and commercial practices. Other activities such as trade policy development have an important, but indirect impact on consumers.

The organizational units regularly involved in major policy decisions and implementing actions that have a direct or significant consumer impact are as follows:

National Marine Fisheries Service, National Oceanic and Atmospheric Administration.
National Bureau of Standards.
Domestic and International Business Administration.
National Fire Prevention and Control Administration.

Highlights of programs and recommended actions for these units are presented below, along with newly initiated coordinating mechanisms provided for other operating units that have less direct impact on consumers.

Initiatives for Influencing and Coordinating Consumer Representation

In order to ensure that consumer views are adequately considered in the Department's decision-making process, the

Consumer Representation Plan includes the following significant initiatives:

1. *Department of Commerce Consumer Affairs Council.* The Plan establishes an intradepartmental Consumer Affairs Council as a primary mechanism for assuring effective consumer representation throughout the Department. In monthly meetings, the Council considers consumer-related issues, prepares recommendations for policy officials, and submits regular reports to the Secretary of Commerce. The Council is chaired by the Assistant Secretary for Administration, underscoring the Department's commitment to assure significant programs of consumer representation. The Director of the Consumer Affairs Division serves as Staff Director of the Consumer Affairs Council, providing a highly visible liaison between the Division, the Council, and the top management of the Department of Commerce.

2. *Establishment of a permanent Consumer Affairs Division to coordinate the Consumer Representation Plan.* The Director of the Consumer Affairs Division presents consumer views to policy makers, facilitates consumer involvement in Department activities, and is the point of contact for consumer inquiries and complaints. The Director serves as the consumer advocate within the Department in reviewing programs and legislation which impact on the consumer, and recommends actions that are responsive to consumers' needs. The Consumer Affairs Division maintains contact with consumer organizations and other public groups, and is responsible for information and education activities for both consumers and the business community.

3. *Consumer Representation on Department of Commerce Advisory Committees.* The Secretary of Commerce has directed that one or more well qualified consumer representatives be included in the membership of the Department's 75 advisory committees, except where there are statutory or other valid constraints, to assure the broadest possible consumer input into departmental decisions. Specific procedures will be implemented to afford consumers timely opportunity and relevant information to participate in open meetings of committees for which it is not feasible to add consumer members.

The Consumer Representation Plan has resulted in the development of other special programs within the Department. To improve communications among the consumer, business, and Government, and to encourage an affirmative response by business to consumer expectations, the Bureau of Domestic Commerce has initiated a series of business-consumer relations conferences in various cities during the coming year. Further, to facilitate public discussion of national economic issues, the Department has established a public hearings program whereby persons can make their views known directly to policy officials without the need to travel to Washington, D.C.

Highlights of Selected Programs and Recommended Actions
NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The National Marine Fisheries Service, NOAA, utilizes several consumer representation techniques in administering the voluntary seafood inspection and standardization programs. Consumer views are solicited whenever changes in services, regulations, or rates are under consideration. Methods regularly employed include notices in the *FEDERAL REGISTER*, the *Consumer Register*, and *Consumer News*; newspaper consumer columns; letters to consumer organizations; and personal contacts. The use of radio and television spot announcements is planned.

The National Marine Fisheries Service also develops voluntary standards of quality, condition, and grade for fish and fishery products; provides technical assistance in elaborating international standards of identity and quality for fishery

products; and establishes codes of hygienic practice for processing fishery products. Consumer and trade input is solicited when considering and reviewing standards. As an integral part of the standard-making process, NMFS places proposed rulemaking notices in the **FEDERAL REGISTER**, holds public hearings if deemed necessary, and invites comments from consumer interest organizations. NMFS plans to increase usage of radio, television, consumer publications, and business-consumer seminars to solicit consumer opinions.

NATIONAL BUREAU OF STANDARDS

The National Bureau of Standards consumer-related programs are designed to maximize benefits to the consumer of NBS-developed technology and expertise in the areas of product performance, standardization, economy, and safety. Its activities include a publications program to make available the results of NBS research on topics of consumer interest, to develop better test methods for measuring product performance, and to provide product performance information to the consumer.

The National Bureau of Standards also administers the Department of Commerce "Procedures for the Development of Voluntary Product Standards". These standards may involve the health, safety, or economic characteristics of consumer goods. In addition, the Department's responsibilities under the Fair Packaging and Labeling Act are assigned to NBS.

In carrying out the foregoing activities, NBS utilizes a variety of means to obtain consumer views. In some cases, consumer sounding boards, surveys, and representation on evaluation panels are used to supplement official notices in rulemaking notices in the **FEDERAL REGISTER**. The Agency is also contemplating the use of consumer consultants in drafting energy conservation publications for home buyers and owners.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

The Domestic and International Business Administration carries out a number of programs that affect consumers. Activities of primary interest are the development of legislative recommendations, participation in trade negotiations, the administration of short supply export controls, the negotiation of international textile and apparel agreements, and the provision of information and assistance in response to consumer inquiries.

In the case of the legislative program, internal procedures have been established to ensure that interested Agencies, persons, or groups are asked for their views during the formulation of departmental positions. With regard to trade negotiations, there are statutory requirements for consumer representation on an advisory committee and provision for consumer participation in public hearings. Department procedures for the administration of the Export Administration Act of 1969 require, whenever practicable, full public disclosure and participation in decisions to establish, modify or terminate short supply export controls. In negotiating and monitoring international agreements to limit the importation of textiles and apparel, the Domestic and International Business Administration is advised by three advisory committees, one of which will include consumer representation, effective June 30, 1976. Consumer representatives will be added to the other two committees shortly thereafter.

The capability for responding to consumer inquiries has been upgraded through the establishment of a Consumer Affairs Division, as previously described.

NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

The National Fire Prevention and Control Administration, established by the Federal Fire Prevention and Control Act of 1974, works directly with the public in both its research and educational programs. NFPCA reviews fire codes, examines the causes of fires, and presents its conclusions to fire departments across the country. Its programs are targeted to reduce fire loss, thereby also lowering premiums for insurance coverage. The Agency will use surveys as one of the principal tools for ascertaining and evaluating consumer needs in the area of fire safety.

III. DEPARTMENTAL PLAN

Heads of all departmental operating units are directed to take such steps as are necessary to ensure that a balanced viewpoint is obtained when considering legislation, regulations, or administrative decisions affecting consumers. In the absence of voluntary participation by an affected group, operating units should make a positive effort to elicit the views of such groups. Where the Administrative Procedure Act applies to rulemaking or adjudicative proceedings, the operating unit's consumer representation plan will supplement the statutory requirements for public disclosure and public participation; for activities that are exempt from the Administrative Procedure Act, the consumer representation plan should provide, at a minimum, comparable opportunities for public information and input.

A. PRIMARY CONSUMER-RELATED ACTIVITIES AND OPERATING UNITS INVOLVED

Pursuant to its various statutory responsibilities, the Department of Commerce carries out several programs that affect consumers directly, and, as an agency of the Executive Branch, the Department participates in the policymaking process as it relates to many other Federal consumer activities. In terms of function, the Department's consumer-related activities generally fall into one of the following categories: (1) inspection and grading, (2) standards-making, (3) technical assistance, (4) product information, or (5) commercial practices. Other activities, such as trade policy development, have an important, but indirect impact on consumers.

The organizational units regularly involved in major policy decisions and implementing actions that have a direct or significant consumer impact are as follows:

National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

National Bureau of Standards.

Domestic and International Business Administration.

National Fire Prevention and Control Administration.

Other operating units that have a less direct impact on consumers will be required to (1) appoint (or maintain) consumer representatives as members of advisory committees, except where statutory or other valid constraints clearly preclude such appointments; and (2) to participate in Departmental consumer activities as Associate Members of the Consumer Affairs Council. In this capacity, the units will be responsible for bringing to the attention of the Council the development of any programs, policies, or issues within their areas of operation that have consumer impact or interest.

B. INITIATIVES FOR INFLUENCING AND COORDINATING CONSUMER REPRESENTATION

In an effort to provide for maximum consumer representation in decision-making and program development of the Department, the following major initiatives have been established:

1. *Department of Commerce Consumer Affairs Council.* As a coordinating mechanism, an intradepartmental group has been established to consider consumer-related issues and prepare recommendations for policy officials. This group consists of Regular and Associate Members, representing organizational units having direct and indirect consumer-related responsibilities and programs, respectively, as well as representatives from the Office of the General Counsel, Communications, and Policy Development and Coordination. The Consumer Affairs Council, chaired by the Assistant Secretary for Administration, meets monthly and submits regular reports on consumer matters to the Secretary of Commerce. The Director of the Consumer Affairs Division serves as Staff Director of the Council, providing for effective communication and a highly visible liaison between the Division, the Council, and the top management of the Department of Commerce.

2. *Consumer Affairs Division.* In order to ensure that consumer views are adequately considered in the administration of departmental programs, a permanent Consumer Affairs Division has been established in the Office of the Ombudsman. The Division serves as the point of contact for consumer inquiries and complaints, presents consumer views to policy makers, and facilitates consumer involvement in Department activities. As the consumer advocate within the Department, it reviews programs and legislation which impact on the consumer, and recommends actions that are responsive to consumers' needs. Functions of the Division include:

a. *Response to Inquiries.* Respond to consumers' questions about business or the Federal Government and other consumer-related matters.

b. *Registration of Complaints.* Endeavor to assist consumers to find satisfactory solutions to difficulties they have had with business or the Federal Government and identify agencies with jurisdiction at the Federal, State and local level, when appropriate.

c. *Identify Trends.* Distill out of consumer complaints and difficulties their recommendations, suggestions and views as related to Department recommendations and positions on policy, legislation and programs.

d. *Collect Consumer Opinion.* Conduct studies and surveys of consumer views on various issues, using the Department's 43 Field Offices and their contacts with consumers and consumer organizations across the country to obtain a broad cross section of consumer opinion on Departmental positions, policies, and programs; making such views known to policy officials, including the Consumer Affairs Council.

e. *Business Education.* Holding business-consumer relations seminars and prepare publications, articles, speeches and other communications to inform business people of problems consumers are having with business practices, highlighting adverse impacts such practices are having on consumers and business itself, and urging corrective actions.

f. *Consumer Information.* Prepare publications, news releases, public service announcements, speeches, and other communications to inform consumers of actual statistics, facts, and results of studies about current issues to increase their understanding and responsiveness to Departmental activities.

3. *Consumer Representation on Department of Commerce Advisory Committees.* Operating units and departmental offices which utilize advisory committees, boards, councils and similar groups as a source of expert advice and opinion are directed to appoint one or more consumer representatives to the membership of such groups wherever possible. Specific target dates for implementation of this directive have been assigned, and, where appropriate, consumer representatives will be given preference in filling unanticipated vacancies. In cases where it is clearly not feasible to add a consumer representative as a member, because of statutory or other valid constraints, the responsible officials have been requested to identify consumer or public organizations that have an obvious or likely interest in the committee's objectives. Henceforth, whenever a notice is sent to the *FEDERAL REGISTER* announcing an open or partially open meeting of one of the committees in this category, a copy will be mailed to each such organization.

4. *Business-Consumer Relations Seminars.* The Department's Bureau of Domestic Commerce has scheduled a series of business-consumer relations seminars during the coming year. These sessions are patterned after a pilot seminar held in Chicago on September 24, 1975. Their purpose is to encourage business action to improve consumer relations by acquainting business with consumer expectations, business alternatives for positive response to these expectations, and Government effort in behalf of consumers at the Federal, State, and local levels. Consumer views of business-consumer relations are an important feature of the seminar program.

C. INDIVIDUAL AGENCY PLANS

Departmental components regularly involved in major policy decisions and implementing actions that affect consumers significantly have developed consumer representation plans appropriate to their respective missions and functions. These individual plans are set forth in detail below.

1. NATIONAL MARINE FISHERIES SERVICE, NOAA

Two major programs operate within the National Marine Fisheries Service (NMFS):

a. *Voluntary Seafood Inspection Program.* The purpose of the voluntary fee-for-service seafood inspection program, in lieu of mandatory inspection such as that applicable to red meat and poultry, is to assure consumers of a uniformly nutritious and palatable food. Inspection service users pay fees for USDC inspectors to be in their plants during operations to evaluate and grade their raw materials, to ensure the hygienic preparation of products and to assure quality.

b. *Voluntary Seafood Standardization Program.* The purpose of the voluntary seafood standardization program is to develop and improve national and international standards and specifications of quality, condition, quantity, grade, and

packaging for fish and fishery products, and to recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices, protect consumer health, and facilitate international trade.

The key points at which consumer inputs are solicited are when new services or other program changes are under consideration, when regulation or standard changes or additions are contemplated, and when rate changes are deemed necessary. The procedures used by the National Marine Fisheries Service (NMFS) to solicit consumer opinion include placing proposed rulemaking notices in the *FEDERAL REGISTER* which invite the readers to respond in writing within 45 days concerning the standard in question. The letters are collected, analyzed, and maintained for review by interested parties. A subsequent *FEDERAL REGISTER* notice of public hearings, if deemed necessary, is published to invite interested parties to review the draft standards at meetings held in several locations around the United States. Executive conferences are held on the written and oral responses and decisions are made, based on the results. The *FEDERAL REGISTER* notices are also published in the National Marine Fisheries Service's five *Market News Reports*.

Statements of Interest and Intent are also often placed in the *FEDERAL REGISTER*, inviting readers to respond in writing within sixty days concerning an outlined plan of action. The letters are also analyzed and program decisions are made, based on the results.

Placing articles with writers of consumer-oriented newspaper and newsletter columns has provided the largest volume of written responses reflecting consumer attitudes. The columnist is asked to put the address of NMFS in the article so that readers can write directly. Analysis of the responses provides valuable insight into current consumer attitudes, which helps to form program policy.

Letters are also sent directly to a variety of consumer interest groups. These letters focus the group leader's attention on specifics and usually result in a formal, documented response. This kind of input also reflects the official stand of the consumer group, rather than the opinion of an individual member. Personal contact with consumer and trade group leaders at meetings and conventions is also employed. This method provides a degree of candidness not possible through written responses.

The future use of radio and television spot announcements to obtain consumer input and responses is planned. Spot announcements are to be distributed nationally for exposure on public service time. The spots will be educational and provide an address to which interested parties may write. Response to this type of effort is best used to quantify the value of, or interest in, materials or programs that have been developed and are operational. A far greater usage of individual consumer interest group publications, as well as radio and television as media for soliciting consumer opinion on issues, is also planned.

The use of business-consumer seminars is also scheduled for the future. These seminars will be designed to provide a forum for business and consumer representatives to meet and discuss their respective points of view on specific issues. By opening this type of dialogue, NOAA will be able to bring the two groups into closer harmony and provide accurate, meaningful input from both interest areas from which sound consumer-oriented program decisions can be made.

In early 1975, the Administrator of NOAA established an effort to increase consumer education regarding the functions of the voluntary fishery inspection service in assuring the availability of quality fishery products.

The Consumer Education Program maintains contact with key consumer advocates, newspaper food editors, magazine editors, radio executives, TV executives, fishing industry members, advertising executives, and consumer groups to develop meaningful approaches to explain the inspection program to consumers.

Based on the responses, news releases, radio spot announcements, television spot announcements, teacher lesson plans, newspaper articles, magazine articles, convention exhibits, and other education information materials for consumers are scheduled for development. All educational materials are reviewed for content by consumer interest representatives and communications specialists before final printing and distribution of the materials.

The Consumer Education Program receives input from the Marine Fisheries Advisory Committee. To provide consumer representation, the membership of the Committee will be re-

viewed regularly to ensure that at least one consumer representative is retained on the Committee.

2. NATIONAL BUREAU OF STANDARDS

a. Consumer Product Technology Programs. In December 1974, in an effort to consolidate consumer product activities at the National Bureau of Standards, the Center for Consumer Product Technology (CCPT) was established within the Institute for Applied Technology. The Center's activities are designed primarily to maximize the benefits of NBS-developed technology and expertise for the Nation's consumers in the areas of product performance and safety. Included among the Center's activities are consumer publications, product performance studies, product energy use measurement, and the development of test methods for consumer product safety standards.

Consumer Sounding Boards. NBS is utilizing four local consumer sounding boards, which are composed of a demographic cross section of consumers convened for the purpose of providing standards-making organizations with direct consumer involvement in their programs. The CCPT is the focal point for NBS activities with the sounding boards.

Evaluation Panel. An Evaluation Panel, appointed by and responsible to the National Academy of Sciences (NAS) and composed of leaders in research and management from industry, universities, and other areas convenes periodically to review and evaluate the functions and operations of the CCPT. The Panel considers the relation of the Center's programs to the mission of the Bureau, as well as the importance and relative priority of projects, the nature and composition of staff, and equipment needs. This Panel now has been expanded to include three representatives from the field of consumer affairs.

Consumer Surveys. Formal consumer studies are routinely conducted in the course of implementing CCPT programs. The studies involve surveys of consumers to determine information needs and product use patterns.

CCPT plans to improve the current methods for soliciting consumer inputs. This will be accomplished by: (1) Improving the representativeness number, and geographic distribution of the consumer sounding boards; (2) increasing sample size and representativeness of respondents in consumer studies; and (3) establishing closer working relationships with consumer organizations.

Further, the CCPT will take positive actions to increase consumer inputs, improve their relevance and timeliness, and further ensure their consideration in the organization's decision-making process. The following will be included among these actions:

Improved Information. In cooperation with the General Services Administration Consumer Information Center, the CCPT will develop methods for surveying consumers to determine the acceptance and utility of informational materials published by the CCPT and other Federal Agencies and to determine the consumer's interest and need for such information.

Consumer Use Patterns. As part of the activity to measure product energy use, CCPT has equipped a home test facility at NBS with energy and behavioral monitoring devices to observe and collect data on the use patterns of consumer products. Measurements of appliance-related energy use are also being collected in this facility and in a sample of private homes.

Product Information Conference. It is proposed that a conference of appropriate Government, industry, and private representatives in the consumer affairs field be convened in fiscal year 1977. The purpose would be to provide a mechanism for improving consumer and industry awareness of NBS efforts in the consumer product technology area, as well as a means for achieving greater consumer impact.

The efforts to increase consumer participation in CCPT activities are designed to bring consumer influence to bear on the choice of products to be selected and the characteristics of the products to be tested. In addition, consumer participation will help to assure that test methods will be representative of actual use patterns and that test results will be expressed in terms which are easily understood by the consumer.

b. Voluntary Product Standards Program. The Department of Commerce acts as the coordinator in the development of voluntary product standards. When a standard is accepted and approved for publication, a standing committee of producers, distributors, and consumer or user representatives is established to review the standard continually in the light of advancing technology; to provide interpretation of provisions of the standard; and to make recommendations for revising or amending the standard, if needed. Care is taken in the formation of such committees to assure balance among the representation of the three segments.

NBS has increased efforts to secure consumer participation through the use of consumer sounding boards (to date, those of New York and Philadelphia) to review standards of direct interest. This increase in consumer input to the standards process should provide ideas for new standards, as well as amendments to, or revision of, developing or existing standards.

c. Fair Packaging and Labeling Standards. Under the Fair Packaging and Labeling Act (FPLA), the Department conducts and promotes package quantity standardization and uniform labeling standards for commodities distributed for sale at retail. One purpose of these activities is to assist consumers to make value comparisons when purchasing packaged products by reducing proliferation in the number of package sizes of consumer commodities. Another purpose is to help consumers select packaged commodities more readily and economically by securing uniform labeling regulations among the States.

Activities of the Consumer Laws and Regulations-FPLA projects that have a substantial impact on consumers are these:

- (a) The development of simplified package quantity standards and concomitant market surveillance activities; and
- (b) The development of the Model State Weights and Measures Law, Model State Packaging and Labeling Regulation, Model State Unit Pricing Regulation, Model State Method of Sale Commodities Regulation, and Model State Open Dating Regulation (copies of which are available to consumers free of charge).

It is planned that the FPLA project will make use of the Washington Metropolitan Area Consumer Scanning Board and other similar organizations which are composed of a cross section of consumers. Members of the boards also will be able to review new metric quantity package standards that are to be issued in the near future. Additionally, these standards will be presented to the Standards Application and Analysis Division Evaluation Panel, which, in the manner described for the Voluntary Product Standards Program above, evaluates the activities of this project. This Panel is broadly representative of all sectors of the community. A consumer advocate, a State weights and measures official, a scale manufacturer's representative, and other private industry representatives are members of the Panel. The Consumer Products Coordinating Committee of the American National Metric Council will also participate in the review of these standards.

Development of the model laws and regulations is carried out through the National Conference on Weights and Measures (NCWM) and its Committee on Laws and Regulations. This Conference—which serves as a mechanism to achieve uniformity, extend consumer protection, and maintain equity between buyers and sellers—is composed of weights and measures enforcement officials. Consumer organizations, as well as representatives of industry, are in attendance each year.

Positive action will be taken to increase consumer inputs, particularly at the interim meetings of the Committee on Laws and Regulations. The immediate plan of action will be to issue a news release announcing the interim meetings and including a synopsis of some of the issues to be discussed. Also, consumer representatives will be provided the opportunity to submit comments on any of the items to be discussed during the meetings. NBS is exploring the feasibility of setting up an advisory group of selected consumer representatives to review packaging and labeling matters.

d. Energy Conservation Retrofitting Program. The energy-conservation-in-buildings program involves a number of activities which may have a substantial impact on consumers

as homeowners or home buyers. One example is the recently produced consumer information pamphlet entitled, "How to Make the Most of Your Energy Dollars," which provides guidelines for homeowner decisions concerning residential retrofitting for energy conservation. NBS is currently developing similar documents under contract with the Energy Research and Development Administration. The energy conservation standards for building design also should have a very significant impact on future homeowners.

Actions to date regarding consumer participation include the following:

(1) The Advisory Board for the NBS Center for Building Technology is broadly representative of the building community and includes consumer representation. This committee assures that the projects and programs are designed to benefit consumer groups, as well as the building community.

(2) Positive actions to increase consumer inputs and improve their relevance and timeliness also will include the use of consumer representative consultants in drafting home buyer/owner and other publications and the test marketing of publications designed for consumers.

3. DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

a. *Legislative Recommendations.* The Bureau of Domestic Commerce regularly contacts interested groups about legislative issues and summarizes their comments and positions in a legislative abstract, which is then forwarded with the Bureau's recommendations to the General Counsel. In this process, the Department will make a greater effort to obtain and consider consumer views in the development of positions on pending legislation.

The Bureau of Domestic Commerce frequently initiates studies designed to assess the economic impact of various existing or proposed regulatory actions, which may lead to recommended Departmental policy positions. Depending on the nature of the study, the consumer impact may be part of the analysis. In such cases, the Bureau obtains consumer input, input from existing data generated elsewhere in Government, private organizations, or consumer groups.

b. *Trade Negotiations.* Consumer views and consumer representation are taken into account in the multilateral trade negotiations:

The Trade Act of 1974 provides for an Advisory Committee for Trade Negotiations to obtain overall policy advice on any trade agreement negotiated under the Act. The Committee is composed of not more than 45 individuals and includes representatives of consumer interests. The committee held its initial meeting on January 9, 1976.

The Commerce Department has emphasized in publicizing its industry consultations program that it actively solicits the views of any and all persons and organizations not represented on any of the formally established committees, and a procedure has been developed to incorporate their views into the reports of the advisory committees.

The Trade Act provides for public hearings on all aspects of the negotiations by the Interagency Trade Policy Staff Committee, of which the Department of Commerce is a member. The Committee thus far has held over 9 weeks of public hearings. Numerous consumer organizations and individuals have presented testimony, which is being taken into account in the formulation of U.S. negotiating positions. Additional public hearings will be held from time to time as the negotiations proceed, and consumers will have further opportunities to make known their views to U.S. negotiators.

c. *Short Supply Export Control Programs.* In developing short supply export control policies, it is frequently necessary to act without advance consultation with any interested groups, lest the very act of consultation alert exporters to the likelihood of controls and stimulate a sudden rash of exports of the commodity which the controls are intended to conserve for domestic use. Obviously, the practicability of advance consultation will vary widely, depending upon the article, material, or supply it is proposed to control. With this reservation, however, where the Department initiates a study of the supply/demand, price conditions, and prospects for any item, with a view toward determining whether or not it is necessary to impose, substantively modify, or terminate export controls on any item "to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of foreign demand," the Department shall:

1. Review and tabulate, to the extent feasible, expressions of consumer attitudes toward the subject as reflected in, inter-

alia, correspondence with the Department and telephone conversations and meetings between Department officers and consumer representatives;

2. Consider the practicability of scheduling a public hearing on the subject for the purpose of receiving oral and written testimony from interested parties, including the consuming public;

3. Where considered practicable, invite representatives of appropriate consumer groups to participate in any meetings scheduled with representatives of the affected industry(ies);

4. Carefully weight the likely impact on the consumer of the action under consideration and the proposed method of implementing it, and modify these plans as necessary so as to give adequate consideration to the interests of the consuming public to lessen any adverse impact upon that group;

5. Publish notice of all new quantitative restrictions on the export of any article, material or supply in the *FEDERAL REGISTER* and include therein an invitation to all interested parties to submit written comments within 15 days from the date of publication on the impact of such restrictions and the method of licensing used to implement them, as required under the Export Administration Act;

6. Publicize widely each decision to establish, substantively modify, or terminate short supply export controls, through issuance of a press release explaining in simple terms the action taken and the rationale for taking it;

7. Review all written comments received in response to publication in the *FEDERAL REGISTER* and modify the scope of the controls and the methods of licensing selected, as appropriate, so as to provide adequate recognition of the legitimate concerns of those persons submitting comments, including representatives of consumer groups and interests;

8. In considering whether or not to grant requested exceptions to the published regulations on grounds of unique hardship, adequately weigh the probable impact on the consuming public of granting or of withholding approval of the hardship petition.

d. *Textile and Apparel Agreements.* The Department's textile program is the responsibility of the Deputy Assistant Secretary for Resources and Trade Assistance and as such is the Chairman of the Committee for the Implementation of Textile Agreements (CITA), an interagency committee charged with coordinating the implementation of textile agreements signed by the United States Government.

The Chairman of CITA is advised by three formal advisory committees, comprised of representatives from textile industry management and labor, importing, and exporting sectors. Meetings are held in accordance with the Federal Advisory Committee Act and notices of meetings are published in the *FEDERAL REGISTER* at least 30 days prior to the meeting date. These advisory committees meet approximately every quarter, and the minutes of meetings are open to public review.

In accordance with the Department's Consumer Reorganization Plan, the textile importers' committee will include consumer members, effective June 30, 1976. As soon as possible thereafter, consumer representatives will be added to the other two advisory committees.

4. NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

NFPCA's mission and its ultimate measure of success is the reduction of fire losses by 50% in 20 years. Consumer input is assured through these channels: Congressional communications, correspondence, interviews, and the general news media. A more detailed evaluation of consumer needs is available through the use of surveys. This technique is an inherent element of the NFPCA's management of programs of significant impact on the general public.

a. *NFPCA Fire Safety Research.* NFPCA develops, tests, and evaluates residential smoke detectors and related equipment which are practical, acceptable, and widely available to homeowners. Any such device or system will be tested in actual communities. Responses will be carefully monitored and will control final conclusions about the equipment.

The Administrator also evaluates fire prevention and building codes. The Act requires that the human impact in terms of comfort and habitability as well as fire prevention and control values, be considered. The program therefore, must incorporate careful regard for consumer viewpoints, as well as the technical advice of specialists.

In addition, a voluntary, cooperative program is ongoing for the development of Fire Effectiveness Statements. Any such statement suggested to builders and managers must be practical to be accepted. It is likewise recognized that the

Fire Effectiveness Statements must be understandable and acceptable to the public.

Priorities for the Fire Safety Research Office are routinely developed and future research areas will be determined only after rigorous survey and systematic observation. The cooperative nature of this function assures consumer input.

Finally, cooperation efforts are between the NFPCA and the Consumer Product Safety Commission (CPSC). The CPSC has the capability for a continuing survey of consumer injuries. This provides a constant, reliable source of actual consumer-use information. In addition, the CPSC continues to gain experience with the practical limits of regulatory authority. That, in conjunction with the NFPCA's unique technical expertise and specialized knowledge of human behavior in the fire field, as well as its contacts with specialists, encourages a vast range of consumer input.

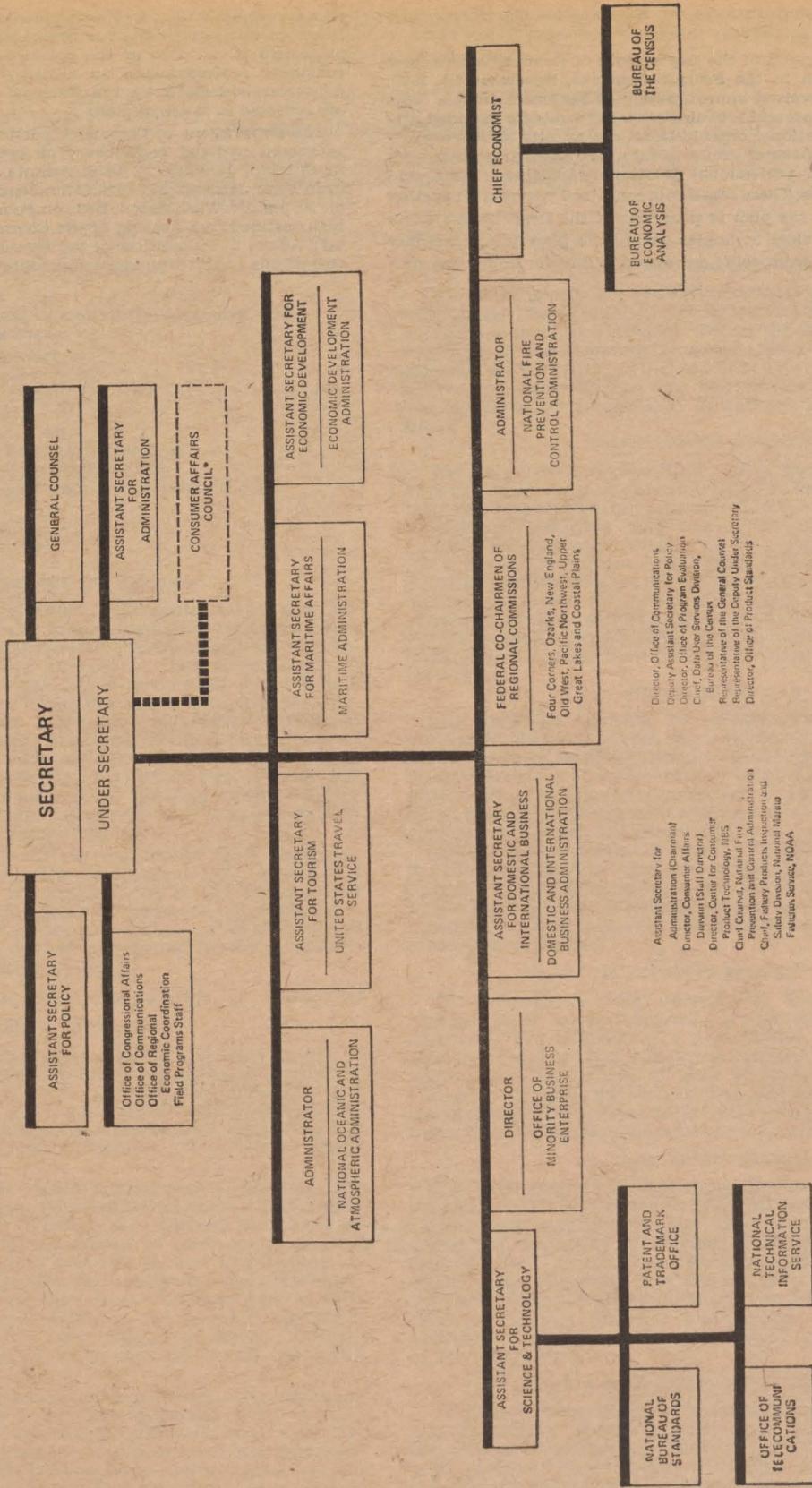
b. *Public Education.* Targets for educational efforts consistent with statutory imperative are isolated through continuing analysis of surveys (such as the NFPCA's National Household Fire Survey), Center employees' trained observations, and contact with fire prevention and control personnel at every level. To date, the areas scheduled for Center efforts include: (a) Home safety inspections, (b) detection and extinguishing devices for home use, (c) procedures to follow in case of fire, (d) specialized information for occupancy cate-

gories—mobile homes, apartment buildings, and commercial establishments, (e) sources of ignition in the home—electrical appliances, flammable liquids, and smoking materials, and (f) programs tailored for the young and the elderly. The Center does not commence efforts in any area (such as those listed above) without extensive research into existing educational programs and possible alternatives. Research teams either include members of the target group or consult frequently with them. The demonstration projects involve selected population groups, whose reactions are carefully monitored. Each project is evaluated according to the participants' responses. Finally, in its resource exchange and dissemination role, the Center functions for those who ultimately bear the major burden of the teaching. The Center is not a monopoly; trade associations, unions, and most notably the National Fire Protection Association are active in this field. There is also a great variety of local initiative.

Tested educational programs and materials will be distributed to fire departments, education offices, schools, agricultural extension services, and organizations of the elderly. This locally-oriented instruction will be augmented by a national media campaign regionally coordinated with the particular educational program being carried out in that area.

U.S. DEPARTMENT OF COMMERCE

APPENDIX A.—U.S. DEPARTMENT OF COMMERCE



NOTICES

APPENDIX B.—PUBLIC COMMENTS AND HEARINGS ON THE DEPARTMENT OF COMMERCE PRELIMINARY CONSUMER REPRESENTATION PLAN

Following publication of the Department of Commerce consumer representation plan in the *FEDERAL REGISTER*, November 26, 1975, the Department received approximately 40 responses from a cross-section of individuals and organizations. Respondents included private citizens, educational organizations, community service organizations, private consumer groups, State and local government offices, business and professional associations, business firms, and Congressional offices. These comments contained requests for further information about the plan or programs of the Department; offers of professional services in implementing the plan (e.g., consumer opinion surveys); and specific recommendations for improving con-

sumer representation. Public comments were made available to the heads of operating units for their consideration in revising their respective plans. Two of the principal recommendations—greater consumer representation on advisory committees and expanded consumer education by the National Marine Fisheries Service—are reflected in the final plan.

The Department of Commerce participated in the White House-sponsored regional conferences on consumer representation held in Chicago, January 13, 1976; Atlanta, January 19, 1976; and San Francisco, January 29, 1976. The Department also held a hearing on its plan in Washington, D.C., on February 24, 1976, and a spokesman testified at a hearing of the Commerce, Consumer, and Monetary Affairs Subcommittee of the House Committee on Government Operations concerning consumer representation on March 9, 1976.

DEPARTMENT OF JUSTICE

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Consumer Affairs Unit, Office of Policy and Planning, Room 4236, U.S. Department of Justice, Washington, D.C. 20530 (202) 739-4603.

TABLE OF CONTENTS

- I. Statement of Purpose.
- II. Executive Summary and Operating Units Involved.
- III. Department of Justice Plan.
 - A. Consumer Affairs Advisor.
 - B. United States Attorneys Plan.
 - C. Antitrust Division Plan.
 - D. Criminal Division Plan.
 - E. Civil Rights Division Plan.
 - F. Drug Enforcement Administration Plan.
 - G. Federal Bureau of Investigation Plan.
 - H. Law Enforcement Assistance Administration Plan.
- IV. Effective Date.
- Appendix A.—Public Comment.
- Appendix B.—Organization Chart.

I. STATEMENT OF PURPOSE

The purpose of the Consumer Representation Plan of the Department of Justice is to assure that the needs and views of the public receive appropriate consideration in Departmental decisions affecting consumers. The Department of Justice, as the only Cabinet Department with direct litigative responsibility, serves consumer needs through litigation which benefits consumers. Although a significant portion of the Department's activities in the consumer field consists of legal representation of other executive agencies having primary consumer responsibility, the plan will provide the means for giving the management of the Department a better understanding of consumers' concerns and viewpoints with regard to the subjects of such litigation.

The plan will also facilitate consumers' and consumer groups' focusing their attention on issues of both special and general concern within the Department. It will demonstrate that legal remedies are available to deal with consumer concerns and will foster the development of a well-informed consumer constituency which will bring to our attention instances of possible consumer abuse.

II. EXECUTIVE SUMMARY AND IDENTIFICATION OF OPERATING UNITS INVOLVED

The Consumer Representation Plan of the Department of Justice is a series of complementary plans for a number of its major operating units. Each is aimed at assuring that the needs and views of the public are duly considered in Departmental decisions affecting consumers and at enhancing the mechanisms through which consumers are informed about Departmental activities.

Other units' activities also affect consumers through the Department's role as legal representative for its fellow executive agencies. However, because the primary decisions on policy matters affecting consumers in such instances are made by the client agency and not by the Department of Justice, those operating units are not discussed in this plan. It should be borne in mind that these units may have as substantial an effect on consumers as the primary operating units. The distinction has been predicated solely on where the policy determination is made and not on the potential impact on consumers.

The plan also includes designation of persons who will have consumer responsibility within the operating units; the exploration of means for increasing consumer input with regard to certain Departmental activities; and the improvement of the Department's consumer information system through issuance of consumer publications, increased use of the "Consumer Register," augmentation of the bilingual staff, wider dissemination of certain legal notices and announcements, and greater emphasis on topics of consumer concern in the National Criminal Justice Reference Service.

A. CONSUMER AFFAIRS ADVISOR

To assure maximum over-all coordination of its consumer efforts, the Department has recently established the position of Consumer Affairs Advisor within the Office of Policy and Planning in the Attorney General's Office. This will provide a mechanism by which all Department efforts in the consumer area can be coordinated and will serve as a focus for consumer-related concerns and initiatives within the Department.

B. UNITED STATES ATTORNEYS

The ninety-four United States Attorneys are the chief federal law enforcement officers within their districts. Because they are responsible for federal criminal and civil litigation within their districts, they are the principal Departmental point of contact with consumers. The plan outlines a model for a consumer affairs component within a United States Attorney's office. The model is comprised of the following elements: consumer protection designees; liaison with other consumer groups; concentrated enforcement efforts; coordination among investigative and regulatory agencies; coordination among United States Attorneys' offices; and public information.

C. ANTITRUST DIVISION

The Antitrust Division, by investigating and prosecuting antitrust violations, serves as an advocate for increased business competition. Since the purpose of antitrust litigation is the preservation or restoration of competition and the elimination of anticompetitive practices and structures from the market place, the successful conclusion of cases should benefit consumers through reduction of prices.

The Consumer Affairs Section of the Division is responsible for the institution of civil and criminal proceedings in cases referred to the Department of Justice by other agencies, such as the Food and Drug Administration and the Federal Trade Commission, which have primary responsibility for consumer protection activities.

D. CRIMINAL DIVISION

The Criminal Division coordinates the investigation and prosecution of the vast majority of violations of federal criminal laws. The Division also participates actively in the development and implementation of crime prevention programs, several of which relate directly or indirectly to consumers and their economic well-being. The Division will have a major responsibility for implementing the recommendations of the Department's White-Collar Crime Committee.

E. CIVIL RIGHTS DIVISION

The Civil Rights Division supervises the investigation and prosecution of the majority of federal civil rights cases. Regulatory authority over the civil rights aspects of various programs and activities is exercised primarily by other federal agencies, such as the Equal Employment Opportunity Commission; the Department of Health, Education and Welfare; the Department of Housing and Urban Development and the Office of Revenue Sharing. The Division will seek improved methods of informing citizens of their rights and remedies under federal law.

F. DRUG ENFORCEMENT ADMINISTRATION

The Drug Enforcement Administration is an enforcement and regulatory agency dealing with drug trafficking and the control of dangerous drugs. It has three main operating units pertinent to the plan: the Office of Public Affairs, the Compliance Investigations Division in the Office of Enforcement, and the Office of Science and Technology. Consideration will be given to several consumer-related actions, including the opening of advisory group meetings to consumer participation.

G. FEDERAL BUREAU OF INVESTIGATION

The Federal Bureau of Investigation deals both directly and indirectly with consumers, conducting a wide range of personal contacts, educational programs, and investigative operations. The purpose of the FBI portion of the plan is to enhance the flow of information from consumers and consumer representative groups.

H. LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The Law Enforcement Assistance Administration provides grants, technical assistance, and research support for state and local programs to combat crime and to improve criminal justice agencies including more than four million dollars for consumer-related projects, such as the Economic Crime Project administered by the National District Attorneys Association, technical assistance to help implement such projects, and funds for consumer fraud research.

III. DEPARTMENT OF JUSTICE PLAN

A. CONSUMER AFFAIRS ADVISOR

Policy development and program planning and evaluation with regard to consumer-related matters have been conducted primarily by the individual operating units of the Department under the supervision of the Attorney General and the Deputy Attorney General. To increase the Department's effectiveness in this area, the Attorney General has recently created the position of Consumer Affairs Advisor within the Office of Policy and Planning, a part of the office of the Attorney General.

The Consumer Affairs Advisor's responsibilities will include:

1. Assisting the Attorney General and the Deputy Attorney General in the development and coordination of all Departmental policies, procedures, and programs affecting consumers;
2. Serving as liaison with other federal, state, and local agencies, the activities of which affect consumers with regard to matters within the jurisdiction of the Department; and
3. Providing such additional support as may be necessary to insure proper consideration of the potential effect of Departmental activities on consumers.

The Consumer Affairs Advisor also will have responsibility for obtaining consumer views on matters pertaining to Departmental operations and for assuring appropriate response to consumer inquiries and complaints. Data pertaining to consumer matters come principally from complaints filed by consumers with the United States Attorneys' offices, the Federal Bureau of Investigation, Departmental divisions, and other Departmental units. Data are also obtained from other governmental and private agencies working in the consumer field and through the Department's own investigative efforts, as well as through the state criminal justice plans submitted to LEAA.

In addition, the Advisor will coordinate, and seek to improve, the information disseminated to consumers by the Department. That information is currently disseminated in four principal ways: (1) responses to consumer complaints; (2) general information supplied through the media about Departmental actions; (3) speeches and policy statements by Department representatives; and (4) consumer education programs.

The Advisor will assist in determining with other agencies the feasibility of the development among state and local governments of a national consumer complaint subject index and information system designed to provide rapid exchange of information concerning consumer problems.

Finally, the Advisor will work with designated persons in each of the operating units to implement other provisions of this plan.

B. UNITED STATES ATTORNEYS' OFFICES

This plan outlines a model consumer component within a United States Attorney's Office. The model includes the following elements: consumer protection designees; liaison with other consumer groups; concentrated enforcement efforts; coordination with investigative and regulatory agencies; and coordination among United States Attorney's Offices. The model recognizes that United States Attorneys, in exercising their jurisdiction, generally are limited to cases involving major schemes with broad public impact and to other cases involving related violations of a substantial nature.

Each United States Attorney should designate an Assistant United States Attorney to be responsible for all consumer protection matters. In smaller offices, this function may require only the part-time services of one attorney. In the larger offices, several Assistant United States Attorneys may be assigned to work on such matters. The persons selected for this assignment should have an overview of all consumer-related matters within the office; should be responsible for reviewing all consumer-oriented complaints and evaluating them for patterns of misconduct requiring enforcement action; and should work with the federal investigative agencies and other governmental and private groups having an interest in the consumer area to develop effective enforcement and prevention programs.

The consumer protection designee should be affiliated with the Federal Executive Board Community Consumer Council, if one has been established in his District. These councils were established by the Board with the goal of providing federal coordination for federal, state, local, and private consumer efforts within the districts.

The development of consumer protection designees within the United States Attorneys' offices can facilitate exchanges of information, as well as cooperative case efforts, among the several offices. Many of the consumer problems addressed on a federal level, particularly large-scale frauds, overlap district boundaries and require sophisticated coordination. Development of consumer specialists within each office will make this coordination more effective.

Consumer-related enforcement efforts should encompass both criminal prosecution and civil litigation in the areas of frauds against the public, frauds against the government, frauds within the business community, and regulatory violations. In addition, although there is presently no specific statute authorizing the government to sue on behalf of a consumer, or class of consumers, to recover monies lost due to a violation of federal law, United States Attorneys' offices, where appropriate, should assist in securing restitution for victims through plea negotiation, allocution at sentencing, and referral to state and local consumer agencies with powers to require restitution. While there is no general statute authorizing injunctive action to prohibit further violations of federal law, United States Attorneys' offices should, where appropriate, proceed with the injunctive process in consumer-related cases if specific statutory authorization permits (such as in FDA and postal matters) or if supportable under controlling case law.

C. ANTITRUST DIVISION

The primary responsibility of the Antitrust Division is to promote the basic economic policy of the United States, i.e., that competition tends to produce better goods and services at lower prices, to create more flexible market conditions, and to encourage a higher rate of innovation. In order to maintain these economic values, the Division enforces the Sherman and Clayton Acts; argues the competitive viewpoint in regulatory proceedings involving transportation, energy, communications, securities, and banking; and supervises litigation under such consumer protection statutes as the Federal Food, Drug, and Cosmetic Act, the Hazardous Substances Act, the Federal Trade Commission Act, the Fair Credit Reporting Act, the Consumer Product Safety Act, and the Truth in Lending Act.

The Division's plan seeks to encourage the formation of an active and well educated consumer/antitrust constituency, and to develop a program for increased participation by consumers in the Division's activities. The Division has designated the Chief of its Consumer Affairs Section to coordinate the Division's activities with the Department's Consumer Affairs Advisor and other entities concerned with consumer representation. The Division also has recently increased its staff to ensure more prompt and effective responses to individual complaints and inquiries.

Speeches, press releases, correspondence, and public conferences are the mainstay of the Division's efforts to inform the public of its policies and activities. Increased efforts are underway to improve this function.

The Division recently released its first publication on anti-trust enforcement designed specifically for consumer education, a pamphlet entitled *Antitrust Enforcement and the Consumer*. It is available without cost from the Division's Consumer Affairs Section. The pamphlet describes the anti-trust laws from a consumer viewpoint, discusses potential violations which consumers may encounter, and tells how

and where consumers may contact antitrust enforcement authorities.

Press releases are prepared and disseminated by the Division when enforcement actions are filed, when settlements are proposed, and when important regulatory agency filings are submitted. Speeches and Congressional testimony by Division officials are also released in their entirety. A conscious effort will be made to write releases in non-technical language, and the Division will place more emphasis on the consumer impact of antitrust enforcement activities.

Under the Antitrust Procedures and Penalties Act, which became effective in June 1975, the Division prepares a competitive impact statement designed to provide information concerning the anticipated impact of every proposed settlement of an antitrust enforcement lawsuit. A summary of the terms of the settlement, a summary of the competitive impact statement, and a list of the materials and documents available for public examination are published in the *FEDERAL REGISTER* and in newspapers of general circulation both in the locality of the lawsuit and in Washington, D.C.

This procedure provides an opportunity for consumers who may be affected by the judgment to make comments before the court approves the settlement. If the comments submitted disclose facts or considerations which indicate that the proposed settlement is inappropriate or inadequate, the Department of Justice may withdraw the settlement.

Some antitrust lawsuits, particularly those involving basic consumer commodities, generate considerable consumer interest. In such cases, the Division will submit the summaries to the Office of Consumer Affairs "Consumer Register" in addition to the *FEDERAL REGISTER* and the newspapers in Washington and in the locality of the lawsuit. Responses from consumer organizations will be encouraged.

In legal proceedings before regulatory agencies, the Division submits and argues its analysis of the competitive impact of proposed regulations. In cases of major interest to consumers, a summary of the position advocated by the Division and the supporting legal documents will be released to the press and to the "Consumer Register."

D. CRIMINAL DIVISION

The Criminal Division oversees the enforcement of all federal criminal laws, except those specifically assigned to other divisions of the Department. Accordingly, a significant portion of the Division's work has an impact on consumer interests.

The Division has ten operating sections, four of which have a direct impact on consumers. The Fraud Section, through the operations of a consumer fraud unit, continues to oversee the enforcement of a variety of fraud-related statutes. The General Crimes Section is charged with supervision of the enforcement of statutes relating to the channels of interstate commerce, and various other matters indirectly affecting consumers. The Government Regulations and Labor Section oversees litigation to enforce criminal and civil sanctions under a wide variety of statutes providing for the regulation of working conditions, food production, and public transportation and communication. The Narcotic and Dangerous Drug Section oversees litigation arising out of federal laws pertaining to controlled substances.

As part of its consumer effort the Division will have principal responsibility for implementing the proposals of the Department's White-Collar Crime Committee. These proposals include major anti-fraud efforts in such areas as land transactions and government programs.

The Division currently is participating with other agencies in programs designed to stimulate community involvement and participation in crime prevention programs. These programs include the Interagency Committee on Auto-Theft Prevention, the Interagency Committee on Cargo Security, the Federal-State Law Enforcement Committee, and the Federal Advisory Committee on False Identification.

The Criminal Division, as part of its consumer effort, has suggested a number of legislative changes aimed at further protecting consumers. Among other things, the proposed Federal Criminal Code (S.1 and H.R. 3907, 94th Cong., 1st Sess.) includes, at the suggestion of the Division, a careful delineation of the criminal liability of a corporation for the conduct of its agents as well as a clear statement of the criminal liability of an agent for the acts of a corporation; an injunctive relief provision to halt fraudulent activities when they

are discovered; a provision to make pyramid sales schemes illegal; increased penalties for large-scale theft, embezzlement, and fraud offenses; offenses to help reduce the trafficking in forged, counterfeit, or stolen securities; and a new felony statute punishing violations of health, pollution, and other regulatory laws that may endanger lives. In order to facilitate restitution to victims of criminal offenses, the proposed code contains a requirement that a person found guilty of an offense involving fraudulent practices, or a corporation found guilty of any kind of offense, may be required to give notice of the conviction to all the persons who may have been victimized by the offense. In addition, the code includes a general tenfold increase in corporate and individual fine limits—as well as a potential maximum fine of double the gain realized or the loss caused by any criminal activity—in order to deter willful violation of the existing regulatory statutes by raising the penalty level so that the fines available will not be viewed simply as a minor "cost of doing business."

E. CIVIL RIGHTS DIVISION

The Civil Rights Division has the primary responsibility for enforcement of the majority of federal civil rights laws, which apply to a broad range of activities in which consumers participate. The Division is divided into ten operating sections, three of which—the Housing Section, the Public Accommodations and Facilities Section, and the Federal Programs Section—have a special significance to consumers. These Sections enforce statutes prohibiting discrimination in housing; in credit transactions; and in the operation of restaurants, hotels, places of entertainment, recreation areas, hospitals, and penal institutions.

All Sections respond to, and meet with, citizens who bring civil rights complaints to the Department. When complaints are beyond the scope of the Division's authority an effort is made to direct the complainant to the most appropriate private or governmental source of assistance. Although the Civil Rights Division processes thousands of civil rights complaints each year, it continues to seek improved methods of informing citizens of their rights and remedies under federal law. In addition to providing information, the Division routinely invites public comment on all proposed regulations or guidelines dealing with enforcement of civil rights laws. The Division is also seeking to increase its bilingual staff, so as to be able to respond more effectively to persons who do not speak English.

In continuing its efforts to keep the public informed about federal civil rights protections and remedies, the Division expects to publish a short, yet comprehensive, pamphlet describing the federal civil rights laws enforced by the Division, complaint procedures, and enforcement mechanisms available. The pamphlets will be enclosed in responses to citizen complaints and distributed on a wide scale to such places as United States Attorneys' Offices and civil rights organizations.

F. DRUG ENFORCEMENT ADMINISTRATION

The purpose of the Drug Enforcement Administration (DEA) is to protect the health and safety of the general public by enforcing the Controlled Substances Act of 1970 (CSA-1970). That Act provides authority to control and regulate narcotics and dangerous drugs and to limit the availability of substances controlled by the Act. While the general public is indirectly affected by most of DEA's activities, groups such as physicians, pharmacists, veterinarians, dentists, drug wholesalers, and manufacturers are directly affected.

DEA's public information and education programs reach many people through the dissemination of information on drugs, drug abuse, and the drug problem. In addition, consideration will be given to the following administrative and procedural actions:

1. Coordination of responses to consumer-related inquiries through the Office of Public Affairs and an inter-office coordinating committee;
2. Opening of advisory group meetings to the news media and to concerned organizations outside the registrant field;
3. Improving *FEDERAL REGISTER* announcement procedures and dissemination of prehearing announcements, information on hearings, and releases explaining and clarifying technical language;
4. Issuance of guidelines to DEA regional offices regarding the need for coordination of information on consumer-related issues; and

NOTICES

5. Contacting consumer groups to determine their interest in attending registrant committee meetings or state registrant conferences.

G. FEDERAL BUREAU OF INVESTIGATION

The FBI serves consumers by investigating criminal violations and civil matters and by providing a wide range of services to private citizens, businesses, and other federal, state, and local agencies. The FBI will coordinate a four-pronged white-collar crime program consisting of research, intensified investigation, development of public awareness of the problems, and training. White-collar crimes include such offenses as bank fraud and embezzlement, bribery, antitrust violations, federal housing frauds, fraud against the government, copyright infringement, public corruption, and Hobbs Act violations. According to the United States Chamber of Commerce, white-collar crime costs citizens approximately \$40 billion yearly.

Through the services of the Inspection Division and the Office of Planning and Evaluation, the FBI will continue to analyze the FBI's operations and policies on a regular basis to insure that consumer interests receive appropriate attention. Also, the FBI will continue to utilize its mechanisms for receiving and processing information from consumers and will pursue efforts to insure that consumers are aware of the FBI's services.

H. LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

LEAA's goal in the consumer area is to reduce consumer losses caused by a variety of crimes. LEAA intends to increase funding for consumer programs through its grants to state and regional criminal justice planning agencies. The consumer representatives on these planning agencies will identify state and local problems relating to consumers and will recommend ways to improve enforcement efforts.

LEAA has awarded grants totaling \$2.7 million to fund programs devoted exclusively to economic crime. Six more grants totaling \$1.2 million are being processed to combat major consumer frauds, antitrust activities, and economic conspiracies. The Economic Crime Project of the National District Attorneys Association covers a variety of offenses—including land fraud, warranty offenses, and auto repair swindles. It directly involves 15 district attorneys' offices across the country and indirectly involves some 30 others. They investigate economic crime and distribute information to other law enforcement agencies and the public through an information clearinghouse.

LEAA is expanding its consumer research to provide more effective strategies, policies, and programs for preventing and controlling various offenses. Current research projects address problems involving consumer fraud, computer abuse, and corruption in licensing and regulatory agencies.

A major LEAA service that aids the flow of information to the consumer is the National Criminal Justice Reference Service (NCJRS). This centralized, automated reference service contains information on more than 14,000 documents, and currently serves more than 38,000 registered users. Any person or organization with a need for reference information pertaining to law enforcement and criminal justice may use

NCJRS without cost. Among the information services of the NCJRS are general reference and information services as well as a system to provide the public with information on selected topics.

To expand consumer services, NCJRS intends to:

1. Acquire informational materials related to consumer protection and place it in the automated data base;
2. Increase contacts with consumer-oriented groups and organizations and encourage the exchange of information;
3. Urge prospective users of consumer-related criminal justice information to register with NCJRS;
4. Develop special mailing lists from current files for selected document mailings; and
5. Announce pertinent consumer protection related documents and activities through the existing NCJRS selective notification program.

A grant to the National Association of Attorneys General will create a national clearinghouse to alert all states when special problems arise with regard to antitrust and consumer protection matters. In addition, the clearinghouse will disseminate information on such matters through a monthly newsletter and research reports. Two consumer protection seminars, five regional antitrust seminars, and a national meeting of the Association's Antitrust Committee will also be funded.

IV. EFFECTIVE DATE

This plan will take effect immediately.

APPENDIX A.—PUBLIC COMMENT

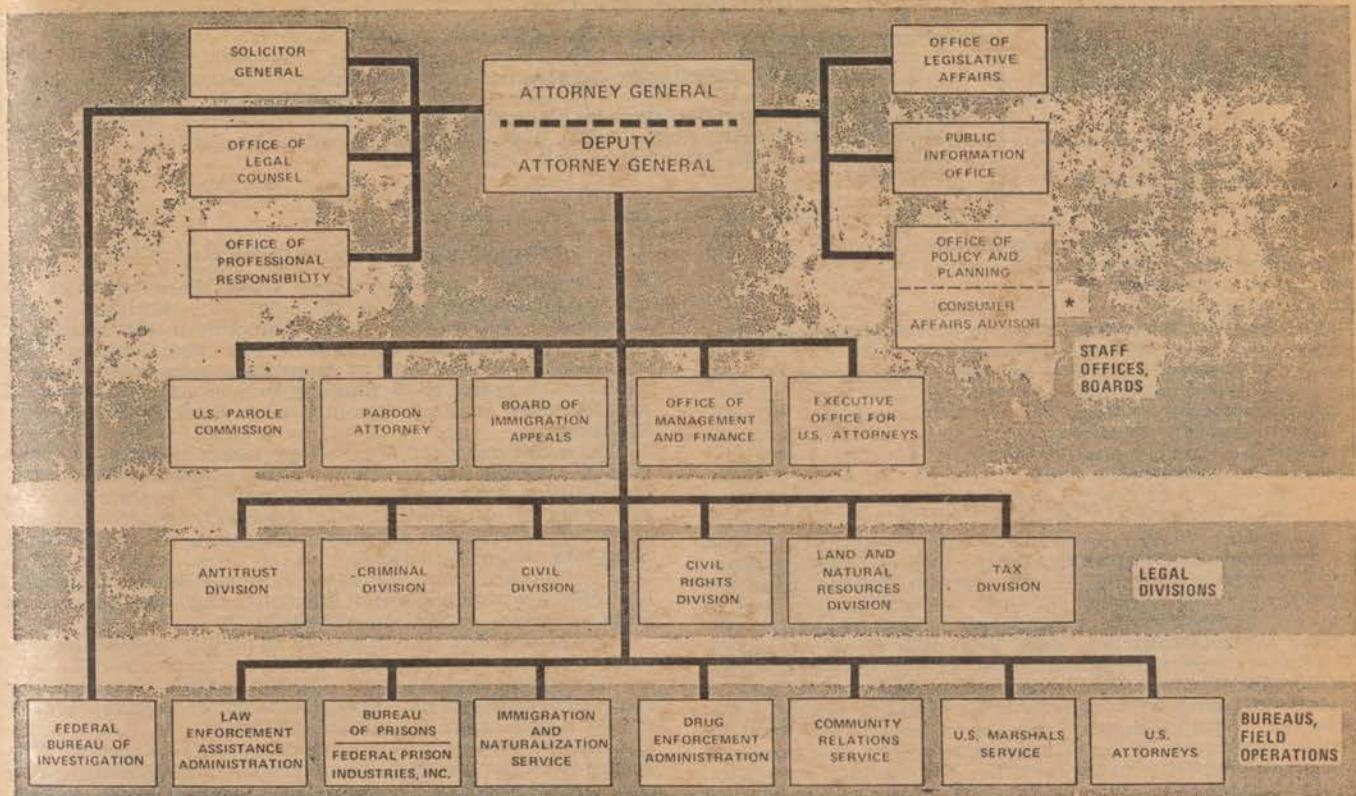
This revised Consumer Representation Plan of the Department of Justice reflects the oral comments and suggestions received during the White House Consumer Representation Plan Conferences held in nine cities throughout the country during January, 1976; those received in writing during the comment period which closed March 1, 1976; and testimony presented at a hearing held at the Department of Justice on February 23, 1976.

Several specific suggestions have been incorporated into the Plan. They include: (1) inclusion of a consumer representation plan for the Civil Rights Division; and (2) an increase in staffing in the Consumer Affairs Section of the Antitrust Division.

Many comments addressed initiatives first outlined in the proposed Plan. An effort has been made to state more clearly the goals and operation of these initiatives, including development of mechanisms to handle consumer complaints and inquiries, designation of consumer liaison personnel, and development and dissemination of consumer-related information about the Department and its operations.

Other written comments suggested the inclusion of the Civil Division in the Plan and the establishment of a consumer information training program for Department employees. As explained in the Plan, the Civil Division is excluded because its sole role is as legal representative for other agencies. The Consumer Affairs Advisor will explore with the operating units of the Department the benefits of undertaking a program of consumer relations training.

APPENDIX B



DEPARTMENT OF THE TREASURY

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Special Assistant to the Secretary for Consumer Affairs,
Main Treasury Building (Room 1454), 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220 (202)
964-5487.

TABLE OF CONTENTS

- I. Statement of Purpose.
- II. Executive Summary.
- III. Departmental Plan.
 - A. Consumer View Sources Now in Use. Suggestions and Recommendations for Improvement.
 - B. Information Mechanisms Analyzed. Suggestions and Recommendations for Improvement.
 - C. Departmental Actions.
 - D. Allocation of Resources.
- Appendix A.—Public Comment.
- Appendix B.—Organization Chart.

I. STATEMENT OF PURPOSE

The purpose of this Consumer Representation Plan is to insure that persons who are affected by any Treasury-sponsored legislation, regulation, or program decision have the opportunity to present their views on the subject, and to insure that these views are duly considered in the Department's decisionmaking process. The plan is an expression of Treasury's commitment to more actively solicit consumer opinion and to make the bureaus and offices more responsive to the consumer without creating additional layers of bureaucracy. The machinery and the techniques for assuring consumer representation already exist within Treasury, and the plan's purpose is to see that they are regularly and effectively applied.

II. EXECUTIVE SUMMARY

In order to develop an effective plan, we first examined current consumer representation in Treasury. Case histories of decisions made in Treasury during 1974-75 were reviewed to determine the effectiveness of representation and extent of consumer participation. From this examination, three principal recommendations were made:

A. Designation of the position of Special Assistant to the Secretary (Consumer Affairs) as a coordinator of a Treasury-wide consumer representation effort.

B. Establishment of a monitoring system to insure timely solicitation and use of consumer views. Each bureau and office shall have a contact person familiar with the structure and detail of the consumer effort within that organization. Current lines of authority from the Secretary to bureaus and offices shall be maintained. Bureau and office heads are charged with the responsibility of insuring that their organization complies with the spirit of this plan. The Special Assistant to the Secretary (Consumer Affairs) is available to advise on the development of a consumer representation effort within those organizations. The Special Assistant shall keep the Secretary apprised as to the status of the Department-wide effort.

C. Issuance by the Secretary of guidelines for all Treasury program managers to follow in planning and evaluation of their programs in order to obtain and make use of consumer views.

III. PLAN

Consumers of Treasury Department services and products fall into many categories: taxpayers, travelers, bondholders, welfare recipients, and many others. As defined for the purposes of this plan, a consumer is the final recipient of our product or service as an individual, not as an organization or intermediary.

Consumer participation in the decisionmaking process occurs in two complementary phases: the flow of comments and complaints from consumers, and the flow of information from the Department. Comments of consumers, solicited or unsolicited, are directed toward existing programs or planned programs. Information from Treasury is designed to inform or reply to consumers.

A. CONSUMERS' VIEWS: SOURCES NOW IN USE

1. *Advisory committees* range from the Secretary's advisory committees (four), to IRS advisory committees (four), to advisory committees to the Director of the Bureau of Alcohol, Tobacco and Firearms (two). The Comptroller of the Currency is also in the process of rechartering 14 Regional Advisory Committees on Banking Policies and Practices and one National Advisory Committee on Banking Policies and Practices.

The membership of the present committees shall be reviewed with the objective of securing consumer representation. This review process is the responsibility of the committee managers in consultation with the Special Assistant to the Secretary (Consumer Affairs) with review by the Assistant Secretary (Administration).

2. *Public hearings* are used currently by most bureaus and offices when substantial consumer impact is anticipated from a decision, regulation, or legislation.

Full use of public hearings shall be maintained. Where consumer participation appears limited, direct solicitation of opinion shall be employed. Use of evening hearings and regional hearings away from Washington is encouraged to obtain a full range of opinion on issues.

3. *Public interest groups* have been only moderately represented in public hearings. Since they do provide a unique consumer viewpoint in addition to direct consumer participation, they shall be consulted. State and local government consumer offices can add depth to the diversity of opinion needed on consumer issues. Solicitation of comments from these groups is encouraged. Mailing labels for these groups can be obtained from the Special Assistant to the Secretary (Consumer Affairs).

4. *Consumer correspondence and complaints*: The accountability system for consumer inquiries and complaints will insure that consumers receive prompt responses.

5. *Digests of consumer publications*: Publications by the major consumer groups are not widely used in Treasury. Bureaus and offices are urged to actively solicit consumer views from these sources.

6. *Responses to media announcements*: Notices of proposed rulemaking and of public hearings, published in the *FEDERAL REGISTER*, and announcements of actions soliciting comments have, in the past, evoked minimal response from the general public. The circulation of the *FEDERAL REGISTER* is primarily to businesses and special interest groups (60 percent of total circulation), and the format and wording in the *FEDERAL REGISTER* are difficult for the layman. For this reason, the Consumer Representation Plan for Treasury will insure that current press releases will be distributed to the media.

7. *Public opinion surveys* have been used by the IRS in evaluating its taxpayer service program. This plan requires bureaus and offices to use public opinion surveys when other methods provide inadequate participation. Preparation of a questionnaire and addressee determination shall be coordinated with the Special Assistant to the Secretary (Consumer Affairs).

Our study shows that every technique and method of soliciting consumer views is used somewhere in Treasury, but all techniques are not used at any one bureau or office. This plan creates a monitoring apparatus in the Office of the Secretary and in the bureaus to insure that these known techniques are more widely used and that the results are weighed in the decision-making process.

B. INFORMATION FROM TREASURY

Information issuing from Treasury is the other half of the cycle between Treasury and consumer. Each of the techniques listed in III-A has a secondary effect of informing the public. The information programs and responses to consumer inquiries described below serve, in turn, to stimulate further dialogue between consumer and Treasury.

Information techniques fall into three categories:

1. *General publicity*: press releases, speeches, publications in the *FEDERAL REGISTER*, news media coverage.

Press releases are generated by each bureau. In the past, there has been a problem in getting news articles published. This is especially true in the more technical areas. More success has been realized by releasing feature articles to the media. Bureau and office heads shall explore this area more thoroughly. Consumer advantages shall be spelled out in the articles.

While it is realized that many technical areas are covered in the *FEDERAL REGISTER*, a lead paragraph, written in news style, summarizing the article content shall precede the main announcement. If the *FEDERAL REGISTER* is to be used to solicit consumer participation and media coverage, we must make information more readily decipherable and easier to use. In addition, a news release shall be prepared in conjunction with submission of items for the *FEDERAL REGISTER*. Included in the news release will be an address and phone number to which interested parties may respond.

Speeches by Treasury officials offer the best means of media coverage.

Consumer education is employed by many units of Treasury. IRS conducts tax courses for specific groups of taxpayers, such as small business associations, or for people who have suffered losses in natural disasters. The Secret Service conducts classes in the detection of counterfeit currency and how to safeguard against check and bond forgery. These types of educational activities are strongly encouraged. Treasury officials at all levels shall also actively make themselves available as speakers to local groups in order to further the educational goals of the Department with regard to consumers.

2. *Group-specific output* to consumer groups and special interest groups. Many special interest groups request that they be placed on the mailing list of various bureaus and offices. This is encouraged. Moreover, the same type of relationship is encouraged with public interest and consumer groups. Lists of these groups are available from the Special Assistant to the Secretary (Consumer Affairs). Reciprocal exchange of ideas and views is also strongly encouraged.

3. *Individual responses* to consumers making complaints or requesting information. Most written items are answered in writing, though whenever possible, the individual should be phoned. The personal touch and faster response time, plus the resulting contact with the public, will reduce bureaucratic insulation. We are in a service business and our responses should serve our public quickly and efficiently. A written log of telephoned responses shall be maintained.

C. DEPARTMENTAL ACTIONS

1. Establishment of the position of Special Assistant to the Secretary (Consumer Affairs). This action was completed in August 1975.

The Special Assistant is a senior level advisor for consumer matters for the Secretary and Deputy Secretary of the Treasury. The incumbent shall help achieve a flow of concerns and ideas between the consumer and the Treasury and shall work to inform the public as to what the Treasury is doing to help the consumer.

Specific responsibilities for the Special Assistant to the Secretary (Consumer Affairs) include:

(a) *Insure appropriate consumer input.* (1) Review proposed legislation for possible consumer-related improvements.

(2) Encourage or initiate public discussions on Treasury-related matters (e.g., hearings on proposed rules, conferences on legislation, etc.).

(3) Monitor consumer comments and complaints into the Department and the various bureaus.

(4) Review procedures in the bureaus and agencies with the idea of making it easier for consumers to penetrate the bureaucracy.

(5) Advise Treasury officials concerning consumer goals within their respective areas, and recommend Departmental policy to the Secretary.

(b) *Inform public of Treasury actions and programs beneficial to the consumer.* (1) Review speeches and press releases to encourage more consumer-related content.

(2) Work with the Office of Public Affairs to identify and publicize consumer programs in the Treasury.

(3) Sample consumer correspondence to maintain appropriate consumer "sensitivity."

(c) *Work within the Department to improve consumer services.* (1) Serve as a consultant to senior officials to assist them in improving consumer programs.

(2) Serve as a consultant to the various bureaus and agencies to help improve their relationships with the consumer.

(3) Discern trends which are adverse to the consumer and act as a troubleshooter.

2. Establishment of a monitoring system to insure timely solicitation and use of consumer views, and to assure compliance with the following guidelines issued by the Secretary of the Treasury:

Each bureau and office that has consumer impact shall designate a contact person within the organization to act in the capacity of consumer representative. This person shall be thoroughly familiar with the organization and be at a level that insures a complete overview of consumer contact. In addition, the consumer representatives shall coordinate their activities with the Special Assistant to the Secretary (Consumer Affairs).

All bureaus and offices shall insure that a balanced viewpoint is obtained when considering legislation, regulations or administrative decisions affecting consumers. In the absence of voluntary participation by any specifically affected group, direct solicitation of that group shall be employed. The techniques of soliciting consumer views are outlined in the Departmental plan.

Contact with consumers by Department, bureau and office officials is strongly urged.

When public meetings, hearings, or briefings are scheduled outside the District of Columbia, the sponsoring bureau or office shall, as a matter of courtesy, notify the two Senators from that State and the Representative from the district in which the meeting is scheduled.

Consumer complaint handling is to be used as a policy initiator. Toward that end, bureaus and offices shall regularly tabulate and analyze complaints and suggestions for use by decisionmakers in formulating or altering policies.

Provision shall be made for identification and use of bilingual employees of the Treasury in handling comments and complaints of non-English-speaking consumers.

D. ALLOCATION OF RESOURCES

It is anticipated that no additional personnel or funds will be required to implement the Consumer Representation Plan and guidelines. Current lines of authority shall be maintained. The Special Assistant to the Secretary (Consumer Affairs) shall coordinate the implementation of this plan with bureaus and offices.

APPENDIX A.—PUBLIC COMMENTS ON TREASURY'S PROPOSED CONSUMER REPRESENTATION PLAN

The November 26, 1975, *FEDERAL REGISTER* solicited comments on the proposed Consumer Representation Plan of the Treasury. In addition, nine White House regional conferences on consumer representation were held during January 1976. Comments have been taken into consideration from the public, from consumer groups, from special interest groups, and from participants in the regional conferences. Many of the suggestions of those groups are incorporated in the revised Consumer Representation Plan.

The consumer groups responding universally recommended the creation of a separate agency for consumer protection. The commitment of this plan is to implement effective consumer representation.

Several written comments said that the plan lacked commitment. The plan has been revised to more accurately reflect the commitment of the Department.

One criticism of the plan was that the Special Assistant to the Secretary could not argue consumer interests before policymakers in the Department. This is not the case. The person appointed as Special Assistant is and will be an advocate of consumer interests and argue those interests forcibly before decisionmakers.

Another criticism of the plan was that it provides consumers no legal right of redress with regard to Departmental decisions; however, the Administrative Procedures Act provides such redress.

One complaint stated that the Office of Revenue Sharing was not included in the plan and should be. This has been remedied and all bureaus and offices within Treasury are now covered by the plan.

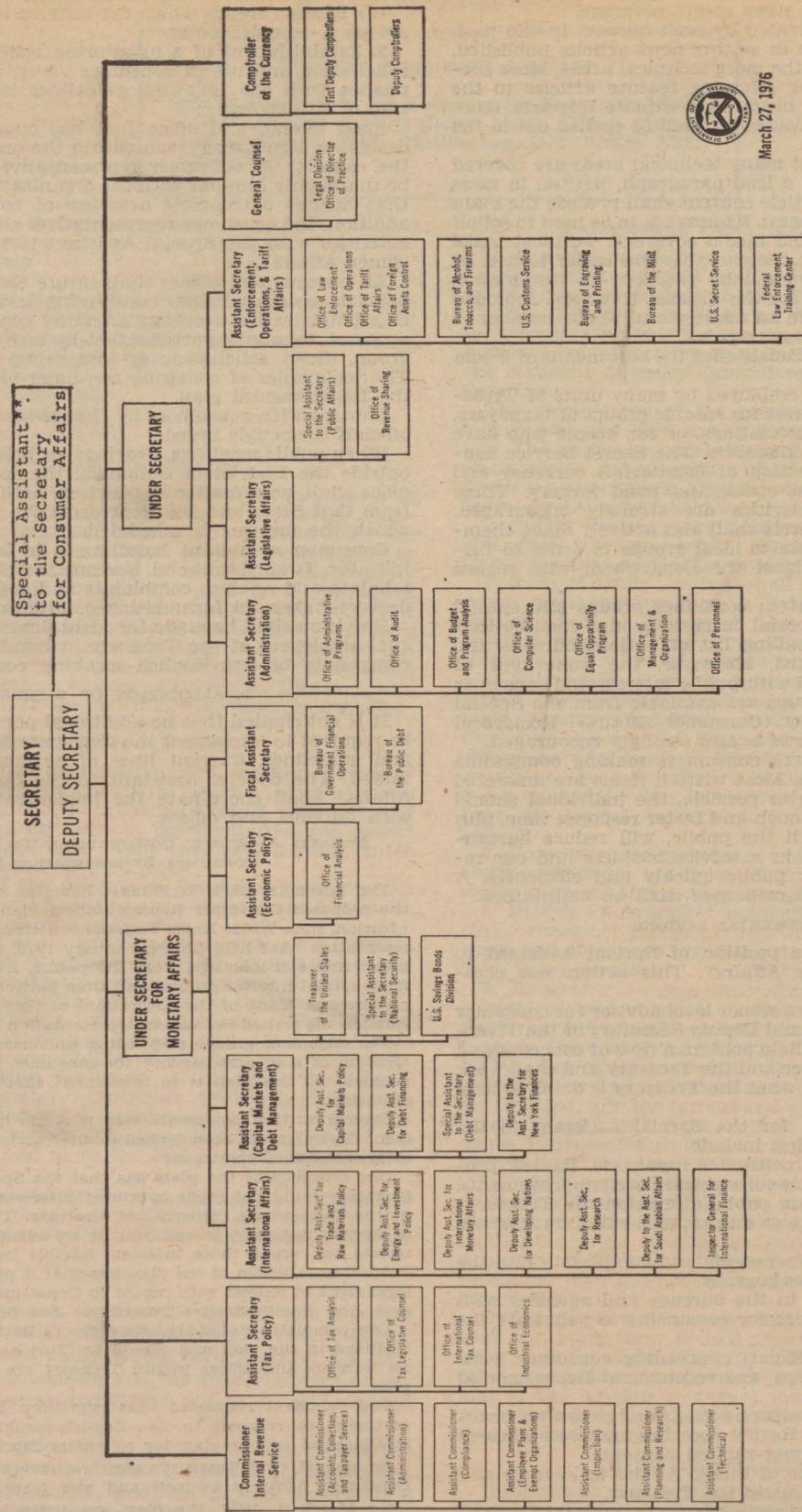
One comment requested that provisions be made for the Department to respond to non-English-speaking consumers. This is addressed in our plan for consumer representation.

On May 25, 1976, Treasury's plan was reviewed by the President's Consumer Advisory Council and was favorably received.

On March 2, 1976, the plan was presented before Chairman Rosenthal's Subcommittee on Commerce, Consumer, and Monetary Affairs. There were no comments on the plan.

Finally, more effort has been made in defining how consumer representation will be effected.

ORGANIZATION OF THE DEPARTMENT OF THE TREASURY



** Primary Consumer Contact

APPENDIX B

March 27, 1976

FEDERAL REGISTER, VOL. 41, NO. 189—TUESDAY, SEPTEMBER 28, 1976

GENERAL SERVICES ADMINISTRATION

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Director of Consumer Affairs, General Services Administration, Washington, D.C. 20405 (202) 556-1794.

TABLE OF CONTENTS

I. Statement of Purpose.
II. Executive Summary.
III. Primary Organizations Involved.
IV. Agency Plan:
Agency-wide Actions.
Office of the Federal Register.
Regulatory Law Division.
Consumer Information Center.
Federal Information Centers.
Appendix A.—Summary of Public Comments.
Appendix B.—GSA Organization Chart.
Appendix C.—Federal Information Centers.

I. STATEMENT OF PURPOSE

The purpose of the Consumer Representation Plan is to insure that persons who may be affected by GSA policies, decisions, and programs have the means to make their views heard and that these views are given full consideration in the agency's decision-making process. The plan outlines improvements in four consumer areas to be coordinated by the Director of Consumer Affairs. These improvements will increase consumer responsiveness within GSA.

II. EXECUTIVE SUMMARY

The General Services Administration's Consumer Representation Plan includes agency-wide actions and improvements in four individual consumer-related programs. The Administrator of GSA will establish a Consumer Advisory Council and has appointed a Director of Consumer Affairs to implement the Consumer Representation Plan and to coordinate consumer activities within GSA. In program improvements, the Office of the Federal Register will require explanatory statements for all important FEDERAL REGISTER documents; publish a weekly digest of explanatory statements; offer workshops and educational kits to help consumers use the FEDERAL REGISTER more fully; and collaborate with the Department of Health, Education, and Welfare on a model project to rewrite a portion of the CODE OF FEDERAL REGULATIONS. The Regulatory Law Division in the Office of General Counsel will publish a notice of intervention in the FEDERAL REGISTER when it intends to enter a public utility case on behalf of the Federal Government. The Consumer Information Center will increase the number of reader surveys and conduct nationwide public opinion research to obtain a clearer picture of the public's current interest in specific consumer topics. The Federal Information Centers will conduct an annual public service campaign, initiate a continuing community liaison activity, create a national liaison program with Federal agencies, and explore various means to provide Federal Information Center services to the broadest possible audience.

III. PRIMARY ORGANIZATIONS INVOLVED

The General Services Administration is the Federal Government's business manager. Acting in this capacity for other Federal agencies, GSA establishes policy and provides services such as: management of Federal property and records; construction and operation of buildings; procurement and distribution of supplies; utilization and disposal of property; transportation, traffic, and communications management; stockpiling of strategic materials; and management of the Government-wide automated data processing resources program. An organization chart is attached (see Appendix B) with more specific information on the basic support functions of GSA. For the most part, GSA programs are designed to assist other Federal agencies. However, there are four specific operations that have a significant direct impact on consumers. These are the programs of the Office of the Federal

Register in the National Archives and Records Service, the Regulatory Law Division in the Office of General Counsel, the Consumer Information Center in the Division of Consumer Affairs, and the Federal Information Centers in the Division of Public Services. The GSA Consumer Representation Plan concentrates on strengthening these programs through specific changes, improvements, and additions that will make them and GSA more responsive to consumers.

IV. AGENCY PLAN

AGENCY-WIDE ACTIONS

To reflect the interests and the needs of consumers the Administrator of GSA will establish a Consumer Advisory Council. In addition, due to the diverse nature of consumer-related activities within the purview of the General Services Administration such as the Office of the Federal Register, the Regulatory Law Division in the Office of General Counsel, the Consumer Information Center, the Federal Information Centers, and others as may be identified, a Director of Consumer Affairs has been appointed.

The Director will:

- (1) Implement the Consumer Representation Plan and coordinate consumer activities within GSA;
- (2) Solicit consumer comments on GSA activities;
- (3) Provide recommendations on consumer policy issues to the Administrator for appropriate attention and consideration;
- (4) Convey approved GSA policy and comments on Federal consumer programs and issues; and
- (5) Represent the Administrator in specific areas and duties as may be assigned.

Timetable: A Director of Consumer Affairs was appointed in January 1976.

OFFICE OF THE FEDERAL REGISTER

Through the Office of the Federal Register in the National Archives and Records Services, the GSA issues several publications that inform consumers of the workings of their Government. Among these are the U.S. GOVERNMENT MANUAL, the CODE OF FEDERAL REGULATIONS, and the FEDERAL REGISTER. The FEDERAL REGISTER is of particular importance to consumers because it is the only publication that covers all proposed Federal regulations and tells consumers how, when and where to express their viewpoints.

In reality, however, the FEDERAL REGISTER has been of little practical use to consumers. Rules and regulations published in the FEDERAL REGISTER are difficult to understand and often defy accurate interpretation. Further, the time and effort currently required to read and interpret the documents in the FEDERAL REGISTER discourage the media from reporting on proposed rules or hearings that would be of interest to consumers. The result is that consumers often do not know what is going on in their Government or how.

Although GSA publishes the FEDERAL REGISTER, it does not have the legal authority to control or rewrite the substance of material received from Federal agencies. Nevertheless GSA will take the following steps to make the regulations and notices in the FEDERAL REGISTER more understandable and useful to the consumer:

1. *Opening Explanatory Statements.* GSA will require that each important FEDERAL REGISTER document (all rules, proposed rules, and general notice documents that have significant public importance) contain a brief opening statement that describes the importance of the document in language that can be understood by the layperson. There will be no lengthy citation of statutory authority or legalistic statements in these paragraphs.

Each opening explanatory statement will contain the following elements:

- a. The name of the issuing agency;
- b. Whether the document is a proposed rule, final rule or notice;
- c. A description of what the document is doing or proposing to do;
- d. Why this action is being taken; and
- e. Any relevant dates (closing date for comments, hearing dates, effective date) and an address to which comments should be sent.

GSA also will strongly urge agencies to include in the opening explanatory statement the name, address, and phone number of an individual to whom questions concerning the document should be addressed.

Timetable: Opening explanatory statements on all applicable documents will be required by January 31, 1977.

2. Digest of Explanatory Statements. To provide the general public with a practical means of keeping informed of significant documents in the **FEDERAL REGISTER**, GSA will publish a weekly digest including the opening explanatory statements of all rules, proposed rules, and significant notice documents. The weekly digest will also include a reminder list of upcoming comments, deadlines, hearings, and meetings. Available as a separate publication from the **FEDERAL REGISTER**, the digest will be an especially useful tool for individual consumers and for interested organizations. Further, the digest format should make it easier for the media to report on significant **FEDERAL REGISTER** documents.

Timetable: Publication of the digest will begin by June 30, 1977.

3. Use of the FEDERAL REGISTER. In addition to being the daily newspaper of the Federal Government, the **FEDERAL REGISTER** is also a valuable reference tool. However, even many regular readers are not fully aware of the ways to utilize the **FEDERAL REGISTER** either on a daily basis or as a reference document. To help rectify this situation, GSA is undertaking the following:

a. **Educational Workshops.** The purpose of the workshops is to help the public better use and understand the **FEDERAL REGISTER** as well as to seek suggestions on ways to improve it. These workshops are being held regionally and at the Office of the Federal Register in Washington, D.C. (For information call (202) 522-5201).

Timetable: The workshops begin in January 1976.

b. **Educational Kit.** GSA has developed a packet of materials containing all the main elements of the educational workshops. For those persons unable to attend the workshops, the kit provides guidelines for fully utilizing the **FEDERAL REGISTER**. (For copies of the free educational kit, write to the Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20401).

Timetable: The educational kit has been available since July 1, 1976.

4. Model Regulations Project. In cooperation with the Department of Health, Education, and Welfare, GSA has begun work on a model project to rewrite a portion of DHEW regulations contained in the **CODE OF FEDERAL REGULATIONS**. The purpose of this project is to demonstrate that it is possible to write regulations that are understandable to the consumer and that meet Congressional intent and legal requirements. The techniques developed in this project will be explained and demonstrated to other agencies for their use in writing new or rewriting existing regulations. This project is a first step toward the ultimate goal of a complete rewriting of the **CODE OF FEDERAL REGULATIONS** to make it more understandable to the layperson.

Timetable: The model project has been started and will be completed by July 1, 1977.

REGULATORY LAW DIVISION

The Regulatory Law Division in the Office of General Counsel represents Federal executive agencies in certain state and Federal public utility cases. However, intervention by the General Services Administration is limited by law solely to those cases where utility rates or supply have a significant impact on the Federal Government as a user of utilities. As one of the larger purchasers of electric, gas, telephone, and transportation services in the country, GSA is involved itself, or through delegations to other agencies, in approximately 300 such cases annually.

In the past there has been no mechanism for alerting the public of GSA's intention to intervene in a specific case, and there have been few cooperative efforts between GSA and other interested consumers. Accordingly, GSA will take the

following actions to inform consumer groups and the general public of GSA's proposed involvement in utility cases:

Notice of Intervention. GSA will publish advance notice in the **FEDERAL REGISTER** and the digest of explanatory statements of its intention to intervene in public utility cases. The notice will contain the following information:

- a. The public service commission conducting the hearing;
- b. The utility company involved;
- c. The case number;
- d. The proposed rate increase; and
- e. The name, address, and telephone number to contact with inquiries and for information.

Timetable: The policy of publishing notices in the **FEDERAL REGISTER** became effective July 1, 1976. Digest notices will begin upon publication of the digest, scheduled for no later than June 30, 1977.

CONSUMER INFORMATION CENTER

The Consumer Information Center, established by Executive Order in 1970, has two basic responsibilities: (1) to encourage Federal departments and agencies to develop and release relevant and meaningful consumer information; and (2) to increase public awareness of and provide maximum accessibility to Federal consumer information.

Located in GSA, the Center receives policy guidance from the President's Special Assistant for Consumer Affairs. Through various means the Center seeks to determine what information consumers want. Then, through an active liaison effort with more than two dozen Federal agencies, the Center suggests and assists with the development of new consumer publications. Each quarter, approximately 250 of the best of these bulletins are listed in the free catalog, **CONSUMER INFORMATION**, which is widely distributed to the general public. During FY 1976 the Center's distribution facility in Pueblo, Colorado, filled individual requests for approximately 10 million publications. Through the cooperation of the media, the Center also makes consumer information directly available to citizens through newspaper articles, and radio and television announcements.

Because accurately assessing current consumer problems and information needs is fundamental to the effectiveness of the Center's program, the GSA Consumer Representation Plan includes two specific actions to strengthen this effort by giving the public more opportunities to express their opinions on consumer information:

1. Reader Surveys. The Center will increase the frequency and the scope of surveys of consumers who have ordered publications listed in **CONSUMER INFORMATION**. The surveys will be quarterly and will ask consumers for their opinions of individual publications, the catalog as a whole, the price of various publications, readability, and ease of ordering, as well as their suggestions for new publications.

Timetable: The first of the quarterly surveys will be conducted in August 1976.

2. Public Opinion Research. GSA has contracted with a professional research firm to measure consumer interest in proposed topics for new publications. This is accomplished through home interviews with a national sample of the population four times each year. The surveys are designed to reveal a cross section of consumer interests from the broadest possible national audience. Results are broken out by age, income, and education, among other factors, so that proposed new publications can be identified by interest group. Equipped with these results the Center will have a clearer picture of the public's current interest in specific consumer topics, and will be better prepared to encourage the development and distribution of appropriate publications.

Timetable: The first of the quarterly surveys was conducted in December 1975.

FEDERAL INFORMATION CENTERS

The Federal Information Center program gives consumers a single point of contact for information about the Federal Government. Instead of placing innumerable telephone calls or being referred from office to office, consumers can go directly to a Federal Information Center for answers to their questions. Specialists at the Federal Information Centers will either provide immediate help or direct the consumer to the specific Federal office that can answer the question. Consumers in 74 metropolitan areas (See Appendix C) representing more than 50% of the population can visit or call, toll-free, and get this personalized help. Bilingual staff members offer assistance in Spanish, French, and other languages in

46 of the 74 cities served. In FY 1976, Federal Information Centers handled approximately 7 million inquiries. However, public hearings on the Consumer Representation Plan revealed that many consumers were unaware of this service. Therefore, to further increase the visibility and promote greater public use of Federal Information Centers, GSA is taking these steps:

1. *Public Service Campaign.* In those 74 metropolitan areas with access to either a Federal Information Center or a toll-free line, GSA will launch the first of a series of annual public service campaigns to make more consumers aware of Federal Information Center services. The campaign will involve both radio and television.

Timetable: The first campaign will begin by September 30, 1976.

2. *Community Liaison.* Federal Information Centers are establishing and will maintain liaison with leaders in local organizations to encourage greater community use of the service. Through this continuous working relationship, greater community use of the service will be promoted by such group as: local media; state and local consumer offices; educators; and appropriate community and consumer organizations.

Timetable: Liaison efforts began July 31, 1976.

3. *Agency Liaison Unit.* Helping the public find answers to questions about the Federal Government makes Federal Information Centers directly aware of the most common problem areas consumers encounter. In the past there has been no systematic way to bring these problem areas to the attention of the appropriate Federal agency. Therefore, GSA has established an agency liaison unit in the national Federal Information Center office to report to Federal agencies, on at least a quarterly basis, such information as the numbers and types of inquiries received and the pattern of problems that exist at local levels. The agency liaison unit also keeps abreast of new Federal programs and changes in existing programs and communicates this information to local Federal Information Centers. This helps insure that the Federal Information Center specialists give the public current and responsive information. Further, Federal Information Centers will report to the Consumer Information Center whenever a

pattern of requests for specific information indicates the potential need for a consumer publication.

Timetable: The agency liaison unit began operation July 31, 1976.

4. *Program Expansion.* GSA will expand the service currently available in 74 major metropolitan areas to 10 additional cities. Further, GSA will study and report on various means for expanding this program to small cities and rural communities in a continuing effort to provide Federal Information Center service to the broadest possible audience.

Timetable: The expansion to 10 new metropolitan areas and the comprehensive study will be completed by June 30, 1977.

APPENDIX A.—SUMMARY OF PUBLIC COMMENT

The General Services Administration's Consumer Representation Plan has been substantially revised to incorporate written and oral suggestions received during the comment period which began with publication of the plan in the *FEDERAL REGISTER* on November 26, 1975, and closed on March 1, 1976.

During this time the public was invited to send comments directly to the agency and/or to express their views directly at nine regional White House conferences and at a public hearing held in Washington, D.C., on February 26, 1976.

On May 26, 1976, GSA's Director of Consumer Affairs made a presentation to the President's Consumer Advisory Council. They reviewed each section of the plan and were pleased with the actions GSA will implement on behalf of consumers.

The following suggestions have been incorporated into the plan:

(1) Clarification and simplification of the *FEDERAL REGISTER* through publication and distribution of concise summaries of those Federal Register documents with significant consumer impact;

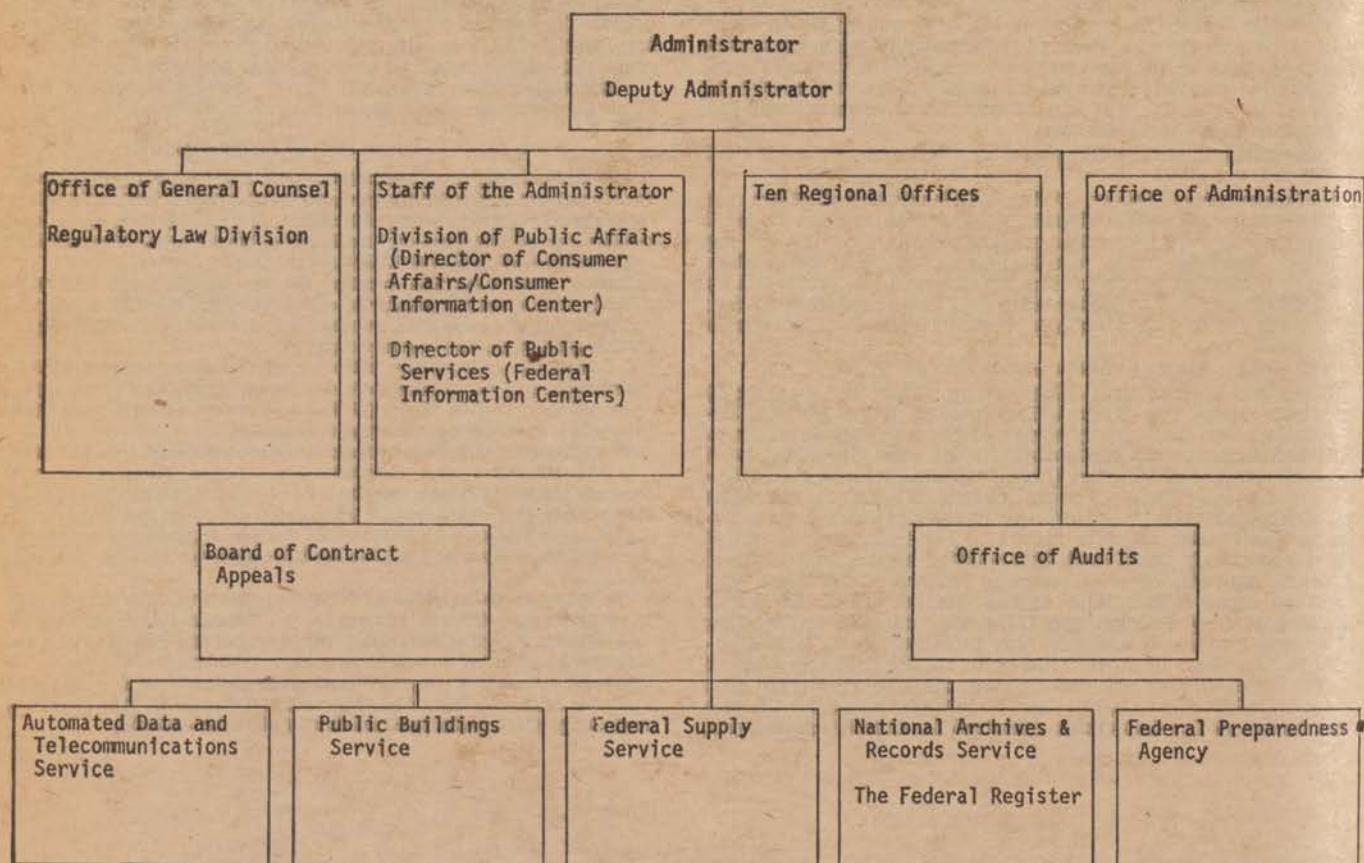
(2) Appointment of a Director of Consumer Affairs to coordinate the implementation of the plan and to represent consumers within GSA;

(3) Advance notification of GSA's intention to intervene in public utility cases through notices in the *FEDERAL REGISTER*; and

(4) Deletion of the section on Business Service Centers since this program has limited direct impact on consumers.

Several consumers proposed that all of the information materials available from the Consumer Information Center be free of charge. This suggestion could not be adopted for cost reasons.

APPENDIX B - GSA ORGANIZATION CHART



APPENDIX C.—FEDERAL INFORMATION CENTERS/1976

<i>Alabama</i>	<i>Minnesota</i>
Birmingham (205) 322-8591. Mobile (205) 438-1421.	Minneapolis (612) 725-2073.
<i>Arizona</i>	<i>Missouri</i>
Phoenix (602) 261-3313. Tucson (602) 622-1511.	Kansas City (816) 374-2466. St. Joseph (816) 233-8206. St. Louis (314) 425-4106.
<i>Arkansas</i>	<i>Nebraska</i>
Little Rock (501) 378-6177.	Omaha (402) 221-3353.
<i>California</i>	<i>New Jersey</i>
Los Angeles (213) 688-3800. Sacramento (916) 440-3344. San Diego (714) 293-6030. San Francisco (415) 556-6000. San Jose (408) 275-7422.	Newark (201) 645-3600. Trenton (609) 396-4400.
<i>Colorado</i>	<i>New Mexico</i>
Colorado Springs (303) 471-9491. Denver (303) 837-3602. Pueblo (303) 544-9523.	Albuquerque (505) 766-3091. Santa Fe (505) 983-7743.
<i>Connecticut</i>	<i>New York</i>
Hartford (203) 527-2617. New Haven (203) 624-4720.	Albany (518) 463-4421. Buffalo (716) 842-5770. New York (212) 264-4464. Rochester (716) 546-5075. Syracuse (315) 476-8545.
<i>District of Columbia</i>	<i>North Carolina</i>
Washington (202) 755-8680.	Charlotte (704) 376-3600.
<i>Florida</i>	<i>Ohio</i>
Fort Lauderdale (305) 522-8581. Jacksonville (904) 354-4756. Miami (305) 350-4155. St. Petersburg (813) 893-3495. Tampa (813) 229-7911. West Palm Beach (305) 833-7566.	Akron (216) 375-5475. Cincinnati (513) 684-2801. Cleveland (216) 522-4040. Columbus (614) 221-1014. Dayton (513) 223-7377. Toledo (419) 244-8625.
<i>Georgia</i>	<i>Oklahoma</i>
Atlanta (404) 526-6891.	Oklahoma City (405) 231-4868. Tulsa (918) 584-4193.
<i>Hawaii</i>	<i>Oregon</i>
Honolulu (808) 546-8620.	Portland (503) 221-2222.
<i>Illinois</i>	<i>Pennsylvania</i>
Chicago (312) 353-4242.	Philadelphia (215) 597-7042. Pittsburgh (412) 644-3456. Scranton (717) 346-7081.
<i>Indiana</i>	<i>Rhode Island</i>
Indianapolis (317) 269-7373.	Providence (401) 331-5565.
<i>Iowa</i>	<i>Tennessee</i>
Des Moines (515) 282-9091.	Chattanooga (615) 265-8231. Memphis (901) 521-3285. Nashville (615) 242-5056.
<i>Kansas</i>	<i>Texas</i>
Topeka (913) 232-7229. Wichita (316) 263-6931.	Austin (512) 472-5494. Dallas (214) 749-2131. Fort Worth (817) 334-3624. Houston (713) 226-5711. San Antonio (512) 224-4471.
<i>Kentucky</i>	<i>Utah</i>
Louisville (502) 582-6261.	Ogden (801) 399-1347. Salt Lake City (801) 524-5353.
<i>Louisiana</i>	<i>Washington</i>
New Orleans (504) 589-6696.	Seattle (206) 442-0570. Tacoma (206) 383-5230.
<i>Maryland</i>	<i>Wisconsin</i>
Baltimore (301) 962-4980.	Milwaukee (414) 271-2273.
<i>Massachusetts</i>	
Boston (617) 223-7121.	
<i>Michigan</i>	
Detroit (313) 226-7016.	

NOTICES

SMALL BUSINESS ADMINISTRATION

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Assistant Advocate, Small Business Administration, 1441
L Street, N.W., Room 501C, Washington, D.C. 20416
(202) 653-6579.

TABLE OF CONTENTS

- I. Statement of Purpose.
- II. Executive Summary.
- III. Primary Operating Units Involved.
- IV. Agency Plan.
 - A. To Improve the Flow of Information to SBA.
 - 1. Policy Advisory and Program Planning.
 - 2. Evaluation of Policy Information.
 - 3. Communication of SBA Policies.
 - 4. Consumer Correspondence and Complaint Handling.
 - B. To Improve the Flow of Information from SBA.
 - 1. Communication and Feedback.
 - 2. Education.
- V. Schedule of Events.
- Appendix A.—Comments on Consumer Plan.
- Appendix B.—List of Consumer Contacts.
- Appendix C.—Consumer Affairs Organization Chart.

I. STATEMENT OF PURPOSE

This Consumer Representation Plan is designed to ensure to the greatest extent possible that persons who are affected by any major sponsored legislation, regulation, policy, decision, or program action, have the opportunity to comment on the subject before a decision is reached, and that these views are duly considered in the Agency's decision-making process.

It is a basic premise of this Plan that where the machinery and the techniques for assuring public participation already exist within the Agency, they are to be strengthened and that where they do not exist, they will be initiated.

It is also our purpose to provide the mechanisms for giving the management of the Agency a better understanding of consumers' concerns and viewpoints in their relations with SBA.

In general, the Plan is intended to further expand the responsiveness of the Small Business Administration to its public. Our goal is to develop a better rapport between the SBA and the consumer. This Agency's primary mission is to aid the small business, but this mission does not preclude persons—other than the small business person—affected by SBA's regulations, policies, and programs from participating in the Agency's decision-making process.

II. EXECUTIVE SUMMARY

The Small Business Administration, by statute and by Executive Order, is charged with the responsibility of representing the interests of small business concerns. To carry out its mandate to "aid, counsel, assist and protect, insofar as possible, the interests of small business concerns in order to preserve free competitive enterprise," the Small Business Administration has established policies and procedures which directly assist small businesses, and indirectly affect the general consuming public.

SBA is, therefore, open to comments, criticisms, and suggestions on Agency policy from individual consumers and consumer groups.

The primary purpose of the SBA Consumer Representation Plan is to keep the avenues for public comments, suggestions, etc. open, and to provide for an exchange of information with the public and to facilitate participation in SBA's decision-making process by the consuming public.

This Consumer Representation Plan centers on our advocacy effort, and also highlights program areas currently maintaining communications with the public. In addition, we intend to broaden this outreach effort by:

Strengthening local office advocacy activities;

Expanding consumer representation on the local Advisory Councils;

Designating individuals as Consumer Representatives in the local offices;

Establishing the position of Advocate for Consumer Affairs and Women-in-Business to coordinate all consumer activities.

III. PRIMARY OPERATING UNITS INVOLVED

The Small Business Administration operates its major programs through 102 field offices located in 91 cities in each of the 50 States plus the District of Columbia, Puerto Rico, and Guam. These offices function independently, on a day-to-day basis, but under the same set of policy guidelines issued by the SBA Central Office in Washington. This permits each office to tailor its procedures and practices to the needs of the community in a particular locale. It is, therefore, important that small businesses, small business and trade organizations, and the consuming public make their views known to the local SBA office and to SBA in Washington.

ADVOCACY OFFICE

The Office of Chief Counsel for Advocacy will play a primary role in the implementation of SBA's Consumer Representation Plan.

Located at the SBA Central Office in Washington, D.C., the Advocacy Office serves as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the Agency. This input comes from small businesses, from associations and organizations, and from consumers and consumer groups.

SBA has initiated action to add to the function of the Chief Counsel for Advocacy the offices of Public Affairs and Communication. This will provide for coordination and greatly improved responsiveness to public input through advocacy channels and a better dissemination of information, educational material, and general communication.

CONSUMER CONTACTS IN SBA

An Advocate for Consumer Affairs and Women-in-Business reporting to the Chief Counsel for Advocacy, who is a Presidential appointee, will have the responsibility of assuring that SBA program managers fully consider the impact of their decisions in the marketplace. The Advocate will assess proposed program activities to determine consumer impact and will work with program staff to formulate policies that reflect consumer input. The timetable for development of specific program activities in regard to consumers is listed in Part V.

In addition, the Advocate will establish an effective and continuing liaison with state and local governments and appropriate public organizations in order to ensure the broadest possible input of views for SBA decisionmaking.

In the individual SBA field offices, the Regional Directors and District Directors will be the principal Consumer Representatives. As alternates, they will also designate individuals from their staffs to be Local Consumer Representatives. They will be the primary initial contacts for consumers and consumer groups who want to obtain or provide information to SBA on our regulations, procedures, and policies. Through these contacts, consumers will be able to receive immediate attention on the local level. In addition, this network of Consumer Representatives will provide feedback to the policymakers in Washington through the Advocate for Consumer Affairs and Women-in-Business.

It will also be the responsibility of each Consumer Representative to establish and maintain appropriate public contacts on the local level by meeting on an informal basis with individual consumers and consumer groups. Additional opportunities for regular input will be provided through public meetings, hearings, and mailings on issues of concern to the public.

ADVISORY COUNCILS

SBA also sponsors 65 Advisory Councils that will assist in implementing SBA's Consumer Representation Plan.

The National Advisory Council has approximately 170 members which include the Chairperson of the 64 District Advisory Councils and members-at-large appointed by the Administrator of SBA. In total, approximately 2,000 private citizens serve voluntarily on the SBA District Advisory Councils. These individuals represent the small business community, the banking industry, the academic world, and the media. They keep SBA officials informed and at the same time provide information on SBA programs to their private sector contacts.

Many of the council members represent the views of the public-at-large and have in the past also represented consumer views. To strengthen the consumer voice on the councils, we are currently adding as members persons who are active consumer advocates and/or members of consumer groups, organizations, or associations.

Interested citizens may contact SBA District Directors for the names of Advisory Council Chairpersons or committee chairpersons for the purposes of making their views known and to offer their services.

PUBLIC INFORMATION OFFICERS

SBA maintains full-time public affairs officers in each of the ten regional cities. The SBA Central Office public information staff also provides direct informational services and relays source data concerning inquiries from small businesses, the educational community, the press, and others. These officers are charged with the responsibility of keeping the public fully informed as to the activities, plans, policies, and regulations that affect individuals and the small business community.

To aid in the implementation of SBA's Consumer Representation Plan, the public information offices will expand their mailing lists by including additional names of consumers and consumer groups who express an interest in regularly receiving press releases, notices of public meetings, and general mailings on SBA activities. There will be broader circulation of the *Federal Register* announcements concerning public hearings held by SBA on its proposed policy actions. This effort is directed at the consuming public who generally do not have access to the *Federal Register* and yet may want to provide input for SBA's policy proposals.

IV. AGENCY PLAN

A. TO IMPROVE THE FLOW OF INFORMATION TO SBA

1. *Policy Advisory and Program Planning.* There are two general approaches being utilized to infuse the Agency with new ideas, approaches, and concepts. The approximately 2,000 members of the District and National Advisory Councils forward resolutions to the SBA Administrator covering past Agency performance, suggestions for new areas of program implementation, and suggestions for government-wide initiatives. Every one of these formal resolutions is examined in detail by top SBA officials.

District Advisory Councils have established working committees covering such matters as Finance and Banking, Public and Professional Relations, Management Assistance, Marketing, Resolutions, Bicentennial Planning, Outreach, Advocacy, and Liaison with a Consumer Advocate or a public member on each District Advisory Council committee.

In addition, a Consumer Panel to advise SBA management on the specific activities that SBA should undertake to ensure a consumer awareness in all SBA programs, policies, and procedures, and reporting to the National Advisory Council Chairperson, is in the planning stages. As a result of these committee activities, SBA officials are kept informed of many public interests and activities.

The second general approach to include more private sector participation in the Agency's policy and program planning is through the Advocacy efforts to work with small business organizations, community organizations, consumers, and consumer groups.

Information has been solicited from hundreds of organizations around the Nation to determine which ones were truly concerned with SBA policies and decision-making procedures. Our present Central Office listing of 175 organizations is being rapidly expanded as our field offices are becoming more involved in Advocacy activities. These groups act as a sounding board for small business problems, provide the

SBA input on proposed and existing Federal regulations, as well as serving as a channel to disseminate SBA information.

The Advocacy Office intends to meet informally with organization representatives and consumer groups. Through a mutual exchange of information, we will remain aware of consumer needs and interests in relation to SBA regulations, policies, and procedures.

In addition to these two basic mechanisms, there are specialized activities within the programs that provide for a consideration of the relationship between small businesses and their "market," which is an aggregation of individual consumers. For example, many training conferences and publications are available through our Management Assistance program to provide information on consumer responsive marketing techniques for small businesses. These marketing aids stress the importance of proper handling of the customer as a prime factor in the success or failure of the business.

The Advocate for Consumer Affairs and Women-in-Business will be in constant contact with program managers and will participate in their policy formation activities in order to ensure that consumer interests are considered. Under the direction of the Advocate, every program office will develop a concrete plan for consumer action which will be implemented under the coordinated efforts of the Advocate and the program managers. These program plans will be published and available for consumers to review.

2. *Evaluation of Policy Information.* The SBA Advisory Council's submission of resolutions (discussed above) provides a basis for program elements within SBA to consider the information presented along with the resolutions as these relate to SBA program operation. This information also serves as a tool in establishing the direction of SBA programs.

3. *Communication of SBA Policies.* SBA has sponsored a number of multi-agency conferences on government assistance. At these conferences, representatives from government agencies, such as the Department of Labor, and the Internal Revenue Service, as well as SBA, conduct seminars and provide individual counseling. A number of conferences have already been held, with additional conferences scheduled throughout the year. Attendance at each conference so far has exceeded 1,000. These meetings provide an excellent forum for government agencies, including SBA, to learn first-hand of the problems, difficulties, and views of small business and the consuming public as they pertain to SBA programs, policies, and procedures.

In addition, we have inaugurated "Project 1776" to inform the public of SBA's programs and services—particularly those profitable and red-tape-cutting programs that we are already putting into effect. This plan calls for SBA personnel to speak before a minimum of 1,776 organizations throughout the Nation. We must do this to increase awareness of the Agency's services and to provide added opportunities for an open exchange with the public concerning SBA regulations, procedures, and policies.

4. *Consumer Correspondence and Complaint Handling.* All letters, telegrams, and other correspondence directed to the Advocate for Consumer Affairs and Women-in-Business and to the local Consumer Representatives will be handled by these individuals as controlled mail. This means each type of correspondence will be logged in so that it becomes part of the official record of Consumer activities. This correspondence will then be assigned a deadline for a response. According to workload, the response will be sent in 5-10 working days from receipt.

B. TO IMPROVE INFORMATION FLOW FROM SBA

1. *Communication and Feedback.* Those mechanisms which provide input also serve to relay information to the public. For instance, when SBA recently increased many of its size standards to account for inflationary conditions, proposed changes were widely circulated through private organizations, through other Federal departments and agencies, and through the Advisory Councils.

All comments received as a result of published proposed rulemaking are acknowledged and the final decision explained.

Speeches made by key agency decision-makers are sent to interested private and public organizations and are made available through SBA's Public Information Offices to the media and to the general public. Mailing lists are maintained to facilitate this distribution of information.

NOTICES

In addition, daily communication is maintained by the Office of Chief Counsel for Advocacy with representatives of small business, trade, and consumer organizations that have indicated a particular interest in keeping informed of SBA activities. The Advocate for Consumer Affairs and Women-in-Business will specifically be responsible for disseminating information on SBA regulations, procedures, and policies to individual consumers and to consumer groups. In addition to mailing lists, the exchange of information will take the form of informal meetings, public meetings and hearings, or other appropriate information channels.

2. *Education.* Under the direction of the Advocate for Consumer Affairs and Women-in-Business, information and educational materials will be developed to better educate the public about SBA policies and procedures so as to assure meaningful consumer representation in SBA activities.

Public forums, such as conferences sponsored by SBA through its programs for management and technical assistance, will also be utilized as mechanisms for input regarding SBA activities. Announcements of such meetings are widely circulated, particularly by the media in the geographic area where the conferences are to be held, and additional details are available from the local SBA offices.

V. SCHEDULE OF EVENTS

Publication of Final SBA Consumer Representation Plan, July 1976.

Publication of Final Guidelines to Implement the SBA Consumer Representation Plan, July 1976.

Deadline for Program Offices to Submit Plans for Implementation of the Plan and the Guidelines, August 1976.

Implementation of Final Plan and Guidelines, September 1976.

APPENDIX A—COMMENTS ON CONSUMER PLAN

In November 1975, the Small Business Administration published its proposed Consumer Representation Plan. The questions submitted in consumer letters to SBA since then have requested detailed information on:

SBA Management Assistance—

Publications;

Workshops.

SBA Financial Assistance—

Eligibility for loans;

How interest rates are set.

Advisory Councils—

Selection of members;

Frequency of meetings;

Role in agency decisionmaking.

Small Business Costs—

Of paperwork;

Of compliance with government regulations.

Distribution of SBA Information—

FEDERAL REGISTER notices;

Mailing lists.

APPENDIX B—LIST OF CONSUMER CONTACTS

SBA FIELD OFFICES, ADDRESSES, DIRECTORS, PUBLIC TELEPHONE NUMBERS

I. Boston Regional Office, 150 Causeway St.—10th Floor, Boston, Mass. 02114, Talbot DeG. Bulkley, Regional Director (617) 223-2100.

Boston District Office, 150 Causeway Street—10th Floor, Boston, Mass. 02114, Albert J. Prendergast, District Director (617) 223-2100.

Augusta District Office, 40 Western Avenue—Room 512, Augusta, Maine 04330, Thomas A. McGillicuddy, District Director (207) 622-6171.

Concord District Office, 55 Pleasant Street—Room 213, Concord, N.H., Bert F. Teague, District Director (603) 224-4041.

Hartford District Office, 450 Main Street—Room 710, Hartford, Conn. 06103, Thomas E. Higgins, District Director (203) 244-2000.

Montpelier District Office, 87 State Street—Room 210, Montpelier, Vt. 05602, David C. Emery, District Director (802) 223-7472.

Providence District Office, 57 Eddy Street—Room 710, Providence, R.I. 02903, Charles J. Fogarty, District Director (401) 528-1000.

II. New York Regional Office, 26 Federal Plaza—Room 3930, New York, N.Y. 10007, Windie B. Priem, Regional Director (212) 264-4355.

New York District Office, 26 Federal Plaza—Room 3100, New York, N.Y. 10007, Woodie G. Williams, District Director (212) 264-4355.

Hato Rey District Office, 255 Ponce De Leon Avenue—5th floor, Hato Rey, Puerto Rico 00919, Antonio Yordan, District Director (809) 763-6363.

Newark District Office, 970 Broad Street—Room 1635, Newark, N.J. 07102, Andrew P. Lynch, District Director (201) 645-3581.

Syracuse District Office, Fayette and Salina Streets, Syracuse, N.Y. 13202, J. Wilson Harrison, District Director (315) 473-3350.

III. Philadelphia Regional Office, 231 St. Asaphs Road Suite 646, Bala Cynwyd, Pennsylvania 19004, A. M. Peterson, Regional Director (215) 597-3311.

Philadelphia District Office, 231 St. Asaphs Road Suite 400, Bala Cynwyd, Pa. 19004, William B. Patterson, District Director (215) 596-3888.

Baltimore District Office, 7800 York Road, Towson, Md. 21204, Gerald J. Lang, District Director (301) 962-3311.

Clarksburg District Office, 109 North Third Street, Clarksburg, W. Va. 26301, Isaac R. Mayfield, District Director, (304) 623-3461.

Pittsburgh District Office, 1000 Liberty Avenue, Pittsburgh, Pa. 15222, Jack C. Forbes, District Director (412) 644-2780.

Richmond District Office, 400 North Elighth Street—Room 3015, Richmond, Va. 23240, Raymond Kuitenkuler, District Director (804) 782-2618.

Washington District Office, 1030 15th Street N.W.—Suite 250, Washington, D.C. 20416, Leon J. Bechet, District Director (202) 382-3525.

IV. Atlanta Regional Office, 1401 Peachtree Street, N.E., Atlanta, Ga. 30309, Wiley S. Messick, Regional Director (404) 526-0111.

Atlanta District Office, 1720 Peachtree Street N.W., Atlanta, Ga. 30309, John D. Sewell, District Director (404) 526-5749.

Birmingham District Office, 908 South 20th Street, Birmingham, Ala. 35205, James C. Barksdale, District Director (205) 254-1000.

Charlotte District Office, 230 South Tryon Street, Suite 700, Charlotte, N.C. 28202, George W. Marschall, District Director (704) 372-0711.

Columbia District Office, 1801 Assembly Street, Columbia, S.C. 29201, Vern F. Amick, District Director (803) 765-5376.

Coral Gables District Office, 2222 Ponce de Leon Blvd., 5th Floor, Coral Gables, Fla. 33134, Thomas A. Butler, District Director (305) 350-5011.

Jacksonville District Office, 400 West Bay Street, Jacksonville, Fla. 32202, Douglas E. McAllister, District Director (904) 791-2011.

Louisville District Office, 600 Federal Place, Louisville, Ky. 40202, R. B. Blankenship, District Director (502) 582-5971.

Jackson District Office, 200 East Pascagoula, Room 690, Jackson, Miss. 39201, Ardis Jones, District Director (601) 969-4371.

Nashville District Office, 404 James Robertson Parkway, Nashville, Tenn. 37219, William J. L. Shaver, District Director (813) 228-2594.

V. Chicago Regional Office, 219 South Dearborn Street, Chicago, Illinois 60604, H. L. Aronson, Jr., Regional Director (312) 353-4400.

Chicago District Office, 219 South Dearborn Street, Chicago, Ill. 60604, John L. Smith, District Director (312) 353-4528.

Cleveland District Office, 1240 East Ninth Street, Cleveland, Ohio 44199, S. Charles Hemming, Jr., District Director (216) 522-4416.

Columbus District Office, 34 North High Street, Columbus, Ohio 43215, Frank D. Ray, District Director (614) 469-6860.

Detroit District Office, 1249 Washington Blvd., Room 1200, Detroit, Mich. 48226, Ray Harshman, District Director (313) 226-6075.

Indianapolis District Office, 575 North Pennsylvania Street, 5th Floor, Indianapolis, Ind. 46204, William F. Miller, District Director (317) 269-7272.

Madison District Office, 122 West Washington Avenue, Room 713, Madison, Wisc. 53703, Lucian G. Schlimgen, Jr., District Director (608) 252-5261.

Minneapolis District Office, 12 South Sixth Street, Minneapolis, Minn. 55402, Paul W. Jansen, District Director (612) 725-2362.

VI. Dallas Regional Office, 1720 Regal Row—Suite 230, Dallas, Texas 75235, Frederick S. Neumann, Regional Director (214) 749-1011.

Dallas District Office, 1100 Commerce Street, Dallas, Texas 75242, L. H. Hudspeth, District Director (214) 749-1011.

Albuquerque District Office, 5000 Marble Avenue, N.E., Albuquerque, N. Mex. 87110, Anthony Panagakos, District Director (505) 474-5511.

Houston District Office, One Allen Center—Suite 705, 500 Dallas, Houston, Tex. 77002, John L. Carey, District Director (713) 527-4011.

Little Rock District Office, 611 Gaines Street—Suite 900, Little Rock, Ar. 72201, Maurice L. Britt, District Director (501) 740-5011.

Lubbock District Office, 712 Federal Office Building, 1205 Texas Avenue, Lubbock, Tex. 79401, Phillip J. O'Jibway, District Director (806) 738-7011.

Lower Rio Grande Valley District Office, 219 East Jackson Street, Harlingen, Tex. 78550, James R. Woodall, District Director (512) 734-3011.

NOTICES

42869

Marshall District Office, 505 East Travis Street, Marshall, Tex. 75670, Emily S. Atkinson, District Director (214) 749-1011.

New Orleans District Office, 1001 Howard Avenue—17th Floor, New Orleans, La. 70113, William F. Murfin, District Director (504) 682-2611.

Oklahoma District Office, 50 Penn Place—Suite 840, Oklahoma City, Okla. 73118, Truman Branscum, District Director, (405) 736-4011.

San Antonio District, 272 East Durango—Room A-513, San Antonio, Tex. 78206, James S. Reed, District Director (512) 730-5511.

VII. Kansas City Regional Office, 911 Walnut Street—23rd Floor, Kansas City, Missouri 64106, Deryl K. Schuster, Regional Director (816) 374-7212.

Kansas City District Office, 12 Grand Bldg.—5th Floor, 1150 Grand Ave., Kansas City, Mo. 64106, Gerald D. Jepson, District Director (816) 372-7212.

Des Moines District Office, 210 Walnut Street, Des Moines, Iowa 50309, Harold D. Sears, District Director (515) 284-4000.

Omaha District Office, 215 North 17th Street, Omaha, Neb. 68102, Rick S. Budd, District Director (402) 221-1221.

St. Louis District Office, 210 North 12th Street—Room 520, St. Louis, Mo. 63101, Thomas L. Holling, District Director (314) 279-4110.

Wichita District Office, 110 East Waterman, Wichita, Kan. 67202, Clayton Hunter, District Director (316) 267-6311.

VIII. Denver Regional Office, Executive Tower Bldg., 1405 Curtis Street, Denver, Colo. 80202, Victor M. Rivera, Regional Director (303) 327-0111.

Denver District Office, 721 19th Street—Room 407, Denver, Colo. 80202, Douglas F. Graves, District Director (303) 327-0111.

Casper District Office, 100 East B Street, Casper, Wyo. 82601, Jerry S. King, District Director (307) 328-5330.

Fargo District Office, 653 Second Avenue North—Room 218, Fargo, N. Dak. 58102, E. Maine Shafer, District Director (701) 783-5771.

Helena District Office, 618 Helena Avenue, Helena, Mont. 59601, Ottley R. Tschache, District Director (406) 588-5011.

Salt Lake City District Office, 125 South State Street—Room 2237, Salt Lake City, Utah 84138, Clair R. Hopkins, District Director (801) 588-5500.

Sioux Falls District Office, Eighth and Main Avenue, Sioux Falls, S. Dak. 57102, Chester Boyd Leedom, District Director (605) 782-4980.

IX. San Francisco Regional Office, 450 Golden Gate Avenue—Box 36044, San Francisco, California 94102, Gilbert Montano, Regional Director (415) 556-9000.

San Francisco District Office, 450 Golden Gate Avenue—Box 36044, San Francisco, Calif. 94102, Vacant (415) 556-9000.

Las Vegas District Office, 301 East Stewart—Box 7527, Downtown Station, Las Vegas, Nev. 89101, Robert S. Garrett, District Director (702) 385-6011.

Honolulu District Office, 1149 Bethel Street—Room 402, Honolulu, Hawaii 96813, David K. Nakagawa, District Director (808) 546-8950.

Los Angeles District Office, 350 S. Figueroa St.—6th Floor, Los Angeles, Calif. 90071, Stewart L. Rollins, District Director (213) 688-2000.

Phoenix District Office, 112 North Central Avenue, Phoenix, Ariz. 85004, Stanley D. Goldberg, District Director (602) 261-3900.

San Diego District Office, 110 West C Street—Suite 705, San Diego, Calif. 92101, Fred D. Sergent, District Director (714) 293-5000.

X. Seattle Regional Office, 710 Second Avenue—5th Floor, Seattle, Wash., Daniel B. Ward, Regional Director (206) 442-0111.

Seattle District Office, 710 Second Avenue—5th Floor, Seattle, Wash. 98104, Robert F. Caldwell, District Director (206) 442-0111.

Anchorage District Office, 1016 West Sixth Avenue—Suite 200, Anchorage, Alaska 99501, Frank D. Cox, District Director (907) 272-5561.

Boise District Office, 216 North Eighth Street, Boise, Idaho, Oliver T. Davis, District Director (208) 342-2711.

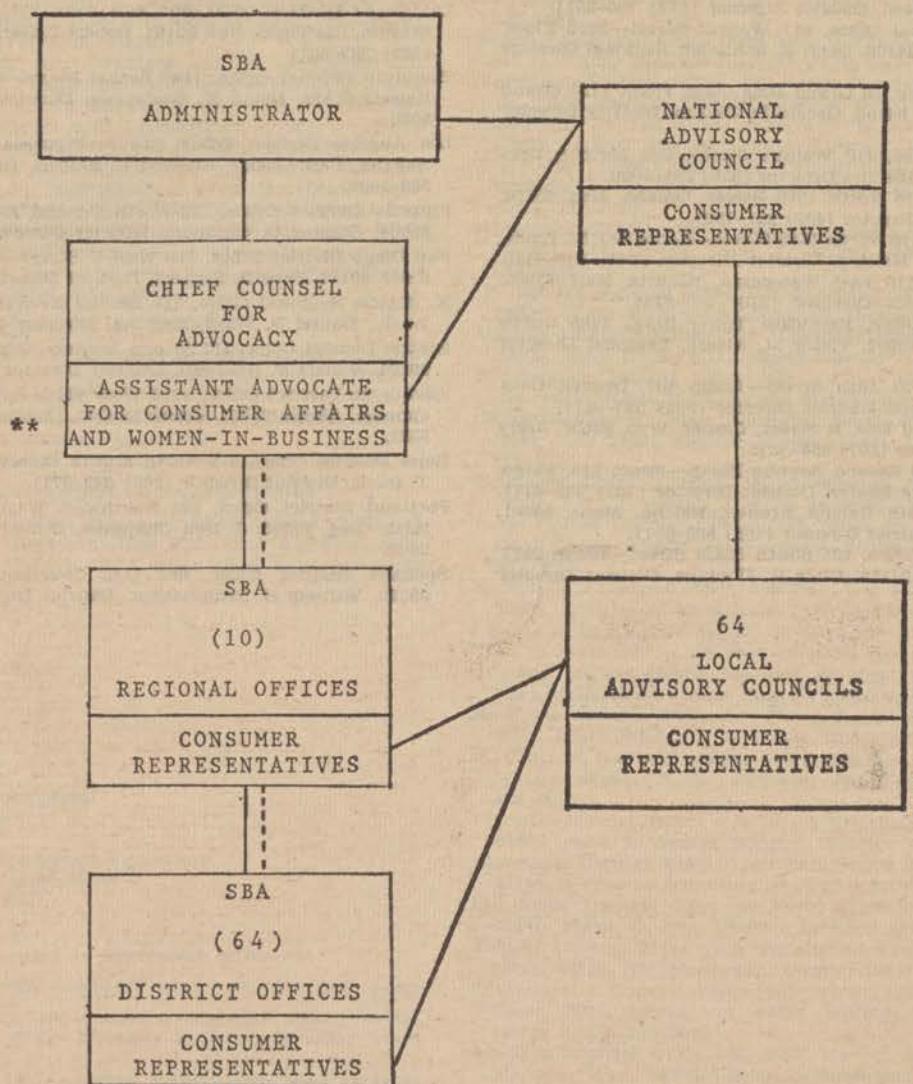
Portland District Office, 921 Southwest Washington Street, Portland, Oreg. 97205, J. Don Chapman, District Director (503) 221-2000.

Spokane District Office, 651 U.S. Courthouse, Spokane, Wash. 99120, William S. Schumacher, District Director (509) 456-0111.

NOTICES

APPENDIX C

CONSUMER AFFAIRS ORGANIZATION CHART



DEPARTMENT OF DEFENSE

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Consumer Representation Coordinator, Office of the Secretary, Department of Defense, Washington, D.C. 20301
(202) 697-9191.

TABLE OF CONTENTS

- I. Statement of Purpose.
- II. Executive Summary.
- III. Departmental Plan.
 - A. Department of Defense Activities Which Impact On All Consumers.
 - B. Consumers of Goods and Services Offered in DoD Activities.
- Appendix A.—Public Comment.
- Appendix B.—References.
- Appendix C.—Organization Chart.

I. STATEMENT OF PURPOSE

A. The purpose of this program is to ensure, to the greatest extent possible, that persons who are affected by consumer oriented Defense-sponsored legislation, regulations, policy decision, or program action have the opportunity to comment on the subject before a decision is reached, and that their views are duly considered in the decision-making process. It is also intended to actively solicit consumer opinion and ensure that appropriate feedback is provided regarding consumer suggestions.

B. It is a basic premise of this program that, where the machinery and the techniques for assuring consumer representation already exist, they are to be strengthened; where they do not exist, they will be instituted. Its purpose is also to provide the mechanism for ensuring a better understanding of consumers' concerns and viewpoints.

C. This program is intended to make it easier for consumers, planners and managers to focus their attention on issues of special and general consumer concern throughout the DoD. It includes procedures that apply to both civilian consumers affected by Defense activities and to consumers who are eligible for goods and services provided by DoD facilities. Details concerning the scope of these procedures follow.

II. EXECUTIVE SUMMARY

A. Many Defense activities impact in some manner upon the civilian sector and affect many consumers. Those that have the greatest effect and provide a practical opportunity for consumer representation are included in this program. In Section III.A. is a detailed discussion of each of the following Defense-sponsored activities which meet these criteria:

- 1. Consumer Product Information Program.
- 2. Civil Works Program.
- 3. Environmental Impact and Economic Adjustment Assistance.
- 4. Civil Defense Preparedness.
- 5. Dissemination of Scientific and Technical Information.
- B. Section III.B. covers consumer representation procedures that affect those eligible persons who consume goods and services offered within the Defense establishment. The following major areas are highlighted and are included in this program:
 - 1. Personal Commercial Affairs.
 - 2. Recreational Activities.
 - 3. Housing.
 - 4. Transportation.
 - 5. Legal Assistance.
 - 6. Health Programs.
 - 7. Military Resale Activities.
- C. Specific consumer representation programs shall be developed and published by DoD Components, in conformance with the general guidance contained herein.
- D. Adequate mechanisms shall be established to monitor the effectiveness of the Consumer Representation Program, including a plan to establish the accountability for implementation.
- E. The Assistant Secretary of Defense (Manpower and Reserve Affairs) (ASD(M&RA)) shall maintain primary responsibility for consumer affairs and within his staff, shall designate a Consumer Representation Program Coordinator. Other staff elements of the Office of the Secretary of Defense (OSD) shall maintain cognizance of those consumer activities which are specifically in their functional area of responsibility and advise the ASD(M&RA), when appropriate.

F. This document will serve as the OSD Consumer Representation Program. All other DoD Components which have activities that affect, or are affected by, consumer affairs shall develop, publish and monitor a Consumer Representation Program. These DoD Components shall consider, with respect to each program element, the appropriateness of additional mechanisms to assure increased consumer representation.

III. DEPARTMENTAL PLAN

A. DEPARTMENT OF DEFENSE ACTIVITIES WHICH IMPACT ON ALL CONSUMERS

1. *Consumer Product Information Program.* DoD shall participate in a Government-wide Consumer Information Program. This program is designed to share with the civilian community the product knowledge gained through DoD testing of products purchased for its own use. The information will be provided to the General Services Administration which is responsible for its public dissemination. Complete details of this program are contained in DoD Directive 5030.48 (reference (a)).

2. *Civil Works Program.* a. The Secretary of the Army is responsible for the Civil Works Program, as administered by the U.S. Army Corps of Engineers. The primary purpose of the Civil Works Program is to provide benefits to the American public by the conservation and development of the Nation's water resources. The Chief of Engineers and top managers throughout the program participate in natural resources and public policy conferences to obtain input firsthand from leaders in industry, nonprofit organizations and consumer groups. When letters to the Corps indicate an issue of significant national consumer interest, the Office of the Chief of Engineers holds hearings to solicit consumer input to the policy formulation process. When an area of continuing consumer concern is identified, an advisory board is established to obtain a continuing source of input from consumer representatives. One such board is the Chief of Engineers Environmental Advisory Board, composed of members representing conservation organizations, the news media, and other consumer interests. The boards will aid the Chief of Engineers in defining and meeting the Corps' obligations and responsibilities in environmental matters and in promoting mutual understanding.

b. Perhaps the greater and more visible consumer input to the Civil Works Program is in the conduct of the program in the local district offices. Consumer input is essential from the beginning, and is solicited by a variety of mechanisms.

(1) Public meetings are conducted by the Corps at critical decision-making points in the planning process. Three meetings are recommended: the first to obtain input from the consumer regarding the problems and need for a study; the second to review, with the consumer, alternative solutions to problems and needs identified in the study, and to obtain consumer reactions to the alternative solutions; and finally to obtain consumer reaction on the plan, including any recommendations for the Federal Government's participation in implementing the plan. The public meetings are held to inform the consumer and to give all interested parties an opportunity to fully and publicly express their views. The public meeting, as a mechanism, has been used for many years and has received consumer acceptance as an important, but certainly not the only, means of entering the decision-making process; other consumer input mechanisms are employed, such as:

- (a) Workshops,
- (b) Informal meetings with consumer groups,
- (c) Request for comments on draft reports and draft environmental impact statements,
- (d) Request for comments on public information brochures,
- (e) Solicitation of advice from consumers through telephonic and face-to-face contact,
- (f) The establishment of consumer advisory committees.

(2) The following mechanisms are established to ensure that input from consumers is adequately solicited and evaluated:

- (a) A consumer involvement program is developed at the beginning of a study,
- (b) A summary of consumer involvement program implementation must be incorporated in planning reports,

(c) A requirement that testimony presented and discussions held, at public meetings, are recorded verbatim and reviewed in the evaluation and decision-making process by a district office and higher echelons.

c. There is an extensive information program to facilitate consumer understanding of and participation in the Civil Works Program.

(1) Mailing lists are maintained to facilitate this education process. In addition, there is wide distribution of publications. For example, a water resources booklet, which includes information on all Corps activities in a State, is prepared for each State. Pamphlets on all of its reservoir recreation areas are published. Publications are also available on special subjects of high consumer interest. Consumers are also provided with flood-plain and public safety information and training sessions are conducted for flood emergencies. A catalog of information films on water resources and related subjects is widely distributed, and the films are available for loan upon request. Finally, each Corps office has a speakers bureau which provides speakers (and often film) to requesting consumer groups.

(2) Another widely used mechanism for keeping the consumer informed is the public notice. Notices are often released by the district office on specific plans and projects under consideration, permit hearings, and public meetings. The Corps has made a concerted effort to make such notices less formal, more informative and of greater use to the consumer.

(3) Feedback to consumers on their comments, inquiries, or complaints will normally be handled by individual letters. Comments on proposed regulations are solicited from the public and will be acknowledged in the *FEDERAL REGISTER* when the final regulation is adopted. Copies of the final regulations will also be sent to those parties who commented on the proposed regulations.

3. *Environmental Impact and Economic Adjustment Assistance.* a. Under the provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (reference (b) (1) and as implemented by DoD Directive 6050.1 (reference (c)), each proposed action must be assessed to ascertain its environmental impact. In this assessment process, the direct impact on the natural environment will be considered, as well as secondary impacts, such as traffic patterns, employment, housing, etc. If the proposed action may significantly impact the quality of the human environment, or if it is anticipated to be environmentally controversial, then an Environmental Impact Statement (EIS) shall be prepared and public, Federal, State, and local comments on the proposal solicited. The substantive comments received are to be addressed and incorporated into a final impact statement and filed with the Council on Environmental Quality (CEQ). No administrative action on the proposal is to be taken for 30 days after the final EIS is filed. This is to provide the Environmental Protection Agency an opportunity to fulfill its statutory requirements under Section 309 of the Clean Air Act of 1970. Notice of the filing of both the draft and the final EIS will be noted in the *FEDERAL REGISTER*. This process requires a minimum of 90 days. The final impact statement is to accompany the proposal through the DoD Components' review process so that the decision-maker can give due consideration to the environmental impact concurrent with technical, operational, economic and other factors in making the final decision.

b. When individuals and local communities are adversely affected, whether or not an EIS is prepared, by a DoD decision or action, assistance is provided under the Economic Adjustment Program. This assistance program is carried out under the auspices of the President's Economic Adjustment Com-

mittee which is chaired by the Secretary of Defense. The Committee coordinates the use of available Federal resources to help impacted communities generate new jobs to replace lost Defense jobs. The Economic Adjustment Program will be carried out under the provisions of DoD Directive 5410.12 (reference (d)). When serious economic impacts from DoD base closures or realignment actions are unavoidable, assistance shall be provided to individuals and communities through this program, as follows:

(1) *Employment Impact.* The effect on the area's manpower requires that the Committee give major emphasis to the needs of the affected employees in transferring, retiring, retraining or obtaining placement assistance with the private sector. The Defense Priority Placement Program, DoD Directive 1400.20 (reference (e)), provides maximum placement assistance prior to and subsequent to reduction-in-force separations. All affected career employees are given the opportunity to register for placement assistance under this program.

(2) *Housing Impact.* (a) The Homeowners Assistance Program, DoD Directive 5100.54 (reference (f)), assists both military and civilian employee homeowners by reducing losses incident to the disposal of their homes. When the local housing market is seriously affected by closure cutbacks at military installations, employees are assisted in disposing of their residences at a small discount from fair-market value.

(b) In addition to the assistance to individual homeowners, the Committee works closely with the community and its business leaders on the orderly acquisition and disposal of surplus military housing at former military installations. Close coordination between Federal and local authorities is required to assure that the disposal of this housing does not seriously disrupt the local housing market.

(3) *Property Impact.* The Committee assists communities in the conversion of former Defense bases to meet public needs and job-generating uses such as industrial, educational, health and transportation. Disposition of this property requires cooperation with the citizenry and public bodies in each of the impacted areas. The focus of the Committee is to work with local leaders and citizens on developing a base-use plan, arranging interim use of these facilities and facilitating final conveyance of this property to the community.

(4) *School Impact.* The Committee works with area educators to alleviate the impact caused by the relocation of personnel and the loss of Federal education assistance funds.

(5) *Small Business Impact.* Many small business firms are affected by these realignment actions as a result of their subcontracts with the base or with a major prime contractor. These firms include the full gamut of firms in the real estate, service, construction and financial sectors. The assistance provided through the Committee to these enterprises is directed at each of the individual firms and the peculiar problems these firms face in diversifying their product lines and service orientation.

(6) *Community Impact.* (a) A major realignment action often highlights the need to address specific community needs that may be met through the acquisition of surplus base property. Dependent upon the size and character of the base, various parts may be utilized for public purposes at much less cost than constructing new facilities.

(b) The Committee encourages affected communities to undertake adjustment effort in which all facets of the impact are addressed and resolved in the shortest time and with minimum outlay of resources. The Committee helps to marshal those Federal resources that are supportive of community goals and objectives and to reinforce the vital role of the private sector in each impact location.

c. Because of these problems, the Economic Adjustment Program requires the full participation of citizens in the organizational, planning, property disposal, and implementation phases in each community. From the outset of a project, broad citizen participation is sought from representatives of labor, education, business, public service, real estate, social services, and environmental groups, etc. Meetings are held in public buildings and open to all citizens. Specifically, citizen and consumer participation is made possible by the following actions:

(1) Citizens are encouraged to establish an organizational vehicle to solve problems, if such an existing mechanism is lacking;

(2) Citizen participation in the formulation of the recovery plan;

(3) Citizens' ideas and suggestions will be embodied in all committee reports;

(4) Citizens have the option of accepting or rejecting, in whole or in part, the specific economic adjustment plans to be implemented in an impacted community.

d. Individuals or organizations desiring additional information about the Economic Adjustment Program should communicate with the Director, Office of Economic Adjustment, Department of Defense, Washington, D.C. 20301.

4. *Civil Defense Preparedness.* a. The Defense Civil Preparedness Agency is responsible for preparing plans and programs for the Civil Defense of the United States, as specified in DoD Directive 5105.43 (reference (g)). The Director and his staff work closely with representatives of other Federal agencies and State and local governments in providing guidance and assistance for the development of emergency operating capabilities. The primary objective is to make the citizens in the community better prepared to protect life and property in the event of a threatened or actual attack. The Agency accords first consideration to local community needs in the overall objectives of the national program.

b. The system recognizes that emergency preparedness needs and efforts necessarily vary with each level of organization; such as, the citizen, the community, the State, and the Nation. Through its conduct of seminars, on site assistance projects, and local association meetings, this Agency is able to assess and respond to consumer desires. Regional personnel are in the field working with State and local governments and local community organizations to respond to the needs of the people they represent.

c. Numerous publications are made available to the public through State and local Civil Preparedness Agencies, including a citizen's handbook "In Time of Emergency" in both English and Spanish, as well as films in both languages. In addition, a quarterly magazine "Foresight," which provides a forum for the exchange of information and ideas on civil preparedness throughout the United States, is available upon request from the Assistant Director for Information Services, Defense Civil Preparedness Agency, The Pentagon, Washington, D.C. 20301.

5. *Dissemination of Scientific and Technical Information.*

a. The DoD conducts a broad program of research, development, test and evaluation to provide an effective national defense capability. The results of the research, development, test and evaluation program have potential for use by the private sector, other Government agencies and State and local governments in the solution of critical domestic problems. The DoD makes this (unclassified) information available to the public through the Department of Commerce clearinghouse, known as the National Technical Information Service (NTIS). The NTIS announces and disseminates this information to the general public. In a similar manner, descriptions of ongoing research and development technology projects will be placed in the Smithsonian Science Information Exchange (SSIE), which makes them available to the general public.

b. The DoD, in cooperation with the Energy Research and Development Agency and the Department of Housing and Urban Development, intends to conduct demonstrations of solar heating systems in military family housing units and selected military resale facilities at various locations throughout the continental United States. The objective of these efforts is to provide early operational data and other applicable information in support of the National Solar Heating and Cooling Program under the Energy Research and Development Agency. Commercially available systems will be selected and tested. A prime goal is to demonstrate effectiveness in reducing energy consumption while maintaining quality architectural design. The results of the demonstration will be available for application in both military and civilian usage. Consumer comments concerning these programs should be provided to Office of Assistant Secretary of Defense (Installations and Logistics), Installations and Housing, The Pentagon, Washington, D.C. 20301. Information regarding these programs can be obtained from this same source.

B. CONSUMERS OF GOODS AND SERVICES OFFERED IN DOD ACTIVITIES

1. *Transmission of Consumer Suggestions.* a. Inherent in the military establishment are numerous procedures at the installation level which permit individuals to initiate views regarding their interest as consumers of goods or services

offered by Defense-sponsored activities. It is here, in the military community, that likes and dislikes are first made known, corrective action taken, or referrals to higher levels accomplished. The accessibility of local assistance, however, does not preclude the use of other available channels of communications.

b. As a general principle, consumer suggestions and comments are to be analyzed and passed from appropriate advisory groups and staff elements to the decision level which may appropriately address the consumer input. It is at this point that suggestions or comments are integrated into the decision-making process. Affected elements are to use all reasonable techniques to ensure that consumer suggestions are encouraged and considered. Examples follow:

(1) Written correspondence from consumers,

(2) Direct contact by consumers with local responsible officials,

(3) Consumer participation conferences,

(4) Consumer advisory groups,

(5) Inspectors General interview and complaint systems,

(6) Sample surveys,

(7) Military community service organizations,

(8) In-store interviews,

(9) Patron purchase panels,

(10) Suggestion boxes,

(11) Customer "Want" slips.

2. *Evaluation.* Consumer participation in the evaluation of existing and proposed programs should begin at the local level. Various methods are available which allow a continuing assessment of existing procedures with a view toward development of appropriate changes. Examples include:

a. *"Consumer Voice" Meetings.* Local officials should periodically announce and conduct consumer-oriented meetings which solicit individual or collective opinion as to matters which affect consumers.

b. *Sample Surveys.* These should be designed to include the collection of relevant information concerning consumer attitudes toward existing policy and recommendations for new policy. Effective procedures to evaluate and act on these suggestions shall be developed.

c. *Questionnaires Distributed at Resale Sources.* These documents should articulate procedures and policies which affect consumers and be designed to solicit their views. Procedures shall be established to evaluate and act on recommendations.

d. *Inspectors General.* Consumer complaints received through this system are to be transmitted to the appropriate office for evaluation and appropriate action.

e. *Publication in FEDERAL REGISTER.* Proposed regulations which will affect consumers or the general public shall (a) be published in the *FEDERAL REGISTER* in accordance with DoD Directive 5400.9 (reference (h)) and DoD Directive 5400.7 (reference (i)); and (b) include the address to which consumer comments may be sent. Comments shall receive appropriate consideration. Final regulations shall also be published in the *FEDERAL REGISTER*.

3. *Communication to Consumers on Issues and Decisions.* In general, consumers can be made aware of issues and pending and final decisions which affect them through a variety of means, including: publication in the *FEDERAL REGISTER*, internally disseminated information, service press, local press, and legislative releases. Policies are normally promulgated by such means as directives, regulations and instructions. However, all available communications media should be used to keep consumers informed of relevant information.

4. *Feedback to Consumers About Their Comments.* Written comments from consumers receive a direct reply from the proper office. In addition, responsible local officials respond, as appropriate, to individual or group consumer suggestions presented in person. Furthermore, local commanders, or their representatives, participate in on base consumer group activities, such as personnel advisory councils and clubs, to discuss the development and status of consumer suggestions of general interest.

5. *Consumer Education.* a. A myriad of information activities can contribute to the continuing efforts of DoD to educate consumers. Examples include commanders' calls, telephone and installation newspapers, "hotlines," books, pamphlets, fact sheets and films, and installation newspapers.

b. DoD Components shall use, to the maximum practical extent, the consumer common interest material made available by the Office of Information for the Armed Forces (IAF) and shall develop appropriate supplementary material to ensure viable consumer education programs.

6. Specific Considerations for Certain Activities. *a. Personal Commercial Affairs.* DoD Components shall implement procedures concerning consumer interest relating to commercial activity on DoD installations in accordance with DoD Directives 1344.7, 1344.1 and 1344.9 (references (j), (k) and (l)). Consumer suggestions relating to these matters and other areas of general consumer interest will be provided to the DoD Components' representative to the DoD Personal Commercial Affairs Board which makes policy recommendations in these areas.

b. Recreational Activities. A variety of recreational services including clubs and messes, athletic facilities, movie theaters, craft shops, and similar activities exist on military installations. Appropriate steering groups or advisory councils should be established to make consumer views regarding these activities known to local responsible officials.

c. Housing. Personal preferences surveys of military personnel and their families are undertaken to aid in setting the direction of the DoD Family and Bachelor Housing Program.

d. Transportation. The Carrier Evaluation and Reporting System requires the consumer to provide information on the quality of the service provided by the carrier. This information is incorporated in the numerical rating of carriers which determines the amount of future DoD business they will receive. Thus, the consumer input encourages carriers to improve service, monitors the performance of agents, and helps provide properly managed, effective movement of household goods belonging to DoD personnel.

e. Legal Assistance. The Offices of the Judge Advocates General of the Military Departments, through the medium of legal assistance officers at the installation levels, provide appropriate advice to consumers. Patterns of unethical or illegal business practices by specific merchants are identified by receipt of specific consumer complaints.

f. Health Programs. (1) The excellence of inpatient and outpatient care and services provided by DoD medical facilities is of continuing interest to the DoD. Periodic patient surveys designed to solicit views regarding the adequacy of care (including ethics, aesthetics, timeliness, overall satisfaction, and appropriate avenues for redress), shall be conducted. Appropriate advisory groups are to be established to provide consumer comments concerning medical care to local responsible officials.

(2) The Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) reimburses beneficiaries and provides for services rendered to eligible individuals by civilian health care providers. Opportunities are provided for beneficiaries and providers to request reconsideration of adverse decisions such as eligibility to participate in the CHAMPUS, coverage exclusions, and amounts paid. Communications received from participants in CHAMPUS assist program managers to monitor the effectiveness and quality of the program. Information regarding this program shall be disseminated by health benefit counselors at each DoD operated medical facility.

g. Military Resale Facilities. As a minimum, affected DoD Components shall require the establishment of:

(1) A Quality Assurance and Hazardous Merchandise Program, to maximize patron satisfaction with goods and services offered by military resale facilities. Through close liaison with regulatory protective agencies, potentially hazardous or poor quality merchandise will be identified and purged from the system; resale facilities will be alerted to the existence and disposition of all such merchandise. Appropriate information regarding this program will be provided to patrons.

(2) Consumer attitude surveys, to generate information regarding levels of satisfaction with service and merchandise selection, quality and price. Responses to these surveys should also provide statistical evidence of customer perceptions concerning shopping privileges and how they contribute to the morale of eligible personnel and their families.

(3) Advisory councils, to voice customer attitudes that are prevalent on military installations. Minutes of meetings shall be forwarded to the appropriate headquarters; opinions and recommendations received shall be acted upon to assure that necessary corrective action is taken to improve customer service.

(4) A Direct Communication Program, inviting customers to offer their opinions to the local facility manager and/or installation commander. Communication will be accomplished through all available mechanisms including suggestion boxes, want slips, and telephone "hotlines." Appropriate officials shall review comments and respond to assure customer satisfaction. Comments that cannot be answered locally shall be forwarded to the appropriate headquarters for response to assure that customer satisfaction is met to the maximum practical extent.

(5) Consumer newsletters, to provide information about new merchandise, "best buys," operating hours, policies and procedures.

(6) Adequate consumer identified mechanisms, at appropriate headquarters, to regularly review documents, reports, and other information which may be useful to consumers. This information shall be available for review upon request from consumers or higher authority.

APPENDIX A.—RESULTS OF PUBLIC MEETINGS CONCERNING THE DEPARTMENT OF DEFENSE CONSUMER REPRESENTATION PLAN

The Department of Defense participated in White House Public Meetings regarding Consumer Representation held in Chicago, Illinois; Atlanta, Georgia; and San Francisco, California, between January 13 and 29, 1976, and the hearing on this subject held in Washington, D.C. on February 25, 1976.

Verbatim transcripts of the Department of Defense workshops conducted at the three Public Meetings were prepared and are available in Room 3C980, the Pentagon. Rather than focus on the proposed Department of Defense Plan, the questions and subsequent discussions in these workshops primarily centered on various controversial Defense programs and projects, e.g., the Defense budget, the B-1 bomber program, certain Corps of Engineers Civil Works projects, etc. No one appeared at the hearings held in Washington, D.C. to present testimony or comments concerning the Department of Defense proposed plan.

APPENDIX B.—REFERENCES

- (a) DoD Directive 5030.48, "Consumer Product Information Program," June 16, 1971.
- (b) National Environmental Policy Act (NEPA) of 1969, as amended.
- (c) DoD Directive 6050.1, "Environmental Considerations in DoD Actions," March 19, 1974.
- (d) DoD Directive 5410.12, "Economic Adjustment Assistance to Defense-Impacted Communities," April 21, 1973.
- (e) DoD Directive 1400.20, "DoD Program for Stability of Civilian Employment," August 13, 1971.
- (f) DoD Directive 5100.54, "Homeowners Assistance Program," December 29, 1967.
- (g) DoD Directive 5105.43, "Defense Civil Preparedness Agency (DCPA)," July 14, 1972.
- (h) DoD Directive 5400.9, "Publication of Proposed and Adopted Regulations Affecting the Public," December 23, 1974.
- (i) DoD Directive 5400.7, "Availability to the Public of Department of Defense Information," February 14, 1975.
- (j) DoD Directive 1344.7, "Personal Commercial Affairs," July 1, 1969.
- (k) DoD Directive 1344.1, "Solicitation and Sale of Insurance on Department of Defense Installations," January 21, 1972.
- (l) DoD Directive 1344.9, "Indebtedness of Military Personnel," July 1, 1969.

(Copies of references are available for review in Room 3C980, The Pentagon.)

APPENDIX C.—FOCAL POINT FOR CONSUMER REPRESENTATION PLAN AT THE DEPARTMENT OF DEFENSE

OFFICE OF THE SECRETARY OF DEFENSE

The Secretary of Defense

Assistant Secretary of Defense Manpower and Reserve Affairs
Consumer Representation Program Coordinator¹

¹ Primary consumer contact.

DEPARTMENT OF STATE

Consumer Representation Plan

PRIMARY CONSUMER CONTACT

Consumer Coordinator and Special Assistant to the Under Secretary for Economic Affairs, Room 7245A, Department of State, Washington, D.C. 20520, Telephone: (202) 632-9818.

TABLE OF CONTENTS

Executive Summary.

I. Purpose.

II. Affected Bureaus and Offices.

III. Consumer Affairs Coordinator.

IV. Bureau Consumer Affairs Official.

V. Consumer Impact Analysis and Clearances.

VI. Relations with Public.

Appendix—Organization Chart.

EXECUTIVE SUMMARY

In response to President Ford's Directive of April 1975, the Department of State published a proposed Plan in the *FEDERAL REGISTER* of November 26, 1975, and subsequently created the job of Consumer Coordinator and Special Assistant to the Under Secretary for Economic Affairs.

The Plan has now been revised to be more precise and to reflect the comments from a wide spectrum of consumer organizations and spokesmen.

It provides for a consumer affairs official within each bureau. The Coordinator will establish an exchange of information with consumers, and arrange appropriate contacts between Department officials and consumer interests. A Consumer Advisory Committee will be established, and consumer representatives will be included on certain existing advisory committees. Provision is made for analyses of consumer impact of Department actions, and clearance of memoranda by the Coordinator or bureau consumer affairs officials.

I. PURPOSE

The purpose of this Consumer Representation Plan is to ensure that no trade, tariff, economic, monetary or other policy affecting the flow of goods or services into or out of the United States is adopted or approved by the Department of State unless and until all officers involved in the decision-making process have answered the question: How will the policy affect the United States consumer? The Plan is intended to ensure that consumer interests are identified and articulated at a sufficiently early stage in the decisionmaking process so that they will effectively influence policy determinations. In this manner United States consumer concerns will be fully considered by the key decisionmakers and will be included in the policy development process of the Department.

II. AFFECTED BUREAUS AND OFFICES

All bureaus and offices within the Department will be subject to the requirements of the Plan. (See Organization Chart—Appendix A.) Those principally affected will be the Office of the Under Secretary for Economic Affairs, the Bureau of Economic and Business Affairs, the Bureau of Oceans and International Environmental and Scientific Affairs, and the Bureau of Security and Consular Affairs (including the Passport Office).

III. CONSUMER AFFAIRS COORDINATOR

The function of the Consumer Affairs Coordinator shall be to ensure to the best of his or her ability that consumer interests are articulated at an early stage in the decision-making process so that policy determinations will be made in a manner consistent with the purpose of the plan.

The Coordinator shall be a Special Assistant to the Under Secretary for Economic Affairs and shall report to the Under Secretary for Economic Affairs and, through him, to the Deputy Secretary and the Secretary of State.

The Consumer Affairs Coordinator will be responsible for the implementation of this Plan. The Coordinator will review proposed policy decisions and recommendations from the point of view of the consumer, and will provide advice,

assistance, and guidance in the preparation of the consumer impact analyses referred to in Part V. The Coordinator will also encourage public discussion of Department decisions and recommendations, will take steps to facilitate the submission of views by consumer representatives to the Department, and will assure that the various advisory committees to the Department take into account the consumer point of view. Specifically, the Coordinator will do the following:

1. Establish an ongoing exchange of information through regular and ad hoc meetings. At the outset the Coordinator will schedule regular meetings with consumer groups and representatives on a quarterly basis, with notice being given in the *FEDERAL REGISTER*. Ad hoc meetings will be scheduled at the request of any consumer group or representative which wishes to raise a particular problem of consumer concern with the Department.

These meetings will be open to the public and any interested person will be able to comment on any matter relevant to consumer interests. Furthermore, in those cases where there is adequate time available prior to a decision and where the demand of confidentiality permits, the Department may schedule a public hearing or meeting, which will be announced in the *FEDERAL REGISTER*, where views on a specific matter before the Department, such as a particular proposed treaty, may be aired.

2. The Coordinator will also take steps to see that consumer groups and representatives are placed in contact with an appropriate official of the Department with responsibility for the subject matter involving the particular problem or problems of interest to those groups or representatives. The Coordinator will also bring to the attention of the appropriate officials of the Department information received or developed in the course of the regular exchange of information with consumer groups and representatives. (Whenever possible, taking into account demands of confidentiality and timing, discussion of specific policies of significant concern to consumers should occur before the policies have been finally determined.)

3. Establish promptly a Consumer Advisory Committee which shall meet periodically to advise the Secretary through the Consumer Coordinator.

The Advisory Committee will consist of representatives of a range of consumer interests, geographically as well as functionally balanced. The Advisory Committee will be charged with responsibility to advise the Coordinator on State Department procedures for receiving and utilizing advice regarding consumer interests, as well as providing advice on the particular issues involving consumer interests that are presented to the Advisory Committee by the Consumer Coordinator.

4. Ensure that consumers are well represented on other advisory committees of the Department if such committees deal with important issues of concern to the consumer.

The Advisory Committees now existing in the Department which deal with important issues of concern to the consumer include:

Advisory Committee on International Intellectual Property.
Advisory Committee on the Law of the Sea.
Advisory Committee on Private International Law.
Advisory Committee on Transnational Enterprises.
Shipping Coordinating Committee.

A representative of consumer interests will be represented on each of these Advisory Committees.

5. Collect and analyze data, correspondence, news articles, and other written materials which deal with the interests of consumers, which are relevant to consumer related decisions of the Department.

NOTICES

This material will be processed by the Office of the Coordinator and furnished to the appropriate offices of the Department for use in discharging the responsibilities set forth in Part V below.

6. Make public appearances before a wide range of audiences and ask that other Department officials concerned with substantive issues relevant to consumers also make appearances.

The Consumer Coordinator will also work with Department officials with relevant expertise to assure that Congressional committees, members of Congress, and their staffs are informed on how foreign policies affect consumers.

The Coordinator will recommend Department policy on consumer issues to the Secretary through the Under Secretary for Economic Affairs and will assist in the implementation of such policy to the extent required in international organizations and through diplomatic posts abroad.

The Coordinator will prepare an Annual Report on the implementation of this Plan for the Secretary.

Finally, the Consumer Coordinator will serve as the Department's liaison with consumer groups, consumer representatives of other Departments, and the Office of the Special Assistant to the President for Consumer Affairs.

IV. BUREAU CONSUMER AFFAIRS OFFICIAL

Within each bureau there will be a consumer affairs official designated at the Office Director or equivalent level. That official will be responsible for the implementation of this Plan within his bureau. He will review proposed policy decisions and recommendations initiated by that bureau from the point of view of the consumer, and will assure that the consumer

impact analysis referred to in Part V is properly prepared. He will also furnish advice and assistance to the Consumer Affairs Coordinator and be responsible for such consumer related efforts as may be developed from time to time within the bureau and for coordination with other bureaus and the Consumer Coordinator as appropriate.

V. CONSUMER IMPACT ANALYSIS AND CLEARANCES

The procedures set forth in this section shall apply to every memorandum recommending action which, if implemented, would have a direct and major impact on United States consumers.

Any such document shall contain an analysis of the consumer impact of the recommendations or proposals included in the document.

Any such document shall be cleared with the consumer affairs official of the initiating bureau and, in important cases (as determined by the consumer affairs official of the initiating bureau), the Consumer Affairs Coordinator. All such documents for action by a principal of the Department shall be cleared by the Consumer Coordinator.

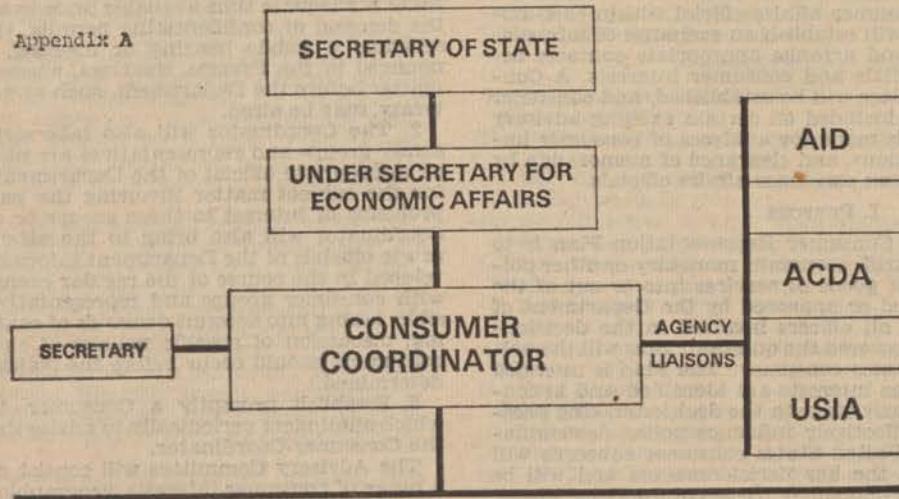
VI. RELATIONS WITH PUBLIC

Persons who wish to address matters of consumer interest to the Department are urged to communicate with the Office of the Consumer Coordinator, Department of State, Washington, D.C. 20520.

The office will develop a mailing list of concerned organizations and individuals and will communicate with them from time to time.

APPENDIX

Appendix A



BUREAU AND OFFICE LIAISONS

C	- Counselor of the Department
T	- Under Secretary for Security Assistance
D	- Office of the Deputy Secretary
M/MO	- Director of Management Operations
IGA	- Inspector General of Foreign Assistance
S/P	- Policy Planning Staff
SIG	- Inspector General, Foreign Service
H	- Congressional Relations
PM	- Bureau of Politico-Military Affairs
PA	- Bureau of Public Affairs
LEB	- Legal/Bureau of Economic & Business Affairs
AF	- Bureau of African Affairs
EA	- Bureau of East Asian & Pacific Affairs

EUR	- Bureau of European Affairs
NEA	- Bureau of Near Eastern & South Asian Affairs
EB	- Bureau of Economic & Business Affairs
CU	- Bureau of Educational & Cultural Affairs
INR	- Bureau of Intelligence & Research
IO	- Bureau of International Organization Affairs
OES	- Bureau of Oceans & International Environmental & Scientific Affairs
SCA	- Bureau of Security & Consular Affairs
A	- Bureau of Administration
ARA	- Bureau of Inter-American Affairs [State]
	Bureau for Latin American (AID)

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Final
Notice
of
Federal
Consistency
With
Approved
Coastal Zone
Management
Programs

TUESDAY, SEPTEMBER 28, 1976



PART III:

DEPARTMENT OF COMMERCE

National Oceanic and
Atmospheric Administration

FEDERAL CONSISTENCY
WITH APPROVED
COASTAL ZONE
MANAGEMENT
PROGRAMS

Proposed Regulations

PROPOSED RULES

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[15 CFR Part 921]

FEDERAL CONSISTENCY WITH APPROVED COASTAL ZONE MANAGEMENT PROGRAMS

Proposed Regulations

In the matter of policies and procedures for implementing the Federal consistency requirements of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451, et seq. (section 307).

The National Oceanic and Atmospheric Administration (NOAA) hereby proposes to adopt regulations pursuant to the Coastal Zone Management Act of 1972, as amended, (16 U.S.C. 1451, et seq.), hereinafter referred to as the "Act", for the purpose of providing coastal States, Federal agencies and other interested parties with the policies and procedures which NOAA will require for implementation of the Federal consistency provisions of the Act. Specifically, the contents of these proposed regulations include directives for carrying out the Federal consistency requirements within sections 307 (c) through (h) of the Act.

Section 307 (a) and (b) interim regulations for Federal/State coordination during coastal zone program development were published in the *FEDERAL REGISTER* on February 28, 1975 (40 FR 8546). NOAA has received several comments regarding the interim regulations, and their final modified version will be published at such time as these proposed regulations become final. The statutory provisions within sections 307 (c), (d) and (h) are fully set forth below and the Federal consistency procedural regulations in Subpart B shall specifically address these sections. The provisions within sections 307 (e) and (f) of the Act, also set forth below, will not be directly referenced within the procedural regulations. The language of these provisions speaks for itself and the requirements thereunder are implicitly incorporated within the proposed regulations.

Section 307(c) (1) of the Act provides:

Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

Section 307(c) (2) of the Act provides:

Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

Section 307(c) (3) of the Act, which was amended by the Coastal Zone Management Act Amendments of 1976 (Pub. L. 94-370, 90 Stat. 1013) provides:

(A) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the li-

censing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

(B) After the management program of any coastal state has been approved by the Secretary under section 306, any person who submits to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. 1331, et seq.) and regulations under such Act shall, with respect to any exploration, development, or production described in such plan and affecting any land use or water use in the coastal zone of such state, attach to such plan a certification that each activity which is described in detail in such plan complies with such state's approved management program and will be carried out in a manner consistent with such program. No Federal official or agency shall grant such person any license or permit for any activity described in detail in such plan until such state or its designated agency receives a copy of such certification and plan, together with any other necessary data and information, and until—

(i) Such state or its designated agency, in accordance with the procedures required to be established by such state pursuant to subparagraph (A), concurs with such person's certification and notifies the Secretary and the Secretary of the Interior of such concurrence;

(ii) Concurrence by such state with such certification is conclusively presumed, as provided for in subparagraph (A); or

(iii) The Secretary finds, pursuant to subparagraph (A), that each activity which is described in detail in such plan is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

If a state concurs or is conclusively presumed to concur, or if the Secretary makes such a finding, the provisions of subparagraph (A) are not applicable with respect to such person, such state, and any Federal license or permit which is required to conduct any activity affecting land uses or water uses in the coastal zone of such state which is described in detail in the plan to which such concurrence or finding applies. If such state objects to such certification and if the Secretary fails to make a finding under clause (iii) with respect to such certification,

or if such person fails substantially to comply with such plan as submitted, such person shall submit an amendment to such plan, or a new plan, to the Secretary of Interior. With respect to any amendment or new plan submitted to the Secretary of the Interior pursuant to the preceding sentence, the applicable time period for purposes of concurrence by conclusive presumption under subparagraph (A) is 3 months.

Section 307(d) of the Act provides:

State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

Section 307(h) of the Act, which was added to the Act by Pub. L. 94-370, provides:

In case of serious disagreement between any Federal agency and a coastal state—

(1) In the development or the initial implementation of a management program under section 305; or

(2) In the administration of a management program approved under section 306;

The Secretary, with the cooperation of the Executive Office of the President, shall seek to mediate the differences involved in such disagreement. The process of such mediation shall, with respect to any disagreement described in paragraph (2), include public hearings which shall be conducted in the local area concerned.

Section 307(e) provides:

Nothing in this title shall be construed—

(1) To diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) As superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

Section 307(f) provides:

Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) Established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) Established by the Federal Government or by any state or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title and shall be

the water pollution control and air pollution control requirements applicable to such program.

INTRODUCTION

These regulations are being proposed for timely adoption for a number of reasons. First of all, the coastal zone management program for the State of Washington has been approved by the Secretary of Commerce. Other State management programs, or segments thereof, have been submitted for review and approval. Additional States or segments thereof are scheduled for program submission in the near future and many coastal States are entering into their final year of program development. Accordingly, the Federal Coastal Zone Management Program is rapidly moving into a program approval and administration phase which, in turn, requires that immediate attention be given to the Federal consistency requirements of the Act which become applicable following State program approval.

The need to immediately address the policies and procedures for effectuating the consistency requirements of the Act has been further highlighted as a result of comments which have been received by the Office of Coastal Zone Management (OCZM) concerning the adequacy of the State of Washington's efforts to implement the consistency requirements of the Act. In addition, NOAA, OCZM, relevant Federal agencies and the State agencies submitting advanced management programs have determined that it is essential that such programs incorporate a framework for carrying out the Act's consistency provisions so that all parties concerned are cognizant of their respective obligations. Accordingly, the necessity for timely promulgation of the consistency regulations has a multiple basis, namely, to assure that approved State programs satisfy the legal requirements for implementing the consistency provisions of the Act and to provide relevant Federal agencies and individuals with the guidelines and procedures which the States will use to carry out the consistency element of the programs.

(1) *The Context of Federal Consistency Within the Coastal Zone Management Act.* There are a number of substantive and process-related policies and procedures in the Act and in the regulations promulgated thereunder which form the context within which the Federal consistency requirements must be viewed. These underpinnings are set forth at this point as a necessary basis for understanding the proposed procedures developed in Subpart B.

(A) *Federal/State Responsibilities.*—Reciprocal responsibilities governing the development of coastal zone management programs represent the foundation which supports the basis for Federal/State consistency during program administration.

(1) Under the Act, States must provide relevant Federal agencies with an opportunity for full participation in program development (Section 306(c)(1)); demonstrate that the views of Federal agencies principally affected by the program have been adequately considered (Sec-

tion 307(b)); give adequate consideration the national interest involved in the planning for and siting of facilities necessary to meet requirements which are other than local in nature (Section 306(c)(8)); assure that local land and water use regulations do not unreasonably restrict or exclude uses of regional benefit (Section 306(e)(2)); incorporate into the management program the requirements of the Federal Water Pollution Control Act, as amended, and the Clean Air Act, as amended (Section 307(f)); coordinate the coastal zone management program with relevant plans, many of which are guided and supported by relevant Federal agencies (Section 306(c)(2)); and participate with Federal agencies in the mediation of serious disagreements should they arise (Section 307(h)).

(ii) At the same time, relevant Federal agencies are directed by the Act to participate with State and local governments in furthering the purposes of the Act (Section 303(c)); cooperate with the States in developing land and water use programs for the coastal zone (Section 302(h)); assume key responsibility for communicating national views (as a matter of agency authority, interest and expertise) (Section 307(a)); take the opportunity to review and comment on management programs prior to approval (Section 307(b)); and participate with States in the mediation of serious disagreements should they arise (Section 307(h)).

It is clear from these reciprocal responsibilities that the early development of effective Federal/State efforts at cooperation is the key element in the coastal zone management planning process that must precede activation of the Federal consistency provisions. Sections 305, 306 and 307 of the Act are elements of a continuing process, and not discrete requirements to be met and considered final. Accordingly, the program development and implementation phases of coastal zone management must be viewed as a continuum.

In the program development stage, the States must emphasize the development of an ongoing capability to provide consultation and coordination with relevant Federal agencies in order to gain an opportunity to incorporate greater than local land and water use considerations into State programs. This effort should include procedures for resolving disputes with Federal agencies. These coordination and conflict resolution mechanisms need to be carried over after program approval.

In the program administration stage, the Act directs that, subject to qualification, Federal actions be consistent with approved programs. This is a unique legal requirement that is clearly workable in light of the opportunities for Federal agencies to provide input into program development, thereby assuring that national viewpoints, as well as State and local views, are addressed within coastal zone programs. By virtue of these reciprocal benefits and obligations, both the interests of the Federal and State governments will be accommodated in

the management programs for the Nation's coastal zone.

2. *Preliminary Review and Commentary on Federal Consistency Issues.*—Prior to the publication of these proposed regulations in the *FEDERAL REGISTER*, OCZM circulated a preliminary draft of the regulations to selected reviewers for comment. The reviewers included coastal State agencies, relevant Federal agencies, and additional interested parties. Numerous comments, both in written and oral form, were received by OCZM in response to this effort. The responses addressed both substantive and procedural aspects of the proposed regulations. All comments were given full consideration by NOAA. Some views were adopted in their entirety and some in modified form. Others were rejected as being inappropriate or legally impermissible. NOAA and OCZM would like to take this opportunity to express our gratitude to each government agency, organization and individual that submitted written or oral comments on the preliminary draft. In order to respond to some of the more significant comments received, there follows a brief discussion of the pertinent sections of the proposed regulations.

(A) *General Remarks.* There were substantial conflicts and variations among the reviewer responses. In general, a major dichotomy in viewpoints developed as a result of the fact that the comments represented the concerns of two communities of interest, namely, the Federal agency community and the State/local government community. The Federal agencies in many instances perceived a threat to their national mission objectives should States be permitted to frustrate Federal programs by virtue of the consistency requirements of the Act. Accordingly, the Federal community responses reflected a narrow view of the scope and impact of the consistency provisions. The State/local government community indicated a general concern with what it perceived as a Federal agency's effort to weaken and undermine the coverage of the consistency requirements, thereby diluting the effectiveness of State coastal zone management programs. Accordingly, the latter community requested comprehensive and operational tools for enforcement of the consistency requirements. On a united front, all parties expressed major concern with the prospect of additional administrative burdens being necessitated as a result of the requirement of implementing the consistency provisions of the Act.

In the specific remarks provided below, and in the proposed regulations, NOAA intends to explicitly state its interpretation of the Federal consistency provisions of the Act. In this regard, we shall point out what the Federal consistency provisions require and what they do not require. In addition, we shall attempt to clearly set forth the responsibilities of all agencies and individuals who are involved in the process of complying with the consistency requirements of the Act. As a result of this effort, we hope to remove any existing uncertainties regard-

PROPOSED RULES

ing the benefits and burdens of the Federal consistency provisions of the Act.

Before addressing the review comments, one additional point requires discussion. Section 304(1) of the Act provides in part:

Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

During the development of State coastal zone management programs, a number of questions arose regarding which Federal lands were to be excluded from a State's coastal zone. NOAA requested an opinion on the matter from the U.S. Attorney General. On August 10, 1976, the Office of Legal Counsel, U.S. Department of Justice, rendered an opinion concluding that "the exclusionary clause excludes all lands owned by the United States from the definition of the Coastal Zone."

NOAA has not as yet had adequate time, nor the benefit of interested parties' comments, to fully evaluate the impact of this opinion as it relates to the Federal consistency provisions of the Act. We do note at this time that on page 12 of the Conference Report on the original Act, H.R. Rept. No. 92-1544, 92nd Congress, 2nd Session (1972), accompanying S. 3507, the following was stated:

The Conference also adopted the Senate language in this section which made clear that Federal lands are not included within a State's coastal zone. As to the use of such lands which would affect a State's coastal zone, the provisions of section 307(c) would apply. (Emphasis added.)

It is clear from this statement that Congress intended the Federal consistency provisions to apply to excluded Federal lands notwithstanding their absence from the "coastal zone." NOAA welcomes comments with regard to this issue.

(B) *Specific Remarks.* These remarks concerning the comments received from reviewers will generally follow the sequence of the provisions within Section 307 of the Act.

(i) *Sections 307(c)(1) and (2).*—(a) There were a number of comments regarding the question of where initial responsibility rested with respect to making the consistency determination for Federal activities including projects. NOAA construes the Act as imposing this responsibility on the Federal agencies, and the proposed regulations reflect this view.

We point out that this will be a difficult task for the Federal agencies unless they are provided with clear policies and standards with which to evaluate the consistency of their activities including projects. Therefore, the States are obligated to assure that their program structure and provisions are clear and easily interpretable. In order to ensure that Federal agencies have an adequate basis for making an initial consistency assessment, the regulations direct that Federal and State agencies jointly develop from approved programs a set of criteria and guidelines which the Federal agencies can use to judge the consistency of their proposed actions.

(b) Many reviewers pointed out that while the Federal agencies were the proper entities for making the initial consistency review for Federal activities including projects, that responsibility was coupled with the additional responsibility to notify State agencies of the consistency determination so that the latter group would have an opportunity to review the decision. It was noted that it would be very difficult for State agencies to keep apprised of Federal actions without direct notification from the Federal agencies, and that if the burden rested solely with the States, instances would undoubtedly arise where actions would not be discovered until they were already undertaken. Such results would effectively frustrate opportunities for early coordination to assure consistency. NOAA has concluded that the Federal agencies are in the best position to provide early notification to the States of their proposed activities including projects; furthermore, implicit in the States' right to disagree with a Federal agency's consistency determination is the right to be informed of such determination. Accordingly, the regulations require Federal agencies to notify State agencies of proposed activities directly affecting the coastal zone, including development projects within the coastal zone, at the earliest practicable time.

(c) Having determined that the Federal agencies were properly required to provide notification to the State agencies regarding the consistency of proposed actions, the next issue addressed by many reviewers concerned the administrative burden created by such a requirement. In this regard, the proposed regulations encourage the Federal and State agencies to rely upon existing intergovernmental coordination procedures, particularly the OMB Circular A-95 (revised) notification and review system. See 41 FR 2052 (1976). Two points require emphasis, however. First, the A-95 process is beneficial because both Federal and State agencies are familiar with the process, it provides a basis through the development of memoranda of understanding to classify types of individual activities and projects requiring review, and reliance upon an existing coordination procedure will avoid waste and duplication of effort. On the other hand, we point out that while the Act implicitly requires the Federal agencies to notify the States of activities directly affecting the coastal zone including development projects within the coastal zone, the A-95 process would merely encourage such cooperation. Some reviewers have pointed out that a number of Federal agencies either do not follow the A-95 guidelines or do so in a limited fashion. Accordingly, the proposed regulations permit reliance upon the A-95 and other existing notification and review procedures but only if they are modified or supplemented to assure that the States are fully informed of all relevant actions subject to consistency review.

(d) *Sections 307(c)(1) and (2).* require that relevant Federal activities in-

cluding projects be, "to the maximum extent practicable," consistent with approved States management programs. Practically all reviewers expressed some dissatisfaction with the manner in which this term was defined in the preliminary draft. Generally, Federal agencies urged that the phrase be broadly defined in order to permit wider discretion to Federal agencies to avoid complete adherence with approved State programs. Not surprisingly, the State comments generally reflected a position that the phrase be narrowly construed in order to prevent the creation of a significant loophole through which Federal agencies could ignore approved State program requirements.

Fortunately, there is some legislative history on this point on which NOAA has relied in its effort to properly define the phrase. Congress noted that inasmuch as Federal agencies are given a full opportunity to participate in the planning process for program development, these agencies would thereafter be required to carry out their actions in a manner consistent with approved programs. However, Congress recognized that some circumstances, not foreseeable at the time of program development and approval, could arise which might present a Federal agency with a significant obstacle that, as a practical matter, would prevent complete adherence to the approved program. Accordingly, Congress determined that for these exceptional situations some leeway should be provided to Federal agencies, but added that it was not anticipated that there would be many situations where Federal agencies would be compelled to undertake activities or projects which deviated from approved program requirements. Therefore, following the spirit of congressional intent, NOAA has narrowly defined the term "to the maximum extent practicable," to permit deviations from State programs when justified by unforeseen circumstances which compel nonadherence to an approved program.

(e) Many Federal agencies expressed concern that the preliminary draft regulations did not carefully adopt what might be termed the "causal" language within the consistency provisions, namely, that activities "directly affecting" including development project "in" the coastal zone were the only Federal actions subject to being consistent to the maximum extent practicable with an approved program. Additionally, the Federal agencies were generally dissatisfied with our initial attempt at defining the terms "affecting" and "directly affecting." In response to these criticisms, NOAA has done the following. First, the language of the proposed regulations will adopt the "causal" terms of the Act. Furthermore, no attempt will be made to define the meaning of "affecting" or "directly affecting"—these terms will speak for themselves and difficulties will be addressed on a case by case basis.

Some discussion, however, is required at this point to inform all parties as to how NOAA construes the Act with regard to the causal language in the Fed-

eral consistency provisions. NOAA has concluded that Congress intended the term Federal "activities" within Section 307(c)(1) to encompass Federal "development projects" referred to within section 307(c)(2). Accordingly, Federal activities including Federal development projects "directly affecting" the coastal zone must be consistent, to the maximum extent practicable, with approved State management programs.

NOAA is aware that section 307(c)(1) speaks in terms of Federal activities "directly affecting" the coastal zone while section 307(c)(2) refers to development projects "in" the coastal zone. NOAA concludes that the latter provision emphasizes a congressional determination that all development projects in the coastal zone are subject to the consistency requirements. That is, Congress has determined that all development projects in the coastal zone must, by their nature, "directly affect" the coastal zone. That provision is not a directive that development projects be treated differently from other activities directly affecting the coastal zone.

Prior to amendment of S. 3507 by the Conference Committee (see the Conference Report citation above), the Federal consistency provisions of the bill read as follows:

(1) All Federal agencies conducting or supporting activities in the coastal zone shall administer their *programs* consistent with approved coastal State management programs except in cases of overriding national interest as determined by the President. Procedures provided for in regulations issued pursuant to [the Cities and Metropolitan Development Act and the Intergovernmental Cooperation Act] shall be applied in determining whether *Federal projects and activities* are consistent with approved management programs. (Emphasis added.)

(2) Federal agencies shall not undertake any development project in the coastal zone of a coastal State which, in the opinion of the coastal State, is inconsistent with the management program of the coastal State unless the Secretary overrides the objection.

On page 19 of Senate Report No. 92-753, 92nd Congress, 2nd Session (1972), accompanying S. 3507, the Senate Committee on Commerce stated that "it is essential that Federal agencies administer their *programs, including development projects*, consistent with the State's coastal zone management program." (Emphasis added.)

In the version of the bill finally enacted into law, the term "programs" was substituted with the synonymous term "activities," and the explicit prohibition against Federal agencies undertaking a development project following a State agency objection was substituted with language similar to that applicable for all other Federal activities. The discussion in the Conference Report on page 14 (citation above) points out that the Conference considered the final language adopted to still include development projects under the coverage of activities. The Conference agreed that,

* * * as to Federal agencies involved in any activities directly affecting the State coastal zone and any Federal participation in development projects in the coastal zone, the Federal agencies must make certain that their *activities* are to the maximum extent practicable and consistent with approved State management programs. In addition, similar consideration of State management programs must be given in the process of issuing Federal licenses or permits for activities affecting state coastal zones." (Emphasis added.)

It is clear that the highlighted reference to "activities" refers back to development projects since the maximum extent practicable requirement applies to such actions, and there is no separate maximum extent practicable consistency discussion for development projects. Finally we note that in the final version of the bill, Congress used the term "activities" and the term "projects" interchangeably with regard to the review of Federal assistance actions in section 307(d).

NOAA concludes that the intent behind the final revisions of the bill was not to remove projects from the requirements respecting other Federal activities, but rather the intent was to eliminate the explicit prohibition in S. 3507 against undertaking development projects following agency objection, and substitute therefor an emphatic statement indicating that all development projects "in" the coastal zone would, by virtue of this type of activity's inherently significant nature and impact, "directly" affect the coastal zone and must therefore be consistent to the maximum extent practicable with approved State management programs. NOAA concludes that this interpretation of the Federal consistency provisions effectuates Congress' intentions, as expressed in the Senate and Conference Reports cited above, regarding the promotion of Federal consistency with approved State management programs, and is compatible with the language of the Act.

Having discussed NOAA's interpretation of these provisions, we now turn to some points concerning NOAA's requirements for administering the provisions. A few reviewers have indicated some concern respecting methods for assuring that Federal activities, including development projects, outside of the coastal zone which directly affect the coastal zone will be consistent to the maximum extent practicable with approved State management programs. Some reviewers were concerned with the possibility that State agencies would not receive any notification from Federal agencies in those instances where a Federal agency concluded that an activity did not "directly" affect the coastal zone and, therefore, required no measure of consistency with a management program. The reviewers requested that the Federal agencies provide State agencies with something comparable to a National Environmental Policy Act "negative declaration" statement indicating that the Federal consistency requirements of the Act did not apply to the subject activity. This notification would provide State agencies with

an opportunity to review the Federal agency's determination.

In response to these comments, the regulations provide that whenever a proposed Federal activity is to be undertaken adjacent or in close proximity to the coastal zone (the area outside of the coastal zone where an activity could most likely directly or significantly affect the coastal zone), Federal agencies shall notify State agencies of Federal consistency determinations which conclude that the proposed activity will not directly affect the coastal zone. Implementation of this notification procedure can be easily accomplished by incorporating "adjacent or in close proximity to" coastal zone activities among those other activities which the Federal and State agencies determine should be subject to the notification requirements of these regulations.

(f) A number of State reviewers urged NOAA to require Federal agencies to cease action on proposed activities including projects directly affecting the coastal zone which the State agencies determined would not be consistent to the maximum extent practicable with the State's program. While the Act prohibits approval of Federal license and permit activities as well as Federal assistance programs in the event of an objection by the State agency, no similar directive is provided with respect to Federal activities including projects under dispute. Therefore, NOAA cannot require cessation of action in these instances. However, we strongly encourage Federal agencies not to proceed with an activity after notification by the State agency that it disagrees with the Federal agency's consistency determination. As a practical matter, continued action may simply invite judicial intervention enjoining such action pending resolution of the disagreement by the parties or by the Secretary of Commerce in the event the conflict reaches the stage of being a "serious disagreement" subject to Secretarial mediation. We further point out that the whole purpose for having Federal agencies provide State agencies with notification at the earliest practicable time is to permit sufficient lead time to resolve differences before the contemplated date scheduled for initiation of the proposed action.

(g) At the time comments were solicited and received on the preliminary draft of the regulations, the Coastal Zone Management Act Amendments had not as yet been enacted. Prior to their enactment, a Secretarial mediation function was only provided for the settlement of serious disagreements which arose during program development. (That provision has now been deleted from Section 307(b) and incorporated into Section 307(h) of the Act.) The new amendments now provide for the mediation of serious disagreements which arise during the administration of a management program (Section 307(h)). We point out this new development in response to a number of reviewer comments suggesting that there was no role for the Secretary to play with regard to resolving disagreements concerning the

PROPOSED RULES

consistency of Federal activities including development projects and, therefore, the only party recourse in the event that informal resolution failed was judicial appeal. Congress, however, has now explicitly directed the Secretary of Commerce to seek to mediate serious disagreements during program administration. The following outline describes the procedural sequence envisioned for the settlement of disagreements regarding the consistency of Federal activities including projects with approved State programs.

(1) Following a State agency's disagreement with a Federal agency's consistency determination, the parties are encouraged to informally resolve their differences. OCZM will be available upon request to assist the parties in their negotiation efforts.

(2) After a minimum period of time, either party may invoke the Secretarial mediation process if it believes that a serious disagreement exists. Three points require emphasis here. First, the minimum period is provided to encourage the parties to make a good faith effort to informally settle their differences. Second, the minimum period is a floor criteria and not a ceiling standard—that is, the parties may not invoke Secretarial review prior to termination of the minimum period, but they may continue their informal negotiations for as long as they desire after the period expires. Finally, NOAA strongly emphasizes that review by the Secretary is an action to be taken as a last resort, and that great efforts should be made by the parties to resolve their disagreement informally with the assistance of OCZM.

(3) In the event either of the parties invokes the Secretarial mediation process, upon receiving notification of the serious disagreement the Secretary will schedule a hearing on the matter which will be conducted in the local area concerned (a hearing is a mandatory requirement under section 307(h) for serious disagreements arising during the administration of an approved management program).

(4) Following the hearing, the hearing officer shall provide the parties and the Secretary with findings of fact and a proposed resolution of the matter. Thereafter, the parties will have a period of time in which to provide comment to the Secretary on the hearing officer's findings and proposed resolution.

(5) After receipt of the parties comments, the Secretary shall schedule a mediation conference where party and Secretarial representatives will attempt to resolve remaining differences. Following the conference the Secretary shall propose a recommended resolution to the serious disagreement.

(6) If the parties do not accept the Secretary's recommendation, the Office of Management and Budget (OMB), Executive Office of the President, shall be notified of the continuing disagreement and will be requested to concur with the Secretary's recommendation or provide an alternative proposal. Executive Office

participation is provided for within section 307(h) of the Act.

(7) After considering OMB's comments to the recommended resolution, or OMB's proposed alternative resolution, as the case may be, the Secretary shall submit to the parties a final resolution of the matter.

(8) If the final proposal does not resolve the serious disagreement, the Secretary shall issue a statement determining whether in the Secretary's view the Federal action is consistent with the approved State program. The Secretary is authorized to make this determination in conjunction with the requirement of section 316(a)(5) of the Act that the Secretary provide to the President for transmittal to Congress a listing of all activities and projects which, pursuant to the provisions of subsections (c) and (d) of section 307, are not consistent with an approved State program. The Secretary's determination shall constitute final agency action for purposes of the Administrative Procedure Act.

Some reviewers who were aware of the likelihood of the development of a mediation process for serious disagreements during program administration have expressed concern about the potential burdens which will result from the creation of such a process. In response, we point out the following. First, it is hoped that most conflicts will be resolved through informal means, and we reiterate that neither party is required to invoke the mediation process. However, in the event that informal efforts break down and a "serious disagreement" stage is reached, Congress has wisely provided a forum in which the parties, after a hearing and following efforts at mediation, may still resolve their differences and hopefully avoid the need to litigate the matter. Furthermore, even in those instances where mediation efforts fail and court intervention follows, the parties and the judiciary will benefit from the findings, guidelines for review, proposed resolutions and final determinations developed by the Secretary who is charged with administering the National Coastal Zone Management Program. In the long run, well-reasoned administrative as well as judicial precedent can be developed which will form the basis for resolving future disagreements that may arise between Federal and State agencies.

(ii) *Section 307(c) (3)(A) and (B).* (a) A number of State agency reviewers indicated that State programs should only be required to include provisions for review of a limited number of "significant" Federal license and permit activities. The basis for this limitation was normally twofold, namely, because State agencies as a practical matter would not have sufficient resources permitting broad oversight efforts, and secondly, the States' main concern only encompassed those activities most likely to have significant adverse impacts upon the coastal zone. The regulations allow this procedure to be followed and propose that State agencies should provide a listing of Federal license and permit activities

which, under the management program, require State agency review.

The problem with this limited approach, however, is that the Act does not speak in terms of requiring consistency only for "significant" actions, but states that "any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone" must certify that the proposed activity is consistent with the State program, and such certification, following public notice, is subject to State agency concurrence or objection. While NOAA recognizes the impracticality of requiring States to review all Federal license and permit activities affecting the coastal zone, we note that the broad language of the Act reflects a Congressional intent to assure that minor actions which incrementally could have an adverse impact on the coastal zone should also be consistent with State programs. Accordingly, in order to accommodate both States' needs to develop manageable programs, while at the same time satisfying the Act's provisions for comprehensive coverage for Federal actions, the proposed regulations provide for what may be termed a "presumed concurrence" by State agencies for Federal license and permit activities not listed in the State program but which affect the coastal zone. The effect of this provision is to require Federal license and permit applicants, in limited instances, to certify that the proposed action is consistent with the State program. The state agency need not devote its resources to review the action but must provide public notice of the application and certification as provided by the Act. If, within a limited time, the State agency does not object to the proposed action, the Federal agency may presume State agency concurrence and may proceed with its review. However, should the State agency discover that the action could have an adverse impact on the coastal zone, it may incorporate the license or permit within its review system for listed activities. At a minimum, this procedure assures that the applicant, whose license or permit activity presumably affects the coastal zone, is cognizant of the State's program and has attempted to assure that the activity is consistent with that program.

(b) Many reviewers expressed great concern regarding the prospects of being burdened with duplicative and delaying processing procedures for review of Federal license and permit actions. While NOAA cannot eliminate the obligations which spring forth from the consistency requirements of the Act, we can and do encourage joint processing, joint hearings, combined functions, and other procedures by Federal and State agencies, to avoid duplication of existing efforts and unwarranted delay. These proposed regulations are not intended to unduly confine the Federal and State agencies in their efforts to develop workable consistency review procedures. On the contrary, NOAA actively promotes the use of flexible mechanisms to

accomplish the purposes of the Act. In this regard, we note a number of procedural options which, within the context of the regulatory requirements, are available to the Federal and State agencies.

(1) A State agency may wish to avoid repeated review of one of its listed "significant" license and permit activities. Accordingly, after an initial review and development of criteria or conditions for such activity, the State agency may issue a general public notice and concurrence which, in effect, would preclude the need for any further permit review for similar work in the same area.

(2) Some actions may require multiple review by a State. For example, under the Federal Water Pollution Control Act (FWPCA), as amended, the Corps of Engineers will not issue Section 404 dredge and fill permits unless the appropriate State official first issues a water quality certification under Section 401 of that Act (See 40 FR 31332, 1975). In the event a State's coastal zone management program requires State agency review of section 404 activities, whenever the State authorizes or objects to the action under Section 401 of the FWPCA, it should concurrently review the consistency of the action in terms of the State management program and, if appropriate, issue a consistency concurrence or objection as well. This dual review would then remove the need to process the action a second time.

(3) In a number of instances, a coastal zone activity may require a State as well as a Federal license or permit. As a preliminary matter, in such circumstances, NOAA strongly encourages that efforts be made to jointly process review of the proposed action. After the State authorizes or objects to the issuance of the State permit, it should at the same time indicate that any Federal license or permit for the identical activity will or will not be consistent with the State program, thereby removing the burden of having to concur or object again following receipt of a Federal application and certification.

(c) A number of Federal agency reviewers have indicated their concern regarding the effect of a State agency concurrence respecting the consistency of a proposed activity with the State program. They argue that while an action may be consistent with the state's program, it may not necessarily meet the requirements of the Federal program and, therefore, the Federal agency is free to reject the application despite the State agency's concurrence.

NOAA agrees with this position and notes the following. While sections 307 (c)(1), (2), (3) and (d) of the Act require Federal consistency with an approved State program, section 307(e) of the Act preserves to each Federal agency its responsibility for promoting its mission requirements. Accordingly, if a State agency concurs with an applicant's certification statement, it is expected that the Federal agency will not normally deny the license or permit. However, the Federal agency has the power to do so

where there are overriding national program factors which dictate rejection of the application. This type of situation will hopefully be kept to a minimum, particularly in light of the fact that approved State programs will generally reflect the policies and objectives embodied within Federal agency programs by virtue of Federal agencies coordination and cooperation with State agencies during program development.

(d) Many reviewers have expressed concern regarding the State agencies' authority to concur with a certification statement by simply taking no action within the six month period following receipt of the certification (section 307 (c)(3)). Reviewers have argued that presumed concurrence can unduly and inequitably delay the issuance, denial or conditioning of a Federal license or permit to the detriment of the applicant. Furthermore, this extended process can add confusion and delay to Federal agency program administration. Accordingly, while the Act permits the states to concur by default after a six month period, NOAA strongly urges that, "at the earliest practicable time"—as the Act also provides—a State agency notify the applicant and Federal agency that it concurs with or objects to the applicant's certification. A State agency should restrict the period of public notice, receipt of comments, party consultation, hearing proceedings, and State agency appellate review to the minimum time necessary to fully inform the public, obtain sufficient comment, and develop a reasoned decision on the matter. Ninety (90) days from the State agency's receipt of the certification statement is recommended as sufficient time for these purposes.

(e) Section 307(c)(3) permits a Federal license or permit applicant to appeal to the Secretary from a State agency's objection to a certification. The Secretary may override the State agency's objection if it is found that the "activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security." (Emphasis added.) The same bases for Secretarial override are provided within section 307(d) of the Act. A number of reviewers have requested clarification respecting the meaning of the highlighted terms. NOAA has added additional definitions within the regulations in response to these requests.

Some of the reviewers have argued that if a State agency determines that an activity is not consistent with the approved State program (which program, to have been approved, necessarily satisfies the "objectives" of the Act), then there is no basis for the Secretary to find consistency with the Act's objectives.—in other words, that a Secretarial override on the basis of consistency with the objectives of the Act is mutually inconsistent with the existence of an approved State program. There is a fallacy in this argument which we would like to point out at this time. There are an infinite number of forms that a State program may take and still be approved under the Act. For example, the stringency for environmental con-

trol of certain types of areas may vary from program to program, subject to a minimum standard of protection called for by the Act. Thus, an activity affecting wetlands may be subject to objection in one State but not in another, and yet both programs are approvable under the Act. Another example is a situation where a State program fails to anticipate the demand for a certain type of activity within its coastal zone, and in the absence of guidelines or standards with which to evaluate the activity, the State agency objects to the proposed activity. In such instances, despite the inconsistency with the State program, the proposed activity may nevertheless be found to be consistent with the objectives of the Act. With these distinctions in mind we note the following:

When an applicant on appeal argues that the proposed activity is consistent with the objectives of the Act, this does not mean that the Secretary will be judging the action against the policies and procedures within the State's approved program. The State agency's finding of inconsistency with the State's program is presumed to be correct and is not an issue on appeal. The basis for a Secretarial override will be similar to that provided within a variance procedure. A deviation from the State program may be permitted (1) If the proposed activity is compatible with the objectives of the Act (although not with the specific State program requirements); while this is one of the bases necessary to justify a Secretarial override, standing alone it is not sufficient. Additionally, the applicant must demonstrate (2) That complete adherence to the State program would cause the applicant to suffer a substantial burden, and (3) That the deviation, if permitted, would not have a significant negative impact upon the integrity of the State program.

With respect to a Secretarial override based upon the interest of national security, one point is worth noting. The legislative history indicates that when a Defense Department agency informs the Secretary that an activity is necessary in the interest of national security, the Secretary, with the aid of the information submitted, will make an independent review and decision on the matter. In other words, while the views of the Defense Department agencies may be highly persuasive, they are not dispositive.

(f) Following the review period on the preliminary draft of the regulations, the Coastal Zone Management Act Amendments were enacted. Due to this sequence of events, no comments were received concerning the new Federal consistency provision, section 307(c)(3)(B), which applies to Outer Continental Shelf (OCS) oil and gas exploration, development and production activities. NOAA is presently reviewing the new provision and anticipates that a number of questions will arise concerning the meaning to be given to certain terms within the provision.

For example, it may be necessary to establish what constitutes "necessary data and information" which an applicant must supply to the State agency along with the exploration, development

PROPOSED RULES

or production plan and certification statement. A related issue involves the term "described in detail." Following State agency concurrence with an exploration, development or production plan and certification statement, any Federal license or permit activity described in detail in such plan will no longer be subject to individual consistency review under Section 301(c) (3) (A) of the Act. At the time of plan submission, applicants may only be able to describe certain future activities in the most general terms due to the fact that it may be impossible to fully anticipate the impacts and needs which will result from the proposed action. A question arises as to whether such activities generally outlined in a plan should be considered as activities "described in detail" for purposes of consistency review. NOAA invites comments on these issues as well as on other matters concerning the new OCS provision.

(iii) *Section 307(e).* A few Federal agency reviewers have asked for clarification regarding the impact of this provision of the Act. As is made clear at page 20 of the Senate Report (citation above), this provision "is a standard clause disclaiming intent to diminish Federal or State authority in the fields affected by the Act ***." NOAA construes this provision as merely preserving for each Federal agency the responsibility for its own mission, subject to such additional requirements as the Act may impose. Thus the duty the Act imposes upon Federal agencies is not set aside by virtue of this Section. The Act was intended to effect substantive changes in the Federal agency decision-making within the context of the discretionary powers residing within such agencies. Accordingly, Federal agencies must, where possible, incorporate the policies and procedures set forth in the Act as a working part of all Federal decisions which affect the coastal zone.

(iv) *Section 307(f).* A number of questions were raised by reviewers respecting the interface between the Federal consistency requirements of the Act and the provisions for preserving the requirements of the Federal Water Pollution Control Act (FWPCA), as amended, and Clean Air Act (CAA), as amended. One question concerned whether a State agency could incorporate into its management program water and air quality requirements more stringent than those established by the Environmental Protection Agency (EPA) under the FWPCA and CAA. It is clear from the Act that the adoption of less stringent requirements would be impermissible. As to the issue of more stringent standards, at this time NOAA has not taken a position on this issue and welcomes comments on the matter.

(v) *Section 312: Review of Performance.* One reviewer noted the fact that the proposed draft regulations did not explicitly address the matter of public participation with regard to monitoring the consistency of Federal actions with approved State programs. In response to this comment we point out that the em-

phasis within the Federal consistency provisions of the Act is the resolution of disagreements by the parties, namely, the Federal agencies, applicants and State agencies. However, the public hearing requirement of Section 307(h) relating to serious disagreements arising during program administration, and the public notice and comment requirement of Section 307(c) (3) relating to Federal licenses and permits, open the review proceedings to the public, and NOAA encourages interested parties to provide the Secretary, OCZM, Federal agencies and State agencies with relevant information on matters concerning the consistency of proposed Federal actions.

Another reviewer noted that while the provisions of the draft regulations attempted to assure that State agency objections to Federal actions were adequately reviewed by the Secretary, there were no measures provided for reviewing the propriety of State agency concurrences to proposed Federal actions. In other words, the regulations lacked a mechanism for reviewing situations where a State agency might fail to properly enforce the requirements of an approved program, thereby allowing an inconsistent Federal action to proceed despite a conflict with the approved State program.

As far as instances where a State agency concurs with respect to the consistency of a Federal action when, in fact, the approved State program requires an objection, two points require emphasis. First, if a State fails to enforce its own legal requirements and criteria which are incorporated in its approved program, it is probable that there would be third party recourse to State court proceedings to compel State agency adherence to the requirements of the State program. Of more significance as far as NOAA involvement is concerned is the fact that the Secretary, under section 312 of the Act, is authorized to require enforcement of the performance standards within approved State programs, and may terminate financial assistance under section 306 of the Act if it is determined that "the state is failing to adhere to and is not justified in deviating from the program approved by the Secretary." In the near future, regulations developing the framework for comprehensive implementation of performance review will be promulgated. In the meantime, and thereafter, interested parties are invited to provide comments to OCZM respecting their disagreements with State agency concurrences with proposed Federal actions.

CONCLUDING REMARKS

As NOAA moves into this new phase of coastal zone management, namely, program approval and administration, we strongly urge public questioning and comment on the new issues and problems that are evolving. These proposed regulations set forth the policies and procedures to be followed to implement the Federal consistency provisions of the Act. Their significance and potential cannot be overly stressed. Congress has provided

an extraordinary opportunity to promote comprehensive Federal-State cooperative land and water use management for the Nation's coastal zone. The benefits of such a program can be far-reaching if the procedures for its effectuation do not frustrate the ultimate goal.

NOAA invites public comment on these proposed regulations so that they may be modified, where necessary and legally permissible, to fully reflect the needs of the public and parties affected by the provisions. Written comments should be submitted to the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 3300 Whitehaven Street NW., Washington, D.C., 20235, on or before November 29, 1976. Following the close of the comment period, and after review of the comments, the Administrator may amend these proposed regulations to reflect necessary and permissible changes. The Administrator shall then publish final regulations in the *FEDERAL REGISTER*.

ROBERT M. WHITE,
Administrator.

Subpart A—General

Sec.
921.1 Definitions.
921.2 Requirements.
921.3 Authority.
921.4 Purpose.

Subpart B—Federal Consistency Procedures

921.5 Consistency of Federal activities including development projects.
921.6 Consistency of Federal licenses and permits.
921.7 Consistency of Outer Continental Shelf activities.
921.8 Consistency of Federal assistance programs.

Subpart A—General

§ 921.1 Definitions.

In these regulations:

(a) "Act" means the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451, et seq.), as amended.

(b) "Secretary" means the Secretary of the U.S. Department of Commerce.

(c) "OMB" means the Office of Management and Budget, Executive Office of the President of the United States.

(d) "OCZM" means the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U. S. Department of Commerce.

(e) "Federal agency" means any department, agency, board, commission, independent office within the executive branch of the Federal Government, and any wholly Federal Government corporation.

(f) "State agency" means the unit or units of a State government responsible for the administration of a management program.

(g) "Management program" includes, but is not limited to, a statement in words, maps, illustration, or other media of communication adopted by a coastal State in accordance with the provisions of the Act and approved by the Secretary, that sets forth objectives, policies, and standards to guide public and private uses of lands and waters of a State's coastal zone.

(h) "Federally conducted or supported activity" means any activity directly affecting the coastal zone and being conducted by or on behalf of a Federal agency at the time of the approval of a management program, or any such activity begun by or on behalf of a Federal agency after the approval of a management program, including a Federal development project, but does not include: (1) The issuance of a Federal license or permit or (2) The granting of Federal assistance to a State or local government.

(i) "Federal development project" means any construction project involving a building or other structure, or the alteration of terrain or a body of water, conducted or financially supported by the Federal Government after the approval of a management program.

(j) "Federal license or permit" means any license or permit which any Federal agency is authorized to issue to conduct an activity affecting land or water uses in the coastal zone, and includes any license or permit for any activity, affecting any land use or water use in the coastal zone, described in detail in any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. § 1331 et seq.) and regulations thereto.

(k) "Federal assistance", means assistance to state and local governments, or to any entity related thereto, through grant or contractual arrangements, loans, guarantees or insurance, under a Federal program other than the one authorized by the Act, for an activity affecting the coastal zone.

(l) "Coastal zone" means the coastal zone as defined in a State's management program for coastal waters (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches, with the waters extending, in the Great Lakes, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea, and for lands extending inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands, the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

(m) "Applicant" means an individual, public or private corporation, partnership, association, or other entity organized or existing under the laws of any State; a Federal agency; any State, regional or local government; or any entity of any such State, regional or local government, applying for a Federal license or permit to conduct an activity affecting land or water uses in the coastal zone, or submitting to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands

Act, and regulations thereto, which plan describes activities affecting any land use or water use in the coastal zone.

(n) "Applicant agency" means any state or local government, or any entity related thereto, applying for Federal assistance, under a Federal program other than the one authorized by the Act, for an activity affecting the coastal zone.

(o) "Consistent to the maximum extent practicable" describes the requirement that a Federally conducted or supported activity, including a Federal development project, be consistent with a management program except to the extent that deviation therefrom is justified because: (1) some circumstance arose after the approval of the management program which was not foreseen at the time of the approval and (2) A consistent action would thereafter impose an unreasonable burden on the Federal agency in relation to the negative impact on the deviation of the integrity of the management program.

(p) "Consistent with the objectives or purposes of the Act" describes a Federal license or permit activity or Federal assistance activity which is inconsistent with a management program but which the Secretary nevertheless determines is a permissible activity because: (1) The activity is compatible with the policies declared by Congress in Section 302 and subsections (a) and (b) of Section 303 of the Act, (2) The activity will not have a significant negative impact upon the integrity of the management program, and (3) Requiring consistency for the activity would impose an unreasonable burden on the applicant.

(q) "Necessary in the interest of national security" describes a Federal license or permit activity or Federal assistance activity which is inconsistent with a management program but which is nevertheless found to be essential for the national security as independently determined by the Secretary.

§ 921.2 Requirements.

This part establishes policies and procedures to be utilized by coastal States and Federal agencies for implementing the Federal consistency provisions of the Act.

(a) Coastal zone management programs developed by the coastal States shall comply with the Federal consistency policies and procedures of Section 307 of the Act. Coastal zone management programs shall give full consideration to Federal consistency requirements and such consideration shall be reflected by procedures incorporated in the management programs to: (1) Review the consistency of Federally conducted or supported activities including Federal development projects, (2) Provide public notice and review of the certification of consistency statements developed by applicants for Federal licenses and permits, and (3) Review the consistency of Federal assistance to applicant agencies.

(b) Federal agencies shall comply with the Federal consistency policies and procedures of Section 307 of the Act. Federal agencies shall: (1) Develop procedures to provide State agencies with

notification and an opportunity to review the consistency of Federally conducted or supported activities including Federal development projects, (2) Not grant Federal licenses or permits if the State agency objects to the applicant's certification, unless the objection is overridden by the Secretary, and (3) Not grant Federal assistance to applicant agencies if the State agency finds that the proposed activity is not consistent with the management program, unless the State agency objection is overridden by the Secretary.

§ 921.3 Authority.

Authority for these regulations is found within the following provisions of the Act:

(a) Section 307(c)(1) of the Act which provides: "Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs."

(b) Section 307(c)(2) of the Act which provides: "Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs."

(c) Section 307(c)(3) of the Act, amended by the Coastal Zone Management Act Amendments of 1976 (Pub. L. 94-370, 90 Stat. 1013) which provides:

(A) After final approval by the Secretary of a state's management program any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

(B) After the management program of any coastal state has been approved by the Secretary under section 306, any person who submits to the Secretary of the Interior any

PROPOSED RULES

plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and regulations under such Act shall, with respect to any exploration, development, or production described in such plan and affecting any land use or water use in the coastal zone of such state, attach to such plan a certification that each activity which is described in detail in such plan complies with such state's approved management program and will be carried out in a manner consistent with such program. No Federal official or agency shall grant such person any license or permit for any activity described in detail in such plan until such state or its designated agency receives a copy of such certification and plan, together with any other necessary data and information, and until:

(i) such state or its designated agency, in accordance with the procedures required to be established by such state pursuant to subparagraph (A), concurs with such person's certification and notifies the Secretary and the Secretary of the Interior of such concurrence;

(ii) concurrence by such state with such certification is conclusively presumed, as provided for in subparagraph (A); or

(iii) the Secretary finds, pursuant to subparagraph (A), that each activity which is described in detail in such plan is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

If a state concurs or is conclusively presumed to concur, or if the Secretary makes such a finding, the provisions of subparagraph (A) are not applicable with respect to such person, such state, and any Federal license or permit which is required to conduct any activity affecting land uses or water uses in the coastal zone of such state which is described in detail in the plan to which such concurrence or finding applies. If such state objects to such certification and if the Secretary fails to make a finding under clause (iii) with respect to such certification, or if such person fails substantially to comply with such plan as submitted, such person shall submit an amendment to such plan, or a new plan, to the Secretary of the Interior. With respect to any amendment or new plan submitted to the Secretary of the Interior pursuant to the preceding sentence, the applicable time period for purposes of concurrence by conclusive presumption under subparagraph (A) is 3 months.

(d) *Section 307(d)* of the Act which provides: "State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security."

(e) *Section 307(h)* of the Act, added to the Act by Pub. L. 94-370, which provides: "In case of serious disagreement between any Federal agency and a coastal state:

(1) In the development or the initial implementation of a management program under section 305; or

(2) In the administration of a management program approved under section 306;

the Secretary, with the cooperation of the Executive Office of the President, shall seek to mediate the differences involved in such disagreement. The process of such mediation shall, with respect to any disagreement described in paragraph (2), include public hearings which shall be conducted in the local area concerned."

(f) *Section 316(a)(5)* of the Act which provides: "The Secretary shall prepare and submit to the President for transmittal to the Congress *** a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program ***."

(g) *Section 317* of the Act which provides: "The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizational port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title."

§ 921.4 Purpose.

These regulations are being promulgated for the following reasons:

(a) *Program Implementation.* There is a need to immediately implement the overall legislative program envisioned by Congress for achieving Federal-State consistency in the Nation's coastal zone. Federal and State agencies will now be required to incorporate Section 307 policies and procedures into their coastal zone management efforts.

(b) *Comprehensive coastal zone planning and management.* These regulations are intended to describe the benefits which accrue to a coastal State following development and approval of a coastal zone management program. Congress provided for Federal consistency in the coastal zone as an incentive to encourage States to develop management programs under the Act. If the States exercise their full authority over the lands and waters in the coastal zone, in cooperation with Federal and local governments and other interested parties, coastal programs can be developed and approved leading to comprehensive and efficient coastal zone planning and management.

(c) *Efficient administration.* These regulations establish a minimum foundation for efficient implementation of the various consistency requirements of the Act, and provide a degree of uniformity to the developing Federal, State and local government efforts to carry out the requirements of the Act. The uniform framework provided in the regulations is not intended to unnecessarily constrain Federal, State and local governments from developing additional or alternative procedures which satisfy the requirements of the Act. The parties are encouraged to place consistency proce-

dures in the context of existing intergovernmental cooperation processes and to avoid duplication of effort and unnecessary delays by adopting joint processing and other procedures for reducing administrative burdens.

(d) *Define respective roles and responsibilities.* (1) *Federal agencies* are required to assure that their Federally conducted and supported activities including Federal development projects are, to the maximum extent practicable, consistent with approved management programs. They are also required to provide State agencies with notification and an opportunity to review the consistency of such actions. In case of disagreement, the parties should informally attempt to settle the matter. OCZM will be available upon request to assist the parties. In the event the matter reaches the stage of being a serious disagreement, either party may invoke the Secretarial mediation process. A request for review by the Secretary should only be made as a last resort effort, and the parties should earnestly endeavor to resolve their disagreement informally with the assistance of OCZM.

(2) The Secretary shall attempt to mediate serious disagreements between Federal and State agencies. If the Secretary's mediation efforts fail, OMB shall be called in to assist the Secretary. If this joint effort does not lead to resolution of the disagreement, the Secretary shall issue a statement indicating whether or not, in the Secretary's view, the action under review is consistent with the management program.

(3) The Act requires that an applicant certify that the proposed activity is consistent with the management program. The State agency's responsibilities are to provide public notice of the certification, review the matter, and concur with or object to the applicant's certification. The certification requirement cannot be waived by the State agency, nor can the State agency directly assume the responsibility for certification. However, State agencies may reduce the burden imposed upon applicants by consulting with applicants prior to submission of the certification statement and providing applicants with assistance and information. In the event the State agency objects to the certification statement, the applicant has a right of appeal to the Secretary.

(4) Applicant agencies are required to undertake their Federal assistance activities in a manner consistent with the management program. State agencies are responsible for reviewing such activities to assure their consistency with the management program. Upon a request for review by the applicant agency, State agency or Federal agency administering the Federal assistance program, the Secretary may, in limited circumstances, override a State agency objection to a Federal assistance activity.

(e) *NOAA Administration of the National Program.* By virtue of these regulations, NOAA intends to assist Federal agencies, State agencies, and other interested parties through the processes of developing cooperative and workable procedures for implementing the Fed-

eral consistency requirements of the Act. The benefits of consistency depend upon the creation of efficient and responsive systems for notification, joint or concurrent review, opportunities for Federal-State-applicant informal consultation, and effective, good-faith negotiations of differences. The Federal consistency provisions of the Act offer coastal states an unusual incentive for entry into the national coastal zone management program. However, this incentive must be viewed in context with the collateral responsibility of adequately considering Federal agencies' views during the development and administration of management programs, and with the requirement for developing procedures to implement the consistency provisions of the Act. The Secretary and, by delegation NOAA and OCZM, intend to be fully responsive to Federal agency and State agency needs with respect to resolving any problems which arise concerning implementation of the Federal consistency requirements. Finally, the Secretary, NOAA, and OCZM shall maintain responsibility for prudent administration of the Act to assure that the views of the Federal agencies and coastal states are properly balanced within the framework of national coastal zone management policies.

Subpart B—Federal Consistency Procedures

§ 921.5 Consistency of Federal activities including development projects.

(a) Federal agencies have the initial responsibility for determining whether existing or planned Federally conducted or supported activities directly affecting the coastal zone, including planned Federal development projects in or directly affecting the coastal zone, are consistent to the maximum extent practicable with an approved State management program. Federal agencies, with the assistance of the designated State agency or agencies, shall develop a set of criteria and standards for judging the consistency of such actions with respect to each approved State management program. Federal agencies should consult with State agencies during their evaluation of whether an activity, including a development project, is consistent to the maximum extent practicable with an approved State management program.

(b) Through continuing mechanisms of consultation and coordination, Federal agencies shall notify State agencies at the earliest practicable time of existing or planned Federally conducted or supported activities directly affecting the coastal zone, including planned Federal development project in or directly affecting the coastal zone. Such notification may be implemented to direct Federal agency communication to the State agency, expanded use of the OMB Circular A-95 notification and review system (41 FR 2052 (1976)), or by use of other existing intergovernmental notification and review procedures so long as they are modified and supplemented where necessary to satisfy the requirements of this section. Federal agencies

and State agencies are encouraged to develop agreements enumerating the types of or individual activities, including development projects, requiring review by the State agencies.

(c) Regardless of what procedures are used by the Federal agency to inform the State agency of the existence of Federal activities directly affecting the coastal zone, including planned Federal development projects in or directly affecting the coastal zone, the notification to the State agency describing the action shall include either: (1) A statement that the action is consistent to the maximum extent practicable with the management program, or (2) A statement that the action is not consistent with the management program and will not be pursued unless and until the management program is appropriately amended to permit the action. Federal agencies shall also notify State agencies of Federal activities, including Federal development projects, adjacent or in close proximity to the coastal zone which the Federal agencies initially determined are not subject to the consistency requirements of the Act. All Federal agency notifications to State agencies shall be accompanied by adequate information to support the consistency determinations and should, where possible, be transmitted to the State agencies at least 120 days prior to the contemplated initiation of new actions.

(d) A State agency should inform the Federal agency of its agreement or disagreement with the Federal agency's consistency determination at the earliest practicable time. If the State agency has not developed a response to the matter within 45 days from receipt of the Federal agency notification, it shall, at that time, inform the Federal agency of the status of the matter, the basis for further delay, and shall indicate the approximate date expected for development of a response. The Federal agency may presume State agency agreement with the Federal consistency determination if the State agency fails to develop a response within 90 days from receipt of the Federal agency notification; State agencies are encouraged not to express agreement by failure to respond to the Federal agency's notification. In the event the State agency disagrees with the Federal agency's consistency determination, or determination that a Federal activity, including a Federal development project, is not subject to the consistency requirements of the Act, the State agency shall accompany its response to the Federal agency with its reasons for the disagreement. If the Federal agency disagrees, in whole or in part, with the State agency's position, the parties shall attempt to settle the matter by informal means. OCZM shall be available upon request to assist the parties in this regard.

(e) A disagreement between a Federal agency and a State agency which persists to a point at which the parties are still in disagreement after having informally consulted for at least 30 days following the State agency's disagreement response to the Federal agency, may be declared by either party to be a

serious disagreement for the purposes of section 307(h) of the Act; however, neither party is required to make such a declaration, and informal efforts to resolve the disagreement may proceed beyond this 30 day period. In the event either party makes such a declaration following the 30 day period, it shall notify OCZM that a serious disagreement has been declared which requires Secretarial mediation; a copy of the notification shall be sent to the opposing agency. After receipt of a notice of serious disagreement, OCZM shall file a request with the Secretary for the scheduling of a hearing in the local area concerned.

(f) Upon receiving a hearing request from OCZM, the Secretary shall appoint a hearing officer who shall schedule a hearing in the local area concerned. The hearing officer shall give the parties at least 30 days notice of the time and place set for the hearing. Upon receipt of the hearing notice, the State agency shall provide the public in the local area concerned with notice of the hearing. The parties shall have 20 days from receipt of the hearing notice to submit to the hearing officer a statement of the serious disagreement with supporting information; a copy of the statement and supporting information shall be served on the opposing agency party. Both the Federal agency and State agency shall provide the public in the local area concerned with notice of and convenient access to copies of the statements of serious disagreement and supporting information at the same time as such documents are submitted to the hearing officer.

(g) Prior to the hearing, the hearing officer may direct the parties to appear at a specified time and place for a prehearing conference to consider: (1) the possibility of withdrawal of the request for Secretarial mediation; (2) the potential for obtaining stipulations, admissions of fact, and agreements to the introduction of documents; (3) A limitation on the number of witnesses; and (4) Any other matters which may aid in the disposition of the hearing proceedings. The hearing record shall include a statement, issued by the hearing officer, which recites the action and agreements developed at the prehearing conference.

(h) Hearings shall be as informal as may be reasonable and appropriate in the circumstances. At the hearing, the Federal agency and State agency may offer such relevant evidence as they deem appropriate subject to the hearing officer's supervision as to the extent and manner of presentation. The hearing officer may also accept relevant evidence offered by other interested parties. All oral testimony shall be under oath and witnesses shall be subject to questioning by the parties to the disagreement and by the hearing officer. Hearings will be recorded verbatim and transcripts thereof shall be made when requested by interested parties; costs of transcripts shall be borne by the requesting parties.

(i) Within 30 days following termination of the hearing, the hearing officer shall transmit to the Secretary findings of fact and a proposed resolution of the matter, with the reasons therefor; copies

PROPOSED RULES

of the hearing officer's findings and proposed resolution shall be sent to the parties to the hearing. Both the Federal agency and the State agency shall provide the public in the local area concerned with notice of and convenient access to copies of the hearing officer's decision. Within 20 days from receipt of the decision, the parties shall submit comments to the Secretary, with copies to the opposing agency. Other interested parties may also submit comments to the Secretary, with copies to the opposing agencies.

(j) Upon receipt of the hearing officer's findings and proposed resolution, the Secretary shall schedule a mediation conference to be attended by representatives from the Office of the Secretary, the Federal agency and the State agency. The Secretary shall give the parties at least 30 days notice of the time and place set for the mediation conference. At the mediation conference, the parties shall endeavor to resolve any outstanding differences.

(k) Following the termination of the mediation conference, and after reviewing the hearing officer's findings and proposed resolution, the comments of the parties, and any additional information received from the opposing agencies or other interested parties, the Secretary shall develop a recommended resolution of the serious disagreement based upon the information submitted and the policies and provisions of the Act and regulations thereto. The Secretary shall forward the recommended resolution, and the reasons therefor, to the parties to the serious disagreement for their review and comment. Concurrently, the Secretary shall notify OMB in writing of the serious disagreement, and shall accompany such notification with necessary background information and a copy of the recommended resolution.

(l) The parties shall have 15 days from receipt of the recommended resolution to comment in writing to the Secretary, with a copy of the comments to the opposing party. If the parties to the serious disagreement do not accept the Secretary's recommended resolution, the Secretary shall so notify OMB and shall provide OMB with the agencies' comments and any additional recommendations which the Secretary may have. After considering the information submitted by the Secretary, OMB shall inform the Secretary that it agrees with the recommended resolution, or shall propose an alternative resolution.

(m) After considering OMB's comments to the recommended resolution, or OMB's proposed alternative resolution, as the case may be, the Secretary shall issue a final resolution to the parties to the serious disagreement. The parties shall have 10 days from receipt to accept or reject the final resolution; copies of the response shall be sent to the opposing agency. If the final resolution does not resolve the serious disagreement, the Secretary shall determine whether the subject activity is consistent with the management program. The Secretary shall transmit his determination in writing, with the reasons therefor, to the

parties to the disagreement. In the event the Secretary determines that the activity is not consistent with the management program, the Secretary shall notify the Federal agency that the inconsistent action will be reported to the President for transmittal to Congress pursuant to the requirement of section 316(a)(5) of the Act. The Secretary's determination shall constitute final agency action for the purposes of the Administrative Procedure Act.

(n) The time for filing or serving any document required by this section may be extended for good cause. A request for an extension must be filed within the time allowed for the filing or serving of the document.

(o) The Secretarial mediation proceedings may be dismissed by the Secretary: (1) At such time as the Secretary is notified that the moving party has withdrawn the request for mediation and the opposing agency party agrees to such withdrawal; (2) At such time as the Secretary is notified by the parties that they have accepted the Secretary's resolution of the serious disagreement; (3) In the event the parties submit to the Secretary an alternative resolution which is approved by the Secretary; or (4) For other good cause.

(p) The procedures within this section shall also pertain to a disagreement between a State agency and a Federal agency resulting from a State agency's objection to the continued operation of a Federally conducted or supported activity, including a Federal development project, which was: (1) Previously determined to be consistent to the maximum extent practicable with the management program but which the State agency later maintains is not being conducted in the manner originally proposed and is no longer consistent to the maximum extent practicable with the management program; or (2) Previously determined not to be subject to the requirements of the management program but which the State agency later maintains is not being conducted in the manner originally proposed and, as a result of this change, is subject to and not consistent to the maximum extent practicable with the management program.

§ 921.6 Consistency of Federal licenses and permits.

(a) With the assistance of Federal agencies, the State agency should develop a listing of all Federal license and permit activities affecting land or water uses in the State's coastal zone which, under the management program, require State agency review to determine whether the proposed activity complies with the state's management program and will be conducted in a manner consistent with the management program. The State agency shall transmit the list to the Federal agencies and to OCZM, and shall make the list available to the public. The list may be modified by the State agency at any time; Federal agencies, OCZM and the public shall be notified of any modification of the list.

(b) Any applicant for a Federal license or permit for an activity affecting

land or water uses in the coastal zone should, as a preliminary matter, obtain the views and assistance of the State agency regarding the means for assuring that the proposed activity complies with and will be conducted in a manner consistent with the management program. Upon being informed by the State agency that the proposed activity does not satisfy the requirements of the management program, the applicant should consult jointly with the State agency and the Federal agency to determine how the application may be drawn to meet both State and Federal requirements.

(c) In the event an applicant chooses to submit an application to the Federal agency for a permit or license activity listed by the State agency, the applicant shall concurrently transmit a copy of the application, along with a certification statement, to the State agency. The certification statement shall be in the form of a document signed by the applicant indicating that the proposed activity will comply with and be conducted in a manner consistent with the management program; the certification statement shall be accompanied by sufficient information to support the applicant's consistency determination. The State agency may request, and the applicant shall provide, additional relevant information needed to support the applicant's determination.

(d) After the applicant has submitted the application and certification statement, and any additional information requested by the State agency, the State agency shall immediately provide the public with a summary of the application and certification statement. Public notice shall be provided in the immediate area of the coastal zone which may be affected by the proposed activity. For the purposes of this Section, the public shall include units of State and local government as well as affected citizens. Should the State agency deem it advisable, public notice may include one or more public hearings. Public notice shall include a request for comments to be submitted to the State agency by a date certain. In the event a public hearing is held, it shall be held promptly but no earlier than 30 days following the first public notice. Federal and State agencies are encouraged to hold joint hearings in the event both agencies determine that a hearing on the action is required.

(e) The Act requires all applicants for Federal licenses or permits to conduct activities affecting land or water uses in the coastal zone to certify that the proposed activity complies with and will be conducted in a manner consistent with the State's management program. With regard to applications for licenses and permits not listed by a State agency, the Federal licensing or permitting agency shall advise the applicant whether the proposed activity will affect land or water uses in the State's coastal zone. If the Federal agency determines that the proposed activity will not have such an effect, the Federal agency may proceed with its normal processing of the application. If the Federal agency determines that the proposed activity will affect land

or water uses in the State's coastal zone, it shall direct the applicant to develop and file with the State agency a certification statement in conformance with the requirements of paragraph (c) of this section. For the purpose of the initial review by the Federal agency prescribed by this subsection, it shall be presumed that a proposed activity will affect land or water uses in the coastal zone if the activity is to take place within, adjacent, or in close proximity to the boundaries of the coastal zone. Federal agencies and State agencies are encouraged to develop agreements enumerating the types of or individual activities requiring certification under this section.

(f) Upon receipt of a certification statement developed pursuant to the requirements of paragraph (e) of this section, the State agency shall provide public notice of the statement in accordance with the requirements within paragraph (d) of this section. If no decision is rendered by the State agency within 30 days from receipt of the certification statement, the Federal agency may presume State agency concurrence with the certification statement. Following an explicit or presumed concurrence by the State agency, the Federal agency may proceed with its normal processing of the application. Within the 30-day period, the State agency may issue a decision to the applicant and Federal agency indicating that the proposed action requires further State agency review under the procedures applicable to listed licenses and permits. In the event the State agency issues such a decision, further Federal agency action on the application will be subject to the provisions for listed licenses and permits, as hereafter provided.

(g) Following the close of the public notice comment period provided under paragraph (d) of this section, the State agency shall decide whether the proposed listed license or permit activity complies with and will be conducted in a manner consistent with the management program. The Act provides that concurrence by a State agency may be presumed by the absence of any State agency action within six months of receipt of the applicant's certification statement. Accordingly, if no decision is issued within six months from that date, State agency concurrence with the certification statement shall be conclusively presumed, and thereafter the Federal agency may proceed with its normal processing of the application. However, State agencies are strongly urged not to express concurrence with an applicant's certification statement by failure to take action. Ninety (90) days from the State agency's receipt of the application and certification statement is recommended as sufficient time to develop a decision on the matter. If the State agency has not developed a decision by the end of the recommended 90-day period, it shall, at that time, notify the applicant and the Federal agency of the status of the case, the basis for further delay, and shall indicate the approximate date for the expected issuance of a decision.

(h) Except in extraordinary cases where the State agency's concurrence is conclusively presumed by the absence of any action within six months following the State agency's receipt of the certification statement, the State agency shall notify the applicant and the Federal agency may proceed with its normal processing of the application. If the State agency issues a decision concurring with the certification statement, the Federal agency may proceed with its normal processing of the application. If the State agency objects to the certification statement, the Federal agency shall not issue the license or permit except as hereafter provided. The State agency may append conditions to a decision objecting to a certification statement which, if met, would permit concurrence by the State agency; in such case, further consultation among the parties may take place for the purpose of determining whether the application, with the proposed conditions, would permit approval by both the Federal and State agencies. State agency decisions objecting to certification statements shall include a statement informing the applicant of a right of appeal to the Secretary, and the State agency shall send a copy of such decisions to OCZM.

(i) If the State agency issues a decision objecting to the applicant's certification statement and the applicant thereafter notifies the State agency that the activity should nevertheless be approved because it is consistent with the purposes of the Act, or is necessary in the interest of national security, or both, the parties should informally consult with each other on these issues. OCZM shall be available upon request to assist the parties in this regard. If as a result of this consultation the State agency reconsiders its earlier decision and concurs with the certification statement, the Federal agency may proceed with its normal processing of the application.

(j) If the applicant continues to have the certification statement objected to by the State agency after having informally consulted with the State agency for at least 30 days following receipt of the State agency decision, the applicant may file a notice of appeal to the Secretary. The notice of appeal shall be transmitted to the Secretary within 45 days of the applicant's receipt of the State agency decision, and shall be accompanied by a statement in support of the applicant's position, along with supporting data and information. The applicant shall send a copy of the notice of appeal and accompanying documents to the Federal and State agencies involved.

(k) Upon receipt of the notice of appeal, the Secretary shall direct the applicant and the Federal and State agencies involved to submit such views and information as deemed relevant; copies of such views and information shall be sent to the other parties to the proceeding. In presenting the appeal to the Secretary, the applicant shall have the burden of proving by a preponderance of the evi-

dence that the proposed activity is either consistent with the purposes of the Act or is necessary in the interest of national security, or both. Upon receiving all views and relevant information on the matter, the Secretary shall consider the appeal. In considering the matter, the Secretary may order a hearing independently or in response to a request by one of the parties; such a hearing shall be subject to the provisions within § 921.5 paragraphs (f) through (i) as appropriately modified by the Secretary to reflect the requirements of this section.

(l) As provided by the Act, despite the absence of an appeal to the Secretary by an applicant, the Secretary, in exceptional circumstances, may undertake consideration of whether an activity objected to by a State agency is consistent with the purposes of the Act or is necessary in the interest of national security, or both. If the Secretary decides to act in this manner, notification shall be transmitted to the applicant and the Federal and State agencies involved within 60 days of the State agency's decision objecting to the applicant's certification statement. The notification shall require the parties to provide the Secretary with their views and supporting information on the matter, with copies to the other parties. Upon receiving all views and relevant information on the matter, the Secretary shall consider the case. In reviewing the case, the Secretary shall be guided by the principle that the objection to the certification statement by the State agency shall only be overridden if it is established by a preponderance of the evidence submitted that the proposed activity is either consistent with the purposes of the Act or is necessary in the interest of national security, or both. In considering the case, the Secretary may order a hearing independently or in response to a request by one of the parties; such a hearing shall be subject to the provisions within § 921.5 paragraphs (f) through (i) as appropriately modified by the Secretary to reflect the requirements of this section.

(m) Following consideration of an appeal, or of a matter reviewed by Secretarial initiative, the Secretary shall determine whether the proposed activity is consistent with the purposes of the Act or is necessary in the interest of national security, or both, and shall communicate the decision in writing, with a statement of the reasons therefor, to the applicant and the Federal and State agencies involved. If the Secretary determines that the proposed activity is consistent with the purposes of the Act or is necessary in the interest of national security, or both, the Federal agency may proceed with its normal processing of the application. If the Secretary does not make any such findings, the Federal agency shall not issue the license or permit. The decision of the Secretary shall constitute final agency action for the purposes of the Administrative Procedure Act.

(n) The time for filing or serving any document required by this Section shall be subject to the provisions within section 921.5(n).

PROPOSED RULES

(o) The Secretarial review proceedings may be dismissed by the Secretary: (1) At such time as the applicant notifies the Secretary that the appeal is withdrawn; (2) At such time as the parties submit to the Secretary a resolution of the matter which is approved by the Secretary; or (3) For other good cause.

(p) The procedures within this Section shall also pertain to an objection by a State agency to the continued operation of a federally licensed or permitted activity which was: (1) Previously certified by the applicant and approved by the State agency but which the State agency later maintains is not being conducted in the manner originally proposed and is no longer consistent with the management programs; or (2) Previously determined not to be subject to the requirements of the management program but which the State agency later maintains is not being conducted in the manner originally proposed and, as a result of this change, is subject to and not consistent with the management program.

§ 921.7 Consistency of Outer Continental Shelf activities.

(a) Any applicant submitting to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. § 1331 et seq.) or regulations thereto: (1) Shall identify those activities described in the plan affecting any land use or water use in the coastal zone of any State having a management program approved by the Secretary; (2) Shall obtain the views and assistance of the State agency regarding the means for assuring that such activities comply with and will be conducted in a manner consistent with the management program; (3) Shall develop a certification statement, signed by the applicant, indicating that each activity identified as affecting land use or water use in the coastal zone and described in detail in the plan complies with and will be carried out in a manner consistent with the management program; and (4) Shall transmit to the State agency a copy of the plan and certification statement, together with any other necessary data and information required to support the applicant's certification statement. For the purpose of the initial review by the applicant required by this subsection, it shall be presumed that an activity described in a plan will affect land use or water use in the coastal zone if the activity is to take place adjacent or in close proximity to the boundaries of the coastal zone. The State agency may request, and the applicant shall provide, additional relevant information needed to support the applicant's determination. After receipt of a copy of the plan, certification statement, and accompanying documents, the State agency shall provide public notice and review of the plan and certification statement in accordance with the requirements within § 921.6 paragraphs (d), (g) and (h) of this subpart.

(b) No Federal official or agency shall grant an applicant any license or permit for any activity, affecting any land use or water use in the coastal zone of a State, described in detail in any plan for the exploration and development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act and the regulations thereto, until: (1) The State agency concurs with the applicant's certification statement as provided in § 921.6, and notifies the Secretary and the Secretary of the Interior of such concurrence; (2) Concurrence by the State agency is conclusively presumed as provided in § 921.6; or (3) the Secretary determines on appeal or following unilateral review of the case, as provided in § 921.6, that each activity which is described in detail in such plan is consistent with the purposes of the Act or is necessary in the interest of national security, or both.

(c) If the State agency concurs or is conclusively presumed to concur with the certification statement, or if the Secretary determines that each activity which is described in detail in the plan is consistent with the purposes of the Act or is necessary in the interest of national security, or both, the applicant will not be required to comply with the procedures of this subpart with respect to any Federal license or permit: (1) Which is required to conduct any activity affecting land uses or water uses in the coastal zone; (2) Which is described in detail in the plan; and (3) To which such concurrence or Secretarial determination applies.

(d) If the State agency objects to the applicant's certification statement and if the Secretary fails to override such objections, or if the applicant fails substantially to comply with the plan as submitted, the applicant shall submit an amendment to such plan, or a new plan, to the Secretary of the Interior. A copy of the amended plan, or new plan, shall be sent to the State agency with a certification statement, together with necessary supporting data and information. The State agency may request, and the applicant shall provide, additional relevant information needed to support the applicant's certification determination. After receipt of a copy of the amended or new plan, certification statement, and accompanying documents, the State agency shall provide public notice and review of the plan and certification statement in accordance with the requirements within § 921.6 paragraphs (d), (g) and (h) of this subpart, except that the applicable time period for purposes of concurrence by conclusive presumption shall be three months instead of six months.

(e) The time for filing or serving any document required by this section shall be subject to the provisions within § 921.5 paragraph (n) of this subpart.

(f) The Secretarial review proceedings may be dismissed by the Secretary: (1) At such time as the applicant notifies the Secretary that the appeal is withdrawn; (2) At such time as the parties submit to the Secretary a resolution of the matter which is approved by the Secretary; or (3) For other good cause.

(g) The procedures within this section shall also pertain to an objection by a State agency to the continued operation of a Federally licensed or permitted activity described in a plan for the exploration and development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act, and the regulations thereto, which was previously determined not to be subject to the requirements of the management program but which the State agency later maintains is not being conducted in the manner originally proposed and, as a result of this change, is subject to and not consistent with the management program.

§ 921.8 Consistency of Federal assistance programs.

(a) An applicant agency shall, pursuant to the provisions of Title IV of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098), submit its application for Federal assistance for an activity affecting the coastal zone to the State agency for review of whether the activity complies with and will be conducted in a manner consistent with the management program. After reviewing the application, the State agency shall attach a statement to the application, which shall accompany the application through the State and Federal agency review process, indicating whether the proposed activity to be Federally assisted complies with and will be conducted in a manner consistent with the management program; the statement shall include the reasons for the State agency decision, with supporting information. If the State agency does not object to the application, the Federal agency may proceed with its normal processing of the application. If the State agency objects to the application, the Federal agency shall not approve the assistance application except as hereafter provided.

(b) In the event the State agency objects to the application for Federal assistance, the applicant agency is encouraged to consult jointly with the State agency and the Federal agency to determine how the application may be drawn to meet both State and Federal requirements. OCZM shall be available to informally assist the parties in their consultation efforts. If the Federal assistance activity contemplated by a revised application complies with and will be conducted in a manner consistent with the management program, and the State agency concurs with this determination in writing, the Federal agency may proceed with its normal processing of the application.

(c) If a Federal agency receives an application for Federal assistance from an applicant agency to which the State agency has objected, and the parties have been unable to resolve the matter as provided in paragraph (b) of this section. The Federal agency may, within a reasonable time following cessation of the parties' consultation efforts, request that OCZM refer the matter to the

Secretary for a determination as to whether the Federal assistance activity contemplated by the application is consistent with the purposes of the Act or is necessary in the interest of national security, or both. The applicant agency or State agency may also request that OCZM refer the matter to the Secretary for review. In the event of such a request from any of the parties, OCZM shall send a notice requesting review to the Secretary, with copies to the applicant, State and Federal agencies. The agencies shall have 30 days from receipt of the notice to submit to the Secretary their views on the matter, along with supporting information; copies of such views and information shall be sent to the other agency parties.

(d) Following receipt of the parties' views and supporting information, and following receipt of any additional information which the Secretary may request from the parties, the Secretary shall consider the case. The Secretary's consideration of the case shall be guided by the principle that the objection by the State agency shall only be overridden if it is established by a preponderance of the evidence submitted that the proposed Federal assistance activity is either consistent with the purposes of the Act or is necessary in the interest of national

security, or both. In reviewing the matter, the Secretary may order a hearing independently or in response to a request by one of the parties; such a hearing shall be subject to the provisions within § 921.5 paragraphs (f) through (i) as appropriately modified by the Secretary to reflect the requirements of this section.

(e) After considering the case, the Secretary shall determine whether the proposed activity is consistent with the purposes of the Act or is necessary in the interest of national security, or both, and shall communicate the decision in writing, with a statement of the reasons therefor, to the applicant, State and Federal agencies. If the Secretary determines that the activity contemplated by the Federal assistance application is consistent with the purposes of the Act or is necessary in the interest of national security, or both, the Federal agency may proceed with its normal processing of the application. If the Secretary does not make any such findings, the Federal agency may not approve the application. The decision of the Secretary shall constitute final agency action for the purposes of the Administrative Procedure Act.

(f) The time for filing or serving any document required by this section shall

be subject to the provisions within § 921.5 paragraph (h).

(g) The Secretarial review proceedings may be dismissed by the Secretary: (1) At such time as the Secretary is notified that the moving agency party has withdrawn the request for review and the other agency parties agree to such withdrawal; (2) At such time as the agency parties submit to the Secretary a resolution of the matter which is approved by the Secretary; or (3) For other good cause.

(h) The procedures within this section shall also pertain to an objection by a State agency to the continued operation of a Federal assistance activity which was: (1) Previously reviewed and approved by the State agency but which the State agency later maintains is not being conducted in the manner originally proposed and is no longer consistent with the management program; or (2) Previously determined not to be subject to the requirements of the management program but which the State agency later maintains is not being conducted in the manner originally proposed and, as a result of this change, is subject to and not consistent with the management program.

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