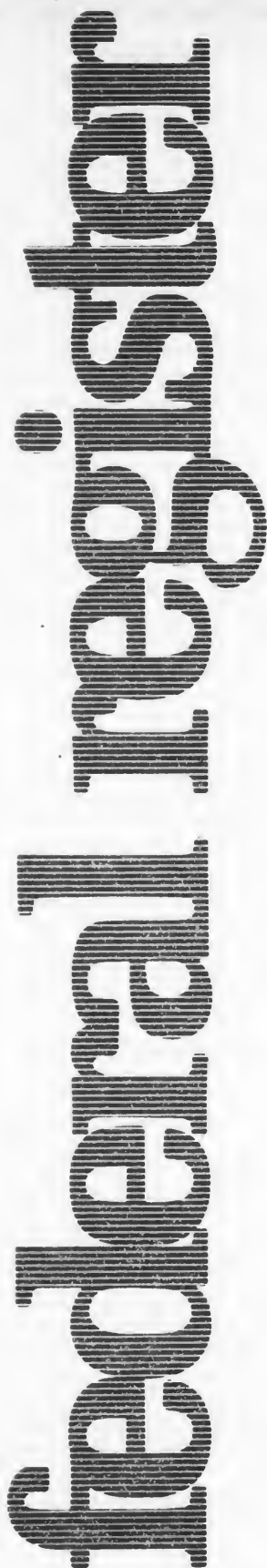

Monday
December 10, 1979

Part III—Section B

**Department of
Energy**

Draft Consumer Program



DEPARTMENT OF ENERGY**Office of the Secretary****Draft Response to Executive Order 12160****AGENCY:** Department of Energy.**ACTION:** Request for Comments on Department of Energy Response to Executive Order 12160, "Providing for Enhancement and Coordination of Federal Consumer Programs".**SUMMARY:** Executive Order 12160 requires Federal agencies to develop and maintain a consumer program with, at a minimum, the following five elements:

(1) An identifiable consumer affairs staff authorized to participate in the development and review of all agency rules, policies, programs, and legislation;

(2) Effective procedures for consumer participation in the development and review of all agency rules, policies, and programs;

(3) Development of information materials for consumers;

(4) Consumer affairs training for agency staff members and, to the extent considered appropriate, provision of technical assistance to consumers and their organizations; and

(5) Systematic procedures for complaint handling. DOE is seeking public comment on this response to the Order, its consumer programs and the adequacy of procedures to ensure consumer involvement in DOE decisionmaking processes. Comments and recommendations are requested on all aspects of DOE's efforts to involve the public, including: how to improve the quality of information provided in response to requests; making consumer involvement easier and more productive; improving the opportunities for and quality of technical assistance; and procedural or structural changes that might be needed.

As defined by the Order, "Consumer" means any individual who uses, purchases, acquires, attempts to purchase or acquire, or is offered or furnished any real or personal property, tangible or intangible goods, services, or credit for personal, family, or household purposes.

DATE: Comments must be received by March 10, 1980.**ADDRESS:** Comments should be addressed to: Liz Overstreet, Department of Energy, Office of Consumer Affairs, Room 8G031, Forrestal Building, 1000 Independence Ave. SW., Washington, D.C. 20585.**FOR FURTHER INFORMATION CONTACT:** Liz Overstreet, at above address. Phone: 202-252-5877.**I. CONSUMER AFFAIRS PERSPECTIVE****Requirement**

Agencies shall have identifiable, accessible professional staffs of consumer affairs personnel authorized to participate, in a manner not inconsistent with applicable statutes, in the development and review of all agency rules, policies, programs, and legislation.

Current Status

The Department of Energy maintains an Office of Consumer Affairs (OCA), located in the Office of the Secretary. The address is DOE, Office of Consumer Affairs, Room 8G082, Forrestal Building, 1000 Independence Ave. SW., Washington, D.C. 20585, and the phone number is 202-252-5877. The Director of OCA reports to the Secretary through the Executive Assistant. OCA currently has an authorized staff of 24 including consumer specialists with expertise in law, engineering, communications, economics and management/administration. OCA, as a Secretarial Office, is regularly apprised of and participates in those policy, program and regulatory activities which will require Secretarial approval.

The Director of OCA has primary responsibility for:

- Providing policy direction for, and coordination and oversight of, DOE's consumer activities,
- Apprising the Secretary of potential impacts on consumers of initiatives under consideration within the Department,
- Serving as Advisory Committee Management Officer for all DOE advisory committees, and as program official for the DOE Consumer Affairs Advisory Committee.

II. CONSUMER PARTICIPATION**Requirement**

Agencies shall establish procedures for the early and meaningful participation by consumers in the development and review of all agency rules, policies, and programs. Such procedures shall include provisions to assure that consumer concerns are adequately analyzed and considered in decisionmaking. To facilitate the expression of those concerns, agencies shall provide for forums at which consumers can meet with agency decisionmakers. In addition, agencies shall make affirmative efforts to inform consumers of pending proceedings and of the opportunities available for participation therein.

Current Status

The legislation establishing DOE (Pub. L. 95-91, Title I, Sec. 102) directs DOE to provide for, encourage, and assist the public to participate in the development and execution of national energy programs.

DOE has developed procedures to ensure early and meaningful consumer participation in the development and review of its rules, policies, and programs. While OCA maintains responsibility for oversight of DOE's activities and procedures to reach and involve consumers, DOE Secretarial Officers are accountable for regular and substantive public participation programs in their areas of responsibility.

Procedures for providing public participation opportunities in the regulatory process are outlined in DOE Order 2030.1, *Procedures for the Development and Analysis of Regulations, Standards and Guidelines*. These include: providing minimum 60-day public comment periods for significant regulations; providing minimum 30-day comment periods for

nonsignificant regulations (with opportunity to challenge on determination of non-significance); publishing draft regulatory analyses on major significant regulations for public comment; making more use of Notices of Inquiry and Advance Notices of Proposed Rulemaking; publicizing notices by means other than the *Federal Register*; publishing a summary of public comments and the manner in which such comments have been addressed in a final rule; and republishing every regulation within five years of its effective date, with a minimum 60-day comment period, to ensure evaluation of the continued need for and effectiveness of the regulation.

DOE also publishes, in April and October of each year, a *Semiannual Agenda of Regulations*, that includes descriptions of all regulations in the development process as well as existing regulations which are scheduled for review.

DOE Order 1210.1, a *Citizen Participation Manual*, has been issued by OCA and provides guidance and procedures for program offices in making decisions on, planning and conducting effective public participation activities. Avenues for participation in these processes include opportunity to provide written and oral comments, participation in regional public hearings and workshops, membership on advisory committees, and other public forums. This Order also outlines various means of notifying consumers of opportunities to participate in agency decisionmaking, such as special invitations or notices, news releases, public service announcements, and speeches.

OCA publishes a monthly newsletter, *The Energy Consumer*, which provides information on existing and pending DOE policies and programs and lists upcoming opportunities for public involvement in hearings and other public forums. *The Energy Consumer* regularly lists state and local contacts for those areas and issues where decisionmaking or provision of assistance is a state or local organization's responsibility. OCA also prepares and distributes special notices to individuals and groups with expressed interest and to potentially impacted groups on issues that have significant consumer impact, and maintains a mailing list of interested citizens and organizations that is made available to all DOE program offices for targeted mailings of program office notifications. DOE also publishes a monthly *Energy Meetings* calendar, publishes press releases, and uses other means of notification. Members of the public can request to be on the mailing lists for all of these types of materials.

DOE currently has 14 advisory committees established to provide guidance and recommendations to the Secretary on various energy issues, and maintains a general policy that each committee have at least 10% consumer representation.

DOE's Secretary and Deputy Secretary regularly schedule meetings with individuals and representatives of consumer and other public interest organizations to discuss issues of concern to them.

III. INFORMATIONAL MATERIALS

Requirement

Agencies shall produce and distribute materials to inform consumers about the agencies' responsibilities and services, about their procedures for consumer participation, and about aspects of the marketplace for which they have responsibility. In addition, each agency shall make available to consumers who attend agency meetings open to the public materials designed to make those meetings comprehensible to them.

Current Status

DOE currently distributes a number of printed and audiovisual informational materials on various energy issues, ranging from technical documents to consumer-oriented publications such as *Tips for Energy Savers*, *Winter Survival*, and *Making Energy Regulations: How the Public Gets Involved*, and films such as *Solar Energy: The Great Adventure*.

OCA will be working on improving these materials by:

- Gathering and quantifying information on the type and subject matter of public information requests.
- Sampling recipients of publications and audiovisual materials to determine the usefulness of materials,
- Communicating public information needs to technical staff,
- Assigning staff resources for producing needed information materials in a reasonable time,
- Producing a citizen-oriented directory that contains information on DOE program responsibilities, services and responsible personnel.

DOE Secretarial Officers will be responsible for preparing explanatory materials regarding meetings open to the public for which they are responsible and for developing plans for their distribution. OCA will provide support and guidance to each Office where appropriate.

IV. EDUCATION AND TRAINING

Requirement

Agencies shall educate their staff members about the Federal consumer policy embodied in this Order and about the agencies' programs for carrying out that policy. Specialized training shall be provided to agency consumer affairs personnel and, to the extent considered appropriate by each agency and in a manner not inconsistent with applicable statutes, technical assistance shall be made available to consumers and their organizations.

Current Status

The Office of Consumer Affairs will be responsible for educating staff members as to requirements and activities related to Executive Order 12160, and will coordinate with the Office of Personnel to provide specialized training to consumer affairs personnel.

OCA recently conducted workshops for DOE personnel on implementation of the *Citizen*

Participation Manual. OCA plans to work with the Office of Personnel to develop additional workshop sessions, which will include regional and field office staff, and cover any new activities that may be required under this Order.

Other significant activities or changes with respect to DOE consumer programs will be communicated to all DOE staff.

Through its Energy Extension Service, the Inventions Program, and the Appropriate Technology Small Grants Program, DOE provides technical and financial assistance to consumers and organizations. DOE program offices also have responsibilities for providing technical assistance, answering scientific, technical, or procedural questions, and assisting consumers and groups in effectively participating in decisionmaking processes.

V. COMPLAINT HANDLING

Requirement

Agencies shall establish procedures for systematically logging in, investigating, and responding to consumer complaints, and for integrating analyses of complaints into the development of policy.

Current Status

DOE maintains a correspondence control system within the Office of the Executive Secretary (ES) of correspondence addressed to the Secretary, Deputy Secretary, and Under Secretary. Such correspondence is assigned to the appropriate DOE program element for response. However, a significant amount of correspondence and other kinds of inquiries including consumer complaints is not routinely handled through ES, but is received directly in DOE program offices.

Therefore, DOE proposes to develop a decentralized complaint answering responsibility in each major DOE Office.

Proposed Responsibilities

Because DOE believes that consumer complaints will receive the most rapid and thorough response if individual offices answer complaints dealing with their areas of responsibility, the heads of such offices will be responsible for developing a complaint handling system that will meet the requirements of the Order and operate efficiently.

The elements of the Consumer Complaint System will include:

1. Statistical Reporting

The Consumer Complaint Manager in each such office will be responsible for collection and analysis of consumer complaint data for identification of problems and use in policy development processes.

2. Audit

The Consumer Complaint Manager will, from time to time, audit Office consumer complaint handling to assure that complaints within an Office are expeditiously answered with accurate and adequate responses.

3. Policy Analysis

Written reports from Consumer Complaint Managers will be consolidated and circulated periodically to Office heads for use in assessing the impact of DOE policies and programs on consumers.

4. Accountability

The Consumer Complaint Manager will publish guidelines governing the handling of complaints.

5. Opportunity for Redress

Consumers who are dissatisfied with DOE action on their complaints may ask the Consumer Complaint Manager to review an Office's resolution of an original complaint where administrative review systems have not been created at the Office level.

Proposed New Initiative

1. Each office within DOE which has significant consumer program impact will designate a Consumer Affairs Specialist(s) to prepare a plan that responds to the five required consumer program tasks and to monitor its implementation.

2. Secretarial Officers will submit plans for implementation of these procedures to the Director of OCA for approval.

3. Target dates for completion of each office program plan will be established, with the concurrence of OCA.

4. Secretarial Officers will be responsible for ensuring compliance with the plans.

5. OCA will develop more detailed guidelines for implementing procedures.

6. The DOE organizational elements which will be required to develop and implement a consumer plan are:

(a) Economic Regulatory Administration

(b) Energy Information Administration

(c) Offices of the Assistant Secretaries for: Conservation and Solar Energy, Fossil Energy, Nuclear Energy, Resource Applications, Environment, Defense Programs. Offices of: Hearings and Appeals, Energy Research, Administration, Procurement.

(d) Regional Offices

(e) Operations Offices

7. DOE will improve consumer services by strengthening its Regional Office support to consumers, by activation of the Energy Extension Service in every State, and by reforms in its information and technical assistance capabilities.

OVERSIGHT

The Director of the Office of Consumer Affairs has primary responsibility for giving policy direction to, and coordinating and monitoring DOE's consumer activities. The Office of Consumer Affairs is located in the Office of the Secretary and the Director reports to the Secretary through the Executive Assistant. The Director will have primary responsibility for apprising the Secretary of the potential impact on consumers of particular policy initiatives under development or review within the agency. The Director is a career member of the Senior Executive Service.

Issued in Washington, D.C., November 23, 1979.

Tina Hobson,

Director, Office of Consumer Affairs.

BILLING CODE 6450-01-M

Form Approved:
OMB No. 116S79021**CONSUMER RESPONSE FORM FOR EXECUTIVE ORDER 12160**

Dear Consumer:

The _____ (agency) wants to make its consumer program better and more responsive to you, the consumer. We would like your thoughts and suggestions for improving our proposed consumer program. Please help us by answering the following questions:

1. Which of the following statements best describes your interest in our consumer program?
 - I am interested in it as an individual consumer.
 - I am concerned about it, because I represent a public interest consumer group.
 - I am concerned about it, because I represent a private company or organization.
2. After reading about our consumer program, do you think you understand how it works?
 - Yes, it is clear and I understand it.
 - Yes, I understand most of it.
 - No. Much of it is not clear to me.
3. Part of our consumer program sets up ways for consumers to help us make policies and rules. Do you feel our program makes it easier for you to participate?
 - Yes.
 - No. Why? _____
4. Our proposed consumer program outlines how we plan to get information out to consumers. How adequate do you think our plan is?
 - It seems adequate.
 - It is not adequate. Why? _____
5. We want to make it easy for consumers to bring their problems to our attention. Our proposed program tells how we intend to handle complaints from consumers. How good is our plan?
 - Adequate.
 - Not adequate. Why? _____
6. After reading our proposed consumer program, do you know whom or which office in _____ (agency) to contact if you have:
 - A complaint? Yes. No.
 - A general question about the agency? Yes. No.
 - A question about how to take part in agency proceedings? Yes. No.
7. Do you know who or which office in _____ (agency) speaks for the consumer? Yes. No. Any suggestions for improvement? _____
8. Do you have any suggestions for improving our consumer program?
 - No.
 - Yes, in the following areas:
 - Consumer participation _____
 - Informational materials _____
 - Complaint handling _____

9. Other comments or suggestions? (Use additional pages, if necessary.)

(Your name)

(Your address)

(City, state, zip)

**SEND THIS FORM DIRECTLY TO THE AGENCY PROPOSING THE PROGRAM ON
WHICH YOU ARE COMMENTING**