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federal register

Book 1 of 3 Books
Monday, June 9, 1980

Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C. and St. Louis, Mo.**, see announcement in the **Reader Aids** section at the end of this issue.

38801-39202 **Consumer Programs** The President issues introductory statement and the following agencies publish documents in compliance with E.O. 12160, "Providing for enhancement and coordination of Federal Consumer Programs": Consumer Affairs Council, USDA, DOE, EPA, Interior, TVA, FEMA, CRC, VA, MSPB, EEOC, GSA, Labor, CSA, ACTION, HHS, HUD, FDIC, SEC, Commerce, FCC, FRS, CPSC, Treasury, FTC, CFTC, CAB, ICC, NTSB, Postal Rate Commission, PS, DOT, Administrative Conference of the United States, Justice, State and DOD (36 documents) (Parts II–VII of this Issue)

38335 **Wage and Price Controls** CWPS amends final price standards for second program year; effective 10–1–79

38412 **Income Tax** Treasury/IRS issues proposal regarding excise tax on fuel used in commercial waterway transportation; comments by 8–8–80

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

38411 **Income Tax** Treasury/IRS proposes amendments relating to the excise tax treatment of articles previously sold tax free for exportation; comments by 8–8–80

38388 **Banks, Banking** FRS proposes to revise its reserve requirements; comments by 7–15–80

38410 **Housing** HUD plans to develop regulations which deal with the non-competitive sale of HUD-owned properties to Community Based Organizations; comments by 8–8–80

38356 **Housing** HUD publishes final rule regarding urban renewal mortgage insurance and insured improvement loans; effective 6–24–80

38356 **Grants—Veterans** VA deletes war service requirements in determining eligibility for State home care and State nursing home beds for construction purposes; effective 10–1–77 except Appendix A which is effective 5–28–80

38431 **Grants—Minority Businesses** Commerce/MBDA seeks applications for projects which will provide technical and management assistance to eligible clients; apply by 6–20–80

38435 **Grants—Energy** DOE/SOLAR announces the allocation of funds for technical assistance and energy conservation measures

38461 **Science and Technology** OMB requests comments on a plan for improved management and dissemination of scientific and technical information resulting from Federal funds; comments by 7–25–80

38472 **Sunshine Act Meetings**

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38824 **Part III, USDA, DOE, EPA, Interior, and TVA**

38884 **Part IV, FEMA, CRC, VA, MSPB, EEOC, GSA, Labor, CSA, ACTION, HHS, and HUD**

39026 **Part V, FDIC, SEC, Commerce, FCC, FRS, CPSC, Treasury, FTC, and CFTC**

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39202 **Part VII, Administrative Conference of the United States, Justice, State and DOD**

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 705

Anti-Inflationary Price Standards; Amendment of the Final Price Standards

AGENCY: Council on Wage and Price Stability.

ACTION: Amendment of the Final Price Standards for the Second Program Year.

SUMMARY: The Council is amending the final price standards for the second program year to enable certain compliance units to pass through increases in the cost of gold and silver. The amendment modifies the price limitation for compliance units using significant amounts of gold or silver. An eligible compliance unit may adjust its two-year price change to reflect unusually large increases in the cost of gold and silver since the base quarter.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Eugene Roberts, Office of Price Monitoring—202/456–7784; Patrick Macfarland, Office of the General Counsel—202/456–6286.

SUPPLEMENTARY INFORMATION: In the preamble to the interim final price standards (44 FR 56900), the Council indicated that it would consider adjusting price limitations for especially large, uncontrollable cost increases. Companies with such cost increases, therefore, would not be forced to apply for uncontrollable-cost exceptions. Providing for a partial cost-passthrough provision applicable only to gold and silver is preferable to the alternative of granting uncontrollable-cost exceptions to companies affected by these extraordinary cost increases, because the latter allows passthrough of *all* cost increases. Because a cost-passthrough standard provides no incentive to minimize costs that are passed through, limiting the scope of the passthrough has desirable efficiency features.

During the first program year, the price of gold rose from $217.40 per troy ounce to $397.60 per troy ounce. Gold is currently selling for $545.20 per troy ounce, an increase of 150.8 percent since the base quarter. The price of silver jumped from $5.65 per troy ounce to $16.50 per troy ounce during the first program year, and is currently selling for $13.95 per troy ounce, 146.9 percent over the base-quarter price.

Because the increases in gold and silver prices have been unusually large and rapid, the Council has concluded that a special adjustment to the second-year price limitation is warranted for companies using substantial amounts of these inputs.

Issued in Washington, D.C. June 4, 1980.

R. Robert Russell,

Director, Council on Wage and Price Stability.

1. Section 705.51 is revised to read as follows:

§ 705.51 Price standard for passthrough of gold and silver increases.

(a) *Eligibility.* (1) A compliance unit is eligible for a gold and silver passthrough if it measures its compliance under the two-year price limitation and its base-quarter costs for gold and silver constituted one percent or more of its base-quarter revenue from products that contain gold or silver and that are not excluded under § 705.4.

(2) To determine whether or not a compliance unit meets the one-percent threshold, the cost of gold (silver) in the base quarter is the quantity of gold (silver) included in products not excluded under § 705.4 that are sold during the base quarter, multiplied by the average price of gold (silver) during the base quarter (defined in § 705.79).

(3) In calculating the base-quarter cost of gold and/or silver, prices of only (i) primary and secondary shapes and forms (such as bar and bullion) and (ii) mill shapes and forms (such as wire, plate, strip, sheet, powder, granules, coil, rod, and tubing) should be used. If the material is in alloy form, only those shapes containing at least 40 percent gold and silver (by weight) may be used in the calculation of base-quarter costs. Costs of gold and silver used in products excluded under § 705.4 may not be used in the calculations.

(b) *Modified standard.* (1) A compliance unit that is eligible for the gold and silver passthrough complies with the two-year price limitation if its modified two-year price change, defined in § 705.79, is not greater than its two-year price limitation, defined in § 705.2.

(2) A compliance unit that is eligible for the gold and silver passthrough complies with the intermediate price limitations if its intermediate modified price changes, defined in § 705.79, are no greater than the intermediate price limitations in § 705.3.

2. Section 705.79 is revised to read as follows:

§ 705.79 Modified two-year price change for gold and silver passthrough.

The modified two-year price change is defined by the following formula:

BILLING CODE 3175-01-M

$$MTYPC = 100 \times \left(\left[\sum_i S_i \times \frac{P_i(t) - PT(t)}{P_i(b)} \right] - 1.0 \right)$$

where

MTYPC = modified two-year price change,

S_i = the i^{th}-product sales share in the base quarter,

$P_i(t)$ = the price of the i^{th} product in the t^{th} program quarter,

$P_i(b)$ = the price of the i^{th} product in the base quarter,

PT(t) = passthrough factor in the t^{th} program quarter,

and

$\sum_i$ = the summation sign, where the subscript i runs over all products not excluded under 705.4.

The passthrough factor is determined from the following formula:

$$PT(t) = \frac{G_i(t)}{Q_i(t)} \times P_g(t) + \frac{S_i(t)}{Q_i(t)} \times P_s(t)$$

where

$G_i(t)$ = amount of gold used in producing product i sold in the t^{th} program quarter (include only the gold and silver inputs specified in 705.51(a)(3)),

$S_i(t)$ = amount of silver used in producing product i sold in the t^{th} program quarter (include only the gold and silver inputs specified in 705.51(a)(3)),

$Q_i(t)$ = total number of units of product i sold in the t^{th} program quarter,

$P_g(t)$ = the difference between the price of gold in the t^{th} quarter and the price that would have resulted if gold prices had increased from the base quarter to the t^{th} quarter at the same rate as during the base period,

and

$P_s(t)$ = the difference between the price of silver in the t^{th} program quarter and the price that would have resulted if silver prices had increased from the base quarter to the t^{th} program quarter at the same rate as during the base period.

In calculating $P_g(t)$ and $P_s(t)$, the intermediate base-period changes are 8.54 percent, 10.25 percent, 12.06 percent, and 13.90 percent for gold (7.77 percent, 9.39 percent, 11.04 percent, and 12.71 percent for silver) for the 5th, 6th, 7th and 8th quarters. (These percentages are calculated by compounding the average quarterly rate of change during the base period over the appropriate number of quarters.)

Gold (silver) prices are calculated by taking the simple arithmetic averages of the closing prices on the COMEX in the base quarter. Thus, the base-quarter gold price is $203.030 per troy ounce ($5.472 per troy ounce for silver) and the prices for the 5th and 6th program quarters are $413.117 and $630.094 ($18.561 and $32.512).

Thus,

$$P_g(5) = \$413.117 - [\$203.030 \times (1.0 + .0854)]$$
$$= \$192.748,$$

$$P_g(6) = \$630.094 - [\$203.030 \times (1.0 + .1025)]$$
$$= \$406.253,$$

$$P_s(5) = \$18.561 - [\$5.472 \times (1.0 + .0777)]$$
$$= \$12.664$$

$$P_s(6) = \$32.512 - [\$5.472 \times (1.0 + .0939)]$$
$$= \$26.526$$

The values of $P_g(7)$, $P_g(8)$, $P_s(7)$, and $P_s(8)$ will be calculated by the Council when the gold and silver prices in the seventh and eighth program quarters are known.

[FR Doc. 80-17447 Filed 6-6-80; 8:45 am]

BILLING CODE 3175-01-C

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 640, Amendment 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment continues through January 31, 1981, the current minimum size requirement of 2.32 inches in diameter for fresh shipments of Valencia oranges grown in Arizona and designated part of California. This amendment also establishes a maximum size requirement of 3.41 inches in diameter for such oranges during the period July 4, 1980, through January 31, 1981. This action is necessary to provide markets with acceptable sizes of fruit and to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATES: June 13, 1980, and July 4, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* Valencia Orange Regulation 640 (§ 908.940; 45 F.R. 23638) during the period April 11, 1980, through June 12, 1980, limits shipments of Valencia oranges grown in Arizona and a designated part of California to oranges not smaller than 2.32 inches in diameter. This amendment continues this requirement through January 31, 1981. It also requires that such oranges be not larger than 3.41 inches in diameter during the period July 4, 1980, through January 31, 1981.

This amendment is issued under the marketing agreement and Order No. 908 (7 CFR Part 908) regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other information.

The committee met on March 25, 1980, to consider crop and market conditions and other factors affecting the need for regulation, and recommended that oranges shipped from Districts 1, 2, and 3 during the periods hereinafter specified be required to be 2.32 inches in diameter or larger, but not larger than 3.41 inches in diameter. The 1979–80 Valencia orange crop is estimated at 59,000 carlots. Demand in regulated fresh market channels is expected to require about 34 percent of this volume. The remaining 66 percent would be available for export and processing outlets. The volume and size composition of the crop are such that more than ample supplies of the more desirable sizes will be available to satisfy the demand in regulated channels; and, in these circumstances, disposition in regulated channels of the sizes eliminated by this regulation can be accomplished only at a substantial price discount which tends to depress the market for all sizes. The restricted sizes may be disposed of in processing and export markets.

Notice of the proposed amendment was pubished in the May 1, 1980, issue of the **Federal Register** (45 FR 29063). No comments were received during the period provided in the notice for interested persons to submit written comments. It is found that the regulation of shipments of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

It is further found that good cause exists for not postponing the effective dates of this regulation until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) notice of rulemaking concerning the regulation, with effective dates of June 13, 1980, and July 4, 1980, was published in the **Federal Register**, and no objection to the regulation or effective dates was received; (2) the recommendation for regulation was made at an open meeting at which interested persons could submit their views; (3) to maintain orderly marketing conditions, the regulation should be continued without interruption; and (4) the regulation will not require any special preparation by persons subject thereto which cannot be completed by the effective time.

Therefore, Section 908.940 Valencia Orange Regulation 640 (45 FR 23638) is amended to read as follows: (§ 908.940 expires January 31, 1981, and will not be published in the annual Code of Federal Regulations.)

§ 908.940 Valencia Orange Regulation 640.

(a) During the period June 13, 1980, through January 31, 1981, no handler shall handle any Valencia oranges grown in Districts 1, 2, or 3 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(b) During the period July 4, 1980, through January 31, 1981, no handler shall handle any Valencia oranges grown in Districts 1, 2, or 3 which are of a size larger than 3.41 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure larger than 3.41 inches in diameter.

(c) As used in this section, "handler," "handle," "District 1," "District 2," and "District 3" mean the same as defined in the marketing order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 3, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-17329 Filed 6-6-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Addition of Evergreen International Airlines, Inc. and Pacific Western Airlines, Ltd.; Contract with Transportion Lines

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This is an amendment to the regulations of the Immigration and Naturalization Service to add carriers to the list of transportation lines which have entered into agreement with the Commissioner of Immigration and Naturalization to guarantee the preinspection of their passengers and crews at places outside the United

States. This amendment is necessary because transportation lines which have signed such agreements are published in the Service's regulations.

EFFECTIVE DATES. Evergreen International Airlines, Inc.: February 4, 1980. Pacific Western Airlines, Ltd.: April 27, 1980.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street N.W., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.4 is published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561) and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment contained in this order adds transportation lines to the listing and is editorial in nature.

The Commissioner of the Immigration and Naturalization Service entered into separate agreements with the following named carriers on the dates indicated to guarantee the preinspection of their passengers and crews at places outside the United States under section 238(c) of the Immigration and Nationality Act and 8 CFR Part 238:

Evergreen International Airlines, Inc. Effective date: February 4, 1980.

Pacific Western Airlines, Ltd. Effective date: April 27, 1980.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

In § 238.4 *Preinspection outside the United States,* the listing of transportation lines preinspected at Freeport is amended by adding in alphabetical sequence, "Evergreen International Airlines, Inc.", and the listing of transportation lines preinspected at Calgary is amended by adding in alphabetical sequence, "Pacific Western Airlines, Ltd."

(Secs. 103 and 238(b), (8 U.S.C. 1103 and 1228(b)))

Dated: June 4, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-17419 Filed 6-6-80; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 343b

Special Certificate of Naturalization for Recognition by a Foreign State; Change of Name of Foreign Operations Division Passport Office

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule reflects the change in the title of the "Foreign Operations Division, Passport Office," Department of State to "Office of Citizens' Consular Services". This amendment is necessary because the heading in the address of the office has changed.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: 8 CFR 343b.11(a) provides that a special certificate of naturalization shall be issued by a district director and forwarded to the Secretary of State for transmission to the proper authority of a foreign state when a naturalized citizen desires to obtain recognition as a citizen of the United States by a foreign state. This amendment changes the title of the office in the State Department which handles such procedures.

Compliance with the provisions of 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment in this order is editorial in nature and makes no substantive changes.

Accordingly, the following amendment is made in Chapter I of Title 8 of the Code of Federal Regulations:

PART 343b—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

§ 343b.11 [Amended]

8 CFR 343b.11(a) is amended by changing the title "Foreign Operations Division, Passport Office," in the second sentence after the word "Attention:" to read, "Office of Citizens' Consular Services,"

* * * * *

(Sec. 103, 343(c); (8 U.S.C. 1103, 1454(c)))

Dated: June 4, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-17417 Filed 6-6-80; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 32

Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to provide new requirements for labeling of gas and aerosol detectors, including smoke detectors, and also for labeling the point-of-sale packaging for these detectors. The new requirements are intended to: (1) inform prospective purchasers and other persons that the detectors contain radioactive material, and (2) identify the radioactive material and quantity of activity in each detector.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Donovan A. Smith, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301–443–5946.

SUPPLEMENTARY INFORMATION: On November 30, 1979, the NRC published in the **Federal Register** (44 FR 68853) a notice of proposed amendments to 10 CFR Part 32 to revise NRC requirements for labeling of gas and aerosol detectors designed to protect life or property from fires and airborne hazards. These detectors include smoke detectors. Smoke detectors containing small quantities of radioactive material, usually americium-241, are distributed extensively to homeowners and commercial and industrial users. The homeowner or other user is exempt from regulatory requirements; the manufacturer (or distributor of imported detectors) must have a specific license from the NRC to distribute the detector. The manufacturer of the detector has been required to label the detector in such a way that the manufacturer and the radioactive material can be identified. This final rule, in addition, requires the manufacturer to label the package used in the retail sale of the detector. This new requirement for labeling of the package in which the detector is displayed for sale is intended

to inform prospective buyers that the detector contains radioactive material.

The notice of proposed rulemaking provided a period of 45 days for public comment. Copies of a value/impact assessment of the proposed amendments, prepared by the NRC staff, were sent to individuals who requested further information.

Interested persons submitted 24 letters regarding the proposed amendments. The letters generally included numerous specific comments but the most frequent and key comments could be divided into three categories:

1. The use of radioactive material in smoke detectors should be banned because there are nonradioactive detectors available; however, if radioactive smoke detectors are permitted to be used, they should be disposed of in a controlled manner as radioactive waste and should not be discarded with normal household waste.

2. The proposed amendments should not be made effective because the new labels would not be understood, would cause unnecessary concern on the part of the consumer, and would discourage the sale of a lifesaving device.

3. The proposed statement to be included on the label for the package containing the detector, "This detector contains radioactive material which presents no significant hazard to health if used in accordance with the instructions," is misleading and should be revised.

Copies of the comments may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. A summary of the NRC's response to these comments is presented below.

1. The principal question in this rulemaking is neither prohibition of the use of smoke detectors nor their disposal. The question is how to label the detector package so that prospective purchasers are informed that the detectors contain radioactive material and are informed about what and how much radioactive material is contained in the detectors.

2. Whether or not some persons may or may not understand the significance of the information required in the new labels, and whether or not sales may or may not be discouraged, it appears appropriate to provide the prospective purchaser/user an opportunity to be informed about the radioactive content of the detector. If that person then decides to reject the benefit because of the small radiation risk, if any, associated with the detector, that decision can be based upon specific information.

3. The NRC agrees that revision of the proposed statement is needed to avoid unintended meanings. For example, the statement could reasonably cause one to believe that there would be a significant hazard to health if the detector is used other than in accordance with the instructions.

Upon further consideration of the objective of conveying safety information to the prospective purchaser, the NRC has revised the statement to show that the detector contains radioactive material, that the detector has been manufactured in compliance with safety criteria of the U.S. Nuclear Regulatory Commission, and that the user of the detector is exempt from U.S. NRC regulations.

This method of communicating safety information to consumers by citing an applicable Federal regulation is used for other radiation-emitting consumer products. For example, the U.S. Department of Health and Human Services requires that certification tags which give indication of product conformance to applicable Federal standards be attached to television receivers and microwave ovens. The fact that a product's manufacture is subject to Federal standards and regulation by a Federal agency may be significant to the prospective purchaser.

After careful consideration of the comments on the notice of proposed rulemaking and the other factors involved, the Commission has adopted the rule in effective form with the significant changes discussed below.

1. The proposed amendments would have required package labeling only if the detector were individually packaged. The final rule does not limit package labeling to individually packaged detectors. Although individual packaging is most frequently used in marketing of detectors intended for residential use, many detectors intended for commercial and industrial establishments are not individually packaged. An opportunity for informing this latter group of users will be provided by the requirement that all point-of-sale packages be labeled.

2. The proposed amendments would have been effective after July 14, 1980. The final rule becomes effective January 1, 1981. This change is based on industry's representations that additional time is needed to avoid dumping of present supplies of labels and to design and produce new labels. Also, no safety question in need of immediate action is involved in this change in the effective date.

3. The proposed amendments would have required the detector label to identify the manufacturer or initial transferor of the product. The final rule requires both the detector label and the package label to identify the person with an NRC license authorizing distribution of the detectors. Usually that person is the manufacturer if the detector is made in the U.S., or the importer if the detector is manufactured abroad. In either case, identification of the NRC licensee will assure identification of the person with responsibility for distributing a product that meets NRC safety criteria.

4. The proposed amendments would have required that the dectector label be located on the external surface of the detector. The final rule retains that requirement and also specifies that the label must be visible when the detector is removed from its mounting, i.e., from its installed position. This additional detail on location of the detector label was prompted by several comments about the need for label to be visible when the detector is installed. Because of the safety criteria that each detector must meet, particularly those relating to external radiation levels, and because of the other provisions for location of labels, a highly visible label on the external surface of an installed detector is not needed.

5. The proposed amendments would have required that the label on the point-of-sale package contain the statement "This detector contains radioactive material which presents no significant hazard to health if used in accordance with the instructions." The final rule does not require that statement. As discussed before, the point-of-sale package label will state that the detector contains radioactive material, that it has been produced in compliance with NRC safety criteria, and that the purchaser is exempt from any regulatory requirements.

6. The proposed amendments would not have changed a general provision whereby the Commission, on a case-by-case basis, may require the manufacturer to provide additional labeling or marking information, including disposal instructions when appropriate. The final rule changes this provision. The final rule omits specific reference to disposal instructions in order to avoid any suggestion that the labeling or marking imposes regulatory requirements on the consumer. The labeling or marking is intended only to inform the consumer.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 32 are

published as a document subject to codification to be effective January 1, 1981.

1. Section 32.26(b)(10) is revised to read as follows:

§ 32.26 Gas and aerosol detectors containing byproduct material: requirements for license to manufacture, process, produce, or initially transfer.

* * * * *

(b) * * * The information should include:

* * * * *

(10) The proposed methods of labeling or marking the detector and its point-of-sale package to satisfy the requirements of § 32.29(b);

2. Section 32.29(b) is revised to read as follows:

§ 32.29 Conditions of licenses issued under § 32.26: quality control, labeling, and reports of transfer.

Each person licensed under § 32.26 shall:

* * * * *

(b) Label or mark each detector and its point-of-sale package so that:

(1) Each detector has a durable, legible, readily visible label or marking on the external surface of the detector containing:

(i) The following statement: "CONTAINS RADIOACTIVE MATERIAL";

(ii) The name of the radionuclide and quantity of activity; and

(iii) An identification of the person licensed under § 32.26 to transfer the detector for use pursuant to § 30.20 of this chapter or equivalent regulations of an Agreement State.

(2) The labeling or marking specified in paragraph (b)(1) of this section is located where its will be readily visible when the detector is removed from its mounting.

(3) The external surface of the point-of-sale package has a legible, readily visible label or marking containing:

(i) The name of the radionuclide and quantity of activity;

(ii) An identification of the person licensed under § 32.26 to transfer the detector for use pursuant to § 30.20 of this chapter or equivalent regulations of an Agreement State; and

(iii) The following or a substantially similar statement: "THIS DETECTOR CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NRC SAFETY CRITERIA IN 10 CFR 32.27. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS."

(4) Each detector and point-of-sale package is provided with such other information as may be required by the Commission; and

* * * * *

(Secs. 81, 161b, Pub. L. 83–703, 68 Stat. 935, 948b (42 U.S.C. 2111, 2201); sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Bethesda, Md. this 27th day of May, 1980.

For the Nuclear Regulatory Commission.

William J. Dircks,

Acting Executive Director for Operations.

[FR Doc. 80-17400 Filed 6-6-80; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 590

[Correction to No. 80–234]

Regulations for Federally-Related Mortgage Loans; Preemption of State Usury Laws; Correction

Dated: April 3, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Correction of Final Regulations.

SUMMARY: This document corrects the Board's recent regulations concerning Federally-related residential mortgage loans published in the **Federal Register** on April 9, 1980. (45 FR 24112)

EFFECTIVE DATE: April 1, 1980.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Attorney, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552 ((202) 377–6457).

SUPPLEMENTARY INFORMATION:

By Resolution 80–234, the Board adopted regulations to implement the permanent mortgage interest ceiling preemption contained in § 501 of the Depository Institutions Deregulation and Monetary Control Act (Pub. L. No. 96–221, 94 Stat. 161). Because of a typographical error in § 590.2 of those regulations, there are two paragraphs numbered § 590.2(b). Accordingly, the Board is changing the second § 590.2(b) to § 590.2(c). The other paragraphs of § 590.2 should be redesignated to be consistent with this change.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 80-17451 Filed 6-6-80; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 11, 21, 25, 29, 37, 91, 121, 127 and 135

[Docket No. 19589; Amdt. Nos. 11–18; 21–50; 25–52; 29–19; 37–47; 91–163; 121–158; 127–38; and 135–4]

Technical Standard Order (TSO) Revision Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to adopt a new public procedure to expedite the issuance of standards, known as Technical Standard Orders (TSO), for specified materials, parts, processes, and appliances used on civil aircraft. In accordance with Executive Order 12044, Improving Government Regulations, the new procedure will expedite TSO issuance and amendment, and will result in the substantial reduction of existing regulatory material. Consistent with the President's goal of reforming the regulatory process to eliminate unnecessary requirements, these amendments will enable the FAA to issue and amend TSO's in a timely manner. In addition, it is part of the FAA's continuing effort to simplify the Federal Aviation Regulations. The expeditious issuance of new TSO's and amendment of existing TSO's (presently published as Subpart B of Part 37) are necessary to stay current with the continuing growth and technological advances in aeronautics.

EFFECTIVE DATE: September 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Eli S. Newberger, Regulatory Projects Branch, AVS–24, Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone (202) 755–8716.

SUPPLEMENTARY INFORMATION:

Background

Whenever a material, part, process, or appliance is to be used on an aircraft, it must be approved under the Federal Aviation Regulations (FAR) before it can be utilized. The approval can be obtained in one of the following ways: (1) under a Parts Manufacturer Approval issued under 14 CFR 21.303; (2) in conjunction with type certification procedures for a product, including approvals granted by a supplemental type certificate; (3) under a Technical

Standard Order authorization or approval issued under 14 CFR Part 37; or (4) in any other manner approved by the Administrator.

One of the several methods of obtaining approval is by designing and testing the article (material, part, process, or appliance) in accordance with a TSO which contains minimum performance and quality control standards for specified articles. The standards for each TSO are those the Administrator finds necessary to ensure that the article concerned will operate satisfactorily. Since compliance with a TSO is only one method of obtaining an approval, the standards contained in the TSO are not mandatory but are only an optional way of obtaining approval for a particular article. For example, an applicant can obtain approval to deviate from a particular TSO if it shows that the design features provide an equivalent level of safety.

A TSO is not a standard of general or particular applicability designed to implement or prescribe law or policy. It does not fall within the definition of "rule" contained in the Administrative Procedure Act (5 U.S.C. 551). There is no requirement that a TSO be published as a notice of proposed rule making in the **Federal Register.**

Future TSO's will, through incorporation by reference, make maximum practical use of "voluntary standards" as defined by the Office of Management and Budget (OMB) Circular A–119, "Federal Participation in the Development and Use of Voluntary Standards," issued January 17, 1980 (45 FR 4326). By definition of OMB Circular A–119, "voluntary standards" are established generally by the private sector "voluntary standards bodies" and are available for use by any person or organization, private or government. The term includes what are commonly referred to as "industry standards" as well as "consensus standards" but does not include professional standards of personal conduct, private standards of individual firms, or standards mandated by law. "Voluntary standards bodies" are nongovernmental bodies which are broad based, multimember, domestic, and multinational organizations including; for example, nonprofit organizations, industry associations, and professional technical societies which develop, establish, or coordinate voluntary standards.

The FAA has determined, for the reasons stated in Notice 79–15, published in the **Federal Register** on October 1, 1979 (44 FR 56370), that, in the interest of safety, it is appropriate to adopt new public procedures to facilitate the issuance of TSO's for specified articles used on civil aircraft. The safety aspect of this rule making is particularly important. The fact that TSO's have been part of the complex regulatory structure of the FAA has caused a substantial lag time between regulations and state of the technology. This procedural change should advance by months and even years the implementation of technological improvements in the U.S. aviation system.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matters presented. Significant comments received in response to Notice 79–15 are discussed below. A number of substantive, editorial, and clarifying changes have been made to the proposed rules based on relevant comments and on further review within the FAA. Except for minor editorial and clarifying changes and the changes discussed below, these amendments and the reasons for their adoption are the same as those contained in Notice 79–15.

These amendments are consistent with the agency's responsibility to review the continuing need for regulations and the need to eliminate unnecessary regulations. By eliminating TSO's from the regulations, previously published as Subpart B of 14 CFR Part 37, and making them available through the multiple procedures described below, the FAA has improved the availability of the TSO's and made it easier for the public to locate the most up-to-date standard. In addition, by removing TSO's from the agency's regulatory process, the time available for other matters within the regulatory system will be increased. This will enable the agency to respond in a more timely manner to other issues submitted by the public. This improvement of the regulatory process, to be more responsive to the public, is consistent with Executive Order 12044, issued by President Carter on March 23, 1978.

Discussion of Comments

Twenty-two individual sets of public comments were submitted in response to Notice 79–15. Several of the commenters were associations that presented the views of manufacturers, operators, and pilots. While the great majority of the commenters were in general agreement with the objective of the proposal, a number of them suggested changes, requested clarification or guidance, and offered specific criticisms. Other commenters proposed changes that are beyond the scope of this rulemaking.

Discussion of Comments to the New Public Procedure

In general, the commenters concerned themselves with the following questions: How would TSO authorizations be obtained? Would foreign countries accept them? How would a request for approval to deviate from any performance standard be handled? How would an interested party request a revision to a TSO? How would a current TSO be affected when a revision to the TSO is made? How would the public comment on a draft TSO? How would the FAA revise the sections of the Federal Aviation Regulations which reference a TSO by TSO number? One commenter expressed concern that adopting the proposal would abolish existing TSO's.

Based on comments received, the FAA has determined that the proposed new public procedure may not have been fully understood as it was explained in Notice 79–15. The purpose of the new public procedure is to expedite the issuance of TSO's for specified articles used on civil aircraft by deleting unnecessary rulemaking steps and by deleting unnecessary material from the regulations. This effort is consistent with Executive Order 12044. There is no change in the requirements for the issuance of TSO authorizations which are relocated from Subpart A of Part 37 to new Subpart O of Part 21. There is no change in the procedure to issue TSO authorizations, to process requests for approval to deviate from any performance standard, or to request a revision to a TSO. Existing holders of TSO authorizations will continue to retain their current status when new or amended TSO's are issued, unless otherwise specified in the TSO. Manufacturers may request approval to deviate from any TSO using the same procedures as before, now described in new § 21.609.

The new public procedure does not affect the right of the public to comment on a proposed TSO. The public will continue to be invited to participate in the development of documents prepared and issued by industry organizations which the FAA will use by reference in a TSO. The FAA will use the rulemaking process to revise the sections of the Federal Aviation Regulations which reference a TSO by TSO number when there is a need to change to referenced TSO number. The FAA will make available to any interested person an index of each current TSO and each TSO the FAA anticipates will be issued within the succeeding 12 months. The FAA will also invite comments from interested persons on each proposed

TSO using a notice in the **Federal Register.**

Public Procedure

The following is the public procedure, in detail, the FAA will use to develop and issue final TSO's for specified articles used on civil aircraft:

- The FAA will continue to develop draft TSO's and will continue to use, by reference in the TSO, documents prepared and issued by organizations such as the Radio Technical Commission for Aeronautics (RTCA) and the Society of Automotive Engineers (SAE). Notices of RTCA meetings and invitations will continue to be published in the **Federal Register.** This will allow public participation at the early stages of document development.
- Any interested person may request the Administrator to revise or issue a new TSO by submitting a description of the revision sought or a description of the new article for which a TSO is requested.
- The FAA will use several methods to ensure that the public is afforded early opportunities to take part in the TSO decisionmaking process. A draft TSO will be circulated for public comment through the use of mailing lists. Any individual or organization can request to be placed on the TSO mailing list. All those on the list will receive drafts of each TSO. In addition, Advisory Circular 20–110, Index of Aviation Technical Standard Orders, will list those TSO's the FAA anticipates will be issued within the succeeding 12 months. Advisory Circular 20–110 will also list each current TSO and provide information on how to obtain copies of those desired. Finally, the FAA will publish periodically a notice in the **Federal Register** of each proposed TSO and provide notice of how to obtain a copy.
- Any individual or organization wishing to obtain copies of Advisory Circular 20–110, specific draft TSO's, or all such TSO's proposed by the FAA may be placed on a mailing list by submitting a request addressed to the Federal Aviation Administration, Office of Airworthiness, Aircraft Engineering Division, Systems Branch (AWS–130), 800 Independence Avenue, S.W., Washington, D.C. 20591, or by telephoning (202) 426–8395. Interested persons will receive copies of the Advisory Circular and copies of those draft TSO's requested. Any person wishing to submit comments on a proposed TSO will be given 90 days from its issuance date to submit comments.
- All comments received on or before the closing date for comments will be considered by the Administrator before issuing a final TSO.
- All comments submitted will be available, both before and after the closing date for comments, for examination by interested persons in Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, S.W., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.
- Copies of the final TSO will be mailed to all persons on the mailing list. As in the past, documents prepared and issued by an organization that are incorporated by reference in the TSO will continue to be available to any interested person only from that organization. Final TSO's will not be published in the **Federal Register.**
- Copies of all draft and final TSO's will also be available at FAA Headquarters in the Office of Airworthiness, Aircraft Engineering Division, Systems Branch (AWS–130), and at all regional Flight Standards Engineering and Manufacturing offices.

In summary, the new procedure has numerous opportunities for the public to participate in the development of each TSO. These are: (1) participation in the development of documents prepared and issued by industry organizations, which the FAA may use by reference in a TSO; (2) mailing lists to circulate a draft TSO to the public for comment; (3) an advisory circular to list for the public each TSO the FAA anticipates will be issued within the succeeding 12 months; (4) notice in the **Federal Register** announcing the availability of each draft TSO and invitation for comment; and (5) at least 90 days to submit comments.

Discussion of General Comments

One commenter recommended tightening the TSO requirements, citing three airplane incidents (the loss of a piece of tall, the loss of a wing flap, and the failure of a rear bulkhead). This amendment does not address the requirements of any individual TSO. Furthermore, TSO authorizations are not issued for the airframe parts that the commenter cited. FAA approval for these airframe parts is accomplished under the type design approval for the specific airplane.

One commenter cited TSO references in §§ 91.24(a), 91.52, and 121.360 and questioned if the FAA plans to revise these sections to delete the referenced TSO. The FAA is not revising the referenced TSO in these sections. Since Part 37 is being revoked by this amendment, references to TSO's using sections of Part 37 (§ 37.XXX) are revised to reference each TSO by the TSO number.

One commenter stated that there may be problems relating to the enforcement of the provisions of Advisory Circular 20–110 under proposed §§ 21.603(a), 21.607(a), 21.609, and 21.611. It is unclear to what this commenter is referring since the advisory circular merely lists each current TSO and each TSO the FAA anticipates will be issued within the succeeding 12 months.

Discussion of Comments to § 11.49(b)

Present § 11.49(b)(2) delegates authority to the Director, Flight Standards Service, to issue, amend, and repeal TSO's under Part 37. The notice proposed deletion of this delegation since Part 37 is being revoked. No unfavorable comments were received on the proposal. Accordingly, the proposal is adopted without change. However, it should be noted that the current FAA official responsible for TSO's is the Director of Airworthiness.

Discussion of Comments to § 21.3

Two commenters pointed out that § 21.3 contained most of the requirements of proposed § 21.617 and suggested deleting requirements in proposed § 21.617 that are duplicated in § 21.3. The FAA agrees and comments to proposed § 21.617 are discussed under § 21.3. Section 21.617 adopted by this amendment relates to a different subject than that of proposed § 21.617 which is discussed under § 21.617.

One commenter suggested revising proposed § 21.617 (a) and (b) to require mechanical reliability reporting of TSO articles (currently required for Parts 121, 127, and 135 operators) for Part 91 operators or owners. The commenters cited greater user awareness of such problems for justification. Because the FAA is currently reviewing the entire mechanical reliability reporting program and the issue will be addressed at a latter date, the suggestion was not adopted.

Another commenter asked if imported articles would be exempt from the reporting requirements of proposed § 21.617. Section 21.3(d)(2) does exempt foreign manufacturers from the reporting requirements of § 21.3(a) because there are existing means by which the FAA obtains the necessary information from the appropriate airworthiness authorities in the country of manufacture. As a result of the information provided by the foreign authorities, it is not necessary to apply the requirements of § 21.3(a) to foreign manufacturers.

Another commenter suggested removing the phrase "After January 3, 1971" from proposed § 21.617 (a) and (b). Based on these comments and upon further consideration, the FAA has amended § 21.3 (a), (b), (d), and (e)(3)(ii) to make them applicable to holders of a TSO authorization, relocated proposed § 21.617(f) to new § 21.3(f), deleted the phrase "After January 3, 1971," from § 21.3 (a) and (b), and deleted proposed § 21.617.

Discussion of Comments to Subpart O of Part 21

No unfavorable comments were received on the proposal to amend § 21.305(b) or on proposed §§ 21.609, 21.611, 21.613, 21.615, 21.619, and 21.621. Accordingly, these proposals are adopted without substantive change.

One commenter suggested deleting § 21.305(d) and amending § 43.7 to specify that any alteration of major repair approvals granted under Part 43 be limited to the specific aircraft (by type and serial number) upon which work is performed. The commenter stated that the provisions of § 21.305(d) in conjunction with discretionary functions of § 43.7 would "administratively lead to arbitrary and capricious application of subjective standards." No proposal was made in Notice 79–15 to amend §§ 21.305(d) and 43.7 as suggested by the commenter. Furthermore, since the FAA does not have sufficient information at the present time to justify such amendments to §§ 21.305(d) and 43.7, the suggestion is not adopted.

One commenter suggested placing the TSO procedural requirements under Subpart K instead of proposed Subpart O and questioned the need for the proposed new Subpart O. Relocation of the procedural requirements of Subpart A of Part 37 in new Subpart O, as proposed, would retain the same paragraph format subdivisions which are easy to read and use. This would make the regulations easier to use for all members of the public. Therefore, these requirements are relocated in Subpart O.

One commenter suggested that TSO authorizations be transferable. The FAA does not agree. TSO authorizations are not transferable like type certificates because authorizations are issued based on the person's quality control system and ability to duplicate the article under the TSO system.

§ 21.601

No unfavorable comments were received on proposed § 21.601. However, the FAA is adopting an amendment to § 21.601 by adding paragraph 21.601(c) which states that the Administrator does not issue a TSO authorization if the manufacturing facilities for the product are located outside of the United States, unless the Administrator finds that the location places no undue burden on the FAA in administering applicable airworthiness requirements. This additional requirement is necessary to ensure that proper surveillance can be maintained over the manufacturer's facilities. The need to impose this restriction is based upon the type of surveillance necessary over a manufacturer having a TSO authorization. It is identical to the restriction placed upon manufacturing facilities to which type certificates are issued in accordance with § 21.43 and to which production certificates are issued in accordance with § 21.137 and reflects current practice. A new § 21.617 is adopted to address current practices for approving foreign-manufactured articles designed to TSO performance standards. The procedures of new § 21.617 provide an approved equivalent to the domestic TSO authorization.

§ 21.603

One commenter objected to proposed § 21.603(b) which continues to allow the holder of an FAA letter of acceptance of a statement of conformance, issued for an article before July 1, 1962, to continue to manufacture that article without obtaining a TSO authorization. The commenter stated that this establishes different levels of safety for the same product because it allows a product to continue to be manufactured under obsolete standards when that product could not meet current standards. Holders of such letters must comply with the requirements of §§ 21.607 through 21.615, 21.619, and 21.621. In general, when an application for TSO authorization is made, the applicable standards for the article are those in effect on the date of application. The FAA did not propose to revise § 21.603(b) to withdraw letters of acceptance issued before July 1, 1962, or any TSO authorization issued after July 1, 1962, and to require all manufacturers to demonstrate compliance with the current TSO performance standards. No unfavorable comments were received on the proposal to relocate the substance of § 37.3 to new § 21.603. Accordingly, the proposal is adopted without substantive change.

§ 21.605

One commenter recommended revising proposed § 21.605(a)(2) to require one copy of the technical data required in the applicable TSO issued by the Administrator unless additional copies are requested by the Administrator. The FAA agrees this would reduce the number of copies of the technical data the applicant would need to submit. Another commenter suggested revising the last sentence of proposed § 21.605(a)(3) to add the phrase "or numbers (or combinations thereof)" between the words "letters" and "will." The commenter stated this would allow the use of suffix numerals as well as letters to designate minor changes to TSO articles. The FAA agrees. After further review, the FAA has determined that the use of part numbers in proposed §§ 21.605(a)(3) and 21.611(a) to identify minor design changes would simplify and expedite approval of such changes. This is consistent with Executive Order 12044 in that it lessens the regulatory burden on the public. Accordingly, § 21.605 is adopted with the noted changes.

§ 21.607

One commenter suggested deleting proposed § 21.607(d)(3) because the required weight information is not necessary as a part of the nameplate and it is provided elsewhere. The FAA agrees. Section 21.607(d)(3) is deleted and § 21.607(d) is renumbered. The same commenter recommended amending proposed § 21.607 to list the required data and information currently listed in the performance standards of each TSO to futher simplify the TSO system. The FAA has determined that since the data and information listed in each TSO are not common to all TSO's, the recommendation, if adopted, would impose unnecessary requirements on some TSO authorization holders. Accordingly, proposed § 21.607 is adopted without substantive change.

Issue of Letters of TSO Design Approval: Import Appliances

New § 21.617

In order to implement the requirements contained in §§ 21.601(b)(2), 21.603(d) and 21.609(b), the FAA is adopting procedural requirements which reflect current practice for the issuance of letters of TSO design approval for import appliances (see discussion of § 21.601). New § 21.617, which is totally different in subject from proposed § 21.617 (see § 21.3), prescribes the procedural requirements and, as adopted, §§ 21.601(b)(3), 21.603(a), and 21.609(b) are revised to address foreign manufacturers. These procedural requirements reflect the current practice. Adopting this procedure causes no burden on any person and it has the benefit of formalizing the current

practice. The FAA finds that notice and public procedure are unnecessary.

Note.—This rule contains provisions for the issuance of a TSO authorization and a letter of TSO design approval. To differentiate, a TSO authorization is limited to manufacturers of articles (materials, parts, processes, or appliances) located in the United States. These manufacturers must comply with the requirement to submit quality control system data in addition to certifying that their design complies with the pertinent TSO. Conversely, a letter of TSO design approval is processed under the provisions of airworthiness bilateral agreements and is limited to appliances as defined in pertinent airworthiness bilateral agreements. Such approvals do not require submitting quality control data. The quality control integrity of these appliances is attested to by the Certificate of Airworthiness for Export issued by the civil airworthiness authority of the country of manufacture under the provisions of § 21.502.

Note.—Any article approved under an FAA TSO authorization (domestic) or under a letter of TSO design approval (foreign) only attests to the conformity of the design and quality of the particular article against the TSO perfomance and quality control standards. It does not convey an installation approval. Accordingly, installation approval must be obtained in a manner acceptable to the Administrator for each particular product on which the article is to be installed. This is not a change in existing practice.

Discussion of Comments to Part 37

One commenter suggested revoking only Subpart B of Part 37. The FAA has determined that there is benefit in having all of the certification procedures for products and parts in Part 21 of the Federal Aviation Regulations. Accordingly, the proposal to revoke Part 37 is adopted without charge.

Note.—There is no change in reporting and/or recordkeeping requirements which are relocated from Subpart A of Part 37 to new Subpart O of Part 21.

Adoption of the Amendments

Accordingly, Parts 11, 21, 25, 29, 37, 91, 121, 127, and 135 of the Federal Aviation Regulations (14 CFR Parts 11, 21, 25, 29, 37, 91, 121, 127, and 135) are amended as follows, effective September 9, 1980.

PART 11—GENERAL RULEMAKING PROCEDURES

§ 11.49 [Amended]

1. By deleting and reserving § 11.49(b)(2).

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

2. By revising § 21.3 (a), (b), (d)(1) introductory text, (d)(2), (e)(3)(ii)–(v) and adding paragraphs (e)(3)(vi) and (f) to read as follows:

§ 21.3 Reporting of failures, malfunctions, and defects.

(a) Except as provided in paragraph (d) of this section, the holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or the licensee of a Type Certificate shall report any failure, malfunction, or defect in any product, part, process, or article manufactured by it that it determines has resulted in any of the occurrences listed in paragraph (c) of this section.

(b) The holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or the licensee of a Type of Certificate shall report any defect in any product, part, or article manufactured by it that has left its quality control system and that it determines could result in any of the occurrences listed in paragraph (c) of this section.

* * * * *

(d) * * *

(1) Failures, malfunctions, or defects that the holder of a Type Certificate (including a Supplemental Type Certificate), Parts Manufacturer Approval (PMA), or TSO authorization, or the licensee of a Type Certificate—

(i) * * *

(ii) * * *

(iii) * * *

(2) Failures, malfunctions, or defects in products, parts, or articles manufactured by a foreign manufacturer under a U.S. Type Certificate issued under § 21.29 or § 21.617, or exported to the United States under § 21.502.

(e) * * *

(3) * * *

(i) * * *

(ii) When the failure, malfunction, or defect is associated with an article approved under a TSO authorization, the article serial number and model designation, as appropriate.

(iii) When the failure, malfunction, or defect is associated with an engine or propeller, the engine or propeller serial number, as appropriate.

(iv) Product model.

(v) Identification of the part, component, or system involved. The identification must include the part number.

(vi) Nature of the failure, malfunction, or defect.

(f) Whenever the investigation of an accident or service difficulty report shows that an article manufactured under a TSO authorization is unsafe because of a manufacturing or design defect, the manufacturer shall, upon request of the Administrator, report to the Administrator the results of its investigation and any action taken or proposed by the manufacturer to correct that defect. If action is required to correct the defect in existing articles, the manufacturer shall submit the data necessary for the issuance of an appropriate airworthiness directive to the Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), of the FAA regional office in the region in which it is located.

3. By revising § 21.305(b) to read as follows:

§ 21.305 Approval of materials, parts, processes, and appliances.

* * * * *

(b) Under a Technical Standard Order issued by the Administrator. Advisory Circular 20–110 contains a list of Technical Standard Orders that may be used to obtain approval. Copies of the Advisory Circular may be obtained from the U.S. Department of Transportation, Publication Section (M–443.1), Washington, D.C. 20590;

* * * * *

4. By adopting a new Subpart O to Part 21 to read as follows:

Subpart O—Technical Standard Order Authorizations

Sec.

21.601 Applicability.
21.603 TSO marking and privileges.
21.605 Application and issue.
21.607 General rules governing holders of TSO authorizations.
21.609 Approval for deviation.
21.611 Design changes.
21.613 Recordkeeping requirements.
21.615 FAA inspection.
21.617 Issue of letters of TSO design approval: import appliances.
21.619 Noncompliance.
21.621 Transferability and duration.

§ 21.601 Applicability.

(a) This Subpart prescribes—

(1) Procedural requirements for the issue of Technical Standard Order authorizations;

(2) Rules governing the holders of Technical Standard Order authorizations; and

(3) Procedural requirements for the issuance of a letter of Technical Standard Order design approval.

(b) For the purpose of this Subpart—

(1) A Technical Standard Order (referred to in this Subpart as "TSO") is issued by the Administrator and is a minimum performance standard for specified articles (for the purpose of this Subpart, articles means materials, parts, processes, or appliances) used on civil aircraft.

(2) A TSO authorization is an FAA design and production approval issued to the manufacturer of an article which has been found to meet a specific TSO.

(3) A letter of TSO design approval is an FAA design approval for a foreign-manufactured article which has been found to meet a specific TSO in accordance with the procedures of § 21.617.

(4) An article manufactured under a TSO authorization, an FAA letter of acceptance as described in § 21.603(b), or an appliance manufactured under a letter of TSO design approval described in § 21.617 is an approved article or appliance for the purpose of meeting the regulations of this chapter that require the article to be approved.

(5) An article manufacturer is the person who controls the design and quality of the article produced (or to be produced, in the case of an application), including the parts of them and any processes or services related to them that are procured from an outside source.

(c) The Administrator does not issue a TSO authorization if the manufacturing facilities for the product are located outside of the United States, unless the Administrator finds that the location of the manufacturer's facilities places no undue burden on the FAA in administering applicable airworthiness requirements.

§ 21.603 TSO marking and privileges.

(a) Except as provided in paragraph (b) of this section and § 21.617(c), no person may identify an article with a TSO marking unless that person holds a TSO authorization and the article meets applicable TSO performance standards.

(b) The holder of an FAA letter of acceptance of a statement of conformance issued for an article before July 1, 1962, or any TSO authorization issued after July 1, 1962, may continue to manufacture that article without obtaining a new TSO authorization but shall comply with the requirements of §§ 21.3, 21.607 through 21.615, 21.619, and 21.621.

(c) Notwithstanding paragraphs (a) and (b) of this section, after August 6, 1976, no person may identify or mark an article with any of the following TSO numbers:

(1) TSO–C18, –C18a, –C18b, –C18c.

(2) TSO–C24.

(3) TSO–C33.

(4) TSO–C61 or C61a.

§ 21.605 Application and issue.

(a) The manufacturer (or an authorized agent) shall submit an application for a TSO authorization, together with the following documents, to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the applicant is located (or in the case of the Western Region, the Chief, Aircraft Engineering Division):

(1) A statement of conformance certifying that the applicant has met the requirements of this Subpart and that the article concerned meets the applicable TSO that is effective on the date of application for that article.

(2) One copy of the technical data required in the applicable TSO.

(3) A description of its quality control system in the detail specified in § 21.143. In complying with this section, the applicant may refer to current quality control data filed with the FAA as part of a previous TSO authorization application.

(b) When a series of minor changes in accordance with § 21.611 is anticipated, the applicant may set forth in its application the basic model number of the article and the part number of the components with open brackets after it to denote that suffix change letters or numbers (or combinations of them) will be added from time to time.

(c) After receiving the application and other documents required by paragraph (a) of this section to substantiate compliance with this Part, and after a determination has been made of its ability to produce duplicate articles under this Part, the Administrator issues a TSO authorization (including all TSO deviations granted to the applicant) to the applicant to identify the article with the applicable TSO marking.

(d) If the application is deficient, the applicant must, when requested by the Administrator, submit any additional information necessary to show compliance with this Part. If the applicant fails to submit the additional information within 30 days after the Administrator's request, the application is denied and the applicant is so notified.

(e) The Administrator issues or denies the application within 30 days after its receipt or, if additional information has been requested, within 30 days after receiving that information.

§ 21.607 General rules governing holders of TSO authorizations.

Each manufacturer of an article for which a TSO authorization has been issued under this Part shall—

(a) Manufacture the article in accordance with this Part and the applicable TSO.

(b) Conduct all required tests and inspections and establish and maintain a quality control system adequate to ensure that the article meets the requirements of paragraph (a) of this section and is in condition for safe operation;

(c) Prepare and maintain, for each model of each article for which a TSO authorization has been issued, a current file of complete technical data and records in accordance with § 21.613; and

(d) Permanently and legibly mark each article to which this section applies with the following information:

(1) The name and address of the manufacturer.

(2) The name, type, part number, or model designation of the article.

(3) The serial number or the date of manufacture of the article or both.

(4) The applicable TSO number.

§ 21.609 Approval for deviation.

(a) Each manufacturer who requests approval to deviate from any performance standard of a TSO shall show that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.

(b) The request for approval to deviate, together with all pertinent data, must be submitted to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the manufacturer is located (or in the case of the Western Region, the Chief, Aircraft Engineering Division). If the article is manufactured in a foreign country, the request for approval to deviate, together with all pertinent data, must be submitted through the civil aviation authority in that country to the FAA.

§ 21.611 Design changes.

(a) *Minor changes by the manufacturer holding a TSO authorization.* The manufacturer of an article under an authorization issued under this Part may make minor design changes (any change other than a major change) without further approval by the Administrator. In this case, the changed article keeps the original model number (part numbers may be used to identify minor changes) and the manufacturer shall forward to the appropriate Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), any revised data that are necessary for compliance with § 21.605(b).

(b) *Major changes by manufacturer holding a TSO authorization.* Any design change by the manufacturer that is extensive enough to require a substantially complete investigation to determine compliance with a TSO is a major change. Before making such a change, the manufacturer shall assign a new type or model designation to the

article and apply for an authorization under § 21.605.

(c) *Changes by person other than manufacturer.* No design change by any person (other than the manufacturer who submitted the statement of conformance for the article) is eligible for approval under this Part unless the person seeking the approval is a manufacturer and applies under § 21.605(a) for a separate TSO authorization. Persons other than a manufacturer may obtain approval for design changes under Part 43 or under the applicable airworthiness regulations.

§ 21.613 Recordkeeping requirements.

(a) *Keeping the records.* Each manufacturer holding a TSO authorization under this Part shall, for each article manufactured under that authorization, keep the following records at its factory:

(1) A complete and current technical data file for each type or model article, including design drawings and specifications.

(2) Complete and current inspection records showing that all inspections and tests required to ensure compliance with this Part have been properly completed and documented.

(b) *Retention of records.* The manufacturer shall retain the records described in paragraph (a)(1) of this section until it no longer manufactures the article. At that time, copies of these records shall be sent to the Administrator. The manufacturer shall retain the records described in paragraph (a)(2) of this section for a period of at least 2 years.

§ 21.615 FAA inspection.

Upon the request of the Administrator, each manufacturer of an article under a TSO authorization shall allow the Administrator to—

(a) Inspect any article manufactured under that authorization;

(b) Inspect the manufacturer's quality control system;

(c) Witness any tests;

(d) Inspect the manufacturing facilities; and

(e) Inspect the technical data files on that article.

§ 21.617 Issue of letters of TSO design approval: import appliances.

(a) A letter of TSO design approval may be issued for an appliance that is manufactured in a foreign country with which the United States has an agreement for the acceptance of these appliances for export and import and that is to be imported into the United States if—

(1) The country in which the appliance was manufactured certifies that the appliance has been examined, tested, and found to meet the applicable TSO designated in § 21.305(b) or the applicable performance standards of the country in which the appliance was manufactured and any other performance standards the Administrator may prescribe to provide a level of safety equivalent to that provided by the TSO designated in § 21.305(b); and

(2) The manufacturer has submitted one copy of the technical data required in the applicable performance standard through its civil aviation authority.

(b) The letter of TSO design approval will be issued by the Administrator and must list any deviation granted to the manufacturer under § 21.609.

(c) After the Administrator has issued a letter of TSO design approval and the country of manufacture issues a Certificate of Airworthiness for Export as specified in § 21.502(a), the manufacturer shall be authorized to identify the appliance with the TSO marking requirements described in § 21.607(d) and in the applicable TSO. Each appliance must be accompanied by a Certificate of Airworthiness for Export as specified in § 21.502(a) issued by the country of manufacture.

§ 21.619 Noncompliance.

The Administrator may, upon notice, withdraw the TSO authorization or letter of TSO design approval of any manufacturer who identifies with a TSO marking an article not meeting the performance standards of the applicable TSO.

§ 21.621 Transferability and duration.

A TSO authorization or letter of TSO design approval issued under this Part is not transferable and is effective until surrendered, withdrawn, or otherwise terminated by the Administrator.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

§ 25.1415 [Amended]

5. By amending § 25.1415(d) by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91".

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

§ 29.1415 [Amended]

6. By amending § 29.1415(d) by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91".

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

7. By revoking Part 37 and marking it to read as follows:

PART 37 [Reserved]

PART 91—GENERAL OPERATING AND FLIGHT RULES

§ 91.52 [Amended]

8. By amending § 91.52 by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91" in paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) and by replacing the phrase "§ 37.200(g)(2) of this chapter" with the phrase "TSO–C91, paragraph (g)(2)" in paragraph (d)(2).

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

§ 121.339 [Amended]

9. By amending the first sentence of § 121.339(a)(4) by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91," by deleting the phrase "of Part 37 of this chapter," and by replacing the phrase "§ 37.200(g)(2) of this chapter" with the phrase "TSO–C91, paragraph (g)(2)" in the second sentence.

§ 121.353 [Amended]

10. By amending the first sentence of § 121.353(b) by replacing the phrase "§ 37.200 of this chapter" with the term "TSO–C91," by deleting the phrase "of Part 37 of this chapter," and by replacing the phrase "§ 37.200(g)(2) of this chapter" with the phrase "TSO–C91, paragraph (g)(2)" in the second sentence.

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

§ 127.103 [Amended]

11. By amending § 127.103(b) by replacing the phrase "§ 37.20 of this chapter" with the term "TSO–C10b".

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

§ 135.167 [Amended]

12. By amending the first sentence of § 135.167(b) by replacing the phrase "§ 37.200 of this chapter" with the phrase "the applicable requirements of TSO–C91" and by replacing the phrase "§ 37.200(g)(2) of this chapter" with the phrase "TSO–C91, paragraph (g)(2)" in the second sentence.

(Sections 303(d), 313(a), 601, 603, and 605, Federal Aviation Act of 1958, as amended (49 U.S.C. 1344, 1354(a), 1421, 1423, 1424, and 1425; Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Note.—The FAA has determined that this document involves regulations which are not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on June 2, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-17198 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 78-WE-12-D; Amdt. 39-3787]

AiResearch Model TPE 331-1, -2, -3, -5, -6, and TSE 331-3 Series Engines; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to AiResearch Model TPE 331-1, -2, -3, -5, -6, and TSE 331-3 series engines by providing for the installation of alternate part in the accomplishment of the modification required by the original AD. The amendment is needed to provide increased flexibility in AD accomplishments with the same, or higher level of safety than that specified in the original AD.

DATE: Effective June 12, 1980.

Compliance schedule—As prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: This amendment further amends Amendment 39-3367, AD 78-25-08, as amended by Amendments 39-3389 and 39-3607, which currently requires the incorporation of a modified fuel control drive system on AiResearch Model TPE 331-1, -2, -3, -5, -6, and TSE 331-3 series engines. After issuing Amendment 39-3607 the manufacturer has produced an alternate configuration torque sensor which the FAA has determined is suitable for use in accomplishing AD 78-25-08. Therefore, the FAA is further amending Amendment 39-3367, as amended, by authorizing incorporation of an alternate configuration torque sensor on AiResearch Model TPE 331-1, -2, -3, -5, -6, and TSE 331-3 series engines.

Since this amendment provides an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by further amending Amendment 39-3367, AD 78-25-08, as amended by Amendments 39-3389 and 39-3607 by revising paragraph (a) to read as follows:

* * * * *

(a) Within the next 3100 hours' time in service after July 1, 1979, or at the next overhaul after July 1, 1979, or prior to December 31, 1985, whichever comes first, unless already accomplished, incorporate the modified engine fuel control drive gear train in the main reduction gear box of the TSE331-3U and TPE331-1, -2, -3U, -3UW, -5, and -6 series engines in accordance with AiResearch Service Bulletin TPE331-72-0061, revision 1, dated December 18, 1978 or revision 2 dated October 18, 1979. Torque sensor assembly P/N 3101726-2 may be used in place of P/N 3101726-1. Installation of torque sensor assembly P/N 3101726-2 is per paragraph 2.E of AiResearch Service Bulletin TPE331-72-0232, Revision 1, dated December 5, 1979.

* * * * *

Amendment 39-3367 became effective January 19, 1979

Amendment 39-3389 became effective January 8, 1979

Amendment 39-3607 became effective November 19, 1979

This Amendment becomes effective June 12, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Issued in Los Angeles, Calif., on May 22 1980

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-17375 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 20403, Amdt. 39-3796]

Government Aircraft Factories Nomad Models N22B and N24A Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection and modification of the rudder intercostals and rudder trim tab control rod on Government Aircraft Factories (GAF) of Australia models N22B and N24A airplanes. This AD is necessary to detect and prevent partial failure of a rudder intercostal and chafing of the rudder trim tab control rod during aircraft operation which could lead to failure of the rudder trim tab on U.S. registered aircraft.

DATES: Effective June 23, 1980.

Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The manufacturer's applicable alert service bulletin may be obtained from Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. The document may also be examined at the Federal Aviation Administration, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, and Rules Docket, Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, Federal Aviation Administration, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850. Telephone: (808) 546-8650/546-8658, or C. Christie, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426-8374.

SUPPLEMENTARY INFORMATION: Government Aircraft Factories (GAF) Nomad Models N22B and N24A airplanes are manufactured in Australia. A number of mandatory corrective actions applicable to these aircraft have been imposed by the Australian Department of Transport (DOT). Although none of these service difficulties have been encountered by U.S. registered Nomad aircraft to date, it is likely the same unsafe conditions could exist on U.S. registered aircraft. Accordingly, an AD is being issued related to the inspection and modification of rubber intercostals and the rudder trim control rod. Loose rivets

and cracked intercostal flanges in the rudder structure will result in chafing of the rudder trim tab control rod and could lead to loss of rudder trim tab control on the Government Aircraft Factories of Australia Models N22B and N24A airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure thereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Government Aircraft Factories (GAF). Applies to Models N22B (Serial Nos. N22B–5 and up) and N24A (Serial Nos. N24A–42 and up), certificated in all categories.

Compliance required as indicated. To prevent possible failure of rudder trim tab control, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of the AD, unless already accomplished, visually inspect the rudder skin for loose rivets, and cracked intercostal flanges, and the rudder trim tab control rod for chafing, in accordance with GAF Nomad Alert Service Bulletin No. ANMD–55–11 (hereinafter referred to as the Service Bulletin) dated January 29, 1980, Part I and Part II, or an FAA-approved equivalent.

(1) If no cracks are found as a result of the inspection required by paragraph (a) of this AD, within the next 100 hours time in service after the effective date of this AD, unless already accomplished, perform the following modification in accordance with Part III of the Service Bulletin:

(i) Replace rudder intercostal between W.L. 140.55 and W.L. 165.95 with an improved type or strengthen existing intercostal flanges.

(ii) Rework lower rudder intercostal lightening hole and angle to prevent chafing of rudder trim tab control rod.

(iii) Cut inspection hole in lower rib.

(2) If loose rivets or cracked flanges are found, before further flight, accomplish the modifications required by sub-paragraph (1)(i), (ii) and (iii) of this paragraph.

(b) Aircraft may be flown in accordance with FAR § 21.197 and FAR § 21.199 to a location where the modification can be performed.

(c) For purposes of complying with this AD, an FAA-approved equivalent must be approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

Note.—All persons affected by this directive who have not already received the Service Bulletin from the manufacturer, may obtain copies upon request to the Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. These documents may also be examined at the FAA, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, or Rules Docket, Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591.

This Amendment becomes effective June 23, 1980.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Washington, D.C., on June 2, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80–17376 Filed 6–6–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 20404; Amdt. 39–379]

British Aerospace (Formerly Hawker Siddeley Aviation, Ltd.) DH/BH/HS–125 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires installation of a steel strap at the aft lug on each center flap hinge arm assembly, repetitive inspections of the flap outer hinge assembly, and replacement of cracked parts on certain British Aerospace DH/BH/HS–125 series airplanes, and trimming of the reinforcing on the flap lower skin on these airplanes except series 700 airplanes. This AD supersedes an existing AD applicable to certain series airplanes which requires inspection of the lugs at the flap upper attachment fittings and the flap lower hinge arm fittings. This AD is needed to prevent loss of flaps which could result in loss of control of the airplane. This amendment also amends another existing AD by relieving those persons required to comply with the new AD from compliance with related provisions of the AD being amended.

EFFECTIVE DATE: June 23, 1980.

Compliance—As prescribed in body of AD.

ADDRESSES: The applicable service bulletins may be obtained from: Technical Manuals Distribution Center, Product Support Department, British Aerospace—Aircraft Group, Hatfield, Hertfordshire AL10 9TL, England.

A copy of each of the service bulletins is contained in the rules docket for this amendment in Rm. 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30 or C. Christie, Chief, Technical Standards Branch, AFS–110, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426–8374.

SUPPLEMENTARY INFORMATION: This amendment supersedes Amendment 39–3133 (43 FR 4420) by superseding AD 78–03–03, and by further amending Amendment 37–1676 (39 FR 16348), AD 73–13–10.

AD 78–03–03 requires inspection at three month intervals of the lugs of the flap upper attachment fittings and the flap lower hinge arm fittings on certain British Aerospace DH/BH/HS–125 series airplanes. AD 78–03–03 was first issued as a telegram on December 1, 1977, and was made immediately effective to all persons receiving the telegram. It was published in the **Federal Register** at 43 FR 4420 on February 2, 1978 and made effective as to all other persons. After issuing AD 78–03–03, the FAA has determined, based on service experience and a finding by the manufacturer, that a modification of the outer flap hinge assembly is required to maintain its structural integrity and that appropriate AD action be made applicable to all British Aerospace DH/BH/HS–125 series airplanes except 700 series airplanes above Serial No. NA–0244. Therefore AD 78–03–03 is being superseded by a new AD that requires installation of a steel strap on the outer flap hinge assembly, repetitive inspections at one year intervals of the flap outer hinge assembly for cracks, replacement of cracked parts on these British Aerospace DH/BH/HS–125 series airplanes, and, except on Series 700 airplanes, trimming of the reinforcing on the flap lower skin. Although the repetitive inspection following incorporation of the modification is required at one year intervals, this AD first requires an inspection (within the next three months after the effective date of this AD) on those airplanes which before the effective date of this AD had incorporated British Aerospace Modification 252670. This inspection is

needed because the post-modification inspection required by this AD is more extensive than that required by AD 78–03–03, which applied to many, but not necessarily all, of the modified airplanes. Furthermore, the FAA has no way of knowing how long a period has elapsed since any such modification was accomplished; what, if any, inspections have been performed; and whether the trimming has been accomplished. Therefore, this initial inspection is required before those airplanes begin the repetitive inspection at one year intervals. If, however, an airplane with modification incorporated has already been inspected in accordance with the more extensive inspection requirements (British Aerospace Service Bulletin 57–55) and the trimming, if required, was accomplished concurrently or before such an inspection, the first inspection required by this AD must be accomplished within the next three months after the effective date of this AD or within 12 months after the last inspection performed in accordance with S.B. 57–55, whichever occurs later.

Amendment 39–3133 amended Amendment 39–1676 (38 FR 16348; June 22, 1973), AD 73–13–10, by relieving operators required to comply with the AD issue by telegram on December 1, 1977, i.e., AD 78–03–03, from compliance with related provisions of AD 73–13–10. Since AD 78–03–03 is being superseded by a new AD, the FAA is further amending Amendment 39–1676 to make those same provisions inapplicable to operators required to comply with the new AD.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended as follows:

1. By further amending Amendment 39–1676 (38 FR 16348), AD 73–13–10, as amended by Amendment 39–3133 (43 FR 4420), by revising paragraph (f) to read as follows: "(f) Paragraphs (b), (c), and (d) of this AD do not apply to airplanes required to comply with AD 80- ".

2. By adopting a new AD to read as follows:

British Aerospace (Formerly Hawker Siddeley Aviation, Ltd.). Applies to Model DH/BH/HS–125 series airplanes except 700 series airplanes above Serial No. NA–0244, certificated in all categories.

Compliance is required as indicated.

To prevent the possible loss of flaps, accomplish the following:

(a) For those airplanes to which AD 78–03–03 did not apply, before further flight, except that the airplane may be flown in accordance with FAR 21.197 and FAR 21.199 to a base where the work can be accomplished, and for those airplanes to which AD 78–03–03 applied, within the next 3 months after the last inspection performed in accordance with AD 78–03–03, unless already accomplished—

(1) Incorporate British Aerospace Modification No. 252670 or an FAA-approved equivalent in accordance with all items set forth in paragraph 2, "Accomplishment Instructions", British Aerospace Service Bulletin SB. 57–54–(2670), dated March 10, 1978 or an FAA-approved equivalent; and

(2) Concurrently with incorporation of the modification, inspect the aft lug of the hinge arm brackets and, except for 700 series airplanes, trim, blend, and de-burr the reinforcing on the flap lower skin, in accordance with "Additional Action to be Carried Out Concurrently with SB. 57–54 paras. 2.A (4) to (7)", page 8, British Aerospace Service Bulletin SB. 57–54–(2670), dated March 10, 1978, or an FAA-approved equivalent. However, if before the effective date of this AD, an airplane had incorporated modification 252670 or an FAA-approved equivalent, but any of the actions specified in paragraph (a)(2) of this AD, if applicable, had not been accomplished, comply with paragraph (c) of this AD.

(b) For those airplanes which before the effective date of this AD had not incorporated British Aerospace Modification 252670 or an FAA-approved equivalent and had not performed the lug inspection and the trimming, etc., of the reinforcing specified in paragraph (a)(2) of this AD, within the next 12 months after concurrently accomplishing this work in accordance with paragraph (a) of this AD, inspect in accordance with paragraph (e) of this AD.

(c) For those airplanes which before the effective date of this AD had already incorporated British Aerospace Modification 252670 or an FAA-approved equivalent—

(1) Except for 700 series airplanes—(i) Within the next 3 months after the effective date of this AD, unless already accomplished, trim, blend, and de-burr the reinforcing on the flap lower skin in accordance with paragraph 1, "Additional Action to be Carried Out Concurrently With SB. 57–54 para. 2A (4) to (7)", page 8, British Aerospace Service Bulletins 57–54–(2670), dated March 10, 1978, or an FAA-approved equivalent; and

(ii) Within the next 3 months after the effective date of this AD but not before paragraph (c)(1) of this AD has been accomplished, inspect in accordance with paragraph (e) of this AD.

However, for an airplane on which before the effective date of this AD, British Aerospace Service Bulletin S.B. 57–55 dated May 5, 1978 (hereinafter Service Bulletin S.B. 57–55) had been accomplished and either before such accomplishment or concurrently with such accomplishment the trimming, etc., of the reinforcing on the flap lower skin specified in paragraph (c)(1) of this AD had been accomplished, within the next 3 months after the effective date of this AD or within the next 12 months after the last accomplishment of Service Bulletin S.B. 57–55, whichever occurs later, inspect in accordance with paragraph (e) of this AD.

(2) For 700 series airplanes, within the next 3 months after the effective date of this AD or within the next 12 months after the last accomplishment of Service Bulletin S.B. 57–55 of this AD, whichever occurs later, inspect in accordance with paragraph (e) of this AD.

(d) Within the next 12 months after the inspection required by paragraph (b) or (c) of this AD, and thereafter at intervals not to exceed 12 months from the last inspection, inspect in accordance with paragraph (e) of this AD.

(e) Inspect the flap outer hinge assemblies using the dye penetrant method in accordance with paragraph 2, "Accomplishment Instructions" of Service Bulletin SB. 57–55 or an FAA-approved equivalent. This inspection requires full compliance with Items 1 through 7 of paragraph 2 of the Service Bulletin.

If, during any inspection required by this AD, any cracks are found:

(1) Before further flight—(i) Replace the cracked part with a new part in accordance with Service Bulletin S.B. 57–55, or and FAA-approved equivalent. In addition, if the rear lug of a hinge arm is found to be cracked, also replace the associated steel strap with a new strap in accordance with Service Bulletin S.B. 57–55 or an FAA-approved equivalent;

(ii) Re-protect and reassemble the assemblies, complying fully with Items 9 through 13, paragraph 2, "Accomplishment Instructions" of Service Bulletin S.B. 57–55 or an FAA-approved equivalent.

(2) Continue the repetitive inspection required by this AD.

(g) If, during any inspection required by this AD, no cracks are found, re-protect and re-assemble the assemblies complying fully with Items 9 through 13, paragraph 2, "Accomplishment Instructions" of Service Bulletin S.B. 57–55 or an FAA-approved equivalent, and continue the repetitive inspections required by this AD.

(h) For purposes of this AD, an FAA-approved equivalent must be approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

This supersedes Amendment 39–3133 (43 FR 4420), AD 78–03–03.

This amendment becomes effective June 23, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by writing to the person

identified above under the caption "FOR FURTHER INFORMATION CONTACT * * *"

Issued in Washington, D.C., on June 2, 1980

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 80-17377 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-EA-11]

Designation of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a VOR Federal Airway V-373 from Gordonsville, Va., to SABBI Intersection, which is east of Brooke, Va. This action designates as an airway a route that is presently used as an arrival vector route to the Washington area thereby reducing the coordination and communication time required for its use.

EFFECTIVE DATE: September 4, 1980.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8525.

SUPPLEMENTARY INFORMATION:

History

On March 27, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to add Airway No. V-373 (45 FR 20115). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The only comments received expressed no objections. Section 71.123 of Part 71 was republished in the **Federal Register** on January 2, 1980, (45 FR 307). This amendment is the same as proposed in the notice.

The Rule

This amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates airway V-373 to replace a present arrival vector route from Gordonsville, Va., to the Washington area, thereby reducing the coordination time required for its use.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) is amended, effective 0901 G.m.t., September 4, 1980, as follows:

Under § 71.123,

"V-373 From Gordonsville, Va., via the Gordonsville 065° radial to the intersection of Richmond, Va., 009° and Brooke, Va., 075° radials." is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on June 3, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-17372 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 79-SO-63]

Alteration of Restricted Area; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the **Federal Register** on May 15, 1980, (45 FR 31976) that altered the description of Restricted Area R-4404 by redesignating the area as R-4404A/B/C, an error was noted in the geographical coordinates that describes R-4404B. This action corrects that mistake, thereby conforming to the original intent not to change the current lateral boundaries.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION: FR Doc. 80-14944 was published on May 15, 1980, which altered Restricted Area R-4404 by redesignating the area as R-4404A/B/C. The current lateral boundaries would remain the same. A mistake was noted in the geographical coordinates of R-4404B. This action corrects that error.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 80-14944 as published in the **Federal Register** on May 15, 1980, is corrected to read as follows:

Under R-4404B

Beginning on the second line,

"Long. 88°04'41"W." is deleted and "Long. 88°40'41"W." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on June 3, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-17373 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9016]

Herbert R. Gibson, Sr., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order requires, among other things, a Dallas, Texas retailer of sundry items, to cease coercing, intimidating, boycotting or taking other action against suppliers because they do not appear in the Gibson Trade Shows; further, the order prohibits certain Gibson officials and corporations from receiving brokerage commissions from a supplier while acting as a buyer for Gibson retail stores.

DATES: Complaint issued Feb. 25, 1975. Final order issued April 30, 1980.*

FOR FURTHER INFORMATION CONTACT: Juereta P. Smith, Director, 5R, Dallas Regional Office, Federal Trade

*Copies of the Initial Decision, Opinion of the Commission and Final Order filed with the original document.

Commission, 2001 Bryan St., Suite 2665, Dallas, Texas. 75201. (214) 767–0032.

SUPPLEMENTARY INFORMATION: In the Matter of Herbert R. Gibson, Sr., et al. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Discriminating In Price Under Section 2, Clayton Act—Payment or Acceptance of Commission, Brokerage or Other Compensation Under 2(c): § 13.800 Buyers' agents; § 13.817 Decreased brokerage; § 13.822 Lowered price to buyers. Subpart—Discriminating In Price Under Section 5, Federal Trade Commission Act: § 13.870 Charges and prices; § 13.894 Unequal discounts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

The Final Order, including further order requiring report of compliance therewith, is as follows:

Final Order

This matter having been heard by the Commission upon the appeals of complaint counsel and respondents from the initial decision, and upon briefs and oral argument in support thereof and in opposition thereto, and the Commission for the reasons stated in the accompanying Opinion having determined to sustain the initial decision with certain modifications:

It is ordered that the initial decision of the administrative law judge, pages 1–214, as amended, be adopted as the Findings of Fact and Conclusions of Law of the Commission, except to the extent indicated in the accompanying Opinion. Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered that the following Order to Cease and Desist be, and it hereby is, entered:

I.

It is ordered that respondents Herbert R. Gibson, Sr., individually and doing business as Gibson Products Company and The Gibson Trade Show, Belva Gibson, Herbert R. Gibson, Jr., Gerald Gibson, individually and/or as officers of corporate respondents; and corporate respondents Gibson's, Inc., Gibson's Discount Center, Inc., Ideal Travel Agency, Inc., Gibson Warehouse, Inc. and Gibson Products Co., Inc., their successors and assigns, officers, directors, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the operation of a trade show, the operation or franchising of any retailing business, or the operation of any business related to retailing in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Combining, agreeing, engaging in an understanding, or conspiring with any of said other respondents, or any other person, partnership or corporation, to eliminate or boycott any supplier in order to prevent or hinder the supplier's sales to or business dealings with any of the respondents or any other person, partnership, or corporation; provided that nothing herein shall prevent respondents from acting collectively to further legitimate business decisionmaking with respect to businesses, including retail stores, which said respondents own collectively.

2. Coercing or intimidating any supplier in any manner to prevent such supplier from competing for the sale of any products to any retailer or any other person, partnership or corporation.

3. Representing directly or indirectly or implying to any supplier that the supplier may not compete for the sale of any products to any other person, partnership or corporation.

4. Taking any individual action to eliminate a supplier or to prevent or hinder the supplier's sales to or business dealings with any other person, partnership or corporation because such supplier does not appear in shows conducted by the Gibson Trade Show.

5. Recommending, suggesting or advising any retailer or any other person, partnership or corporation not to deal with a supplier becuase such supplier does not appear in shows conducted by the Gibson Trade Show, or because such supplier is unwilling to meet the price, delivery, or billing terms demanded by respondent[s] or by any retailer or any other person, partnership or corporation.

II.

It is further ordered that Herbert R. Gibson, Sr., individually and doing business as Gibson Products Company and The Gibson Trade Show, Belva Gibson, Herbert R. Gibson, Jr., Gerald Gibson, Gibson Products Co, Inc., Gibson's Inc., Gibson's Discount Centers, Inc., their successors and assigns, officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the purchase of merchandise, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Receiving or accepting, directly or indirectly, as a buyer or acting for or in behalf of or subject to the direct or indirect control of a buyer, from any seller or seller's broker anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof upon any purchase for the account of any retailer using or licensed to use one of respondents' trade names, including "Gibson Discount Center."

2. Assuming control of or influencing any seller or seller's broker to induce such seller or seller's broker to pay to respondent[s] anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof upon any purchase for the account of any retailer using or licensed to use one of respondents' trade names, including "Gibson Discount Center."

III.

It is further ordered that Count I of the complaint be, and it hereby is, dismissed.

IV.

It is further ordered that Count III of the complaint be, and it hereby is, dismissed as to respondents Ideal Travel Agency, Inc., Gibson Warehouse, Inc., and Al Cohen Associates, Inc.

V.

It is further ordered that, for a period of 10 years from the date of service of this Order, each individual respondent named herein shall promptly notify the Commission of the discontinuance of his or her present business or employment and of each affiliation with a new business or employment. Each such notice shall include the individual respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this Order.

VI.

It is further ordered that respondents shall notify the Commission at least thrity (30) days prior to any proposed change in the corporate respondents such as disolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of which may affect compliance obligations arising out of the Order.

VII.

It is further ordered that respondents herein shall within sixty (60) days after

service upon them of this Order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this Order.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-17420 Filed 6-6-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 1

[Docket No. RM79-32]

Requests for Adjustments Under the Natural Gas Policy Act; Cancellation of Public Hearing

June 4, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Cancellation of public hearing.

SUMMARY: The Federal Energy Regulatory Commission hereby cancels a public hearing regarding amendments made to its interim rules regarding requests for adjustments under the Natural Gas Policy Act of 1978 (45 FR 20785 (March 31, 1980)), because no requests to appear at such a hearing have been received. The hearing was to have been held on June 10, 1980, at 10:00, at the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426.

EFFECTIVE DATE: June 4, 1980.

FOR FURTHER INFORMATION CONTACT: Christine P. Benagh, Regulatory Development Section, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426. (202) 357-8363 or (202) 357-8033.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17370 Filed 6-6-80; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 141

[Docket No. RM80-63; Order No. 89]

Electric Utilities; Order Discontinuing Reporting Requirement

June 2, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) hereby discontinues reporting requirement RO211, "Report of impending emergencies, load reductions, and/or service interruptions in bulk electric power supply and related power supply facilities" (18 CFR 141.58), because the information collected by means of the reporting requirement is no longer needed by the Commission to carry out its regulatory responsibilities.

EFFECTIVE DATE: September 1, 1980.

FOR FURTHER INFORMATION CONTACT: Daniel G. Lewis, Federal Energy Regulatory Commission, Office of Electric Power Regulation, 825 North Capital Street, NE., Mail Stop 300 RB, Washington, D.C. 20426 (202) 376-9227.

I. Background and Summary

The Federal Energy Regulatory Commission (Commission) by this rule eliminates from its regulations "Form RO211" [1], a reporting requirement set forth in 18 CFR 141.58, because the Commission no longer needs the data collected therein to carry out its regulatory responsibilities. That section of the Commission's regulations required electric utilities, licensees or other entities engaged in the generation or transmission of electric energy to report impending emergencies, load reduction, and/or service interruptions in bulk electric supply and related power supply facilities.

Form RO211 was established by Federal Power Commission (FPC) [2] Order No. 331 (issued December 20, 1966), and was amended by FPC Order No. 331-1 (issued May 21, 1970) under authority granted the FPC by sections 202(c) [3] and 311 [4] of the Federal Power Act (FPA) (16 U.S.C. 824a(c) and 825j). The Commission's authority under those sections was transferred to the Secretary of Energy (Secretary) by section 301(b) of the Department of Energy Organization Act (DOE Act) 42 U.S.C. 7151, *et seq.*). [5] The Secretary in turn delegated the authority to administer sections 202(c) and 311 to the Economic Regulatory Administration (ERA). [6] The authority to administer section 311 was also delegated to the Commission to the extent needed to perform its other vested or delegated functions. [7]

As a result of these changes in the Commission's regulatory responsibilities, the Commission has determined that the data required by Form RO211 is not sufficiently central to its functions to justify continued collection of the data by this Commission. In view of this, the Commission is eliminating from its regulations that section which provides for the Commission's collection of the information pursuant to Form RO211. [8]

The ERA, however, has determined that collection of the data contained in this form is necessary in order to discharge its statutory responsibilities. [9] To allow ERA sufficient time to complete its own rulemaking proceedings and receive OMB approval for collection of the information, the Commission will comply with ERA's request to continue Form RO211 until September 1, 1980. Accordingly, the effective date for the discontinuance of Form RO211 and the revocation of § 141.58 of the Commission's regulations is September 1, 1980.

II. Public Procedure and Effective Date

The elimination of Form RO211 is simply a ministerial act, whereby the Commission's regulations will be made to reflect the Commission's actual practice. For this reason, the Commission finds that notice and public procedure are unnecessary pursuant to 5 U.S.C. 553(b).

In order to allow ERA sufficient time to implement regulations which would include the reporting requirement RO211, elimination of the form and the

[1] The reporting requirement set forth in 18 CFR 141.58 was not given an official designation by the Commission. "Form RO211" is the clearance number assigned to the reporting requirement by the Office of Management and Budget (OMB). For purposes of convenience the term "Form RO211" will be used to describe the reporting requirement in 18 CFR 141.58.

[2] The Commission's predecessor agency.

[3] Section 202(c) authorizes the temporary connection of facilities, during times of war or national emergency, for the generation of electric energy.

[4] Section 311 authorizes investigations and information gathering relating to electric energy.

[5] Section 301(b) vests in the Secretary the powers of the FPC under the FPA and the Natural Gas Act (NGA) (15 U.S.C. 717, *et seq.*) which were not transferred to the Commission by Title IV of the DOE Act.

[6] Department of Energy Delegation Order No. 0204-4 (10 CFR 1001.1).

[7] Delegation Order No. 0204-1, October 1, 1977 (42 FR 55637, October 18, 1977).

[8] Section 206 of the Public Utility Regulatory Policies Act (PURPA) (16 U.S.C. 824a) provides, among other things, that the Commission shall require each public utility to report any anticipated shortage of electric energy or capacity that would affect the utility's capability of serving its wholesale customers. Although that section might appear to require information similar to that contained in Form RO211, the issues relating to section 206 and the Commission's determination on what data are required under that section are being considered by the Commission in a separate docket. See *Notice of Inquiry*, Docket No. RM79-52, issued April 22, 1980 (45 FR 28162, April 28, 1980). See also Interim Regulations (18 CFR Part 294).

[9] ERA has issued a Notice of Proposed Rulemaking which would effect this transfer of authority to receive these reports of incidents on the electric power system (45 FR 20109, March 27, 1980).

corresponding amendment to the Commission's regulations will become effective on September 1, 1980.

(Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*; E. O. 12009, 3 CFR 142 (1978))

For the foregoing reasons, Chapter I of Title 18, Code of Federal Regulations, is amended in Part 141, effective September 1, 1980, as set forth below.

§ 141.58 [Deleted]

1. Section 141.58 is deleted in its entirety.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-17371 Filed 6-6-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 80-152]

Bermuda; Vessels in Foreign and Domestic Trades

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to add Bermuda to the lists of nations which permit vessels of the United States to transport certain articles specified in section 27, Merchant Marine Act of 1920, as amended, between their ports. Satisfactory evidence has been obtained by the Department of State that Bermuda places no restriction on the transportation of the specified articles by vessels of the United States between ports in Bermuda. This amendment provides reciprocal privileges for vessels of Bermudian registry.

EFFECTIVE DATE: September 14, 1979.

FOR FURTHER INFORMATION CONTACT: John A. Mathis, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

Section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883) (the Act), provides generally that no merchandise shall be transported by water, or by land and water, between points in the United States except in vessels built in and documented under the laws of the United States and owned by U.S. citizens. However, the Act, as amended by Pub. L. 90-474 (82 Stat. 700; T.D. 68-227), provides that if the Secretary of State advises the Secretary of the Treasury that a foreign nation does not restrict the transportation of certain articles between its ports by vessels of the United States, reciprocal privileges will be accorded to vessels of that nation, and the prohibition against the transportation of those articles between points in the United States will not apply to its vessels.

Section 4.93(b)(1), Customs Regulations (19 CFR 4.93(b)(1)), lists those nations found to extend reciprocal privileges to vessels of the United States for the transportation of empty cargo vans, empty lift vans, and empty shipping tanks. Those nations found to grant reciprocal privileges to vessels of the United States for the transportation of equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel and certain equipment for use with such barges; certain empty instruments of international traffic; and certain stevedoring equipment and material are listed in § 4.93(b)(2), Customs Regulations (19 CFR 4.93(b)(2)).

On September 14, 1979, the Department of State advised the Secretary of the Treasury that Bermuda places no restriction on the transportation of the articles listed in the Act by vessels of the United States between ports in Bermuda. Therefore, reciprocal privileges are accorded to vessels of Bermudian registry as of that date.

Finding

On the basis of the information received from the Secretary of State, as described above, I find that the Government of Bermuda places no restriction on the transportation of the articles specified in section 27 of the Merchant Marine Act of 1920, as amended, by vessels of the United States between points in Bermuda. Therefore, reciprocal privileges are accorded to vessels of Bermudian registry as of September 14, 1979.

Amendment to the Regulations

To reflect the reciprocal privileges granted to Bermuda, § 4.93(b)(1) and (b)(2), Customs Regulations (19 CFR 4.93(b)(1), (b)(2)), are amended by inserting "Bermuda" in appropriate alphabetical order in the lists of nations under those sections.

(Sec. 27, 41 Stat. 999, as amended, sec. 14, 67 Stat. 516, Pub. L. 90-474, 82 Stat. 700 (5 U.S.C. 301, 19 U.S.C. 1322(a), 46 U.S.C. 883))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because these are minor amendments in which the public is not particularly interested and there is a statutory basis for the described extension of reciprocal privileges, notice and public procedure pursuant to 5 U.S.C. 553(b)(B) are unnecessary. In accordance with 5 U.S.C. 553(d)(1), a delayed effective date is not required because these amendments grant an exemption.

Regulation Determined to be Nonsignificant

In a directive published in the **Federal Register** on November 8, 1978 (43 FR 52120), implementing Executive Order 12044, "Improving Government Regulations," the Treasury Department stated that it considers each regulation or amendment to an existing regulation published in the **Federal Register** and codified in the Code of Federal Regulations to be significant. However, regulations which are nonsubstantive, are essentially procedural, do not materially change existing or establish new policy, and do not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected, with Secretarial approval may be determined not to be significant. Accordingly, it has been determined that this document does not meet the Treasury Department criteria in the directive for "significant" regulations.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Departments of State and the Treasury participated in its development.

Dated: May 16, 1980.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 80-17411 Filed 6-6-80; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 220

[Docket No. R-80-820]

Urban Renewal Mortgage Insurance and Insured Improvement Loans

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: On April 30, 1977, Congress amended Section 220 of the National Housing Act to eliminate the requirement that to be eligible for insurance under Section 220, a mortgaged property must be located in an urban renewal area in a community which has a workable program to eliminate and prevent the spread of slums and urban blight. Subpart C of 24 CFR Part 220 is being amended to implement this legislative change.

EFFECTIVE DATE: July 9, 1980.

ADDRESS: Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Frank D. Brown, Office of Housing, Multifamily Housing Development, Development Division, Room 6116, 451 7th Street, SW., Washington, D.C. 20410; (202) 755-9280 (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Pub. L. 95-24, Title I, Supplemental Authorizations and Extensions of HUD Programs, Section 105(b), dated April 30, 1977, amended Section 220(d)(1)(A)(ii) of the National Housing Act to eliminate the requirement that to be eligible for insurance under Section 220, a mortgaged property must be located in an urban renewal area in a community which has a workable program to eliminate and prevent the spread of slums and urban blight.

These amendments to Part 220 implement changes which are mandated by law, do not involve the exercise of policy discretion and confer benefits that will inure to the public. Therefore, the undersigned official has determined in regard to these amendments that advance publication, notice and public procedures are unnecessary and contrary to the public interest and that cause exists for making these amendments effective as soon as possible.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk.

This rule is listed as item number H-51-79 in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, Chapter II is revised as follows:

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

Paragraph (b) of § 220.502 is amended to read as follows:

§ 220.502 Location of property.

* * * * *

(b) An urban renewal area (as defined in title I of the Housing Act of 1949, as amended) or

* * * * *

(Sec. 105, Pub. L. 95-24; sec. 211, National Housing Act, as amended; (12 U.S.C. 1715b))

Issued at Washington, D.C. June 3, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-17470 Filed 6-6-80; 8:45 am]

BILLING CODE 4210-01-M

VETERANS ADMINISTRATION

38 CFR Part 17

Grants to States for Construction of State Home Facilities

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: These regulations delete the requirements of war service in the determination of veterans' eligibility for State home care and in the determination of the number of State nursing home beds in each State for construction purposes. In addition, (1) the term "construction" has been expanded to include construction of new domiciliary buildings to provide care in State homes, (2) the term "cost of construction" has been expanded to include the amount found necessary for a construction project, (3) the percentage of bed occupancy has been amended to allow no more than 25 percent occupancy by non-veterans in buildings constructed with grant funds, (4) general standards of construction and equipment have been expanded to include domiciliary and hospital facilities, and (5) the recapture period for construction funds, when a facility is no longer operated for the purpose for which the grant was made, is now no greater than 20 nor less than seven years based on the magnitude of the project and the grant amount involved. Also, the number of beds required to provide adequate nursing home care to veterans residing in each State has been adjusted. These regulations implement legislation.

EFFECTIVE DATE: October 1, 1977 except Appendix A which is effective May 28, 1980.

FOR FURTHER INFORMATION CONTACT: Harold F. Graber, State Home Program Coordinator, Office of Extended Care, Department of Medicine and Surgery, Veterans Administration, Washington, D.C. 20420, (202) 389-3679.

SUPPLEMENTARY INFORMATION: On page 24307 of the **Federal Register** of April 25, 1979, there was published a notice of proposed revision of Sections 17.170 through 17.176 and an addition of Section 17.177 to assist the States to construct new State home facilities for furnishing domiciliary or nursing home care to veterans and to expand, remodel, or alter existing buildings for furnishing domiciliary, nursing home or hospital care to veterans in State homes. These regulations implement sections 5031-5037, Title 38, United States Code, as amended by Public Law 94-581 and Public Law 95-62. Interested persons were given 30 days in which to submit comments, regarding the proposed regulations. Comments were received from four organizations and changes were made to provide additional accessibility to an usability of State home facilities by the physically disabled § 17.177 (h)(2)(i), (t)(12), and (t)(15); to incorporate current standards for fire-resistive carpets § 17.177(i)(3)(iii), and to include fuses as well as circuit breakers for switchboard and power panels § 17.177(t)(5). A comment concerning review by health planning agencies was addressed in § 17.173(a)(4) by providing for State (and areawide) clearinghouse review in accordance with OMB Circular A-95, Revised. One comment was not responsive to the issue and would require legislative authority.

Detailed descriptions which are in the Life Safety Code have been deleted to simplify the regulations and minor editorial changes have been made for clarity. Appendix A has been revised to reflect the veteran population as of

September 30, 1979 and the resulting changes in numbers of beds.

Paragraph (b)(8) of § 17.173 has been added to incorporate provisions of 38 U.S.C. 5005, which require that structures constructed shall be of fire, earthquake and other natural disaster resistant construction. The Administrator of the Veterans Administration has made the determination to incorporate this paragraph without opportunity for comment since the requirement is statutory in nature and it would not be in the public interest to further delay the issuance of the regulations.

The proposed revision of the regulations is hereby adopted and is set forth below.

Approved: May 28, 1980.

By direction of the Administrator:

Rufus H. Wilson,

Deputy Administrator.

1. The center title, note §§ 17.170 through 17.176 and Appendix A are revised, Appendix B is revoked and § 17.177 is added so that the added and revised material reads as follows:

Grants to States for Construction of State Home Facilities

Note.—The purpose of the regulations concerning grants to States for construction of State home facilities is to effectuate the provisions of 38 U.S.C. 5031–5037 and to assist the several States to construct new State home facilities for furnishing domiciliary or nursing home care to veterans, and to expand, remodel, or alter existing buildings for furnishing domiciliary, nursing home or hospital care to veterans in State homes.

§ 17.170 Definitions.

For the purpose of the regulations concerning grants to States for construction of State home facilities:

(a) The veteran population of each State shall be determined on the basis of the latest figures certified by the Department of Commerce.

(38 U.S.C. 5031(a))

(b) The term "State" does not include any possession of the United States.

(38 U.S.C. 5031(b))

(c) The term "construction" means the construction of new domiciliary or nursing home buildings, the expansion, remodeling, or alteration of existing buildings for the provision of domiciliary, nursing home, or hospital care in State homes and the provision of initial equipment for any such buildings. The term includes necessary support systems and work performed over and above that required for maintenance and repair. Generally, facilities such as parking lots, landscaping, sidewalks, streets, storm sewers, etc., are excluded except to the extent the work is inextricably involved with new construction or the remodeling, modification or alteration of existing facilities.

(38 U.S.C. 5031(c))

(d) The term "cost of construction" means the amount found by the Administrator to be necessary for a construction project, including architect fees, supervision and site inspection services, printing and advertising costs, but excluding land acquisition costs, and the purchase of buildings.

(38 U.S.C. 5031(d))

(e) The term "State agency" means that State agency or instrumentality of a State designated by a State as authorized to apply for assistance to construct State home facilities for veterans and thereafter administer such construction program.

§ 17.171 Nursing home beds required for veterans by State.

(a) For purposes of the regulations concerning grants to States for construction of State home facilities, appendix A prescribes the number of beds required to provide adequate nursing home care to veterans residing in each State. Such number shall not exceed two and one-half beds per 1,000 veteran population of such State.

(38 U.S.C. 5034(1))

(b) At the time an application is filed by a State for a grant under the regulations concerning grants to States for construction of State home facilities, such State must submit a certified statement listing the total number of State-operated nursing home care beds for veterans together with all other State projects under construction for beds to furnish nursing home care to veterans in such State.

(38 U.S.C. 5035(a)(3))

§ 17.172 Scope of grants program.

Subject to the availability of an appropriation, a grant may be made to a State which has submitted, and has had approved by the Administrator, an application for assistance to construct State home facilities as prescribed in §§ 17.170 through 17.177.

(38 U.S.C. 5033(a))

§ 17.173 Applications with respect to projects.

(a) A State desiring to receive Federal assistance for construction of State home facilities shall submit to the Administrator a pre-application and an application for such assistance in compliance with the uniform requirements for grant-in-aid to State and local governments prescribed by Office of Management and Budget Circular No. A–102, Revised. The applicant will submit as part of the application or as an attachment thereto:

(1) The amount of the grant requested with respect to such project which may not exceed 65 per centum of the estimated cost of construction of such project.

(2) A description of the site for such project.

(3) Plans and specifications as required by §§ 17.170 through 17.177.

(4) Any comments or recommendations made by appropriate State (and areawide) clearinghouses pursuant to policies outlined in part I, OMB Circular A–95, Revised.

(38 U.S.C. 5035(a))

(b) The applicant must furnish reasonable assurance that:

(1) Upon completion of such project the facilities will be used principally to furnish to veterans the level of care for which such application is made, and that not more than 25 per centum of the bed occupancy at any one time will consist of patients who are not receiving such level of care as veterans, and that such level of care will meet the standards prescribed by the Administrator.

(2) Title to such site is or will be vested solely in the applicant, State home, or other agency or instrumentality of the State.

(3) Adequate financial support will be available for the construction of the project, and for its maintenance, repair and operation when complete.

(4) The State will make such reports in such form and containing such information as the Administrator may from time to time reasonably require, and give the Administrator, upon demand, access to the records upon which such information is based.

(5) The rates of pay for laborers and mechanics engaged in construction of the project will be not less than the prevailing local wage rates for similar work as determined in accordance with sections 276a through 276a–5 of title 40, United States Code (known as the Davis-Bacon Act).

(6) Contractors engaged in the construction of the project will be required to comply with the provisions of Executive Order 11246 of September 24, 1965 (30 FR 12319), as amended by Executive Order 11375 of October 13, 1967 (32 FR 14303), and by Executive Order 12086 of October 5, 1978 (43 FR 46501), and rules, regulations, or orders as the Secretary of Labor may issue or adopt.

(7) The project conforms to the applicable requirements for the implementation, maintenance and enforcement of ambient air quality standards adopted pursuant to section 108 of the Clean Air Act, as amended (42 U.S.C. 1857d); that it conforms to the applicable requirements for water pollution prevention and control adopted pursuant to section 106 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1256); that the project will comply with the standards provided under the National Environmental Policy Act of 1969, Pub. L. 91–190, as amended (42 U.S.C. 4321) and Executive orders issued pursuant thereto; that it will comply with Pub. L. 90–480, as amended (42 U.S.C. 4151), which provides that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped; that when applicable, the requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Pub. L. 93–234 (42 U.S.C. 4012a), and Executive Order 11988 (42 FR 26951) have been met; that the project will comply with provisions of section 504, Rehabilitation Act of 1973, Pub. L. 93–112, as amended (29 U.S.C. 794) providing for prevention of discrimination against the handicapped in federally assisted programs; and that the project will comply with the provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

(38 U.S.C. 5035(a))

(8) Upon completion of a project for new construction or expansion of existing State home facilities, the structures constructed shall be of fire, earthquake, and other natural disaster resistant construction.

(38 U.S.C. 5005)

(c) The Administrator will approve any such application if the Administrator finds that there are sufficient funds available to make the grant requested with respect to such project and that:

(1) It has been determined by the Veterans Administration that the application meets the requirements of paragraphs (a) and (b) of this section.

(2) The plans and specifications for such projects are in accordance with Veterans Administration standards and regulations.

(3) The construction of such project, together with other projects under construction, and other facilities will not exceed the two and one-half nursing home beds per thousand veteran population limitation prescribed in § 17.171.

(38 U.S.C. 5035(b))

(d) The Administrator shall certify approved applications to the Secretary of the Treasury in the amount of the grant requested, but in no event an amount greater than 65 per centum of the estimated cost of construction of the project, and shall designate the appropriation from which it shall be paid. Such certification shall provide for payment to the applicant or, if designated by the applicant, the State home for which such project is being constructed or any other agency or instrumentality of the applicant. Funds paid for the construction of an approved project will be used solely for carrying out such project as so approved.

(38 U.S.C. 5035(d)(1))

(e) Any amendment of any application whether or not approved under paragraph (c) of this section will be subject to review and approval pursuant to the regulations concerning grants to States for construction of State home facilities in the same manner as an original application.

(38 U.S.C. 5035(e))

§ 17.174 Disallowance of a grant application and notice of a right to hearing.

(a) No application for the construction of State home facilities for furnishing domiciliary, nursing home and hospital care to veterans shall be disapproved until the Administrator has afforded the applicant notice and an opportunity for a hearing.

(38 U.S.C. 5035(c))

(b) Whenever a hearing is requested under this section, notice of hearing, procedure for the conduct of such hearing and procedures relating to decisions and notices shall be in accordance with the provisions of §§ 18.9 and 18.10 of this chapter. Failure of an applicant to request a hearing under this section or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to be heard and constitutes consent to the making of a decision on the basis of such information as is available.

(38 U.S.C. 210(c), 5035(c))

§ 17.175 Recapture provisions.

If, within 20 years after completion of any project for construction with respect to which a grant has been made under the regulations concerning grants to States for construction of State home facilities (except that the Administrator, may at the time of such grant provide for a shorter period than 20, but not less than 7 years, based on the magnitude of the project and the grant amount involved, in the case of the expansion, remodeling, or alteration of existing facilities), such facilities cease to be operated by a State, a State home, or an agency or instrumentality of a State principally for furnishing domiciliary, nursing home, or hospital care for veterans, the United States shall be entitled to recover from the State which was the recipient of the grant or from the then owner of such construction (but in no event an amount greater than the amount of assistance provided for such construction under these regulations), 65 per centum of the then value of such facilities, as determined by agreement of the parties or by action brought in the district court of the United States for the district in which such facilities are situated.

(38 U.S.C. 5036)

§ 17.176 State to retain control of operations.

Neither the Administrator of Veterans Affairs nor any employee of the Veterans Administration shall exercise any supervision or control over the administration, personnel, maintenance, or operation of any State home for which facilities are constructed with assistance received under the regulations concerning grants to States for construction of State home facilities except as prescribed in these regulations and § 17.167.

(38 U.S.C. 5037)

§ 17.177 General standards of construction and equipment for State home facilities for furnishing domiciliary, nursing home, and hospital care.

The various codes, requirements, recommendations and any amendments or revisions thereof of State and local authorities or technical and professional organizations to the extent and manner in which reference is made in the standards set forth in this section are applicable to grants for construction of State home facilities. The material is either available for inspection at, or further information concerning the source may be obtained from, the Veterans Administration (10), 810 Vermont Avenue, NW., Washington, D.C. 20420.

(a) *Introduction.*

(1) The standards set forth in this section are established as required by 38 U.S.C. 5034(2). Such standards constitute general criteria for construction and equipment and shall apply to all projects for which Federal assistance is

requested under 38 U.S.C. 5035. They are considered necessary to insure properly planned and well-constructed State home facilities which can be maintained and efficiently operated to furnish domiciliary, nursing home and hospital care.

(2) No attempt has been made in developing these standards to comply with all of the various State and local codes and regulations which must be observed. The standards set forth herein must be followed where they exceed any State or local codes and regulations. Conversely, compliance is required with minimum standards of construction and equipment promulgated by the State agency where such requirements provide a higher standard than the standards contained in this regulation. However, the additional cost, if any, in upgrading over VA standards should be carefully considered and justified. These standards apply to construction of new domiciliary or nursing home buildings, the expansion, remodeling, or alteration of buildings for the provision of domiciliary, nursing, or hospital care in State homes and the provision of initial equipment for any such buildings which are constructed with assistance received under 38 U.S.C. 5035.

(3) The space criteria, functional areas, equipment and construction standards contained in this regulation should be used as a guide. Additional facilities beyond those specified as basic facilities may be included if found to be required by the program but are subject to approval by VA. Substantial deviation from the space, equipment and construction standards included in this regulation should be carefully considered and justified. Except for occasional variances which would require individual justification, failing to meet or exceeding the space criteria by more than 10 percent in the aggregate would be regarded respectively as evidence of inferior construction or as exceeding the boundaries of professional requirements as ordinarily comprehended by such care. VA participation may be subject to proportionate reduction in those projects which exceed the aggregate maximum space criteria by more than 10 per centum or contain functional areas which are not approved.

(4) Preapplication for Federal assistance is required for all construction projects for which the need for Federal funding exceeds $100,000.

(i) Preapplication is required to determine the applicants eligibility, establish communication between the Federal agency and the applicant, and to identify those proposals for which sufficient funds are not available to award the grant requested prior to the applicant incurring significant expenditures in preparing a formal application.

(ii) The preapplication submission shall include schematic plans and space outline in addition to the attachments required by the uniform administrative requirements for Grant-In-Aid to State and local governments prescribed in Office of Management and Budget Circular No. A–102, Revised.

(iii) The preapplication submission shall also include environmental assessment to determine if an Environmental Impact Statement is necessary for compliance with section 102(2)(C) of the National Environmental Policy Act of 1969. The Environmental Assessment shall briefly describe the possible beneficial and/or harmful effect on the following impact categories because of the proposed project. If an adverse environmental impact is anticipated, explain what action will be taken to minimize the impact. (A) Transportation, (B) Air Quality, (C) Noise, (D) Solid Waste, (E) Utilities, (F) Geology, (Soils/Hydrology/Flood Plains), (G) Water Quality, (H) Land Use, (I) Vegetation, Wildlife, Aquatic, Ecology/Wetlands, etc., (J) Economic Activities, (K) Cultural Resources, (L) Aesthetics, (M) Residential Population, (N) Community Services and Facilities, (O) Community Plans and Projects, and (P) Other.

(b) *Environmental Impact Statement (EIS).*—(1) An EIS will be prepared when construction or remodeling of a State veteran's home will result in a major action significantly affecting the quality of the human environment, and will require VA review and approval prior to approval of a formal application for Federal assistance.

(2) An EIS is a detailed statement discussing the following considerations for each of the Impact Categories:

(i) The environmental impact of the proposed actions.

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented.

(iii) Alternatives to the proposed action.

(iv) The relationship between a local short-term use of man's environment and the maintenance and enhancement of long-term productivity.

(v) Any irreversible or irretrievable commitment of resources which would be involved in the proposed action should it be implemented.

(3) In general an EIS will have the following characteristics:

(i) It will contain a description of the physical and environmental aspects of the proposed action.

(ii) It would be sufficiently descriptive to allow evaluation and appraisal of the favorable and adverse environmental effects of each proposal.

(iii) Its length will be suited to the proposal and the nature of its impact.

(iv) It will be submitted as a separate document and not as an enclosure or an appendix to another document.

(v) It will not be based on ultimate conclusions, but should show consideration of the potential impact of the proposal on the environment.

(vi) It will summarize information and cite sources of overall appraisals with attention to the following:

(A) Include and comment on the views of those opposing the proposal for environmental reasons.

(B) Summarize the views of agencies having environmental responsibilities.

(C) Include a full and objective appraisal of the environmental effects, good and bad, and of available alternatives.

(D) Do not overstate favorable effects.

(E) Discuss regional significance when the environmental impact extends beyond the immediate area.

(F) Include significant relationships between the proposal and other developments, both existing and authorized.

(c) *Site Selection.*—(1) The site should be reasonably accessible to the center of community activities, and the transportation facilities typical of the area.

(2) Establish whether the site is subject to mineral rights which have not been developed.

(3) The site should not be near insect-breeding areas, noise or other nuisance producing industrial developments, airports, railways or highways producing noise or air pollution, or near a cemetery, or near a natural or potential flood water hazard. In the event that a potential flood hazard site cannot be avoided, then adequate provision must be made to eliminate or minimize the effect of the hazard.

(d) *Boundary and Site Survey and Soil Investigation.*—(1) The State agency shall provide for a survey and soil investigation of the site and furnish a plat of the site. The purpose of this survey and soil investigation is to obtain data necessary for the development of the site, structural design and utility service connections. It is suggested that this matter be deferred until the architect has been selected in order that he/she may cooperate with the engineer who obtains the data.

(2) The plat shall show:

(i) The outline and location referenced to boundaries, of all existing buildings, streets, alleys (whether public or

private), block boundaries, easements, encroachments, the names of streets, railroads and streams, and other information as hereinafter specified. If there is nothing of this character affecting the property, the Surveyor shall so state on the plat.

(ii) The point of beginning, bearings, distances, and interior angles. Closure computations shall be furnished with the plat and error of closure shall not exceed 1 foot for each 10,000 feet of lineal traverse. Boundaries of an unusual nature (curvilinear, off-set, or having other change of direction between corners), shall be referenced with curve data (including measurement chord) and other data sufficient for replacement and such information shall be shown on the map. For boundaries of such nature, coordinates shall be given for all angle and other pertinent points.

(iii) The area of each parcel in acres or in square feet.

(iv) The location of all monuments.

(v) The signature and certification of the Surveyor.

(3) The Site Survey shall show:

(i) The courses and distances of property lines.

(ii) Dimensions and location of any buildings, structures, easements, rights-of-way, or encroachments on the site.

(iii) Details of party walls, or walls and foundations adjacent to the lot lines.

(iv) The position, dimensions, and elevations of all cellars, excavations, wells, back-filled areas, etc., and the elevation of any water therein.

(v) All areas which may be affected by the building operations.

(vi) Detailed information relative to established curb and building lines and street, alley, sidewalk and top and bottom curb grades at or adjacent to the site and the materials of which they are constructed.

(vii) All utility services and the size, characteristics, etc., of these services.

(viii) The location of all piping, mains, sewers, poles, wires, hydrants, manholes, etc., upon, over or under the site or adjacent to the site if within the limits of the survey. Invert elevations of all sanitary and storm lines at manholes and first manhole outside the property line.

(ix) Complete information as to the disposal of sanitary, storm water and subsoil drainage and suitability of subsoil for rainwater or sanitary disposal purposes if dry wells are used.

(x) Official datum upon which elevations are based and a bench mark established on the site.

(xi) Elevations on a grid pattern of not more than 50-foot intervals, except where terrain features require greater detail over the survey area.

(xii) Contours at a maximum 2-foot interval.

(xiii) Elevations of contours, bottoms of excavations, etc.

(xiv) Contemplated date and description of any proposed improvements to approaches or utilities adjacent to the site.

(xv) Delineation of 100-year flood plan.

(xvi) The signature and certification of the Surveyor.

(4) Soil Investigation.

(i) Adequate investigation shall be made to determine the subsoil conditions. The investigation shall include a sufficient number of test pits or test borings as will determine, in the judgment of the architect, the true conditions.

(ii) Samples of strata of soil or rock taken in each pit or boring shall be retained in suitable containers. Each sample container shall be identified as to the boring and elevation at which taken and the label initialed by the engineer making the soil investigations.

(iii) The following information shall be covered in the report:

(A) Thickness, consistency, character, and estimated safe bearing value of the various strata encountered in each pit or boring.

(B) Amount and elevation of ground water encountered in each pit or boring, its probable variation with the seasons and effect on the subsoil.

(C) The elevation of rock, if known, and the probability of encountering quicksand.

(D) Average depth of frost effect below surface of ground.

(E) High and low water levels of nearby bodies of water affecting the ground water level.

(F) Whether the soil contains alkali in sufficient quantities to affect concrete foundations.

(G) The elevations and location of the top of workings relative to the site, if the site is underlaid with mines, or old workings are located in the vicinity.

(H) Recommendations for structural and site design.

(e) *Demolition Plan.*—If any existing structures or improvements on the site are to be removed, the buildings or improvements must be designated on the Demolition Plan.

(f) *Site Development Requirements.*—(1) *General.* Adequate roads, walks and parking shall be provided within the lot lines to the main entrance.

(2) *Road Widths.* Principal roads and primary service roads shall be 24'0" wide between faces of curbs; secondary service roads shall be 12'0" between faces of curbs.

(3) *Surface and Structure Parking:*

(i) Acceptable dimensions for 90° parking angle are as follows:

	Bay width	Minimum stall width
If cars overhang curbs on both sides	60'0"	8'6"
If cars overhang curbs on one side	62'6"	8'6"
If cars will not overhang either curb or will be parked in the center bumper to bumper	65'0"	8'6"
	64'0"	8'9"
	63'0"	9'0"

(ii) Parking at angles other than 90° may be used only when justifiable.

(iii) Parking facilities shall include provisions to accommodate the physically handicapped. Spaces that are accessible and proximate to the main entrance to the facility shall be set aside and identified for use by individuals with physical disabilities. When placed between two conventional diagonal or head-on parking spaces, single parking spaces for individuals with physical disabilities shall be 13 feet 6 inches wide. If multiple parking spaces are provided for individuals with physical disabilities, each of the parking spaces shall be not less than 9 feet wide; in addition, a clear space 4 feet wide shall be provided between the adjacent parking spaces and also on the outside of the end spaces. Curb ramps (curb cuts) shall be provided between the parking spaces used by individuals with physical disabilities and the access walks to those parking spaces. The curb ramps shall comply with the detailed standards in subparagraph (7) below.

(4) *Pavement Design.*

(i) The pavement section of all roads, service areas and parking areas shall be designed for the maximum anticipated traffic loads and existing soil conditions.

(ii) Service court areas shall be constructed of reinforced portland cement concrete pavement.

(5) *Curbs.* Bituminous roads shall be provided with integral curbs and gutters constructed of portland cement concrete. Free standing curbs may be substituted when the advantage of using them is clearly indicated.

(6) *Curb Radii.* The radii of curbs at road intersections shall not be less than 25'0".

(7) *Curb Ramps (Curb Cuts).* Curb ramps shall be provided to accommodate the physically handicapped and lawnmowers. Curb ramps shall be provided at all intersections of roads and walks. The curb ramps shall be not less than 4 feet wide; they shall not have a slope greater

than 8 percent, and preferably not greater than 5 percent. The vertical angle between the surface of a curb ramp and the surface of a road or gutter shall not be less than 176 degrees; the transition between the two surfaces shall be smooth. Warning lines that meet the requirements in subparagraph (8) below shall be provided on a curb ramp at its intersection with a vehicular traffic lane. Curb ramps shall have nonslip surfaces.

(8) *Walks.* Walks shall be of portland cement concrete and shall be at least 6'0" wide (8'0" minimum where abutting parking stalls). Main entrance walks may be designed in combination with accent and patio areas. Walks shall be designed to accommodate the physically handicapped. Walks shall have a gradient not greater than 3 percent. A ramp shall be substituted for any walk where the gradient of the walk would otherwise exceed 3 percent. The ramps shall comply with the requirements prescribed later in this subparagraph. Walks that have gradients of from 2 to 3 percent shall be provided with level platforms at 200-foot intervals and at intersections with other walks. A walk shall have a level platform that is at least 6 feet by 6 feet, at the entry to a building, or where the direction of traffic flow changes. These platforms shall extend at least 18 inches beyond each side of the doorway for single leaf doors and 12 inches for double leaf doors. Walks and platforms shall have nonslip surfaces. Warning lines of a contrasting color shall be provided across the full width of a walk at its intersection with a vehicular traffic lane. In order to be perceptible to the touch when swept by the cane of a blind person, the warning lines shall be composed of durable nonslip abrasive strips that project approximately 1/16 inch above the finished surface of the walk. The strips shall be 3 inches wide; a 3-inch clear space shall be left between them. Any walk shall be ramped if the slope exceeds 3 percent. Ramps shall not have a slope greater than 8 percent, and preferably not greater than 5 percent. The ramps shall have handrails on both sides; every handrail shall have clearance of not less than 1½ inches between the back of the handrail and the wall or any other vertical surface behind it. Ramps shall not be less than 4 feet wide between curbs; curbs shall be provided on both sides. The curbs shall not be less than 4 inches high and 4 inches wide. A level platform in a ramp shall not be less than the full width of the ramp and not less than 5 feet long. Entrance platforms and ramps shall be provided with protective weather barriers to shield them against hazardous conditions resulting from inclement weather. Ramps and level platforms in ramps shall have nonslip surfaces.

(9) *Steps.* Exterior steps shall not be included in the site development design unless unavoidable.

(10) *Grading.* Minimum lawn slopes shall be 2 percent; critical spot grade elevations shall be shown on the contract drawings. Insofar as practicable, lawn areas shall be designed without steep slopes.

(11) *Landscaping.*

(i) Provide open lawn spaces framed by groups of large and small trees.

(ii) Limit the use of shrubs to building and patient use areas and the control of pedestrian traffic.

(iii) Select plants that are indigenous to the area, require little maintenance, and are disease and insect resistant.

(iv) Avoid selection of poisonous or aromatic plants and plants which may be deleterious or irritating to hospitalized patients. Plants having large thorns, or branches and leaves ending in thorns, shall not be used in patient areas.

(v) Provide plant bed outlines having minimum radii of 3 feet in lawn areas to be mowed by tractor and gang mowers. Provide lawn areas of sizes and delineation that can be easily maintained.

(vi) Provide metallic edging or curbs around shrub beds (essential where Bermuda or similar grasses are grown).

(vii) Lawn slopes steeper than 3:1 (e.g., 3 feet horizontally to 1 foot vertically) shall be planted with ground covers.

(12) *Surface Drainage.* Surface grades shall be determined in coordination with the architectural, structural, and mechanical design of buildings and facilities so as to provide proper surface drainage of all areas.

(g) *General Design Considerations.*—(1) Nursing homes and domiciliaries should be planned to approximate the home atmosphere as closely as possible. It is desirable that larger bedrooms be provided than are generally provided in general hospitals and that each bed be equitably placed in relation to the windows. Wardrobe and closet space in patients' rooms should be more generous. The use of more open, informal planning, the provision of inviting recreational spaces both indoors and out, lounging areas, the use of decoration, color, furnishings, etc., to minimize institutional effect are recommended.

(2) Existing buildings must be adaptable in size, shape and construction to the proposed use and be basically sound to warrant remodeling, modifying or altering. The continuing effect and cumulative cost over the period of the economic life of the property should be considered against the cost of the initial alterations. Deviations from the specific requirements of the standards for economical or functional reasons are permissible provided the essential features and intent of these standards are observed. In no case shall the total cost of remodeling exceed the cost of constructing a new building or facility.

(3) No overhauling or replacement, in kind, of mechanical, electrical, structural and architectural work, or maintenance and repair of any features, in kind, will be considered except as the work is involved inextricably with remodeling, modification or alteration of existing patient/member care areas.

(4) Limited deviation from the fire safety requirements established in these standards may be granted and shall be fully justified by the State agency.

(i) Generally, standards may be waived in projects involving only minor functional changes.

(ii) Where substantial functional changes are involved in nonpatient member care areas, deviation may be allowed if adequate fire separation is provided around the functionally changed area.

(iii) Where substantial functional changes are involved in patient member care areas, deviation will not be permitted.

(h) *Architectural Requirements.*—(1) *Finishes.*

(i) Floors shall be easily cleanable and shall have wear resistance appropriate for the space served. Floors in kitchens and related spaces shall be waterproof, greaseproof, nonslip and resistant to heavy wear. All floors subject to wetting shall have a nonslip finish. Adjacent dissimilar floor materials shall be flush with each other. Floor materials in anesthetizing areas and rooms used for storage of flammable anesthetics shall comply with NFPA Standard No. 56A. Flame spread requirements shall conform to the limits specified in the section on fire safety herein.

(ii) Walls shall be washable or easily cleaned and smooth. Walls in kitchens and related spaces shall have glazed materials or similar finish and bases shall be waterproof and free from voids. Walls subjected to wetting should also be glazed to a point above the splash or spray line. Wainscots of durable material should be used in patient corridors and other corridors where there is considerable wheeled traffic. Walls in areas used for surgical procedures shall have glazed materials

with the base integral with the wall or floor material without voids.

(iii) Ceilings shall be acoustically treated in all areas except mechanical spaces, equipment rooms, etc. The acoustical material shall be washable and moisture proof in dietary, surgical and other areas of high humidity or asepsis.

(2) *Details.* (i) All construction of State home facilities shall provide for the physically handicapped necessary ingress, egress and movement throughout the facility. Such ingress and egress shall provide disabled persons with access and use that is independent, convenient, and substantially equivalent to that provided able-bodied persons.

(ii) Exit facilities shall comply with the requirements of the Life Safety Code, NFPA Standard No. 101.

(iii) Such items as drinking fountains, telephone booths and vending machines shall be so located that they do not restrict the required width of exit corridors.

(iv) All doors to patient-room toilets or patient-room bathrooms shall be equipped with hardware which will permit access in any emergency.

(v) All doors to corridors shall be swinging type except elevator doors. Alcoves and similar spaces which generally do not require doors may be excluded from this requirement.

(vi) Thresholds and expansion joint covers, if used, shall be flush with the floor.

(vii) The location and arrangement of plumbing fixtures with blade handles intended for handwashing purposes shall provide clearance necessary for operation without use of hands.

(viii) Paper towel dispensers shall be provided at all lavatories and sinks used for handwashing.

(ix) If linen and refuse chutes are used, they shall be designed as follows:

(A) Minimum diameter of gravity-type chutes shall be 2'0".

(B) Chutes shall be vented through an aluminum vent having cross sectional area of not less than 10 percent chute area. Vent shall extend through the roof and terminate in a weatherproof aluminum cap.

(x) Dumbwaiters, conveyors, and material handling systems shall open into rooms enclosed by not less than 1-hour fire-resistive construction. The entrance door to such room shall be the same rating as the room construction.

(xi) Protection requirements of X-ray and Gamma-ray installations shall conform to NBS Handbooks, as follows:

(A) X-ray: Handbook 76.

(B) Gamma-ray: Handbook 73.

(xii) Ceiling heights.

(A) Operating rooms, cystoscopic rooms, radiographic rooms, and rooms having ceiling-mounted surgical light fixtures. Not less than 9'–0".

(B) Corridors, storage rooms, patient rooms, toilet rooms, and other rooms. Not less than 8'–0".

(xiii) The width of stairways shall be not less than 3'–8". The width shall be measured between handrails where handrails project more than 3½ inches.

(xiv) Water closet stalls for patient use shall have grab bars on both sides.

(xv) Bathtubs may not be elevated. Grab bars shall be provided at all bathtubs.

(xvi) Showers should be approximately 4 feet square and should have grab bars and curtains. Curbs shall be omitted. If shower doors are used, they shall be made from a shatterproof material.

(xvii) Public toilets shall be provided for both men and women convenient to the lobby area and elsewhere in each separate building to meet needs and to include accessibility for the handicapped in conformance with ANSI A117.1.

(i) *Fire safety criteria.*

(1) *Applicable codes*—(i) *Means of egress.* Means of egress (exit access, exit and exit discharge) shall comply with the latest edition of the Life Safety Code of the National Fire Protection Association (NFPA No. 101).

(ii) *Fire protection systems and equipment.* Fire protection systems such as standpipe systems, sprinkler systems, portable fire extinguishers, and fire alarm systems shall conform to the requirements of the latest edition of the appropriate NFPA Standards.

(2) *Construction requirements.* (i) One-story buildings shall be protected noncombustible construction of 1-hour fire-resistive rating meeting or exceeding the defined requirements of the Standard on types of building construction (NFPA No. 220—1975 edition).

(ii) Buildings more than one story in height shall be of fire resistive construction per NFPA No. 101 and NFPA No. 220.

(3) *Interior finish.* (i) Interior finish shall conform to the requirements of the latest edition of the Life Safety Code (NFPA No. 101).

(ii) Window draperies and window curtains shall be made of inherently noncombustible materials or permanently flameproofed materials tested in accordance with NFPA No. 701, Standard Method of Fire Tests for Flame Resistant Textiles and Films. Testing shall incorporate both the small and large scale test procedures of NFPA No. 701.

(iii) Carpet used on floors of exit access corridors and enclosed exits in health care and residential-custodial care occupancies shall satisfactorily withstand a minimum critical radiant flux of greater than or equal to 0.45 watts per square centimeter when tested in accordance with NFPA 253—1978, or flame spread and smoke developed ratings of not greater than 75 and 450 respectively when tested in accordance with NFPA 255—1972. Carpet installed in all rooms or enclosed spaces shall comply with the provisions of the CPSC FF 1–70 "pill test" standard.

(iv) Insulation, vapor barriers, adhesives, covering and linings for piping, ducts and related equipment shall have flame spread rating not exceeding 25 and a smoke developed rating not higher than 50.

(4) *Additions.* When an addition is to be made to an existing structure, it shall be separated from the existing structure by a fire wall having at least a 2-hour fire resistance rating unless the entire resulting building (addition plus existing structure) conforms to the NFPA No. 101 requirements for new buildings.

(j) *Structural Requirements.* In addition to compliance with the standards set forth herein, all applicable local and State building codes and regulations must be observed. In areas not subject to local or State building codes, the recommendations of any one of the following national codes shall apply insofar as such recommendations are not in conflict with the standards set forth herein.

(1) *National Building Code.* American Insurance Association, Engineering and Safety Service, 85 John Street, New York, New York, 10038.

(2) *Basic Building Code.* Building Officials Conference of America, 1313 East 60th Street, Chicago, Illinois 60637.

(3) *Southern Building Code.* Southern Building Code Congress, Brown-Marx Building, Birmingham, Alabama 35203.

(4) *Uniform Building Code.* International Conference of Building Officials, 5360 S. Workman Road, Whittier, California 90601.

(5) *Code for Safety to Life from Fire in Buildings and Structures.* National Fire Protection Association, 470 Atlantic Ave., Boston, MA 02210.

(k) *Design Data*—(1) *General.* The buildings and all parts thereof shall be of sufficient strength to support all dead, live and lateral loads without exceeding the working stresses permitted for the materials in the applicable code.

(2) *Special.* Special provisions shall be made for machine or apparatus loads which would cause a greater stress than that produced by the specified minimum live load, with due consideration to

vibration or impact resulting from operation of such equipment. Consideration shall be given to structural members and connections of structures which may be subject to hurricanes, tornadoes and earthquakes. Suitable allowance shall be made for future partition changes.

(3) *Live Loads.* The unit live loads shall be taken as the minimum uniformly distributed live loads for the occupancies listed in the above codes. Any loads not specifically listed will be determined by the VA.

(4) *Foundations.* Foundation design (water protection, bearing depths and pressures, minimum penetration depths, wall pressures, compaction specifications, critical slope limits, etc.) shall be based on recommendations determined by a subsurface investigation and must be in accordance with local and/or State codes and recognized standards.

(l) *Site Conditions.* The State agency shall provide current "as-built" drawings showing existing grades, parking, roads, walks, utilities services, and buildings. The building or buildings involved in the proposed project shall be distinctively identified. Any proposed alterations of the existing site shall also be noted. Soil investigation will not be required unless the proposed alterations increase the existing loads on the structure to the extent that new foundations are necessary.

(m) *Mechanical Requirements.* Existing mechanical systems shall be utilized as far as is possible. Where boilers or incinerators are provided, the design and specifications shall comply with the standards relating to control of air pollution.

The heating system, boilers, steam system, ventilation system and air-conditioning system shall be furnished and installed to meet all requirements of the local and State codes and regulations, and the regulations of the National Fire Protection Association and the minimum general standards as set forth. Where there is no local or State boiler code, the recommendations of the American Society of Mechanical Engineers (ASME) shall apply. Gas and oil fired equipment shall comply with the regulations of applicable codes and published recommended practices.

(n) *Heating*—(1) *Boilers.* Boilers shall have the capacity, when operating at normal rating, to supply the heating system, hot water, and steam operated equipment with one boiler in reserve. All steam and hot water boilers shall be ASME labeled. Fuel storage shall be adequate to the procurement method of the area.

(2) *Boiler Accessories.* Boiler feed pumps, return pumps and circulating pumps shall be furnished in duplicate, each of which has a capacity to carry the full load. Provide blow-off valves, relief valves, nonreturn valves, injectors and fittings to meet the requirements of the city and State codes.

(3) *Temperatures.* The heating system shall maintain a minimum temperature of 70°F. in each habitable room and occupied space. Storerooms, workrooms and similar areas may be maintained at lower design temperatures. In spaces where radiant heat is used, the minimum temperatures specified may be reduced to maintain an equivalent comfort level.

(4) *Covering.* Boilers, smoke breeching and all steam and hot water supply and return piping shall be adequately insulated with noncombustible covering at all economic levels.

(o) *Ventilation.* (1) Rooms which do not have outside windows and which are used by patients or hospital personnel, such as utility rooms, toilets, baths, and food storage rooms, shall be provided with forced or suitable ventilation to permit 10 air changes per hour.

(2) Kitchens and laundries which are located inside the building shall be ventilated by exhaust systems which will discharge the air above the main roof or 50 feet from any window.

(3) The ventilation of these spaces shall comply with the State or local codes, but if no code governs, the air in the workspaces shall be exhausted at least once every six minutes with the greater part of the air being taken from the flatwork ironer and ranges. Air from the laundry sorting area shall be discharged with no recirculation. Rooms used for the storage of combustible anesthetic agents, paints and other highly flammable materials shall be ventilated to the outside air with intake and discharge ducts.

(p) *Air Conditioning.* Buildings may be air conditioned, but the following areas are excluded: Laundry, toilets, showers, locker rooms, and personnel quarters.

(q) *Plumbing and Drainage.* Plumbing systems shall comply with all applicable local and State codes, the requirements of the State Department of Health, and the minimum general standards as set forth herein. Where no State or local codes are in force or where such codes do not cover special hospital equipment, appliances, and water piping, the National Plumbing Code ASA–A40.8, latest edition, shall apply.

(1) *Drains.* Drains from sinks which use chemicals shall be of acid resistant material.

(2) *Standpipe Systems.* Where no local or State codes are in force, the standpipe system shall comply with the requirements of the National Fire Protection Association.

(3) *Sprinkler System.* All new construction regardless of height or structural fire resistance shall be protected throughout with an automatic fire extinguishment system. For remodeling projects provide automatic sprinkler systems in all hazardous areas required by the Life Safety Code, NFPA101 and throughout all existing buildings other than those of fire resistive construction or one-story protected noncombustible construction (see paras. (i)(1)(ii) and (i)(2)(i) of this section).

(r) *Kitchen Equipment.*—(1) *Codes.* The kitchen equipment shall comply with the applicable local and State laws, codes, regulations and requirements, and with the applicable sanitation standards of Public Health Bulletin No. 37, entitled "Ordinance and Code Regulating Eating and Drinking Establishments, Recommended by the U.S. Public Health Service," and with the minimum general standards set forth herein. Commercial cooking equipment shall be protected in accordance with NFPA No. 96, with a dry chemical extinguishing system.

(i) Adequate cabinets or other facilities shall be provided for the storage or display of food, drink and utensils, and shall be designed as to protect them from contamination by insects, rodents, other vermin, splash, dust and overhead leakage.

(ii) Adequate facilities shall be provided for the washing and bactericidal treatment of utensils used for eating, drinking, and food preparation. Where utensils are to be washed by hand, there shall be provided an adequate sink equipped with heating facilities, to maintain a water temperature of at least 180° F. in the bactericidal treatment compartment throughout the dishwashing period. Where utensils are to be washed by machine, there shall be provided facilities for supplying to the dishwashing machine an adequate supply of rinse water at 180° F. measured at the rinse sprays, throughout the dishwashing period. All tables, shelves, counters, display cases, stoves, hoods and similar equipment shall be so constructed as to be easily cleaned and shall be free of inaccessible spaces providing harborage for vermin. Where there is not sufficient space between equipment and the walls or floor to permit easy cleaning, the equipment shall be set tight against the walls or floor and the joint properly sealed. All

utensils and equipment surfaces with which food or drink comes in contact shall be of smooth, not readily corrodible material free of breaks, corrosion, open seams or cracks, chipped places and V-type threads. All surfaces with which food or drink comes in contact shall be easily accessible for inspection and cleaning and shall be self-draining, and shall not contain or be plated with cadmium or lead. All water supply and waste line connections to kitchen equipment shall be installed in compliance with the plumbing requirements of these standards.

(2) *Refrigerators.* Refrigerators shall be provided in all kitchens and other preparation centers where perishable foods will be stored. In the main kitchen, at least two refrigerators shall be provided, one for meats and dairy products, and one for general storage.

(s) *Laundry Codes.*—The laundry equipment shall be designed and installed to comply with all local and State codes and laws, the requirements of the State Department of Health, and the minimum general standards as set forth herein. Where laundries are provided, they shall be complete with washers, extractors, tumblers, ironers, and pressers which shall be provided with all safety appliances and sanitary requirements.

(t) *Electrical Requirements.*—(1) *Codes and Regulations.* The installation of electrical work and equipment shall comply with the National Electrical Codes (NFPA Nos. 70 and 76A), all local and State codes and laws applicable to electrical installations and the minimum general standards as set forth herein. The regulations of the local utility company shall govern service connections. All materials shall be new and shall equal standards established by the Underwriters' Laboratories, Incorporated. Aluminum busways should not be used as a conducting medium in the electrical distribution system.

(2) *Existing Materials.* Existing materials may be used on an individual project basis only. Materials shall be tested after installation and proven to be satisfactory or replaced.

(3) *Service.* Connections from the service mains, with meter connections and service switches, shall be installed as required by the public service company.

(4) *Feeders and Circuits.* Service feeders to terminate in a distribution switchboard and from this point subfeeders are to be provided for power and lighting panels as necessary for the project. Branch circuits for motor and heating loads are to terminate at the power panel and circuits for lighting and receptacles are to terminate at the lighting panel. Wiring shall be copper and conductor installed in conduit.

(5) *Switchboard and Power Panels.* Circuit breakers and/or fuses with their associated switches are to be provided in the switchboard for the subfeeders; also circuit breakers and/or fuses of proper capacity are to be provided in power and lighting panels. Where motor control centers are to be employed, provide a subfeeder from the main switchboard for the unit.

(6) *Lighting Panels.* Lighting panels shall be provided on each floor for the lighting circuits on that floor. Lighting panels shall be located near the load centers not more than 100 feet from the farthest outlet.

(7) *Lighting Outlets and Switches.* All occupied areas shall be adequately lighted as required by duties performed in the space. Patients' bedrooms shall have as a minimum: general illumination, a night light, and a patient's reading light. The outlets for general illumination and night lights shall be switched at the door. Switches in patients' bedrooms shall be of an approved quiet operating type. It is suggested that lighting levels be not less than those for similar areas recommended in I.E.S. Lighting Handbook.

(8) *Lighting Fixtures.* Lighting fixtures shall be furnished for all lighting outlets. They shall be of a type suitable for the space. Should ceiling lights be used in patients' rooms, they shall have diffuser type shielding. Lighting fixtures in shower areas shall have vapor sealed covers.

(9) *Receptacles (Covenience Outlets).* Grounding type receptacles suitable for the service shall be located where plug-in service is required. Each bedroom shall have not less than two duplex receptacles, with at least one receptacle above the head of each bed. Polarized receptacles for special equipment shall be installed where required. Receptacles shall be installed not more than 50 feet apart in all corridors.

(10) *Emergency Lighting.* Lighting. Emergency lighting shall be provided in accordance with Life Safety Code NFPA No. 101.

(11) *Nurses' Call.* A nurses' call system shall only be required for nursing units, except that an empty conduit system may be installed for domiciliaries where there is likelihood of future conversion to a nursing home. Each patient shall be furnished with an audio-visual or visual nurses' call system which will register a call from the patient with signal light above corridor door and at the nurses' station in hospitals and nursing homes. A duplex unit may be used for two patients. Indicating lights shall be provided at each station where there are more than two beds in a room. A nursing call emergency station shall also be provided in each patient's toilet room and bathroom. Wiring for nurses' call systems shall be installed in conduit.

(12) *Fire Alarms.* Every building shall have an electrically supervised, manually and automatically operated fire alarm system. Pre-signal systems are not permitted. Fire alarm systems shall be in conformance with the National Fire Protection Association Codes and ANSI A117.1 Standards.

(13) *Tests.* Lighting fixtures, all wiring and equipment shall be tested to show that they are free from grounds, shorts, or open circuits, that motors rotate correctly and that all equipment operates properly.

(14) *Emergency Power.* Emergency power shall be provided for equipment vital to patient use, and in accordance with NFPA No. 76A and NFPA No. 70, Article 517.

(15) *Telephone Service.* Telephone service shall be provided in required areas and include service for the handicapped in conformance with ANSI A117.1.

(u) *Elevator and Dumbwaiter Requirements.*—(1) *Codes.* The elevator installations shall comply with all local and State codes, American National Standard Safety Code for Elevators (ANSI A17.1 and supplements), the National Electric Codes, and the minimum general standards as set forth herein.

(2) *Number of Cars.* Any State home with patients on one or more floors above the first shall have at least one automatic elevator. State homes with a bed capacity of from 60 to 200 above the first floor shall have not less than two automatic elevators.

(3) *Cab.* Passenger cab platforms shall be not less than 5'8" x 8'8" with a capacity of 4,000 pounds. Cab and shaft doors shall be power operated and shall be not less than 4'0" clear opening.

(4) *Controls.* Elevators, for which operators will not be employed, shall have selective collective automatic operation. Where two elevators are located together, they shall have duplex selective collective automatic operation. The elevator shall be equipped with automatic self-leveling control which will automatically bring the car platform level with the landing with no load or full load. Multi-voltage or variable voltage machines shall be used where speeds are greater than 150 feet per minute. For speeds above 350 feet per minute, the elevators shall be of the gearless type. Elevators in multi-story

structures four or more stories in height shall be equipped with an automatic recall system (for fires) per ANSI A19.1 and supplements.

(5) *Dumbwaiters.* Dumbwaiter cabs shall be of steel and not less than 24" x 24" x 36", with one shaft to operate at speeds of 50 feet to 100 feet per minute when carrying a load of 200 pounds. Dumbwaiters serving four floors shall have a maximum speed of 100 feet per minute.

(6) *Tests.* Elevators shall be tested for speed and load, with and without loads, in both directions and shall be given overspeed tests as covered by the "Safety Code for Elevators."

(v) *Requirements for Preparation of Plans, Specifications and Estimates.*—(1) *General.*

(i) The requirements contained herein have been established for the guidance of the State agency and the architect to provide a standard for preparation of drawings, specifications and estimates.

(ii) Certification shall be submitted that there is no appreciable over-all increase in quantity of sewage discharged to the public sewer, or sewage treatment plant, that there are no appreciable overall changes in the quality of sewage so discharged, and that there are no sewage treatment or control facilities involved. If completion of this project will result in an increase in usage of utilities (water, power, sewage treatment, etc.) evidence of approval of plans by the appropriate governing authority shall be submitted.

(iii) The State agency will find it advantageous to submit its plans to the VA in three stages for recommendations and approvals. However, the State agency may, if it so elects, combine the stages.

(2) *Drawings, Specifications, and Cost Estimates.*

(i) *First Review—Program and Plans.*

(A) *Program.* Give narrative description of existing and planned programs at the facility and how this project affects the operation. If the project involves nursing home care beds, a certification in compliance with § 17.171(b) must accompany the project submission.

(B) *Site Plan.* If a survey has been made, a plat shall be submitted at this time; if not, a description of the site shall be submitted. This shall note the general characteristics of the site; including soil reports and specifications, easements, availability of electricity, water and sewer lines, main roadway approaches, direction of prevailing breezes, orientation, etc., and a map indicating location of the existing and/or new buildings in the geographic area.

(C) *Preliminary Plans (10–25 Percent Drawings).* Indicate the assignment of all spaces, size of areas and rooms and indicate in outline the fixed and movable equipment and furniture. The plans shall be drawn at ⅛" or ¼" scale to clearly present the proposed design. The total floor and room areas shall be computed and shown in the drawings. The drawings shall include a plan of each floor including the basement or ground floor; roof plan; site plan showing roads, parking areas, sidewalks, etc.; demolition work; and sections through the building. If the project involves remodeling/renovation, then current as-built site plan, floor plans and building sections which show the present status of the building and a description of its use and type of construction should be included.

(D) *Space Plan.* List in outline form each room or area, and the square feet proposed. Note special or unusual services or equipment to be included and describe staff requiring office space.

(E) *Outline Specifications.* Provide a general description of the construction, including architectural, electrical and mechanical work (elevators, nurses' call system, air conditioning, heating, lighting power, etc.), as well as interior finishes (floor coverings, acoustical material, wall finishes, etc.).

(F) *Cost Estimates.* Show estimated cost evaluation of the buildings or structures to be constructed in this project. List the essential cost of construction; contract contingency, fixed equipment not in contract, movable equipment, architects fees, supervision and inspection of the site, etc. If the project involves non-VA participating areas, such costs should be itemized separately.

(G) *Predesign Conferences.* A conference is recommended for all major construction projects primarily to insure that the State agency becomes oriented to VA procedures and requirements plus any technical comments pertaining to the project. The above material should be submitted for VA review about 3 weeks prior to scheduling a predesign conference in VA Central Office.

(ii) *Second Review (Optional). Working Drawings and Specifications.* All working drawings shall be prepared so that clear and distinct prints may be obtained, accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for complete VA review and comment. Separate drawings shall be prepared for each of the following types of work: architectural, structural, heating and ventilating, plumbing and electrical. They shall include the following:

(A) *Architectural Drawings.* Site plan showing all new topography, grades, existing buildings, roadways, walks and areas to be seeded. Show all structures and other work to be removed; all floor plans and a roof plan if any new work is involved; all elevations which are affected by the alterations; building sections; demolition drawings. All details to complete the proposed work and finish schedules.

(B) *Equipment Drawings.* Large scale drawings of typical special rooms indicating all fixed equipment and major items of furniture and movable equipment.

(C) *Structural Drawings.* Complete foundation and framing plans and details. General notes to include: governing code, material strengths, live loads, windloads, foundations design values and seismic zone.

(D) *Mechanical Drawings.* Heating and ventilation drawings showing complete systems and details of air conditioning, heating, ventilation and exhaust. Plumbing drawings shall show sizes and elevations of soil and waste systems; sizes of all hot and cold water piping; drainage and vent systems; plumbing fixtures and riser diagrams; medical gases systems. Elevator and dumbwaiter drawings, if required, will show shaft details and installation.

(E) *Electrical Drawings.* Provide separate drawings for lighting and power. Show service entrance and feeders and its characteristics. Include all panel, breaker, switchboard and fixture schedules. Indicate all lighting outlets, receptacles, switches, power outlets and circuits. Show telephone layout, nurses' call systems, fire alarm systems and emergency lighting.

(F) *Specifications.* Provide to supplement the drawings and comply with the following: The specifications shall fully describe, except where indicated and described on the drawings, the materials, workmanship, the kind, finishes and other characteristics of all materials, articles and devices.

(G) *Estimates.* Show in convenient form and detail the total cost of the work to be performed under the contract including provision of fixed equipment shown by the plans and specifications.

(iii) *Third Review—Drawings and Specifications (100 per cent), and Cost Estimates.*

(A) Final working drawings and specifications (to be used for bid purposes) shall be in completed format similar to second review and include any VA requirements from prior technical review(s). Specifications shall

include the invitations for bids; cover of title sheet; index; general requirements; form of bid bond; form of agreement; performance and payment bond forms; and sections describing materials and workmanship in detail for each class of work.

(B) Show in convenient form and detail the estimated total cost of the work to be performed under the contract including provision of fixed equipment shown by the plans and specifications, if applicable, to reflect the changes to the approved financial plan. Estimates shall be summarized and totaled under each trade or type of work.

(C) All of the above requirements must be met and approved prior to the State agency advertising for bids.

(iv) *Final Review and Approval—(Bid Tabulations and Cost Estimates).*

(A) The State agency shall submit itemized bid tabulations; assurances, if required; and a Revised Grant Application form reflecting final cost estimates to include all items of cost in the project. If there are non-VA participating area(s), these should be itemized separately.

(B) Following VA approval of bid tabulations and cost estimates, a Memorandum of Agreement executing the grant award will be signed by the Administrator.

(w) *Equipment Requirements.*—(1) *General.* Equipment necessary for the functioning of the facility as planned shall be provided in the kind and to the extent required to perform the desired service. The necessary equipment shall be included in the cost of the project and is considered an essential part of the project. In projects of expansion, remodeling or alteration of existing buildings, VA participation in the cost of equipment will be limited to functional areas in which major construction is involved.

(2) *Definition of Equipment.* The term "equipment" as used in these regulations means all items necessary for the functioning of all services of the facility, including such equipment as necessary to provide for the maintenance of accounting and other records, maintenance of buildings and grounds and public waiting rooms. The term "equipment" does not include items of current operating expense such as food, fuel, drugs, dressings, paper, printed forms, soap, and the like.

(3) *Classification of Equipment.* All equipment shall be classified in two groups as indicated below.

(i) *Fixed Equipment (included in construction contract).* Equipment which is permanently affixed to the building or which must be connected to service distribution systems designed and installed during construction for the specific use of the equipment. Included are items such as kitchen and intercommunication equipment, built-in casework, venetian blinds, cubicle curtain rods, etc. The Federal share in the cost of such equipment included in the construction contract will be determined by the VA percentage of participation in the cost of construction.

(ii) *Movable and Fixed Equipment (not included in construction contract).* All items of equipment which are movable and fixed which are purchased through other than a construction contract. Such items include furniture, wheeled equipment, kitchen utensils, draperies, electric clocks, pictures and waste receptacles. The Federal share in the cost of such equipment not included in the construction contract will be determined by the VA percentage of participation in the total project amount.

(4) *Responsibility of State Agency.*

(i) It shall be the responsibility of the State agency to select and purchase all necessary equipment for the complete functioning of services included in the project in accordance with these standards and any further standards prescribed by the State agency. Title to all equipment purchased by the State agency will be vested to the State. Any upgrading of equipment or quantity of items not normally used in the functional areas should be carefully considered and justified.

(ii) It is essential that the equipment shall be properly apportioned and budgeted to the various services of the facility so that unduly expensive or elaborate equipment is not provided for some services of the project necessitating the use of cheap and inadequate equipment for other services.

(iii) Within 90 days after the award of the construction contract and prior to completion of project, the State agency shall submit to the VA for approval a separate, complete itemized list of fixed and movable equipment. Fixed equipment, not included in the construction contract, shall be itemized by category of equipment and show the estimated costs of each category or item and the total costs. The itemized lists of movable equipment shall be submitted in a format corresponding to the rooms or functional areas identified on final drawings. The list shall show quantity and estimated cost of each item. The quantity will be based on the actual number of units and number of beds in each unit. Generally, the cost of equipment not included in the contract should not exceed eight percent of the cost of basic construction.

(5) *Equipment Review by VA.* VA will review lists of equipment to ascertain medical applicability, quantity and cost of items. The quantity will be determined by the number of nursing units, number of bed areas provided and items required to make constructed areas functional. Medical applicability will be determined by whether such items are normally found or used in the type of medical activity/area planned. The applicant will be given the opportunity to justify any item(s) of equipment not approved by VA.

(x) *Program and Space Criteria.* The following criteria will be applied, as required by the scope of the project, subject to the approval of the VA.

(1) *Domiciliary Program.*

(i) The construction, modernization or renovation of domiciliaries should have the objective of creating and/or enhancing a therapeutic, rehabilitative and restorative atmosphere. This will maximize the possibility of restoring domiciliary veterans to the highest level of noninstitutional living.

(ii) Improved medical facilities are needed to prevent and detect possible hindrances from delaying participation in the therapeutic program.

(iii) Adequate individual privacy should be provided, either through separation of large multi-bed rooms, or rooms or areas of eight or fewer members.

(iv) Multi-bed rooms are based on 110 square feet per bed with a minimum of 3 feet between beds. The criteria are based on accommodations for bed, bedside chair, wardrobe, and writing desk unit.

(v) Full height partitions are desirable when separating bedrooms. Less than full floor to ceiling partitions may be used to achieve adequate ventilation or because of other structural or operational constraints. As a minimum, demipartitions should be at least 5'6" to provide line-of-sight privacy. Each bedroom should have at least one window.

(vi) Support facilities may be decentralized or consolidated in one or more areas to meet overall program requirements. General support facilities are also provided for the entire domiciliary.

(vii) Bathing and Toilet Facilities.

(A) A minimum of one water closet, lavatory, tub/shower shall be provided for up to every eight members. The number of beds served by private or shared facilities will be deducted from the total number of beds in calculating the number of fixtures required in a congregate facility.

(B) It is desirable to have private, or connecting, toilet-bathrooms in conjunction with member bedrooms. As

a minimum, at least one single bedroom should have a private toilet/bathroom.

(C) In congregate facilities, each fixture or tub should be in a separate stall or enclosed for privacy.

(D) Adequate facilities shall be provided for persons using wheelchairs.

(E) Adequate grab bars and handrails shall be provided.

(viii) Information, telephone, switchboard, mailboxes, and control center facilities are generally located adjacent to the main lobby entrance. The information desk serves as a first point of contact, information, and control area for those people entering for admission, visiting, or on business. Included are the information counter or desk and telephone systems.

(ix) Administrator/Director's suite includes all administrative activities required by the Director, Assistant Director, and their immediate staffs (secretaries, analysts, administrative assistants, and/or trainees).

(x) Dietetic Service facilities, for the purpose of these criteria, include dining rooms and all other facilities and space necessary for receiving, storing, processing, serving, and delivering food. These criteria will have as their objective the provision of high quality food service to members and personnel. Such quality service will be maintained through the maintenance of high sanitation standards; the provision of adequate nourishment, attractively served at optimum temperatures, consistently well prepared according to the standards set by the recipes and served within normal eating hours.

(A) Dining room, food preparation and dishwashing facilities may be planned as separate facilities from Dietetic Service, if necessary.

(B) Contractual food service may be planned, dependent upon cost and prevailing local conditions.

(C) Vending machines may be planned if desired. (450 maximum square feet will be allowed.)

(xi) Rehabilitation medicine, physical, occupational and recreational therapies should be planned to meet program requirements.

(xii) Barber and/or beauty shops, retail sales and canteen may be planned, if required. (120 square feet will be allowed for each.)

(xiii) Janitor's closets should be planned, one for every bed unit and one for every 10,000 to 12,000 square feet of other general administrative and clinical space. The laboratory, kitchen, and other areas which generate undue waste or require special care should have their own janitor's closets. Storage for floor cleaning machines may be provided at either a central location or in several areas of the building.

(xiv) General warehouse for medical and dietary stores may be planned at approximately 15 square feet per bed and should be centrally located.

(2) *Nursing Home Care Program.*

(i) A nursing unit with related facilities will normally be provided for 40 to 60 beds. Where there are limitations in design, fewer beds for the nursing unit are permissible. From the standpoint of staffing, a 50-bed unit is most desirable with a minimum of 30 beds and a maximum of 60-beds per unit.

(ii) Not less than 80 percent of the total beds should be provided in either single or double bedded rooms or a combination of both.

(iii) Patients' rooms shall not have more than four beds. A toilet room, with lavatory and water closet, accessible from adjoining patients' room is recommended. At least two single rooms with private toilet, lavatory and bathtub shall be provided in each nursing unit for the purpose of medical isolation, incompatibility, or personality conflict. All rooms shall include a closet or separate wardrobe for each bed. No patients' rooms shall be located on any floor which is more than 50 percent below grade level. An area or group of rooms (about 10 percent of beds) may be equipped with piped oxygen and vacuum suction.

(iv) Connecting toilets between adjoining bedrooms are recommended. If congregate toilet facilities are planned, separate facilities for both male and female patients should be provided. VA participation in congregate toilet facilities will be based on a maximum of one water closet or urinal and one lavatory per six beds. If a combination of connecting and congregate facilities are provided, the number of beds served by the connecting facilities will be deducted from the total number of beds in calculating the number of fixtures required in the congregate facilities. All patient lavatories and water closets should be designed for wheelchair patients, with grab bars to be provided around water closets. Wheelchair facilities should be designated on drawings.

(v) If private or shared bathrooms are not provided, then separate congregate bathing facilities must be provided to serve male and female patients. VA participation will be limited to one fixture per 9 beds with 30 square feet to be allowed for each bathtub/shower. Grab bars are to be provided. A water closet and lavatory shall be provided in each bathing facility using space criteria for congregate toilets.

(vi) Staff toilet facilities should be provided on each floor of multistory projects and on single level projects when the location and size of the unit precludes the use of facilities provided near the lobby area.

(vii) Food Service facilities to include office for Dietitian, kitchen, dishwashing room, adequate refrigeration, dry storage, receiving area, and garbage facilities as required by the scope of the project.

(viii) Janitors closets (40 sq. ft.), may be provided in each nursing unit, in the dietetic area; and in the administrative area (provided there is no other closet on that floor), with a minimum of one on each floor. The closet in the dietetic area shall not serve other areas.

(3) *Space Criteria for Domiciliary and Nursing Home Care Units (NSF Allowable per 50-bed unit. *Total allowable per State home).*

	Dom	NHC
(i) Support facilities:		
*Administrators Office	200	200
*Asst. Administrator	150	150
Medical Officer, Director of Nursing or Equivalent	150	150
General Administration (as required)	120	120
Clerical Staff (each)	80	80
Conference Room/Consultation Area	300	500
Lobby/Waiting Area	[1]3	(1)
Public Toilets (male/female)	75	75
Pharmacy	(2)	(2)
Dietetic Service	(2)	(2)
Dining Area	[4]20	(4)
Resident Toilets (male/female)	75	75
Multipurpose Room	15	[5]12
Physical Activities	2.5	[5]5
(Office if required)	120	120
Occupational Therapy	2.5	[5]5
(Office if required)	120	120
Library	300	
Patio/Recreation Area	10	[5]10
Building Maintenance Storage	2.5	[5]2.5
Resident Storage	6	[5]1.5
General Storage	6	[5]6
General laundry:		

Number of beds	Gross building area (sq. ft.)	Service platform (sq. ft.)
25	1000	100
50	1100	100
100	1400	100
150	2100	200
200	2400	200
250	3000	200
300	3700	300

	Dom	NHC
(ii) Bed units:		
One-bed	140	140
Two	220	235
Three	330	360
Four	440	450
Five	550	
Six	660	
Seven	770	
Eight	880	

[1] Sq. ft. per bed (150 min. 600 max. per facility).
[2] As determined by need.
[3] As required.
[4] Sq. ft. per bed.
[5] Per bed.

Lounge Areas:		
Resident Lounge w/Storage	8	8 (per bed).
Resident Quiet Room	3	3 (per bed).
Clean Utility	120	120
Soiled Utility	105	105
Linen Storage	90	150
General Storage	100	100
Nurses Station, Ward Secretary and Medication Room.	2.5	5 (per bed).
Exam/Treatment Room	140	140
Waiting Area	50	
Unit Supply and Equipment	50	50
Staff Toilet	30	30
Stretcher/Wheelchair Storage	75	100
Kitchenett	150	120
Housekeeping Closet	40	40
Resident Laundry	125	125

(iii) *Bathing and Toilet Facilities:*

	Dom	NHC
(A) *Private or Shared Facilities:*		
Wheelchair Facilities	25 sq. ft. (per fixture).	
Standard Facilities	15 sq. ft. (per fixture).	
(B) *Congregate Toilet Facilities:*		
Watercloset (Min. one wheelchair).	35	35
Each Additional Toilet Fixture	22	22
(C) *Congregate Bathing Facilities:*		
First Tub/Shower	80	80
Each Additional Fixture	25	25

(4) *Hospital Program.* (i) *General.* The sizes of the various departments will depend upon the requirements of the existing hospital. Some functions allotted separate spaces or rooms in these general standards may be combined provided that the resulting plan will not compromise the best standards of safety and of medical and nursing practices. In other respects, the general standards set forth in this regulation, including area requirements, shall apply.

(A) Facilities for the physically handicapped shall be provided for necessary ingress, egress and movement throughout the building.

(B) The VA will generally accept the design and waive minimum requirements in situations where departments or services are to have minimal renovations and are retained in their present locations. However, if extensive structural changes are being made for expansion or relocation of functional areas, criteria will be used as a basis to determine participation.

(ii) *Nursing Units.* Bedrooms for patients, grouped into distinct nursing units, may be planned for both general medical and surgical patients and for psychiatric patients. A 40-bed unit is most desirable, however, under exceptional circumstances a range of 30–50 beds may be allowed.

(iii) *Size of Rooms:* Single Rooms—120 square feet; Double Rooms—210 square feet; Four-Bed rooms—370 square feet.

(iv) *Distribution of Beds.* One-bed rooms should be provided for infectious, terminal, disturbed, or offensive patients, and for hospital patients who for other reasons require separation from other patients. Two-bed rooms may be provided to allow flexibility in the accommodations of patients by sex, medical condition, or similar reasons and to provide for patients who would be adversely affected by the confusion resulting from multi-occupancy but who do not require single rooms. Room size should not exceed four beds each.

(v) *General Planning of Bedrooms.*

(A) These criteria are based on accommodations for a bed, bedside table, lavatory, clothing storage and chair.

(B) Multi-bed rooms should be designed to permit no more than two beds side by side parallel to the window wall.

(C) Window sill shall not be higher than 3'0" above the floor and shall be above grade.

(D) Nurses' call systems shall be installed.

(E) A toilet room directly accessible to each patient room is encouraged. A minimum of one water closet, lavatory, and tub/shower should be provided for up to every five patients. Separate lavatories should be provided in each patient room, if feasible.

(F) Piped medical gases, such as oxygen, medical air and vacuum, may be installed into patient bedrooms.

(vi) *Service Facilities Other Than Bedrooms.* Space should be provided for each nursing unit in accordance with the following:

(A) Nurses' Station, including medication preparation, nurses' toilet, charting and physician's dictation area—250 square feet.

(B) Clean Utility Room—120 square feet.

(C) Soiled Utility Room—120 square feet.

(D) Examination Treatment Room—140 square feet.

(E) Day Room-Visitors Area—8 square feet per bed in unit.

(F) Janitors Closet—40 square feet.

(vii) *Other Support Areas.* The following areas may be included in the program, based upon the overall operating plan for the home and hospital.

(A) Physicians Office—120 square feet.

(B) Nurse Supervisors Office—120 square feet.

(C) Clean Linen Room—60 square feet.

(D) Ward Supply Room—40 square feet.

(E) Storage—80 square feet minimum plus 2 square feet per bed in nursing unit.

(F) Sitz Bath.

(G) Nourishment Pantry.

(H) Classrooms and other teaching areas in the nursing unit may be considered if required by hospital program.

(viii) *Patients' Clothing Storage.* Space is included in the criteria for the storage of patients' clothing and small personal effects. If central storage of patients' clothing is preferred, space may be provided for this purpose on the basis of not more than 2 square feet per bed.

(ix) *Other Ancillary Areas/Services.*

(A) In addition to nursing units, provision for clinical and other supportive services and areas may be included, if usually found in a hospital setting, to meet requirements of planned program. Such areas should be justified and subject to VA review and approval.

(B) In view of the limited number of existing hospital facilities in State homes and the voluminous material for hospital space criteria, the State agency may obtain information on criteria and equipment as a guide in planning hospital areas and services. Such material will be furnished by the Assistant Chief Medical Director for Extended Care (182C), Veterans Administration, Washington, D.C. 20420.

(y) *Employees' Facilities.* Separate male and female locker rooms with toilet may be provided for all employees who require a place to change from street clothing into work clothing, or who require a locker for coats, hats, or boots. Six square feet per locker may be allowed for each employee. Two water closets and lavatories may be provided for each 15 male or female employees and one for each 15 thereafter. Twenty-five square feet is allowed for each fixture. One hundred square feet may be allowed for each lounge. (P.L. 88–450, § 4(a) as amended by P.L. 94–581, § 107(b); P.L. 95–62, § 3(5); 38 U.S.C. § 5034(2)).

Appendix A (See § 17.171)

State Home Facilities for Furnishing Nursing Home Care

The maximum number of beds, as required by 38 U.S.C. 5034(1), to provide adequate nursing home care to veterans residing in each State is established as follows:

State	Veteran population[1]	No. of beds
Alabama	422,000	1,055
Alaska	40,000	100
Arizona	329,000	823
Arkansas	270,000	675
California	3,343,000	8,358
Colorado	375,000	938
Connecticut	463,000	1,158
Delaware	79,000	198
District of Columbia	101,000	253
Florida	1,318,000	3,295
Georgia	637,000	1,593
Hawaii	94,000	235

State	Veteran population[1]	No. of beds
Idaho	105,000	263
Illinois	1,545,000	3,863
Indiana	729,000	1,823
Iowa	375,000	938
Kansas	312,000	780
Kentucky	414,000	1,035
Louisiana	453,000	1,133
Maine	153,000	383
Maryland	629,000	1,573
Massachusetts	871,000	2,178
Michigan	1,188,000	2,970
Minnesota	558,000	1,395
Mississippi	244,000	610
Missouri	709,000	1,773
Montana	99,000	248
Nebraska	202,000	505
Nevada	95,000	238
New Hampshire	126,000	315
New Jersey	1,107,000	2,768
New Mexico	137,000	343
New York	2,477,000	6,193
North Carolina	622,000	1,555
North Dakota	61,000	153
Ohio	1,483,000	3,708
Oklahoma	410,000	1,025
Oregon	385,000	963
Pennsylvania	1,747,000	4,368
Rhode Island	154,000	385
South Carolina	335,000	838
South Dakota	75,000	188
Tennessee	541,000	1,353
Texas	1,660,000	4,150
Utah	150,000	375
Vermont	64,000	160
Virginia	661,000	1,653
Washington	612,000	1,530
West Virginia	235,000	588
Wisconsin	590,000	1,475
Wyoming	45,000	113

[1] Estimate as of September 30, 1979.

Source: Reports and Statistics Service, Office of the VA Controller. (Based on last available Bureau of the Census data.)

Appendix B—[Revoked]

§§ 17.180 through 17.184 [Revoked]

2. Sections 17.180 through 17.184 are revoked.

[FR Doc. 80-17356 Filed 6-6-80; 8:45 am]

BILLING CODE 8320-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-45

[FPMR Amdt. H-125]

Sale, Abandonment, or Destruction of Personal Property

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation amends FPMR Part 101-45 by giving agencies the authority to elect to sell small lots of their own property where the estimated proceeds of sale will not exceed $250. Agencies are also authorized to sell perishable items regardless of the estimated proceeds of sale.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Benner, Director, Sales Division (703-557-0992).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

1. Section 101-45.105-3 is amended to revise paragraph (b) to read as follows:

§ 101-45.105-3 Exemptions

* * * * *

(b) A holding agency, after notification to the appropriate GSA regional office, may elect to sell small lots of personal property where the estimated proceeds from a sale will not exceed $250 and perishable items regardless of the estimated proceeds from a sale. Holding agencies are responsible for making or obtaining accurate estimates of the market value of small lots of personal property to ensure that the estimated proceeds of sale do not exceed $250. Optional Form 15, poster, Sale of Government Property (see § 101-45.4903-15), and Optional Form 16, Sales Slip, Sale of Government Personal Property (see § 101-45.4903-16), are prescribed for use by holding agencies for the sale of this property. These forms may be obtained as stated in § 101-45.4903. Procedures for conducting these sales are set forth in § 101-45.304-3.

2. Section 101-45.304-3 is revised to read as follows:

§ 101-45.304-3 Small lot sales.

When holding agencies elect to sell small lots of personal property or perishable items as authorized under § 101-45.105-3, the following forms shall be used:

(a) Optional Form 15, poster, Sale of Government Property. This dual-purpose form (see § 101-45.4903-15) may be used as a direct sales announcement or as a poster to be displayed in prominent locations in public buildings. It requires only fill-in data to indicate the selling agency, sales location, time of sale, and type of property. When the form is used as a sales announcement, it may be either mailed in an envelope or the mailing data may be printed on the reverse side. The posting of the form or mailing of the announcement should be made in advance of the proposed sale. The period of time between posting or mailing the announcement will vary according to the type and quantity of property being offered. A 7-day period usually is adequate.

(b) Optional Form 16, Sales Slip, Sale of Government Personal Property. This four-part form (see § 101-45.4903-16) is provided for simple documentation of sales and is similar to cash sales slips used in over-the-counter sales in private retail stores. The form functions as an invoice, cash receipt, permanent account record, or property release document as required by individual agency procedures. It may be used to record over-the-phone quotations in the case of negotiated sales.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: May 30, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-17421 Filed 6-6-80; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5729

[Fairbanks 017050]

Alaska; Change of Name From Arctic National Wildlife Range, to William O. Douglas Arctic National Wildlife Range

AGENCY: United States Fish and Wildlife Service, Interior.

ACTION: Public land order.

SUMMARY: This document will carry out the intent of Presidential Proclamation 4729 of February 29, 1980, which directed that the Arctic National Wildlife Range be renamed in honor of Justice William O. Douglas, the distinguished American Statesman and environmentalist.

EFFECTIVE DATE: June 9, 1980

FOR FURTHER INFORMATION CONTACT: Walter R. McAllister, 202-343-4026.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751; 43 U.S.C. 1714), and pursuant to Presidential Proclamation 4729 of February 29, 1980 (45 FR 14003), it is ordered as follows:

The name of the Arctic National Wildlife Range, as established by Public Land Order No. 2214, of December 9, 1960 (25 FR 12598), is hereby changed to the William O. Douglas Arctic National Wildlife Range.

Cecil D. Andrus,

Secretary of the Interior.

June 4, 1980.

[FR Doc. 80-17398 Filed 6-6-80; 8:45 am]

BILLING CODE 4310-55-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 70

[Docket No. FI-3012]

Letter of Map Amendment for the City of Afton, Minn., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Afton, Minnesota. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Afton, Minnesota, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 275226A, Panel No. 06, published on June 29, 1977, in 42 FR 33217, indicates that Lots Nos. 7 through 9, except the West twenty-five feet of Lot No. 9, Block 16, City of Afton, Washington County, Minnesota, recorded as Document No. 398701, in the Office of the County Recorder of Washington County, Minnesota, are located within the Special Flood Hazard Area.

Map No. H & I 275226A, Panel No. 06, is hereby corrected to reflect that the structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on January 2, 1976. The structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII Of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: February 13, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17403 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the Unincorporated Areas of Grenada County, Miss., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the unincorporated areas of Grenada County, Mississippi. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and further technical review of the Flood Insurance Rate Map for the unincorporated areas of Grenada County, Mississippi, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 280060 Panel 0125B, published on October 23, 1979, in 44 FR 61016, indicates that Lots 1 through 79, Eastern Heights Subdivision, Grenada County, Mississippi, as recorded in the Plat, Plat Book 3, Page 9, in the Office of the Chancery Clerk of Grenada County, Mississippi, are within the Special Flood Hazard Area.

Map No. H & I 280060 Panel 0125B, is hereby corrected to reflect that the existing structures on lots 13, 14, 16, 21, 23, and 27 and 32 through 35 of the above mentioned property are not within the Special Flood Hazard Area identified on December 1, 1978. The structures on lots 26, 32 and 33 are in Zone B. The structures on lots 13, 14, 16, 21, 23, 24, 25, 27, 34 and 35 are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: April 23, 1980.

Gloria M. Jiminez,

Federal Insurance Administrator.

[FR Doc. 80–17404 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Grandview, Mo., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Grandview, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Grandview, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290171 Panel 0005B, published on October 23, 1979, in 44 FR 61023, indicates that Lot 1–F of Lot 1, Block 9, River Oaks Second Plat, Grandview, Missouri, recorded as File No. K369245 in Book S1, Page 52, in the Office of the Recorder, Jackson County, Missouri, is partially within the Special Flood Hazard Area.

Map No. H & I 290171 Panel 0005B is hereby corrected to reflect that the above mentioned lot is not within the Special Flood Hazard Area identified on June 15, 1979. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: February 13, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17405 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Olathe, Kans., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Olathe, Kansas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Olathe, Kansas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 200173 Panel 0006B, published on October 23, 1979, in 44 FR 61023, indicates that Lots 13 through 19, 32 through 34, and 49 through 56 of the proposed Coulter's Addition, being a portion of Section 36, Township 13 South, Range 23 East, Olathe, Kansas, recorded as Document Number 1014621, Volume 1027, Pages 804 and 805; Document Number 1016305, Volume 1031, Page 254; and Document Number 1268013, Volume 1548, Pages 706 and 707, in the Office of Register of Deeds, Johnson County, Kansas, are within the Special Flood Hazard Area.

Map No. H & I 200173 Panel 0006B is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on November 15, 1978. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: May 9, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17388 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Town of Needham, Mass. Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Needham, Massachusetts. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Needham, Massachusetts, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 255215B, Panel 01, published on October 23, 1979, in 44 FR 61006, indicates that a parcel of land located in the Town of Needham, Massachusetts, as recorded in the Deeds, Liber 5291, Folder 511 and Liber 5297, Folder 74, in the Norfolk County Registry of Deeds, Dedham, Massachusetts, is located within the Special Flood Hazard Area.

Map No. H & I 255215B, Panel 01, is hereby corrected to reflect that all portions of the above-mentioned property that are at or above 134 feet Mean Sea Level (MSL) are not within the Special Flood Hazard Area identified on August 20, 1976. These portions are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: April 15, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-17389 Filed 6-6-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Township of Clinton, Mich. Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Township of Clinton, Michigan. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Township of Clinton, Michigan, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410. (202) 755–6570 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 260121, Panel Nos. 0005B and 0010B, published on October 23, 1979, in 44 F.R. 61018, indicates that Lots Nos. 10 and 11, Lots Nos. 69 through 83, Lots Nos. 105 through 107 and Lots Nos. 114 and 115, West River Estates, Township of Clinton, Macomb County, Michigan, as recorded in Liber 74 of Plats, Page 45 and 46, in the Office of the Register of Deeds of Macomb County, Michigan, are located within the Special Flood Hazard Area.

Map No. 260121, Panel Nos. 0005B and 0010B, are hereby corrected to reflect that the above-mentioned Lots are not located within the Special Flood Hazard Area identified on August 1, 1979. The Lots are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII Of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 F.R. 19367; and delegation of authority to Federal Insurance Administrator 44 F.R. 20963).

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-17390 Filed 6-6-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Aurora, Colo., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Aurora, Colorado. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further

technical review of the Flood Insurance Rate Map for the City of Aurora, Colorado, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 080002 Panel 0020A, published on October 23, 1979, in 44 FR 61024, indicates that Lots 4 through 6, Block 5, Brookvale Subdivision, Filing Number 1; and Lots 2 and 3, Block 4, Brookvale Subdivision, Filing Number 2, Aurora, Colorado, recorded as Reception Number 1726522, Book 34, Pages 20 and 21; and Reception Number 1754661, Book 35, Pages 15 and 16, respectively, in the Office of the Recorder, Arapahoe County, Colorado, are within the Special Flood Hazard Area.

Map No. H & I 080002 Panel 0020A is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on June 7, 1979. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: May 19, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17379 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the City of Clearwater, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Clearwater, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Clearwater, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The preimum refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 125096A, Panel 09, published on October 23, 1979, in 44 FR 61014, indicates that the property located at 1651 Casler Court, Clearwater, Florida, as recorded on the Plat Map, in Plat Book 64, Page 17, of the Public Records of Pinellas County, Florida, is within the Special Flood Hazard Area.

Map Number H & I 125096A, Panel 09, is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on July 8, 1977. The structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17380 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Dade County, Fla.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Dade County, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Dade County, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 125098, Panel 0175C, published on October 23, 1979, in 44 FR 61014, indicates that Lot 4, Block 2 of Cicely Estates Section Two, Dade County, Florida, as recorded in Plat Book 105, Page 45 in the Office of the Public Records of Dade County, Florida, is within the Special Flood Hazard Area.

Map Number H & I 125098, Panel 0175C, is hereby corrected to reflect that the above-mentioned property is in Zone C and is not within the Special Flood Hazard Area identified on August 25, 1978.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367, and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17381 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Dade County, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Dade County, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Dade County, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 125098, Panel 0275C, published on October 23, 1979, in 44 FR 61008 indicates that Lot 8, Block 2, Sweet Pine Estates, Dade County, Florida, as recorded in the Deed Book 10329, Page 128, in the Office of the Clerk of Dade County, Florida, is within the Special Flood Hazard Area.

Map Number H & I 125098, Panel 0275C is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on March 18, 1977. The structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1968 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17382 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Dade County, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Dade County, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Dade County, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may

obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 125098, Panel 0275C, published on October 23, 1979, in 44 FR 61014, indicates that the property located at 13700 SW 103rd Avenue, Dade County, Florida, described as Lot 4, Block 1, Sweet Pines Estates, as recorded in Plat Book 99, Page 34, in the Public Records of Dade County, Florida, is within the Special Flood Hazard Area.

Map No. H & I 125098, Panel 0275C is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on August 25, 1978. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17383 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the City of Jacksonville, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Jacksonville, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Jacksonville, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 120077B, Panel 09, published on October 23, 1979, in 44 FR 61014, indicates that Huntington Forest Estates, Units 1 and 2, Jacksonville, Florida, recorded as Ordinance 74–338–187, May 28, 1974, City of Jacksonville, Florida, are located within the Special Flood Hazard Area.

Map Number H & I 120077B, Panel 09, is hereby corrected to reflect that the above-mentioned properties are not within the Special Flood Hazard Area identified on December 1, 1977. The properties are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17384 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the Unincorporated Areas of Pinellas County, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Unincorporated Areas of Pinellas County, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Areas of Pinellas County, Florida, that certain property is within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is within the Special Flood Hazard Area, results in the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 125139B, Panel 19, published on October 23, 1979, in 44 FR 61014, indicates that Lots 14 through 31, 53 through 62, and 76 through 80 of Seminole Pines Subdivision, Phase I, Pinellas County, Florida, as recorded in Plat Book 79, Pages 37 through 39 in the Office of the Public Records of Pinellas County, Florida, are not within the Special Flood Hazard Area.

Map Number H & I 125139B, Panel 19, is hereby corrected to reflect that the above-mentioned lots are totally or partially within the Special Flood Hazard Area identified on June 18, 1971. However, the existing structures on Lots 53, 61 and 62 are not within the Special Flood Hazard Area identified on June 18, 1971. The structures are in Zone C.

The map amendment listed below is also in accordance with § 70.7(b):

Map Number H & I 125139B, Panel 19, published on October 23, 1979, in 44 FR 61014, indicates that Lots 5, 6, 35 through 37, 47 through 49, 51, 63, 65, 72, and 75 of Seminole Pines Subdivision, Phase I, Pinellas County, Florida, as recorded in Plat Book 79, Pages 37 through 39, in the Office of Public Records of Pinellas County, Florida, are within the Special Flood Hazard Area.

Map Number H & I 125139B, Panel 19, is hereby corrected to reflect that the existing structures on the above-mentioned lots are not within the Special Flood Hazard Area identified on June 18, 1971. The structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-17385 Filed 6-6-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Unincorporated Areas of Cobb County, Ga.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Unincorporated Areas of Cobb County, Georgia. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Areas of Cobb County, Georgia, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendement, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 130052, Panel 0050A, published on October 23, 1979, in 44 FR 61015, indicates that Lots 35 and 40 through 42, Block Q, Chimney Springs Subdivision Unit 8–A, Cobb County, Georgia, as recorded in Plat Book 72, Pages 21 and 22, in the Office of the Clerk of the Superior Court of Cobb County, Georgia, are within the Special Flood Hazard Area.

Map Number H & I 130052, Panel 0050A, is hereby corrected to reflect that the existing structures located on the above properties are not within the Special Flood Hazard Area identified on January 3, 1979. The structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-17386 Filed 6-6-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the County of Fulton, Ga., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the County of Fulton, Georgia. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Fulton, Georgia, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map Number H & I 135160A, Panel 17, published on October 23, 1979, in 44 FR 61015, indicates that Lot 2 of Heard's Creek Subdivision, located in Land Lot 167, 17th District of Fulton County, Georgia, as recorded in Plat Book 98, Page 7, in the Office of County Records of Fulton County, Georgia, is located within the Special Flood Hazard Area.

Map Number H & I 135160A, Panel 17, is hereby corrected to reflect that the above mentioned property is not within

the Special Flood Hazard Area identified on September 3, 1976. This lot is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 21, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17387 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for Borough of Bloomingdale, N.J., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Borough of Bloomingdale, New Jersey. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Bloomingdale, New Jersey, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 345284B Panel 02, published on October 23, 1979 in 44 FR 61007 indicates that Lot 74, Block 46, Bloomingdale, New Jersey, as recorded in the Deed, Book R101, Pages 321 through 323, in the Office of the Register of Deeds of Passaic County, New Jersey, is within the Special Flood Hazard Area.

Map No. H & I 345284B Panel 02 is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on July 9, 1976. The structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1968 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17429 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for City of Arlington, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Arlington, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Arlington, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410 (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with S. 70.7(b):

Map No. H & I 485454A Panel 18, published on October 23, 1979, in 44 FR 61021, indicates that Lots 1 and 2, Block 8; and Lot 1, Block 9, Springridge Addition, First Installment, Arlington, Texas, as recorded in Volume 388–132, Page 90, in the Office of the Clerk, Tarrant County, Texas, are partially within the Special Flood Hazard Area.

Map No. H & I 485454A Panel 18 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on March 5, 1976. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: May 9, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17430 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Town of Islip, N.Y. Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Islip, New York. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Islip, New York, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872, (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 365337A, Panel 24, published on October 23, 1979, in 44 FR 61008, indicates that Lot 5, Sunscape, West Bay Shore, Town of Islip, New York, as recorded on the Plat Map, File No. 6884, in the Office of the Clerk of Suffolk County, New York, is within the Special Flood Hazard Area.

Map No. H & I 365337A, Panel 24, is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on March 26, 1976. This lot is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 17, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-17431 Filed 6-6-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B Panel 77, published on October 23, 1979, in 44 FR 61022, indicates that Lots 1 through 7, Block 3, and all of Block 4, Parkhollow Place, Section One, Harris County, Texas, as recorded in Volume 247, Page 13 of Map Records, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B, Panel 77 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on July 30, 1976. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: March 4, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-17433 Filed 6-6-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator

after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872, (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B Panel 78, published on October 23, 1979, in 44 FR 61022, indicates that Lots 1 through 13, Block 7; Lots 3 through 15 and 21 through 33, Block 8; Lots 5 through 16 and 19 through 31, Block 9; and Lots 6 through 17, Block 10, Ashton Village Subdivision, Harris County, Texas, as recorded in Volume 270, Pages 42 through 50 of Maps, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 78 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on July 30, 1976. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17434 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FI–3012]

Letter of Map Amendment for Unincorporated Area of Chippewa, Wisc., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Unincorporated Area of Chippewa County, Wisconsin. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Area of Chippewa County, Wisconsin, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 555549A, Panel No. 52, published on June 29, 1977, in 42 FR 33237, indicates that Lots Nos. 29, 30 and the East Half of Lot No. 31, Dellwood Shores Subdivision, Unincorporated Area of Chippewa County, Wisconsin, Recorded as Document No. 410074, in the Office of the Register of Deeds of Chippewa County, Wisconsin, are located within the Special Flood Hazard Area.

Map No. H & I 555549A, Panel No. 52, is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on September 3, 1976. The structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: March 6, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17435 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5712]

Letter of Map Amendment for the Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood

insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B Panel 60, published on October 23, 1979, in 44 FR 61022, indicates that Lots 1 through 5, Block 1; Lots 1 through 12, 17, 19 through 25, and 27 through 29, Block 2; Lots 1 through 4 and 7 through 13, Block 3; Lots 1 through 6, 8 through 11, 14, and 20 through 28, Block 4; Lots 13 through 19, 22 through 24, 27, and 28, Block 5; Lots 1 through 7, 11 through 13, and 15 through 19, Block 6; Lots 1 through 25, Block 7; Lots 1 through 27, Block 8; Lots 2 through 15, Block 9; Lots 3 through 20, Block 10; Lots 1 through 8, Block 11; and Lots 1 through 4, Block 12, recorded as Document Number G–311264 in Volume 292 of Map Records, Page 42, in the Office of the Clerk, Harris County, Texas, is within the Special Flood Hazard Area.

Map No. H & I 480287B, Panel 60 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on July 30, 1976. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: May 12, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80–17432 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–03–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 74

Administration of Grants; Procurement by Grantees and Subgrantees

Corrections

In FR Doc. 80–16820 appearing at page 37666 in the issue for Tuesday, June 3, 1980, make the following changes:

(1) On page 37666, first column, the "EFFECTIVE DATE" should read "June 3, 1980"; second column, paragraph numbered 2, second line, "system" should read "systems", and in the fourth line of that same paragraph, "systems" should read "system".

(2) On page 37668, second column, § 74.164, sixth line of paragraph (b), "requires" should read "require".

(3) On page 37669, second column, third line of paragraph numbered 8, "action" should read "actions".

(4) On page 37672, first column, in Footnote 3, the paragraph numbered 4, "engineering" should read "Engineering".

BILLING CODE 1505–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 79–03; Notice 4]

Heavy Duty Vehicle Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: This notice amends Standard No. 121, Air Brake Systems, to require trucks, buses and trailers equipped with air brakes to have service brake systems acting on all wheels. This amendment is being made in response to reports from several manufacturers that some trucks and trailers were soon to be constructed without front axle brakes. The agency concludes that such a change would result in a serious downgrading of existing brake systems and, accordingly, issues this amendment to prevent this from happening.

EFFECTIVE DATE: This amendment is effective July 24, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. John Machey, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202–426–1714).

SUPPLEMENTARY INFORMATION: On October 18, 1979, the agency published a notice of proposed rulemaking (44 FR 60120) proposing the implementation of a small part of a new safety standard, Standard No. 130, *Heavy Duty Vehicle Brake Systems*. The agency has also issued two ANPRMs relating to long- and short-term rulemaking issues concerning Standard No. 130. Resolution of the issues raised in those notices will occur after all necessary agency research and analyses have been completed. The October 18 notice, which was very limited in its scope, proposed the implementation of a requirement that heavy duty vehicles have brakes acting on all wheels. The requirement was proposed in response to a developing problem that was brought to the agency's attention by both vehicle and equipment manufacturers concerning front axle brakes.

Standard No. 121, *Air Brake Systems*, formerly required trucks and trailers to comply with certain stopping distances and other road test requirements. To achieve these requirements, trucks and trailers were equipped with front axle brakes which aid significantly in improving vehicle stopping capability. However, in "PACCAR v. NHTSA", 573 F.2d, 632 (9th Cir. 1978) *cert. den'd* 439 U.S. 862, the road test requirements were invalidated as they apply to trucks and trailers. In light of this development, several manufacturers tentatively decided to remove front axle brakes as a way to reduce slightly the costs associated with the production of heavy duty vehicles.

When the agency discovered that manufacturers intended to remove front axle brakes, the NHTSA reexamined data available to it concerning the effect that such a removal of brakes would have upon the capability of these vehicles to make safe stops. The results of this examination, which were detailed in the proposal and which are available in the docket, lead the agency to conclude that the removal of front axle brakes increases a vehicle's stopping distance. The amount of this increase depends upon the type of

vehicle, the vehicle loading and the effectiveness of its remaining brake systems. Sometimes the increase in stopping distances is substantial.

The agency considers any increase in the stopping distance of heavy vehicles to be contrary to the interests of safety. Existing heavy duty vehicles equipped with front axle brakes already have longer stopping distances than many smaller vehicles on the road. This disparity in the stopping distances between large and small vehicles increases the likelihood of accidents between vehicles when both are involved in emergency braking maneuvers. To permit a reduction in the braking capabilities of heavy vehicles that would result in exacerbating the disparity between the stopping distances of heavy and lighter vehicles could result in an increased risk of accidents to the occupants of both vehicle groups. To prevent the downgrading of heavy vehicle brake systems, the agency issued its notice of proposed rulemaking to require brakes acting on all wheels.

Sixteen comments were received in response to the notice of proposed rulemaking. Most of the commenters concurred with the agency's attempt to prevent the downgrading of heavy duty vehicle brake systems. However, many of the commenters raised minor objections to the manner in which the proposed action was to be taken.

The largest single complaint from the commenters concerning the proposal was that it would implement only a small portion of a new safety standard. Many commenters suggested that the agency should not implement any part of that standard (Standard No. 130) until all research has been completed and the agency is prepared to issue the standard in its entirety. In connection with this comment, several manufacturers suggested that the proposed amendment would be more appropriately placed in Standard No. 121.

Manufacturers argued the merits of amending Standard No. 121 rather than implementing Standard No. 130 in several ways. First, they argued that by implementing Standard No. 130 in a piecemeal fashion, the agency is subjecting itself to many of the criticisms that have surrounded Standard No. 121. Therefore, they suggested that the agency defer action on Standard No. 130 until a complete standard can be issued. Further, they stated that the implementation of a new safety standard would increase paperwork and would require changes in certification labels and incomplete vehicle documents. They suggest these changes would add costs and would require extending the leadtime before the proposed requirement could become effective. On the other hand, manufacturers stated that an amendment of Standard No. 121 would not require tham to change certification labels or modify incomplete vehicle documents. This would lower the costs associated with the proposal. Also, the leadtime for implementing a change in Standard No. 121 would be minimal.

In response to the manufacturers first argument that no portion of Standard No. 130 should be implemented until the entire standard is ready for issuance, the agency disagrees. Currently, the NHTSA is conducting several research programs concerning heavy duty vehicle brakes. Some of this rulemaking is long-term while some is short-term. The agency contemplates implementation of some portions of the short-term rulemaking actions prior to obtaining information on all of its long-term rulemaking goals. This is the typical rulemaking process for many of the agency's standards. It is not in the interest of safety to defer short-term safety gains while waiting for the results of long-term safety rulemaking.

The agency is more persuaded by the manufacturer's second argument that implementation of a portion of Standard No. 130 at this time would unnecessarily impose additional paperwork burdens upon manufacturers, whereas amending Standard No. 121 to accomplish the same result would not increase their paperwork burdens. As the NHTSA indicated in the notice proposing this amendment, the agency seeks only to maintain the existing quality of braking systems. Whether this goal is achieved by amending Standard No. 121 or implementing part of Standard No. 130 is not important to the agency. However, since manufacturers would prefer amending Standard No. 121 and since implementing part of Standard No. 130 would be more costly, the agency agrees with those commenters who would prefer an amendment of Standard No. 121, and that standard is amended by this notice.

Several commenters objected to the proposal on the grounds that it was a design standard rather than a performance standard. These commenters suggested that the agency should delay amendments implementing any requirements until the correct performance requirements are developed. The agency disagrees.

All of the agency's safety standards affect design choices to some degree. The very setting of any performance standard implies some narrowing of design choice. Although the agency attempts to minimize the effect, in some instances a significant limitation on design is necessary to secure a particular type of safety improvement. Standard No. 121 does not differ from other safety standards in its effects on design. It uses performance requirements although some elements of design are restricted. Even though this amendment increases slightly the standard's effect on design choice, the standard remains performance oriented. Further, the effect of the old standard was to require brakes acting on all wheels. Although this amendment is more specific in that requirement, the result is the same. Commenters should note that the agency is not specifying the design of the brakes that must be used on each wheel. Accordingly, the NHTSA concludes that this amendment does not substantially or unnecessarily affect design and allows manufacturers significant flexibility in the design and improvement of their braking systems.

As a result of the "PACCAR" decision and the resulting possibility of brake performance downgrading, the agency is forced to take immediate corrective action. The "PACCAR" decision raised questions concerning the stopping distance requirements for trucks and trailers. The Court urged the agency to reexamine its stopping distance requirements and to ensure the propriety of any requirement that might be reimposed. In response, the agency has commenced exploratory rulemaking to determine the appropriate stopping distances for trucks and trailers. When the rulemaking is completed, it is contemplated that stopping distance requirements will be reimposed. The agency connot reimpose those requirements until the research is completed. Given the absence of stopping distance requirements for trucks and trailers and the time required for reimplementing stopping distances and the immediate problem of brake system downgrading, the agency must adopt a more expedient approach to prevent the existing levels of safety in heavy duty vehicle brakes from being reduced.

Kelsey-Hayes supported this rulemaking action but at the same time requested an interpretation of an entirely unrelated section of Standard No. 121. Unrelated requests for interpretations should not be included with docket comments on a specific proposal. The agency will, however, respond to Kelsey-Hayes by a letter or in a separate notice.

In accordance with Executive Order 12044, the agency has reviewed the impacts of this proposed amendment and has determined that it is not

significant. Since the amendment will merely require manufacturers to continue to manufacture vehicles as they are doing currently, the costs associated with this amendment will be minimal. Further, the agency has adopted the manufacturers' suggestions to incorporate this amendment in Standard No. 121 to further minimize the possibility of any increased costs.

Since this amendment imposes no additional burdens upon any manufacturer and only requires manufacturers to continue existing manufacturing practices and since it is in the interest of safety to prohibit as soon as possible the manufacture of vehicles without front axle brakes, the amendment is effective July 24, 1980. In the notice proposing this amendment, commenters objected to an immediate effective date especially if the amendment were made in Standard No. 130. Commenters indicated that more time would be required to change certification labels. Since the amendment is being incorporated into the existing Standard No. 121, the agency considers these objections to the effective date to be no longer valid. Nonetheless, the agency is giving 45 days of leadtime to ensure that all manufacturers have ample time to comply with the requirements.

In accordance with the foregoing, Volume 49 of the Code of Federal Regulations, Part 571 is amended by revising Standard No. 121, *Air Brake Systems*, as follows:

§ 571.121 [Amended]

1. A new paragraph S 5.1.8 is added to 49 CFR Part 571.121 to read:

S 5.1.8 Brake distribution. Each vehicle shall be equipped with a service brake system acting on all wheels.

2. A new paragraph S 5.2.2 is added to 49 CFR Part 571.121 to read:

S 5.2.2 Brake distribution. Each trailer shall be equipped with a service brake system acting on all wheels.

The principal authors of this notice are John Machey of the Crash Avoidance Division and Roger Tilton of the Office of Chief Counsel.

Authority: Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1352, 1407); delegation of authority at 49 CFR 1.50.

Issued on June 2, 1980.

Joan Claybrook,

Administrator.

[FR Doc. 80–17209 Filed 6–6–80; 8:45 am]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Co., Debtor, (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers, previously providing unsubsidized service under Directed Service Order No. 1462, which expired 11:59 p.m., May 31, 1980, and for which statutory authority expired on the same date, to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 11:59 p.m., May 31, 1980, and continuing in effect until 11:59 p.m., August 31, 1980.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

Decided May 30, 1980.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits carriers, previously providing unsubsidized service under Directed Service Order No. 1462, which expired 11:59 p.m., May 31, 1980, and for which statutory authority expired on the same date, to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendix be authorized to conduct operations, also identified in the attachment, using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor, (William M. Gibbons, trustee).

(a) Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254

(d) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(e) During the period of these operations over the RI lines, interim operators shall be responsible for preserving the value of the lines, associated with each interim operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(f) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(g) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(h) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(i) *Rate applicable.* Inasmuch as this operation by interim operators over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or

via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(j) In transporting traffic over these lines, all interim operators involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(k) *Employees*—In providing service under this order interim operators, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(l) *Effective date.* This order shall become effective at 11:59 p.m., May 31, 1980.

(m) *Expiration date.* The provisons of this order shall expire at 11:59 p.m., August 31, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A.—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (L&A):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of the Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

B. From Hodge to Winnfield, Louisiana.

C. Alexandria Yard, Alexandria, Lousiana.

2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. From Colby to Caruso, Kansas.

C. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

4. *Toledo, Peoria and Western Railroad Company (TP&W):*

A. Keokuk, Iowa.

B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Burlington Northern, Inc. (BN):*

A. Burlington, Iowa (milepost 0 to milepost 2.06).

B. Fairfield, Iowa.

C. Henry, Illinois (milepost 126) to Peoria, Illinois (milepost 164.35) including the Keller Branch (milepost 1.55 to 8.62).

D. Phillipsburg, Kansas (milepost 282) to CBQ Junction, Kansas (milepost 325.9).

6. *Fort Worth and Denver Railway Company (FW&D):*

A. Terminal trackage at Amarillo and Bushland, Texas (milepost 752 to milepost 776) including approximately 3 miles northerly along the old Liberal Line.

B. North Fort Worth, Texas (milepost 603.0 to milepost 611.4).

7. *Chicago and North Western Transportation Company (C&NW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota (milepost 236.4).

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 502.2).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9).

K. From Rake (milepost 50.7) to Ocheyedan, Iowa (milepost 502).

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).

P. Sibley, Iowa.

Q. Worthington, Minnesota.

R. Altonna to Pella, Iowa.

S. Carlisle, Indianola, Iowa.

8. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):*

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. From Seymour, to and including industry and team tracks at Centerville, Iowa.

C. Washington, Iowa.

D. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

9. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Davenport, Iowa.

B. Moline, Illinois.

C. Rock Island, Illinois, including 26th Street yard.

D. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.

E. From East Moline to Silvis, Illinois.

F. From Davenport to Wilton, Iowa.

G. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island arsenal.

10. *Illinois Central Gulf Railroad Company (ICG):* Ruston, Louisiana.

11. *Waterloo Railroad Company (Waterloo):* Waterloo, Iowa.

12. *St. Louis Southwestern Railway Company (SSW):* operating the Tucumcari Line from Santa Rosa, NM, to St. Louis, MO (via Kansas City, KS/MO), a total distance of 965.2 miles. The line also includes the RI branch line from Bucklin to Dodge City, KS, a distance of 26.5 miles, and North Topeka, KS. Also between Brinkley and Briark, Arkansas, and at Stuttgart, Arkansas.

13. *The Southwestern Oklahoma Railroad Company:* from Hobart, Oklahoma (milepost 70) to Mangum, Oklahoma (milepost 97.7).

14. *Little Rock & Western Railway Company:* from Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

15. *Missouri Pacific Railroad Company:* from Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

16. *Missouri-Kansas-Texas Railroad Company:*

A. Herington-Ft. Worth Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth.

B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas.

C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma.

D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina, (including yard tracks) Kansas.

E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only.

F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the Wichita Terminal Association, all located in Wichita, Kansas.

G. Rock Island right to interchange with and use the properties of the Great Southwest Railroad Company located in Grand Prairie, Texas.

H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles.

I. The Ponca City Line at approximately milepost 26.1 at Billings, Oklahoma, to North Enid, Oklahoma, at milepost 339.5 on the Southern Division main line, a distance of 26.1 miles.

J. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 18, thence south on the Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles.

K. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 496.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

[FR Doc. 80-17327 Filed 6-6-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 66

[OGD 80-063]

Designation of Anchorage, Alaska as a Port of Documentation

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule establishes Anchorage, Alaska, as a port of documentation. Prior to this amendment, the ports of Juneau and Ketchikan, located in southeastern Alaska, provided documentation service for all of Alaska. A growing amount of fishing vessel construction and an attendant need for documentation services in the southwestern and south central regions of the state, have neccessitated this action. The new port of documentation will provide more efficient, less costly documentation services to the residents of Alaska.

EFFECTIVE DATE: This rule is effective on July 1, 1980.

FOR FURTHER INFORMATION CONTACT: LCDR Ronald W. Tanner, Office of Merchant Marine Safety (G-MP-2/24), Room 2404, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-1483. Normal office hours are between 7 a.m. and 5 p.m., Monday through Thursday.

SUPPLEMENTARY INFORMATION:

Drafting information: The principal persons involved in drafting this final rule are LCDR Ronald W. Tanner, Project Manager, Office of Merchant Marine Safety, and LT Jack Orchard, Project Attorney, Office of the Chief Counsel. The Coast Guard has determined that since this action relates to agency management, the rulemaking provisions of section 553 of Title 5, United States Code, do not apply, and this rule is made effective less than 30 days after publication.

DISCUSSION OF THE RULE: Prior to the promulgation of this final rule, the port of documentation at Juneau provided all documentation and admeasurement services for vessels in Alaska which were homeported west of Juneau. A prospering fishing industry in western Alaska has stimulated the shipbuilding industry to a point where the Juneau office is no longer able to service this vast area efficiently. Although documentation services could be provided by mail through Juneau, the admeasurement process would require frequent long distance visits by a Coast Guard official. The selection of Anchorage as a port of documentation establishes a central location from which services will be provided at a considerable savings in time and money.

This final rule has been evaluated in accordance with the Department of Transportation's "Regulatory Policies and Procedures," published on February 26, 1979 (44 FR 11034) and has been determined to be nonsignificant.

In accordance with the foregoing, Part 66 of Title 46, Code of Federal Regulations is amended as follows:

1. By revising the entry for the seventeenth district in the table in § 66.05-1 to read as follows:

§ 66.05–1 **Ports of documentation.**

* * * * *

Seventeenth
Southeast Alaska
Western Alaska
Juneau, Alaska
Ketchikan, Alaska
Anchorage, Alaska

(23 Stat. 118 (46 U.S.C. 2); 43 Stat. 947 (46 U.S.C. 18))

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

June 2, 1980.

[FR Doc. 80–17112 Filed 6–6–80; 11:30 am]

BILLING CODE 4910–14–M

Proposed Rules

Federal Register
Vol. 45, No. 112
Monday, June 9, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 916

Nectarines Grown in California; Proposed Extension of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes to extend the minimum grade and size requirements currently in effect for fresh shipments of California nectarines, for the remainder of the 1980 season. The current requirements will expire July 6, 1980, unless extended. The proposed extension is designed to assure the continued shipment of fresh nectarines of acceptable grades and sizes in the interest of producers and consumers.

DATES: Written comments must be received on or before June 24, 1980 . Proposed effective period: July 7, 1980, through May 31, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* Section 916.354 Nectarine Regulation 12, published in the May 16, 1980, issue of the **Federal Register** (45 FR 32308), established grade and size requirements for fresh shipments of nectarines for the period May 16–July 6, 1980. The regulation was issued under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California.

The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The regulation was based upon recommendations and information submitted by the Nectarine Administrative Committee, which requested that the regulatory provisions be effective through May 31, 1981.

Under the proposed amendment, California fresh nectarine shipments are required to grade at least U.S. No. 1, except that provision is made for a higher maturity standard based on color standards by variety or other specified tests. The proposed grade requirements allow slightly less scarring, but an additional 25 percent tolerance is permitted for fruit not well formed but not badly misshapen. In addition, minimum size requirements are specified for 56 varieties of nectarines in terms of the number of fruit in a No. 22 standard lug box, or in a 16-pound sample.

The committee estimates 1980 season fresh shipments of California nectarines at 14,989,000 packages, compared with actual shipments of 14,167,000 packages last season. Shipment of this season's nectarine crop, which is of good quality, is currently underway.

This proposal has been reviewed under USDA criteria for implementing Executive Order 12044. It is being published with less than a 60-day comment period because of insufficient time between the date when information became available upon which this proposal is based and the effective date necessary to effectuate the declared policy of the act. A determination has been made that this action should not be classified "significant." A draft impact analysis is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

Under the proposal, the provisions of § 916.354 Nectarine Regulation 12 (45 FR 32308) would be amended to read as follows:

§ 916.354 Nectarine Regulation 12.

(a) During the period July 7, 1980, through May 31, 1981, no handler shall handle:

(1) Any package or container of any variety of nectarines unless such nectarines meet the requirements of U.S. No. 1 grade: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service: *Provided further,* That nectarines 2 inches in diameter or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided further,* That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen.

(2) Any package or container of Mayred variety nectaines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 105 nectarines

(3) Any package or container of Mayfair, Maybelle, or Aurelio Grand variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (3) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 96 nectarines.

(4) Any package or container of Apache, Armking, Crimson Gold, Early Red, Early Star, Early Sungrand, Firebrite, Independence, June Belle, June Grand, Kent Grand, May Grand, Moon Grand, Red Diamond, Red June, Spring Grand, Spring Red, Star Grand I, Star Grand II, Summer Grand, Sun Grand, 73–40, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (4) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 90 nectarines.

(5) Any package or container of Autumn Grand, Bob Grand, Clinton-Strawberry, Ed's Red, Fairland, Fantasia, Flamekist, Flavortop, Gold King, Granderli, Grand Prize, Hi-Red, Late Le Grand, Niagara Grand, Red Free, Red Grand, Regal Grand, Richards Grand, Royal Giant, Royal Grand, Ruby Grand, September Grand Tasty Free, Tom Grand, 61–61, Honey Gold, Larry's Grand, Son Red Variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than specified in subdivision (i) of this subparagraph (5) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 78 nectarines.

(b) As used herein, "U.S. No. 1" and "standard pack" means the same as defined in the United States Standards for Grades of Nectarines (7 CFR 2851.3145–3160); "No. 22D standard lug box" means the same as defined in § 1387.11 of the "Regulations of the California Department of Food and Agriculture." All other terms mean the same as defined in this marketing order.

Dated: June 3, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 17330 Filed 6–6–80; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 917

Fresh Pears, Plums, and Peaches Grown in California; Proposed Extension of Grade, Size, Container, and Pack Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes to continue the current effective grade, size, container, and pack requirements on the handling of fresh California plums. These requirements are designed to provide for orderly marketing in the interest of producers and consumers.

DATES: Written comments must be received on or before June 30, 1980. Proposed effective dates: July 15, 1980.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* Plum Regulations 16 and 17 (§§ 917.453, 917.454; 45 FR 33596) set forth the current grade, size, container, and pack requirements on the handling of fresh California plums through July 14, 1980. This proposed amendment would continue these requirements for the period of July 15, 1980, through May 31, 1981, for the grade and size requirements and an indefinite period for the container and pack requirements.

This proposed amendment is issued under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Plum Commodity Committee and upon other information.

The committee estimates that 12.0 million packages of plums will be available for fresh shipment during the 1980 season compared to actual shipment of 12.4 million packages last season. The grade and size requirements are designed to prevent the shipment of California plums of a lower grade and smaller size than specified and are designed to continue to provide ample supplies of good quality plums in the interest of producers and consumers pursuant to the declared policy of the act. The container and pack requirements are designed to provide standardized packing practices and more informative labeling that will facilitate more orderly marketing of fresh California plums and contribute to more effective operation under said marketing agreement and order.

This proposal has been reviewed under USDA criteria for implementing Executive Order 12044. It is being published with less than a 60-day comment period because of insufficient time between the date when information became available upon which this proposal is based and the effective date necessary to effectuate the declared policy of the act. A determination has been made that this action should not be classified "significant." A draft impact analysis is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The proposal is that §§ 917.453 and 917.454 Plum Regulations 16 and 17 (45 FR 33596) be amended to read as follows:

Grade and Size Regulation

§ 917.453 Plum regulation 16.

Order. (a) During the period July 15, 1980, through May 31, 1981, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1: *Provided,* That maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service.

(b) During the period July 15, 1980, through May 31, 1981, no handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade U.S. No. 1, with a total tolerance of 10 percent for defects not considered serious damage in addition to the tolerances permitted by such grade; or

(2) Any lot of packages or containers of Autumn Queen, Casselman, Empress, Grand Rosa, Improved Late Santa Rosa, King David, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Roysum, SW–1, Swall Rosa, and 42–26 (Freedom) plums unless such plums grade U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade.

(c) During the period July 15, 1980, through May 31, 1981, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

Table 1

Column A—variety:	*Column B plums per sample*
Ace	55
Amazon	64
Andys Pride	69
Angeleno	67
Beauty	91
Bee Gee	65
Black Beaut	74
Burmosa	60
Casselman	63

Table 1—Continued

	Column B plums per sample
Durado	74
Ebony	66
El Dorado	68
Elephant Heart	53
Empress	57
Fresno Rosa	62
Friar	56
Frontier	61
Gar-Rosa	71
Grand Rosa	54
July Santa Rosa	69
Kelsey	47
King David	50
Laroda	58
Late Santa Rosa (including improved Late Santa Rosa and Swall Rosa)	64
Linda Rosa	63
Mariposa	61
Midsummer	63
Nubiana	56
President	57
Queen Ann	50
Queen Rosa	53
Red Beaut	74
Red Glow-Golden Glow	60
Red Rosa	64
Redroy	58
Rosa Ann	69
Rosa Grande	63
Rose Ann	60
Roysum	74
Santa Rosa	69
Simka, Arrosa, New Yorker	50
Standard	83
Tragedy	114
Wickson	51
42-26 (Freedom)	56

(d) When used herein, "U.S. No. 1" and "serious damage" shall have the same meaning as set forth in the United States Standards for Fresh Plums and Prunes (7 CFR 2851.1520–1538); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Container and Pack Regulation

§ 917.454 Plum Regulation 17.

Order. On and after July 15, 1980, no handler shall ship any package or container of any variety of plums except in accordance with the following terms and conditions:

(1) Such plums, when shipped in closed packages or containers, except master containers of consumer packages and individual consumer packages therein, shall conform to the requirements of standard pack.

(2) The diameters of the smallest and largest plums in any individual package or container shall not vary more than one-fourth (¼ inch): *Provided,* That a total of not more than five (5) percent, by count, of the plums in any package or container may fail to meet this requirement.

(3) Each package or container of plums shall bear on one outside end, in plain sight and in plain letters, the name "plums" and the name of the variety if known or, when the variety is not known, the words "unknown variety".

(4) Each package or container of plums shall bear on one outside end, in plain sight and in plain letters, the size description of the contents which description shall conform to the following as applicable:

(i) The size of plums in four-basket crates shall be indicated in accordance with the arrangement of the plums in the top layer of the baskets, such as "4x4 size," "4x5 size," etc.

(ii) The size of plums loose-filled or tight-filled in standard lug boxes, cartons, or other packages or containers, shall be indicated in accordance with the equivalent size designation for such plums when packed in four basket crates, such as 4x4 size, etc.

(iii) The size of plums packed in molded forms in cartons or lugs ("tray pack") and of wrapped plums packed in No. 12B fruit (peach) boxes (as designated and defined by § 1387.11 of the "Regulations of the California Department of Food and Agriculture") shall be indicated in accordance with the number of plums in the container, such as "88 count," "108 count," etc.

(5) Each package or container of loose-filled, or tight-filled plums other than bulk bin containers, master containers of consumer packages, and individual consumer packages in master containers shall bear on one outside end, in plain sight and in plain letters, the words "28 pounds net weight."

(6) Each bulk bin container of loose-filled plums shall contain not less than 400 pounds, net weight, and bear on one outside panel, in plain sight and in plain letters, the following information:

(i) The name and address (including zip code) of the shipper.

(ii) The net weight.

(7) Each master container of consumer packages of plums and each individual consumer package of plums shall bear, in plain sight and plain letters, the net weight of the contents.

(b) Subject to the provisions hereinafter set forth in paragraph (c), any package or container of any variety of plums may be marked with the words "tight—fill" only if such package or container and the contents thereof meet the following requirements:

(1) The depth of each container shall be equal to at least three times the average diameter of the plums therein as determined by measuring representative fruits.

(2) All container faces shall be composed of at least two complete layers of wax- or resin-treated corrugated paperboard which treatment shall consist of coating both surfaces of each layer with wax or resin, or impregnating at least the corrugating medium in each layer with wax or resin. The material comprising each bottom layer and one layer of both sides and both ends of each container shall have been marked or certified as having a Mullen or Cady test strength of at least 275 pounds, and the material in all other components of each container shall have been marked or certified as having a Mullen or Cady test strength of at least 250 pounds.

(3) Each container shall be well filled and the plums therein shall have been well settled by vibration, according to approved and recognized methods.

(4) Each container shall have a top pad containing wood excelsior or redwood bark. Such pads that contain wood excelsior shall weigh at least 160 pounds per 1,000 square feet of pad and such pads that contain redwood bark shall weigh at least 200 pounds per 1,000 square feet of pad.

(5) The cover shall be firmly seated against the lower half of each container and firmly fastened to it.

(c) Ten percent of the packages or containers in any lot may fail to meet the requirements of paragraph (b) of this regulation.

(d) When used herein, "standard pack" and "diameter" shall have the respective meanings set forth in the U.S. Standards for Grades of Fresh Plums and Prunes (7 CFR 2851.1520–1538), and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Dated: June 4, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 80-17328 Filed 6-6-80; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket NO. R-0306]

Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System

ACTION: Proposed rulemaking.

SUMMARY: The Monetary Control Act of 1980 (Title I of P.L. 96–221) imposes Federal reserve requirements on all depository institutions that maintain transaction accounts or nonpersonal time deposits. The Act authorizes the Federal Reserve to require reports from depository institutions as necessary or desirable to monitor and control monetary and credit aggregates, provides access to the Federal Reserve discount window for all depository institutions subject to Federal reserve requirements, and requires the Federal Reserve to price its services and provide

open access to system services to all depository institutions on the same terms and conditions as member banks. In order to implement the reserve requirement provisions of the Monetary Control Act, the Board proposes to revise its reserve requirement rules contained in Regulation D—Reserves of Member Banks (12 CFR Part 204). The revised regulation also will affect Edge Act and Agreement Corporations and United States branches and agencies of foreign banks.

DATE: Interested parties are invited to submit relevant data, views and other comments. Comments must be received by July 15, 1980.

ADDRESS: Comments, which should refer to Docket No. R–0306, should be addressed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or delivered to room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Assistant General Counsel (202/452–3625), Paul S. Pilecki, Attorney (202/452–3281), or Thomas D. Simpson, Senior Economist (202/452–3361), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 ("Act") (Title I of P.L. 96–221; 94 Stat. 132) imposes Federal reserve requirements on all depository institutions that maintain transaction accounts or nonpersonal time deposits. Depository institutions subject to reserve requirements include any Federally insured commercial or savings bank, or any bank that is eligible to become insured by the Federal Deposit Insurance Corporation; any savings and loan association that is a member of a Federal Home Loan Bank, insured by, or eligible to apply for insurance with, the Federal Savings and Loan Insurance Corporation; and any credit union that is insured by, or eligible to apply for insurance with, the National Credit Union Administration Board. Reserve requirements would continue to apply to United States branches and agencies of foreign banks with total worldwide consolidated bank assets in excess of $1 billion, and to Edge Act and Agreement Corporations in the same manner as member banks. In this regard, the Act provides that nothing in the reserve requirement provisions of the Act limits the authority of the Board under section 7 of the International Banking Act of 1978 ("IBA") (12 U.S.C. § 3105). On March 19, 1980, the Board adopted amendments to Regulation D to impose reserve requirements on such branches and agencies (45 *Fed. Reg.* 19216); however, as discussed below, the proposed revised regulation modifies certain aspects of that action in view of the enactment of the Monetary Control Act. In addition, since branches of foreign banks are eligible to apply for Federal deposit insurance, reserve requirements also will apply to United States branches of foreign banks with total worldwide consolidated bank assets of $1 billion or less.

The Act also provides access to the Federal Reserve discount window to all depository institutions with transaction accounts or nonpersonal time deposits. On March 31, 1980, the Board indicated that its policy with respect to full access to the discount window will be announced by July 1, 1980. The Act also requires the pricing of services and the provision of services to all depository institutions. The Federal Reserve is reviewing the issues of fees and access to System services for all depository institutions and will announce a policy with regard to access to Federal Reserve services at a later date.

Regulation D

Regulation D (12 CFR Part 204) presents the Board's regulatory structure for implementation of reserve requirements on, and maintenance of reserves by, member banks. The regulation specifies the liabilites that are regarded as deposits subject to reserves and the procedures for computing and maintaining required reserves including penalties for deficiencies and other violations.

Under Regulation D at present, reserve balances consist of United States currency and coin and balances maintained with the Federal Reserve. Required reserves are computed on the basis of the member bank's daily net deposit balances during a seven-day period ending each Wednesday (the "computation period"). Required reserve balances must be maintained at a Federal Reserve Bank during a corresponding weekly period (the "maintenance period") which begins on the second Thurday following the end of the computation period. However, in determining whether a sufficient reserve balance has been maintained, the average daily United States currency and coin held during the computation period is added to the average daily balance maintained by the member bank in its reserve account with the Federal Reserve during the maintenance week.

Changes to Regulation D

Apart from the issues discussed below and changes mandated by the Monetary Control Act, the proposed Regulation D reflects modifications of the present regulation. These changes primarily take the form of clarification of language and incorporation of existing Board interpretations into the proposed regulation. The organization of Regulation D has also been revised to present the requirements in a more understandable format.

New sections have been added to the regulation to reflect additional reserve requirement authority added pursuant to the Monetary Control Act.[1] Specific sections deal with reserve requirements in emergency circumstances, supplemental reserves, and Eurodollar reserves. These sections set forth the Board's authority to impose reserves in the relevant circumstances. A section has been added which sets forth rules concerning imposition of penalties for failure to maintain proper reserve requirements.

Public comment is requested by July 15, 1980 on the following proposed actions.

Transaction Accounts

Definition. The Act defines "transaction account" to include demand deposits, negotiable order of withdrawal (NOW) accounts, savings accounts subject to automatic transfers (ATS), share draft accounts, accounts subject to telephone transfers, and other accounts for the purpose of making payments or transfers to third persons or others. For monetary control purposes, the Board believes that it is desirable to sharpen the distinction between accounts actively used for transactions purposes and those that serve mainly as liquid investment outlets. Consequently, to ensure that reserve requirements are applied on all accounts used for transactions purposes, the Board proposes to define "transaction accounts" to include all savings accounts subject to telephone or preauthorized transfers, or that permit payments to third parties through automated teller machines, including remote service units, as well as demand

[1] The proposed Regulation D does not include any provision for the marginal reserve requirement program on managed liabilities (12 CFR 204.5(f)). The continuation of the marginal reserve requirements after the September 1, 1980, effective date of the Act would depend upon conditions at that time.

deposits, NOW, ATS, and share draft accounts. Thus, any account that would allow the depositor to transfer any funds or to make payments to third parties by telephone or by preauthorized arrangement would be regarded as a transaction account. The Board, however, requests public comment on the feasibility or desirability of regarding accounts that permit only infrequent transfers by telephone or preauthorized instruction as transaction accounts. A savings account that is accessible by an automated teller machine or electronic terminal would not be considered a transaction account under the Board's proposal unless payments or transfers to third parties could be effected.

Reserve Requirement Ratio. The Act specifies that any reserve requirement imposed by the Board shall be solely for the purpose of implementing monetary policy and shall be applied uniformly to all transaction accounts at all depository institutions. A reserve ratio of 3 per cent on transaction accounts of $25 million or less is established by the Act. This low reserve requirement tranche will be adjusted annually based on the change in the total of transaction accounts at all depository institutions. With regard to transaction accounts in excess of $25 million, the Board is required by the Act to set an initial reserve ratio of 12 per cent, but, in the future, may vary the ratio within a range of 8 to 14 per cent.

Reserve Requirement Calculation by United States Branches and Agencies of Foreign Banks. On March 19, 1980, the Board adopted regulations (45 *Fed. Reg.* 19216) implementing section 7 of the IBA (12 U.S.C. § 3105) to impose reserve requirements on United States branches and agencies of foreign banks with total worldwide consolidated bank assets in excess of $1 billion ("branches and agencies"). The Board adopted a procedure of statewide aggregation for purposes of calculating reserve requirements for branches and agencies. The determination to adopt a system of statewide aggregation was based principally on comments received indicating that national aggregation for calculating reserves would be complex and costly and on estimates suggesting that it would have very little effect on the reserves required of branches and agencies.

The system of statewide aggregation for reserve computation and maintenance will not be affected by the proposed regulation. However, it is proposed that only one low reserve requirement tranche ($25 million) be permitted on transaction accounts for each foreign bank's branches and agencies since these institutions compete primarily with domestic money center banks, which will have only one low reserve requirement tranche. Allowing a foreign bank only one low reserve tranche is consistent with the IBA's goal of competitive equality between branches and agencies and domestic depository institutions. In this regard, the Board also proposes that an Edge Corporation be allowed only one low reserve tranche on transaction accounts regardless of the number of its branches.

Under the Board's proposals, a foreign bank or an Edge Corporation would be allowed to assign its low reserve requirement tranche to any office of its choice or, in the event that the total of transaction accounts at such office are less than $25 million, to more than one office until the amount of the tranche is exhausted. These institutions also would be permitted periodically to reassign the low reserve requriement tranche, perhaps once every two years.

Nonpersonal Time Deposits

Definition. The Act defines "nonpersonal time deposit" as a transferable time deposit of account or a time deposit or account representing funds in which any beneficial interest is held by a depositor which is not a natural person. Nontransferable time deposits in which the entire beneficial interest is held by a natural person would not be subject to reserve requirements. Currently, under Regulation D, the term "savings deposits" is included in the definition of "time deposit;" thus, any savings deposit held by a business or nonprofit organization or a domestic governmental unit would be regarded as a nonpersonal time deposit (unless otherwise defined as a transaction account).

Time deposits, including credit union share certificates, that are issued in transferable form could be regarded as nonpersonal time deposits because of the transferability feature. Since the provision of the Act including transferable time deposits as nonpersonal time deposits was intended to prevent the evasion of reserve requirements through the transfer of time deposits from individuals to organizations or governmental units, the Board proposes to exclude from the definition of nonpersonal time deposits a time deposit issued to and held by a natural person on or after July 15, 1980 only if it includes on the face of the deposit instrument a specific statement that it is not transferable. A transferable time deposit issued before July 15, 1980 to a natural person in a denomination of less than $100,000 would not be regarded as a nonpersonal time deposit.

Reserve Requirement Ratio. The Act requires that the reserve ratio on all nonpersonal time deposits initially be set at 3 per cent. The Board has authority to set the reserve ratio on nonpersonal time deposits within a range of 0 to 9 per cent.

Maturity of Time Deposits

In considering the definition of nonpersonal time deposits, the Board also examined certain other issues related to reserve requirements. In this regard, the Bord proposes to shorten the present 30-day minimum maturity for a time deposit to 14 days. The Board believes that a shorter minimum maturity on time deposits has considerable merit for purposes of improving the competitive position of domestic depository institutions vis-a-vis open market instruments and foreign banking offices. Under the Board's proposal, time deposits with original maturities of between 14 and 29 days issued in minimum denominations of $100,000 or more could earn interest at any rate since there are no Federal interest rate limitations on time deposits issued in such denominations.

Treatment of Promissory Notes, Due Bills and Other Miscellaneous Obligations of Depository Institutions

Regulation D currently defines as deposits a number of sources of funds that formerly were exempt from reserve requirements. The Board proposes to continue to regard as deposits promissory notes (commercial paper), ineligible acceptances (finance bills), due bills, acknowledgments of advance, repurchase agreements against assets other than obligations of the United States government and its agencies, and funds raised from affiliates. Such obligations having original maturities of less than 14 days would be regarded as demand deposits and would be subject to the reserve requirement on transaction accounts and those having maturities of 14 days or more would be regarded as nonpersonal time deposits, if transferable or held by a depositor other than a natural person. Under this approach, certificates of indebtedness issued by credit unions would be defined as deposits.

Subordinated Notes. Under Regulations D and Q (Interest on Deposits) subordinated capital debt of member banks are not regarded as deposits subject to reserve requirements or interest rate limitations provided that certain conditions are met, including a minimum maturity of seven years or

more. The Board proposes to retain these conditions for depository institutions. In this regard, the Federal Deposit Insurance Corporation has similar rules concerning issuance of subordinated notes exempt from interest rate limitations by insured nonmember commercial banks (see 12 CFR Part 329). For thrift institutions, the Board proposes a similar exemption from reserve requirements for subordinated capital debt. Such a debt obligation would be exempt from reserve requirements if it would have a minimum original maturity of seven years or more and was approved by the institution's primary Federal supervisor or was issued under the rules of the primary Federal supervisor.

Obligations of Affiliates. The Board proposes to revise the reserve treatment of funds advanced by affiliates to depository institutions. At present, deposits of member banks include the liability of an affiliate to the extent that the proceeds are used for the purpose of supplying funds to the affiliated institution. However, the rules relating to determination of deposit status of such obligations are complex. In order to simplify the determination of the deposit status of affiliate obligations, the Board proposes to apply the following rules. An obligation issued by the affiliate would not be regarded as a deposit of the affiliated depository institution if the obligation would not have been a deposit had it been issued directly by the affiliated depository institution. Conversely, an obligation of an affiliate would be regarded as a deposit if the obligation issued by the affiliate would have been had it been issued directly by the affiliated depository institution. If the affiliate's obligation is determined to be a deposit, then the appropriate reserve ratio to be applied would be determined by the shorter of the maturity of the affiliate's obligation or the maturity of the obligation issued by its affiliated depository institution, or in the case of asset purchases, the maturity of the assets purchased.

Due Bills. A due bill is a promise by the bank to deliver at some future date a security purchased by the bank's customer. Under existing provisions, due bills issued or undertaken by a member bank principally as a means of obtaining funds to be used in its banking business are regarded as deposits subject to reserves. However, due bills that are not issued principally as a means of obtaining funds to be used in the banking business are deposits only if they are not collateralized with a similar security within three days after issuance. The principal questions that arise in connection with these transactions involve whether a member bank is utilizing due bill transactions as a means of obtaining funds principally for use in its banking business and whether such obligations are collaterized with a "similar" security.

In order to minimize compliance and enforcement problems involving due bills, the Board proposes to revise Regulation D so that *all* due bills would be reservable deposits from the date of issuance without regard to the pupose of the due bill unless collateralized within three days from date of issuance by a security indentical to the security purchased from the depository institution's customer.

Eurodollar Reserve Requirement

Under the Act, the Board's authority to establish any reserve requirement necessary for the implementation of monetary policy on Eurodollars is extended to cover all domestic depository institutions. In particular, the Board is authorized to place reserve requriements on: net borrowings from related foreign offices, borrowings from unaffiliated foreign depository institutions, loans to United States residents made by overseas offices of depository institutions located in the United States, and sales of assets by depository institutions in the United States to their overseas offices. These are essentially the same categories that are reservable under Regulation D currently, although the basic reserve ratio on Eurodollar transactions has been zero since August 1978. Such activities, however, are managed liabilities subject to marginal reserve requirements. The Board proposes to continue the present definition of Eurodollar transactions subject to basic reserve requirements, except that the proceeds of sales to foreign branches of all assests—rather than only domestic assets—would be reservable.

The Board also proposes to apply a reserve ratio of 3 per cent to Eurodollar transactions, the same ratio that would be applied to nonpersonal time deposits. The Board believes that such action would eliminate any artificial incentive through the reserve requirement structure that would favor raising funds offshore as compared with the domestic market. As a technical matter, the proposed Regulation D reflects a change in the four-week computation and maintenance period for Eurodollar reserves to one week periods coinciding with normal reserve computation and maintenance periods.

Eligible Reserve Assets

The Act specifies that reserves of a depository institution may be held in the form of vault cash, a balance maintained at the Federal Reserve Bank of which it is a member or at which it maintains an account, or a balance maintained by a depository institution which is not a member bank in a depository institution which maintains required reserve balances at a Federal Reserve Bank, a Federal Home Loan Bank, or the National Credit Union Administration Central Liquidity Facility if such funds are passed through to the Federal Reserve.

The Board has the authority to specify the portion of vault cash that a depository institution may use to meet its reserve requirements. Under the proposed Regulation D, a depository institution would be permitted to use all of its vault cash as eligible reserve assets. However, all silver and gold coin and other currency and coin whose numismatic or bullion value is substantially in excess of face value would not be regarded as vault cash.

The Board presently is reviewing the operations issues in connection with pass-through accounts through consultation with other agencies and depository institution trade groups. An announcement will be forthcoming concerning the mechanics of pass-through arrangements.

Phase-in of Reserve Requirements

Member Banks. Member banks would be phased down to the new structure of reserve requirements over a three and one-half year period, beginning on September 4, 1980. During this period, actual reserves maintained would equal required reserves under the current structure less a portion of the difference between reserves calculated under the structure of the Act and the reserve structure in effect on August 31, 1980.

The Act stipulates that the phase-in rate increment each year for member banks should be ¼ of the difference between reserves under the current structure and the new structure, under rules and regulations of the Board. To implement this provision, the Board proposes to phase-down reserve requirements for member banks at semiannual intervals, beginning with reserves held in the maintenance period starting September 4, 1980. Every six months the phase-down adjustment would rise by ⅛ of the difference between reserves computed under the old and new structures.

Nonmember Banks and Thrift Institutions. Reserve requirements of nonmember banks and thrift institutions

would be phased-in over an eight-year period. Nonmember institutions would be required to hold an amount equal to ⅛ of reserve requirements calculated under the Act, beginning with the reserve maintenance period beginning Thursday, September 4, 1980. During the seven-day maintenance period beginning on that date, a nonmember depository institution would maintain reserves based on its deposits and vault cash outstanding during the seven-day computation priod beginning August 21, 1980. Thereafter, the amount of reserves required would increase by an additional ⅛ of the reserve requirements under the Act after each succeeding 12 month interval.

Deposits or Accounts Authorized After April 1, 1980. A special provision in the Act exempts from the transitional phase-in provisions any category of deposits or accounts that are first authorized pursuant to Federal law in any State after April 1, 1980. This provision most immediately applies to negotiable order of withdrawal (NOW) accounts that are authorized in States outside of New England, New York and New Jersey on December 31, 1980. Therefore, depository institutions maintaining NOW accounts in those States would be required to maintain reserves against such accounts at the full transactions deposits reserve ratio.

In computing reserves required to be maintained on NOW accounts, a depository institution located outside of New England, New York and New Jersey would be permitted to deduct a portion of its cash items in process of collection in the proportion that its NOW accounts are of its total transaction accounts. To determine the reserve ratio to apply to NOW accounts, depository institutions would apply the $25 million initial tranche for transaction accounts to its transactions accounts subject to the highest reserve requirement. Under this approach, a nonmember depository institution outside of New England, New York and New Jersey phasing-in reserves could apply the $25 million tranche to its NOW accounts initially with any remaining portion applied to other transactions accounts subject to the phase-in. Transaction accounts in excess of $25 million (other than NOW accounts) would be subject to a reserve ratio of 12 per cent, but the effective reserve ratio applicable to these accounts would be lower than 12 per cent because of the phase-in. Member banks could apply the $25 million transaction tranche to demand deposits or NOW accounts in computing its phase-down of reserve requirements.

Branches and Agencies. Under the amendments to Regulation D adopted in connection with implementation of the IBA, branches and agencies were granted a phase-in of reserve requirements over a two-year period. This phase-in period is similar to that allowed to nonmember banks joining the Federal Reserve System. The Board proposes to allow branches and agencies to phase-in to the new reserve requirement structure that becomes effective on September 1, rather than requiring a more complicated and burdensome procedure of phasing up to member bank actual reserve requirements by the end of two years, and then phasing down over the next two years in line with member banks. The deposits of additional branches and agencies of a foreign bank that has existing United States branches or agencies would be entitled only to the remaining phase-in, if any, available to the existing United States branches or agencies.

De Novo Banks and New Members. The Act provides an eight-year phase-in for nonmember banks engaged in business on July 1, 1979. Consequently, a *de novo* nonmember depository institution formed after July 1, 1979 would be required to maintain full reserve requirements beginning on the effective date of the Act. In addition, under the Act, a *de novo* member or nonmember joining the System ("new member") would be required to maintain full present member bank reserve requirements, and then phase down to the new requirements of the Act. Current Board policy provides a two-year transitional period to full reserve requirement levels for *de novo* and new member banks.

The Board believes that, in order to provide an orderly adjustment to reserve requirements, it is appropriate for the Federal Reserve to continue its policy of providing a 24-month transitional phase-in for all *de novo* depository institutions and new members. Under the Board's proposal, *de novo* institutions and new members would be phased in to the new reserve requirements under the Act rather than to present member bank reserve requirements.

Former Members and Mergers. On April 23, 1980, the Board announced an interpretation (45 FR 28305) of section 19(b)(8)(D) of the Federal Reserve Act (12 U.S.C. § 461(b), as amended by section 103 of the Act). This interpretation applies to the reserves required of any bank that was a member bank in the Federal Reserve System on July 1, 1979, and which subsequently withdraws from membership. That interpretation also establishes a System policy for reserve requirements of depository institutions involved in mergers.

Tables 1 and 2 present reporting categories that will be required of depository institutions and of United States branches and agencies of foreign banks.

Table 1

Reporting categories for any depository institution other than a U.S. branch or agency of a foreign bank:

1. Demand deposits due to banks.
2. Demand deposits due to other depository institutions.
3. Demand deposits due to the U.S. Government.
4. Other demand deposits (including noninterest-bearing negotiable orders of withdrawal).
5. Savings deposits authorized for automatic transfer (ATS accounts).
6. Negotiable order of withdrawal (NOW) accounts; share drafts.
7. Savings deposits subject to telephone or preauthroized transfer or that permit payments through automated teller machines, including remote service units.
8. Demand deposits due from depository institutions. (Note: For institutions designated below under (1), this category will be broken down into two items: (1) demand deposits due from banks, and (2) demand deposits due from other depository institutions.)
9. Cash items in process of collection.
10. Other savings deposits (i.e., all savings deposits other than those included in items 5, 6, or 7 above)—personal.
11. Other savings deposits—nonpersonal.
12. Personal time deposits.
13. Nonpersonal time deposits.
14. Time deposits with original maturities of 14 through 179 days.[1]
15 Time deposits with original maturities of 180 days but less than 4 years.[1]
16 Time deposits with original maturities of 4 years or more.[1]
17. Time deposits of $100,000 or more.
18. U.S. currency and coin owned and held.
19. Funds received from issuance of obligations by affiliates that have remaining maturities of less than 14 days.
20. Funds received from issuance of obligations by affiliates that have remaining maturities of 14 days or more. (Note: For institutions designated below under (1), this item will cover obligations that have remaining

maturities of 14 days or more *but less than 180 days.)*

21. Funds received from issuance of obligations by affiliates that have remaining maturities of 180 days or more but less than 4 years.[1]

22. Funds received from issuance of obligations by affiliates that have remaining maturities of 4 years or more.[1]

23. Funds received from the sale of ineligible banker's acceptances that have remaining maturities of less than 14 days.

24. Funds received from the sale of ineligible bankers' acceptance that have remaining maturities of 14 days or more. (Note: For institutions designated below under footnote (1), this item will cover obligations that have remaining maturities of 14 days or more *but less than 180 days.)*

25. Funds received from the sale of ineligible bankers' acceptances that have remaining maturities of 180 days or more but less than 4 years.[1]

26. Funds received from the sale of ineligible bankers' acceptances that have remaining maturities of 4 years or more.[1]

27. Borrowings from offices of other banks outside the United States, foreign national governments, and international institutions.[2]

28. Gross balances due to own non-U.S. branches.[2]

29. Gross balances due from own non-U.S. branches.[2]

30. Assets sold to and held by own non-U.S. branches acquired from U.S. offices (including assets that are claims on both U.S. and non-U.S. residents).[2]

31. Credit extended by own non-U.S. branches to U.S. residents.[2]

Table 2

Reporting categories for any United States branch or agency of a foreign bank: [1]

1. Demand deposits due to banks.

2. Demand deposits due to other depository institutions.

3. Demand deposits due to the U.S. Government.

4. Other demand deposits (including officers' checks).

5. Savings deposits authorized for automatic transfer (ATS accounts).

6. Negotiable order of withdrawal (NOW) accounts.

7. Savings deposits subject to telephone or preauthorized transfer or that permit payments through automated teller machines, including remote service units.

8. Demand deposits due from depository institutions.

9. Cash items in process of collection.

10. Other savings deposits (i.e., all savings deposits other than those included in items 5, 6, or 7 above)—personal.

11. Other savings deposits—nonpersonal.

12. Personal time deposits.

13. Nonpersonal time deposits.

14. Time deposits of $100,000 or more.

15. U.S. currency and coin owned and held.

16. Funds received from the sale of ineligible bankers' acceptance that have remaining maturities of less than 14 days.

17. Funds received from the sale of ineligible bankers' acceptance that have remaining maturities of 14 days or more.

18. Borrowings from other foreign banks, foreign national governments, and international institutions.

19. Gross claims on the foreign bank (including its offices located outside the United States).

20. Gross liabilities to the foreign bank (including its offices located outside the United States).

21. Assets sold by a branch or agency to its foreign bank (including its offices located outside the United States) or its foreign parent bank holding company.

22. Assets sold by the branch or agency to nonbanking affiliates.

23. Total assets less the sum of United States coin and currency, cash items in process of collection and unposted debits, balances due from domestic banks and other foreign banks, balances due from foreign central banks and net balances due from the foreign bank and the foreign bank's U.S. and foreign offices.

In addition to the above proposals, the Board desires public comment on three issues that have been under consideration in the past.

Contemporaneous Reserve Accounting

As an alternative to the existing procedures of reserve maintenance, the Board requests comment on a proposal to modify the procedures by which reserve requirements are maintained. Under the proposal, the reserve computation period would continue to cover the seven-day period beginning Thursday and ending on the following Wednesday, and reserve requirements would continue to be computed based upon the daily average deposits outstanding during the reserve computation week. Reserve requirements, however, would be required to be satisfied by the United States currency and coin held by a depository institution on a daily average basis during the seven-day reserve computation period which begins on the Thursday fifteen days prior to the beginning of the reserve maintenance period and by balances maintained in a Federal Reserve Bank (directly or indirectly) on a daily average basis during the seven-day maintenance period which begins on the day after (i.e., Friday) the beginning of the reserve computation period (i.e., Thursday). For example, under the proposal, a depository institution would be required to maintain a reserve balance at the Federal Reserve on a daily average basis during the seven-day reserve maintenance period beginning Friday, June 6, 1980, and ending on Thursday, June 12, 1980, based upon daily average deposits during the seven-day reserve computation period beginning Thursday, June 5, 1980, and ending Wednesday, June 11, 1980, after taking into account the institution's currency and coin maintained during the seven-day computation period beginning Thursday, May 22, 1980, and ending Wednesday, May 28, 1980. A depository institution would continue to be permitted to carry forward to the following reserve maintenance week excesses or deficiencies up to 2 percent of the institution's required reserves.

This procedure would improve monetary control by strengthening the linkage between the reserves of the depository system and the money supply.

Business Day Reserve Computation Period

Under the present method of computing required reserves, all seven days of the computation period, including Saturdays, Sundays and legal holidays, are included in computing the daily average of deposits. Under this approach, the deposits outstanding at the close of business on Friday generally are reported for Saturday and Sunday also. Thus, Friday's balances are used three times in computing the institution's daily average deposits outstanding during the computation period. Similarly, the deposits outstanding at the close of business on the day before a legal holiday are reported as the balances outstanding for the holiday also.

The Board is aware of actions on the part of some member banks to engage in transactions on Fridays that tend to increase asset accounts artificially, particularly cash items in process of collection (CIPC's). Since CIPC's are available as a deduction from the member bank's gross demand deposits,

[1] To be reported only by a depository institution that is a member bank on September 1, 1980, or that was a member bank on or after July 1, 1979, and since than withdrew from membership.

[2] To be reported only by U.S. commercial banks and Edge Act and Agreement corporations.

[1] "Deposits" include credit balances.

this activity results in a lower daily average of net demand deposits and lower reserve requirements. Such transactions may have an adverse effect on the conduct of monetary policy in that they may adversely affect the relationship between the supply of reserves and the stock of money.

In order to limit the effect of actions that may lower reserve requirements, the Board proposes to revise the present method of computing daily average deposit balances and daily average marginal managed liabilities by deleting nonbusiness days, that is, Saturdays, Sundays and legal holidays, in the computation of the daily averages outstanding during the reserve computation period. By changing the method of computing balances against which reserves must be maintained to include only banking business days, the Board anticipates that the impact of such artificial transactions that serve only to reduce reserve requirements would be minimized. This proposed method of computation would apply to all depository institutions required to maintain reserves under the Act. It should be noted that under the proposal, daily currency and coin would continue to be computed under the present seven-day method and required reserves would continue to be maintained over a seven-day maintenance period.

Deductions From Gross Transaction Accounts

In computing demand deposit reserve requirements, member banks currently are permitted to deduct from their gross demand deposits cash items in the process of collection ("CIPCs") and demand balances due from other banks. The purpose of this deduction is to prevent situations in which more than one institution holds required reserves against the same deposit liability to the nonbank public.

At present, indirect control over the public's deposits at nonmember institutions is exerted through reserve requirements on the balances that these institutions have due from member banks, that is, member bank deposits due to other depository institutions. The Board believes that, with the application of reserve requirements to all depository institutions, there is no longer the need for such indirect methods of control. Therefore, the Board is considering excluding from the definition of deposits inter-depository institution balances that represent finally collected funds that are immediately withdrawable. Exempting such balances from reserve requirements would eliminate the necessity of allowing a deduction for the corresponding "due from" account. Under this approach, a "due from" deduction would be permitted only if the corresponding "due to" balance of a depository institution is subject to Federal reserve requirements.

Under this approach, cash items in the process of collection would be permitted to be deducted from the amount of a depository institution's gross transactions accounts. To ensure that institutions which clear incoming checks through correspondents are not subject to a reserve requirement on uncollected funds, these institutions would record such checks as a "cash item" until they become collected funds. Since the correspondent would also be entitled to a "cash item" deduction until the checks are collected, that institution would need to record an offsetting reservable liability—in the form of a deferred availability deposit—until the funds are received. The deferred availability account effectively would not be reserved, however, since that account would be offset by the amount of the CIPC the correspondent has forwarded for collection.

As the correspondent institution received payment on cleared checks, it would advise its respondent daily of collected funds becoming available that day before the correspondent could convert the deferred availability balance to a nonreservable "due to." Upon receipt of the advice, the respondent would be required to debit deductible CIPCs and credit nondeductible "due froms." In addition to being more consistent with direct control of the public's transaction balances through the reserve base, such a treatment of interbank transactions would involve less risk that the process of check clearing would distort money supply statistics.

In view of the September 1, 1980 effective date of the reserve requirement provisions of the Monetary Control Act, the Board has determined to shorten the length of the comment period normally provided to the public. Accordingly, comments on these proposals should be submitted to the Board by July 15, 1980.

(Sec. 19 of the Federal Reserve Act (12 U.S.C. § 461 *et seq.*), as amended by the Monetary Control Act of 1980 (Title I, P.L. 96-221; 94 Stat. 132) and sec. 7 of the International Banking Act of 1978 (12 U.S.C. § 3105))

The Board proposes to revise Regulation D (12 CFR Part 204) to read as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

Sec.

204.1 Authority, Purpose and Scope.
204.2 Definitions.
204.3 Computation and Maintenance.
204.4 Transitional Adjustments.
204.5 Emergency Reserve Requirement.
204.6 Supplemental Reserve Requirement.
204.7 Eurodollar Reserve Requirements.
204.8 Penalties.
204.9 Reserve Ratios.

§ 204.1 Authority, purpose and scope.

(1) *Authority.* This Part is issued under the authority of section 19 (12 U.S.C. 461 *et seq.*) and other provisions of the Federal Reserve Act and of section 7 of the International Banking Act of 1978 (12 U.S.C. 3105).

(b) *Purpose.* This Part relates to reserves that member banks and other depository institutions are required to maintain for the purpose of facilitating the conduct of monetary policy by the Federal Reserve System.

(c) *Scope.* (1) The following depository institutions are required to maintain reserves in accordance with this Part:

(i) Any insured bank as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)) or any bank that is eligible to apply to become an insured bank under section 5 of such Act (12 U.S.C. 1815);

(ii) Any savings bank or mutual savings bank as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(f), (g));

(iii) Any insured credit union as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752(7)) or any credit union that is eligible to apply to become an insured credit union under section 201 of such Act (12 U.S.C. 1781);

(iv) Any member as defined in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(4)); and

(v) Any insured institution as defined in section 401 of the National Housing Act (12 U.S.C. 1724(a)) or any institution which is eligible to apply to become an insured institution under section 403 of such Act (12 U.S.C. 1726).

(2) Except as may be otherwise provided by the Board, a foreign bank's branch or agency located in the United States is required to comply with the provisions of this Part in the same manner and to the same extent as if the branch or agency were a member bank, if its parent foreign bank (i) has total worldwide consolidated bank assets in excess of $1 billion; or (ii) is controlled by a foreign company or by a group of foreign companies that own or control foreign banks that in the aggregate have total worldwide consolidated bank assets in excess of $1 billion. In addition, any other foreign bank's branch located in the United States that is eligible to apply to become an insured bank under section 5 of the Federal Deposit Insurance Act (12 U.S.C. 1815) is required to maintain reserves in

accordance with this Part as a depository institution.

(3) This Part does not apply to any financial institution that (i) is organized solely to do business with other financial institutions; (ii) is owned primarily by the financial institutions with which is does business; and (iii) does not do business with the general public.

(4) The provisions of this Part do not apply to any deposit that is payable only at an office located outside the United States. (That is, an obligation is not subject to the reserve requirements of this Part if it requires a depository institution to make payment only at an office located outside the United States and, if for any reason the obligation is not paid at a foreign office, the depository institution cannot be required to pay it in the United States.)

§ 204.2 Definitions.

For purposes of this Part, the following definitions apply unless otherwise specified:

(a)(1) *"Deposit"* means:

(i) the unpaid balance of money or its equivalent received or held by a depository institution in the usual course of business and for which it has given or is obligated to give credit, either conditionally or unconditionally, to an account, or which is evidenced by an instrument on which the depository institution is primarily liable;

(ii) money received or held by a depository institution, or the credit given for money or its equivalent received or held by the depository institution in the usual course of business for a special or specific purpose, regardless of the legal relationships established thereby, including escrow funds, funds held as security for securities loaned by the depository institution, funds deposited as advance payment on subscriptions to United States government securities, and funds held to meet its acceptances;

(iii) an outstanding draft, cashier's check, money order, or officer's check drawn on the depository institution and issued in the usual course of business for any purpose, including payment for services, dividends, or purchases;

(iv) any due bill or other liability or undertaking on the part of a depository institution to sell or deliver securities to, or purchase securities for the account of, any customer (including another depository institution), involving either the receipt of funds by the depository institution, regardless of the use of the proceeds, or a debit to an account of the customer before the securities are delivered. A deposit arises from the date of issuance of the obligation if, within three business days, the depository institution does not deliver the securities purchased or does not fully collateralize its obligation with securities identical to the securities purchased;

(v) any liability of a depository institution's affiliate, on any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral), with a maturity of seven years or less, to the extent that the proceeds are used to supply or to maintain the availability of funds (other than capital) to the depository institution, except any such obligation that, had it been issued directly by the depository institution, would not constitute a deposit;

(vi) credit balances of a United States branch or agency of a foreign bank;

(vii) a depository institution's liability on any promissory note, acknowledgment of advance, bankers' acceptance, or similar obligation (written or oral) that is issued or undertaken by a depository institution as a means of obtaining funds, except any such obligation that:

(A) is issued or undertaken and held for the account of:

(1) an office located in the United States of another depository institution or foreign bank;

(2) the United States government or an agency thereof; or

(3) the Export-Import Bank of the United States, Minbac Capital Corporation, the Government Development Bank for Puerto Rico, a Federal Reserve Bank, or a Federal Home Loan Bank;

(B) arises from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States government or any agency thereof that the depository institution is obligated to repurchase;

(C) is not insured by a Federal agency, is subordinated to the claims of depositors, has a weighted average maturity of more than seven years, is not subject to Federal interest rate limitations, and is issued by a depository institution with the approval of or under the rules and regulations of its primary Federal supervisor;

(D) arises from a borrowing by a depository institution from a dealer in securities, for one business day, of proceeds of a transfer of deposit credit in a Federal Reserve Bank or other immediately available funds, (commonly referred to as "Federal funds"), received by such dealer on the date of the loan in connection with clearance of securities transactions;

(E) arises from the creation, discount and subsequent sale by a depository institution of its bankers' acceptance of the type described in section 13 of the Federal Reserve Act (12 U.S.C. 346) and which is eligible for discount by the Federal Reserve Banks; or

(F) represents the liability of a United States branch or agency of a foreign bank to another United States Branch or agency of the same foreign bank, or the liability of the United States office of an Edge Corporation to another United States office of the same Edge Corporation.

(2) *"Deposit"* does not include:

(i) trust funds received or held by the depository institution that it keeps properly segregated as trust funds and apart from its general assets or which it deposits in another institution to the credit of itself as trustee or other fiduciary. If trust funds are deposited with the commercial department of the depository institution or otherwise mingled with its general assets, a deposit liability of the institution is created;

(ii) an obligation that represents a conditional or endorser's liability;

(iii) obligations, the proceeds of which are not used by the depository institution for purposes of making loans, investments, or maintaining liquid assets such as cash or "due from" depository institutions or other similar purposes. Obligations issued for the purpose of raising funds to purchase business premises, equipment, supplies, or similar assets are not deposits. The creation of mortgage indebtedness to acquire business premises or the creation of accounts payable to acquire equipment and supplies generally does not give rise to creation of a deposit liability;

(iv) accounts payable;

(v) hypothecated "deposits" created by payments on installment loans where the amounts received are not used immediately to reduce the unpaid balance due on the note until the sum of the payments equals the entire amount of principal and interest and where such amounts are irrevocably assigned to the depository institution and cannot be reached by the borrower or creditors of the borrower;

(vi) dealer reserve and differential accounts that arise from the financing of dealer installment accounts receivable and which provide that the dealer may not have access to the funds in the account until the installment loans are repaid, as long as the depository institution is not actually (as distinguished from contingently) obligated to make credit or funds available to the dealer;

(vii) a dividend declared by a depository institution for the period intervening between the date of the

declaration of the dividend and the date on which it is paid;

(viii) and obligation representing a "pass through account," as defined in this section;

(ix) an obligation arising from the retention by the depository institution of no more than a 10 percent interest in a pool of conventional 1–4 family mortgages that are sold to third parties; and

(x) an obligation issued to a State or municipal housing authority under loans to lenders programs involving the issuance of tax exempt bonds and the subsequent lending of the proceeds to the depository institution for housing finance purposes.

(b)(1) *"Demand deposit"* means a deposit that is payable on demand, or a deposit issued with an original maturity or required notice period of less than 14 days, or a deposit representing funds for which the depository institution does not reserve the right to require at least 14 days' written notice of an intended withdrawal. The term includes all deposits other than time and savings deposits. Overdrafts in demand deposit accounts are not to be treated as negative demand deposits and should not be netted since overdrafts are properly reflected on an institution's books as loans. Demand deposits may be in the form of (i) checking accounts; (ii) certified, cashier's and officer's checks (including checks issued by the depository institution in payment of dividends); (iii) traveler's checks and money orders; (iv) checks or drafts drawn by or on behalf of a non-United States office of a depository institution on an account maintained at any of the institution's United States offices; (v) letters of credit sold for cash or its equivalent; (vi) withheld taxes, withheld insurance and other withheld funds; (vii) time deposits that have matured or time deposits upon which the required notice of withdrawal period has expired and have not been renewed (either by action of the depositor or automatically under the terms of the deposit agreement); and (viii) any obligation to pay a check (or other instrument, device, or arrangement for the transfer of funds) drawn on the depository institution, where the account of the institution's customer already has been debited.

(2) A "demand deposit" does not include checks or drafts drawn by the depository institution on the Federal Reserve or on another depository institution.

(c)(1) *"Time deposit"* means funds that the depositor does not have a right to withdraw for a period of 14 days or more after the date of deposit. "Time deposit" includes funds:

(i) payable on a specified date not less than 14 days after the date of deposit;

(ii) payable at the expiration of a specified time not less than 14 days after the date of deposit;

(iii) payable upon written notice which actually is required to be given by the depositor not less than 14 days before the date of repayment; or

(iv) such as "Christmas club" accounts and "vacation club" accounts, that are deposited under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three months even though some of the deposits are made within 14 days from the end of the period.

(2) A time deposit may be represented by a transferable or nontransferable instrument, a negotiable or nonnegotiable instrument, a passbook, or otherwise. A time deposit includes share certificates and certificates of indebtedness issued by credit unions, and certificate accounts and notice accounts issued by savings and loan associations.

(d)(1) *"Savings deposit"* means a deposit or account with respect to which the depositor is not required by the deposit contract but may at any time be required by he depository institution to give written notice of an intended withdrawal not less than 14 days before withdrawal is made, and that is not payable on a specified date or at the expiration of a specified time after the date of deposit. A deposit may continue to be classified as a savings deposit even if the depository institution excerises its right to required notice of withdrawal. A "savings deposit" includes a regular share account at a credit union and a regular account at a savings and loan association.

(2) For depository institutions subject to 12 CFR Part 217 or 12 CFR Part 329, funds deposited to the credit of, or in which any beneficial interest is held by, a corporation, association, partnership or other organization operated for profit may be classified as a savings deposit if such funds do not exceed $150,000 per depositor at a depository institution.

(3) "Savings deposit" does not include funds deposited to the credit of the depository institution's own trust department where the funds involved are utilized to cover checks.

(e) *"Transaction account"* means a deposit or account on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawal, telephone transfers, or other similar device for the purpose of making payments or transfers to third persons or others. "Transaction account" includes:

(1) demand deposits;

(2) deposits or accounts subject to negotiable orders of withdrawal accounts or share drafts;

(3) savings deposits or accounts in which withdrawals may be made automatically through payment to the depository institution itself or through transfer of credit to a demand deposit or other account in order to cover checks or drafts drawn upon the institution or to maintain a specific balance in, or to make periodic transfers to, such accounts; and

(4) deposits or accounts in which withdrawals may be made by preauthorized transfer or payment, by telephone transfer or payment, or by payment to third parties by means of an automated teller machine, remote service unit or other electronic device.

(f) *"Nonpersonal time deposit"* means:

(1) a time deposit representing funds deposited to the credit of, or in which any beneficial interest is held by, a depositor which is not a natural person;

(2) a savings deposit that is a transaction account and that represents funds deposited to the credit of, or in which any beneficial interest is held by, a depositor which is not a natural person;

(3) a time deposit that is transferable, except a time deposit in a denomination of less than $100,000 issued before July 15, 1980, to and held by a natural person; and

(4) a time deposit issued on or after July 15, 1980, to and held by a natural person that does not contain on its face a statement that it is not transferable.

(g)(1) *"Cash item in process of collection"* means:

(i) checks in the process of collection, drawn on a bank or other depository institution that are payable immediately upon presentation in the United States, including checks forwarded to a Federal Reserve Bank in process of collection and checks on hand that will be presented for payment or forwarded for collection on the following business day;

(ii) government checks drawn on the Treasury of the United States that are in the process of collection; and

(iii) such other items in the process of collection, that are payable immediately upon presentation in the United States and that are customarily cleared or collected by depository institutions as cash items, including:

(A) drafts payable through another depository institution;

(B) redeemed bonds and coupons;

(C) food coupons and certificates;

(D) postal and other money orders, and traveler's checks;

(E) amounts credited to deposit accounts in connection with automated payment arrangements where such credits are made one business day prior to the scheduled payment date to insure that funds are available on the payment date;

(F) commodity or bill of lading drafts payable immediately upon presentation in the United States;

(G) returned items and unposted debits; and

(H) broker security drafts.

(2) "Cash item in process of collection" does not include items handled as noncash collections and credit card slips and drafts.

(h) *"Net transaction accounts"* means the total amount of a depository institution's transaction accounts less the deductions allowed under the provisions of § 204.3.

(i)(1) *"Vault cash"* means United States currency and coin owned and held by a depository institution that may, at any time, be used to satisfy depositors' claims.

(2) "Vault cash" includes United States currency and coin in transit to a Federal Reserve Bank or a correspondent depository institution for which the reporting depository institution has not yet received credit, an United States currency and coin in transit from a Federal Reserve Bank or a correspondent depository institution when the reporting depository institution's account at the Federal Reserve or correspondent bank has been charged for such shipment.

(3) All silver and gold coin, and other currency and coin whose numismatic or bullion value is substantially in excess of face value, is not vault cast for purposes of this Part.

(j) *"Pass through account"* means a balance maintained by a depository institution that is not a member bank (1) in a depository institution that maintains required reserve balances at a Federal Reserve Bank, (2) in a Federal Home Loan Bank, or (3) in the National Credit Union Administration Central Liquidity Facility, if the depository institution, Federal Home Loan Bank, or National Credit Union Administration Central Liquidity Facility maintains the funds in the form of balances in a Federal Reserve Bank of which it is a member or at which it maintains an account.

(k)(1) *"Depository institution"* means:

(i) any insured bank as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)) or any bank that is eligible to apply to become an insured bank under section 5 of such Act (12 U.S.C. 1815);

(ii) any savings bank or mutual savings bank in section 3 of the Federal Deposit Insurance Act (12 U.S.C. (g));

(iii) any insured credit union as defined in the Federal Credit Union Act (12 U.S.C. § 1752(7)) or any union that is eligible to apply to become an insured credit union under section 201 of such Act (12 U.S.C. 1781);

(iv) any member as defined in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(4)); and

(v) any insured institution as defined in section 401 of the National Housing Act (12 U.S.C. 1724(a)) or any institution which is eligible to apply to become an insured institution under section 403 of such Act (12 U.S.C. 1726).

(2) "Depository institution" does not include international organizations such as the World Bank, the Interamerican Development Bank, and the Asian Development Bank.

(l) *"Member bank"* means a depository institution that is a member of the Federal Reserve System.

(m) *"Foreign bank"* means any bank organized under the laws of any country other than the United States or organized under the laws of Puerto Rico, Guam, American Somoa, the Virgin Islands, or other territory or possession of the United States.

(n) *"De novo depository institution"* means a depository institution that was not engaged in business on July 1, 1979, and is not the successor by merger or consolidation to a depository institution that was engaged in business on that date.

(o) *"Affiliate"* includes any corporation, association, or other organization:

(1) Of which a depository institution, directly or indirectly, owns or controls either a majority of the voting shares or more than 50 percent of the numbers of shares voted for the election of its directors, trustees, or other persons exercising similar functions at the preceding election, or controls in any manner the election of a majority of its directors, trustees, or other persons exercising similar functions;

(2) Of which control is held, directly or indirectly, through stock ownership or in any other manner, by the shareholders of a depository institution who own or control either a majority of the shares of such depository institution or more than 50 per cent of the number of shares voted for the election of directors of such depository institution at the preceding election, or by trustees for the benefit of the shareholders of any such depository institution;

(3) Of which a majority of its directors, trustees, or other persons exercising similar functions are directors of any one depository institution; or

(4) Which owns or controls, directly or indirectly, either a majority of the shares of capital stock of a depository institution or more than 50 per cent of the number of shares voted for the election of directors, trustees or other persons exercising similar functions of a depository institution at the preceding election, or controls in any manner the election of a majority of the directors, trustees, or other persons exercising similar functions of a depository institution, or for the benefit of whose shareholders or members all or substantially all the capital stock of a depository institution is held by trustees.

(p) *"United States"* means the States of the United States and the District of Columbia.

(q) *"United States resident"* means (1) any individual residing (at the time of the transaction) in the United States; (2) any corporation, partnership, association or other entity organized in the United States ("domestic corporation"); and (3) any branch or office located in the United States of any entity that is not organized in the United States.

§ 204.3 Computation and maintenance.

(a) *Maintenance of reserves.* (1) *Depository institutions.* A depository institution shall maintain reserves against its deposits in accordance with the procedures prescribed in this section and section 204.4 and the ratios prescribed in § 204.9. For purposes of this Part, the obligations of a majority owned (50% or more) subsidiary (except an Edge or Agreement Corporation) of a depository institution shall be regarded as obligations of the parent depository institution. Every depository institution holding transaction accounts or nonpersonal time deposits shall file a Report of Deposits each week with the Federal Reserve Bank of its District and any other reports that the Board may require by rule, regulation, or order and shall be assessed penalties for deficiencies in required reserves in accordance with the provisions of this Part.

(2) *United States branches and agencies of foreign banks.*

(i) A Foreign bank's United States branches and agencies operating within the same State and within the same Federal Reserve District shall prepare and file a Report of Deposits on an aggregated basis, shall maintain required reserves with the Federal Reserve Bank of their District, and shall be assessed penalties for deficiencies in reserve accounts in accordance with the provisions of this Part.

(ii) The United States branches and agencies of the same foreign bank shall attribute to one such branch or agency the low reserve tranche on transaction accounts (§ 204.9(a)). If net transaction accounts at such agency or branch are less than the amount of the low reserve tranche, the remaining portion of the reserve tranche shall be attributed to other United States branches or agencies of the same foreign bank until the amount of the tranche or net transaction accounts, whichever is less, is exhausted.

(3) *Edge and Agreement Corporations.*

(i) An Edge Corporation's offices operating within the same State and within the same Federal Reserve District shall prepare and file a Report of Deposits on an aggregated basis, shall maintain required reserves with the Federal Reserve Bank of their District, and shall be assessed penalties for deficiencies in required reserves in accordance with the provisions of this Part.

(ii) An Edge and Agreement Corporation shall attribute to one of its offices the low reserve tranche on transaction accounts (§ 204.9(a)). If net transaction accounts at such office are less than the amount of the low reserve tranche, the remaining portion of the reserve tranche shall be attributed to other offices of the Edge Corporation until the amount of the reserve tranche or net transaction accounts, whichever is less, is exhausted.

(b) *Form of reserves.* Reserves shall be held by a depository institution in the form of (i) a balance maintained directly with the Federal Reserve Bank in the District in which it is located, (ii) vault cash, and (iii) a pass through account. Reserves held in the form of a pass through account shall be considered to be a balance maintained with the Federal Reserve.

(c) *Computation of reserves.* Required reserves are computed on the basis of the depository institution's daily average deposit balances during a seven-day period ending each Wednesday (the "computation period"). Required reserve balances shall be maintained during a corresponding seven-day period (the "maintenance period") which begins the second Thursday following the end of the computation period. However, to determine the reserve balance that a depository institution is required to maintain with the Federal Reserve, the average daily vault cash held during the computation period is deducted from the amount of the institution's reserve requirements.

(d) *Deductions allowed in computing reserves.*

(1) In determining the reserve balance required under this Part, the amount of cash items in process of collection and balances subject to immediate withdrawal due from other depository institutions located in the United States (including such amounts due from United States branches and agencies of foreign banks) may be deducted from the amount of gross transaction accounts. The amount that may be deducted may not exceed the amount of gross transaction accounts. However, if a depository institution maintains any transaction accounts that are first authorized under Federal law after April 1, 1980, it may deduct from these balances cash items in process of collection and balances subject to immedite withdrawal due from other depository institutions located in the United States only to the extent of the proportion that such newly authorized transaction accounts are of the institution's total transaction accounts. The remaining cash items in process of collection and balances subject to immediate withdrawl due from other depository institutions shall be deducted from the institution's remaining transaction accounts.

(2) United States branches and agencies of a foreign bank may not deduct balances due from another United States branch or agency of the same foreign bank, and United States offices of an Edge Corporation may not deduct balances due from another United States office of the same Edge Corporation.

(3) Balances "due from other depository institutions" do not include balances due from Federal Reserve Banks, pass through accounts, or balances (payable in dollars or otherwise) due from banking offices located outside the United States. An institution exercising fiduciary powers may not include in "balances due from other depository institutions" amounts of trust funds deposited with other banks and due to it as a trustee or fiduciary.

(e) *Availability of cash items as reserves.* Cash items forwarded to a Federal Reserve Bank for collection and credit shall not be counted as part of the reserve balance to be carried by a depository institution with the Federal Reserve until the expiration of the time specified in the appropriate time schedule established under Regulation J, "Collection of Checks and Other Items and Transfers of Funds" (12 CFR Part 210). If a depository institution draws against items before that time, the charge will be made to its reserve balance if the balance is sufficient to pay it; any resulting impairment of reserve balances will be subject to the penalties provided by law and by this Part. However, the Federal Reserve Bank may, at its discretion, refuse to permit the withdrawal or other use of credit given in a reserve account for any time for which the Federal Reserve Bank has not received payment in actually and finally collected funds.

(f) *Carryover of deficiencies.* Any excess or deficiency in a depository institution's required reserve balance for any maintenance period that does not exceed 2 per cent of the depository institution's required reserves shall be carried forward to the next maintenance period. Any carryover not offset during the next period may not be carried forward to additional periods.

(g) *Deposits of affiliates.* If an obligation of an affiliate of a depository institution is regarded as a deposit and is used to purchase assets from the depository institution, the maturity of the deposit is determined by the shorter of the maturity of the obligation issued or the maturity of the assets purchased. If the proceeds from an affiliate's obligation are placed in the depository institution in the form of a reservable deposit, no reserves need be maintained against the obligation of the affiliate. However, the maturity of the deposit issued to the affiliate shall be the shorter of the maturity of the affiliate's obligation or the maturity of the deposit.

§ 204.4 Transitional adjustments.

The following transitional adjustments for computing Federal reserve requirements shall apply to all member and nonmember depository institutions, except for reserves imposed under §§ 204.5, 204.6 and 204.7.

(a) *Nonmembers.* Except as provided below, the required reserves of a depository institution that was engaged in business on July 1, 1979, but was not a member of the Federal Reserve System on or after that date shall be determined by reducing the amount of required reserves computed under § 204.3 in accordance with the following schedule:

Periods:[1]	Percentage[2]
Sept. 4, 1980 to Sept. 2, 1981	87.5
Sept. 3, 1981 to Sept. 1, 1982	75
Sept. 2, 1982 to Aug. 31, 1983	62.5
Sept. 1, 1983 to Sept. 5, 1984	50
Sept. 6, 1984 to Sept. 4, 1985	37.5
Sept. 5, 1985 to Sept. 3, 1986	25
Sept. 4, 1986 to Sept. 2, 1987	12.5
Sept. 3, 1987 forward	0

[1] Reserve maintenance periods occurring between.
[2] Percentage that computed reserves will be reduced.

However, an institution shall not reduce the amount of reserves required to be maintained on any category of deposits or accounts that are first authorized under Federal law in any State after April 1, 1980.

(b) *Members and former members.* Any depository institution that is a member bank on September 1, 1980, or was a member bank on or after July 1, 1979 and withdrew from membership before March 31, 1980, or withdraws from membership on or after March 31, 1980, shall compute and maintain reserves as follows:

(1) A depository institution whose required reserves are higher using the reserve ratios in effect during a given computation period (§ 204.9(a)) than its required reserves using the reserve ratios in effect on August 31, 1980 (§ 204.9(b)):

(i) shall maintain the full amount of reserves that is required against any category of deposits or accounts that are first authorized under Federal law in any State after April 1, 1980; and

(ii) shall reduce the amount of its required reserves on all other deposits computed under § 204.3 by an amount determined by multiplying the amount by which required reserves computed under § 204.3 exceeds the amount of reserves that would have been required using the reserve ratios that were in effect on August 31, 1980 (§ 204.9(b)), times the appropriate percentage specified below in accordance with the following schedule:

Periods: [1]	Percentage [2]
Sept. 4, 1980 to Sept. 2, 1981	75
Sept. 3, 1981 to Sept. 1, 1982	50
Sept. 2, 1982 to Aug. 31, 1983	25
Sept. 1, 1983 forward	0

[1] Reserve maintenance periods occurring between.
[2] Percentage applied to difference to compute amount to be subtracted.

(2) A depository institution whose required reserves are lower using the reserve ratios in effect during a given computation period (§ 204.9(a)) than its required reserves using the reserve ratios in effect on August 31, 1980 (§ 204.9(b)):

(i) shall maintain the full amount of reserves that is required against any category of deposits or accounts that are first authorized under Federal law in any State after April 1, 1980; and

(ii) shall increase the amount of its required reserves on all other deposits computed under § 204.3 by an amount determined by multiplying the amount by which reserves that would have been required using the reserve ratios that were in effect on August 31, 1980 (§ 204.9(b)), exceeds the amount of required reserves computed under § 204.3, times the appropriate percentage specified below in accordance with the following schedule:

Periods: [1]	Percentage [2]
Sept. 4, 1980–Mar. 4, 1981	87.5
Mar. 5–Sept. 2, 1981	75
Sept. 3, 1981–Mar. 3, 1982	62.5
Mar. 4–Sept. 1, 1982	50
Sept. 2, 1982–Mar. 2, 1983	37.5
Mar. 3–Aug. 31, 1983	25
Sept. 1, 1983–Feb. 29, 1984	12.5
Mar. 1, 1984 forward	0

[1] Reserve maintenance periods occurring between.
[2] Percentage applied to difference to compute amount to be added.

(c) *Certain nonmembers and branches and agencies of foreign banks.* The required reserves of a nonmember depository institution that was not engaged in business on or before July 1, 1979, but commenced business between July 2, 1979, and September 1, 1980, and any United States branch or agency of a foreign bank with total worldwide consolidated bank assets in excess of $1 billion shall be determined by reducing the amount of its required reserves computed under § 204.3 in accordance with the following schedule:

Periods: [1]	Percentage [2]
Sept. 4–Dec. 3, 1980	87.5
Dec. 4, 1980–Mar. 4, 1981	75.0
Mar. 5–June 3, 1981	62.5
June 4–Sept. 2, 1981	50.0
Sept. 3–Dec. 2, 1981	37.5
Dec. 3, 1981–Mar. 3, 1982	25.0
Mar. 4–June 2, 1982	12.5
June 3, 1982 forward	0

[1] Reserve maintenance periods occurring between.
[2] Percentage that computed reserves will be reduced.

However, the institution shall not reduce the amount of reserves required to be maintained on any category of deposits or accounts that are first authorized under Federal law in any State after April 1, 1980.

(d) *New members.* Any nonmember depository institution that becomes a member of the Federal Reserve System after September 1, 1980, shall maintain reserves in an amount determined under paragraph (a) or (c), as applicable, as if it had remained a nonmember and adding to this amount an amount determined by multiplying the difference between its required reserves computed using the ratios specified in § 204.9(a) and its required reserves computed as if it had remained a nonmember times the percentage specified below in accordance with the following schedule:

Periods: [1]	Percentage [2]
1	12.5
2	25.0
3	37.5
4	50.0
5	62.5
6	75.0
7	87.5
8 and succeeding	100.0

[1] Maintenance periods occurring during successive quarters after becoming a member bank.
[2] Percentage applied to difference to compute amount to be added.

(e) *De nuvo institutions.* Any depository institution that was not engaged in business on September 1, 1980, shall maintain the amount of required reserves computed under § 204.3 in accordance with the following schedule:

Periods: [1]	Percentage [2]
1	40
2	45
3	50
4	55
5	65
6	75
7	85
8 and succeeding	100

[1] Maintenance periods occurring during successive quarters after entering into business.
[2] Percentage of reserve requirement to be maintained.

(f) *Nonmembers chartered under laws of Alaska or Hawaii.* This subparagraph applies to any State-chartered depository institution that was engaged in business on August 1, 1978, which was not a member of the Federal Reserve System on that date, and whose principal office was located in Alaska or Hawaii on and after that date shall not maintain reserves against its deposits imposed under this Part until January 2, 1986. On or after January 2, 1986, the required reserves of such a depository institution shall be determined by reducing the amount of required reserves computed under § 204.3 in accordance with the following schedule:

Periods: [1]	Percentage [2]
Jan. 2 to Dec. 31, 1986	87.5
Jan. 1, 1987 to Jan. 6, 1988	75
Jan. 7, 1988 to Jan. 4, 1989	62.5
Jan. 5, 1989 to Jan. 3, 1990	50
Jan. 4, 1990 to Jan. 2, 1991	37.5
Jan. 3, 1991 to Jan. 1, 1992	25
Jan. 2, 1992 to Jan. 6, 1993	12.5
Jan. 7, 1993 forward	0

[1] Maintenance periods occurring between.
[2] Percentage that computed reserves will be reduced.

(g) *Mergers and consolidations.* The following rules concerning transitional adjustments apply to mergers and consolidations of depository institutions:

(1) *Nonmembers.* Where the surviving institution of a merger or consolidation between nonmember depository institutions that were engaged in business on July 1, 1979 is a nonmember institution, it shall compute its transitional adjustment of reserve requirements under paragraph (a).

(2) *Member with surviving nonmember.* Where the surviving institution of a merger or consolidation between a nonmember bank and a bank that was a member bank on or after July 1, 1979, or after is a nonmember bank, it shall apply the transitional rules for member banks in paragraphs (b) or (d), as applicable, on the proportion of its deposits attributable to the absorbed member bank. This proportion will be the ratio that daily average deposits of the absorbed member bank were to the daily average deposits of the combined banks during the reserve computation period immediately preceding the date of the merger. The bank will compute and maintain reserves against the remaining proportion of deposits applying the transitional rules applicable to nonmember depository institutions in paragraphs (a), (c) or (e), as applicable. A ratio of vault cash also will be computed and applied.

(3) *De novo with surviving nonmember.* Where the surviving institution of a merger or consolidation between a depository institution that was engaged in business on July 1, 1979, and was not a member of the Federal Reserve System on or after that date, and a *de novo* depository institution is a nonmember depository institution, it

shall compute and maintain reserves applying the transitional rules for *de novo* depository institutions in paragraphs (c) or (e), as applicable, on a proportion of its deposits attributable to the absorbed *de novo* bank. This proportion will be the ratio that daily average deposits of the absorbed *de novo* institution were to the daily average deposits of the combined institutions during the reserve computation period immediately preceding the date of the merger. The institution will compute and maintain reserves against the remaining proportion of its deposits by applying the transitional rules applicable to nonmember depository institutions in paragraph (a). A ratio of vault cash also will be computed and applied.

(4) *Nonmember with surviving member.* Where the surviving institution of a merger or consolidation between a member bank and a nonmember bank is a member bank, it shall apply the transitional rules under paragraphs (a), (c) or (e), as applicable, only on the amount of deposits of the nonmember bank outstanding on a daily average basis during the computation period immediately preceding the date of the merger. Reserves will be computed and maintained against the balance of the deposits of the surviving member bank under paragraphs (b), (d) or (e), as applicable.

(5) *Members.* Where a merger or consolidation involves member banks, required reserves shall be computed and maintained under § 204.3, except that the amount of reserves which shall be maintained shall be reduced by an amount determined by multiplying the amount by which the required reserves during the computation period immediately preceding the date of the merger (computed as if the banks had merged) exceeds the sum of the actual required reserves of each bank during the same computation period times the appropriate percentage as specified in the following schedule:

Periods: [1]	*Percentage* [2]
1	87.5
2	75.0
3	62.5
4	50.0
5	37.5
6	25.0
7	12.5
8 and succeeding	0

[1] Reserve maintenance periods occurring during quarterly periods following merger.

[2] Percentage applied to difference to compete amount to be subtracted.

(6) *De novo with surviving member.* Where the surviving institution of a merger or consolidation between a bank that was a member bank at any time between July 1, 1979, and September 1, 1980, and a *de novo* depository institution is a member bank, it shall compute and maintain reserves by applying paragraph (e) only to the amount of deposits of the *de novo* institution outstanding on a daily average basis during the computation period immeidately preceding the date of the merger. Reserves will be computed and maintained against the remaining deposits of the surviving member bank under paragraphs (b) or (d), as applicable.

(7) *De novos.* Where a merger involves *de novo* depository institutions, required reserves shall be computed and maintained in accordance with § 204.3, except that the amount of reserves which shall be maintained shall be reduced by an amount determined by multiplying the amount by which the required reserves during the computation period immediately preceding the date of the merger (computed as if the depository institutions had merged) exceeds the sum of the actual required reserves of each depository institution during the same computation period, times the appropriate percentage as specified in the following schedule:

Periods: [1]	*Percentage* [2]
1	87.5
2	75.0
3	62.5
4	50.0
5	37.5
6	25.0
7	12.5
8 and succeeding	0

[1] Maintenance periods concerning during quarterly periods following merger.

[2] Percentage applied to compute amount to be subtracted.

§ 204.5 Emergency reserve requirements.

(a) *Finding by Board.* The Board may impose, after consulting with the appropriate committees of Congress, additional reserve requirements on depository institutions at any ratio on any liability upon a finding by at least five members of the Board that extraordinary circumstances require such action.

(b) *Term.* Any action taken under this section shall be valid for a period not exceeding 180 days, and may be extended for further periods of up to 180 days each by affirmative action of at least five members of the Board for each extension.

(c) *Reports to Congress.* The Board shall transmit promptly to Congress a report of any exercise of its authority under this paragraph and the reasons for the exercise of authority.

(d) *Reserve requirements.* At present, there are no emergency reserve requirements imposed under this section.

§ 204.6 Supplemental reserve requirements.

(a) *Finding by Board.* Upon the affirmative vote of not less than five members and after consultation with the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration Board, the Board may impose supplemental reserve requirements on every depository institution of not more than 4 per cent of its total transaction accounts. This supplemental reserve requirement may be imposed if:

(1) the sole purpose of the requirement is to increase the amount of reserves maintained to a level essential for the conduct of monetary policy;

(2) the requirement is not imposed for the purpose of reducing the cost burdens resulting from the imposition of the reserve requirements under § 204.3;

(3) the requirement is not imposed for the purpose of increasing the amount of balances needed for clearing purposes; and

(4) on the date on which supplemental reserve requirements are imposed, the total amount of reserves required under § 204.3 is not less than the amount of reserves that would be required on transaction account and nonpersonal time deposits under the reserve ratios in effect on September 1, 1980.

(b) *Term.*

(1) If a supplemental reserve requirement has been required of depository institutions for a period of one year or more, the Board shall review and determine the need for continued maintenance of supplemental reserves and shall transmit annual reports to the Congress regarding the need for continuing the supplemental reserve.

(2) Any supplemental reserve requirement shall terminate at the close of the first 90-day period after the requirement is imposed during which the average amount of supplemental reserves required are less than the amount of reserves which would be required if the ratios in effect on September 1, 1980, were applied.

(c) *Earnings Participation Account.* A depository institution's supplemental reserve requirement shall be maintained by the Federal Reserve Banks in an Earnings Participation Account. Such balances shall receive earnings to be paid by the Federal Reserve Banks during each calendar quarter at a rate not to exceed the rate earned on the securities portfolio of the Federal Reserve System during the previous calendar quarter. Additional rules and regulations may be prescribed by the Board concerning the payment of

earnings on Earnings Participation Accounts by Federal Reserve Banks.

(d) *Report to Congress.* The Board shall transmit promptly to the Congress a report stating the basis for exercising its authority to require supplemental reserves under this section.

(e) *Reserve requirements.* At present, there are no supplemental reserve requirements imposed under this section.

§ 204.7 Eurodollar reserve requirements.

(a) *Reserves required.* In addition to the reserves required to be maintained under § 204.3, a depository institution and a United States branch or agency of a foreign bank shall maintain reserves against the sum of its Eurodollar liabilities described in this section applying the ratio set forth in § 204.9(a).

(b) *Eurodollar liabilities* are the sum of the following:

(1) *Certain deposits by foreign banking offices.* Deposits represented by promissory notes, acknowledgments of advance, or similar obligations described in § 204.2(a)(1)(vii) that are issued to any office located outside the United States of another depository institution organized under the laws of the United States or of a foreign bank, or to institutions whose time deposits are exempt from interest rate limitations under § 217.3(g) of Regulation Q (12 CFR 217.3(g)).

(2) *Foreign branch transactions with parent.*

(i) In the case of a depository institution organized under United States law,

(A) net positive balances due from its United States offices to its non-United States offices, and

(B) assets (including participations) held by non-United States branches that were acquired from its United States offices or from an affiliated Edge Corporation.

(ii) In the case of United States branches and agencies of a foreign bank,

(A) net positive balances due to its foreign bank (including offices thereof located outside the United States) after deducting an amount equal to 8 per cent of the United States branch's or agency's total assets less the sum of United States coin and currency, cash items in the process of collection and unposted debits, balances due from domestic banks and other foreign banks, balances due from foreign central banks, and net balances due from its foreign bank and its United States and non-United States offices; however, the amount that may be deducted may not exceed net balances due to the foreign bank (including offices thereof located outside the United States), and

(B) assets (including participations) held by its foreign bank (including offices of the foreign bank located outside the United States or its parent holding company that were acquired from the United States branch or agency) other than assets required to be sold by Federal or State supervisory authorities or from an affiliated Edge Act Corporation.

(3) *Foreign branch credit extended to United States residents.* Credit outstanding from the non-United States office of a depository institution organized under United States law to United States residents (other than assets acquired and net balances due from its United States offices), except credit extended (i) in the aggregate amount of $100,000 or less to any United States redident, (ii) by a non-United States office which at no time during the computation period had credit outstanding to United States residents exceeding $1 million, and (iii) to an institution that will be maintaining reserves on such credit pursuant to this Part. This subparagraph does not apply to United States branches and agencies of foreign banks. Credit extended to a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affilitate") controlled by one or more domestic corporations will not be regarded as credit extended to a United States resident if the proceeds will be used in its foreign business or that of other foreign affiliates of the controlling domestic corporation(s).

§ 204.8 Penalties.

(a) *Penalties for Deficiencies.*

(1) *Assessment of Penalties.* Deficiencies in a depository institution's required reserve balance, after application of the 2 percent carryover provided in § 204.3(f) are subject to penalties. Penalties shall be assessed at a rate of 2 percent per year above the lowest rate in effect for borrowings from the Federal Reserve Bank on the first day of the calendar month in which the deficiencies occurred. Penalties shall be assessed on the basis of daily average deficiencies during each computation period. Reserve Banks may, as an alternative to levying monetary penalties, after consideration of the circumstances involved, permit a depository institution to eliminate deficiencies in its required reserve balance by maintaining additional reserves during subsequent reserve maintenance periods.

(2) *Waivers.* Reserve Banks may waive the penalty for reserve deficiencies except when the deficiency arises out of a depository institution's gross negligence or conduct that is inconsistent with the principles and purposes of reserve requirements. Each Reserve Bank has adopted guidelines that provide for waivers of small penalties. The guidelines also provide for waiving the penalty once during a two-year period for any deficiency that does not exceed a certain percentage of the depository institution's required reserves. Decisions by Reserve Banks to waive penalties in other situations are based on an evaluation of the circumstances in each individual case and the depository institution's reserve maintenance record. If a depository institution has demonstrated a lack of due regard for the proper maintenance of required reserves, the Reserve Bank may decline to exercise the waiver privilege and assess all penalties regardless of amount or reason for the deficiency.

(b) *Penalties for Violations.* Violations of this Part may be subject to assessment of civil money penalties by the Board under authority of section 19(1) of the Federal Reserve Act (12 U.S.C. § 505) as implemented in 12 CFR Part 263. In addition, the Board and any other Federal financial institution supervisory authority may enforce this Part with respect to depository institutions subject to their jurisdiction under authority conferred by law to undertake cease and desist proceedings.

§ 204.9 Reserve requirement ratios.

(a) *Reserve percentages.* The following reserve ratios are prescribed for all depository institutions:

Category	*Reserve requirement*
Net transaction accounts:	
$0–$25 million	3 percent of amount.
over $25 million	$750,000 plus 12 percent of amount over $25 million.
Nonpersonal time deposits	3 percent.
Eurodollars	3 percent.

(b) *Reserve ratios in effect during last computation period prior to September 1, 1980.*

Category: Net demand deposits, Deposit tranche	*Reserve requirement*
$0 to $2 million	7 percent
over $2 million-$10 million	$140,000 + 9½% of amount over $2 million.
over $10 million-$100 million	$900,000 + 11¾% of amount over $10 million.
over $100 million-$400 million	$11,475,000 + 12¾% of amount over $100 million.
over $400 million	$49,725,000 + 16¼% of amount over $400 million.
Savings deposits	3 percent.
Time deposits (subject to 3 percent minimum specified by law)..	
By initial maturity:	
30 to 179 days:	
$0 to $5 million	3 percent.
Over $5 million	6 percent.
180 days to 4 years	2½ percent.
4 years or more	1 percent.

Category: Net demand deposits, Deposit tranche	Reserve requirement
Supplementary requirement (applied to time deposits issued in denominations of $100,000 or more, time deposits represented by ineligible bankers' acceptances, or obligations issued by an affiliate of a depository institution).	2 percent.
Marginal reserve requirement (on manged liabilities in excess of the institution's manged liabilities base).	5 percent.

By order of the Board of Governors, June 4, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-17449 Filed 6-6-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-WE-24-AD]

Sperry Flight Systems Avionics Division, STARS Flight Director Instrument System; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require a wiring change on STARS Flight Director Instrument System. The proposed AD is needed to prevent an erroneous command display to the flight crew, which could occur under certain circumstances.

DATES: Comments must be received on or before July 14, 1980.

ADDRESSES: Send comments on the proposal to: Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The applicable service information may be obtained from: Sperry Flight Systems, Avionics Division, P.O. Box 29000, Phoenix, Arizona 85038.

FOR FURTHER INFORMATION CONTACT: Jerry Presba, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western REgion, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone (213) 536-6351.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Interested persons are also invited to comment on the economic, environmental and energy impact that might result because of adoption of the proposed rule. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

There has been a report of invalid presentation of glide slope command information on the Sperry Flight Systems, Avionics Division STARS Flight Director System which could result in loss of the airplane in which the system is installed.

Since this condition is likely to exist on other products of the same type design, utilizing the Sperry RD 044 (P/N 2592920-44) or RD 444 (P/N 2592920-444) the proposed AD would require modification of the installation circuitry on airplanes equipped with Sperry Flight Systems, Avionics Division STARS Flight Director System.

Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Sperry Flight Systems, Avionics Division: Applies to the STARS, (Sperry Three Axis Reference Systems), Flight Director Systems installed on aircraft certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible erroneous presentation of glide slope information, accomplish the following:

(a) Within the next 100 hours' time in service from the effective date of this AD, or within 60 days from the effective date of this AD, whichever occurs sooner, revise the circuit hook-up so that the 28V bias voltage into receptacle J1-b, on the Sperry HSI RD 044 (P/N 2592920-44), RD 444 (P/N 2592920-444) is moved from the +28V dc source, (usually the Flight Director Circuit Breaker), to the +28V dc circuit breaker supplying the Glide Slope Receiver.

Note.—Sperry Flight Systems Division, Maintenance Manual for STARS Flight Director Instrument System, Pub. No. 15-3321-01 dated November 1969, revised 20 February 1980, shows proper connections.

Note.—Sperry Flight Systems Technical Newsletter 23-1979-02, Rev. 1 dated March 20, 1979, refers to this subject.

Note.—Beech Aircraft Corporation letter 900 380-281 dated 19 March 1980 refers to STARS installation in Beech Model 90, 100 and 200 aircraft.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(c) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the expected impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Los Angeles, Calif., on May 29, 1980.

W. R. Frehse,

Acting Director, FAA Western Region.

[FR Doc. 80-17374 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 80-ASW-18]

Airworthiness Directives; Bell Models 206A, 206B, 206A-1, 206B-1, and 206L Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require repetitive inspections on all models, replacement as necessary, and a reduction in service life on the Model 206L, for tail rotor blades, P/N 206-010-750-005 and -007, installed on Bell Models 206A, 206B, 206A-1, 206B-1, and 206L helicopters. The proposed AD is needed to prevent inflight failure of the tail rotor blades, P/N 206-010-750-005 and -007, with resulting loss of helicopter control.

DATES: Comments must be received on or before June 27, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, Attention: Docket No. 80–ASW–18, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

Bell Service Information may be obtained from Product Support Department, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Tom Dragset, Airframe Section, Engineering and Manufacturing Branch, ASW–212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624–4911, extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the docket.

There have been six reported cases of blade skin chordwise cracks at tail rotor blade Station 9.1 on the Bell Model 206B and 206L helicopters. Four of these occurred on the 206B and two on the 206L. All cracks were discovered during the daily inspection. Reported blades had 530 to 1,105 hours time in service. Operations Safety Notice 206–79–5/206L–79–2, dated December 4, 1979, was issued on this subject and alerted operators on the importance of the daily inspection.

There has been one inflight failure of the subject blade on a military helicopter. The blade had 880 hours' time in service, and the failure was the result of an undetected crack. Since this condition is likely to exist or develop on other helicopters of the same type design, the proposed AD would require visual repetitive inspections and replacement as necessary of tail rotor blades, P/N 206–010–750–005 and –007, on Bell Model 206A, 206B, 206A–1, 206B–1, and 206L helicopters. In addition, the retirement time of the blades, when installed on the Model 206L, will be reduced from 1,200 hours to 500 hours. The load spectrum is more severe on these tail rotor blades when installed on the Model 206L helicopter.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Bell: Applies to Models 206A, 206B, 206A–1, 206B–1, and 206L helicopters, equipped with tail rotor blades P/N 206–010–750–005 and –007, certificated in all categories (Airworthiness Docket No. 80–ASW–18).

Compliance required as indicated.

To prevent possible failure of tail rotor blades, P/N 206–010–750–005 and –007, due to fatigue cracks, accomplish the following:

a. Before the first flight of each day after the effective date of this AD, visually check for chordwise cracks in the tail rotor blade skin surfaces in the area between Blade Station 7.1 and 11.1, using a three-power or higher magnifying glass. (Blade Station 0 is the center of the tail rotor yoke.)

b. Replace tail rotor blades having cracks before further flight.

c. Blades with 450 or more hours' time in service (as calculated in paragraph (e) below) on the effective date of this AD must be removed from service within the next 50 hours' time in service.

d. Blades with less than 450 hours' time in service (as calculated in paragraph (e) below) on the effective date of this AD must be removed from service prior to or on attaining 500 hours' time in service.

e. For purposes of this AD, hours' time in service is calculated by the following formula:

$$\frac{\text{206A/B time}}{2.4} + \text{206L time} = \text{Calculated time in service}$$

f. The check required by paragraph (a) of this AD may be performed by the pilot.

Note.—For the requirements regarding the listing of compliance and method of compliance with this AD in the aircraft permanent maintenance record, see FAR 91.173.

(Bell Helicopter Textron Operations Safety Notice No. 206–79–5/206L–79–2, dated December 4, 1979; Alert Service Bulletin Nos. 206–80–6, dated February 22, 1980, and 206L–80–8, dated February 22, 1980; and Technical Bulletin Nos. 206–78–3, dated July 18, 1978, and 206L–79–38, dated September 28, 1979, pertain to this subject.)

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Fort Worth, Tex., on May 16, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80–17193 Filed 6–06–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Airworthiness Docket No. 80–ASW–25]

Airworthiness Directives; Bell Models 204B, 205A–1, 212, 214B, and 214B–1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive that would provide for a reduction in retirement time from 2,400 hours to 1,200 hours or 2 years total time in service for the main rotor blade tension-torsion straps used on Bell Models 204B, 205A–1, 212, and 214B Series helicopters. The proposed AD is needed to preclude possible failure of a tension-torsion strap and loss of a main rotor blade.

DATE: Comments must be received on or before June 26, 1980.

ADDRESS: Send comments on the proposal in triplicate to: Regional Counsel, Attention: Docket No. 80–ASW–25, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. Bell service information may be obtained from Product Support Dept., P.O. Box 482, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: Janes H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW–212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624–4911, extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as

they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments recived. All comments submitted will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested person.

There has been a recent offshore accident of a Bell Model 212 helicopter in which a main rotor blade tension-torsion strap, P/N 204–012–122–1, reportedly failed in flight after 2,140 hours' time in service with resulting loss of the main rotor blade. The investigation into the cause of the strap failure is continuing; however, preliminary information indicates that corrosion of the strap wires may have contributed to the strap failure.

The Model 212 strap is also common to the Bell Models 204B and 205A–1 helicopter. The Model 214B Series helicopter straps are also fabricated in the same manner as the Model 212 straps and are subject to the same environmental conditions. The military UH–1 series helicopters also use the same type of strap.

Since possible strength reduction of the tension-torsion straps due to corrosion or other causes is likely to occur on other Bell Model 212 helicopters and on the Models 204B, 205A–1, and 214B Series and the UH–1 Series helicopters, the proposed AD would require replacement of certain main rotor blade tension-torsion straps on or before attaining 1,200 hours' total time in service or require replacement on or before attaining 24 months' elapsed time from initial release to service whichever comes first, for the Bell Models 204B, 205A–1, 212, 214B, and 214B–1 helicopters and the UH–1 Series military helicopters. The proposal would establish a retirement time based on calendar time or time in service whichever would occur first.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Bell: Applies to Models 204B, 205A–1, 212, 214B, and 214B–1 helicopters and military UH–1 Series helicopters certificated in all categories.

Compliance required as indicated for helicopters equipped with main rotor straps, P/N 204–012–122–1, –5 or 214–010–179–1.

To preclude possible separation of a main rotor blade tension-torsion strap and loss of a main rotor blade, accomplish the following:

a. Within the next 100 hours' time in service after the effective date of this airworthiness directive (AD) remove and replace main rotor straps having:

(1) 1,100 or more hours of total time in service on the effective date of this AD or

(2) 24 or more months elapsed calendar time since initial installation as of the effective date of this AD, whichever comes first.

b. Remove and replace main rotor straps having less than 1,100 hours total time in service, or having less than 24 months elapsed time in service, on the effective date of this AD:

(1) Prior to attaining 1,200 hours' total time in service, or

(2) Prior to exceeding 24 months elapsed time in service, whichever comes first.

c. The helicopter may be flown in accordance with FAR's 21.197 and 21.199 to a base where this AD may be accomplished.

(Bell Helicopter Textron Alert Service Bulletin No. 212–80–17 pertains to this subject.)

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Fort Worth, Tex., on May 16, 1980.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 80–17194 Filed 6–6–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 80–AL–7]

Designation of a Transition Area at St. Paul Island, Alaska

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at St. Paul Island, Alaska, to provide airspace to protect aircraft executing the instrument approach being developed for St. Paul Island Airport.

DATES: Comments must be received on or before July 10, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention, Chief, Air Traffic Division, Docket No. 80–AL–7, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC–24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426–3715.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaska Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513. All communications received on or before July 10, 1980 will be considered before action is taken on the proposed amendment. The proposed contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would establish a 700 foot transition area and a 1,200 foot

transition area at St. Paul Island Airport. This airspace is to protect aircraft executing the instrument approach procedure and instrument departure procedures being established. The proposed action would designate an area extending upward from 700 foot above the surface within a 10-mile radius of St. Paul Island Airport (Lat. 57°09'48"N., Long. 170°13'06"W.), and that airspace extending upward from 1,200 foot above the surface within a 50-mile radius of the St. Paul Island Marine NDB excluding that portion that is west of a line 4.5 miles west of the 360°T(347°M) and 215°T(202°M) bearing from the St. Paul Island Marine NDB. Section 71.181 of Part 71 was republished in the **Federal Register** on January 2, 1980, (45 FR 445).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) as follows:

Amend § 71.181 by designating a St. Paul Island Transition Area as follows:

St. Paul Island, Alaska.—That airspace extending upward from 700 feet above the surface within a 10-mile radius of St. Paul Airport (Lat. 57°09'48"N., Long. 170°13'06"W.), and that airspace extending upward from 1,200 feet above the surface within a 50-mile radius of the St. Paul Island Marine NDB excluding that portion that is west of a line 4.5 miles west of the 360°T and 215°T bearing from the St. Paul Island Marine NDB.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on May 30, 1980.

William E. Broadwater,

Chief, Airspace and Air, Traffic Rules Division.

[FR Doc. 80-17192 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-NE-21]

Transition Area; Designation of the State of Maine as a 1,200-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to designate the entire State of Maine as a 1,200-foot transition area in the state and convert small segments of remaining uncontrolled airspace in the state (about 10 percent) to controlled airspace to be defined as the State of Maine Transition Area. The designation of the state transition area will permit the revoking of the Bangor, Houlton, Millinocket, Portland, Presque Isle and Sugarloaf, Maine, 1,200-foot transition areas.

DATES: Comments must be received on or before July 15, 1980.

ADDRESSES: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 79-NE-21, 12 New England Executive Park, Burlington, Massachusetts 01803. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 79-NE-21, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before July 15, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue S.W.,

Washington, D.C. 20591, or by calling (202) 426–8085. Communications must identify the number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) which would designate the entire State of Maine and coastal waters as a 1,200-foot transition area. Approximately 90 percent of the airspace in the state is designated as a 1,200-foot transition area described under various geographical names. The major portion of the uncontrolled airspace being designated as controlled airspace is located west of Presque Isle. A considerable amount of IFR traffic traverses uncontrolled airspace between Presque Isle and Quebec, Canada. These aircraft can operate at any altitude while in uncontrolled airspace. Also, within this area numerous IFR military operations are conducted wherein aircraft operating on low level military IFR routes climb to altitudes above 18,000 feet. This crossing of traffic in uncontrolled airspace is creating a potential for a collision. This proposal enhances the safety of flight, simplifies charting, and enhances pilot capability in distinguishing boundaries of controlled airspace. The designation of the State of Maine as a 1,200-foot transition area will permit the revocation of several geographically named 1,200-foot transition areas.

The Proposed Amendment

Accordingly, the FAA proposes to amend Section 71.181 of Part 71 of the Federal Aviation Regulations [14 CFR 71.181] as follows:

1. By designating a new transition area to read:

Section 71.181; State of Maine Transition Area

That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the State of Maine, including offshore airspace beginning at latitude 44°47'45"N; longitude 66°53'00"W, extend by a line three nautical miles from and parallel to the U.S. shoreline to latitude 44°20'10"N; longitude 67°56'00"W, to latitude 44°18'30"N; longitude 67°56'00"W, to latitude 43°52'00"N; longitude 69°00'00"W, to latitude 43°48'00"N; longitude 69°03'00"W, to latitude 43°44'00"N; longitude 69°19'42"N, to latitude 43°41'00"N; longitude 69°30'00"W, to latitude 43°30'00"N; longitude 70°06'00"W, to latitude 43°18'15"N; longitude 70°25'00"W, to latitude 42°56'00"N; longitude 70°25'00"W, to latitude 42°56'00"N; longitude 70°34'00"W, thence to clockwise via the state boundary to point of beginning.

2. By amending the description of various transition areas as follows:

a. Portland, Maine

Delete, ". . . and that airspace extending upward from 1,200 feet . . ." and all after.

b. Bangor, Maine

Delete, ". . . and that airspace extending upward from 1,200 feet . . ." and all after.

c. Houlton, Maine

Delete, "That airspace extending upward from 1,200 feet . . ." and all after.

d. Millinocket, Maine

Delete, "That airspace extending upward from 1,200 feet . . ." and all after.

e. Presque Isle, Maine

Delete, "That airspace extending upward from 1,200 feet . . ." and all after.

f. Sugarloaf, Maine

Delete the entire transition area.

[Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 USC 1348(a)) and Section 6(c) of the Department of Transportation Act (49 USC 1655(c) and 14 CFR 11.69)].

Note—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Interim Department of Transportation guidelines (43 FR 9582; March 9, 1978). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Mass., on May 27, 1980.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 80–17196 Filed 6–6–80; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 80–PC–4]

Alternation of Guam Island Transition Area

Correction

In FR Doc. 80–16084 appearing on page 36092 in the issue of Thursday, May 29, 1980, make the following correction:

In the middle column of page 36092, Under **The Proposal**, the eighth line, ". . . Runway 278." should have read ". . . Runway 27".

BILLING CODE 1505–01–M

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14 CFR Part 71

Airspace Docket No. 80–AAL–8]

Alteration of Control Zone and Transition Area, Northway, Alaska; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to Notice of Proposed Rulemaking and extension of comment period.

SUMMARY: In a Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** on May 12, 1980, Volume 45, Page 31130, the proposed alteration of the Northway control zone and transition area inadvertently omitted provision for adequate airspace to protect the proposed NDB instrument approach procedures and the existing VOR instrument approach procedure. This correction would redescribe the terminal airspace needed to protect the Northway approach and departure procedures.

DATE: The comment period on this proposed rule is extended to July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Jerry M. Wylie, Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Box 14, 701 C Street, Anchorage, Alaska 99513, telephone (907) 271–5903.

SUPPLEMENTARY INFORMATION: **Federal Register** Document 80–14349 was published on May 12, 1980, (45 FR 31130), and proposed alteration of the Northway control zone and transition area. The proposal described only that airspace needed to protect one of two proposed NDB approaches to the Northway Airport and did not propose retention of adequate airspace to protect the present VOR approach. Action is taken herein to correct this error.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the proposed description of the Northway control zone and transition area contained in the **Federal Register** Document 80–14349, appearing on Page 31130 in the **Federal Register** of May 12, 1980, is corrected to read as follows:

Under § 71.171.—"Northway, Alaska. Within a 5 mile radius of Northway Airport (lat. 62°57.7' N., long. 141°55.6' W.); within 3 miles each side of the 076° bearing from the Nabesna NDB extending from the 5-mile radius zone to 8 miles east of the NDB; within 3 miles each side of the 256° bearing from the Nabesna NDB extending from the 5-mile radius zone to 8 miles west of the NDB

and within 3 miles each side of the 307° bearing from the Nabesna NDB extending from the 5-mile radius zone to 8 miles northwest of the Nabesna NDB."

Under § 71.181.—"Northway, Alaska. That airspace extending upward from 700 feet above the surface within 10 miles northeast and 10 miles southwest of the 304° and 124° bearings from Nabesna NDB, extending from 10 miles southeast to 20 miles northwest of the NDB; within 9.5 miles north and 4.5 miles south of the 076° bearing from the Nabesna NDB, extending from the NDB to 18.5 miles east of the NDB and within 4.5 miles north and 9.5 miles south of the 256° bearing from the Nabesna NDB extending from the NDB to 18.5 miles west of the NDB."

(This amendment is proposed under the authority of § 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); § 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 1134, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, and anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Anchorage, Alaska, on May 27, 1980.

Garland P. Castleberry,

Acting Director, Alaskan Region.

[FR Doc. 80-17268 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-SO-13]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Control Zone Meridian, Mississippi (NAS Meridian)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule will alter the description of the Meridian, Mississippi (NAS Meridian) Control Zone by increasing the effective hours of operation from a part-time to a full-time (24-hour) Control Zone. This action would provide NAS Meridian with a full-time Control Zone.

DATES: Comments must be received on or before: July 7, 1980.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: John W. Schassar, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before July 7, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR 71) to alter the description of the Meridian, Mississippi (NAS Meridian) Control Zone. The U.S. Navy has requested the Control Zone hours be extended to a full-time (24-hour) operation. The weather observaion and reporting criteria will be provided by certified U.S. Navy observers on a 24-hour-day basis. The Flight Service Station at Key Field will provide airport advisory service when the NAS Meridian Control Tower is not in operation.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, § 71.171 (45 FR 356), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by deleting all after: ". . . south of the runway end . . ."

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Ga., on May 16, 1980.

W. B. Rucker,

Acting Director, Southern Region.

[FR Doc. 80-17197 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-11193, File No. S7-838]

Amendment to Definition of Terms "Employee" and "Officer" for Fidelity Bonding Purposes

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission today is proposing for comment an amendment to the fidelity bonding rule under the Investment Company Act of 1940 which will clarify the scope of the rule by explicitly requiring bonding of officers and employees of a depositor, trustee, investment adviser or other manager, and of any affiliated person of any such person, of the investment company, who, because they have access to securities or funds of the investment company, function as officers and employees of the investment company. This proposed amendment was developed by the Investment Company Act Study Group in the context of its re-

examination of the regulation of investment companies.

DATE; Comments must be received by July 18, 1980.

ADDRESSES: Send comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. (Refer to File No. S7–838.) All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Arthur J. Brown, Special Counsel (202) 272–2048, or Marsha Gilman, (202) 272–3036, Investment Company Act Study Group, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission today is proposing for comment an amendment to the fidelity bonding rule promulgated under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a–1 et seq.] which will clarify the scope of the rule. This proposed amendment was developed by the Investment Company Act Study Group in the context of its reexamination of the regulation of investment companies.

Section 17(g) of the Act [15 U.S.C. 80a–17(g)] is designed to protect investment company shareholders against larceny and embezzlement by providing broad authority to the Commission to require the bonding of investment company officers and employees against such behavior.[1] Pursuant to section 17(g), the Commission, in 1947, adopted rule 17g–1 [17 CFR 270.17g–1] requiring every management investment company to obtain a bond, and amended the rule in 1951, 1964 and 1974.[2] The rule presently provides, in substance, that every registered management investment company must obtain a fidelity bond whose form and amount must be determined by a majority of the investment company's board of directors who are not "interested persons of the investment company" [3] once each year; that a copy of the resolution of the disinterested directors approving the form and amount of the bond must be filed with the Commission; that, in the case of an "individual bond" or "single insured bond," written notice must be given by the acting party to the affected party and to the Commission not less than 60 days prior to the effective date of cancellation, termination or modification of the bond; and that the amount of the bond for any investment company named as an insured in a single or joint bond shall not be less than the minimum amounts of coverage set forth in a schedule based on the gross assets of the insured.

Paragraph (i) of rule 17g–1 [17 CFR 270.17g–1(i)] defines the terms "officer" and "employee" to include the officers and employees of the depositor, trustee, or investment adviser of any unincorporated open-end management investment company. The proposed amendment would expand this definition of the terms "officer" and "employee" to include, with respect to all registered management investment companies, the officers and employees of the depositor, trustee, investment adviser or other manager, and of any affiliated person of any such person, of the investment company. The purpose of the proposed amendment is to clarify the scope of rule 17g–1. Neither the existing definition nor the proposed amendment cause bonding to be required of any person who does not have access to the funds or securities of a registered investment company.

The Commission proposes this action to clarify any possible confusion which may exist over the scope of rule 17g–1 with respect to the persons intended to be covered by the fidelity bonding requirements. In *Research Equity Fund, Inc.* v. *Insurance Company of North America,*[4] the Court of Appeals for the Ninth Circuit recently held that the fidelity bonding requirements of section 17(g) of the Act and rule 17g–1 thereunder did not apply to the investment company's portfolio manager, who was furnished by the investment company's investment adviser, because that portfolio manager was not an employee of the investment company within the meaning of those provisions.[5] It does not appear that this issue has been decided in any other case. After the district court decisions in *Research Equity* and *Index Fund, Inc.* v. *Insurance Company of North America,* [1977–1978 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 96,198 (S.D.N.Y. 1977), *rev'd.* 580 F.2d 1158 (2d Cir. 1978), *cert. denied,* 99 S. Ct. 1226 (1979), another case dealing with fidelity bonding, the Commission issued an interpretive release discussing those cases and expressing the concern of the Division of Investment Management ("Division") that disinterested directors of investment companies review the companies' fidelity bonds to ensure adequate coverage to protect investors.[6] The Division further noted that, generally, substantially all investment company operations are conducted by employees who are supplied by an external investment adviser, thus necessitating a broad definition of "employee" in their fidelity bonds.[7]

The Commission believes the scope of section 17(g) extends to larceny or embezzlement of an investment company by any person who, by virtue of his position with a depositor, trustee, adviser or other manager of an investment company, or with any affiliated person of any of the foregoing, could misappropriate the assets of that investment company. Such persons, for all practical purposes, function as officers or employees of the investment company. Indeed, the Commission

[1] Section 17(g) states in pertinent part: The Commission is authorized to require by rules and regulations or orders for the protection of investors that any officer or employee of a registered management investment company who may singly, or jointly with others, have access to securities or funds of any registered company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities * * * be bonded by a reputable fidelity insurance company against larceny and embezzlement in such reasonable minimum amounts as the Commission may prescribe.

15 U.S.C. 80a–17(g) (1976).

[2] Investment Company Act Release No. 8627 (Mar. 14, 1974), 39 FR 10578 (Mar. 21, 1974); proposed in Investment Company Act Release No. 7980 (Sept. 7, 1973), 38 FR 26133 (Sept. 18, 1973), (setting forth minimum required amounts of coverage and permitting a registered management investment company to be named as an insured in a single or joint insured bond). Investment Company Act Release No. 4020 (July 24, 1964), 29 FR 11153 (Aug. 1, 1964); proposed in Investment Company Act Release No. 3922 (Mar. 3, 1964), 29 FR 3368 (Mar. 13, 1964), (providing for notice to the Commission in the event of cancellation, termination or modification of the bond or of defalcation by an officer or employee of an investment company, and for a determination once a year by the board of directors of adequacy, form and amount of the bond). Investment Company Act Release No. 1563 (Jan. 10, 1951); 16 FR 499 (Jan. 19, 1951), proposed in Investment Company Act Release No. 1488 (July 6, 1950), 15 FR 4413 (July 12, 1950), (defining the terms "officer" and "employee" for certain purposes). Investment Company Act Release No. 1112 (Oct. 2, 1947), 12 FR 6717 (Oct. 11, 1947), proposed in Investment Company Act Release No. 1083 (July 11, 1947), 12 FR 4792 (July 18, 1947), (implementing by rulemaking the provisions of section 17(g) of the Act).

[3] The term "interested person" is defined in section 2(a)(19) of the Act [15 U.S.C. 80a–2(a)(19)].

[4] 602 F.2d 200 (9th Cir. 1979), *cert. denied,* No. 79–584 (Mar. 24, 1980). In *Research Equity,* the Commission participated, *amicus curiae,* in various phases of that litigation by filing a memorandum in the district court, a statement of its views in the court of appeals, and a memorandum in support of rehearing in that court. The Solicitor General, pursuant to a request of the Supreme Court for a statement of the views of the United States, filed a brief in the Supreme Court stating that review by the Supreme Court was not essential in light of the Commission's rulemaking authority.

[5] 602 F.2d at 204–5.

[6] Investment Company Act Release No. 10393 (Sept. 8, 1978), 43 FR 41321 (Sept. 15, 1978).

[7] *Id.* at 41323.

believes existing rule 17g–1 had already reached such larceny and embezzlement. To the extent existing rule 17g–1 could be found inadequate to achieve its intended purpose, this proposal would define the technical terms "employee" and "officer" as used in section 17(g) in a manner which will include all persons who perform those functions for the investment company, even though furnished to the investment company by its investment adviser or other managing person. In the present context, the Commission is relying both on its rulemaking authority in section 17(g) and on the authority in section 38(a) of the Act [15 U.S.C. 80a–37(a)] to define "trade and technical terms" and to make such rules and regulations as are necessary and appropriate to the exercise of the powers conferred upon the Commission in the Act.

In the Findings and Declarations of Policy contained in section 1 of the Act [15 U.S.C. 80a–1], Congress has declared that one of its primary purposes in passing the Act, and in accordance with which its provisions shall be interpreted, was "to mitigate and, so far as is feasible, to eliminate" the problems which exist "when investment companies are organized, operated, managed, or their portfolio securities are selected, in the interest of directors, officers, investment advisers, depositors, or other affiliated persons thereof * * * rather than in the interest of all classes of such companies' security holders * * *." [15 U.S.C. 80a–1(b)(2)]. Furthermore, Congress asserted that the national public interest and the interest of investors are adversely affected "when investment companies are managed by irresponsible persons; * * *" [15 U.S.C. 80a–1(b)(4)]. The declarations of Congressional policy are reflected in section 17(g), which authorizes the Commission to require, by rules, "for the protection of investors" bonding of any officer or employee of a registered investment company who may have access to the funds or securities of any registered company against larceny and embezzlement. With respect to section 17(g), the Commission believes Congress intended to authorize the Commission to require, through the exercise of its rulemaking authority, fidelity bonds covering all persons who, by virtue of their position with the investment company, could misappropriate investment company assets. The purpose of fidelity bonding is to protect innocent third parties from harm. Since investment companies are usually managed by external advisory entities or have personnel supplied to them by such external entities [8] and those persons may have access to securities, effective administration of the Congressional mandate in section 17(g) requires that each such person be covered by a fidelity bond.[9]

The applicability of the fidelity bonding requirement cannot be intended to turn solely on how (or by whom) a person is compensated. Rather, section 17(g) must have been intended to encompass a broad, functional approach, and Congress must have intended the Commission to exercise its rulemaking authority to the fullest extent necessary to protect investment company shareholders.[10]

Fidelity bonding, in many respects, is a technical area of insurance and surety law and, as with other such subjects, Congress explicitly left implementation of section 17(g) to the exercise of the Commission's rulemaking authority. Furthermore, Congress gave general authority to the Commission in section 38(a) to use its expertise and experience to define trade and technical terms, and through rulemaking to exercise the powers otherwise conferred on the Commission. The Commission believes that the proposed amendment is appropriate and necessary to implement properly the Congressional objectives of those sections.

In Investment Company Act Release No. 10393,[11] the Commission issued a statement of the Division of Investment Management which emphasized that it is incumbent upon disinterested directors to review the fidelity bonds of their investment companies, keeping in mind the recent court decisions regarding certain of the provisions which often appeared in such bonds.[12] The Division specifically referred to new riders to fidelity bonds received by investment companies after the district court decision *Research Equity* and suggested that "[w]here appropriate, in conducting such reviews, consideration should be given to obtaining an opinion from the insurance carrier writing the insurance that the policy issued will solve the problems exemplified in" the *Research Equity* and *Index Fund* district court decisions.[13] While obtaining a new fidelity bond might require some negotiation and time, because of the apparent availability of bonds which would conform to the new rule and because of the amount of attention which investment company directors can be presumed to have directed recently to the fidelity bonding area, the Commission intends that amended rule 17g–1, if adopted, be effective 90 days after its adoption.

We note that rule 17g–1, as presently written, was a precursor of the Commission's current Investment Company Act Study efforts in that it gives substantial responsibility to investment company directors, especially the disinterested directors, to address and resolve business matters of significant complexity and importance. In that regard, a further purpose to be served by this proposed rulemaking would be to clarify the standards to be applied by investment company directors in reviewing the adequacy of their investment company's fidelity bond.

Text of Amended Rule

It is proposed to amend Part 270 of Chapter II of Title 17 of the Code of Federal Regulations by revising paragraph (i) of § 270.17g—1 to read as follows:

§ 270.17g–1 Bonding of officers and employees of registered management investment companies.

* * * * *

(i) The terms "officer" and "employee" shall include, for the purposes of this rule, the officers and employees of the depositor, trustee, investment adviser or other manager, and of any affiliated person of any such

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[8] In the 1966 report on Public Policy Implications of Investment Company Growth, H.R. Rep. No. 2337, 89th Cong., 2d Sess. 45, 49–50 (1966), the Commission noted that nearly all open-end investment companies receive their investment advice and management from an investment adviser. Such investment companies historically have had virtually no employees of their own and have relied on the investment adviser to provide their employees. *Id.* at 49–50.

[9] Fulfilling this mandate necessarily involves a broad definition of the terms "employee" and "officer." It should be noted that such a broad definition of the term "employee" has been used for purposes of another section of the Act. The General Counsel of the Commission issued an opinion in 1941 that attorneys on a general retainer from an investment company are "employees" of the investment company for purposes of then existing section 10(a) of the Act [15 U.S.C. 80a–10(a) (1940)] in determining whether an investment company board of directors consists of persons more than 60 percent of whom are employees or persons in specified relations to the company. Investment Company Act Release No. 214 (Sept. 15, 1941).

[10] To forestall possible misinterpretation in an analogous area, the Commission amended rule 17g–1 to add a definitional section in 1951. Investment Company Act Release No. 1563 (Jan. 10, 1951), 16 FR 499, (Jan. 19, 1951). The Commission stated that it was defining the terms "officer" and "employee" to include officers and employees of investment advisers, depositors or trustees of unincorporated investment companies, for purposes of the rule. That amendment clarified the rule with respect to the employees and officers to whom the rule is to apply when the investment company may technically and legally have none.

[11] *See* n. 6, *supra.*

[12] 43 FR at 41323.

[13] *Id.*

person, of the registered management investment company.

* * * * *

(Sections 17(g) [15 U.S.C. 80a–17(g)] and 38(a) [15 U.S.C. 80a–37(a)] of the Act)

By the Commission.

George A. Fitzsimmons,

Secretary.

June 2, 1980.

[FR Doc. 80–17331 Filed 6–6–80; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. R–80–819]

24 CFR Part 203

Mutual Mortgage Insurance and Insured Home Improvement Loans, Single Family Housing; Non-competitive Sale of HUD-Owned Properties to Community Based Organizations (CBO's)

AGENCY: U.S. Department of Housing and Urban Development, Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: HUD is planning to develop regulations which deal with the non-competitive sale of HUD-owned properties to Community Based Organizations (CBOs). By this document, HUD gives advance notice of its intent to: (1) Develop regulations concerning sales to CBOs; and (2) solicit advice and comments from the public prior to issuance of a specific proposed rule.

DATES: Comments received by August 8, 1980, will be considered prior to the publication of a proposed rule.

ADDRESS: Comments should be mailed or delivered to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Freeman B. Grote, Director, Preservation and Sales Division, Office of Single Family Housing, Office of the Deputy Assistant Secretary for Single Family Housing and Mortgagee Activities, Department of Housing and Urban Development, Washington, DC 20410, (202) 755–8680. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The purpose of this Advance Notice of Proposed Rulemaking is to advise the public of HUD's intent to develop regulations which will permit the noncompetitive sale of HUD-owned properties to Community Based Organizations (CBOs) and to solicit advice and comments from the public prior to the issuance of a specific proposed rule.

Under the property disposition program, HUD acquires properties from mortgagees (lending institutions) who have foreclosed defaulted mortgages which were insured under HUD mortgage insurance programs. After foreclosure has been completed, the properties are conveyed to HUD by the mortgagees in exchange for the payment of a mortgage insurance claim. The mortgage insurance funds from which these claims are paid are derived from processing fees, mortgage insurance premiums, collections on notes and mortgages held by HUD, interest on investments and, in a significant amount, proceeds from the sale of HUD-owned properties.

Properties owned by HUD are normally sold to the general public on a competitive bid basis to the individual submitting the highest offer meeting or exceeding a minimum acceptable sales price. Three basic methods of sale are utilized: as-is, all cash without a one year structural and operating systems warranty and without HUD mortgage insurance; required sales with a one year warranty and HUD mortgage insurance; and razing and sale of the vacant lot. In connection with these three basic methods of sale, HUD accepts offers from both owner occupant and investor purchasers although it is the Department's policy to give a priority to those offers submitted by owner occupants. Where qualified owner occupant offers are received, investor offers are not considered. Thus, owner occupants are not required to compete against investor purchasers in establishing the highest acceptable bid price. However, HUD is considering developing a program to sell properties in an as-is condition to CBOs without requiring them to participate in the competitive bidding process with other prospective purchasers. HUD intends to use this program in certain locations where it decides that such involvement is beneficial in terms of coping with large concentrations of vacant properties and increasing CBO involvement in neighborhood activities as well as providing savings to HUD. It is anticipated that this change will increase the participation of CBOs in neighborhood preservation activities and will expedite the repair and return of properties to private ownership.

The sale of HUD-owned properties to Community Based Organizations will be developed from two existing programs which involve the sale of properties in an as-is condition. These existing programs which serve as the basic model to develop an improved version of sales to CBOs are the Property Release Option Program (PROP) and the Bulk Sales Program. The PROP program involves the donation of properties which have a zero or negative value, i.e., those properties whose estimated cost of continued care and handling exceed the estimated net return to HUD from their sale. PROP properties are transferred to units of local governments who may use the properties for any legitimate purpose, including Urban Homesteading Programs and other locally developed programs. The Bulk Sales Program is the sale of properties in an as-is condition at a sales price determined by subtracting, from the estimated repaired price, the estimated cost of repairs, sales commission, sales closing costs and other allowable expenses. Normally, sales packages of five or more properties are sold under the Bulk Sales Program to investor purchasers. This sale technique is used in areas where the volume of acquisitions, complexity of repair programs, lack of qualified outside property management capability or shortage of HUD staff create a need to seek assistance in the expeditious repair of properties.

The sale of HUD-owned properties is governed by the Federal Property Management Regulations which require competition except that noncompetitive sales and donations are permitted to units of local governments. Therefore, units of local governments are normally provided with the first opportunity to purchase properties either individually or under the PROP and Bulk Sales Program. Because the Federal Property Management Regulations permit noncompetitive sales and donations to units of local governments only, sales of PROP and bulk sale properties to CBOs will require that properties be conveyed to a unit of local government who will in turn transfer them to CBOs. Although CBOs may now bid competitively on individual and bulk sale offerings, the concepts of PROP and bulk sales applied to individual sales are particularly adaptable to sales to CBOs in cooperation with units of local governments.

Participating CBOs will be required to repair the properties which they can then sell to individual homeowners.

Therefore, the CBOs must be able to demonstrate adequate capability to accomplish repair and sale of the properties. It is envisoned that sales to CBOs will be utilized where consideration of neighborhood stabilization and preservation dictates the involvement of CBOs or where there is a lack of bulk sale investor purchasers and the typical homeowner purchaser requires specialized assistance or services.

Major elements being considered for inclusion in a CBO sales program are as follows:

(1) CBOs will purchase properties at a sales price determined by subtracting from the estimated repaired price of the property such items as:

(a) The estimated cost of repairs.

(b) Sales commission based on the typical prevailing rate in the community.

(c) Taxes for the estimated period of ownership by the CBO, not to exceed six months.

(d) An allowance for savings to HUD in holding costs not to exceed $2,000.

(2) HUD local office staff will be required to review and approve CBOs and to monitor performance standards.

(3) CBOs will be required to complete repairs on properties in accordance with HUD repair specifications within six months of purchase. The terms of sale will include a conditional commitment by HUD, in a stated mortgage amount, for insured mortgage financing upon satisfactory completion of repairs and resale to a qualified individual homeowner. Repair specifications used in determining the sales price to the CBO will be incorporated as repair conditions in the conditional commitment.

(4) HUD must retain responsibility and control of the sale of all HUD-owned properties. Therefore, no exclusive rights to purchase all HUD-owned properties in a given area shall be granted to CBOs, nor shall CBOs be permitted to purchase a greater number of properties than the CBO can be reasonably expected to repair and sell within a reasonable period of time.

(5) CBOs will be required to qualify for participation based on the following elements, as well as other requirements:

(a) Possess or have the potential to perform all essential phases of the repair and marketing of properties to low- and moderate-income families and individuals.

(b) Be able to provide or make satisfactory provisions to provide individual home buyers with assistance in qualifying for loans to finance the purchase of the property from the CBO and to qualify under HUD's mortgage credit criteria.

(c) Demonstrate adequate financial and physical capability to accomplish the repair and sale of the properties transferred.

(d) Have an office in the area in which the properties purchased are located.

(e) Have Internal Revenue Service nonprofit status and be established as a Nonprofit Housing Corporation where State laws require such status.

(f) Be able to establish to HUD's satisfaction that the organization's primary concern is in promoting certain interests of the homeowners or residents of the area in which the properties are located rather than having primarily a business motivated concern. That is, a CBO must be willing to operate on a break-even or not-for-profit basis to serve the community's interests. Although administrative overhead and normal operating expenses would be considered in pricing properties, the purchase, rehabilitation and resale of properties should not be viewed as a fund generating operation for their other activities.

(g) Have or be able to demonstrate an ability to provide arrangements for staffing of its program operations including staffing of office space and access to adequate technical staff expertise.

The Department has made a preliminary finding that this rulemaking does not necessitate preparation of a regulatory analysis. Also, it is not expected that this rulemaking will involve an impact on the environment and, therefore, no environmental impact statement is planned.

During this initial stage of rulemaking, HUD solicits comments and recommends on program design. Specifically, comments are requested on the above program criteria and on the following questions:

(1) What changes should be made in the present property disposition procedures to achieve a successful CBO sales program?

(2) What are the advantages and disadvantages of implementing the proposed rule?

(3) Are there alternative means of accomplishing the rule's objectives?

(4) What should be the criteria to qualify CBOs for participation?

(5) What should be the role of units of local governments?

It is requested that comments be submitted in writing to the Rules Docket Clerk. Communications should identify the regulatory docket number. Interested persons are invited to comment on the need for rulemaking and whether there may be practical alternatives to regulation. Commentors are urged to address the questions and issues stated above but need not limit their comments to those questions or issues.

A decision to terminate this rulemaking proceeding will not prejudice any future rulemaking by this Department.

(Secs. 203 and 211 of the National Housing Act, as amended (12 U.S.C. 1709 and 1715b)

Issued at Washington, D.C., May 29, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-17172 Filed 6-6-80; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 48

[CC:LR-13-80]

Manufacturers and Retailers Excise Tax Treatment of Articles Sold Tax-Free for Exportation Under Section 4221(a)(2) Upon Their Subsequent Importation Into the United States

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the Manufacturers and Retailers Excise Tax Regulations relating to the excise tax treatment of articles previously sold tax free for exportation under section 4221(a)(2) of the Internal Revenue Code of 1954 upon their subsequent return to the United States. The regulations would affect and provide guidance to importers of previously exported articles that are returned to the United States in an unused condition.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 8, 1980. The amended regulations are proposed to be effective 30 days after publication of the Treasury decision in the **Federal Register**.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Kyllikki Kusma of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Attention: CC:LR:T, 202-566-3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Manufacturers and

Retailers Excise Tax Regulations (26 CFR Part 48) under section 4221 of the Internal Revenue Code of 1954 (Code). These amendments are proposed to revise § 48.4221–3(a) of the regulations, and are to be issued under the authority contained in section 7805 of the Code (68A Stat. 917; 26 U.S.C. 7805). If this notice is adopted as a Treasury decision, Rev. Rul. 56–562, 1956–2 C.B.798 will be modified to limit is application to articles previously sold tax free which subsequently are imported to the United States in a used condition.

Importation of Previously Exported Articles

Section 48.4221–3 is currently silent with respect to the excise tax treatment of articles that previously are sold tax free for exportation but which subsequently are imported to the United States in an unused conditon. The proposed regulations provide that the importer of these articles is subject to the excise tax imposed by Chapter 32 of the Code on the subsequent sale or use of the imported article in the United States.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulation amendments is Kyllikki Kusma of the Legislation and Regulation Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both in matters of substance and style.

Proposed Amendments to the Regulations

It is proposed to amend 26 CFR Part 48 by redesignating § 48.4221–3(a) as § 48.4221–3(a)(1) and by adding a new § 48.4221–3(a)(2) to read as follows:

§ 48.4221–3 Tax-free sale of articles for export, or for resale by the purchaser to a second purchaser for export.

(a) *In general*—(1) * * *

(2) If an article, otherwise taxable under chapter 32 of the Code—

(i) Is sold tax free by the manufacturer pursuant to section 4221(a)(2) and this section, and

(ii) Is returned subsequently to the United States in an unused and undamaged condition,

then the importer is liable for the tax imposed by chapter 32 on the subsequent sale or use of the article in the United States. The provisions of this paragraph (a)(2) may be illustrated by the following examples:

Example (1). Q, a U.S. motor vehicle manufacturer, previously sold a truck chassis to R, a company in Canada. The sale was tax free under section 4221(a)(2). R mounted a truck body on the truck chassis and sold the completed vehicle to S. Thereafter S sold the completed new vehicle to T who imported the vehicle into the United States and sold it. The sale of the completed truck subjects T to an excise tax liability under section 4061(a)(1) with respect to both the body and the chassis.

Example (2). X, a U.S. manufacturer of buses, sold a bus to Y, a company in France. The sale was tax free under section 4221(a)(2). The bus was sold by Y to the city of Nice, France. After initial use, the city determined that the bus was not suited for its needs and resold the bus to X. X returned the bus to the United States where it was resold. The resale of the bus by X does not subject X to an excise tax liability under section 4061(a)(1).

* * * * *

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80–17448 Filed 6–6–80; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Part 48

[LR–175–78]

Excise Tax on Fuel Used in Commercial Waterway Transportation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the new excise tax on the use of fuel in commercial waterway transportation. Changes to the applicable tax law were made by the Inland Waterways Revenue Act of 1978. The regulations would provide the public with the guidance needed to comply with that Act and would affect all operators of commercial vessels used on certain inland and intracoastal waterways.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 8, 1980. These regulations are proposed to apply to fuel consumed after September 30, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, LR–175–78, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: John R. Harman of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, LR–175–78, 202–566–4351, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed Excise Tax Regulations (26 CFR Part 48) under section 4042 of the Internal Revenue Code of 1954 (Code). These regulations are proposed to conform the regulations to the amendment of the Code made by section 202 of the Inland Waterways Revenue Act of 1978 (Pub. L. 95–502, 92 Stat. 1696) and are to be issued under the authority contained in section 7805 of the Code (68A Stat. 917; 26 U.S.C. 7805).

These regulations meet the Treasury criteria for significant regulations.

The Act of 1978

In general, the Inland Waterways Revenue Act of 1978 (the "Act") imposes an excise tax on the use of liquid fuel in commercial waterway transportation. It taxes only fuel used by certain types of commercial vessels along particular inland and intracoastal waterways. The purpose of the Act is to compensate the federal government for expenditures on improvements and repairs in the inland waterway system which makes waterway transportation more commercially feasible.

Commercial Transportation Vessels Moving Empty of Cargo

Congress intended to tax the operators of the types of vessels which will be benefited by expenditures under the Act (operators of vessels used generally for commercial waterway transportation). Thus, by imposing a tax on the use of "fuel in a vessel in commercial waterway transportation," Congress intended to tax fuel consumed in vessels used generally for commercial waterway transportation, rather than limit the tax to fuel consumed by vessels while actually engaged in commercial transportation. Accordingly, the regulations provide that fuel consumed in a vessel used generally for commercial transportation, is taxable, regardless of whether the vessel is actually engaged in the transportation of

property on a particular voyage. Section 48.4042–1(f)(1) provides that fuel used in a commercial transportation vessel is subject to the tax while moving empty of cargo, while awaiting passage through locks, while moving to and from a repair facility, and while maneuvering around loading and unloading docks.

Nonpropulsion Fuels

By imposing a tax on the use of liquid fuel, Congress intended to impose a tax similar to a preexisting tax on liquid fuel used in motor vehicles (Code section 4041), which was interpreted to apply only to propulsion fuels. Accordingly, § 48.4042–1 provides that only propulsion fuels are subject to the tax imposed by section 4042. Fuel consumed to maintain cargo temperatures and fuel used by nonpropulsion motors is not taxed.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is John R. Harman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Proposed amendments to the regulations

The proposed amendments to 26 CFR Part 48 are as follows:

Paragraph. There are added immediately after § 48.4041–14 the following new sections:

§ 48.4042–1 Tax on fuel used in commercial transportation on inland waterways.

(a) *In general.* Section 4042(a) imposes an excise tax on the use of liquid fuel in the propulsion system of commercial transportation vessels while traveling on certain inland and intracoastal waterways (*see* § 48.4042–1(f)). The tax is generally applicable to all types of vessels including ships, barges, and tugboats. It is in addition to all other taxes imposed on the sale or use of fuel.

(b) *Amount of tax.* The tax imposed by section 4042(a) shall be determined from the following table:

If the use occurs	*The tax is*
After September 30, 1980 and before October 1, 1981	4 cents a gallon
After September 30, 1981 and before October 1, 1983	6 cents a gallon
After September 30, 1983 and before October 1, 1985	8 cents a gallon
After September 30, 1985	10 cents a gallon

(c) *Person liable for tax.* The person operating the vessel in which the propulsion fuel is consumed is the user of liquid fuel for purposes of section 4042(a). Thus, a person who operates (or whose employees operate) a vessel is responsible for filing returns and paying the tax. If a vessel owner (or lessee) contracts with an independent contractor to operate the vessel, then the independent contractor is the user of liquid fuel for purposes of section 4042(a), regardless of who purchases the fuel.

(d) *Time of use.* Fuel is not taxed by section 4042(a) when put into a vessel's tanks. For purposes of section 4042(a), fuel is used when it is actually consumed by a vessel's engine.

(e) *Liquid fuels.* For purposes of section 4042(a), liquid fuel includes any liquid fuel, including—

(1) Diesel fuel, or

(2) Bunker C residual fuel oil, or

(3) Special motor fuel as defined in paragraph (f) of § 48.4041–7, or

(4) Gasoline as defined in paragraph (b) of § 48.4082–1.

(f) *Commercial waterway transportation*—(1) *In general.* For purposes of section 4042(a) and § 48.4042–2(c)(1), the term "commercial waterway transportation" means the use of a vessel on the waterways specified in paragraph (g) of this section if—

(i) Use of the vessel is in the business of transportation property for compensation or hire, or

(ii) Use of the vessel is in transporting property in the business of the owner, lessee, or operator of the vessel (whether or not a fee is charged).

Except for the operation of certain fishing vessels, the operation of all vessels satisfying the requirements of this paragraph (f) of this section will be deemed "commercial waterway transportation," regardless of whether the vessel is actually engaged in the transportation of property on a particular voyage. Thus, "commercial waterway transportation" includes the operation of vessels while moving empty of cargo, while awaiting passage through locks, while moving to or from a repair facility, and while maneuvering around loading and unloading docks.

(2) *Fishing vessels exception.* A vessel does not transport property in the business of the owner, lessee, or operator, for purposes of paragraph (f)(1)(ii) of this section, by merely transporting fish or other acquatic animal life caught on the voyage. The tax imposed by section 4042(a) does not apply to fuel used by a fishing vessel while traveling to a fishing site, while engaged in fishing, or while returning from the fishing site with its catch. However, the tax applies to fuel used by a commercial vessel along the taxable waterways while traveling to pick up aquatic animal life caught by another vessel and while transporting the catch of such other vessel.

(g) *Specified waterways.* Only fuel used on those waterways described in section 206 of the Inland Waterways Act of 1978 (the "Act") is taxable. The waterways described in the Act are as follows:

(1) Alabama-Coosa Rivers: From Junction with the Tombigbee River at river mile (hereinafter referred to as RM) O to junction with the Coosa River at RM 314.

(2) Allegheny River: From confluence with the Monongahela River to form the Ohio River at RM O to the head of the existing project at East Brady, Pennsylvania, RM 72.

(3) Apalachicola-Chattahoochee and Flint Rivers; Apalachicola River from mouth at Apalachicola Bay (intersection with the Gulf Intracoastal Waterway) RM O to junction with Chattahoochee and Flint Rivers at RM 107.8. Chattahoochee River from junction with Apalachicola and Flint Rivers at RM O to Columbus, Georgia, at RM 155 and Flint River, from junction with Apalachicola and Chattahoochee Rivers at RM O to Bainbridge, Georgia, at RM 28.

(4) Arkansas River (McClellan-Kerr Arkansas River Navigation System); From junction with Mississippi River at RM O port of Catoosa, Oklahoma, at RM 448.2.

(5) Atchafalaya River: From RM O at its intersection with the Gulf Intracoastal Waterway at Morgan City, Louisiana, upstrem to junction with Red River at RM 116.8.

(6) Atlantic Intracoastal Waterway: Two inland water routes approximately paralleling the Atlantic coast between Norfolk, Virginia, and Miami, Florida, for 1,192 miles via both the Albermarle and Chesapeake Canal and Great Dismal Swamp Canal routes.

(7) Black Warrior-Tombigbee-Mobile Rivers: Black Warrior River System from RM 2.9, mobile River (at Chickasaw

Creek) to confluence with Tombigbee River at RM 45. Tombigbee River (to Demoplis at RM 215.4) to port of Birmingham, RM's 374—411 and upstream to head of navigation on Mulberry Fork (RM 429.6), Locust Fork (RM 407.8), and Sipsey Fork (RM 430.4).

(8) Columbia River (Columbia-Snake Rivers Inland Waterways); From The Dalles at RM 191.5 to Pasco Washington (McNary Pool), at RM 330, Snake River from RM O at the mouth to RM 231.5 at Johnson Bar Landing, Idaho.

(9) Cumberland River: Junction with Ohio River at RM O to head of navigation, upstream to Carthage, Tennessee, at RM 313.5.

(10) Green and Barren Rivers: Green River from junction with the Ohio River at RM 0 to head of navigation at RM 149.1.

(11) Gulf Intracoastal Waterway: From St. Mark's River Florida, to Brownsville, Texas, 1,134.5 miles.

(12) Illinois Waterway (Calumet-Sag Channel): From the junction of the Illinois River with the Mississippi River RM 0 to Chicago Harbor at Lake Michigan, approximately RM 350.

(13) Kanawha River: From junction with Ohio River at RM 0 to RM 90.6 at Deepwater, West Virginia.

(14) Kaskaski River: From junction with the Mississippi River at RM 0 to RM 36.2 at Fayetteville, Illinois.

(15) Kentucky River: From junction with Ohio River at RM 0 to confluence of Middle and North Forks at RM 258.6.

(16) Lower Mississippi River: From Baton Rouge, Louisiana, RM 233.9 to Cairo, Illinois, RM 953.8.

(17) Upper Mississippi River: From Cairo, Illinois, RM 953.8 to Minneapolis, Minnesota, RM 1,811.4.

(18) Missouri River: From junction with Mississippi River at RM 0 to Sioux City, Iowa, at RM 734.8.

(19) Monongahela River: From junction with Allegheny River to form the Ohio River at RM 0 to junction of the Tygart and West Fork Rivers, Fairmont, West Virginia, at RM 128.7.

(20) Ohio River: From junction with the Mississippi River at RM 0 to junction of the Allegheny and Monongahela Rivers at Pittsburgh, Pennsylvania, at RM 981.

(21) Ouachita-Black Rivers: From the mouth of the Black River at its junction with the Red River at RM 0 to RM 351 at Camden, Arkansas.

(22) Pearl River: From junction of West Pearl River with the Rigolets at RM 0 to Bogalusa, Louisiana, RM 58.

(23) Red River: From RM 0 to the mouth of Cypress Bayou at RM 236.

(24) Tennessee River: From junction with Ohio River at RM 0 to confluence with Holstein and French Rivers at RM 652.

(25) White River: From RM 9.8 to RM 255 at Newport, Arkansas.

(26) Willamette River: From RM 21 upstream of Portland, Oregon, to Harrisburg, Oregon, at RM 194.

§ 48.4042-2 Special rules.

(a) *Dual use of liquid fuels*—(1) *Dual use by the propulsion engine.* The tax imposed by section 4042(a) applies to all taxable liquid used as a fuel in the propulsion system of the vessel, regardless of whether the engine (or other propulsion system) is used for a purpose other than propulsion of the vessel. The tax does not apply to fuel consumed in an engine which does not generate propulsion of a vessel. Where the propulsion engine operates special equipment by means of a power take-off or power transfer, the tax applies to all liquid fuel consumed by that engine. For example, the tax applies to all fuel used in the engine operating an alternator, generator, or pumps, if that engine is the same engine generating the propulsion of the vessel.

(2) *Common tank.* If the liquid fuel consumed by a nonpropulsion engine is drawn from the same tank as fuel consumed by a propulsion engine, a reaonable determination of the quantity of fuel used in such separate engine will be acceptable for purposes of excluding from taxation a portion of the fuel consumed by the vessel. The determination of the amount of fuel consumed by the non-propulsion engine may be based primarily on the operating experience of the person using the fuel; however, in order to exclude fuel from taxation under the rule set out in this paragraph (a)(2), the taxpayer must maintain records which will support the allocation used.

(b) *Voyages crossing boundaries of the specified waterways.* Fuel consumed by a vessel crossing the boundaries of waterways specified by section 206 of the Act is taxable only to the extent of fuel consumed for propulsion within the specified waterways. Generally, the operator may calculate the amount of fuel consumed along the specified waterways during a particular voyage by multiplying total fuel consumed in the propulsion engine by a fraction. The numerator of the fraction is the number of miles traveled on the specified waterways; the denominator is the total miles traveled on the voyage. This calculation may not be used where it is unreasonable. It may be determined to be unreasonable by:

(1) Better evidence of fuel consumed (*e.g.*, readings from an accurate fuel gauge or the results of the operator's previous experience); and

(2) The existence of other factors substantially affecting fuel consumption on the voyage (*e.g.*, a wide disparity between the currents on the taxable and non-taxable waterways or a disproportionate amount of time required for navigation of the taxable waterways).

(c) *Records required.* (1) All operators of vessels used in commercial waterways transportation who acquire liquid fuel, either delivered in storage tanks or tanks on a vessel, must maintain adequate records of all fuel used for both taxable and nontaxable purposes. Such records shall include:

(i) Quantity of fuel acquired and date of acquisition of all liquid fuels;

(ii) Date and quantity of fuel pumped into tanks on each vessel;

(iii) Identification numbers of each vessel using fuel;

(iv) Departure time, departure point, route traveled, destination and arrival time for each vessel.

(2) Vessel operators seeking a tax exclusion provided by section 4042(c) must maintain records which will support any exclusion claimed. Where applicable, the records shall contain:

(i) The draft of the vessel on each voyage (for exclusion under section 4042(c)(1));

(ii) The type of vessel in which fuel is consumed and the type of vessel in which cargo is transported; (for exclusion under section 4042(c) (1), (2) or (4)); and

(iii) The ultimate use of cargo transported (for exclusion under section 4042(c)(3)).

(d) *Date for filing return.* The return (Form 720, Quarterly Federal Excise Tax Return) must be filed and the tax paid by the last day of the first month following the quarter in which tax liability has accrued. Thus for the first taxable quarter (October through December 1980) the return is due and taxes are payable on January 31, 1981.

§ 48.4042-3 Certain types of commercial waterways transportation excluded.

(a) *Deep-draft ocean-going vessels*—(1) *In general.* Under section 4042(c)(1), there is no tax imposed by section 4042(a) if:

(i) The vessel was designed primarily for use on the high seas; and

(ii) The vessel has a draft of more than 12 feet on the voyage for which the fuel tax exclusion is sought (*e.g.*, 12 feet 1 inch).

(2) *Meaning of "designed primarily for use on the high seas."* Section 4042(c)(1) requires a determination of the primacy of the design features

rendering the vessel useful for service on the high seas, as opposed to the features which render the vessel useful for service on all less turbulent waters. Thus, whether a ship is "designed primarily for use on the high seas" must be determined from all the facts, including structural features and equipment. If the predominant use of a vessel is on the high seas, it shall be presumed to be "designed primarily for use on the high seas." If the predominant use of a vessel is on waters other than the high seas, it shall be presumed not to be "designed primarily for use on the high seas."

(3) *Meaning of "high seas."* For purposes of this section, "high seas" shall mean waters other than the territorial waters of the United States or any country. Thus, the high seas shall not include the internal waters of any country, the Great Lakes, harbors, or narrow coastal indentation.

(4) *Twelve foot draft*—(i) *Definition.* For purposes of section 4042(c)(1), "draft" shall mean the maximum vertical distance between the mean water line and bottom of the keel. In cases where a vessel may have a skeg or other appendage extending locally below the line of the keel, the draft shall be measured from the deepest appendage. A separate determination of draft must be made for each voyage when the vessel has its greatest load or cargo and fuel. For purposes of this determination, the term "voyage" means a round trip voyage. Therefore, if a vessel travels into the specified waterway system to pick up cargo and has a draft sufficient to qualify for the exclusion when loaded, then for purposes of section 4042(c)(1) the vessel will satisfy the 12 foot draft requirement for the entire voyage. Similarly, if a vessel loaded with cargo travels into the specified waterway system with a draft sufficient to qualify for the exclusion provided by section 4042(c)(1), then the fuel consumed on the entire voyage may be excluded, regardless of the vessel's draft after the cargo is unloaded.

(ii) *Example.* The following example illustrates the application of paragraph (a)(4)(i) of this section.

Example: A ship with a design draft of 20 feet (maximum certified draft when fully loaded) travels into a taxable waterway with only a partial load, such that the draft is 12 feet. The ship unloads and departs the waterway empty. The portion of the fuel consumed for propulsion of the vessel on the specified waterway is taxable because only vessels with a draft greater than 12 feet are eligible for the section 4042(c)(1) exclusion from tax.

(b) *Commercial passenger vessels.* Under section 4042(c)(2), the tax imposed by section 4042(a) does not apply to fuel consumed by vessels used primarily for the transportation of persons. Thus, commercial passenger vessels while being operated as passenger vessels are not subject to tax, even if such vessels in fact transport property in addition to transporting passengers. Similarly, ferry boats carrying passengers are not subject to tax, even if such vessels carry the passengers' automobiles.

(c) *Exclusion for State or local governments*—(1) *In general.* Under section 4042(c)(3), there is no tax imposed by section 4042(a) if:

(i) The vessel is being used by a State or local government; and

(ii) The vessel is being used in transporting property in the State or local government's business.

(2) *State or local government.* For purposes of paragraph (c)(1)(i) of this section a "vessel is being used by a State or local government" if it is operated by any State, the District of Columbia, or any political subdivision of a State.

If a private party is contracted to haul for a State or local government, the vessel is not "being used by a State or local government." Similarly, if a person other than a State or local government is contracted to supply vessel operators, the fuel consumed by the vessel is not used "by a State or local government," regardless of ownership of the vessel. However, where a local government leases barges and employees of the local government operate the barges, the vessel is being used by the local government.

(3) *Government business.* The test for whether a vessel is being used "in transporting in a State or local government's business," within the meaning of paragraph (c) (1) (ii) of this section, is whether the ultimate use of the cargo is for a function which is ordinarily carried out by governmental units. For example, where the cargo transported is salt to be spread on icy roads, the vessel is being used "in transporting in a State or local business" because the use to which the cargo will be put (road maintenance) is a function ordinarily performed by governmental units. Fuel consumed in a vessel transporting property for compensation or in furtherance of a business not ordinarily carried out by a governmental unit is not excluded from taxation by section 4042 (c) (3).

(d) *Ocean-going barges.* Under section 4042 (c) (4), the tax imposed by section 4042 (a) does not apply to fuel consumed by tugs moving exclusively barges released by ocean-going carriers solely to pick up or deliver international cargos. The tax exclusion provided by section 4042 (c) (4) applies to LASH barges, SEABEE barges, and all other ocean-going barges carried aboard ocean-going vessels. There is no exclusion under section 4042 (c) (4) when either—

(1) The ocean-going barge is not on an international voyage, or

(2) Part of the cargo carried is not being transported internally.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-17523 Filed 6-6-80; 8:45 am]

BILLING CODE 4830-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Valuation of Plan Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of proposed change in the method for setting the interest rate and factors.

SUMMARY: This action gives notice of and invites comments on a proposed new method the Pension Benefit Guaranty Corporation would use to set its interest rate and factors. The interest rate and factors are used to value benefits for immediate and deferred annuities provided under terminating pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974.

Currently, the method used by the Pension Benefit Guaranty Corporation to set its interest rate and factors results in those numbers being published after the period of time for which they are effective. Under this proposed method, the Pension Benefit Guaranty Corporation would be able to establish a new interest rate and the other factors on a prospective basis, before the period of time for which they are applicable. The interest rate and other factors would be issued in the same format as is currently used. Establishing these numbers on a prospective basis will enable plan administrators and plan sponsors to value plan benefits prior to termination and will enable the Pension Benefit Guaranty Corporation to process plan terminations more quickly.

DATES: Comments should be submitted on or before August 8, 1980.

ADDRESSES: Comments should be sent to: Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street NW., Washington, D.C. 20006. Each person submitting comments should include his

or her name and address, identify this notice and give reasons for any recommendations. PBGC requests members of the public to submit comments on this proposal on or before August 8, 1980. Copies of written comments will be available for examination at the Pension Benefit Guaranty Corporation, Public Reference Room, Suite 7000, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. (202) 254–4895.

SUPPLEMENTARY INFORMATION:

Background

The Pension Benefit Guaranty Corporation's Interim Regulation on Valuation of Plan Benefits (29 CFR, Part 2610) sets forth various formulas to be used to value the different types of pension plan benefits. The PBGC must value benefits because, under section 4041 of the Employee Retirement Income Security Act of 1974 ("ERISA"), the PBGC must determine, as of the date of plan termination, whether a pension plan has sufficient assets to pay all guaranteed benefits provided by the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits provided by the plan. In addition, the PBGC must value plan benefits to determine the amount of any employer liability for an insufficient plan owed to PBGC under sections 4062, 4063 or 4064 of ERISA, as applicable. These sections specify that the current value of the benefits should be used to calculate the employer liability.

The current value of a benefit as of a specific date is equal to the amount of money needed on that date in order to be able to pay the benefit over future years, taking into account reasonable and current expectations as to mortality, administrative expenses and interest earnings (*i.e.*, the rate of return to be earned on the investment of the money). Because these expectations change from time to time, the factors used to determine the current value of benefits must also change. This notice addresses how the PBGC proposes to change the method it uses to determine the interest rate assumption used to value immediate annuities and the factors (k_1, k_2, k_3, n_1 and n_2) used with the interest rate to value deferred annuities. (The interest rate and the factors together are sometimes referred to in this Notice as simply "the rates.") The interest rate used to value death benefits other than the decreasing term insurance portion of a cash refund annuity is not affected by this proposed change; it will remain at 5%.

Under usual insurance practices, the interest rate assumption would be an estimate of the rate of return to be earned during a future interval of time on funds set aside to meet future benefit obligations. The PBGC believes that its relatively brief period of investment experience is neither sufficient nor necessarily an appropriate basis from which to project future earnings. Further, the PBGC believes it would not be appropriate for it to set rates which produce benefit values (annuity prices) that are significantly different from the prices of annuities offered by private insurers. Accordingly, PBGC will continue its practice of setting its interest rate and factors so as to produce benefit values that are intended to be comparable to prices offered by private insurers.

PBGC's Current Method of Setting Interest Rates

To date, the PBGC interest assumption for immediate annuities and the factors for deferred annuities have been set with the intent that when the rate and factors are coupled with PBGC's mortality assumptions, they will produce benefit values for immediate and deferred annuities that are generally in line with the private insurance industry's annuity prices. (However, the rates themselves would not be the same because, among other things, PBGC's interest assumptions include an adjustment for the anticipated expenses associated with providing these benefits. This differs from the insurance industry practice of adding on expenses as a separately identifiable charge.)

Currently, the interest rate and factors and derived primarily from price quotes given by private insurers for the purchase of large blocks of single premium, non-participating annuities (with administrative expenses excluded). These quotes are reported quarterly to the PBGC by the private insurers on a delayed basis and should reflect the prices being quoted to prospective buyers by the insurers during the most recent quarter. After receiving this data, the PBGC analyzes it in order to determine PBGC's interest rate for immediate annuities and the factors for deferred annuities, for the quarter to which the quotes applied. Thus, the PBGC has been setting its rates after the period of time to which they apply.

The drawbacks to this retroactive system of setting rates are obvious: neither plan administrators nor PBGC can make an accurate valuation of plan benefits until after the plan termination date, and thus processing of termination cases is often delayed.

Proposed New Method of Setting Interest Rates

The PBGC proposes to adopt a method of setting its interest rate and factors that would enable it to set a new rate and factors before the period of time for which they will be effective. The prospective rates would be derived from a statistical model developed by the PBGC from data the PBGC has assembled since its creation. The model reflects the historical relationship between financial markets (primarily fixed income) and private insurers' annuity price quotes. The model enables the PBGC to use the current level of appropriate fixed income and any other relevant financial markets to predict for the near future the interest rate implicit in the prices for immediate annuities offered by private insurers. The PBGC interest rate for immediate annuities would be the rate so predicted. The factors for deferred annuities would bear a fixed relationship to the interest rate for immediate annuities. Therefore, there would be just one set of factors for deferred annuities corresponding to each interest rate for immediate annuities.

Under the proposed new system, the PBGC would continue to receive its quarterly survey of private insurers' annuity price quotes, and would compare these annuity price quotes and the interest rates implicit therein with the PBGC rates established under this new system. In addition, PBGC would compare on a continuing basis various combinations of fixed income and other relevant financial markets with the interest rates derived from the annuity price quotes. The PBGC also anticipates comparing the survey of price quotes with other sources of annuity prices. All of this data would be used to evaluate the accuracy of the statistical model being used and, when appropriate, to refine the model for use in future periods.

Under this proposal, PBGC would change the interest rate in effect only when the model indicates a change of at least one-quarter percentage point (¼%), and the interest rate would change in only one-quarter percentage point (¼%) increments. Typically the interest rate would remain in effect for at least one month, and there would be no fixed schedule for changing the rates.

The PBGC proposes to change its interest rate in only one-quarter percentage point (¼%) increments so as

to minimize the administrative burdens associated with interest rate changes and to provide some certainty as to what the rates will be in the near future. Changes of less than one-quarter percentage point (¼%) would not be made because the construction of new valuation tables necessitated by such a change would be too burdensome administratively when compared to the slight increase in accuracy in the resulting valuation. (In order to assist plan administrators and others in working with the interest rates, the PBGC plans to issue, concurrently with the first publication of the prospective interest rate and factors, a rate book containing tables of actuarial factors based on interest rate assumptions from 6% to 11%, in increments of one-quarter percentage point (¼%).)

If a change of one-half percentage point (½%) or more is indicated in one month, PBGC would change its rate by one-quarter percentage point (¼%) and would continue to monitor the market to determine if the need for a greater change continues; if so, a subsequent one-quarter percentage point (¼%) change would be made, and so on until no further change is indicated. Based on PBGC's experience to date it is anticipated that changes larger then one-quarter percentage point (¼%) will, in fact, seldom be warranted.

Under the proposed new system, rate changes normally would be announced by the 15th of the month, to become effective on the 1st of the next month. Thus, by the 15th of any month, the PBGC rate and factors for the next month will be known and the PBGC rate and factors for the second month can be predicted within one-quarter percentage point (¼%) each way. This will enable plan administrators to know within certain limits the value of plan benefits before the proposed termination date. In most cases, a one-quarter percentage point (¼%) change in the interest rate would not significantly alter the total value of plan benefits.

Advantages of the New Method

The ability to perform a fairly accurate valuation of plan benefits before the termination date would be helpful to plan administrators, both in terms of deciding whether to terminate a plan and in actually carrying out the plan termination. The PBGC also expects that having the interest rate and factors available on a prospective basis will help speed its processing of plan terminations and contribute generally to the more efficient administration of the plan termination insurance program.

The availability of PBGC rates, and thus the ability to value plan benefits, prior to the plan termination date is also important to plan sponsors. Plan sponsors need to be able to calculate the value of benefits to determine the amount of any employer liability due. Under ERISA, employer liability for a plan insufficiency is owned as of the date of plan termination, and therefore, the liability must be paid as of that date in order to avoid the assessment of interest on the employer liability. (*See* PBGC's proposed regulation on Employer Liability for a Single Employer Plan Termination, 45 FR 34899.

Further, plan sponsors might want to be able to compute the value of plan benefits prior to the plan termination date in order to decide whether to make a commitment to make the plan sufficient (see PBGC's Proposed Regulation on Determination of Plan Sufficiency and Termination of Sufficient Plans, 41 FR 48504 (November 3, 1976)). PBGC contemplates that under the final sufficiency regulation, a plan sponsor would be able to make an irrevocable commitment prior to the date of termination to pay any insufficiency of a plan so that the PBGC will issue the plan a Notice of Sufficiency. Obviously, many plan sponsors will not want to make such a commitment without having a fairly good idea of the magnitude of the commitment.

Procedures for Issuing Rates Under the New Method

As was mentioned above, under this proposed system for setting the interest rate, whenever a rate change is warranted, the PBGC usually would publish the new rate by the 15th of the month, to be effective on the 1st of the next month. The rate would remain in effect until a new rate is called for, but generally for at least one month. The PBGC would not publish a notice when the interest rate remains the same as the previous month; only notice of rate changes would be published.

This schedule would require that PBGC publish the interest rate and factors immediately in final form, without first giving notice and an opportunity for public comment on the rate and factors. If PBGC were to allow time for notice and comment, the rates either would not be issued prospectively or would be considerably less reliable because they would have to be calculated several months in advance of their effective date. PBGC believes that the need to publish its interest rate and factors prospectively and to make them as accurate as possible warrants adopting the procedure discussed herein. Under this procedure, however, the PBGC would invite public comments at any time and would consider such comments in setting future rates.

It should be noted that publication of the rates in final form only is consistent with the present system used to issue the quarterly interest rate. On February 29, 1979 (44 FR 10398), PBGC solicited comments on a proposal that the quarterly interest rate and factors set under the current method be issued in final form without being published in a Notice of Proposed Rulemaking. All the comments received agreed with the proposal, and the PBGC has since issued the quarterly interest rate and factors in final form, without providing for prior notice and comment. The PBGC expects to continue this practice under the new system of publication. Of course, this proposal may be changed in light of the public comments received.

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025–27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)))

Issued on the 3d day of June 1980.

Ray Marshall,

Chairman, Pension Benefit Guaranty Corporation.

Issued on the date set forth above pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this Notice.

Henry Rose,

Secretary, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc. 80-17270 Filed 6-6-80; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 183

[CGD 80-047]

Electrical Systems Standard for Recreational Boats

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulations on electrical systems for recreational boats by adopting a more recent version of one of the industry standards incorporated by reference in the regulations. The standard lists insulated electrical cables which meet certain water absorption and flame retardancy requirements. Adoption of the more recent version of the standard would allow changes made in cable types and designations to be reflected in the Coast Guard's requirements for electrical systems on recreational boats.

DATES: Comments must be received on or before July 24, 1980.

ADDRESS: Address comments to: Comments should be mailed to Commandant (G–CMC/24), (CGD 80–047), U.S. Coast Guard, Washington, DC 20593. Between the hours of 7 a.m. and 5 p.m., Monday through Thursday, comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Lysle B. Gray, Office of Boating Safety (G–BBT/42), U.S. Coast Guard Headquarters, Washington, DC 20593 (202) 426–4027.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Each comment submitted should include the name and address of the person submitting it, identify this notice (CGD 80–047) and give reasons for the comment. Those desiring acknowledgement that their comment has been received should enclose a stamped, self-addressed post card or envelope.

The proposal may be changed in view of the comments received. All comments received will be considered before final action is taken on this proposal. Copies of all written comments received will be available for inspection by interested persons at the Marine Safety Council address noted above. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Discussion of the Proposed Rule

The Coast Guard Electrical System standard in Subpart I of 33 CFR Part 183 requires the use of insulated electrical cables which meet certain water absorption and flame retardancy requirements. Section 183.435(a) states in part, that each conductor in a circuit that has a nominal voltage of 50 volts or more must be a conductor that meets IEEE Standard 45–1971 dated December 3, 1970. IEEE Standard 45–1971 lists insulated cable types and designations. The Institute of Electrical and Electronic Engineers has issued a newer version, 45–1977, dated June 30, 1977. The major difference between the two versions of the standard is that the latest version lists a lesser number of cable types and designations reflecting current commerical practices, more sophisticated materials, and changes in specifications and designations.

The Coast Guard is not aware of any boat manufacturers who manufacture their own electrical cable. This item is generally obtained from suppliers who manufacture it in accordance with the IEEE standard. As a practical matter a boat manufacturer would have no difficulty obtaining electrical cable manufactured in accordance with the latest version of the IEEE standard. In the case of manufacturers who have purchased a large inventory of electrical cable manufactured in accordance with the older version of the standard, this type would still be acceptable to the Coast Guard if this proposal were adopted. It is therefore unlikely that any burden will be imposed upon the boat manufacturer.

As most manufacturers are already complying with the latest version of the IEEE standard, they should be similarly unaffected by the proposal. It has therefore been determined to have insufficient economic impact to warrant preparation of a draft evaluation.

In consideration of the foregoing, the Coast Guard proposes to amend Part 183 of Title 33, Code of Federal Regulations by revising § 183.435(a)(3) to read as follows:

§ 183.435 Conductors in circuits of 50 volts or more.

(a) * * *

(3) A conductor that meets IEEE Std. 45–1977; dated June 30, 1977.

* * * * *

(46 U.S.C. 1454, 1488; 49 CFR 1.46(n)(1))

Dated: June 2, 1980.

H. Lohmann,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating Safety.

[FR Doc. 80–17114 Filed 6–6–80; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 183

[CGD 80–046]

Fuel Systems Standard for Recreational Boats

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulations on fuel systems for recreational boats by adopting a more recent version of one of the industry standards incorporated by reference in the regulations. The standard prescribes performance requirements for USCG Type A fuel hose. Adoption of the more recent version of the standard would allow changes made in performance testing of this hose to be reflected in the Coast Guard's requirements for fuel systems on recreational boats.

DATES: Comments must be received on or before July 24, 1980.

ADDRESS: Address comments to: Comments should be mailed to Commandant (G–CMC/24), (CGD 80–046), U.S. Coast Guard, Washington, DC 20593. Between the hours of 7 a.m. and 5 p.m., Monday through Thursday, comments may be delivered to and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Lars E. Granholm, Office of Boating Safety (G–BBT/42), U.S. Coast Guard Headquarters, Washington, DC 20593 (202) 426–4027.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Each comment submitted should include the name and address of the person submitting it, identify this notice (CGD 80–046) and give reasons for the comment. Those desiring acknowledgement that their comment has been received should enclose a stamped, self-addressed post card or envelope.

The proposal may be changed in view of the comments received. All comments received will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons at the Marine Safety Council address noted above. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Discussion of the Proposed Rule: The Coast Guard Fuel System standard in Subpart J of 33 CFR Part 183 requires the use of "USCG Type A Hose" in certain fuel system installations. Section 183.505 defines "USCG Type A Hose", in part, as hose that meets the performance requirements of UL Standard 1114 dated September 15, 1976. UL Standard 1114 covers flexible fuel line hose for use in marine fuel systems for conducting gasoline and/or diesel fuel. Underwriters' Laboratories has issued a newer version of UL 1114 dated October 22, 1979. The major difference between the newer version of the standard and the version presently incorporated by reference is that the newer version specifically refers to USCG Type A and USCG Type B fuel hoses, the use of which is a requirement in the Fuel

Systems standard. In addition, several new performance tests have been added to reflect changes in materials and to insure fuel hose strength.

The Coast Guard is not aware of any boat manufacturers who manufacture their own fuel hose. This item is generally obtained from suppliers who manufacture it in accordance with UL Standard 1114. As a practical matter a boat manufacturer would have no difficulty obtaining fuel hose manufactured in accordance with the latest version of the UL standard. In the case of manufacturers who have purchased a large inventory of fuel hose manufactured in accordance with the older version of the standard, this type would still be acceptable to the Coast Guard if this proposal were adopted. It is therefore unlikely that any burden will be imposed upon the boat manufacturer.

As most manufaturers of USCG Type A Hose are already complying with the latest version of the UL standard, they whould be similarly unaffected by the proposal. It has therefore been determined to have insufficient economic impact to warrant preparation of a draft evaluation.

In consideration of the foregoing, the Coast Guard proposes to amend Part 183 of Title 33, Code of Federal Regulations by revising clause (2) of the definition of "USCG Type A Hose" in § 183.505 to read as follows:

§ 183.505 Definitions.

* * * * *

"USCG Type A Hose" means hose that meets the performance requirements of—

(1) * * *

(2) UL Standard 1114 dated October 22, 1979.

(46 U.S.C. 1454, 1488; 49 CFR 1.46(n)(1))

Dated: June 2, 1980.

H. Lohmann,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating Safety.

[FR Doc. 80-17113 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

Poisons and Controlled Substances-Nonmailability; Further Extension of Comment Period

AGENCY: Postal Service.

ACTION: Proposed rule: Extension of time for comment.

SUMMARY: This notice extends by six months the time for filing comments on all but one portion of a proposal that would amend regulations concerning the mailing of poisons, poisonous drugs and medicines, and controlled substances. As to that portion of the proposal which would delete the present requirement to register mail containing some drugs, this notice extends by thirty days the time for filing comments.

DATE: Comments must be received on or before December 8, 1980 with respect to all aspects of the proposal except deletion of the registered mail requirement. Comments on the latter proposal must be received by July 9, 1980.

ADDRESS: Written comments should be sent or delivered to the Assistant General Counsel, Consumer Protection Division, Law Department, Room 9014, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260. Copies of all written comments received will be available for public inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, at the above location.

FOR FURTHER INFORMATION CONTACT: George C. Davis, (202) 245-4385.

SUPPLEMENTARY INFORMATION: On March 27, 1980, a document was published in the **Federal Register** (45 FR 20118) proposing a number of amendments to the regulations on the mailability of poisons and controlled substances. The purpose of the amendments is to reflect current administrative practices and eliminate ambiguities which might lead to mailings not permitted by statute. By a notice published in the **Federal Register** on April 22, 1980 (45 FR 26983) we granted an additional thirty day comment period.

Based upon the comments received thus far, it would seem to be in the public interest to make a lengthy extension of the comment period, until December 8, 1980, on all parts of the proposal except that portion dealing with deletion of the registered mail requirement, in order to ensure sufficient time for all who would be affected by the major part of the proposal to prepare and send their expresions of views. As to the fairly simple deletion of the registered mail requirement, a thirty day extension of time until July 9, 1980, would seem to be sufficient.

(39 U.S.C. 401(2), 18 U.S.C. 1716)

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

[FR Doc. 80-17369 Filed 6-6-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1506-8]

Approval and Promulgation of Nonattainment Plan for Wisconsin

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed Rulemaking.

SUMMARY: This notice proposes rulemaking on a revision to the Wisconsin State Implementation Plan (SIP) pursuant to Part D of the Clean Air Act (Act) as amended in 1977. The revision pertains to the requirements for new source review in nonattainment areas. The purpose of this notice is to discuss the results of the United States Environmental Protection Agency (USEPA) review of the revision and to solicit public comments on the revision and on USEPA's proposed action.

DATE: Comments on these revisions and on USEPA's proposed action are due by July 9, 1980. To be considered, comments must be postmarked no later than thirty days from the publication of this Notice of Proposed Rulemaking. If, however, interested parties require additional time to comment on USEPA proposed rulemaking actions, they can petition USEPA at the above address for an extension of the comment period. Requests for extension of the comment period must be received by USEPA prior to the close of the thirty day comment period announced in this Notice of Proposed Rulemaking.

ADDRESSES: Copies of these revisions to the SIP are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707.

COMMENTS SHOULD BE SENT TO: Gary Gulezian, Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn

Street, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962; 40 CFR Part 81) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act, USEPA designated certain areas in Region V States as not meeting the National Ambient Air Quality Standards (NAAQS) for total suspended particulates, sulfur dioxide, carbon monoxide, photochemical oxidants, and nitrogen dioxide. Part D of the Clean Air Act, added by the 1977 Amendments, requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. One of these requirements is that each SIP require permits for the construction and operation of new or modified major stationary sources. These permits are to be issued in conformance with the requirements of section 173 of the Act. Regulatory requirements related to preconstruction review are contained at 40 CFR 51.18.

To satisfy, among other things, the requirements for a new source review program in nonattainment areas, the State of Wisconsin submitted revisions to its SIP on July 12, 1979. Additional background material was submitted by the State on September 4, 1979. On November 27, 1979, the State submitted copies of its air pollution control statutes and of its administrative regulations implementing the statutory powers and duties. The statutes and regulations contain changes from the statutes and regulations in the Wisconsin State Implementation Plan which was federally approved in 1973. On May 1, 1980, the State submitted copies of recent, significant revisions to its air pollution control laws, including new source review procedures. In today's Notice, USEPA proposes rulemaking only on the portions of these statutes and regulations which address new source review in nonattainment areas. The other changes will be discussed in a Notice of Proposed Rulemaking to be issued shortly.

In the discussion below, USEPA specifies portions of the proposed revisions to the Wisconsin SIP which it considers disapprovable, approvable or conditionally approvable. For minor deficiencies, USEPA proposes to approve the SIP on the condition that the State provide strong assurance that the deficiency will be corrected in accordance with a schedule to be negotiated between the State and the USEPA Regional Office. The July 2, 1979 (44 FR 38583) and November 23, 1979 (44 FR 76182) **Federal Registers** discuss conditional approvals in more detail.

Wisconsin Preconstruction Review Program for Nonattainment Areas

To be approvable under Part D, a preconstruction review program must assure that permits for proposed major sources and major modifications are issued in conformance with the statutory requirements of section 173 of the Act. In addition, if an extension of the attainment date beyond 1982 is necessary, the plan must also require, before issuance of a permit to a source in an area needing an extension, an analysis of alternative sites, sizes, and other factors which demonstrates that the benefits of the proposed source significantly outweigh the environmental and social costs.

As a result of a recent decision by the United States Court of Appeals for the District of Columbia Circuit, USEPA has proposed revisions to the regulations for new source review in nonattainment areas. In June, 1979, the court held invalid key provisions of regulations for the prevention of significant deterioration (PSD) in attainment areas in "Alabama Power Company v. Costle" (13 ERC 1225). The court reaffirmed its decision in a final opinion issued December 14, 1979 (13 ERC 1993). Although the court's decision only addressed the PSD regulations, some of its reasoning appears applicable to new source review for nonattainment areas. Consequently, on September 5, 1979, USEPA published a notice (44 FR 51924) proposing comprehensive amendments not only of the PSD regulations but also to its regulations affecting new source review in nonattainment areas. USEPA proposed in that notice to approve any State plan that would meet the existing SIP approval criteria or the criteria proposed in the September 5, 1979 Notice. The State of Wisconsin has chosen to meet the criteria proposed in the September 5, 1979 **Federal Register.** On May 13, 1980 (45 FR 31307) USEPA took final action on portions of the September 5, 1979 proposal. This action added new paragraphs j and k to 40 CFR 51.18.

The following sections of Chapter 144 of the Wisconsin Statutes as revised by Chapter 34 and Chapter 221 of the Session laws of 1979 and of Chapters 154 and 155 of the Wisconsin Administrative Code substantially contain, among other things, Wisconsin's authority and regulations for its preconstruction reveiw program in nonattainment areas:

(1) From Chapter 144, Wisconsin Statutes

(a) Section 144.01(1), (2), (3), (9m) & (12)—Definitions
(b) Section 144.30—Air Pollution Definitions
(c) Section 144.31—Air Pollution Control Power and Duties
(d) Section 144.34—Inspections
(e) Section 144.371—Identification of Nonattainment Areas
(f) Section 144.375—Air Pollution Control: Standards and Determinations
(g) Section 144.38—Classification and Reporting
(h) Section 144.391—Air Pollution Control Permits
(i) Section 144.392—Permit Application and Review
(j) Section 144.393—Criteria for Permit Approval
(k) Section 144.394—Permit Conditions
(l) Section 144.395—Alteration, Suspension and Revocation of Permits
(m) Section 144.396—Permit Duration
(n) Section 144.397—Permit Renewal
(o) Section 144.398—Failure to Adopt Rule or Issue Permit for Exemption
(p) Section 144.399—Fees
(q) Section 144.402—Petiton for Alteration
(r) Section 144.403—Hearings on Certain Air Pollution Actions
(s) Section 144.423—Violations—Enforcement
(t) Section 144.426—Penalties for Violations Relating to Air Pollution
(u) Section 144.98—Enforcement; Duty of Department of Justice; Expenses

(2) From Chapter 34 and Chapter 221, Laws 1979
(a) Section 2033(1)—Air Pollution Study
(b) Section 1039(4g)—Air Pollution Revisions: Implementation
(c) Section 2039(4m)—Air Pollution Revisions: Impact on Existing Orders and Rules

(3) From Chapters NR 154 and NR 155, Wisconsin Administrative Code
(a) Section NR 154.01—Definitions
(b) Section NR 154.03—Nonattainment Areas; Sources Affected
(c) Section NR 154.04—Notice of Intent (Direct and Indirect Sources)
(d) Section NR 154.05—Action on Application
(e) Section NR 154.055—Relocation of Portable Sources
(f) Section NR 154.06—Source Reporting, Recordkeeping, Testing Inspection and Operations
(g) Section NR 155.01—Definitions
(h) Section NR 155.02—Applicability of Air Standards
(i) Section NR 155.03—Air Standards

As discussed below, USEPA has reviewed the portions of these statutes and regulations applying to preconstruction review in

nonattainment areas in light of the requirements of section 173 of the Clean Air Act, 40 CFR Part 51.18 including new paragraphs j and k (45 FR 31307), and the regulatory provisions proposed September 5, 1979 (44 FR 51924) amending 40 CFR Part 51.18.

1. The Clean Air Act requires that each SIP accommodate growth in emissions in nonattainment areas through an emission offset program or by a planned margin for growth. Wisconsin has elected to use an offset approach in its preconstruction review program. Under section 144.393(2)(a) of the Wisconsin statutes, the Wisconsin Department of Natural Resources (DNR) can only grant permits if construction of the source would result in reasonable further progress towards attainment of the National Ambient Air Quality Standards. To assure reasonable further progress, the State requires that major new sources or major modifications located in or impacting nonattainment areas must obtain greater than one to one emission offsets which provide a net air quality benefit. In addition, offsets are also required for specified minor sources so that minor source growth will not jeopardize reasonable further progress towards attainment.

2. Section 173 of the Act requires that any emission reductions required under the emission offset program must be legally binding before a permit can be issued. Section 144.391(1)(c) of the Wisconsin Statutes prohibits any source from operating under an "emission reduction option program" unless the source has an operating permit. Section 144.393(1)(c) of the Wisconsin Statutes requires that a permit can be issued to a source operating or seeking to operate under an "emission reduction option program" only if the required permit applications for other sources participating in that emission reduction option are approvable.

Although these provisions are generally acceptable, Wisconsin has not addressed the requirement that external offsets must be submitted to and approved by USEPA as revisions to the federally approved SIP before the permit can be considered valid. USEPA believes that these permits must be submitted to insure federal enforceability of the external offsets. Therefore, USEPA proposes to approve the revision as satisfying the statutory requirement that emission reduction offsets must be legally binding and enforceable before a permit is issued if during the comment period the State either submits regulations requiring State submittal of external offset permits to USEPA or makes a commitment to submit external offset permits to USEPA as a SIP revision.

3. Section 173(2) of the Act requires that the proposed major source or major modification must comply with the lowest achievable emission rate (LAER) as defined in section 171(3) of the Act. The definition of LAER contained in section 144.30(15) of the Wisconsin Statutes conforms to the Clean Air Act's definition. Section 144.393(2)(b) requires proposed sources or modifications in nonattainment areas to meet LAER. USEPA proposes to approve the revision to the Wisconsin Statutes as satisfying this requirement.

4. Section 173(3) of the Act requires that all major sources in the State owned or operated by the owner or operator of the proposed major source or major modification must be in compliance or on a schedule for compliance with all applicable emission limitations and standards under the Clean Air Act. Section 144.393(2)(c) of the Wisconsin Statutes satisfies this requirement.

5. Section 172(b)(11) of the Act requires that if a State demonstrates that attainment of the NAAQS for ozone and/or carbon monoxide is not possible by December 31, 1982 despite the implementation of all reasonably available control measures, the State must establish a program which requires an analysis of alternatives prior to the issuance of any permit for construction or modification of a major emitting facility. Regardless of the attainment demonstration, Section 144.393(2)(d) of the Wisconsin Statutes requires the performance of such analyses. USEPA will be publishing shortly a Notice of Proposed Rulemaking on Wisconsin's control strategies and attainment demonstrations for ozone and carbon monoxide.

6. The September 5, 1979 **Federal Register** proposed amending 40 CFR 51.18. First, it proposed amending or adding several definitions including the following which pertain to Wisconsin: stationary source, potential to emit, major stationary source, modification, and allowable emissions. The Wisconsin Statutes contain defintions as stringent as these federal definitions or certain other provisions making the Federally promulgated definitions unnecessary in the Wisconsin Statutes. Second, it required a preconstruction review on account of contemporaneous emission reductions which would reduce the size of the source. The Wisconsin Statutes do not provide for such exemptions and therefore no need exists for a preconstruction notice. However, if, in subsequent regulation development contemporaneous emission reductions will allow a new source to be exempt from review, a preconstruction notice requirement must also be promulgated. Third, it added the requirements that major sources in nonattainment areas or impacting nonattainment areas must be subject to a new source review program which satisfies the requirements of Clean Air Act sections 172(b)(6) and 173. Wisconsin Statute 144.391(1)(b) meets this requirement. However, USEPA in its final rulemaking on May 13, 1980 requires a source to meet the requirements of sections 172(b)(6) and 173 only if a source is located in a nonattainment area. Sources located in an attainment area, but significantly impacting a nonattainment area, must only meet the requirements of section 110(a)(2)(D)(i). Because Wisconsin meets the more stringent proposed requirements, USEPA believes that the State has satisfied the requirements of the proposed and final amendments to 40 CFR 51.18.

7. The State has added § 144.393(5) to the Wisconsin Statutes which provides for the issuance of a conditional permit. According to the Statute, conditional air pollution control permits may be issued to sources which as proposed would not meet the requirements of Wisconsin Statutes Sections 144.393(1) through (3). If the State prescribes permit conditions to assure that the source will meet the requirements of Sections 144.393(1) through (3). Sections 144.393(1) through (3) contain criteria for permit approval including requirements for reasonable further progress, LAER, and compliance of all other sources owned or operated by the applicant in Wisconsin.

USEPA has serious concerns about the issuance of conditional permits. For example, if a permit is issued to a new source or modification on the condition that the permit for the source providing the emission offset is approved prior to start-up, the State would be violating the requirement of section 173 that all emission reductions be legally binding *prior* to the issuance of a permit to construct. Because of its concerns, USEPA requests the State to submit documentation and clarification during the public comment period demonstrating that use of conditional permits will demonstrate that paragraphs (1), (2) and (3) of section 173 of the Clean Air Act will not be violated or circumvented.

USEPA specifically solicits interested parties to submit comments on the use of conditional permits.

Summary

With the exception of the deficiencies noted above, USEPA proposes to approve Wisconsin's submittal as

satisfying the requirements of sections 172(b)(6) and 173 of the Clean Air Act, 40 CFR 51.18, and the proposed and final amendments to 40 CFR 51.18. During the comment period announced in this Notice, the State must correct the deficiencies noted above relating to external offsets and the use of conditional permits.

Under Executive Order 12044 (43 FR 12681), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the order or whether it may follow other specialized development procedures. USEPA labels these other regulations "specialized." I have reviewed this proposed regulation pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979, by the Administrator, and I have determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This Notice of Proposed Rulemaking is issued under the authority of sections 110, 172, and 301(a) of the Clean Air Act, as amended.

Dated: May 12, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-17310 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 86

[FRL 1510-4]

Motor Vehicle Pollution Control; Waiver of Carbon Monoxide Emission Standards; Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing to consider applications for waiver of 1981 and 1982 model year light-duty vehicle emission standard for carbon monoxide (CO).

SUMMARY: On May 27, 1980, Volkswagenwerk AG (Volkswagen) applied for a CO waiver for its 1.46 liter engine family. EPA plans to hold a public hearing on this waiver application and any others which EPA may receive in time for consideration at this hearing.

DATES: This notice announces that EPA will hold a public hearing in Washington, D.C., beginning at 8 a.m. on June 20, 1980, to consider Volkswagen's waiver application and any other manufacturer's application received by June 16, 1980. Interested parties may also submit written comments to the public docket on those waiver applications until July 1, 1980, to ensure consideration of those comments in the Administrator's evaluation of this waiver application.

ADDRESS: All public portions of the CO waiver applications and other relevant information are available for public inspection between 8 a.m. and 4 p.m., Monday through Friday, at: U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (Docket Number EN-80-13).

FOR FURTHER INFORMATION CONTACT: Mr. Glenn Unterberger, Manufacturers Operations Division, (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 202(b)(5)(A) of the Clean Air Act, as amended, 42 U.S.C. 7521(b)(5)(A) (1977) ("Act"), at any time after August 31, 1978, any manufacturer may file with the Administrator an application requesting the waiver of the effective date of the carbon monoxide (CO) emission standard applicable to any model of light-duty motor vehicles and engines manufactured by the applicant during model years 1981 and 1982. Section 202(b)(5)(C) requires the Administrator to issue a decision granting or denying such waiver within 60 days after receipt of the application and after public hearing. Guidelines for the submission of such waiver requests have been previouisly published in the **Federal Register** at 43 FR 47272, October 13, 1978.

Section 202(b)(1)(A) requires that emissions of CO from 1981 and later model year light-duty motor vehicles be reduced by at least 90% from 1970 CO emission standards. A CO emission standard of 3.4 grams per vehicle mile, determined to achieve such reduction and made applicable by regulation to 1981 and later model light-duty vehicles, has been published in the **Federal Register**, 43 FR 37972, August 24, 1978. If the Administrator determines that a waiver from the CO standard of 3.4 grams per vehicle mile (gpm) should be granted, he must simultaneously with such determination, prescribe by regulation CO emission standards to apply to those model vehicles or engines to which the waiver applies. Under section 202(b)(5)(B), the maximum CO level for which a waiver may be granted is 7.0 gpm.

Under section 202(b)(5)(C), the Administrator may grant such a waiver only if he finds that protection of the public health does not require attainment of the statutory CO standard of 3.4 gpm for those model years and vehicles for which the waiver is sought. In addition, a wavier may be granted only if the Administrator determines that (1) such waiver is essential to the public interest or the public health and welfare of the United States, (2) the applicant has made all good faith efforts to meet the established standards, (3) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy, and (4) studies and investigations of the National Academy of Sciences and other information available to him have not indicated that technology, processes, or other alternatives are available to meet such standards.

EPA has held public hearings regarding CO waiver applications on five separate occassions. The Administrator's decisions on these applications have been published in the **Federal Register,** and can be found at 44 FR 53376 (September 13, 1979); 44 FR 69416 (December 3, 1979); 45 FR 7122 (January 31,1980) and at 45 FR 17914 (March 19, 1980). The Administrator signed his fifth consolidated CO waiver decision on May 14, 1980, and his sixth decision on May 30, 1980, and has submitted both for publication in the **Federal Register.**

II. Waiver Applications

Volkswagen submitted its new CO waiver application on May 27, 1980. EPA will hold a public hearing on Volkswagen's application and on applications received from any other motor vehicle manufacturers on or before June 16, 1980, in the General Services Administration Auditorium, 7th and D Streets, S.W., Washington, D.C. 20507 beginning on June 20, 1980 at 8:00 A.M. EPA encourages all manufacturers still planning to request a CO waiver to file their applications by the June 16 deadline.This will facilitate review of as many outstanding waiver applications as possible in one consolidated proceeding. Submitting applications at a reasonable time before the scheduled proceedings will facilitate the Administrator in making a timely decision.

In addition to testimony provided by each waiver applicant, testimony has been given at these hearings by other automobile manufacturers and by several emission control system part

suppliers. Information considered for each of these decisions is contained in public dockets EN–79–4, EN–79–17, EN–79–19, EN–80–1, and EN–80–9, respectively. Each new docket in these waiver proceedings incorporates the previous waiver hearing docket by reference. Thus, public docket EN–80–13, pertaining to this waiver application of Volkswagen, will incorporate all of the previous dockets.

In order for a waiver to be granted, the Administrator must determine that the applicant has provided information sufficient to satisfy each of the waiver criteria set out above. However, the Administrator is not required to make his determination solely on the record of the public hearing, and may consider any additional information as well. All information considered by the Administrator will be included in the public docket.

III. Hearing Procedures

The public hearing is intended to provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information concerning the action requested of the Administrator by the applicant. Any person desiring to make an oral statement at the hearing should file a notice of such intention and 10 copies of the proposed testimony and other relevant material in the Central Docket Section at the address listed above no later than June 16, 1980. If feasible, at least 25 copies of such statement or material for the hearing record and for general circulation should be submitted to the Presiding Officer at the time of the hearing. In addition, any person may submit written questions at any time during the hearing to be propounded to the witnesses by the hearing panel to the extent practicable. Any person may file relevant statements and information not specifically required by the hearing panel in the public docket until July 1, 1980, to ensure their consideration in the Administrator's evaluation of the waiver application at issue. The Administrator will consider submissions received after that date to the extent practicable in reaching decisions within the time periods specified by the Act.

Where appropriate, EPA will require representatives of the applicants under the subpoena authority of section 307(a)(1) of the Act to attend the hearing and respond to the hearing panel's questions. Moreover, EPA may also subpoena other parties to produce relevant information and provide testimony before the hearing panel. Section 307(a)(1) also authorizes the administration of oaths to testifying parties.

The Presiding Officer will have the responsibility for maintaining order, excluding irrelevant or repetitious material, scheduling presentations, directing that corroborative material by submitted in writing and, to the extent possible, notifying participants of the time at which they may appear.

As was the case in the previous CO waiver public hearings, presentations by the participants in this hearing should address exclusively the following considerations:

1. Whether protection of the public health requires attainment of the established CO standard of 3.4 gpm for the model years to which the waiver would apply.

2. Whether the requested waiver is essential to the public health and welfare of the United States.

3. Whether the applicants have made all good faith efforts to meet the CO standard for those model years and vehicles for which the waiver is sought.

4. Whether effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy.

5. Whether studies and investigations of the National Academy of Sciences and other information indicate that alternatives are available to meet such standards.

6. The level of CO emissions, not to exceed 7.0 gpm, which could be met in each of the model years for which a waiver is requested and which would reflect the greatest degree of emission control achievable by use of available technology, giving appropriate consideration to the cost of applying such technology within the available time period.

A verbatim record of the proceedings will be available for public inspection. Any person may request a copy of the transcript from the hearing reporter during the hearing at that party's own expense. Any person also may obtain copies of other documents in the public record as specified in 40 C.F.R. Part 2.

Dated: June 3, 1980.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement.

[FR Doc. 80–17496 Filed 6–6–80; 8:45 am]

BILLING CODE 6560–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. 9; Notice No. 80–6]

Standard Time Zone Boundary in the State of Alaska; Possible Relocation

AGENCY: Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Transportation is seeking comments on its decision to relocate the boundary between the Pacific and the Yukon time zones in the State of Alaska; the relocation moved the City and Borough of Juneau, Alaska, and certain other panhandle communities from the Pacific time zone to the Yukon. Based on the comments received, DOT will consider whether to reverse its earlier decision and move the affected area back to the pacific time zone.

DATES: Comment closing date: August 8, 1980.

ADDRESS: Send comments to: Docket Clerk, OST Docket No. 9, Office of the General Counsel, C–50, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jack Lusk, Office of the General Counsel, C–50, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590 (202) 426–4723.

SUPPLEMENTAL INFORMATION:

Background

Under section 4 of the Uniform Time Act of 1966, 15 U.S.C. 261 ("The Act"), the Secretary of Transportation has the authority to modify the boundaries between time zones in the United States to move an area from one time zone to another. The Act's standard for such a rulemaking is "regard for the convenience of commerce and existing junction points and division points of common carriers engaged in interstate or foreign commerce." On September 27, 1979, the Department published a final rule in the **Federal Register** moving Juneau and the surrounding area from the Pacific to the Yukon time zone (49 CFR 71.10, 10a, and 11; 44 FR 55575, as amended by 45 FR 25065 (April 14, 1980)). The effective date for this action was April 27, 1980. The change was based on a petition received by the Department from the Assembly of the City and Borough of Juneau.

On Friday, March 28, 1980, a special election was held in Juneau concerning the time zone decision. By a vote of approximately 2 to 1 (2,933 to 1,579) a

proposition was passed that amended the Juneau City Charter to restrict the Assembly's authority to act in a matter concerning time zones and to require the City Assembly to seek this Department's reconsideration of its decision moving Juneau from the Pacific to the Yukon time zone. The petition was received on April 8, 1980.

On May 5, 1980, the Department denied the petition from the City government of Juneau that was made as a result of the special election. The Department based its decision largely on the fact that it would have been unfair to those commercial interests who had relied on the Department's final rule to change it on such short notice. In its letter to the City of Juneau, the Department stated its willingness to give the petition further consideration, and, if warranted, make the change back at a future date. The Department also stated its willingness to hold further hearings in Alaska on this matter.

The Department now proposes to consider this matter fully, including receiving comments from the public. To facilitate comment from the affected area, public hearings will be held in Southeastern Alaska. Further, all comments received in response to the notice that led to the change from Pacific to Yukon time and all comments received in response to the decision itself will be considered as though they were filed in this proceeding. As a result of the comments received on this notice, the Department intends to issue a decision either leaving the affected area in the Yukon time zone or moving it back to the Pacific time zone.

Public Comments Requested

Comments should be submitted in writing, as soon as possible, to the address shown above. All comments received by the comment closing date provided above will be considered and will be available for public inspection and copying in the office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Room 10421, NASSIF Building, 400 Seventh Street, SW, Washington, DC, between the hours of 9:00 am and 5:00 pm local time Monday through Friday except Federal holidays.

Because a proposed move would also potentially impact the area to the north and south of Juneau, DOT is particularly interested in receiving comments from residents of those localities and other persons on whether the change should be made and, if so, whether areas in addition to Juneau should be included in the change. If a change is made, the Department is also interested in receiving comments on the appropriate date for reverting to the Pacific time zone. In the past, it has been the practice to make a boundary change at the same time as there is a change to or from daylight saving time. In this way localities only have to make one time change. The Department would be specifically interested in receiving views at to whether any time zone change should occur before the change back to standard time this fall.

To facilitate the receipt of comments by persons in the affected area, representatives of DOT will conduct public hearings in Juneau and possibly other communities in southeast Alaska the week beginning July 14, 1980. The exact times and locations will be announced shortly in another notice.

Note.—The Office of the Secretary has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures published in the **Federal Register** on February 26, 1979 (44 FR 11034).

Issued in Washington, D.C., on May 29, 1980.

Mark G. Aron,

Deputy General Counsel.

[FR Doc. 80-17295 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-62-M

Notices

Federal Register
Vol. 45, No. 112
Monday, June 9, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Craggy Mountain Wilderness Study Area and Extension; Pisgah National Forest in Buncombe County, N.C.; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for determining the suitability or nonsuitability for the preservation as wilderness of the Craggy Mountain Wilderness Study Area and Craggy Mountain Extension.

Preparation of an environmental impact statement is a required part of the process in determining the suitability of Congressionally-designated Wilderness Study Areas. The Craggy Mountain Wilderness Study Area was so designated by Congress as included in Public Law 93–622 on January 3, 1975. The Act identified the area as 1,100 acres; corrected acreage, according to resource data, is 1,464 acres. The Craggy Mountain Extension is an area identified as a logical extension of the study area as authorized in section 4(e) of the Act. It contains about 1,230 acres. The two adjacent areas (2,694 acres) will be studied concurrently.

The environmental analysis process for the Craggy Mountain Wilderness Study Area was initiated in 1975. This process also included a survey by the U.S. Geological Survey and the Bureau of Mines to determine the mineral vaues of the areas. Public input on the areas was received during the RARE II process, and during the preparation of the Big Ivy Unit Plan. Public comment on wilderness allocations during the RARE II process in North Carolina was over 85 percent in favor of a wilderness designation for the Craggy Mountain area. The public favored wilderness status for this area even though the overall consensus was strongly against wilderness in the mountains of Western North Carolina. In 1961 a portion of the area was designated as a scenic area.

A range of alternatives for the area will be considered. One of them will be a no-action (no change) alternative which will be to continue present management of the area. Other alternatives will consider different managemnt options for portions of the area—ranging from a non-wilderness to a wilderness classification.

A public hearing on the draft environmental impact statement and the suitability of the area for preservation as wilderness will be held in the Fall of 1980. Adequate notice of the hearing will be published in local newspapers prior to the hearing. At least 30 days before the date of the hearing, the Governor of North Carolina, the governing board of Buncombe County, and Federal departments and agencies concerned with the areas will be invited to submit their views on the proposed action at the hearing or by no later than 30 days following the date of the hearing. The draft environmental impact statement should be available for public review by August 1980 with a 3-month review period. The final environmental impact statement is scheduled for filing by December 1980.

R. Max Peterson, Chief of the Forest Service, is the responsible official for the environmental impact statement.

Comments and suggestions concerning this Notice of Intent or the proposal should be sent to George A. Olson, Forest Supervisor, by July 1, 1980.

For further information about the proposal or the environmental impact statement, or other documents relevant to the proposal, contact: Richard Preston, National Forests in North Carolina, P.O. Box 2750, Asheville, N.C. 28802 (Phone 704–258–2860).

Dated: June 2, 1980.

Douglas Leisz,

Acting Chief.

[FR Doc. 80–17399 Filed 6–6–80; 8:45 am]

BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

[Docket 34774; Order 80–6–16]

Application of Metro Airlines for Compensation for Losses

June 3, 1980.

Order

By Order 80–3–126, March 20, 1980, we set an interim level of compensation for losses sustained by Metro Airlines in providing essential air service at Paris, Texas at $66,448 for the period March 24, 1979 through October 19, 1979. Metro subsequently contacted our subsidy staff, claiming that the compensation was materially short of its actual losses. An informal rate conference was conducted on April 8, 1980, and on April 28, 1980 Metro submitted a revised claim. The revised claim reflects disagreement with some adjustments made to its original request in setting the outstanding interim rate, but most of the difference reflects the inclusion of costs not originally claimed.

Metro's revised claim (for the period March 24 through September 19) is for $142,576—an operating loss of $119,214 plus a profit element of $23,362. We have made a number of adjustments to the revised claim which reduce the operating loss to $109,931. We have decided to adjust the interim rate set by Order 80–3–126 to this amount, plus $18,232 for the 30-day period ended October 19, 1979 (one-sixth of $109,391).[1] Although as a general proposition it is not our policy to amend an interim rate already paid for a past period until the final rate is set upon termination of forced-service, we are doing so in this instance because the difference is substantial and, in part, represents compensation for service provided over a year ago. Finally, we have not included a profit elements for the reasons stated in Order 80–3–126.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 419, and 1002(b), and the regulations promulgated in 14 CFR 302 and 324:

1. We adjust the interim level of compensation set by Order 80–3–126 for losses sustained by Metro Airlines in proving essential air service to Paris,

[1] As indicated in that order, Metro revised its service in November, 1979, both equipment and frequency, and must submit additional data in order to be compensated for losses sustained after that.

Texas for the period March 24, 1979 through October 19, 1979, from $66,448 to $127,623;

2. This proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate of compensation set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-17397 Filed 6-6-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 38262; Order 80-6-19]

Phoenix-Seattle Subpart Q Proceeding; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause.

SUMMARY: The Board is instituting the *Phoenix-Seattle Subpart Q Proceeding* and is proposing to grant unrestricted authority to Airwest, American and United in the Phoenix-Seattle market under expedited procedures of Subpart Q of its Procedural Regulations. The tentative findings and conclusions will become final if no objections are filed.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than July 7, 1980, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 38262, which we have entitled the *Phoenix-Seattle Subpart Q Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served upon Airwest, American and United; the Mayors of Phoenix and Seattle; Port of Seattle Commission, the Aeronautics Division of the Arizona Department of Transportation; and the airport managers of Sky Harbor International Airport and Seattle-Tacoma International Airport.

FOR FURTHER INFORMATION CONTACT: Carol A. Szekely, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5102.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-6-19 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-6-19 to that address.

Dated: June 4, 1980.

By the Bureau of Domestic Aviation.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-17396 Filed 6-6-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 37444]

Policy on International Cargo Rate Changes; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on July 7, 1980, at 10:00 A.M. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, *on or before June 23, 1980,* together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., June 4, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-17395 Filed 6-6-80; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Alaska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning of the Alaska Advisory Committee (SAC) of the Commission, will convene at 9:00 a.m. and will end at 12 Noon, on June 30, 1980, at the Sheraton Hotel, 401 East Sixth, Anchorage, Alaska.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is to discuss program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-17349 Filed 6-6-80; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) of the Commission will convene at 2:00 pm and will end at 6:00 pm, on June 23, 1980, will begin at 9:00 pm and will end at 4:00 pm on June 24, 1980, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting is to discuss program planning for FY 81.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-17348 Filed 6-6-80; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) of the Commission, will convene at 4:00 p.m. and will end at 6:00 p.m., on July 2, 1980, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting is to discuss program planning for fiscal year

1980 and affirmative action in state government.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-17350 Filed 6-6-80; 8:45 am]

BILLING CODE 6335-01-M

New Mexico Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Mexico Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 4:00 p.m., on July 29, 1980, at the Kiva Building, Education Complex, University of New Mexico, Albuquerque, New Mexico 87131.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office, of the Commission, Heritage Plaza, 418 South Main, San Antonio, Texas 78204.

The purpose of this meeting is to consider civil rights issues pertaining to the University of New Mexico.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-17352 Filed 6-6-80; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on June 1980, at the Holiday Inn, Syskes Avenue, White River Junction, Vermont.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110.

The purpose of this meeting is to discuss program planning for fiscal year 1981, Teacher Education Project and the Franco-American Project.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 4, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-17351 Filed 6-6-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Transmittal No. 274; Order No. 41-2; D.O.O. Reference 10-3, 40-1]

Deputy Under Secretary for International Trade; Organization and Function Order

Part I. General

Section 1. Effect on Other Orders

This order supersedes ITA Organization and Function Order 41-1 of June 21, 1979 (44 FR 43034), and 42-1 of September 10, 1979 (44 FR 62319).

Sec. 2. Purpose

This order delegates authority to the Director General of the Foreign Commercial Service and the Director of Administration for the International Trade Administration and prescribes the organization and assignment of functions within the organizational elements reporting to the Deputy Under Secretary for International Trade.

Sec. 3. The Deputy Under Secretary for International Trade

.01 The Deputy Under Secretary shall serve as the principal deputy to the Under Secretary, perform such duties as the Under Secretary shall assign and perform the functions of the Under Secretary in the latter's absence. The Deputy Under Secretary shall provide advice and assistance to the Under Secretary and congressional liaison for ITA in coordination with the Assistant Secretary for Congressional Affairs. The Deputy Under Secretary shall be responsible for day-to-day management of ITA. The Office of the Deputy Under Secretary includes:

.02 *The Congressional Relations Staff.*

a. The *Congressional Relations Staff* shall be headed by a *Director* who shall report to the Deputy Under Secretary and who shall be responsible for coordinating congressional matters within ITA, and serve as liaison with the Department's Office of Congressional Affairs.

b. The Congressional Relations Staff shall provide timely and effective reporting on Congressional activities, (committee hearings, markup sessions, conferences, etc.) and serve as the ITA focal point for coordinating requests for testimony, Congressional inquiries and correspondence, legislative initiatives and related support. The staff shall provide support to the individual ITA organizations.

Part II. Director of Administration

Section 1. Delegation of Authority

.01 Subject to such policies, directives, and delegations of authority as may be issued by the Secretary, the Under Secretary for International Trade, and by the Deputy Under Secretary for International Trade ("the Deputy Under Secretary"), and in accordance with applicable Department Organization Orders and Department Administrative Orders, the Director of Administration for the International Trade Administration is hereby delegated the authorities of the Deputy Under Secretary as necessary to provide for all administrative management and public affairs activities and direct such activities for all organizational elements in the International Trade Administration.

.02 The Director of Administration may redelegate authority to any employee subject to such conditions in the exercise of such authority as may be prescribed.

.03 The organizational structure and line of authority shall be as depicted in the attached organization chart.[1]

Sec. 2. Organization and Function

.01 The Director of Administration shall be the principal advisor to the Deputy Under Secretary for International Trade on administrative and management policy.

a. The Director of Administration shall coordinate ITA administrative matters with the Assistant Secretary for Administration and other Department officials and carry out an Equal Employment Opportunity Program for ITA.

b. The Director of Administration shall direct the following organizational elements:

Office of Personnel
Office of Management and Systems
Office of Administrative Support
Office of Budget
Office of Public Affairs

.02 *Office of Personnel.*

The Office of Personnel shall be headed by a *Director* who shall plan, coordinate and conduct the Personnel Management Program for ITA; interpret personnel policies and procedures established by higher authority and act as liaison with the Department's Office

[1] Filed as part of the original document.

of Personnel. The Director shall direct the following Divisions:

a. The *Compensation Division* shall administer a position classification program for all organizational components of ITA; classify positions through GS–15; recommend to the Department and Office of Personnel Management the classification of Senior Executive Service (SES) positions; conduct classification maintenance review surveys; conduct annual review of positions required by the Department's Office of Personnel; provide advice to management regarding classification implications of proposed new organizations and of realignment of functions within existing organizations; and in cooperation with the ITA Office of Management and Systems and Office of Budget, implement the position management program.

b. The *Staffing and Employee Relations Division* shall plan, develop, and execute a complete program of staffing, placement and employee relations services for ITA, which includes recruitment, merit promotion, and affirmative action programs; provide interpretation and advice to management, employees, and applicants on employment and employee relations policy and procedures; establish and maintain custody of official personnel folders and records; prepare monthly and annual reports for the Office of the Secretary and the Office of Personnel Management, monitor utilization of assigned ceiling plan and coordinate ITA-wide programs in the areas of employee recognition and incentives, employee benefits and welfare, and labor-management relations; advise supervisors on methods of dealing with poor work performance or behavior problems and inform them of regulatory and other requirements in effecting satisfactory resolutions either through administrative or disciplinary actions; conduct inquiries and implement actions leading to resolution of employee complaints, grievances and appeals, and process proposed adverse actions; keep employees informed of their rights, privileges, obligations and responsibilities; administer a program for disclosure of outside employment and financial interests of employees in order to prevent conflicts of interests; coordinate the Alcoholism and Drug Abuse Program; and process requests for security clearance of employees.

c. The *Employee Development Division* shall have responsibility for training and career development including development and implementation of ITA sponsored programs for Executives, First-Level Supervisors, Management Interns, Upward Mobility Candidates, professional and clerical employees; coordination of employee training at non-Commerce facilities, such as the Office of Personnel Management and local universities; and counseling of employees on training opportunities and career planning.

.03 *Office of Management and Systems.*

The *Office of Management and Systems* shall be headed by a *Director* who shall plan, coordinate and direct all management and systems programs for ITA and act as liaison with the Department's Office of Organization and Management Systems and the Office of Procurement and ADP Management. The Director shall direct the following Divisions:

a. The *Systems Management Division* shall coordinate and direct planning, analysis, development, design and evaluation of ITA systems; conduct or coordinate feasibility studies of proposed automated information management systems; provide management coordination and control, technical guidance, assistance and support to all ITA elements with regard to systems, data communications, data processing and data retrieval; design, evaluate, and develop and install the application of all systems to ITA operations. The Division shall be responsible for establishment of production schedules for and maintenance of operational automated systems, and for the maintenance of systems documentation and support for all new and existing automated systems; coordinate the preparation and submission of ADP planning, budgeting and evaluation information for automated systems; implement the policies, and procedures of ITA, the Department and other Federal agencies, and be the point-of-contact within ITA for all information management technology questions and consultations.

b. The *Management Analysis Division* shall conduct studies and surveys to effect improved management practices, manpower distribution, organization alignments, procedures and work methods; review and coordinate all proposed organizational changes; administer the forms management and reports management programs; perform correspondence management including training in correspondence procedures; provide committee management and records management services; in cooperation with ITA's Office of Personnel and Office of Budget, operate the position management program; maintain a system for the issuance of all Announcements, Administrative Instructions, Organization and Function Orders, Delegations of Authority and other issuances prepared for the administration of ITA; coordinate the administration of the Freedom of Information Act and the Privacy Act; maintain boycott reports for public inspection; conduct or coordinate feasibility studies of microform applications and equipment needs and usage; review, evaluate, approve and coordinate the acquisition and use of word processing and microform equipment and support services; operate a centralized word processing system for ITA; and provide liaison for GAO and Departmental audit reports, surveys and inquiries.

.04 *Office of Administrative Support.*

The *Office of Administrative Support* shall be headed by a *Director* who shall plan and direct all administrative support services for ITA. The Director shall maintain liaison with and shall be responsible for monitoring the quantity and quality of services provided through the working capital fund by the Department's Office of Administrative Services, Office of Publications, Office of Investigations and Security and the Office of Procurement and ADP Management; and shall direct the following Divisions:

a. The *Property Management Division* shall receive and process all procurement requests for furniture, furnishings, office equipment, office supplies, subscriptions, publications and printing; arrange for the repair and renovation of office equipment and furniture; voucher all transactions to insure that the terms of purchases and contracts are fully met; maintain current inventories of office equipment and other property, as appropriate; monitor the use of office equipment and furniture, insure that its use is maximized and review requests for procurement of new items to insure that items are not otherwise available. The Division shall also maintain a current inventory of ITA assigned office and special-use space; monitor GSA SLUC billings to insure that charges are accurate and inaccuracies are corrected; perform ongoing review and analysis of office space utilization to insure conformity to Department and GSA guidelines; develop short and long range plans for space assignments in anticipation of increases and decreases in the requirements of ITA organizational elements; prepare work specifications for renovations, alteration and telephone and electrical services within ITA; monitor all contract work to insure that standards of quality are met,

work is performed within agreed timeframes, and costs do not exceed estimates; provide within the capability of the Division, office design services for ITA organizations and monitor, as contracting officer, all office design and layout work performed by private design firms; and conduct reviews of office space and recommend approaches to improving the physical surroundings and working environment of ITA employees.

c. The *Support Services Division* shall provide mail management, secretariat, travel services, time and attendance reporting, security and safety services for ITA organizational elements. The Division shall receive, sort and distribute correspondence; receive, post, control and distribute classified and registered documents; provide for the distribution of bulk materials and special messenger service; monitor ITA mailing practices to insure that appropriate laws, rules, regulations, and guidelines are adhered to; receive, review and assign for appropriate action all Secretarial, White House and Congressional correspondence directed to ITA; follow-up to insure timely response; provide assistance on established correspondence procedures; and review all replies for proper format and compliance with established procedures. The Division shall provide comprehensive travel services which shall include itinerary plans, modes of travel, reservations for transportation, security clearances, tickets, travel advances, passports and visas, and hotel accommodations for international travel. The Division shall conduct the ITA security program; provide physical and document security orientation for employees and security briefings; maintain NATO sub-registry for Commerce; and control credentials, building passes and keys; perform the safety function including review and evaluation of physical working conditions within ITA and necessary actions to correct conditions that are or may be injurious to the health and safety of employees; and advise and assist ITA personnel on matters pertaining to payroll and provide paymaster services.

.05 *Office of Budget.*

The *Office of Budget* shall be headed by a *Director* who shall be the ITA Budget Officer and who shall plan, coordinate and direct the budget and program planning functions of ITA and maintain liaison with counterpart budget, program evaluation and fiscal offices in the Office of the Secretary, the Office of Management and Budget, Congress and, as necessary, other Federal agencies; and direct the following Divisions:

a. The *Program Planning and Analysis Division* shall analyze and evaluate ITA programs and program plans; assist ITA organizational elements to develop and improve program plans, including statements of goals and objectives, descriptions of projects and indicators of outputs, results or workload and accomplishments; coordinate and oversee the MBO process and the development of long-range goals and objectives; coordinate or prepare program issue and evaluation studies and analyses, assist the Budget Formulation and Operations Division in the identification of major issues and problems to be addressed in program proposals and budget requests; and review and evaluate the ITA program structure and recommend modifications as necessary.

b. The *Budget Formulation and Operations Division* shall provide continuous liaison with ITA program managers and technical assistance to organizational units on all budget matters; participate in the identification of major issues and problems to be addressed in program proposals and budget requests; participate in the review of legislative proposals affecting ITA's plans and programs; examine and analyze all budget proposals in terms of effective allocation of ITA resources, conformance to policies, adequacy of justification and appropriation language, existence of statutory authorization, feasibility and economy of operations and accuracy and consistency of budget and accomplishment schedules; prepare Preview Estimates and the Secretarial, OMB, and Congressional budget justifications; prepare witnesses to testify on budget requests and complete materials for hearing transcripts; analyze fiscal and program plans and reprogramming proposals for conformance to Departmental and ITA policies and commitments, and maintain a continuous review of the status of obligations, expenditures and program progress by organization and budget structure; develop and maintain instructions governing the operations of ITA's budgetary processes; prepare technical and other supporting schedules and review such schedules, as well as budget justifications for conformance with Departmental and OMB instructions governing submission of budget estimates; assure administrative control over the obligation and expenditure of ITA appropriations and other funds; assure validity of planned and actual data included in financial reports; prepare special reports or briefings for the Office of the Secretary, ITA officials and program managers regarding significant fiscal budget and program execution related problems, incorporating materials provided by the Program Planning and Analysis Division; prepare overseas direct project budget authorizations and advices of fund availability, and collect and deposit contributions and receipts; negotiate and prepare reimbursable agreements and billings related thereto; maintain liaison with the Financial Operations Division of the Department of Commerce's Office of the Controller; coordinate the Office of Budget's participation in ITA's Program Management Information System; and maintain ITA's budget history.

.06 *The Office of Public Affairs.*

The *Office of Public Affairs* shall be headed by a *Director* who shall be responsible for furnishing public information and publications services to ITA and shall direct the following elements:

a. The *Business America Staff* within the Office of the Director shall prepare and publish *Business America.*

b. The *Public Information Division* shall develop long-range plans, programs and goals; develop, prepare, clear and release press releases; develop and produce audio visual information material intended for public consumption including slide presentations, motion pictures, and television production, audio (cassette) presentation, exhibit displays, advertising material (radio-TV-print), and scripts and record material for distribution; draft speeches, public statements, and messages for the President, the Secretary of Commerce and ITA officials; write articles, for signature by Department officials, for publication in national press and journals; develop questions and answers and briefing and background papers for Presidential and Secretarial news conferences and other purposes; arrange news conferences for Departmental officials; develop speaking forums for ITA officials designed to support Departmental and Administration objectives; write and distribute a newsletter for ITA District Offices; perform editorial services including research and editorial assistance in the preparation and publication of technical articles; maintain mailing lists, biographical data, business information and other reference material; and review for public affairs purposes—primarily, the generation of publicity—the speeches of all ITA officials.

c. The *Publications Division* shall assist in the development of ITA

publications for internal as well as public consumption, including gathering of material, writing, editing and preparation for printing; promote ITA publications; prepare and arrange for placement of display and advertising for ITA promotional events in the U.S. and abroad; maintain liaison with the Department's Office of Publications and the Government Printing Office and with other Government agencies concerned with ITA reports and publications. The Division Director serves as publications clearance officer for ITA.

Part III. The Foreign Commercial Service

Section 1. Delegation of Authority

.01 Pursuant to the authority delegated to the Deputy Under Secretary for International Trade by the Under Secretary, and subject to such policies and directives as the Deputy Under Secretary may prescribe, the Director General of the Foreign Commercial Service is hereby delegated the following authority:

a. The Act of February 14, 1903, as amended, (15 U.S.C. 1512 *et seq.*, 15 U.S.C. 171 *et seq.*) to foster, promote and develop the foreign and domestic commerce of the United States and related provisions;

b. Effective April 1, 1980, the trade promotion and commercial functions transferred to the Secretary from the Department of State or the Secretary of State by Section 5(b)(1) of Reorganization Plan No. 3 of 1979, and Executive Order 12188 of January 2, 1980;

c. The authorities of the Secretary of State under the Foreign Service Act of 1946 (22 U.S.C. 801 *et seq.*) and under other laws the exercise of which are authorized to the Secretary under Section 5(b)(2) of Reorganization Plan No. 3 of 1979 by Executive Order 12188 of January 2, 1980.

.02 Except as otherwise provided, the Director General may redelegate the above authorities subject to such conditions in the exercise of such authorities as he or she may prescribe.

Sec. 2. Organization and Functions

The *Foreign Commercial Service* will be headed by a *Director General* who reports to the Deputy Under Secretary for International Trade and directs the following elements:

.01 *Office of the Director General.* The Director General of the Foreign Commercial Service shall direct the Foreign Commercial Service and assist and advise the Deputy Under Secretary for International Trade regarding policies and procedures controlling the operations of the Foreign Commercial Service, and the recruitment, assignment and career development of officiers in the Foreign Commercial Service; administer the overseas network of Foreign Commercial service offices, serve as the control within ITA for resolving any FCS conflicts imposed by ITA program activities; maintain liaison with Inspector General offices of the Departments of Commerce and State for inspections of activities affecting Foreign Commercial Service operations and programs; evaluate inspection reports covering operational and management policies for appropriate remedial acton or response and coordinate responses to the Inspector General by other Commerce agencies or organizational units addressing program inspection findings; coordinate the scheduling of program evaluations requiring FCS input or participation, direct post management, planning and resource allocation for the operational and personnel needs of the Foreign Commercial Service; represent the Department on the Board of the Foreign Service and the Board of Examiners of the Foreign Service and be responsible for personnel policy relationships with other civilian branches of the Government having overseas personnel.

.02 *The Deputy Director* shall assist in the direction of the Foreign Commercial Service and perform the functions of the Director General in the latter's absence; supervise and coordinate external and internal communications, and be responsible for all logistic issues affecting the operations of the Foreign Commercial Service overseas, including supervision of all shared administrative support activities.

.03 *The Office of the Director General* shall be the point of contact within the Washington-based management structure of the Foreign Commercial Service for operation and administrative management of the Foreign Commercial Service, including oversight of State Department's shared administration support policies and shall:

a. Monitor the operational effectiveness of each FCS post and monitor program workload assigned to each post by program elements in ITA, or other Department organization;

b. Operate as the liaison in Washington for the FCS posts and assist individual posts to negotiate competing workload requirements imposed by program elements in ITA and by other Department organizations tasking or seeking to task the Foreign Commercial Service (in consultation with the Office of Budget);

c. Provide long range planning and personnel resource analysis and projections for the Foreign Commercial Service;

d. Serve as the principal point of contact for Department inspections of Foreign Commercial Service posts and for Department of State inspection activities affecting the Foreign Commercial Service or its programs and export objectives;

e. Conduct follow-up of inspection reports and recommendations and serve as the point for evaluation of the FCS system;

f. Coordinate with the Department of State, State programs and resources supporting U.S. export objectives in posts without FCS representation;

g. Monitor and coordinate the submission of scheduled alert commercial reports under the Combined Economic Reporting Program (CERP);

h. Review and approve regulations, guidance and instructions incorporated into the Foreign Affairs Manual affecting economic and commercial programs;

i. Coordinate the distribution to the FCS posts of commercial newsletters and other ITA publications and manage the commercial library program;

j. Coordinate visits to Foreign Commercial Service posts by senior Department of Commerce congressional or other Executive Department personnel; and

k. Organize Foreign Commercial Service staff conferences.

.04 *The Office of the Director General* shall be responsible for long-term planning and policy for all recruitment, appointment, assignment, evaluation and career development issues affecting the Foreign Commercial Service, and shall:

a. Administer the Foreign Service Officer Evaluation system and related selection boards;

b. Establish and provide operational support for all recruitment and assignment panels or boards designed to control the intake and assignment of Foreign Commercial Service officers;

c. Develop a business liaison program designed to identify and attract business representatives to FCS assignments;

d. Maintain liaison and coordination with ITA and other Department personnel officers, and with the State Department for administration of all Foreign Service Act personnel policies and developments;

e. Manage the Commerce-State exchange program; administer and informal Foreign Commercial Service grievance program and EEO program;

f. Develop and administer post and employee communication program

related to personnel matters and publish related newsletters/journals;

g. Provide the staff support for the Department of Commerce's activities on the Board of the Foreign Service and the Board of Examiners for the Foreign Service and monitor, for the Director General's office, all personnel policies and actions by civilian U.S. agencies administering overseas personnel programs; and

h. Provide for the training of American employees and Foreign Service Nationals assigned to the Foreign Commercial Service and for scheduling consultations and debriefings for all employees proceeding to and returning from posts.

.05 *The Foreign Commercial Service (FCS) Overseas.*

a. The FCS is the overseas operational arm of the Department of Commerce for export development activities. It shall be responsible for promoting U.S. commercial interests abroad; implementing the full range of Department of Commerce overseas programs administered by ITA; and coordinating, within the areas of its jurisdiction, the activities of all assigned overseas Department of Commerce personnel.

b. FCS posts are directed by a senior commercial officer who, reports directly to the ambassador, deputy chief of mission or principal officer and receives program and operational direction from the Department of Commerce. The senior FCS officer at each post shall be responsible for post administration and the utilization and management of the Department of Commerce resources in accordance with the objectives, policies and procedures as established by Department of Commerce, as conveyed to the FCS through the Director General of the FCS; and shall be responsible for the direction and supervision of program implementation as conveyed to FCS posts directly from ITA operating units.

c. Post activities include the following:

1. Support of overseas trade promotion activities, including Export Development Offices, trade fairs, business development offices, trade missions and related activities and counselling and support to individual U.S. firms seeking export sales or assistance for procurement contracts;

2. Development of marketing and commercial intelligence for dissemination to the U.S. business community through the Wordwide Information and Trade System (WITS) related activities overseas; commercial reporting including industry reports and market research for all ITA units; and management of commercial libraries;

c. Support for ITA import and export administration activities; monitoring of U.S. rights and opportunities created by multilateral trade agreements and implementation of related export services and programs; facilitation of U.S. investment and assistance for U.S. service industries marketing initiatives;

4. Representation to host country government on behalf of U.S. business to resolve individual business problems and to further U.S. business interests; make direct representations and conduct or share in negotiations on general trade and investment issues including those relating to implementation of the MTN; assistance to U.S. business representatives to resolve trade complaints; and overseas support for Joint Commission and other trade facilitation groups.

Part IV. Administrative, Public Affairs, and Program Support

01. Management, data processing, budget, personnel, public affairs, and administrative support services will be provided by Offices reporting to the Director of Administration. Field support will be provided by the U.S. Commercial Service or Foreign Commercial Service, as appropriate. Program support relating to industry information and economic analysis will be provided by the Department's Bureau of Industrial Economics.

.02 Program direction for the FCS will be provided by other ITA units.

Effective date: April 28, 1980.

Donald A. Furtado,

Deputy Under Secretary for International Trade.

[FR Doc. 80-17409 Filed 6-6-80; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency (MBDA), formerly the Office of Minority Business Enterprise, announces that it is seeking applications under its program to operate one project for a 10 month period beginning August 1, 1980, in (1) primary area Seattle-Everett (SMSA); Takoma (SMSA); (2) secondary area Yakima (SMSA); Richland-Kenwick (SMSA); and Spokane (SMSA). The cost of the project is estimated to be $258,000 and the Project Number is 10-10-50420-00.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description: Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. This proposed project is specifically designed to provide the following services to eligible clients: (1) business information, (2) client screening and selection, (3) business plans, (4) business packaging and (5) marketing assistance.

Eligibility Requirements: There are no restrictions. Any for-profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for this project may be requested by writing to the following address: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Ave., Box 36014 Rm. 15043, San Francisco, CA 94102.

In requesting an application kit, the applicant must specify its profit status (i.e., a State or local government, federally recognized Indian tribunal unit, educational institution, hospital, other type of non-profit organization, or if the applicant is a for-profit firm). This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. The applications will be ranked according to the capability of the staff assigned to the project, the management capability of the applicant, the proposed program plan, the budget allocation plan, and the applicant's knowledge of the area to be served. Specific criteria will be included in the application kit.

Renewal Process: If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date or June 20, 1980. Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: June 4, 1980.

Allan A. Stephenson,

Deputy Director.

[FR Doc. 80-17353 Filed 6-6-80; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Intent To Conduct a Cost Comparison for Government Versus Contract Operation of NOAA Ship CHAPMAN

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice.

SUMMARY: Notice is hereby given that pursuant to Office of Management and Budget (OMB) Circular A-76 and the Department of Commerce Administrative Order 201-41 implementing OMB Circular A-76, the National Oceanic and Atmospheric Administration (NOAA) intends to conduct a comparison of the cost of Government operation of NOAA Ship CHAPMAN versus the cost of contract operation of the ship. A contract may or may not result from the cost comparison study. Results of the cost comparison will be made available to bidders, offerers, and all interested parties.

DATES: The Invitation for Bid or Request for Proposal package is expected to be available in July, 1980. Availability will be announced in the Commerce Business Daily.

FOR FURTHER INFORMATION CONTACT: Commander Fidel T. Smith, Chief, Operations Division, National Ocean Survey, NOAA, Rockville, MD 20852. (301-443-8641).

Dated: June 3, 1980.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 80-17410 Filed 6-6-80; 8:45 am]

BILLING CODE 3510-12-M

Issuance of Marine Mammal Permit

On March 25, 1980, Notice was published in the **Federal Register** (45 FR 19288), that an application had been filed with the National Marine Fisheries Service by Mr. Richard Scott Borguss, Apartment 13, 614B 15th Place, Kenosha, Wisconsin 53140, to take six (6) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on June 3, 1980, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Richard Scott Borguss, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: June 3, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-17444 Filed 6-6-80; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: a. Name: Acuarama, S.A. b. Address: Isla de Mujeres (P239) Quintana Roo, Mexico.
2. Type of Permit: Public Display.
3. Name and Number of Animals: Atlantic bottlenose dophins (Tursiops truncatus)—2.
4. Type of Take: Two (2) Pre-Act dolphins are requested to be obtained from the Marine Mammal Foundation, South Pasadena, Florida.
5. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before July 9, 1980. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 F.R. 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. A statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Department of Fisheries of Mexico have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, Florida 33702.

Dated: June 2, 1980.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-17443 Filed 6-6-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Environmental Impact Analysis on the Proposed Expansion of Melrose Air Force Range, New Mexico

The United States Air Force, Department of Defense will prepare a proposed draft Environmental Impact Statement (EIS) on a proposal to expand Melrose Air Force Range, New Mexico, by acquisition of additional real estate surrounding the present range. Approximately 52,000 acres of additional real estate is needed to bring Melrose Range up to safety and operational standards for air-to-surface weapons training. The current range is inadequate to conduct all of the training required.

Alternatives to this proposal include continuing to use the present range with its limitations. Closing the Melrose Range and acquiring land in some other geographic location for a new Air Force range, or closing the Melrose Range and conducting training on other Air Force and/or other military service ranges.

Based upon findings of the proposed Draft EIS (DEIS), the Air Force will publish a DEIS or file a finding of no significant impact.

A public scoping meeting will be held on 24 June 1980 at 7:30 p.m. at Melrose High School, 100 East Missouri, Melrose, New Mexico, to review the proposed action, alternatives, and to receive comments for the environmental impact analysis process.

Questions concerning the proposed action, scoping meeting, and proposed DEIS can be directed to Mr. Nelson Rutter, Deputy Base Civil Engineer, 27 CSG/DED, Cannon Air Force Base, New Mexico 88101, (505) 784–3311, extension 2208.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 80–17296 Filed 6–6–80; 8:45 am]

BILLING CODE 3910–01–M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meetings

Pursuant to the provisions of section (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that closed meetings of a Panel of the DIA Advisory Committee will be held as follows: Wednesday and Thursday 9–10 July 1980, Pomponio Plaza, Rosslyn, Virginia.

The entire meetings, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on special signals.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 3, 1980.

[FR Doc. 80–17438 Filed 6–6–80; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF ENERGY

Los Alamos National Scientific Laboratory; Trespassing on Department of Energy Property; Corrections

AGENCY: Department of Energy.

ACTION: Corrections.

This document corrects errors that appeared in FR Doc. 80–12244 published in the **Federal Register** on Wednesday, April 23, 1980, at pages 27464–27466 (45 FR 27464–27466). The following corrections should be made:

(1) On page 27464 (45 FR 27464), third column, second paragraph, second line, the figure "2,600" should be corrected to read "12,600."

(2) On page 27465 (45 FR 27465), first column, first complete paragraph, eleventh line, the words "New Mexico State Road" should be corrected to read "New Mexico State Road 4."

(3) On page 27465 (45 FR 27465), third column, first complete paragraph, first line, the word "northwest" should be corrected to read "northeast."

Dated in Washington, D.C., on this 3d day of June 1980.

Duane C. Sewell,

Assistant Secretary for Defense Programs.

[FR Doc. 80–17415 Filed 6–6–80; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA case No. 51388–9006–21–77]

Imperial Irrigation District; Request for Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of request for classification.

SUMMARY: On May 18, 1979, the Imperial Irrigation District, (IID) requested the Economic Regulatory Administration (ERA) of the Department of Energy to classify Rockwood Unit No. 1 (Rockwood 1) as an existing facility pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA) and § 515.6 of the Revised Interim Rule pertaining to the Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants. Additional information was required by ERA and a revised petition was submitted by IID on April 1, 1980.

The purpose of this notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with § 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before June 30, 1980.

ADDRESSES: Ten copies of written comments will be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B–110, Washington, D.C. 20461, Phone (202) 653–4055.

James W. Workman, Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3128 I, Washington, D.C. 20461, Phone (202) 653–3637.

Douglas F. Mitchell, Office of the General Counsel, Department of Energy, 1000 Independence Ave., NW., Room 6G–087, Washington, D.C. 20585, Phone (202) 252–2967).

SUPPLEMENTARY INFORMATION: The Imperial Irrigation District (IID) is organized under the laws of the State of California. IID supplies electric service to the Imperial, Coachella, and Bard Valleys.

IID stated that it executed a contract in May 1978 for a 25 MW, oil/natural gas-fired combustion turbine to be known as Rockwood Unit No. 1, located in Imperial County, California, and that commercial operation began June 13, 1979.

On May 18, 1979, pursuant to ERA's Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, IID requested that ERA classify Rockwood 1 as an "existing"

facility. Additional information was required by ERA and a revised petition was submitted by IID on April 1, 1980.

In accordance with § 515.6 of ERA's Revised Interim Rule, a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse affect on the elecrict system reliability. IID supported its request for classification by providing evidence in support of its claim that it would incur a substantial financial penalty for Rockwood 1 if this unit were not permitted to proceed as an oil/natural gas burning facility. A summary of the pertinent evidentiary requirements, and IID's response to those requirements follows:

Substantial Financial Penalty—Pursuant to § 515.6(a) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that, as of November 9, 1978, at least 25 percent of the total projected project cost was expended in nonrecoverable outlays.

In response to the evidentiary requirements of § 515.7(b)(1) of the Revised Interim Rule, IID provided the following information:

—Total projected project cost as of 11/9/78	$4,000,000
—Total project expenditures, including obligations and cancellation charges, as of 11/9/78	$3,518,800
—Total recoverable expenditures	0
—Total nonrecoverable outlays	$3,518,800
—Percentage of nonrecoverable outlays to total projected project costs as of 11/9/78	88.0%

The public file containing IID's request for classification and supporting materials is available for inspection upon request at: ERA, Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, Monday–Friday, 8:00 am–4:30 pm.

Issued in Washington, D.C., on June 3, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–17414 Filed 6–6–80; 8:45 am]

BILLING CODE 6450–01–M

J. R. Sousa & Sons, Inc., Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of a Consent Order.

EFFECTIVE DATE: April 29, 1980.

FOR FURTHER INFORMATION CONTACT: James J. Dowd, Audit Director, Office of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston, MA 02114.

SUPPLEMENTARY INFORMATION: "On April 29, 1980, the Office of Enforcement of the ERA executed a Consent Order with J. R. Sousa & Sons, Inc. (Sousa) of Danvers, Massachusetts. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution."

I. The Consent Order

Sousa, with its home office located in Danvers, Massachusetts, is a firm engaged in the sale and allocation of Motor Gasoline and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Part 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Sousa, the Office of Enforcement, ERA and Sousa entered into a Consent Order, the significant terms of which are follows:

1. Sousa was a supplier of motor gasoline as defined in 10 CFR 211.51 during the period March 1, 1979 to December 31, 1979 and its sales of motor gasoline are subject to the Mandatory Petroleum Allocation Regulations at 10 CFR 211.

2. Sousa sold motor gasoline during the period March 1, 1979 to December 31, 1979 both through retail gasoline stations operated by Sousa and non-affiliated wholesale purchaser-resellers.

3. DOE alleges, but denied by Sousa that, during the months June and July 1979, Sousa supplied gasoline to its own retail outlets in excess of the gallons that should have been supplied in accordance with 10 CFR 211 and that the allocation for June and July 1979 to non-affiliated wholesale purchaser-resellers was reduced accordingly below the proper allocation.

4. In consideration of Sousa's implementation of the terms and conditions of this agreement, DOE agrees that Sousa will be deemed to be in compliance with 10 CFR 211 for sales of motor gasoline between March 1, 1979 and December 31, 1979 and 10 CFR 212.93 for the period March 1, 1979 to July 31, 1979 provided, however, that DOE expressly reserves the right to take further action with respect to the matters contained herein if the terms and conditions of this Consent Order are violated.

5. It being specifically understood and agreed that, although the DOE alleges that Sousa has violated the regulations enumerated above, Sousa denies having violated the regulations and has agreed to comply with the terms of this Consent Order in the interest of compromise and settlement.

II. Disposition of Matters Covered by This Consent Order

In consideration of DOE and J. R. Sousa entering into this agreement, Sousa agrees to do the following:

Sousa agrees, by way of settlement, to remedy the alleged violation specified in paragraph 3 in the following manner:

a. Sousa shall compute its allocation fraction for the month of March 1980 on a uniform basis for company-affiliated and independent customers and then reduce the amount to be allocated to its company-affiliated retail outlets by a total of 2,472,124 gallons.

b. Sousa shall offer to each of its non-affiliated customers who were customers in July 1979 an amount equal to Sousa's base period supply obligation (before application of the allocation fraction) to that customer in July 1979 multiplied by .10276.

c. Sousa shall offer to each of its non-affiliated customers who were customers in June 1979 an amount equal to Sousa's base period supply obligation (before application of the allocation fraction) to that customer in June 1979 multiplied by .07972.

d. Each customer shall have up to three (3) months to purchase the product offered pursuant to paragraphs b and c, above. If at the end of the three (3) month period any product remains unpurchased, that product shall be added to Sousa's allocable supply for the month of June 1980.

III. Submisson of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspect of this Consent Order. You should send your comments to James J. Dowd, Audit Director, Office of Enforcement, Northeast District, Economic Regulatory Administration, Room 700, 150 Causeway Street, Boston MA 02114. You may obtain a free copy of this Consent Order by writing to the same address or by calling 617–223–3740. You should identify any information or data, which in your opinion, is confidential an submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, Pa., on the 15th day of May 1980.

Edward F. Momorella,

District Manager of Enforcement, Northeast District.

[FR Doc. 80-17413 Filed 6-6-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Solar Energy

Technical Assistance and Energy Conservation Measures; Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions

AGENCY: Department of Energy.

ACTION: Public notice; Allocation of Funds for Grant Program Cycle II.

The Department of Energy announces the allocation of funds for grant program cycle II for technical assistance and energy conservation measures under the grant programs for schools and hospitals and buildings owned by units of local government and public care institutions. Dates for grant program cycle II were previously published in the **Federal Register** on March 5, 1980 and April 21, 1980 (45 FR 14247 and 45 FR 26749). Applicable regulations concerning these programs are found at 10 CFR Part 455.

Table 1 provides the amounts allocated to each State. These amounts include funds appropriated for grant program cycle II and funds not obligated in grant program cycle I. Additionally, Table 1 reflects decreases in the allocations of those States which requested a match waiver in accordance with 10 CFR 455.12(b) for grant program cycle I and increases in the allocations of other States as a result of reallocation of those funds.

FOR FURTHER INFORMATION CONTACT:

Ronald Milner or Harry Lane, Institutional Buildings Grants Programs, Office of Conservation and Solar Energy, Room 2H-043, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-2330.

(Title III of the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3206 et seq., which establishes Parts G and H of Title III of the Energy Policy and Conservation Act, Pub. L. 94-163, 42 U.S.C. 6321 et seq.)

Issued in Washington, D.C., June 3, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

DOE region, State	Schools and hospitals	Local government public care
Region I:		
Connecticut	$1,912,368	$148,253
Maine	1,022,895	79,297
Massachusetts	3,276,144	253,978
New Hampshire	846,184	65,598
Rhode Island	806,239	62,501
Vermont	655,321	50,802
Region II:		
New Jersey	3,867,763	299,842
New York	9,281,787	719,558
Puerto Rico	1,397,332	113,757
Virgin Islands	313,127	32,375
Region III:		
Delaware	613,716	47,576
District of Columbia	664,922	53,096
Maryland	2,158,534	167,337
Pennsylvania	6,110,575	473,714
Virginia	2,393,850	185,579
West Virginia	1,172,751	90,915
Region IV:		
Alabama	1,677,056	130,010
Florida	2,955,523	229,122
Georgia	2,079,237	161,189
Kentucky	1,843,637	142,924
Mississippi	1,206,046	93,496
North Carolina	2,372,844	183,950
South Carolina	1,366,248	105,915
Tennessee	2,048,014	158,768
Region V:		
Illinois	6,231,720	483,106
Indiana	2,871,339	231,626
Michigan	5,338,175	413,834
Minnesota	3,073,720	238,285
Ohio	5,603,562	434,408
Wisconsin	3,127,436	242,449
Region VI:		
Arkansas	1,113,980	86,359
Louisiana	1,470,249	120,523
New Mexico	809,715	62,771
Oklahoma	1,448,800	112,315
Texas	4,684,525	363,161
Region VII:		
Iowa	2,013,784	156,115
Kansas	1,471,745	114,094
Missouri	2,630,411	203,918
Nebraska	1,223,360	94,838
Region VIII:		
Colorado	1,750,922	135,737
Montana	762,500	63,026
North Dakota	808,690	62,707
South Dakota	767,719	59,515
Utah	994,821	77,121
Wyoming	572,250	44,362
Region IX:		
American Samoa	298,723	28,956
Arizona	1,198,354	92,900
California	5,832,111	452,127
Guam	346,326	30,998
Hawaii	558,046	46,243
Nevada	630,286	48,861
Region X:		
Alaska	676,757	52,464
Idaho	745,254	61,171
Oregon	1,282,398	99,415
Washington	1,933,933	149,925
Total	114,333,924	8,912,882

[FR Doc. 80-17416 Filed 6-6-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180435; FRL 1509-5]

California Department of Food and Agriculture; Crisis Exemption To Use Pydrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice that the California Department of Food and Agriculture (hereafter referred to as "California") has availed itself of a temporary crisis exemption to use Pydrin 2.4 EC (fenvalerate) on apples in the counties of Monterey, San Benito, and Santa Cruz, California, to control apple pandemis.

DATE: California's crisis program started on March 19, 1980. Because treatment was expected to last longer than fifteen days California requested a specific exemption to continue the program until April 30, 1980.

FOR FURTHER INFORMATION CONTACT:

Donald Stubbs, Registration Division (TS-767), Room E-124, Office of Pesticide Programs, Environmental Protection Agency, Washington, DC 20460, 202/426-0223.

SUPPLEMENTARY INFORMATION:

According to the Applicant, *pandemis pyrusana* is a new pest in California orchards. This leafroller was first noted in 1978, and by 1979, some orchards reported that 30 percent of the fruit clusters were infested, the Applicant stated. The Applicant estimated that losses from the leafroller in apples, which could reach $5 million without the use of Pydrin, would be cut to $1 million, if Pydrin was used. The Applicant claimed that there are no registered alternatives for control of this pest.

The crisis use of Pydrin, which contains the active ingredient fenvalerate, involved application at a rate of 0.1 pound active ingredient per acre in 100-400 gallons of water on a maximum of 4,000 acres in the counties named above. One application was to be made from pre-pink to pink bud stage by ground equipment. A field reentry interval of 24 hours and a pre-harvest interval of 90 days were imposed by California. All applications were to be made by or under the supervision of a State-certified applicator in accordance with California closed mixing systems regulations. The county agricultural

commissioner, under the auspices of the Applicant, was to monitor the program and report any unusual or adverse effects attributable to this use of Pydrin. California asked permission to continue this program until April 30, 1980.

(Sec. 18, as amended (92 Stat. 819; 7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17342 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180438; FRL 1509-7]

California Department of Food and Agriculture; Specific Exemption To Use Mesurol on Artichokes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use Mesurol (methiocarb) to control snails and slugs on approximately 3,420 acres of artichokes in Monterey, San Luis Obispo, San Mateo, Santa Barbara, and Santa Cruz Counties, California. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption ends on December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Patricia Critchlow, Registration Division (TS-767), Room E-107, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, 202/426-0223.

SUPPLEMENTARY INFORMATION: According to the Applicant, unusually wet conditions followed by warming conditions have caused populations of brown garden snails and gray garden slugs in coastal artichoke acreage to be extremely high and increasing rapidly. These pests scar the flower bracts, making the artichokes unmarketable, the Applicant reports. Many of the snails remain on the plant and do not descend to the ground. Therefore, according to the Applicant, to achieve control of the pest, the artichoke plant itself must be treated rather than the surrounding area.

The Applicant projects losses of $1.8 million if Mesurol cannot be used; with Mesurol losses could be reduced to $300,000. The total approximate value of these artichoke plantings is $20.5 million.

Metaldehyde in granular form is registered for control of snails and slugs in crop plantings; however, the Applicant states that it may be applied only to the ground surrounding the plant, and not the plant itself where the pests remain. Furthermore, according to the Applicant, metaldehyde is not effective enough to control the current high populations. The proposed pesticide (Mesurol 75WP) allows for treatment of the plants.

The Applicant proposes to use Mesurol 75WP at a rate of one pound product (0.75 pound active ingredient) per acre. A maximum of five applicants will be made using ground equipment by, or under the supervision of, State-certified applicators. EPA has determined that residues of methiocarb and its cholinesterase-inhibiting metabolites from the proposed use should not exceed 3 parts per million (ppm). This methiocarb residues level has been judged adequate to protect the public health. This pesticide is toxic to fish and aquatic invertebrates; however, since applications are to be made directly to the artichoke plants, and if care if taken to prevent significant drift to water sources, no hazard to aquatic life is expected. There are no endangered or threatened species that would be adversely affected as a result of this use.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until December 31, 1980. The specific exemption is also subject to the following conditions:

1. The product Mesurol 75WP (EPA Reg. No. 3125-288) may be used at a dosage rate of one pound product (0.75 pound active ingredient) per acre;

2. A maximum of five applications may be made on a maximum of 11,400 acres. A maximum of 17,000 pounds of product may be used;

3. Application may be made by ground equipment only in 50-150 gallons of water per acre;

4. All applications will be made by or under the supervision of State-certified applicators.

5. The Applicant is responsible for ensuring that all of the provisions of this specific exemption are adhered to and must submit a report summarizing the results of this program by March 1, 1981;

6. This product is toxic to fish. It must be applied with care in areas adjacent to any body of water;

7. All applicable directions, restrictions, and precautions on the EPA-accepted label must be followed;

8. The EPA shall be immediately informed of any adverse effects resulting from the use of Mesurol in connection with this exemption;

9. Artichokes with residues of methiocarb that do not exceed 3 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been notified of this action; and

10. A seven-day pre-harvest interval will be observed.

(Sec. 18, as amended (92 Stat. 819; 7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17340 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180422; FRL 1509-3]

Colorado Department of Agriculture; Specific Exemption To Use Fenvalerate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a specific exemption to the Colorado Department of Agriculture (hereafter referred to as the "Applicant") to use fenvalerate (Pydrin 2.4 E.C.) to control pear psylla on a maximum of 700 acres of pear orchards that are interplanted with apple trees in western Colorado. This exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption ends on October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Rm. E-124, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, pear psylla, requiring constant control, is present in all pear orchards in Colorado. The adults overwinter in bark crevices or under leaves on the ground and start in early spring to lay pear-shaped yellow eggs around the buds. These hatch in two weeks into wingless nymphs which become adults in one month. There are normally three to five generations in a season. Summer eggs are laid on leaves or petioles. The nymphs cluster at axils and on undersides of leaves secreting their honeydew. The secretion covers foliage and fruits; sooty mold growing in this scars and blackens the fruit. There can be partial defoliation, loss of vigor, and abnormal buds. The fruit is made unsightly and unfit for fresh market sale, the Applicant claims. According to the Applicant, processors will not buy russeted fruit because of the problems in

peeling and/or contamination of the end product. Pear psylla is also the only known vector of the mycoplasma-induced disease called "Pear Decline" which results in reduced vigor of trees, diminished yields, and death of trees. According to the Applicant, no cultural or biological control methods are effective for control of pear psylla. The Applicant indicates that use of fenvalerate (cyano (3-phenoxyphenyl) methyl-4-chloroalpha-(1-methylethyl) benzeneacetate) is necessary to reduce pear psylla densities to a level where in the summer they can be controlled with registered chemicals such as BAAM. The Applicant further states that use of fenvalerate should reduce the need for frequent applications of other materials next summer. The Applicant estimates a potential loss of a pear industry valued at $915,000 without adequate control of the pear psylla.

The Applicant proposed to use Pydrin 2.4 E.C., manufactured by Shell Chemical Co., on up to 700 acres of pears in western Colorado. A maximum of 840 pounds of the active ingredient fenvalerate will be applied by ground or aerial equipment. The Applicant proposed applications in combination with 6–8 gallons of superior type oil per acre.

EPA has determined that this use of fenvalerate should not result in residue levels exceeding 0.01 part per million (ppm) in or on pears. Secondary residues in meat, fat, and meat byproducts should not exceed 0.02 ppm since the cover crops grown in treated orchards are not to be fed to livestock. EPA has judged these residue levels to be adequate to protect the public health. EPA has also determined that this program should not pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that (a) an outbreak of pear psylla has occurred; (b) there is no effective pesticide presently registered and available for use to control the pear psylla in Colorado; (c) there are no alternative means of control taking into account the efficacy and harard; (d) significant economic problems may result if the pear psylla is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until October 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Pydrin 2.4 E.C., EPA Reg. No. 201–401, may be applied at a rate of up to 0.4 pound active ingredient in combination with a superior type oil (6–8 gallons) per acre per application. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. A maximum of three applications may be made. The application of Pydrin is limited to the dormant to the pre-bloom stages of pear tree development and a single post-harvest application in the fall of 1980. A maximum of 840 pounds active ingredient may be applied;

3. Applications may be made with ground equipment or by aircraft;

4. A maximum of 700 acres may be treated;

5. Pear orchards that are interplanted with apple trees may be treated as specified above, provided applications are made prior to the bloom stage of development of both apple and pear trees;

6. All applications will be limited to commercial pear-growing areas;

7. All applications will be made by State-certified private or commercial applicators;

8. Precautions will be taken to avoid spray drift to nontarget areas;

9. Pydrin is extremely toxic to fish and aquatic invertebrates. It must be applied with care in areas adjacent to any body of water. It may not be applied when weather conditions favor runoff or drift. It must be kept out of lakes, streams, and ponds. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes;

10. Fenvalerate should not be applied any closer to fish-bearing waters than indicated in the chart below:

Application method	Aerial (35 ft.)		Mist blower (25 ft.)	
Application rate (lb. A. I.)	0.2	0.4	0.2	0.4
Freshwater (distance in feet)	5,200	5,200	5,200	5,200

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or other aquatic organism kills. It is recommended that pesticide applications be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speeds exceed 10 miles per hour;

11. Pydrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. The pesticide may not be applied or allowed to drift to weeds or crops in bloom if bees are visiting the treatment area. Protective information may be obtained from the State Cooperative Agricultural Extension Service;

12. Pears and apples with residue levels of fenvalerate that do not exceed 0.01 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

13. The feeding or grazing of orchard cover crops shall be prohibited;

14. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed;

15. The Applicant is responsible for assuring that all the provisions of this specific exemption are met and must submit a report summarizing the results of this program by April 30, 1981; and

16. The EPA shall be immediately informed of any adverse effects resulting from the use of fenvalerate in connection with this exemption.

(Sec. 18, as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17344 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-30000/15B, FRL 1510-1]

Diallate; Preliminary Notice of Determination Concluding the Rebuttable Presumption Against Registration of Pesticide Products and Notice of Availability of Position Document

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability.

SUMMARY: The Environmental Protection Agency issued a notice of rebuttable presumption against registration and continued registration of pesticide products containing diallate on May 31, 1977. This notice announces the Agency's preliminary regulatory position pursuant to 40 CFR 162.11(a)(5) and makes the document available to registrants, users, and other interested parties.

DATES: Written comments are due on or before July 9, 1980.

ADDRESS: Document Control Office, Chemical Information Division, EPA (TS–793), Room E447, 401 M Street, S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: James Wilson, Project Manager, Special Pesticide Review Division, 401 M Street, S.W., Washington, D.C. 20460 (TS–791).

SUPPLEMENTARY INFORMATION: The Agency's Position Document (PD 2/3) reviews the risks and benefits of the pesticide products containing diallate and discusses various regulatory options available. The preliminary findings will be reviewed by the FIFRA Scientific Advisory Panel and the Secretary of Agriculture as required under the amended FIFRA.

I. Introduction

The Environmental Protection Agency issued a notice of rebuttable presumption against registration and continued registration ("RPAR") of pesticide products containing diallate published in the **Federal Register** of May 31, 1977 (42 FR 27669), a thiocarbamate herbicide, thereby initiating the Agency's public review of the risks and benefits of diallate. The rebuttable presumption was issued on the basis of oncogenicity. The Agency also requested registrants and other interested parties to submit data on the effects that diallate may have on plant and animal cell division.

This notice constitutes the Agency's Notice of Determination (Notice) pursuant to 40 CFR 162.11(a)(5). This determination is preliminary at this point pending external review through submission to, and review by, the United States Department of Agriculture and the Scientific Advisory Panel, pursuant to sections 6(b) and 25(d) of the Federal Fungicide, Insecticide, and Rodenticide Act (FIFRA) as amended. The action does not become final until the Agency has reviewed these comments and issued a final notice.

In broad summary, the Agency has determined that diallate continues to exceed the risk criteria outlined in 40 CFR 162.11 for oncogenicity. The risks that diallate poses to applicators of the emulsifiable concentrate formulation are of sufficient concern to require the Agency to consider whether these risks can be reduced. The Agency has considered benefits information including that submitted by registrants, interested persons, and the United States Department of Agriculture and has analyzed the economic, social, and environmental benefits of the uses of diallate. The Agency has weighed risks and benefits together, in order to determine whether the risks of each diallate use are warranted by the benefits of the use. In weighing risks and benefits, the Agency considered what risk reductions could be achieved and how risk reduction measures would effect the benefits of the use.

The Agency has determined that the risks of certain uses of diallate are greater than the social, economic, and environmental benefits of these uses, unless risk reductions are accomplished by modifications in the terms and conditions of registration. Accordingly, the Agency is proposing to initiate action to cancel or deny registrations for all of the uses of diallate which involve the emulsifiable concentrate formulation. The Agency has further determined that these cancellations will accomplish significant risk reductions, and that these risk reductions can be achieved without significant impacts on the benefits of the continued use of the granular formulation of diallate. The remainder of this Notice and the accompanying Position Document set forth in detail the Agency's analysis of comments submitted during the rebuttal phase of the diallate RPAR, the Agency's reasons and factual bases for the regulatory actions it is initiating.

II. Legal Background

In order to obtain a registration for a pesticide under FIFRA, a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. Section 3(c)(5) of FIFRA requires, among other things, that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment". The term "unreasonable adverse effects on the environment" is defined in FIFRA section 2(bb) as "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide". In effect, this standard requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in accordance with commonly recognized practices. The burden of proving that a pesticide satisfies the registration standard is on the proponents of registration and continues as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator is required to cancel the registration of a pesticide or modify the terms and conditions of registration whenever he determines that the pesticide no longer satisfies the statutory standard for registration.

The Agency generally announces that an RPAR has arisen by publishing a notice in the **Federal Register**. After an RPAR is issued, registrants and other interested persons are invited to review the data upon which the presumption is based and to submit data and information to rebut the presumption. Respondents may rebut the presumption of risk by showing that the Agency's initial determination of risk was in error, or by showing that use of the pesticide is not likely to result in any significant exposure to humans or to the animal or plant of concern with regard to the adverse effect in question. See 40 CFR 162.11(a)(4). Further, in addition to submitting evidence to rebut the risk presumption, respondents may submit evidence as to whether the economic, social, and environmental benefits of the use of the pesticide subject to the presumption outweigh the risks of use.

The regulations require the Agency to conclude an RPAR by issuing a Notice of Determination in which the Agency states and explains its position on the question of whether the risk presumptions have been rebutted. If the Agency determines that the presumption is not rebutted, it will then consider information relating to the social, economic, and environmental costs and benefits which registrants and other interested persons submitted to the Agency, and any other benefits information known to the Agency.

After weighing the risks and the benefits of a pesticide use, the Administrator may conclude the RPAR process by issuing a notice of intent to cancel or deny registration, pursuant to FIFRA section 6(b)(1) and section 3(c)(6) or by issuing a notice of intent to hold a hearing pursuant to section 6(b)(2) of FIFRA to determine whether the registrations should be cancelled or applications for registration denied.

In determining whether the use of a pesticide poses risks which are greater than benefits, the Agency considers modifications to the terms and conditions of registration which can reduce risks, and the impacts of such modifications on the benefits of the use. Among the risk reduction measures short of cancellation which are available to the Agency are changes in the directions for use on the pesticide's labeling and classification of the pesticide for "restricted use" pursuant to FIFRA section 3(d).

FIFRA requires the Agency to submit notices issued pursuant to section 6 to the Secretary of Agriculture for comment and to provide the Secretary of Agriculture with an analysis of the impact of the proposed action on the agricultural economy under section 6(b) of FIFRA. The Agency is required to submit these documents to the Secretary at least 60 days before making it public. If the Secretary of Agriculture comments in writing within 30 days after receiving the notice, the Agency is required to publish the Secretary's comments and the Administrator's response with the notice. FIFRA also requires the Administrator to submit section 6 notices to a Scientific Advisory Panel for comment on the impact of the proposed action on health and the

environment, at the same time and under the same procedures as those described above for review by the Secretary of Agriculture under section 25(d) of FIFRA.

Although not required to do so under the statute, the Agency has decided that it is consistent with the general theme of the RPAR process and the Agency's overall policy of open decisionmaking to afford registrants and other interested persons an opportunity to comment on the bases for the proposed action during the time that the proposed action is under review by the Secretary of Agriculture and the Scientific Advisory Panel. Accordingly, appropriate steps will be taken to make copies of the Position Document available to registrants and other interested persons at the time the decision documents are transmitted for formal external review, through publication of a notice of availability in the **Federal Register**, or by other means. Registrants and other interested persons will be allowed the same 30 day comment period that the statute provides for receipt of comments from the Secretary of Agriculture and the Scientific Advisory Panel.

After completing these external review procedures and making any changes in the proposed action which are deemed appropriate as a result of the comments received, the Agency will proceed to implement the desired regulatory action by preparing appropriate documents and releasing them in the manner prescribed by the statute and by the Agency's rules.

III. Determination and Initiation of Regulatory Action

The Agency has considered information on the risks associated with the uses of diallate including information submitted by registrants and other interested persons in response to the diallate RPAR. The Agency has also considered information on the social, economic, and environmental benefits of the uses of diallate subject to the RPAR, including benefits information submitted by registrants and other interested persons in conjunction with their rebuttal submissions, and information submitted by the United States Department of Agriculture.

The Agency's assessment of the risks and benefits of the uses of diallate subject to this PRAR, its conclusions and determinations whether any uses of diallate pose unreasonable adverse effects on the environment, and its determinations whether modifications in terms of conditions of registration reduce risks sufficiently to eliminate any unreasonable adverse effects are set forth in detail in the Position Document. This Position Document is hereby adopted by the Agency as its statement of reasons for the determinations and actions announced in this Notice and as its analysis of the impacts of the proposed regulatory actions on the agricultural economy. For the reasons summarized below and developed in detail in the Position Document, the Determinations of the Agency with respect to diallate are as follows:

A. Determination of Risk

The diallate RPAR was based on information indicating that diallate posed oncogenic risks to humans. As developed fully in the Position Document (PD 2/3), the Agency has determined that the information submitted to rebut the risk criteria for oncogenicity was insufficient to overcome the presumption against diallate for this effect.

Since the original RPAR notice was published the Agency received additional evidence to support the conclusion that diallate is a mutagen. Although quantitative estimates of the mutagenic risk to applicators are not possible at this time, any risk reduction procedures proposed to reduce the oncogenic risks of diallate will concomitantly reduce mutagenic risks.

There is also evidence that diallate causes neurotoxic effects. As in the case of mutagenic risks quantitative estimates of risk are not presently possible. However, based on current exposure estimates there is a 600-fold span between the observed effect level in chickens and the estimated human exposure level.

The principal risk associated with the use of diallate is oncogenicity. This risk manifests itself in the general population through dietary exposures at low levels and to pesticide applicators through dermal and inhalation exposures before and/or during application of diallate as an emulsifiable concentrate at high levels.

It is estimated that there are approximately 2400 pesticide applicators currently at risk. This risk is estimated to be 10^{-4} and is of primary concern to the Agency. The dietary risk to the general population is estimated to be 10^{-7} based on tolerance levels adjusted to reflect the percent of crop treated. Since residues have not been detected on diallate treated foods, these risk estimates are almost certainly overstated. The Agency considers the dietary risks of diallate to be low and not of primary concern when compared to the benefits associated with its use.

B. Determinations of Benefits

Diallate is used primarily to control wild oats in sugar beets, flax, lentils and peas. It has minor use with alfalfa, barley, corn, potatoes, safflower and soybeans.

1. *Sugar Beets.* The total annual market value of sugar beets is $500 million. Should diallate become unavailable, growers are expected to experience an annual loss of $4 million. More than 60 percent of the diallate used in this country is applied to sugar beets. Presently the emulsifiable concentrate formulation is applied to approximately 85 percent of the treated acreage while the granular formulation is applied to the remaining 15 percent. The degree of control of wild oats provided by each of these formulations appears to be the same for fall applications but slightly less for the granular formulation in spring applications.

2. *Flax.* Approximately 3 percent of the total flax acreage is treated with diallate. If diallate should become unavailable for use in the control of wild oats in flax, growers are expected to experience a $400,000 annual loss. The emulsifiable concentrate is the only formulation presently registered for this use. However, the granular is expected to be as effective.

3. *Lentils.* Thirty-eight percent of the total lentil acreage is treated with diallate. Lentil production is basically limited to two western states, Idaho and Washington. It is estimated that more than 43,000 pounds of diallate are applied to lentil acreage annually. The emulsifiable concentrate is the only diallate formulation presently registered for this use.

4. *Peas.* Dry peas, like lentils, are primarily grown in Idaho and Washington. Currently, approximately 11 percent of the dry pea acreage is treated with diallate. Only the emulsifiable concentrate formulation of diallate is registered for use on peas for the control of wild oats.

5. *Minor uses including alfalfa, barley, corn, potatoes, safflower, and soybeans.* The total percent of minor crop acreage treated annually with diallate ranges from >0.1 percent to 0.5 percent. More specifically, it is estimated that 0.5 percent of the potato acreage is treated, whereas the percentage of treated acreage for all other crops is 0.1 percent or less. No economic impacts are expected if diallate is cancelled. Only the emulsifiable concentrate formulation is registered for the minor uses. •

C. Determinations of Unreasonable Adverse Effects

For the reasons set forth in the accompanying Position Document, the Agency has made the following determinations about the unreasonable adverse effects associated with the continued use of the emulsifiable concentrate formulations of diallate.

The Agency has determined that the risks arising from the use of emulsifiable concentrate formulations of diallate to control wild oats are greater than its social, economic, and environmental benefits.

The Agency has further determined that modifications in the terms and conditions of registration of the emulsifiable concentrate formulation of diallate will not accomplish significant risk reductions. Accordingly, the Agency has determined that, unless these formulations are cancelled, the uses of these formulations will continue to cause unreasonable adverse effects in the environment, when used in accordance with widespread and commonly recognized practices. The Agency has also determined that benefits derived from uses of granular formulations of diallate are greater than its social, economic, and environmental risks. Therefore, these formulations will not be cancelled.

D. Initiation of Regulatory Action

Based upon the determinations summarized above and set out in detail in the Position Document, the Agency is initiating a regulatory action which would cancel the use of all diallate emulsifiable concentrate formulations two years after this decision becomes final. Diallate registrants may apply for amended registration to convert from emulsifiable to granular formulations as well as expanded registrations of the granular to crops for which only the emulsifiable concentrate is now registered. Review of the amended registrations will be expedited and may not require more data.

V. Procedural Matters

This Notice of Determination notifies the United States of Agriculture, the Scientific Advisory Panel, pesticide registrants and users, and other interested parties of the Agency's preliminary determinations relating to the risks and benefits to the uses of diallate and provides these entities and individuals with the opportunity to comment on these determinations.

The Agency's decision to initiate regulatory action must be referred for review by the Secretary of Agriculture and the Scientific Advisory Panel. The EPA position document setting forth the reasons and factual bases for the regulatory actions which the Agency proposes and this Notice of Determination are being transmitted immediately to the Secretary of Agriculture and the Scientific Advisory Panel for comments. The Agency also will offer registrants and other interested persons an opportunity to comment on the bases for the Agency's action by making copies of the Position Document available upon request.

Interested persons may receive copies of the documents by communicating their requests to James Wilson, Project Manager, Special Pesticide Review Division, Office of Pesticide Programs, EPA (TS–791), 401 M Street SW, Washington, DC 20460 (703) 557–7420. Registrants and other interested persons have the same period of 30 day comment period that the statute provides for the Secretary of Agriculture and the Scientific Advisory Panel.

All comments on the proposed actions should be sent to the Document Control Office, Chemical Information Division, EPA (TS–793), Room E–447, 401 M Street S.W., Washington, DC 20460. In order to facilitate the work of the Agency and of others inspecting the comments, registrants and other interested persons should submit three copies of their comments. The comments should bear the identifying notation 30000/15B and should be submitted on or before July 9, 1980.

After completion of these review procedures, the agency will consider the comments received and publish an analysis of them, together with any changes in the regulatory actions announced in this Notice which it determines are appropriate. Until this final review phase is concluded in this manner, it is not necessary for registrants or other interested persons to request a hearing to contest any regulatory action resulting from the conclusion of this RPAR.

Dated: May 27, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80–17338 Filed 6–6–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL–1508–8]

Fuels and Fuel Additives; Receipt of an Application for a Waiver of the Prohibition Set Forth in Section 211(f) of the Clean Air Act; as Amended

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: On March 5, 1980, Texaco, Inc. (Texaco) submitted an application for a waiver of the section 211(f) prohibition of certain fuels and fuel additives set forth in the Clean Air Act (Act). This application is for a non-metallic nitrogenous fuel additive which provides detergent and anti-corrosion performance. The application sets forth that the fuel additive, designated as TC–11064, will be used at a maximum concentration of 60 pounds per thousand barrels (PTB) of gasoline. Texaco has claimed the chemical composition of this fuel additive as confidential. Pursuant to section 211(f)(4) of the Act, the Environmental Protection Agency (EPA) has until September 1, 1980 (180 days from the date of receipt) to grant or deny the application.

PUBLIC DOCKET: Copies of information relative to the application are available for inspection in public docket EN–80–12 at the Central Docket Section (A–130) of the Environmental Protection Agency, Room 2903B, 401 M Street, S.W., Washington, D.C. 20460, between the hours of 8:00 a.m. and 4:00 p.m. Any comments from interested parties should be addressed to this docket, with a copy sent to James J. Sakolosky, Acting Director, Field Operations and Support Division (EN–397), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Comments should be submitted within 45 days of the date of publication of this Notice.

FOR FURTHER INFORMATION CONTACT: James J. Kohanek, Attorney-Advisor, Field Operations and Support Division (EN–397), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 472–9367.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Act makes it unlawful, effective March 31, 1977, for any manufacturer to first introduce into commerce or increase the concentration in use of any fuel or fuel additive for use in light duty motor vehicles manufactured after model year 1974 which is not substantially similar to any fuel or fuel additive utilized in the certification of any model year 1975, or subsequent model year, vehicle or engine under section 206 of the Act. Section 211(f)(4) of the Act provides that the Administrator of EPA may waive the prohibitions of section 211(f)(1) upon application of any fuel or fuel additive manufacturer if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause or contribute to a failure of any emission control device or system (over the useful life of any

vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act. If the Administrator does not act to grant or deny an application within 180 days of its receipt, the waiver shall be treated as granted. Texaco filed an application on March 5, 1980, for a waiver for a fuel additive designated as TC–11064 but stated that the chemical composition of the fuel additive is confidential. The 180 day review period terminates September 1, 1980.

Because the EPA is interested in a comprehensive evaluation of a fuel or fuel additive which is subject to a pending waiver application, Texaco has agreed to provide responsible and qualifed interested parties with the fuel additive for testing purposes. Texaco requires that any party interested in conducting testing execute a confidentiality agreement with Texaco not to divulge the composition of the fuel additive. The confidentiality agreement will not, however, cover the data from testing from exhaust emissions, evaporatiave emissions, materials compatibility, driveability and the fuel additive's physical properties (its chemical composition is subject to the confidentiality agreement).

Any party interested in obtaining a copy of the confidentiality agreement and samples for conducting any testing should contact the Texaco representative listed below:

Dr. Kenneth L. Dille, Texaco, Inc., P.O. Box 509, Beacon, New York 12508, (914) 831–3400, Ext. 430.

EPA is particularly interested in obtaining data on exhaust and evaporative emissions, materials compatibility, driveability and durability effects from testing of vehicles representative of the national fleet. In order to permit proper evaluation of such data, comments should be submitted on or before July 24, 1980.

Dated: June 2, 1980.

Jeffrey G. Miller,

Acting Assistant Administrator for Enforcement

[FR Doc. 80–17336 Filed 6–6–80; 8:45 am]

BILLING CODE 6560–01–M

[OPP–180420; FRL 1509–6]

Idaho Department of Agriculture; Specific Exemption To Use Fenvalerate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a specific exemption to the Idaho Department of Agriculture (hereafter referred to as the "Applicant") to use fenvalerate (Pydrin 2.4 E.C.) to control the pear psylla on a maximum of 300 acres of pears in Idaho. This exemption is issued under the Federal Insecticide, Fungicide and Rodenticide Act.

DATE: The specific exemption ends on June 30, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS–767), Rm. E–124, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, (202–426–0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, pear psylla, requiring constant control, is present in all pear orchards in Idaho. The adults overwinter in bark crevices or under leaves on the ground and start in early spring to lay pearshaped yellow eggs around the buds. These hatch in two weeks into wingless nymphs which become adults in one month. There are normally three to five generations in a season. Summer eggs are laid on leaves or petioles. The nymphs cluster at axils and on undersides of leaves secreting their honeydew. The secretion covers foliage and fruits; sooty mold growing in this scars and blackens the fruit. There can be partial defoliation, loss of vigor, and abnormal buds. The fruit is made unsightly and unfit for fresh market sale, the Applicant claims. According to the Applicant, processors will not buy russeted fruit because of the problems in peeling and/or contamination of the end product. Pear psylla is also the only known vector of the mycoplasma-induced disease called "Pear Decline" which results in reduced vigor of trees, diminished yields, and death of trees. According to the Applicant, no cultural or biological control methods are effective for control of pear psylla. The Applicant indicates that use of fenvalerate (cyano (3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate) is necessary to reduce pear psylla densities to a level where in the summer they can be controlled with registered chemicals such as BAAM. The Applicant further states that use of fenvalerate should reduce the need for frequent applications of other materials next summer. The Applicant estimates a potential loss of $190,000 without adequate control of pear psylla.

The Applicant proposed to use Pydrin 2.4 E.C., manufactured by Shell Chemical Co., on up to 300 acres of commercial pear orchards in Canyon, Gem, Payette, Twin Falls, and Washington Counties. A maximum of 240 pounds of the active ingredient fenvalerate will be applied by ground and aerial equipment.

EPA has determined that this use of fenvalerate should not result in residue levels exceeding 0.01 part per million (ppm) in or on pears. Secondary residues in meat, fat, and meat byproducts should not exceed 0.02 ppm since the cover crops grown in treated orchards are not to be fed to livestock. EPA has judged these residue levels to be adequate to protect the public health. EPA has also determined that this program should not pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that (a) an outbreak of pear psylla has occurred; (b) there is no effective pesticide presently registered and available for use to control the pear psylla in Idaho; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the pear psylla is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Pydrin 2.4 E.C., EPA Reg. No. 201–401, may be applied at a rate of up to 0.4 pound active ingredient fenvalerate per acre per application. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. A maximum of two applications may be made during the dormant to the pre-bloom stages of pear tree development. A maximum of 240 pounds active ingredient may be applied;

3. Applications may be made with ground or air equipment;

4. Spray mixture volumes of 3–20 gallons of water will be applied by aircraft and 25–400 gallons of water with ground equipment;

5. A maximum of 300 acres may be treated;

6. All applications will be limited to commercial orchards in the counties named above;

7. All applications will be made by State-certified private or commercial applicators;

8. Precautions will be taken to avoid spray drift to non-target areas;

9. Pydrin is extremely toxic to fish and aquatic invertebrates. It must be applied with care in areas adjacent to any body of water. It may not be applied when weather conditions favor runoff or drift. It must be kept out of lakes, streams, and ponds. Care must be taken to prevent contamination of water by the cleaning of equipment or dispoal of wastes;

10. Fenvalerate should not be applied any closer to fish-bearing waters than indicated in the chart below:

Application method	Aerial and mist blower			
Application rate (Lb. A.I.)	0.05	0.1	0.2	0.4
Freshwater (distance in feet)	1,969	3,344	5,200	5,200

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or other aquatic organism kills. It is recommended that pesticide applications be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made when wind speeds exceed 10 miles per hour;

11. Pydrin is highly toxic to bees exposed to direct treatment or residues on crops or weed. The pesticide may not be applied or allowed to drift to weeds or crops in bloom if bees are visiting the treatment area. Protective information may be obtained from the State Cooperative Agricultural Extension Service;

12. Pears with residue levels of fenvalerate that do not exceed 0.01 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

The feeding or grazing of orchard cover crops shall be prohibited;

14. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed;

15. The Applicant is responsible for assuring that all the provisions of this specific exemption are met and must submit a report summarizing the results of this program by December 31, 1980; and

16. The EPA shall be immediately informed of any adverse effects resulting from the use of fenvalerate in connection with this exemption.

(Sec. 18, as amended, 92 Stat. 819; (7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17341 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180440; FRL 1509-2]

Massachusetts Department of Food and Agriculture; Issuance of Specific Exemption To Use Acephate on Cranberries to Control Brown Cranberry Spanworm

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Massachusetts Department of Food and Agriculture (hereafter referred to as the "Applicant") to use 4,000 pounds of acephate on 2,000 acres of cranberries in Barnstable, Bristol, Norfolk, and Plymouth Counties in Massachusetts to control the brown cranberry spanworm. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Registration Division (TS-767), Room E-124, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, 202/426-0223.

SUPPLEMENTARY INFORMATION: The brown cranberry spanworm (*Ematurga amitaria*) is a lepidopterous insect that overwinters as a pupa among dead cranberry leaves. These pupae readily withstand floods, emerging as adult moths in late May and early June. Eggs are laid which hatch into worms by mid-June and early July. The worms nip off blossoms and small berries and eat the cranberry leaves. According to the Applicant, a severe infestation can wipe out an entire cranberry bog.

According to the Applicant, there are no pesticides registered for use against the brown cranberry spanworm and those currently registered for springtime pests are not effective. The Applicant stated that non-pesticidal means of controlling the worms (flooding and resanding of bog floors) have proved ineffective. It has been determined that acephate should be efficacious against the brown cranberry spanworm. The Applicant estimates that up to 200,000 barrels of cranberries could be lost to the pest this year, causing a loss of $3 million or more.

EPA has determined that the proposed use should result in residues of acephate in or on cranberries not in excess of 2.0 parts per million (ppm). This level has been judged adequate to protect the public health.

Acephate is extremely toxic to bees. In order to prevent bee losses, appropriate restrictions have been imposed. The use of acephate according to the provisions of the specific exemption should not pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until July 31, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Orthene 75S, EPA Reg. No. 239-2418, may be applied;

2. Orthene may be applied a a rate of one pound active ingredient per acre;

3. A maximum of two applications may be made with a preharvest interval of sixty days;

4. Application is restricted to those cranberry bogs where 30 or more young spanworms are captured in 50 sweeps of an insect net;

5. A maximum of 2,000 acres of cranberries in the counties named above may be treated;

6. Orthene is extremely toxic to bees. Severe losses can be expected if this pesticide is used when bees are present at treatment time or within twenty-four hours after application;

7. Applications may be made through a sprinkler system in a spray mixture of up to 400 gallons of water per acre or by helicopter in a spray volume of two or more gallons of water per acre;

8. In order to prevent bee losses, post-bloom applications should be made through a sprinkler system. Application should be made at dusk and, wherever possible, light sprinkler irrigation should continue the day following application;

9. Applications will be carried out by experienced cranberry growers or commercial applicators serving the cranberry industry;

10. Cranberries treated according to the above provisions should not have residues of acephate and its cholinesterase-inhibiting metabolite, O, S-dimethyl phosphoramidothioate, in excess of 2.0 ppm. Cranberries with residues of acephate and its metabolite which do not exceed 2.0 ppm may enter into interstate commerce. The Food and Drug Administration, U.S. Department of

Health, Education, and Welfare, has been advised of this action;

11. The EPA will be immediately informed of any adverse effects resulting from the use of acephate in connection with this exemption; and

12. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by October 31, 1980.

(Sec. 18, as amended (92 Stat. 819; 7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17345 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180423; FRL 1509-4]

Pennsylvania Department of Agriculture; Specific Exemption To Use Fenvalerate

AGENCY: Environmental Protection Agency (EPA).

ACTION: notice.

SUMMARY: EPA has issued a specific exemption to the Pennsylvania Department of Agriculture (hereafter referred to as the "Applicant") to use fenvalerate (Pydrin 2.4 E.C.) to control the pear psylla on a maximum of 1,500 acres of pears in Pennsylvania. This exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption ends on November 30, 1980.

FOR FURTHER INFORMATION CONTACT: Libby Welch, Registration Division (TS-767), Rm. E-124, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: According to the Applicant, pear psylla, requiring constant control, is present in all pear orchards in Pennsylvania. The adults overwinter in bark crevices or under leaves on the ground and start in early spring to lay pear-shaped yellow eggs around the buds. These hatch in two weeks into wingless nymphs which become adults in one month. They are normally three to five generations in a season. Summer eggs are laid on leaves or petioles. The nymphs cluster at axils and on undersides of leaves secreting their honeydew. The secretion covers foilage and fruits; sooty molds growing in this scars and blackens the fruit. There can be partial defoliation, loss of vigor, and abnormal buds. The fruit is made unsightly and unfit for fresh market sale, the Applicant claims. According to the Applicant, processors will not but russeted fruit because of the problems in peeling and/or contamination of the end product. Pear psylla is also the only known vector of the mycoplasma-induced disease called "Pear Decline" which results in reduced vigor of trees, diminished yields, and death of trees. According to the Applicant, no cultural or biological control methods are effective for control of pear psylla. The Applicant indicates that use of fenvalerate (cyano (3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate) is necessary to reduce pear psylla densities to a level where in the summer they can be controlled with registered chemicals such as BAAM. The Applicant further states that use of fenvalerate should reduce the need for frequent applications of other materials next summer. The Applicant estimates that the value of the pears produced in 1979 was $1 million and that without adequate control of pear psylla, a significant reduction in revenue will occur.

The Applicant proposed to use Pydrin 2.4 E.C., manufactured by Shell Chemical Co., on up to 1,500 acres of pears in the State. A maximum of 1,800 pounds of the active ingredient fenvalerate will be applied by ground equipment.

EPA has determined that this use of fenvalerate should not result in residue levels exceeding 0.01 part per million (ppm) in or on pears. Secondary residues in meat, fat, and meat by products should not exceed 0.02 ppm since the cover crops grown in treated orchards are not to be fed to livestock. EPA has judged these residue levels to be adequate to protect the public health. EPA has also determined that this program should not pose an unreasonable hazard to the environment.

After reviewing the application and other available information, EPA has determined that (a) an outbreak of pear psylla has occurred; (b) there is no effective pesticide presently registered and available for use to control the pear psylla in Pennsylvania; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the pear psylla is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until November 30, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Pydin 2.4 E.C., EPA Reg. No. 201-401, may be applied at a rate of up to 0.4 pound active ingredient per acre per application. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;

2. A maximum of three applications may be made. The application of Pydrin may be made during the dormant to the pre-bloom stages of pear tree development, and a single post-harvest application may be made in the fall of 1980. A maximum of 1,800 pounds active ingredient may be applied;

3. Applications may be made with ground equipment or by aircraft;

4. Spray mixture volumes of 3-20 gallons of water will be applied by aircraft and 3-400 gallons with ground equipment. Pydrin may be applied with superior type oil in the dormant to pre-bloom period;

5. A maximum of 1,500 acres may be treated;

6. Pear orchards that are interplanted with apple trees may be treated as specified above, provided applications are made prior to the bloom stage of development of both apple and pear trees;

7. All applications will be limited to commercial orchards;

8. All applications will be made by State-certified private or commercial applicators;

9. Precautions will be taken to avoid spray drfit to nontarget areas;

10. Pydrin is extremely toxic to fish and aquatic invertebrates. It must be applied with care in areas adjacent to any body of water. It may not be applied when weather conditions favor runoff or drift. It must be kept out of lakes, streams, and ponds. Care must be taken to prevent contamination of water by the cleaning of equipment or disposal of wastes;

11. Fenvalerate should not be applied any closer to fishbearing waters than indicated in the chart below:

Application method	Aerial (35 ft.)		Mist blower (25)	
Application rate (lb. active ingredient).	0.2	0.4	0.2	0.4
Freshwater (distance in feet).	5,200	5,200	5,200	5,200

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or other aquatic organism kills. It is recommended that pesticide applications be made when wind speeds are between 2 and 5 miles per hour. No pesticide applications are to be made

when wind speeds exceed 10 miles per hour;

12. Pydrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. The pesticide may not be applied or allowed to drift to weeds or crops in bloom if bees are visiting the treatment area. Protective information may be obtained from the State Cooperative Agricultural Extension Service;

13. Pears and apples with residue levels of fenvalerate that do not exceed 0.01 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

14. The feeding or grazing of orchard cover crops shall be prohibited;

15. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed;

16. The Applicant is responsible for assuring that all the provisions of this specific exemption are met and must submit a report summarizing the results of this program by May 30, 1981; and

17. The EPA shall be immediately informed of any adverse effects resulting from the use of fenvalerate in connection with this exemption.

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17343 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180443; FRL 1509-8]

Texas Department of Agriculture; Crisis Exemption To Use Temephos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice that the Texas Department of Agriculture (hereafter referred to as "Texas") availed itself of a temporary crisis exemption to use temephos (Abate 4E) in the Sulphur River in Texas to control the buffalo gnat.

DATE: The crisis exemption has expired.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767), Room E-107, Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, 202/426-0223.

SUPPLEMENTARY INFORMATION: According to Texas, for the past three years the buffalo gnat or black fly has caused servere economic losses to cattle producers in Bowie and Cass Counties. Texas stated that the most effective and economical method of control is to apply a larvicide into the infested water. Since there are no EPA-registered products availabe for this use and since there was insuffficient time to request and receive a specific exemption, Texas stated that it declared a crisis to permit the application of temephos (Abate 4E, EPA Reg. No. 6720-168) into the sulphur River below Lake Texarkana to kill buffalo gnat larvae, The pesticide was applied aerially by a licensed applicator at a rate of 1 gallon of product to one surface acre of water to arrive at the range of 0.1 to 0.3 part per million Abate. These levels were judged to be below those that would be harmful to game fish in the river. Treatment covered one-quarter mile sections of a total of three miles of the river.

Treatment was completed by March 17, 1980. The Texas Agriculture Extension Service supervised the treatment. Texas reported that the treatment appeared to be successful and that no adverse effects to the environment occurred. Treatment of the Sulphur River was carried out jointly with Arkansas.

(Sec. 18, as amended (92 Stat. 819, 7 U.S.C. 136))

Dated: May 30, 1980.

James M. Conlon,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-17339 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-10002; FRL 1510-2]

TSCA Chemical Assessment Series; Notice of Availability

AGENCY: Environmental Protection Agency.

ACTION: Availability of two publications in TSCA Chemical Assessment Series.

SUMMARY: During the second week of June 1980, the Office of Pesticides and Toxic Substances will begin distributing two volumes in its TSCA Chemical Assessment Series of Publications: "Chemical Screening: Initial Evaluations of Substantial Risk Notices, Section 8(e), January 1, 1977, to June 30, 1979," and "Chemical Hazard Information Profiles (CHIPs), August 1, 1976, to August 1, 1978". These volumes will be automatically distributed to people who have signed up through the Industry Assistance Office (IAO) to receive all volumes of the series. People who have signed up to be notified of each publication will receive a copy of this notice and may request the volumes through IAO. Others not currently on either list may request the volumes and sign up for future notification by contacting the Industry Assistance Office.

DATES: Distribution of the volumes will begin in the second week of June 1980 and continue until the supply of 5,000 copies is exhausted. Although there is no formal deadline for commenting, the Agency requests that comments be made within the sixty days following publication.

FOR FURTHER INFORMATION CONTACT: To sign up either to receive all volumes in the TSCA Chemical Assessment Series as they are published or to receive notification of each volume as it is published, contact the Industry Assistance Office (TS-799), Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, 401 "M" Street, S.W., Washington, D.C. 20460, toll-free telephone 800-424-9065 or, in Washington, 554-1404.

ADDRESSES: Comments on these publications should be submitted to the Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments will be available for public inspection in the OPTS Public Document Room, Room 447, East Tower, EPA, 401 "M" Street, S.W., Washington, D.C., from 9:00 a.m. to 4:30 p.m., Monday through Friday. Comments on the Section 8(e) volume should bear the docket number OPTS-10001; comments on the CHIPs volume should bear the docket number OPTS-10002.

SUPPLEMENTARY INFORMATION: "Chemical Screening: Initial Evaluations of Substantial Risk Notices, Section 8(e), January 1, 1977, to June 30, 1979".

This publication is a collection of status reports (initial evaluations) prepared by scientists in EPA's Office of Pesticides and Toxic Substances on submissions received from chemical manufacturers, processors, and distributors under Section 8(e) of the Toxic Substances Control Act (TSCA) between January 1, 1977, when the requirements of Section 8(e) became effective, and June 30, 1979. Dissemination of these evaluations of substantial risk notices will increase public availability of this information, especially for those engaged in similar aspects of the chemical industry. It is also expected that by providing specific examples of information submitted under Section 8(e) and the Agency's evaluation of it, those who are subject to the requirements of this subsection of the Act will come to a better understanding of its implementation. In

addition, the volume describes Agency procedures for processing Section 8(e) information and the subsequent steps in EPA's sequential process of risk assessment. Comments submitted in response to this publication will be considered either at a subsequent step in the process or in reevaluating a decision not to proceed with further evaluation.

"Chemical Hazard Information Profiles (CHIPs), August, 1, 1976, to August 1, 1978"

This volume is a collection of forty Chemical Hazard Information Profiles (CHIPs) prepared by the Office of Pesticides and Toxic Substances between August 1, 1976, and August 1, 1978. A CHIP is a brief report on a chemical or chemical category that summarizes readily avajlable information concerning the health and environmental effects and potential exposure of its subject. Information gathering for a CHIP is generally limited to a search of second literature sources, such as computerized data bases, abstracts, government reports, scientific review documents, and reference works. A bibliography is given for each CHIP. In general, no attempt is made to evaluate or independently validate the published data reviewed for a CHIP. Preparation of a CHIP is the first stage in the Agency's internal process of risk assessment of chemicals for possible action under TSCA. It is intended to provide a means suitable for public documentation, for deciding on a tentative course of action within OPTS for the chemical subject. Its scope is limited to identifying and characterizing problems that may require more thorough investigation and evaluation at later steps in the process. Each CHIP contains the tentative disposition made. Among the usual follow-up actions are (1) consideration for more detailed assessment within OPTS; (2) consideration for testing, possibly under Section 4 of TSCA; (3) acquisition of more information via Section 8 of TSCA; (4) referral to other EPA offices or other Government agencies; and (5) assignment of "low priority" for further assessment by OPTS. Comments received on the CHIPs in this publication will be considered as part of the ongoing assessment of the chemicals or in reconsidering their tentative disposition.

Dated: May 22, 1980.

Warren R. Muir,

Deputy Assistant Administrator, Office of Testing and Evaluation.

[FR Doc. 80-17337 Filed 6-6-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL HOME LOAN BANK BOARD

Carlsbad Savings & Loan Association; Appointment of Receiver

Notice is hereby given that on May 16, 1980 the District Court of the State of New Mexico for Eddy County appointed the Federal Savings and Loan Insurance Corporation as receiver for Carlsbad Savings and Loan Association, Carlsbad, New Mexico, effective immediately upon appointment, and that pursuant to the authority contained in section 406(c)(1) of the National Housing Act, as amended (12 U.S.C. 1729(c)(1)), and Resolution No. 80-294 of the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation accepted said appointment.

Dated: May 30, 1980.

J. J. Finn,

Secretary.

[FR Doc. 80-17441 Filed 6-6-80; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-81]

City Federal Savings & Loan Association; Notice of Post Approval Amendment of Conversion Application (Notice of Final Action)

Notice is hereby given that on April 23, 1980, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 80-267, approved the amendment to the application of City Federal Savings and Loan Association, Elizabeth, New Jersey, for permission to convert to the stock form of organization. The application to convert was approved on February 14, 1980, by Resolution No. 80-100. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York, 10048.

Dated: June 3, 1980.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary, Federal Home Loan Bank Board.

[FR Doc. 80-17440 Filed 6-6-80; 8:45 am]

BILLING CODE 6720-01-M

Telegraph Savings & Loan Association; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Telegraph Savings and Loan Association, Chicago, Illinois, effective May 22, 1980.

Dated: June 2, 1980.

J. J. Finn,

Secretary.

[FR Doc. 80-17442 Filed 6-6-80; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-82]

United Federal Savings & Loan Association of Rocky Mount; Post Approval Amendment of Conversion Application (Notice of Final Action)

Notice is hereby given that on May 9, 1980, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 80-299, approved the amendment to the application of United Federal Savings & Loan Association of Rocky Mount, Rocky Mount, North Carolina to provide that the capital stock to be sold in connection with the conversion shall be sold for not less than $2,295,000 nor more than $3,105,000. The conversion application was initially approved on February 14, 1980 by Resolution No. 80-99. Copies of the application and amendments thereto are available for inspection at the Office of the Secretary of said Corporation, 1700 G Street, NW. Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Costal State Building, 260 Peachtree Street, NW, Atlanta, Georgia 30343.

Dated: June 3, 1980.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary, Federal Home Loan Bank Board.

[FR Doc. 80-17439 Filed 6-6-80; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined

by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts or interest, of unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and request for hearings should identify clearly the specific application to which they related, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than June 26, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Chemical New York Corporation, New York, New York (financing and insurance activities: Burlington, North Carolina): to continue to engage, through its subsidiary, Sunamerica Corporation, in the previously approved activities of making direct loans, purchasing installment sales finance contracts, and acting as agent or broker for the sale of life, accident and health, and property and casualty insurance directly related to such extensions of credit. These activities will be conducted from an office in Burlington, North Carolina, servicing the city of Burlington and its environs. This application is for the relocation of an office within the same city.

B. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

Landmark Banking Corporation of Florida, Fort Lauderdale, (insurance activities; Florida): to act as agent or broker through its subsidiary, Landmark Agency, Inc., for the sale of life and accident and health insurance directly related to extensions of credit by its subsidiaries. These activities would be conducted from an office in Fort Lauderdale, Florida, serving the State of Florida. Comments on this application must be received by June 30, 1980.

C. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

Sherman County Management, Inc., Loup City, Nebraska (insurance activities; Nebraska): to continue to engage, as agent or broker, in the sale of any insurance in a community that has a population not exceeding 5,000. This activity will continue to be conducted from an office of Applicant, doing business in Sherman County Insurance Agency, in Loup City, Nebraska, serving Loup City and surrounding areas. Comments on this application must be received by June 27, 1980.

D. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (finance and insurance activities; Pennsylvania): to engage through its subsidiary Security Pacific Finance Corp., in making or acquiring for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer installment sale finance contracts, making loans to small business and other extensions of credit such as would be made by a factoring company or a consumer finance company, and acting as broker or agent for the sale of credit life, health and accident insurance. These activities would be conducted from offices of Security Pacific Finance Corp. in the Pennslyvania cities of Aliquippa, Allentown, Altoona, Ambridge, Bloomsburg, Camp Hill, Carlisle, Chambersburg, Charleroi, Clearfield, Coraopolis, Danville, Du Bois, Easton, Ellwood City, Erie, Hanover, Harrisburg, Hazelton, Johnstown, Kittanning, Lancaster, Lansdale, Lebanon, Meadville, Mechanicsburg, Milmont Park, New Kensington, Palmyra, Philadelphia, Pittsburgh, Punxsutawney, Reading, Scranton, Shamokin, Shenandoah, Tamaqua, Tunkhannock, Waynesboro, Williamsport, Willow Grove and York, serving the State of Pennsylvania.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve Systems, June 2, 1980.

Cathy L Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-17311 Filed 6-6-80; 8:45 am]

BILLING CODE 6210-01-M

Circle Management Co.; Proposed Acquisition of Guaranty Trust Co.

Circle Management Company, Kearney, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Guaranty Trust Company, Kearney, Nebraska.

Applicant states that the proposed subsidiary would perform activities that may be carried on by a trust company. These activities would be performed from offices of Applicant's subsidiary in Kearney, Nebraska, and the geographic areas to be served are Kearney, Nebraska, and surrounding areas. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 26, 1980.

Board of Governors of the Federal Reserve System, June 2, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-17312 Filed 6-6-80; 8:45 am]

BILLING CODE 6210-01-M

Citicorp; Proposed Acquisition of the Assets of NAC Charge Plan

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire, through its subsidiary, Citicorp Financial, Inc., the assets of NAC Charge Plan, which are currently owned by Citibank (New York State), N.A., another subsidiary of Citicorp. The proposed transfer of ownership and control of NAC Charge Plan is being made pursuant to an internal reorganization.

Applicant states that the assets of the NAC Charge Plan to be transferred consist of card holder agreements, merchant agreements, registered service marks and trade names. Following the transfer of assets, Citicorp Financial, Inc. will engage in credit card business activities, including extending credit to consumers by credit cards and financing and servicing the NAC Charge Plan. These activities will be performed from offices of Citicorp Financial, Inc., in Towson, Maryland, and the geographic areas to be served are the Baltimore Standard Metropolitan Statistical Area and the Washington, D.C. Standard Metropolitan Statistical Area. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 25.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question much be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views of requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 2, 1980.

Board of Governors of the Federal Reserve System, June 2, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-17313 Filed 6-6-80; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Bancshares, Inc.; Formation of Bank Holding Company

Manufacturers Bancshares, Inc., Miami, Florida, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 98.3 per cent or more of the voting shares of Manufacturers National Bank, Hialeah, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 27, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 2, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-17314 Filed 6-6-80; 8:45 am]

BILLING CODE 6210-01-M

MidAmerica Bancshares, Inc., Proposed Retention of Lincoln Trail Insurance Agency, Inc.

MidAmerica Bancshares, Inc., Lebanon, Illinois, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to retain voting shares of Lincoln Trail Insurance Agency, Inc., Lebanon, Illinois.

Applicant states that the subsidiary is a general insurance agency selling credit life, mortgage life, blanket bond, and casualty insurance, it also sells insurance to the general public in communities, with populations of less than 5,000. These activities are performed from offices of Applicant's subsidiary in Lebanon, Illinois, and the geographic areas served include the service areas of Applicant's subsidiary banks in Alton, Carbondale, East St. Louis, Fairview Heights, Lebanon, and Mascoutah, all of which are in Illinois. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 30, 1980.

Board of Governors of the Federal Reserve System, May 30, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-17315 Filed 6-6-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 37; Federal Procurement Supplement 5]

Companies Not in Compliance With the Voluntary Wage and Price Standards

May 12, 1980.

1. *Purpose.* This supplement *adds* additional companies to, and *deletes* one company from, the list of companies that have been determined to be in noncompliance with the Voluntary Wage and Price Standards formulated under Executive Order 12092.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Substance.* a. The following companies are added to the companies listed in paragraph 4 of GSA Bulletin FPR 37, dated August 17, 1979; Supplement 1, dated September 14, 1979; Supplement 2, dated November 16, 1979; Supplement 3, dated January 18, 1980; and Supplement 4, dated February 13, 1980:

Effective March 25, 1980

Crown Central Petroleum Corp., One North Charles, P.O. Box 1168, Baltimore, MD 21203.
Residential Construction Employees Council, 1010 Jorie Boulevard, Suite 112, Oak Brook, IL 60521.
Gust K. Newberg Company & Association, 2040 North Ashland Avenue, Chicago, IL 60614.
Mid-America Regional Bargaining Association, 228 North LaSalle Street, Chicago, IL 60601.
Contractors, Association of Will and Grundy Counties, 254½ Rusy Street, Joliet, IL 60435.

Effective April 2, 1980

Koch Fuels, Inc. (a subsidiary of Koch Refining Company), P.O. Box 31, Gloucester City, NJ 08030.
Church's Fried Chicken, Inc., P.O. Box BH001, San Antonio, TX 78284.

Effective April 18, 1980

Monolith Portland Cement Company, P.O. Box 3303, Terminal Annex, Suite 201, Glendale, CA 91202.

b. The following company, which was listed in paragraph 4 of GSA Bulletin FPR 37, dated August 17, 1979, has been determined to be in compliance with the Voluntary Wage and Price Standards and is to be deleted from the list:

Effective April 28, 1980

The Charter Company, 208 Laura Street, Jacksonsville, FL 32231.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 80-17408 Filed 6-6-80; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Board of Scientific Counselors, NICHD; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, July 21, 1980, in Building 31, Room 2A-52. This meeting will be open to the public from 8:30 a.m. to 3:00 p.m. on July 21 for the review of the Pregnancy Research Branch of the Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 3:00 p.m. to adjournment on July 21 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1485, will provide a summary of the meeting and a roster of Board members. Dr. James Sidbury, Scientific Director, NICHD, Building 31, Room 2A-50, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-2133, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864 and 13.865, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-17303 Filed 6-6-80; 8:45 am]

BILLING CODE 4110-08-M

Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, on June 26-27, 1980, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland.

This meeting will be open to the public from 8:00 p.m. to 9:00 p.m. on June 26, 1980 to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 26, 1980, from 9:00 p.m. to adjournment, and from 8:30 a.m. to adjournment on June 27, 1980 for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal personal information concerning individuals associated with these applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Bethesda, Maryland, 20205, Building 31, Room 4A-21, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Bethesda, Maryland 20205, Room 548B, phone (301) 496-7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80-17299 Filed 6-6-80; 8:45 am]

BILLING CODE 4110-08-M

General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research Resources, June 26-27, 1980, from 9:00 a.m. to 5:00 p.m. at the American College of Cardiology, 9111 Old Georgetown Road, Bethesda, Maryland 20014. This meeting will be open to the public from 9:00 a.m. to 1:30 p.m. on June 26, 1980, to discuss administrative matters relating to the programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 26, 1980, from 1:30 p.m. to 5:00 p.m., and on June 27, 1980, from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, Maryland 20205, telephone AC 301 496-5545, will provide summaries of meetings and

rosters of committee members. Dr. Michael A. Oxman, Executive Secretary of the General Research Support Review Committee, Building 31, Room 5B23, Bethesda, Maryland 20205, telephone AC 301 496–6743 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.375, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–17297 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–08–M

Heart, Lung, and Blood Research Review Committee A; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, July 18, 1980, Conference Room 7, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland.

This meeting will open to the public on July 18, 1980 from 9:00 AM to approximately 10:00 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(C)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 18, 1980 from 10:00 AM until the adjournment on July 18, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 4A–21, Building 31, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur Merrick, Executive Secretary, NHLBI, NIH, Room 552, Westwood Building, Bethesda, Maryland 20205, phone (301) 496–7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838, 13.839, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–17301 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–08–M

Heart, Lung, and Blood Research Review Committee B; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, July 18, 1980, conference Room 9, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on July 18, 1980, from 9:00 AM to approximately 10:00 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 18, 1980, for 10:00 AM until the adjournment on July 18, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquires and Reports Branch, NHLDI, NIH, Room 4A–21, Building 31, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Arthur W. Merrick, Executive Secretary, NHLBI, NIH, Room 552, Westwood Building, Bethesda, Maryland 20205, phone (301) 496–7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838, 13.839, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–17300 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–08–M

Maternal and Child Health Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on July 29–30, 1980, in the Landow Building, Conference Room A, first floor, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on July 29 from 1:00 p.m. to 5:00 p.m. and on July 30 from 9:00 a.m. to 1:00 p.m. to discuss items relative to the Committee's activities including announcements by the Director, Deputy Director, Associate Director for Scientific Review and the Chiefs of the Human Learning and Behavior and the Clinical Nutrition and Early Development Branches and the Executive Secretary of the Committee. Concept clearance for contract programs of the Center for Research for Mothers and Children will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 30 from 1:00 p.m. to adjournment on July 30 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of committee members. Dr. Jane Showacre, Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room 7C09, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–17304 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Allergy and Immunology Subcommittee, National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, to be held at the National Institutes of Health, Building 31, Conference Room 7A24, Bethesda, Maryland, on July 18, 1980.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meetings of the NAAIDC Allergy and Immunology Subcommittee meeting will be closed to the public for the review, evaluation, and discussion of individual grant applications. It is anticipated that this will occur from 8:30 a.m. until approximately 5:00 p.m. on July 18, 1980. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Council members as requested.

Dr. William I. Gay, Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496–7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–17302 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–08–M

Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, on June 26, and June 27, 1980, Senate Room, Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland.

This meeting will be open to the public on June 26, 1980, from 8:00 p.m. to approximately 10:00 p.m., to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:00 a.m. on June 27, 1980, until adjournment at 5:00 p.m. on June 27, 1980, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 4A21, Building 31, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Charles L. Turbyfill, Executive Secretary, NHLBI, NIH, Room 553, Westwood Building, Bethesda, Maryland 20205, phone (301) 496–7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health)

Dated: June 2, 1980.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 80–17298 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–08–M

Office of the Assistant Secretary for Health

National Committee on Vital and Health Statistics, Subcommittee on Cooperative Health Statistics System; Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92–463), notice is hereby given that the Subcommittee on Cooperative Health Statistics System of the National Committee on Vital and Health Statistics, pursuant to functions established by Section 306(k), Paragraph (4) of the Public Health Service Act (42 U.S.C. 242(k)), will convene on Monday, June 9, 1980, and Tuesday, June 10, 1980, at 9:00 a.m., in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Principal consideration and discussion will be devoted to review of the recommendations of the "Expert Panel to Evaluate CHSS" and to develop plans for implementation of those recommendations; guidelines for designation of State Health Statistics Agencies; recommendations from ASTI Seminar; and HCFA data activities. Agenda items are subject to change as priorities dictate.

Further information regarding this meeting of the Subcommittee or other matters pertaining to the National Committee on Vital and Health Statistics may be obtained by contacting Samuel P. Korper, Ph.D., M.P.H., Executive Secretary, National Committee on Vital and Health Statistics, Room 17A–55, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: 301–443–2660.

Dated: June 3, 1980.

Wayne C. Richey, Jr.,

Associate Director for Program Support, Office of Health Research, Statistics, and Technology.

[FR Doc. 80–17567 Filed 6–6–80; 8:45 am]

BILLING CODE 4110–85–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D–80–602]

Acting Secretary of Housing and Urban Development; Order of Succession

During any period when, by reason of absence, disability, or vacancy in office, the Secretary of Housing and Urban Development is not available to exercise the powers and perform the duties of the Secretary, appointees to the positions listed below are authorized to act as Secretary and exercise all the powers, functions, and duties assigned to or vested in the Secretary. However, no official shall act as Secretary until all of the appointees listed before such official's title in this designation are unable to act by reason of absence, disability, or vacancy in office.

1. Under Secretary.
2. General Counsel.
3. Assistant Secretary for Community Planning and Development.
4. Assistant Secretary for Housing-Federal Housing Commissioner.
5. Assistant Secretary for Policy Development and Research.
6. Assistant Secretary for Legislation and Intergovernmental Relations.
7. Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection.
8. Assistant Secretary for Fair housing and Equal Opportunity.
9. Assistant Secretary for Administration.

10. General Manager, New Community Development Corporation.

In the event that none of the officials named above is able to act during a civil defense emergency declared or proclaimed by the President or by Concurrent Resolution of the Congress in accordance with section 301 of the Federal Civil Defense Act of 1950 (64 Stat. 1251, 12 U.S.C. App. 2291), appointees to the positions listed below are authorized to act as Secretary and exercise all the powers, functions, and duties assigned to or vested in the Secretary. However, no official shall act as Secretary until all of the appointees listed before such official's title in this designation are unable to act by reason of absence, disability, or vacancy in office.

1. Regional Administrator, Region VI (Fort Worth).
2. Regional Administrator, Region VII (Kansas City).
3. Regional Administrator, Region V (Chicago).
4. Regional Administrator, Region III (Philadelphia).
5. Regional Administrator, Region VIII (Denver).
6. Regional Administrator, Region IX (San Francisco).
7. Regional Administrator, Region IV (Atlanta).
8. Regional Administrator, Region I (Boston).
9. Regional Administrator, Region X (Seattle).
10. Regional Administrator, Region II (New York).

This designation supersedes the designation effective July 11, 1977 (42 FR 41329, August 16, 1977).

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Executive Order 11490, 34 FR 17567)

Effective date: This order is effective May 19, 1980.

Moon Landrieu,

Secretary of Housing and Urban Development.

[FR Doc. 80-17391 Filed 6-6-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Amendment to Notice of Receipt of Application

Applicant: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, MD 20811.

This amends the applicant's "Receipt of Application" which was published on May 9, 1980, **Federal Register** Vol. 45, No. 92, pp. 30996-30997. The third sentence under II.B. *Schedule* of the California Condor Application Outline should have read: If after one month of evaluation no unresolvable problems have arisen, trapping of additional birds will resume until an aggregate total of ten birds have been fitted with transmitters during this initial phase of the telemetry program.

Documents and other information submitted with this application are available to the public during normal business hours in Room 605, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-6563. Interested persons may comment on this application by submitting written data, views, or arguments to the Director, USFWS, WPO, Washington, D.C. 20240 on or before June 23, 1980. Please refer to the file number when submitting comments.

Dated: May 30, 1980.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-17284 Filed 6-6-80; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Notice of Intention To Negotiate a Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Glacier Park, Inc., authorizing the continued requirement to provide lodging, food, beverage and other related concession facilities and services for the public at Glacier National Park for a period to be determined by proposals received as a result of this notice.

An assessment of the environmental impact of this proposed action has been made pursuant to the National Environmental Policy Act of 1969. The environmental assessment may be reviewed in the Office of the Superintendent, Glacier National Park, West Glacier, Montana 59936.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which would have expired by limitation of time on December 31, 1985. The proposed contract shall supercede and cancel the existing concession contract and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract.

This provision, in effect, grants Glacier Park, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposals of the foregoing concessioner is substantially equal to others received, In the event a responsive proposal superior to that of the foregoing concessioner (as determined by the Secretary) is submitted, then the foregoing concessioner will be given the oportunity to meet the terms and conditions of the superior proposal which the Secretary considers desirable, and, if it does so, the contract will be negotiated with the foregoing concessioner. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be submitted on or before the sixtieth (60) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Glacier National Park, West Glacier, Montana 59936, for information as to the requirements of the proposed contract.

Dated: May 30, 1980.

James B. Thompson,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 80-17346 Filed 6-6-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed on or before June 30, 1980.

Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Motor Carrier Board, Members Holyfield, Hedetniemi, and Healy.

Agatha L. Mergenovich,

Secretary.

F.D. 29361. By decision of May 27, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1141. The Motor Carrier Board approved the transfer to EDWARD H. BARNABY, d.b.a. CMT TRANSPORTATION COMPANY of Chicago, IL of Certificate No. W–1320 (Sub-1F) issued November 14, 1978 to Edward H. Barnaby & Richard W. Casey, a partnership, d.b.a. CMT Transportation Company of Chicago, IL authorizing the transportation of *commodities* generally, by non-self propelled vessels with the use of separate towing vessels, between ports and points along Lake Michigan, Lake Superior, Lake Huron, Lake Erie and Lake Ontario, and inter-connecting waterways. Applicant's representative is: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. TA application has not been filed. Transferee holds no authority.

MC–FC–78138. By decision of May 14, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, The Motor Carrier Board approved the transfer to CLANTON'S AUTO AUCTION SALES, INC., Darlington, SC of Certificate MC–135541, issued March 5, 1975, to STEPHENS CAR TRANSPORT, INC. (Robert F. Anderson, Trustee in Bankruptcy), Columbia, SC, (reissued on October 18, 1979 in the name of Lord's Convoy Service, Inc.) authorizing the transportation of *Used passenger automobiles,* in truckaway service, between the site of Clanton Auto Auction, at Darlington, SC, on the one hand, and, on the other, points in NC, VA, TN, GA, FL, and AL. Applicants' Representative: Robert F. Anderson, as Trustee in Bankruptcy for Stephens Car Transport, Inc., P.O. Box 76, Columbia, SC 29202; and William E. S. Robinson, P.O. Box 76, Columbia, SC 20902.

Note.—In MC–FC–77662 we authorized the transfer of the above operating authority to Lord's Convoy Service, Inc., and Certificate No. MC–135541 was issued October 18, 1979 in the name of Lord's Convoy Service, Inc. Therefore, approval of the transaction in MC–FC–78138 is conditioned upon the filing, of an affidavit addressed to Office of Proceedings, Motor Carrier Board, signed by both Lord's Convoy Service, Inc. and the trustee for Stephens Car Transport, Inc. Verifying that consummation of the transaction in MC–FC–7766 did not take place.

MC–FC–78370. By decision of January 28, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. The Motor Carrier Board approved the transfer to JERICHO TRUCKING CO., INC. of permit MC–142947 (Sub-1) issued June 20, 1978, to SCOTT D. WILLIAMS TRUCKING, INC., of Waukesha, WI, of authorizing the transportation of over irregular routes of: (1)(a) *Concrete blocks,* and (b) *mortar, mortar coloring and cement, in mixed loads with concrete blocks,* from the facilities of Best Block Company, located at Butler, WI, Best Block South, Inc., located at Milwaukee, WI, and Best Block Racine, Inc., located at Racine, WI, to points in Illinois, Indiana, and Michigan; and (2) *Brick and brick products,* from the facilities of American Brick Co., located at Chicago, IL, and Munster, IN, to the origins named in (1) above, subject to the following restrictions: The authority granted herein is limited to a transportation service to be performed under a continuing contract(s) with Best Block Company, of Butler, WI, Best Block South, Inc., of Milwaukee, WI, or Best Block Racine, Inc., of Racine, WI. Applicant's representative is: Richard C. Alexander, Esq., 710 N. Plankinton Ave., Milwaukee, WI 53203.

MC–FC–78493. By decision of March 3, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. The Motor Carrier Board approved the transfer to A. FERNANDEZ, INC., of Lindenhurst, NY, of Certificate MC–94860 issued January 12, 1966 to CONSOLIDATED VAN LINES, INC., of Farmingdale, NY, authorizing the transportation of *household goods,* between New York, NY, and points in Nassau County, NY, on the one hand, and, on the other, points in NY, MA, CT, NJ, and PA. Applicant's representative is: Robert J. Gallagher, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, D.C. 20036.

MC–FC–78531. By decision of April 23, 1980 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. The Motor Carrier Board approved the transfer to COMMAND BUS COMPANY, INC., of Brooklyn, NY, of certificate MC–142530 (Sub-1) issued April 21, 1978, to PIONEER BUS CORP., of Staten Island, NY, authorizing the transportation of *passengers and their baggage, in the same vehicle with passengers, in special operations,* beginning and ending at those points in the Borough of Brooklyn, NY, on and south of Atlantic Avenue and extending to the site of the New Jersey Sports and Exposition Authority, at or near East Rutherford, NJ. Applicant's representative is: Sheldon Rudoff, Attorney, 235 East 42nd Street, New York, NY 10017. Application for TA has been filed. Transferee holds no authority; however its affiliate holds authority under docket MC–1111.

MC–FC–78570. By decision of May 13, 1980 issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR 1133, the Motor Carrier Board approved the transfer to SERO SKI VENTURES, INC., of Glen Allen, VA, of License MC–130473 issued March 26, 1979 to MS. LTD., of Richmond, CA, authorizing the operations as a broker at Henrico County, VA, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage, in round-trip tours, in special and charter operations,* between points in the United States (including AK and HI), restricted to the transportation of tour groups, beginning and ending at points in Richmond, VA, Chesterfield County, Henrico County and Hanover County, CA. Applicant's representative is Hamill D. Jones, Jr., 815 Mutual Bldg., Richmond, VA 23219. Transferee holds no authority from this Commission.

[FR Doc. 80–17326 Filed 6–6–80; 8:45 am]

BILLING CODE 7035–01–M

Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor

carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuance) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protests shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(c) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restricted amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying application shall stand denied.

Decided: May 23, 1980.

By the Commission. Review Board Number 5, Members Krock, Taylor and Williams. (In MC–F–14343F, Board Member Taylor concurs in publication of the notice of the filing of the application. However, he states that under the summary grant proceeding we are authorized to enumerate impediments but not to impose conditions. Therefore, he does not agree to the conditions set forth at the end of the notice. Since the Commission consistently authorizes the transfer of dormant rights, he finds the first condition particularly objectionable.) (In MC–F–14353F, Board Member Taylor votes to publish notice of filing of the application in the **Federal Register.** However, the condition at the end of the notice should be shown as an impediment, rather than as a condition. He states we have no authority to impose conditions under summary grant procedures.) (In MC–F–14354F, Board Member Taylor votes to dismiss the application as we have no jurisdiction at the present time. He states that this application could be better handled if it were consolidated with the application in No. MC–149068F, which is pending on protests.)

Agatha L. Mergenovich,

Secretary.

MC–F–14240F, filed November 29, 1979, GILCHRIST TRUCKING, INC. (Gilchrist) (105 North Keyser Avenue, Old Forge, PA 18518)—PURCHASE (PORTION)—BAIR TRANSPORT, INC. (Bair) (North Creek Road, Delanco, NJ 08075), NORTHEAST DELIVERY, INC. (Northeast) (P.O. Box 127, Taylor, PA 18517) (Assignor), and in turn, John Gilchrist and Diane Gilchrist acquiring control of such rights through the transaction. Representative: John W. Frame, P.O. Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. The portion of the operating rights to be acquired by Gilchrist are contained in a certificate issued to Bair in MC–116810, authorizing the transportation of *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), over irregular routes, between points in Sussex County, NJ, on the one hand, and, on the other, Providence, RI, those points in MA on and east of U.S. Hwy 5, those in CT on and east of U.S. Hwy 5, and those in CT on U.S. Hwy 1 between the NY–CT State line and New Haven, CT. Northeast is retaining that portion of MC–116810 which authorizes the transportation of *general commodities* (with exceptions), over irregular routes, between points in Sussex County, NJ, on the one hand, and, on the other, Corning, NY, those points in PA east of the Susquehanna River, and those in NY within 150 miles of Newark, NJ. Gilchrist presently holds motor common carrier authority pursuant to certificates issued in MC–124821 and sub-numbers thereunder. Impediment: Since applicants have failed to revise the transaction to enable Gilchrist to purchase the operating rights directly from Bair, and since Northeast Delivery, Inc., will not hold the authority until the transaction in MC–F–14193F, Northeast Deliver, Inc.—Purchase (Portion)—Bair Transport, Inc., is consummated, we cannot approve this transaction at this time. Therefore, this proceeding will be consolidated with the proceeding in MC–F–14193F. (Hearing site: Harrisburg, PA.)

Note.—Applicant intends to tack the above authority with its regular-route authority pending in MC–124821 (Sub-No. 61F).

PETROLANE, INCORPORATED (Petrolane) (1600 East Hill Street, Long Beach, CA 90806)—CONTINUANCE IN CONTROL—TEXAS PETRO GAS COMPANY (Texas Petro) (16630

Imperial Valley, Suite 220, Houston, TX 77060). Petrolane, a non-carrier and publicly held corporation, seeks authority to continue in common control and management of Lightning Supply, Inc., and Texas Petro, upon the institution by Texas Petro of operations, in interstate or foreign commerce, as a motor common carrier. Texas Petro currently holds no authority from the Commission. However, in MC–149068F, Texas Petro is seeking authority to operate as a motor common carrier, in interstate or foreign commerce, transporting liquefied petroleum gas, in bulk, in tank vehicles, between points in TX, LA, MS, AL, and TN. Lightning Supply, Inc., is authorized to operate as a motor common carrier pursuant to certificates issued in MC–123475 and MC–123475 (Sub-No. 6), transporting anhydrous ammonia, in bulk, in tank vehicles, (a) from a plant site at Cahokia, IL, to points in IN, IA, MO, and WI; (b) from Meredosia, IL, to points in IN, IA, KY, MI, MN, MO, NE, ND, OH, SD, and WI; (c) from a plant site at Terre Haute, IN, to points in IL. Condition: Approval herein is conditioned upon the issuance to Texas Petro of a certificate in MC–149068F and institution of operations thereunder. (Hearing site: Los Angeles, CA.)

REBER CORPORATION (Reber) (2216 Old Arch Road, Norristown, PA 19401)—PURCHASE—ROMANO'S BULK CARRIERS, INC. (Romano's) (1065 Belvoir Road, Norristown, PA 19401). Representatives: Roland Morris, 1600 Land Title Bldg., 100 S. Broad Street, Philadelphia, PA 19110, and Steven M. Romano, 81 Lancaster Avenue, Great Valley Center, Malvern, PA 19355. Reber seeks authority to purchase the interstate operating rights of Romano's. Floyd A. Reber, the sole stockholder of Reber, seeks authority to acquire control of said rights through the transaction. Reber is purchasing the interstate operating rights contained in Certificate No. MC–102323, which authorizes the transportation, as a motor common carrier, over irregular routes, of *bituminous concrete, asphalt, crushed stone, sand, gravel, and brick,* from points in Upper Merion Township, Montgomery County, PA, and points within 10 miles of Upper Merion Township, to points in NJ, DE, and MD, and *ground limestone,* from Norristown, PA, and points in Chester and Delaware Counties, PA, to points in DE and MD. Reber is authorized to operate as a motor common carrier pursuant to certificates issued in MC–136077 and sub-numbers thereunder. Condition: Reber Transport, Inc., an affiliate of Reber Corporation, was granted authority in MC–F–12541 to purchase the interstate operating rights authorized in MC–118816 (Sub-no. 7). There is a duplication between those rights acquired by Reber Transport, Inc., and the rights sought to be acquired by Reber Corporation in this proceeding. Applicants have conceded that Reber Transport, Inc., has been an inactive corporation for approximately the past 3 years. Therefore, in order to eliminate the possibility of duplicating rights being held by two commonly controlled carriers, our approval and authorization of this transaction is subject to the prior cancellation, at applicant's written request, of the authority acquired by Reber Transport, Inc., in MC–F–12541. (Hearing site: Philadelphia, PA.)

Note.—Application for temporary authority has been filed.

MC–F–14350F, filed March 25, 1980. BRINK'S INCORPORATED (Brinks) (Thorndal Circle, Darien, CT 06820)—CONTROL—UNITED STATES TRUCKING CORPORATION (United) (P.O. Box 1176, New County Road, Secauaus, NJ 07094). Representative: Chandler L. van Orman, 1729 H Street, N.W., Washington, D.C. 20006. Brinks seeks authority to control United through the purchase of all of its issued and outstanding capital stock. The Pittston Company sole stockholder of Brinks seeks to continue in control of United through the transaction. No single stockholder or groups of affiliated stockholders controls Pittston. United is authorized to operate as a motor common carrier and a motor contract carrier pursuant to authority issued in MC 11712 and sub-numbers thereunder and MC 83885 and sub-numbers thereunder, as summarized: MC 11712 and subs—I. *general commodities,* with the usual exceptions, over A. *Regular Routes,* (1) between Port Washington, NY, and Oyster Bay, NY, and (2) between Hicksville, NY, and Port Jefferson, NY, B. *Alternate Routes,* between Long Island, NY, points. Restriction: The service authorized above is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, the rail service of the Long Island Railroad Company, hereinafter called the railroad. Said carrier shall not render service from or to, or interchange traffic at, any point other than a station on the lines of the railroad. Shipments transported by said carrier shall be limited to those which it receives from, or delivers to, the railroad under a through bill of lading or express receipt covering, in addition to movement by said carrier, an immediately prior or an immediately subsequent movement by rail. All contractual arrangements between said carrier and the railroad shall be reported to the Commission and shall be subject to revision, if and as it is found necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission, in the future may find it necessary to impose in order to restrict said carrier's operation by motor vehicle to service which is auxiliary to, or supplemental of, the rail service of the railroad. C. *Irregular Routes,* between points in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren Counties, NJ, Fairfield County, CT, and Richmond, New York, Kings, Queens, Bronx, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester Counties, NY. Restriction: The service authorized immediately above is subject to the following conditions: Said operations are restricted against service to or from the facilities of Amstar Corporation, of New York, NY. Said operations are restricted against the transportation of the commodities authorized to be transported in Permit MC 83885 (Sub-2). II. *dry cement.* (1) between points in CT, (2) between points in DE, (3) between points in ME, (4) between points in MD, (5) between points in MA, (6) between points in NH, (7) between points in NY, (8) between points in PA, (9) between points in RI, and (10) between points in VT. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted to shipments originating at plant sites or facilities of Universal Atlas Cement Division (United States Steel Corporation), and having an immediately prior movement by rail or water. The authority described herein shall not be joined with any other authority held by carrier for the purpose of providing through transportation. III. *Cement,* from the plant site of Universal Atlas Cement Division, United States Steel Corporation, at Newark, NJ, to New York, NY, points in Suffolk, Nassau, Westchester, and Rockland Counties, NY, Fairfield and New Haven Counties, CT, and NJ, and *returned shipments* of cement, in the reverse direction. IV. *general commodities* (except those of unusal value, livestock, classes A and B explosives, uncrated furniture, automobiles, commodities in bulk, and those requiring special equipment), over regualr routes, between Baltimore, MD, and Washington, DC. MC 83885 and subs—I.

sugar and blends of sugar with other sweeteners, from Brooklyn, NY, to points in Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, NJ. Said operations are limited to a transportation service to be performed under a continuning contract, or contracts with Amater Corporation, of New York, NY; II. *siliver bars,* from Perth Amboy, NJ, to Rochester, NY. Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Anaconda Sales Company, a division of Anaconda Company; and III. *silver bars,* from New York, NY to Colwyn, PA. Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Minnesota Mining and Manufacturing Company, of St. Paul, MN. All of the operations described are restricted as follows: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. Brinks is authorized to operate in interstate or foreign commerce pursuant to permits issued in MC 87857 and sub-numbers thereunder. CONDITIONS: The Pittston Company shall continue to be deemed a carrier within the meaning of 49 U.S.C. § 11348, as previously subjected by Division 4 in it decision decided July 11, 1958, in MC–F–6544. (Hearing site: New York, NY.)

Note.—Dual operations are involved.

MC–F–14343F, filed March 17, 1980. GTL FREIGHTLINES, INC. (GTL) (345 South Warren Street, Syracuse, NY 13202)—control—Van Curler Trucking Corp. (Van Curler) (212 La Grange Avenue, Rochester, NY 14613) Representative: Robert L. Boxer, 900 Midtown Tower, Rochester, NY 14604. GTL seeks authority to acquire control of Van Curler through the purchase of all Van Curler's issued and outstanding capital stock. Glengarry Transport Limited, the sole stockholder of GTL, and in turn, GTL Investments, Inc., the majority stockholder of Glengarry Transport Limited, and in turn, Gilles Lefebvre, the majority stockholder of GTL Investments, Inc., seek authority to acquire control of Van Curler through the transaction. Van Curler is authorized to operate as a motor common carrier pursuant to authority issued in MC 111947 and sub-numbers thereunder, as summarized: *general commodities,* with the usual exceptions, over regular routes, (1) between Schenectady and Gloversville, NY, (2) between Canandaigua and Rochester, NY, (3) between Albany and Utica, NY, (4) between Amsterdam and Speculator, NY, (5) between Amsterdam and Mayfield, NY, (6) between Fort Johnson and Johnstown, NY, (7) between Wells and Speculator, NY, (8) between Utica and Buffalo, NY, (9) between Avon and Kenmore, NY, (10) between Rochester and Syracuse, NY, and (11) between Canandaigua and Stanley, NY, and over irregular routes, (1) between points in Monroe County, NY, (2) between points in Monroe County, NY, on the one hand, and, on the other, points in Chautauqua, Erie, and Genesee Counties, NY, (3) between Syracuse and Binghamton, NY, (4) between Rochester and Binghamton, NY, and (5) between Waterloo and Rochester, NY. GTL holds no authority from the Interstate Commerce Commission. Glengarry Transport Limited, the sole stockholder of GTL, is authorized to operate as a motor common carrier pursuant to authority granted in MC–FC–76701 and assigned docket number MC 140833. Conditions: (1) Applicants concede the dormancy of Van Curler's authority in MC 111947 (Sub-10 and 11). Therefore, approval and authorization of this transaction is conditioned upon the cancellation of MC 111947 (Sub-10 and 11). (2) GTL Investments Inc., the majority stockholder of Glengarry Transport Limited, is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, GTL Investments Inc., will be considered a motor carrier within the meaning of 49 U.S.C. 11348 of Subtitle IV. It will, therefore, be subject to the applicable provisions of 49 U.S.C. subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities. (Hearing site: Rochester or Buffalo, NY.)

Note.—Application for temporary authority has been filed.

MC–F–14356F, filed March 27, 1980. GENERAL LEASING, INC. (General Leasing) (1620 South 15th Street, Prairie du Chien, WI 53821)—purchase (portion)—Whitehead Specialties, Inc. (Whitehead) (1017 Third Avenue, Monroe, WI 53566). Representative: Wayne W. Wilson, 150 E. Gilman, Madison, WI 53703. General Leasing seeks authority to purchase a portion of the interstate operating rights of Whitehead. Edward A. Welter, the sole stockholder of General Leasing, also seeks authority to acquire control of said rights through the transaction. General Leasing is purchasing that portion of Whitehead's authority that is contained in Certificate No. MC 136268 (Sub-13F), which authorizes the transportation, as a motor common carrier, over irregular routes, of *lumber, lumber products, posts, and ties,* between Janesville and Prairie du Chien, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, and OH, restricted to the transportation of traffic originating at or destined to the facilities of Quality Wood Treating Co., Inc. General Leasing is authorized to operate as a motor contract carrier pursuant to Permits issued in MC 126133 and sub-numbers thereunder which authorize the transportation of malt beverages in the States of IL, IA, MN, and WI. (Hearing site: Madison, WI.)

Notes.—(1) Application for temporary authority has been filed. (2) Dual operations may be involved.

FRANCIS B. SHERIDAN, an individual D/B/A MOUND CITY TRUCK LINE (Mound City) (Rural Route 2, Mound City, KS 66056)—PURCHASE (Portion)—LEONARD BROTHERS TRANSPORT COMPANY, INC. (Leonard Brothers) (1528 West 9th Street, Kansas City, MO 64101). Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. Mound City seeks authority to purchase a portion of the interstate operating rights of Leonard Brothers. Mound City is purchasing the authority contained in Certificate No. MC–13547 (Sub-No. 7), which authorizes the transportation, as a motor common carrier, of *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), serving the construction site and plant of the Wolf Creek Power Plant, at or near New Strawn, KS, as an off-route point in connection with carrier's otherwise authorized regular-route operations. Mound City is also purchasing that portion of the authority contained in Certificate No. MC–13547 (Sub-No. 5), which authorizes the transportation, as a motor common carrier, of the following: (A) over regular routes, (1) *General commodities* (except those of unusual value, Classes A and B explosives, HHG as defined by the Commission, commodities in bulk, and commodities requiring special equipment). (a) From Kansas City, MO, to Bucyrus, KS, with service from the intermediate point of Kansas City, KS, restricted to pick up only; to the off-route point of Stillwell, KS, restricted to

delivery only; and to and from the off-route point of North Kansas City, MO, unrestricted; From Kansas City over city streets to Kansas City, KS, thence over U.S. Hwy 69 to junction unnumbered Hwy, and thence over unnumbered Hwy to Bucyrus, and return over the same route with no transportation for compensation except as otherwise authorized; (b) Between Kansas City, KS, and Rich Hill, MO, serving the intermediate points in Kansas City, Passaic, and Butler, MO; From Kansas City, KS, over city streets to Kansas City, MO, thence over U.S. Hwy 71 to Rich Hill, and return over the same route; (c) Between Kansas City, KS, and Walker, MO, serving the intermediate and off-route points of Kansas City, Prairie City, Papinsville, Rockville, Schell City, Taberville, Fair Haven, and Harwood, MO, those within 5 miles of Walker, and those within 5 miles of intermediate and off-route points named; From Kansas City, KS, over city streets to Kansas City, MO, thence over U.S. Hwy 71 to junction Bates County, MO, Hwy B, south of Rich Hill, MO, thence over Bates County Hwy B to junction unnumbered Hwy, thence over unnumbered Hwy to junction Vernon County, MO, Hwy C, thence over Vernon County Hwy C to Walker, and return over the same route; (2) *Lumber, cement, sheet metal, brick, meat scraps, and tankage,* from Kansas City, KS, to Schell City, MO, serving no intermediate points; From Kansas City, KS, over city streets to Kansas City, MO, thence over U.S. Hwy 71 to junction unnumbered Hwy near Rich Hill, MO, thence over unnumbered Hwy to Schell City, and return over the same route with no transportation for compensation except as otherwise authorized; (3) *Livestock, oil* in drums and packages, *tires, batteries, packinghouse products* as defined by the Commission, *feed, tankage* and *cheese boxes,* From Kansas City, KS, to Rock Hill, MO, serving the intermediate and off-route points within 8 miles of Rockville for delivery only; From Kansas City, KS, over city streets to Kansas City, MO, thence over U.S. Hwy 71 to junction Bates County, MO Hwy B and thence over Bates County Hwy B to Rockville and; (4) *Livestock, cheese* and *empty oil drums,* From Rockville, MO, to Kansas City, KS, serving the intermediate and off-route within 8 miles of Rockville for pick up only; From Rockville over the route specified next above to Kansas City, KS; (5) *Feed, agricultural implements, fertilizer, fencing and building material, roofing* and *lumber,* From Kansas City, MO, to Bucyrus, KS, with service to the intermediate and off-route points within 20 miles of Bucyrus, restricted to delivery only; and to and from the off-route point to North Kansas City, MO, unrestricted; From Kansas City over city streets to Kansas City, KS, thence over U.S. Hwy 69 to junction unnumbered Hwy, and thence over unnumbered Hwy to Bucyrus, and return over the same route with no transportation for compensation except as otherwise authorized;

(6) *Livestock,* (a) From Bucyrus, KS, to Kansas City, Mo, with service to and from the intermediate and off-route points of Kansas City, KS, and those in KS within 15 miles of Bucyrus, unrestricted; and to those in MO within 25 miles of Kansas City, MO, restricted to delivery only; From Bucyrus over unnumbered Hwy to junction U.S. Hwy 69, thence over U.S. Hwy 69 to Kansas City, KS, and thence over city streets to Kansas City; and (b) From Louisburg, KS, to Kansas City, MO, with service from the intermediate and off-route points within 10 miles of Louisburg, restricted to pick up only; and to the intermediate point of Kansas City, KS, restricted to delivery only; From Louisburg over U.S. Hwy 69 to Kansas City, KS, thence over city streets to Kansas City; and (7) *Livestock, Lumber, Builder Materials, Feed, Fertilizer, Fencing Materials, Agricultural Implements and Parts, Salt, Furniture,* and *Petroleum Products* in Containers, From Kansas City, MO to Bucyrus, KS, with service to and from the intermediate and off-route points of Kansas City, KS, and those in KS within 15 miles of Bucyrus, unrestricted, and to those in MO within 25 miles of Kansas City, MO, restricted to the delivery of livestock only, From Kansas City over city streets to Kansas City, KS, thence over U.S. Hwy 69 to junction unnumbered Hwy, and thence over unnumbered Hwy to Bucyrus; (8) *Livestock, Feed, Seeds, Fertilizer,* and *Twine,* From Kansas City, MO to Louisburg, KS, with service to the intermediate and off-route points within 10 miles of Louisburg, restricted to delivery only; and from the intermediate point of Kansas City, KS, restricted to pick up only; From Kansas City over city streets to Kansas City, KS, thence over U.S. Hwy 69 to Louisburg; (b) over irregular routes, (1) *Building Materials, Paint, Tile and Sewer Pipe,* (a) From Harrisonville and Knobtown, MO, to Louisburg, KS, with no transportation for compensation on return except as otherwise authorized; (b) From Kansas City, MO, and Kansas City, KS, to a point known as Lovett's Station 4 miles north of Louisburg, KS, and points in KS and MO within 10 miles of Lovett's Station, with no transportation for compensation on return except as otherwise authorized; (2) *Feed, Fencing Material, Corrugated Iron, Iron* and *Steel Tanks, Rope, Harness,* and *Hardware,* From Kansas City, MO, and Kansas City, KS, to a point known as Lovett's Station, 4 miles north of Louisburg, KS, and points in KS and MO within 10 miles of Lovett's Station, with no transportation for compensation on return except as otherwise authorized; (3) *Grain, Seed, Hay, Agricultural Implements* and *Parts,* Between a point known as Lovett's Station 4 miles north of Louisburg, KS, and points in KS and MO, within 10 miles of Lovett's Station, on the one hand, and, on the other, Kansas City, MO, and Kansas City, KS; (4) *Livestock,* (a) Between a point known as Lovett's Station 4 miles north of Louisburg, KS, and points in KS and MO within 10 miles of Lovett's Station, on the one hand, and, on the other, points in KS and MO within 15 miles of Kansas City, MO, Kansas City, Fort Scott, Pleasanton and La Cygne, KS, including the points named, and Ottawa, Overland Park, and Paola, KS; (b) Between Kansas City, MO, and Kansas City, KS, and points within 15 miles of Kansas City, MO, and Kansas City, KS, on the one hand, and, on the other, points in KS and MO within 15 miles of Fort Scott, Pleasanton and La Cygne, KS, including the points named, and Ottawa, Overland Park, and Paola, KS; (c) Between Bucyrus, KS, and points within 20 miles thereof on the one hand, and, on the other, Kansas City, KS, and Kansas City, MO. (5) *Grain,* From Bucyrus, KS, and points within 20 miles thereof, to points in MO within 10 miles of the KS–MO State Line, with no transporation for compensation on return except as otherwise authorized; (6) *Wrecked Automobiles,* From Bucyrus, KS to Kansas City, MO, with no transportation for compensation on return except as otherwise authorized; (7) *General Commodities* (except those of unusual value, Classes A and B explosives, HHG as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (a) Between Amsterdam, MO, and points within 25 miles of Amsterdam, on the one hand, and, on the other, Kansas City, MO, and Kansas City, KS; (b) Between points within 25 miles of Amsterdam, MO, including Amsterdam; (8) *HHG, Emigrant Movables,* and *Farm and Road Machinery,* Between Amsterdam, MO, and points within 25 miles of Amsterdam, on the one hand, and, on the otherpoints in KS and MO. Mound City is authorized to operate as a motor

common carrier pursuant to certificates issued in MC–30078 and sub-numbers thereunder. (Hearing site: Kansas City, MO.)

Note.—Application for temporary authority has been filed.

MC–F–14361F, filed March 31, 1980. FROST TRUCK LINES, INC. (Frost) (P.O. Box 28, Billings, MT 59103)—PURCHASE—TIGER TRANSPORTATION, INC., MARY FROST, SUCCESSOR IN INTEREST (Tiger) (2321 21st Street West, Billings, MT 59103). Representative: John J. Cavan, P.O. Box 1297, Billings, MT 59103. Frost seeks authority to purchase the interstate operating rights of Tiger. Mary Frost, the majority stockholder of Frost, seeks authority to acquire control of said rights through the transaction. Frost is purchasing the interstate operating rights contained in Certificate MC 140186, which authorizes the transportation as a motor common carrier, over irregular routes, as follows: (1) *Fresh fruits, fresh berries and fresh vegetables,* when moving in the same vehicle with bananas, From points in CA, to points in MT. (2) *Bananas,* From San Francisco, CA, and points in the Los Angeles and Los Angeles Harbor, CA, Commercial Zones, as defined by the Commission, to points in MT. (3) *Bananas, and fresh fruits, fresh vegetables, and fresh berries,* in mixed loads with bananas, From points in CA, to points in that part of ID north of U.S. Hwy 12. (4) *Meats, meat products, and meat by-products* as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), From Billings, MT, to points in CA, NV, UT, and points in Owyhee, Elmore, Custer, Lemhi, Blaine, Camas, Gooding, Twin Falls, Jerome, Lincoln, Cassia, Minidoka, Butte, Power, Oneida, Bannock, Franklin, Bear Lake, Caribou, Bingham, Bonneville, Jefferson, Madison, Teton, Clark, and Fremont Counties, ID. (5) *Hides,* (a) From Billings, MT, to points in CA, restricted to the transportation of traffic originating at Billings, MT, and points in its commercial zone, as defined by the Commission. (b) From Bellingham, Seattle and Tacoma, WA, Idaho, Falls, Roberts, Pocatello, and Gooding, ID, and points in OR, UT, and WY, to Billings MT. (c) From Billings, MT, to points in IL, WI, MI, and IN. (d) From points in WA to points in CA and that part of OR east of U.S. Highway 97. (e) From points in OR to points in CA. (f) From points in OR and WA, to Billings, MT. (6)(a) *Meat, meat products, and meat by-product,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and (b) *poultry, eggs, fresh fruits, fresh berries,* and *fresh vegetables,* when moving in the same vehicle with the commodities described in (a) above, Between Billings, MT, on the one hand, and, on the other, points in WY. (7) *Meats, meat products, and meat by-product,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, From points in CA, to points in Niobrara, Park, Big Horn, Washakie, Hot Springs, Fremont, Campbell, Johnson, Weston, and Crook Counties, WY. (8) *Meats, meat products, and meat by-products,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except cooked, cured and preserved meats); and the *following articles distributed by meat packinghouses* as described in Section C of Appendix I to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, namely: bonemeal; fertilizer and fertilizer materials; animal, bird, and poultry feed, and hides and pelts,* From points in CA to points in MT, restricted against the transportation of commodities in bulk. (9) *Meat, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except blood meal, and meat meal, and commodities in bulk),

From Billings, MT, to points in OR and WA and points in Ada, Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Gem, Idaho, Kootenia, Latah, Lewis, Nez Perce, Payette, Shoshone, Valley, and Washington Counties, ID. (10) *Meat, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), from points in OR and WA, to points in WY. (11) *Meat meal, bone meal, and blood meal,* from points in MT to points in ND, MN, WI, NE, and IA. (12) *Meats, meat products, and meat by-products,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk), from Billings, MT, to points in ND, MN, WI, IL, NE, MI, and IN, restricted to the transportation of traffic originating at Billings, MT. (13) *Such commodities* as are used by meat packers in the conduct of their business, except those commodities in bulk, when destined to and from the use of meat packers, from points in CA, NV, UT, and those in that part of ID on and east of U.S. Highway 93, to Billings, MT. (14) *Meat, meat products, and meat by-products,* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points of entry on the International boundary line between the United States and Canada located in ID and MT, to points in MT, ID, OR, WA, CA, NV, WY, UT, and AZ. (15)a *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses (except fertilizer and salt), and *equipment, materials, and supplies* used in the conduct of such business; and (b) *fertilizer* and *salt,* moving in mixed loads with the commodities described in (a) above, (i) from Burley, ID, Salina, UT, and points in CA and WA, to points in Carbon and Valley Counties, MT, and points in Big Horn, Campbell, Fremont, Hot Springs, Johnson, Sheridan, Park, Washakie, and Weston Counties, WY. (ii) from points in ID (except Burley), UT (except Salina) and OR to Glasgow, MT, restricted in (15) above transportation of shipments destined to points in MT and WY and the authority granted by sale or otherwise. (16) *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides), from Casper, WY, to points in CO. (17)(a) *Commodities,* the transportation of which is exempt from economic regulation pursuant to the provisions of Section 203(b)(6) of the Act, when moving in the same vehicle and at the same time with the commodities in (b) and (c) below; (b) *meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and (c) such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such business, between points in MT, restricted in (17) above to the transportation of shipments originating at or destined to points in MT. (18) *Meats, meat products, and meat by-products, and articles*

distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and bonemeal), from Billings, MT, to points in CA, UT, ID, NV, OR, and WA, restricted to the transportation of traffic originating at Billings, MT, and points in its commerical zone as defined by the Commission. (19) *Hides,* from Billings, MT, to points in CA, OR, and WA. (20) *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Billings, MT, to points in KS. (21) *Lumber and lumber products,* from points in Rosebud County, MT, to points in ND, SD, NE, KS, IA, WI, MN, IL, and MO. (22) *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from Billings, MT, to points in AZ, AR, CO, IA, KY, MO, NJ, NM, NY, OH, OK, PA, SD, and TX, restricted to the transportation of shipments originating at Billings, MT. (23)(a) *Canned foodstuffs and frozen vegetables,* and (b) *food chips* when moving at the same time and in the same vehicle with the commodities in (a) above,

From Cowley, WY, to points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY, restricted in (23) above to traffic originating at the plant site of Big Horn Canning Co., at Cowley, WY. (24) *such commodities* as are used by meat packers in the conduct of their business when destined to and used by meat packers (except meat, and commodities in bulk, in tank vehicles), From points in MI, OH, IN, MO, AR, OK, MN, KS, CO, IL, WI, IA, NE, ND, SD, to Billings, MT. (25) *Fresh or frozen poultry,* when moving in mixed loads with the commodities described in (23)(a) above, From points in MI, OH, IN, MO, AR, OK, MN, KS, CO, IL, WI, IA, NE, ND, and SD, to points in MT, restricted (a) to the transportation of shipment originating at and destined to points in the above-described origin and destination territories, and (b) against the transportation of foodstuffs from Frankfort, Saugatuck, and Allen Township (Hillsdale County), Mich., Cleveland, Ohio, Sioux Falls, Madison, and Mitchell, SD, Elk Grove, Deerfield, and Chicago, IL, Waterloo, Ottumwa, Fort Dodge, Esterville, Des Moines, Webster City, and Cherokee, Iowa, Omaha, and Freemont, NE, Denver, Greeley, and Pueblo, CO, Fort Atkinson, WI, and Waseka, Fairmont, Winnebago, Duluth, Austin, and Worthington, MN. (26) *Fresh meat,* From Scottsbluff, NE, to points in MT. (27) *Meats, meat products, meat by-products and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), From points in Ada County, ID, to points in CA, CO, MT, OR, WA, and WY, restricted to the transportation of traffic originating at the plant site and storage facilities of Columbia Foods, Inc., Subsidiary of Iowa Beef Packers, Inc., in Ada County, ID. The authority granted herein, in Part (17) may be tacked or joined with carrier's other irregular-route authority. Frost is authorized to operate as a motor common carrier pursuant to certificates issued in MC-118288 and sub-numbers thereunder (Hearing site: Billings, MT.)

Note.—Application for temporary authority has been filed.

[FR Doc. 80-17324 Filed 6-6-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 80-11]

Gold Drugs, Inc., Hartford, Conn.; Notice of Hearing

Notice is hereby given that on April 15, 1980, the Drug Enforcement Administration, Department of Justice, issued to Gold Drugs, Inc., Hartford, Connecticut, an Order To Show Cause as to why the Drug Enforcement Administration should not revoke DEA Certificate of Registration AG6333253, previously issued to Respondent under Section 303(f) of the Controlled Substances Act, and as to why the Drug Enforcement Administration should not deny Respondent's pending application for renewal of such registration.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Wednesday, June 11, 1980, in the Hearing Room, Room 1210, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C.

Dated: June 2, 1980.

Frederick A. Rody, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 80-17392 Filed 6-6-80; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering and Applied Science; Notice of Open Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering and Applied Science—Task Group on University/Industry/Government Coupling.
Date: June 27, 1980.
Place: 1800 G Street, N.W., Room 338, Washington, D.C. 20550.
Type of meeting: Open.
Contact person: Mr. John Kaatz, Program Manager, Industrial Program, Room 1121, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-7527.
Summary minutes: Mr. John Kaatz, Program Manager, Industrial Program, Room 1121, National Science Foundation, Washington, D.C. 20550.
Purpose of advisory meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to Engineering and Applied Science activities and programs.

Agenda

8:30: Welcome—W. H. Wetmore
8:45: Opening remarks—G. Place
9:00: U/I/G: Background [1]; Study reports: West Germany—W. H. Wetmore; United Kingdom—R. D. Lauer
10:15: Break
10:30: Japan [1]—R. I. Schoen; France—Jay Harris; United States—J. R. Kaatz
12:00: Lunch
12:45: Discussion
2:15: Break
2:30: Committee Recommendations for: 1. Current Industrial Program, 2. Future Programmatic Thrusts
3:45: Closing remarks—G. Place
4:00: Adjournment

Dated: June 4, 1980.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 80-17309 Filed 6-6-80; 8:45 am]

BILLING CODE 7535-01-M

Advisory Committee on Science and Society; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463,

[1] Each will be informal, with plenty of opportunity for discussion.

as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Science and Society.
Date, time, and place: June 24–25, 1980, 9:00 a.m. to 5:00 p.m., Room 540, 1800 G Street, N.W., Washington, D.C. 20550.
Contact person: Margaret Hunter, Office of Science and Society, Directorate for Science Education, National Science Foundation, Room W-680, Washington, D.C. 20550, Telephone (202) 282–7770.
Type of meeting: Open.
Purpose of committee: To identify problems and priorities and to increase the effectiveness of the Office of Science and Society and its constituent programs.
Agenda: (1) Current activities and status of program; (2) discussion of Oversight Subcommittee report; and (3) objectives and goals of the Office of Science and Society.
Summary minutes: May be obtained from Margaret Hunter, contact person at the address given above.

Date: June 4, 1980.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 80–17307 Filed 6–6–80; 8:45 am]

BILLING CODE 7555–01–M

International Decade of Ocean Exploration Ad Hoc Subcommittee; Notice of Meeting

In accordance with the Federal Advisory Committee Act, as amended, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Subcommittee on the Crustal Processes of the Mid-Ocean Ridge Project, of the Advisory Committee for Ocean Sciences.
Date and time: June 26 and 27, 1980; 8:45 a.m. to 5:00 p.m.
Place: Room 643, National Science Foundation, Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Bruce Malfait, International Decade of Ocean Exploration Section, Room 605, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–7906.
Purpose of ad hoc subcommittee: To provide the IDOE Ad Hoc Subcommittee members with additional expertise in the review and evaluation of proposals relating to oceanographic research related to Crustal Processes at Mid-Ocean Ridge Project.
Agenda: Detailed review and evaluation of proposals for support of the Crustal Processes of the Mid-Ocean Ridge Project.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

Dated: June 4, 1980.

Fred K. Murakami,

Committee Management Officer.

[FR Doc. 80–17308 Filed 6–6–80; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on June 24–25, 1980 at the Quality Inn, 8040 13th Street, Silver Spring, MD 20910. Notice of this meeting was published May 15, 1980.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recording will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: *Tuesday and Wednesday, June 24–25, 1980, 8:30 a.m. until the conclusion of business each day.*

The Subcommittee may meet in Executive Session, with any of its consltants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representative of the NRC Staff, their consultants and other interested persons regarding pertinent portions of the NRC research program for the ACRS annual reports to NRC and Congress. In addition, the Subcommittee will be briefed by representative of the NRC Office of Nuclear Regulatory Research (RES) on NRC research programs related to LOCAs and Transients, and LOFT.

The ACRS is required by Section 5 of the 1978 NRC Authorization Act to review the NRC research program and budget and to report the results of review to Congress. In order to perform this review, the ACRS must be able to engage in frank discussions with members of the NRC Staff and such discussions would not be possible if held in public sessions. I have determined, therefore, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), that, should such sessions be required, it is necessary to close portions of this meeting to prevent frustration of the above stated aspect of the ARCS' statutory responsibilities. See 5 U.S.C. 552b(c)(9)(B).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the congnizant Designated Federal Employee, Dr. Andrew L. Bates (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 4, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80–17357 Filed 6–6–80; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Facility Operating License No. DPR–26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the Facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specification to increase the membership of the Station Nuclear Safety Committee and to allow the shift crew composition to be less than the minimum requirements for up to two hours.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The

Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 31, 1979, (2) Amendment No. 61 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of May, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief Operating Reactor Branch No. 1, Division of Licensing.

[FR Doc. 80-17364 Filed 6-6-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana & Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-58, and Amendment No. 20 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments (1) provide for a one time only extension of the time for testing the Unit No. 2 ice condenser lower inlet doors and (2) revises the withdrawal schedule for the reactor vessel surveillance capsules for Unit Nos. 1 and 2.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 9, 1980, (2) Amendment Nos. 37 and 20 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 23d day of May, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 80-17363 Filed 6-6-80; 8:45 am]

BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommenation that it be accepted.

As part of this program, Safety Guide SG-G9, "Establishment and Purpose of Regulations and Guides," has been developed. The Working Group, consisting of Mr. U. Riedel of the Federal Republic of Germany; Mr. G. Subramanian of India; and Ms. Jane Mapes (U.S. Nuclear Regulatory Commission) of the United States of America developed the initial draft of this Safety Guide from an IAEA collation during a meeting on January 14-25, 1980. The Working Group draft was modified by the IAEA Technical Review Committee in a meeting on February 25-29, 1980, and we are soliciting comments on this modified draft. Comments on this draft received by August 1, 1980, will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 2d day of June 1980.

For the Nuclear Regulatory Commission.

Ray G. Smith,

Acting Director, Office of Standards Development.

[FR Doc. 80-17358 Filed 6-6-80; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Improved Management and Dissemination of Federal Information; Request for Comment

AGENCY: Office of Management and Budget.

ACTION: Request for public comments.

SUMMARY: On July 25, 1978 the Office of Management and Budget published (**Federal Register**, page 32204) for public comment a proposed policy on the dissemination of scientific and technical information which results from Federal funds. The purpose of the proposed policy was to (1) establish that scientific and technical information which results from Federal funds shall, to the extent possible, be made available to the pubic, (2) require agencies to select that method for disseminating scientific and technical information which is in the best interests of both the agency and the Government, (3) require, with certain exceptions, that scientific and technical information be made available on a full cost recovery basis and (4) require the National Technical Information Service in the Department of Commerce to maintain a central index of scientific and technical information which is available from the Federal Government.

Over 300 comments were received from Federal agencies, libraries, State and local governments, trade associations, members of the public and others. The majority of the comments received supported the objectives of the proposed policy and provided suggestions on ways to improve the policy directive. Among these suggestions were:

(1) The policy should be clarified to assure a common understanding of its intent and requirements. In particular, it should be clearly stated that the policy does not mandate the use of the National Technical Information Service by Federal agencies for disseminating scientific and technical information.

(2) There should be a greater recognition of the role played by the Federal depository libraries and the private sector in providing public access to federally financed information.

(3) While there is a need to better manage federally financed scientific and technical information, it will be difficult to realize significant improvements without addressing some of the broader information policy issues. In particular, there is a need to establish a policy and organizational framework which will permit these issues to be addressed.

(4) Federal departments and agencies should be permitted maximum flexibility in managing their information resources, consistent with other program responsibilities. However, there is a need for greater central guidance and coordination.

(5) Cost should not become a barrier to public access to federally financed information. However, except when required by law, agencies should generally not be required to finance the dissemination of information beyond that required for mission accomplishment.

These and the many other comments that were received have been carefully considered in revising the policy. While it was not possible to incorporate all of the suggestions, major changes have been made in the proposed policy to address as many of the concerns as possible. As a result, the policy has been significantly expanded and is now entitled "Improved Management and Dissemination of Federal Information." While the policy still establishes an index of scientific and technical information to be managed by the National Technical Information Service, it also addresses the issues of public access to federally financed information and the establishment or expansion of information centers by Federal departments and agencies. The policy also proposes a set of principles to govern the dissemination of and public access to federally financed information.

The Office of Management and Budget is now seeking public comments on this proposed policy.

DATE: Comments should be received by July 25, 1980.

ADDRESS: Comments should be submitted to the Office of Management and Budget, Assistant Director for Regulatory and Information Policy, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Kenneth B. Allen, Office of Management and Budget, Washington, D.C. 20503, 202–395–3785.

Dated: June 3, 1980.

David R. Leuthold,

Budget and Management Officer.

Circular No. A–

To the Heads of Executive Departments and Establishments.

Subject: Improved Management and Dissemination of Federal Information.

1. *Purpose.* This Circular promulgates policies and responsibilities regarding the management and dissemination of information held by the Executive Branch of the Federal Government which is produced or created with Federal funds; establishes a comprehensive index of Federal scientific and technical information; and provides guidance on the establishment or expansion of information centers by Executive Branch departments and establishments.

2. *Applicability.* This Circular applies to all departments and agencies whose budgets are subject to Presidential review in accordance with OMB Circular No. A–11.

Nothing in this Circular is intended to supersede existing law and regulations, including, but not limited to the Freedom of Information Act and Privacy Act. Where applicable the provisions of current law or regulation shall take precedence over the policies and provisions of this Circular.

3. *Definitions.* For the purposes of this Circular, the following definitions shall apply:

a. "Information"—The term "information" as used herein is generally intended to mean publications and other documents, such as reports, studies and brochures, which are available in a paper or microform media. However, agencies are encouraged, as appropriate, to apply the policies and principles contained in this Circular to information which is avalilable in other media, such as computer data bases.

b. "Public information"—Information which is collected, produced or created by or for the Federal Government, with Federal funds, primarily for the purpose of communicating with, educating or informing one or more segments of the public. The distinguishing characteristic of public information is that the agency actively seeks, in some fashion, to disseminate such information or otherwise make it available to the public.

c. "Scientific and technical information"—Data or knowledge resulting from the conduct of federally funded research and development, or required for organizing, administering or performing research and development. Such information is used primarily by scientists and engineers engaged in research and development work.

d. "Information center"—A formally structured organizational unit financed partially or totally with Federal funds and established for the purpose of acquiring, maintaining, retrieving, and synthesizing a body of information and/or data in a clearly defined specialized field or pertaining to a specific mission with the intent of compiling, digesting, repackaging or otherwise organizing and presenting pertinent information and/or data in a logical, timely and useful form.

4. *Background.* Many Federal agencies have a statutory responsibility to disseminate information to the public. To carry out this responsibility, agencies currently employ a multitude of mechanisms, including the Superintendent of Document sales and depository library programs, the National Technical Information Service, clearinghouses, agency information centers and sales programs, journals and periodicals, private industry dissemination services and similar activities. Many of these mechanisms are also used to provide public access to other information produced in connection with the performance of agency missions, although such information is not specifically developed for the purpose of public dissemination.

Unfortunately, the growth in the amount of information collected and maintained by the

government, coupled with agency desires to provide access to this information, has resulted in a continuing proliferation of dissemination mechanisms. The very number of such mechanisms has resulted in unnecessary duplication and overlap in the information collected or created by the Federal Governent; inefficient and overlapping methods of disseminating information; diminished public access to Federal information; and increased costs to the taxpayer. Four particular problems have been identified.

First, the large number of highly specialized mechanisms for disseminating information has inhibited general public access to information held by the Federal Government since many of these mechanisms are designed or intended to serve a particular community of interest and are highly specialized as to subject matter. While such mechanisms may serve their own community of interest well, persons outside that community may not be aware of the existence of the information being disseminated. Furthermore, while an individual agency may appropriately use a variety of mechanisms and activities to disseminate information, there is frequently no single office within the agency which can identify all the information dissemination activities used by the agency. As a result, persons who desire information from a particular agency must frequently identify and contact a large number of sources.

Second, in response to legislative requirements or program needs, many Federal agencies have established information centers for the purpose of collecting information on a particular subject and making it available to interested parties. Currently there are almost 300 such centers which were either totally or partially federally funded. There is evidence which suggests that there has been unnecessary duplication and overlap in the establishment and expansion of such centers.

Third, each year the Federal Government acquires a great deal of scientific and technical information through its involvement in research and development. Although much of this information could be used to support activities in the public and private sector beyond the immediate mission of the sponsoring agencies, it is frequently not readily accessible. Individuals and organizations who are interested in locating scientific and technical information held by the Federal Government must frequently contact a large number of different sources. The lack of a central index inhibits public access to this information and reduces the potential value, through wider usage, of the information.

Finally, there are a multitude of activities in both the public and private sectors devoted to the dissemination of information, while some of these activities have been established by law, Federal agencies often have a great deal of flexibility in determining how information will be disseminated. Unfortunately agencies frequently do not consider all viable options when deciding how to disseminate information and, as a result, sometimes establish new dissemination activities instead of taking advantage of existing activities. This results in increased costs to the government and the public, increases the size of the Federal workforce, contributes to the proliferation of information activities, places the government in unnecessary competition with the private sector and inhibits the ability of the private marketplace to provide information goods and services.

5. *Policy Principles.* The following principles are established:

a. Public information held by the Federal Government shall be made available to the public in an effective, efficient and economic manner.

b. All other information shall be subject to release to the public unless exempted by the Freedom of Information Act, other law, or potentially subject to claims of privilege in litigation. However, even information which is exemptable may be released unless prohibited by law, executive order or regulation.

c. Information is not a free good; however, no member of the Public should be denied access to public information held by the Federal Government solely because of economic status. In particular, the Federal Government shall rely upon the depository library system to provide free citizen access to public information.

d. Information available through a mechanism other than the depository library system shall, unless required by other law or program objectives, be made available at a price which recovers all costs to the government associated with the dissemination of such information. Information released in accordance with the Freedom of Information or Privacy Act shall be made available at such fees as required by the appropriate law. Fees for information shall be waived or reduced when in the public interest and permitted by law.

e. The Federal Government shall, in accordance with OMB Circular No. A–76 and where not inconsistent with law, place maximum feasible reliance upon the private sector to disseminate public information.

f. The head of each executive department and establishment, consistent with existing laws, has primary responsibility for determining what information will be made available to the public, the methods to be used in making it available and the price to be charged.

6. *Information Dissemination.* The head of each executive department and establishment is responsible for assuring that public information held by his or her organization is made available to the public in an efficient, economic and effective manner and in accordance with existing laws. He or she is also responsible for assuring an appropriate degree and method of public access to other information which is held by the agency and which is subject to release. To carry out these responsibilities, each department and establishment shall issue policies and procedures which:

a. Implement the principles established in section 5 of this Circular.

b. Identify a single office within the department or agency to:

(1) Monitor and coordinate the information dissemination activities of the agency.

(2) Assist persons and organizations external to the agency in identifying and locating information held by the agency.

(3) Assure that the list of government publications required by Section 1902 of Title 44 of the United States Code is provided to the Superintendent of Documents each month.

(4) Maintain an inventory of agency sources, including information centers, bibliographic data bases and similar activities, which have information that may be of interest and is releasable to the public.

(5) Be cognizant of alternative dissemination activities, both public and private, and assist agency managers in selecting the appropriate activity to use.

c. Establish guidance to be used by agency managers in their:

(1) Review of information held by the agency to determine if it may be released to the public.

(2) Evaluation and selection of the most appropriate method for disseminating agency information.

(3) Determination of what price, if any, will be charged for information.

d. Assure that the requirements of Title 44 of the U.S.C. and the regulations issued by the Joint Committee on Printing, U.S. Congress are fulfilled. In particular, each agency shall assure that two (2) copies of those types of government publications cited in Section 1902 Title 44 U.S.C. are provided to the Superintendent of Documents for inclusion in the depository library program and preparation of the *Monthly Catalog* of U.S. Government publications.

e. Assure that the requirements of Title 31 of the United States Code, Sections 483a, and 686(a), and OMB Circular No. A–25, regarding the imposition of charges for agency services, are appropriately and uniformly applied to agency information services. In particular, each agency will establish mechanisms which permit agency managers to identify the costs of disseminating information. All direct and indirect costs associated with the dissemination of information, including the printing, processing, and retention, shall be identified. The costs of producing or creating the primary information should not be included.

7. *Information Centers.* It is the responsibility of each agency head to assure that agency resources are being economically and efficiently managed. In order to avoid the establishment of unnecessary or duplicative information centers and to preclude the unnecessary expenditure of taxpayer dollars, each agency head shall implement the following policies:

a. No Federal funds will be requested to establish a new information center, or significantly expand an existing one, until the agency has reviewed and evaluated existing information, activities and sources to see if they will meet the agency's requirements. At a minimum, this review will include:

(1) Publication of a notice in the **Federal Register** which indicates the agency's intent to establish or expand an information center, the purpose of the center and the subject matter to be included. This notice will permit at least 60 days for comments and suggestions on alternative ways to meet the

agency's requirements. A copy of this notice will be provided to the Director, OMB at the time of publication.

(2) Completion of any analysis required by OMB Circular No. A–76.

(3) Certification by the agency head, or his designee, that the agency review and public comments have not identified viable alternatives to meeting the agency's requirements and the proposed center is the most cost-effective approach.

b. Compliance with the above requirement does not relieve agencies of their responsibility to submit and justify such requests for the establishment or expansion of information centers through the normal budget process.

c. Information centers required to be established by law shall adhere to the above procedures to the extent not inconsistent with the law.

8. *Scientific and Technical Information.* It is hereby established that the National Technical Information Service of the Department of Commerce, which is a clearinghouse for the collection and dissemination of scientific and technical information, will develop and maintain a comprehensive index of scientific and technical information available to the public from the Federal Government. More specifically:

a. The National Technical Information Service shall:

(1) Establish and maintain an index of unclassified scientific and technical information which is produced or created with Federal funds and which is releasable to the public.

(2) Identify, in conjunction with the executive departments and agencies, those categories of scientific and technical information that will be maintained in the NTIS index and the method of submission.

(3) Work with the Superintendent of Documents and other appropriate organizations to eliminate unnecessary duplication and overlap in the indexing and dissemination of information.

b. The head of each executive department and agency shall:

(1) Identify, in conjunction with NTIS, those categories of scientific and technical information that will be maintained in the NTIS index.

(2) Provide one copy and a bibliographic description of each scientific and technical report, study or similar document, identified in accordance with Section 8(b)(1) above, to NTIS. The manner and method of submission will be developed jointly by NTIS and the agency.

Agencies are reminded that compliance with this section does not relieve them of their responsibilities to comply with Title 44 U.S.C. and the printing and binding regulations of the Joint Committee on Printing. Each agency should, where permitted by law, continue to evaluate all viable alternate methods for disseminating or providing access to information, including but not limited to NTIS and activities in the private sector.

9. *Reports.* a. Within 60 days of the effective date of this Circular, and annually thereafter, each agency shall publish a notice in the **Federal Register** which provides information to the public on how they can contact the office identified in Section 6(b) of this Circular. At the same time, this information shall be provided to the Office of Management and Budget.

b. Within 180 days of the effective date of this Circular, each agency shall provide a one-time report to the OMB which identifies what steps the agency has taken or is taking to implement the requirements of this Circular and improve public access to agency information.

10. *Supplementary Information.* This Circular is being issued in order to develop a framework within which public access to information held by the Federal Government can be improved. It is intended to provide agencies with maximum flexibility in order that they may develop policies, procedures and systems which will meet agency requirements and the requirements of this Circular without imposing an unnecessary burden. For that reason, specific guidelines on implementation are not being issued at this time. However, such guidelines will be issued if it becomes evident that they are needed. In the meantime, questions about this Circular should be referred to the Office of Management and Budget, Assistant Director for Regulatory and Information Policy (202) 395–3785.

11. *Effective Date.* This Circular is effective upon issuance and will remain in effect for three years thereafter, unless superseded or rescinded prior to that time.

James T. McIntyre, Jr.,

Director.

[FR Doc. 80–17288 Filed 6–6–80; 8:45 am]

BILLING CODE 3110–01–M

Agency Forms Under Review

June 4, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the ACT also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send

them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph J. Strnad—245–7488

Revisions

Public Health Service
Monthly marriage and divorce statistical report forms
HRA–27, 25, 28, 86, and 26
Monthly
County clerks, 720 responses; 72 hours
Office of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426–1887

New Forms

Federal Highway Administration
The local rural road problem
Single time
County and township officials, 806 responses; 403 hours
Office of Federal Statistical Policy and Standard, 673–7974

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2146

Revisions

Veterans application for compensation and pension
21–526
On occasion
Veterans, 250,000 responses; 250,000 hours
Laverne V. Collins, 395–6880

C. Louis Kincannon,

Acting Deputy Assistant Director for Reports Management.

[FR Doc. 80–17401 Filed 6–6–80; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 16862; SR–CBOE–80–10]

Chicago Board Options Exchange, Inc.; Notice of Filing of Proposed Rule Change and Order Approving Proposed Rule Change

May 30, 1980.

I. Introduction

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), notice is hereby given that on May 13, 1980, the Chicago Board Options Exchange, Incorporated ("CBOE"), La Salle at Jackson, Chicago, Illinois 60604, filed with the Commission copies of a proposed rule change to increase the number of authorized put and call classes on CBOE in order to accommodate the listing of current Midwest Stock Exchange, Incorporated ("MSE") options classes and to consummate its combination with the MSE options program, after which the MSE will cease to conduct an options program.[1] Specifically, CBOE requests Commission authority to list sixteen additional call classes and nine additional put classes.[2]

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–CBOE–80–10.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

II. Discussion

On April 24, 1979, the Commission, after providing an opportunity for public comment, issued an order approving the combination of the CBOE and MSE options programs (the "Combination").[3] The Commission based its approval of the Combination, in part, on its determination that the Combination would result in certain public benefits as well as certain efficiencies for the financial community.[4] While the Commission considered the proposal during the options expansion moratorium in order to eliminate uncertainty as to the future status of trading in MSE options classes, the Commission found that the consummation of the Combination would result in an expansion of the CBOE's options program and, accordingly, determined that the Combination could not be consummated by the listing of the MSE options classes on the CBOE until the moratorium was terminated.[5]

On March 26, 1980, the Commission issued a policy statement announcing the termination of the options expansion moratorium and soliciting comment on its intention to begin to permit further expansion of the standardized options markets, including the listing of additional put and call classes by the existing options exchanges.[6] With regard to the listing of additional call classes, the Commission stated that, in view of its determination to defer any decision on additional multiple trading of options, it did not intend to authorize any of the options exchanges to list new call classes, including the listing by CBOE of the MSE call classes, until the options exchanges had formulated and jointly submitted to the Commission an appropriate call expansion plan, that provided for the allocation of call classes among the options exchanges. In accordance with the Commission's March 1980 policy statement, the options exchanges have formulated and jointly submitted pursuant to Section 19(b)(1) of the Act a uniform call allocation plan which the Commission today has approved.[7] Accordingly, the criteria set forth by the Commission in the March 1980 policy statement have been satisfied.

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[1] Currently MSE lists put and call classes on the following underlying securities: Corning Glass Works, Freeport Minerals, Hughes Tool, Litton Industries, Owens Illinois, Northwest Industries, Revlon, Rockwell International and Superior Oil. Call options only are listed on the following underlying securities: Bristol-Meyers, Champion International, Coastal States Gas, Evans Products, Middle South Utilities, Ralston Purina and Safeway Stores.

[2] The nine additional put classes proposed by the CBOE are exclusive of any new put classes CBOE intends to list pursuant to its puts expansion schedule. *See* Securities Exchange Act Release No. 16788 (May 6, 1980).

[3] Securities Exchange Act Release No. 15761 ("April 1979 Release").

[4] The Commission also determined, in accordance with Section 6(b)(8) of the Act, that the proposal did not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

[5] In this regard, the Commission in the April 1979 Release, at n.15, stated that in order to consummate the combination, the CBOE would be required to file with the Commission, pursuant to Rule 19b–4, a proposed rule change to increase the number of authorized put and call classes on the CBOE, and also to make the proper filing with the Options Clearing Corporation. The Commission determined, however, to permit the MSE, in the interim, to relocate its option trading floor to be contiguous with the CBOE floor thereby alleviating certain cost burdens. The relocation was effected in May 1979.

[6] Securities Exchange Act Release No. 16701 ("March 1980 policy statement").

[7] Securities Exchange Act Release No. 16863 (May 30, 1980).

III. Conclusion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The Commission in its March 1980 policy statement solicited comments on its intention to permit the consummation of the Combination upon the submission of an appropriate call expansion plan. The only comments received by the Commission concerning this aspect of the policy statement were submitted by the CBOE. Those comments are now moot in view of its agreement to participate in the joint call expansion plan. The Commission also indicated in the March 1980 policy statement that, in the absence of significant operational or surveillance problems encountered by the options exchanges or back office difficulties experienced by member firms in handling current or anticipated trade volume, it intended to give the put and call expansion proposals, including CBOE's proposal to list the MSE option classes, expedited treatment. CBOE has represented that its surveillance and operational capabilities and the back office capacity of its member firms are adequate to handle any increased volume that may result from the institution of trading in MSE options classes and the Commission has no information currently before it which is contrary to that representation.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-17281 Filed 6-6-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11195; 811-1749]

Eldorado Fund, Inc.; Notice of Filing of Application Pursuant to Section 8(f) of the Investment Company Act of 1940 for an Order Declaring That Applicant Has Ceased To Be an Investment Company

June 2, 1980.

Notice is hereby given that Eldorado Fund, Inc. ("Applicant") 18158 Westover, Southfield, Michigan 48075, registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified, management investment company, filed an application on April 28, 1980, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as that term is defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized under the laws of the State of Delaware. It registered under the Act on October 28, 1968; and on November 7, 1968, it filed a registration statement (File No. 2-30817) under the Securities Act of 1933 covering 500,000 shares of common stock. This registration statement was declared effective by the Commission on March 17, 1970, and Applicant commenced a public offering of shares of its common stock.

The application states, among other things, that on September 14, 1979, and December 12, 1979, Applicant's Board of Directors considered and adopted a plan to liquidate and dissolve Applicant. After the solicitation of proxies, on January 15, 1980, at a Special Meeting of Applicant's shareholders held to consider the Board of Directors' Plan of Dissolution, liquidation of Applicant was approved by its shareholders, with 78.2% of the outstanding shares of common stock voting in favor of the proposed Plan of Dissolution.

The application further states that Applicant's assets (amounting to $184,923.44 or $8.052 per share) after paying or providing for all of Applicant's known debts and liabilities, including liquidation expanses, were distributed to Applicant's remaining shareholders pro rata in cash on January 19, 1980. Remaining undistributed assets include $3,938.53 in a demand deposit account representing unclaimed distributions to those shareholders whom Applicant has not been able to locate; $1,600 to cover legal expenses and $278.57 to cover expenses of mailing reports.

Applicant also states that it is not a party to any pending litigation or administrative proceeding, and has not within the last eighteen months transferred any of its assets to a separate trust the beneficiaries of which were or are shareholders of Applicant. A certificate of dissolution has been filed with the State of Delaware as required under Delaware law to terminate Applicant's legal existence. Finally, the application states that Applicant is not currently engaged in nor will it engage in any business activites except the winding-up of its business affairs.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 27, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-17279 Filed 6-6-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11197; 812-4570]

Kemper Money Market Fund, Inc. et al.; Notice of Filing of Application Pursuant to Section 6(c) of the Act for Exemption From Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 Thereunder

June 2, 1980.

Notice is hereby given that Kemper Money Market Fund, Inc., Cash Equivalent Fund, Inc. and Supervised Cash Account, Inc. ("Funds"), registered under the Investment Company Act of 1940 ("Act") as open-end, diversified, management investment companies, and Kemper Financial Services, Inc. ("Kemper"), 120 South LaSalle St., Chicago, Ill. 60603, the investment manager and principal underwriter for the Funds (the Funds and Kemper are hereinafter referred to as "Applicants"), filed an application on November 13, 1979, and an amendment thereto on May 14, 1980, pursuant to Section 6(c) of the Act for an order exempting them from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit the Funds to compute net asset value per share using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicants represent that each of the Funds is a "money market" fund, the investment objective of which is to maximize current income to the extent consistent with preservation of capital through investment in short-term debt instruments. Applicants further state that investments of the Funds must mature within one year of the date of acquisition. As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states, that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that the Commission, upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants request an exemption from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to permit the Funds to use the amortized cost method of valuing portfolio securities. Applicants submit that the granting of the requested exemptions is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants represent that the Boards of Directors of the Funds have determined that, in the absence of unusual circumstances, amortized cost value would represent the fair value of its portfolio securities. It is represented that the Funds' Boards of Directors also believe that the proposal would benefit their shareholders by assuring them the convenience of a stable price of $1.00 for each of their shares, together with protection against dilution and excessive risk in the form of conditions involving procedures for review by the Funds' Boards of Directors and requirements as to the quality of the Funds' portfolio investments.

Applicants undertake to adhere to the following conditions while operating under the exemptive orders they request:

1. In supervising the Funds' operations and delegating special responsibilities involving portfolio management to the Funds' investment adviser, each Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Funds' investment objectives, to stabilize each Funds' net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Boards of Directors of the Funds shall be the following:

(a) Review by the respective Board of Directors as they deem appropriate and at such intervals as are reasonable in light of current market conditions, do determine the extent of deviation, if any, of the net asset values per share of the Funds, as determined by using available market quotations, from the $1.00 amortized cost prices per share of the Funds, and the maintenance of records of such review.

(b) In the event that such deviation from a Fund's $1.00 amortized cost price per share should exceed ½ of 1%, a requirement that such Fund's Board of Directors promptly consider what action, if any, should be initiated.

(c) Where the Board of Directors of a Fund believes that the extent of any deviation from such Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or reduce to the extent reasonably practicable, such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Fund's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Funds will maintain dollar-weighted average portfolio maturities appropriate to their objective of maintaining stable net asset values per share; provided, however, that the Funds will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain dollar-weighted average portfolio maturities which exceed 120 days. In

fulfilling this condition, the Funds undertake that if the disposition of a portfolio security by a Fund should result in a dollar-weighted average portfolio maturity in excess of 120 days, such Fund will invest its available assets in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably possible.

4. The Funds will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in Paragraph 1 above; and, the Funds will record, maintain, and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of their Boards of Directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the Boards of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Funds will limit their portfolio investments, including repurchase agreements, to U.S. dollar-denominated instruments which their Boards of Directors' determine present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

6. The Funds will include in their quarterly reports, as an attachment to form N–1Q, a statement as to whether any action taken pursuant to Paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than June 27, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such Communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–17283 Filed 6–6–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11192; 812–4612]

Massachusetts Cash Management Trust and Massachusetts Cash Management Trust II; Notice of Filing of Application for Order Pursuant to Section 6(c) of the Act Exempting Applicants From the Provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 Thereunder

May 30, 1980.

Notice is hereby given that Massachusetts Cash Management Trust (the "Trust") and Massachusetts Cash Management Trust II (the "New Trust") 200 Berkeley Street, Boston, Massachusetts 02116 (collectively, "Applicants"), both open-end, diversified, management investment companies registered under the Investment Company Act of 1940 ("Act"), filed an application on February 11, 1980, and amendments thereto on April 14 and May 13, 1980, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicants to value their assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Trust was established under Massachusetts law as a Massachusetts business trust under a declaration of trust dated September 8, 1975. The New Trust was established on March 21, 1980, and its investment objectives, policies, trustees and officers, and the provisions of its declaration of trust and by-laws are substantially identical to those of the Trust. Massachusetts Financial Services Company acts as investment adviser to both the Trust and the New Trust. Applicants' investment objectives are to seek as high a level of current income as is considered consistent with the preservation of capital and liquidity by investing exclusively in the following money market instruments: (i) obligations issued or guaranteed as to interest and principal by the United States Government or any agency or instrumentality thereof, or any federally created corporation (subject to restrictions set forth in Applicants' prospectuses, Applicants may enter into repurchase agreements, as defined in the prospectuses); (ii) obligations of banks (including certificates of deposit and bankers' acceptances) which at the date of investment have capital, surplus, and undivided profits (as of the date of their most recently published financial statements) in excess of $100,000,000; (iii) commercial paper which at the date of investment is rated A–1 by Standard & Poor's Corporation ("S&P") or P–1 by Moody's Investors Service, Inc., ("Moody's") or, if not rated, is issued or guaranteed as to payment of principal and interest by companies which at the date of investment have an outstanding debt issue rated AA or better by S&P or Aa or better by Moody's; and (iv) short-term corporate obligations which at the date of investment are rated AA or better by S&P or Aa or better by Moody's. Applicants' portfolio securities are valued on the basis of yields obtained from market makers for securities of comparable maturity, quality and type, except that when such securities have 60 days or less to maturity at the time of valuation they are valued at amortized cost.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of trustees. Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such

security. Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of trustees. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants request an order of the Commission pursuant to Section 6(c) of the Act, exempting them from the provisions of Section 2(a)(41) and Rules 2a–4 and 22c–1 to the extent necessary to permit them to use the amortized cost method of valuation for all their portfolio securities. In support of their request, Applicants submit that many of their investors require an investment vehicle that offers a constant net asset value per share and a relatively smooth stream of investment income. Applicants argue that use of the amortized cost method of valuation permits them to provide investment vehicles with those features. In addition, Applicants represent that each of their boards of trustees has determined that, absent unusual circumstances, amortized cost represents the fair value of their respective portfolio securities. Applicants maintain that the exemptions they request satisfy the exemptive standard set forth in Section 6(c) of the Act. In addition, each Applicant consents to the imposition of the following conditions to any order granting it the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of trustees of each Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees of each Applicant shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Each Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that neither Applicant will (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Each Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the boards of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Each Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Each Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than June 27, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing

[1] To fulfil this condition, Applicants intend to use actual quotations or estimates of market value reflecting current market conditions chosen by each board of trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicants will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–17282 Filed 6–6–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–16865; File No. SR–MSE–80–6]

Self-Regulatory Organizations; Proposed Rule Change By Midwest Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on May 9, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

Article IX, Rule 7 of the Midwest Stock Exchange Rules is hereby amended as follows:

Additions Italicized—[Deletions Bracketed]

Article IX.—Trading Rules

Records of Orders Transmitted

Rule 7. Every member, member organization, or any partner of a member firm or officer or director of a member corporation shall preserve, for at least [12 months] *three years*, a record of every order transmitted by such member, member organization, partner in a member firm or officer or director of a member corporation to the Floors of the Exchange, which record shall include the name and amount of the security, the terms of the order and the time when such order was so transmitted, *and the time at which a report of execution was received. These requirements are also applicable to the cancellation of an order covered by this Rule.* [; provided, however, that the Exchange may, upon application for cause shown, grant exemptions from the provisions of this paragraph.]

[Every person originating an order on the Floors of the Exchange shall preserve, for at least 12 months, a record of every order originated by him on the Floors of the Exchange and given to another person for execution, and of any order originating off the Floors of the Exchange, transmitted by any person other than a member, member organization or partner in a member firm or officer or director of a member corporation to such member on the Floors of the Exchange, which record shall include the name and the amount of the security, the terms of the order and the time when such order was given or so transmitted; provided, however, that the Exchange may, upon application for cause shown, grant exemptions from the provisions of this paragraph.]

Exceptions. Under exceptional circumstances the Exchange may upon written request waive the requirements contained in the above rule.

.01 Every order covered by the above rule to be executed pursuant to Section 11(a)(1)(G) of the Act and Rule 11a1–1(T) thereunder shall bear an identifying notation that will enable the executing member to disclose to other members that the order is subject to those provisions.

MSE's Statement of Basis and Purpose of Proposed Rule Change

The purpose of the proposed rule change is to require every member, member organization, partner in a member firm or officer or director of a member corporation to preserve a record of every order transmitted or received by such party for a three year period, as required by Rule 17a–4 of the Securities Exchange Act, as amended. The same requirements will be applicable to the cancellation of an order covered by this Rule.

The proposed rule change also will eliminate the current duplication of Article IX, Rule 7 and Rule 25(a) of Article XX.

In accordance with Sections 6(b)(5) and 17(d)(1) of the Act, the proposed rule change would be in the public interest and protect investors by facilitating the periodic examination of member organizations pursuant to agreements now in effect with other self-regulatory organizations.

The Midwest Stock Exchange, Incorporated has neither solicited nor received any comments.

The Midwest Stock Exchange, Incorporated does not believe that the proposed rule change will impose any burden on competition.

Within 35 days of the date of publication of this notice in the **Federal Register**, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549.

Copies of all such filings with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W. Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 30, 1980.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

June 2, 1980.

[FR Doc. 80–17260 Filed 6–6–80; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80–037]

Possible Alteration of the Southern Pacific Transportation Co. Bridge Across the Mermentau River, Mile 68.0, at Mermentau, La.; Public Hearing

The public hearing scheduled for May 16, 1980 announced in 45 F.R. 25207 was cancelled due to local flooding. Notice is hereby given in accordance with Section

3 of the Act of June 21, 1940, as amended, (Truman-Hobbs Act) that a public hearing regarding the possible alteration of the Southern Pacific Transportation Company railroad bridge across the Mermentau River, mile 68.0, Mermentau, Louisiana has been rescheduled for Tuesday, July 15, 1980 at 1:30 p.m. in Mermentau Elementary School, 4th and Church Streets, Mermentau, Louisiana.

(54 Stat. 498, 33 U.S.C. 513; Sec. 6(g)(3), 80 Stat. 937, 49 U.S.C. 1655(g)(3); 33 CFR 116.20 and 49 CFR 1.46(c)(6))

Dated: June 2, 1980.

Peter J. Rots,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 80-17461 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

FAA Flight Service Station Sault Ste. Marie, Mich.; Notice of Decommissioning

Notice is hereby given that on June 1, 1980, the Flight Service Station at Sault Ste. Marie, Michigan will be closed. Services to the aviation public of Sault Ste. Marie, formerly provided by this office, will be provided by the Flight Service Station in Traverse City, Michigan. This information will be reflected in the FAA Organization Statement the next time it is reissued. (Section 313(a), 72 Stat. 752, (49 U.S.C. 1354(a)).

Issued in Des Plaines, Ill., on May 23, 1980.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 80-17177 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Jones and Haskell Counties, Tex.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Jones and Haskell Counties, Texas.

FOR FURTHER INFORMATION CONTACT: John E. Inabinet, P. E., District Engineer, Federal Highway Administration, 826 Federal Building, Austin, Texas 78701, Telephone: (512) 397-5516.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas State Department of Highways and Public Transportation (DHT), intends to prepare an environmental impact statement (EIS) on a proposal for the construction of a four-lane divided highway on new location through the northwestern edge of Stamford from 0.6 mile southwest of FM 2834 to the present junction of US 277 and SH 6 north of Stamford. This segment of new highway will close an approximately 3.1 mile long gap between existing sections of four-lane divided road on US 277. Grade separated interchanges are proposed for construction where the new route will cross the present route about a mile north of the south end of the project and at the intersection with State Highway 6 at the north end. Frontage roads are proposed for most of the southernmost mile of the project. Because of difficulty in predicting availability of funds, the DHT has not yet decided whether to use State or Federal funds to finance construction of this project.

The proposed highway will allow through traffic to avoid the present route along inadequate two-lane two-way streets, which includes a signalized right-angle corner in the central business district. Large trucks have difficulty at this corner and frequently drive partly on the sidewalk in making the turn. Diverting the through traffic from the present route to the proposed expressway-type road will provide a shorter, safer, less congested, faster, and possibly more pleasant route. Benefits to the local community will include a reduction of the traffic volume and congestion on the present route; and, therefore, a reduction of inconvenience, hazards, noise, and air pollution.

Alternatives to be considered for the project include the proposed construction on new alignment in the northwestern edge of Stamford, a longer route farther west in an entirely rural area, and taking no action.

There are currently no plans to hold a formal scoping meeting for this project; however, coordination with other agencies and appropriate public involvement (aspects of scoping) have been conducted throughout project development. On September 3, 1975, a Project Concept Conference was held to make a preliminary identification of the social, economic, and environmental effects of the project, to determine the studies and interdisciplinary input needed, to determine what assistance from other agencies would be needed, and to make a preliminary determination of the public involvement actions needed. This conference was attended by personnel of the State Department of Highways and Public Transportation and officials of the City of Stamford. A public meeting for discussion of the project was held on November 6, 1975. The views of State and Federal agencies were solicited early in the development of the project, and comments were received from the following agencies:

U.S. Fish and Wildlife Service
Texas Parks and Wildlife Department
U.S. Bureau of Mines
U.S. Bureau of Outdoor Recreation
U.S. Soil Conservation Service
U.S. Army Corps of Engineers
U.S. Environmental Protection Agency

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: May 30, 1980.

John E. Inabinet, P.E.

District Engineer, Austin, Tex.

[FR Doc. 80-17250 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

Fair Housing Lending Enforcement; Public Meeting

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of public meeting.

SUMMARY: Settlement of *National Urban League, et al.*, v. *Office of the Comptroller of the Currency, et al.*, (Civil Action No. 76-0718) provides that a semi-annual meeting will be held to review the fair housing lending enforcement program of the Office of the Comptroller of the Currency. Members of the public are invited to attend this meeting.

DATE: July 8, 1980, 2:00 p.m.

ADDRESS: 490 L'Enfant Plaza, S.W., Washington, D.C. 20219. Individuals who plan to attend this meeting should be present at the 3rd Floor Conference Room "B" prior to 2:00 p.m.

FOR FURTHER INFORMATION CONTACT: Michelle C. White, Special Assistant for Civil Rights, Office of the Comptroller of the Currency, Washington, D.C. 20219, phone 202/287-4263.

SUPPLEMENTARY INFORMATION: Settlement of *National Urban League, et al.*, v. *Office of the Comptroller of the Currency, et al.*, (Civil Action No. 76-0718) provides that a semi-annual

meeting will be held to review the fair housing lending enforcement program of the Office of the Comptroller of the Currency. Representatives of the Comptroller of the Currency, will discuss their fair housing program and any changes made or proposed therein and will receive and consider suggestions from the National Urban League.

Members of the public are invited to attend this meeting and will be given an opportunity to make comments and suggestions with respect to the enforcement program of the Comptroller of the Currency.

Dated: June 3, 1980.

Jo Ann S. Barefoot,

Deputy Comptroller for Customer and Community Programs.

[FR Doc. 80-17418 Filed 6-6-80; 8:45 am]

BILLING CODE 4810-33-M

Customs Service

[TMK-2-RRUEE]

HOUSEWORKS LTD.; Application for Recordation of Trade Name

On March 27, 1980, there was published in the **Federal Register** (45 FR 20271) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name HOUSEWORKS, LTD. The notice advised that prior to final action on the application filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevent data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice.

The name HOUSEWORKS, LTD., is hereby recorded as the trade name of Houseworks, Ltd., a corporation organized under the laws of the State of Georgia, located at 3937 Oakcliff Industrial Court, Atlanta, Georgia 30340, when applied to doll house accessories and miniature furniture, manufactured in Hong Kong and Taiwan.

Dated: June 4, 1980.

Salvatore E. Caramagno,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 80-17437 Filed 6-6-80; 8:45 am]

BILLING CODE 4810-22-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 112
Monday, June 9, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 2 p.m. (eastern time), Tuesday, June 10, 1980.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street, NW, Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Status Report and Recommended Extension to five ABAR Contracts.
2. Proposed contract for services needed to conduct EEO–4 Survey.
3. Report on Commission Operations by the Executive Director.

Closed to the public:

Litigation Authorizaton; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634–6748.

This Notice Issued June 3, 1980.

[S–1111–80 Filed 6–5–80; 3:39 pm]

BILLING CODE 6570–06–M

2

FEDERAL ENERGY REGULATORY COMMISSION.

June 4, 1980.

TIME AND DATE: 10 a.m., June 11, 1980.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—452nd Meeting, June 11, 1980, Regular Meeting 10 a.m.

CAP–1. Docket No. EL80–4, Metropolitan Edison Co.
CAP–2. Docket No. ER79–566, Interstate Power Co.
CAP–3. Docket No. ER79–283, The Kansas Power & Light Co.
CAP–4. Docket Nos. ER79–528 and ER80–153, Cincinnati Gas & Electric Co. and Union Light, Heat & Power Co.

Miscellaneous Agenda—452nd Meeting, June 11, 1980, Regular Meeting

CAN–1. Docket No. QF80–2, Ottumwa Water Works

Gas Agenda—452nd Meeting, June 11, 1980, Regular Meeting

CAG–1. Docket No. RP74–4, Cities Service Gas Co.
CAG–2. Docket No. RP80–92, El Paso Natural Gas Co.
CAG–3. Docket No. TA80–2–44 (PGA80–2A), Commercial Pipeline Co., Inc.
CAG–4. Docket No. TA80–2–33 (PGA80–2A), El Paso Natural Gas Co.; Docket No. TA80–2–42 (PGA80–2A), Transwestern Pipeline Co.
CAG–5. Docket No. RP72–142, Cities Service Gas Co.
CAG–6. Docket No. RP80–3, Michigan Wisconsin Pipe Line Co.
CAG–7. Docket Nos. CI77–298, IN79–3, G–3973, G–76360, G–11936, G–11943, and G–11946, Mobil Oil Corp.
CAG–8. Docket Nos. AR61–2, et al. and AR69–1, AR64–2 et al., AR67–1 et al., and AR70–1 et al., area rate proceedings et al., (Southern Louisiana, Texas Gulf Coast, other Southwest, Permian Basin II Areas).
CAG–9. Docket Nos. FERC gas rate schedule Nos. 273 and 305, Gulf Oil Corp.; Docket No. CI80–43, Exxon Corp.; Docket No. CI78–1128, Arkla Exploration Co.
CAG–10. Docket No. G–4880 et al., Diamond Shamrock Corp. et al.; Docket No. CI80–1, The Offshore Co.; Docket No. CI80–2, Sonat Exploration Co.; Docket No. CI80–203, Union Oil Co. of California; Docket No. G–4614 et al., Southland Royalty Co. et al.; Docket No. CI76–492, Cotton Petroleum Corp.; Docket No. CI80–263, Diamond Shamrock Corp.; Docket No. CI79–514, The Louisiana Land & Exploration Co.; Docket No. G–17396 et al., Kerr-McGee Corp. et al.; Docket No. CI80–19 et al., Chevron U.S.A. Inc. et al.; Docket No. CI79–437, Getty Oil Co.; Docket No. CI77–42, Mobil Oil Exploration & Producing Southeast Inc.; Docket No. CI80–189, Gulf Oil Corp.; Docket No. CI80–169, Transco Exploration Co.; Docket No. CI80–224, Quintana Offshore, Inc.; Docket No. CI80–225, Quintana Oil & Gas Corp.; Docket No. CS71–109 et al., Aikman Brothers et al.; Docket No. CS71–530 (CS73–560), Crystal Oil Co. (Charter Exploration & Production Co.); Docket No. CS71–831, (William J. Atkins, trustee for trusts under the estate of Katherine A. Atkins (Katherine Adger Atkins et al.); Docket No. CS71–835, (William J. Atkins, executor of succession of John B. Atkins, Jr. (John B. Atkins, Jr.); Docket No. CS80–89, J. C. Thompson.
CAG–11. Docket No. CP79–218, Transcontinental Gas Pipe Line Corp.
CAG–12. Docket No. CP80–82, Michigan Wisconsin Pipe Line Co., Texas Eastern Transmission Corp., and Transcontinental Gas Pipe Line Corp.
CAG–13. Docket No. CP70–309, Panhandle Eastern Pipe Line Co.
CAG–14. Docket No. CP80–58, Panhandle Eastern Pipe Line Co.
CAG–15. Docket No. CP79–8, Mountain Fuel Supply Co.; Docket No. CP79–124, Colorado Interstate Gas Co.; Docket No. CP79–184, United Gas Pipe Line Co., and Northern Gas Pipe Line Co.; Docket Nos. CP79–42 and CP80–165, Sea Robin Pipeline Co.
CAG–16. Docket No. CP80–119, Michigan Wisconsin Pipe Line Co.; Docket No. CP80–204, Northern Natural Gas Co., Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co.
CAG–17. Docket No. CP74–102, Texas Eastern Transmission Corp.
CAG–18. Docket No. CP80–152, East Tennessee Natural Gas Co.
CAG–19. Docket No. CP80–184, Southern Natural Gas Co.
CAG–20. Docket No. CP80–307, Consolidated Gas Supply Corp.
CAG–21. Docket No. CP80–243, Columbia Gas Transmission Corp.
CAG–22. Docket No. CP80–190, United Gas Pipe Line Co.

Power Agenda—452nd Meeting, June 11, 1980, Regular Meeting

I. Licensed Project Matters

P–1. Project No. 2830, Town of Madison Electric Works Department; Project No. 2915, Madison Paper Industries.
P–2. Project No. 553, City of Seattle, Wash.
P–3. Docket No. EL78–43, City of Bountiful, Utah, Power & Light Co., City of Santa Clara, Calif., and Pacific Gas & Electric Co.

II. Electric Rate Matters

ER–1. Docket No. ER80–308, Georgia Power Co.
ER–2. Docket No. ER80–184, Oklahoma Gas & Electric Co.

ER–3. Docket No. ER80–343, Southern Company Services, Inc.
ER–4. Docket No. ER80–344, Carolina Power & Light Co.
ER–5. Docket Nos. E–9002 and ER76–122, Commonwealth Edison Co.
ER–6. Docket No. ER80–71, Central Illinois Public Service Co.
ER–7. Docket No. ER76–530, Arizona Public Service Co.
ER–8. Docket No. EL78–13, Central Virginia Electric Cooperative, Inc., Craig-Botetourt Electric Cooperative, Inc., and Southside Electric Cooperative, Inc., v. Appalachian Power Co.

Miscellaneous Agenda—452nd Meeting, June 11, 1980, Regular Meeting

M–1. Docket No. RM80–31, Dam Safety.
M–2. Reserved
M–3. Reserved
M–4. Docket No. RM78–22 (Part 8), Regulations establishing procedures for informal rulemakings, including *ex parte* restrictions.
M–5. Docket No. RM80–11, statement of policy on distributor access to outer continental shelf gas.
M–6. Docket No. RM80–38, Rule to provide incentive pricing for high-cost natural gas produced from wells drilled in deep waters.
M–7. Docket No. GP80– , NGFA well category determination, southland royalty, JD80–15789.
M–8. Docket No. GP80–85, New Mexico Oil Conservation Division, Southland Royalty Co., Oliver No. 1 Well, JD79–203; Docket No. GP80–86, U.S. Geological Survey, New Mexico, Southland Royalty Co., McClanahan No. 18 well, JD79–11326; Docket No. GP80–87, U.S. Geological Survey, New Mexico, Conoco Inc., Lockhart A–27 No. 8 well, JD78–17362, AXI Apache J. No. 19 well, JD79–18030, Lockhart B–11 No. 16 well, JD79–18202.
M–9. Docket No. RO79–9, Mobil Oil Corp.
M–10. Docket No. RA80–17, New Jersey Highway Authority.
M–11. Docket No. RA79–20, Kern County Refinery, Inc.

Gas Agenda—452nd Meeting, June 11, 1980, Regular Meeting

I. Pipeline Rate Meters

RP–1. Docket No. RP72–133 (PGA79–2), United Gas Pipe Line Co.

II. Producer Matters

CI–1. Docket No. RI73–60, Mitchell Energy Corp.
CI–2. Docket No. RI79–21, Shell Oil Co.
CI–3. Docket Nos. CI79–178, CI78–1268, CI79–200, CI78–1251, CI78–1272, CI78–816, G–11083 et al., CI75–16 et al., G–5010 et al., CI79–512, CI80–59, CI79–620, CI80–55, CI79–522, CI79–553, CI80–43, CI79–130, CI79–199, CI79–178, and CI64–349, Exxon Corp.; Docket Nos. CI78–180 et al., CI78–532, CI79–519, CI79–522, CI79–593, and CI79–537, Texaco Inc.; Docket Nos. CI78–713 and CI79–648, Champlin Petroleum Co.; Docket Nos. CI79–309, CI79–153, CI77–797, CI79–461, CI79–529, CI79–485, CI78–736, CI79–126, CI79–44, CI78–519, CI79–631, rate schedule 89, rate schedule 12 et al., CI78–1232, CI78–1173, CI78–604, G–14515, CI77–123, CI78–674, CI78–993, G–12154, CI75–22, rate schedule 9, rate schedule 271, rate schedule 316 et al., rate schedule 590, CI79–249, CI76–215, CI76–239, rate schedule 599, rate schedule 624, Docket No. CI77–263, rate schedule 272, CI80–189, and rate schedule 273, Gulf Oil Corp.; Docket Nos. CI80–147 and CI79–514, Louisiana Land Offshore Exploration Co., Inc.; Docket Nos. CI76–783 and CI78–1128, Arkla Exploration Co.; Docket No. CI80–204, Aminoil of Louisiana Inc., rate schedule Nos. 42, 55, 67, and 22, Warren Petroleum Co., a Division of Gulf Oil Corp.

III. Pipeline Certificate Matters

CP–1. Docket No. TC79–136, Nucor Steel-Nebraska, Division of Nucor Corp.

Kenneth F. Plumb,

Secretary.

[S–1106–80 Filed 6–4–80; 4:29 pm]

BILLING CODE 6450–85–M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, FR p. 37577, June 3, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 6, 1980.

PLACE: FDIC Building, 550, 17th Street NW., Sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

CHANGES IN THE MEETING: The following item has been added to the agenda for the open meeting.

Application for Permission to Convert to a Federal Chartered Stock Form—Carolina Federal Savings and Loan Association of Raleigh, Raleigh, North Carolina.

Announcement is being made at the earliest practicable time.

No. 367, June 4, 1980.

[S–1109–80 Filed 6–5–80; 9:59 am]

BILLING CODE 6720–01–M

4

FEDERAL HOME LOAN BANK.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, FR p. 37577, June 3, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 6, 1980.

PLACE: FDIC Building, 550 17th Street NW., Sixth floor., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6677).

CHANGES IN THE MEETING: The following item was posted in error. Please Disregard:

Regulation on Induced Savings Withdrawals.

The following item has been added to the agenda for the open meeting:

Regulation on Conversation from State Stock to Federal Stock Charter.

Announcement is being made at the earliest practicable time.

No. 358, June 5, 1980.

[S–1110–80; Filed 6–5–80; 2:53 pm]

BILLING CODE 6720–01–M

5

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of Change in Subject of Meeting.

The National Credit Union Administration Board had determined that its business requires that the previously announced meeting on Thursday, June 5, 1980, include the following additional item which will be open to public observation:

Consideration of changes in the early withdrawal penalty on Share Certificate Accounts.

Earlier announcement of this change was not possible. The previously announced items are:

1. Review of Central Liquidity Facility lending rate.
2. Litigation referral to Department of Justice regarding applicability of California Sales Tax to Federal credit unions.
3. Proposed amendments to Pub. L. 95–630—Financial Institutions Regulatory & Interest Rate Control Act of 1978.
4. Group purchasing activities.
5. The collection and processing of semiannual financial and statistical data from all federally insured credit unions.
6. Report on actions taken under delegations of authority.
7. Applications for charter, amendments to charters, bylaw amendments, mergers as may be pending at that time.
8. Early withdrawal penalty.

The meeting will be held at 9:30 a.m., in the seventh floor board room, 1776 G Street NW., Washington, D.C.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–1107–80 Filed 6–5–80; 9:17 am]

BILLING CODE 7535–01–M

6

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, June 11, 1980.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Federal Credit Unions Acting as Depositories and Financial Agents of the Government—Final Rule.
3. Report on actions taken under delegations of authority.
4. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10 a.m.

TIME AND DATE: 10:15 a.m., Wednesday, June 11, 1980.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed charter amendment. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Proposed mergers. Closed pursuant to exemptions (8) and (9) (A)(ii).
3. Proposed conversion from Federal to State charter with continued NCUSIF insurance. Closed pursuant to exemptions (8) and (9) (A)(ii).
4. Administrative Action under section 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).
5. Requests from Federally insured credit unions for special assistance under section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Report on actions takenunder delegations of authority. Closed pursuant to exemptions (8), (9)(A)(ii), and (10).
7. Personnel Actions. Closed pursuant to exemptions (6).

FOR MORE INFORMATION CONTACT:
Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S–1108–80; Filed 6–5–80; 9:17 am]

BILLING CODE 7535–01–M

Reader Aids

Federal Register

Vol. 45, No. 112

Monday, June 9, 1980

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

202-783-3238	Subscription orders and problems (GPO)
	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
312-663-0884	Chicago, Ill.
213-688-6694	Los Angeles, Calif.
202-523-3187	Scheduling of documents for publication
523-5240	Photo copies of documents appearing in the Federal Register
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-5282	Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

COMMODITY FUTURES TRADING COMMISSION

30426 5–8–80 / Designation of a futures commission merchant to be the agent of foreign brokers and foreign traders

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

31059 5–12–80 / Interlocutory appeals from rulings of presiding officers; rules of practice and procedure

FEDERAL COMMUNICATIONS COMMISSION

29837 5–6–80 / FM Broadcast Station in Bloomfield, Iowa; changes made in table of assignments

29835 5–6–80 / FM Broadcast Station in Mountain Home, Ark.; changes made in table of assignments

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

31990 5–15–80 / Low-income housing; elderly or handicapped housing; loan disbursements for building components stored off-site; interim

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing June 6, 1980

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: July 11 and 25; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202–523–5235. Gwendolyn Henderson, Assistant Coordinator, 202–523–5234.

ST. LOUIS, MO.

WHEN: June 24 and 25; at 9:00 a.m. (identical sessions.)

WHERE: Room 3720, Federal Office Bldg. 1520 Market Street, St. Louis, Mo.

RESERVATIONS: Call Evelyn Wiebusch, Federal Information Center, 314–425–4106.

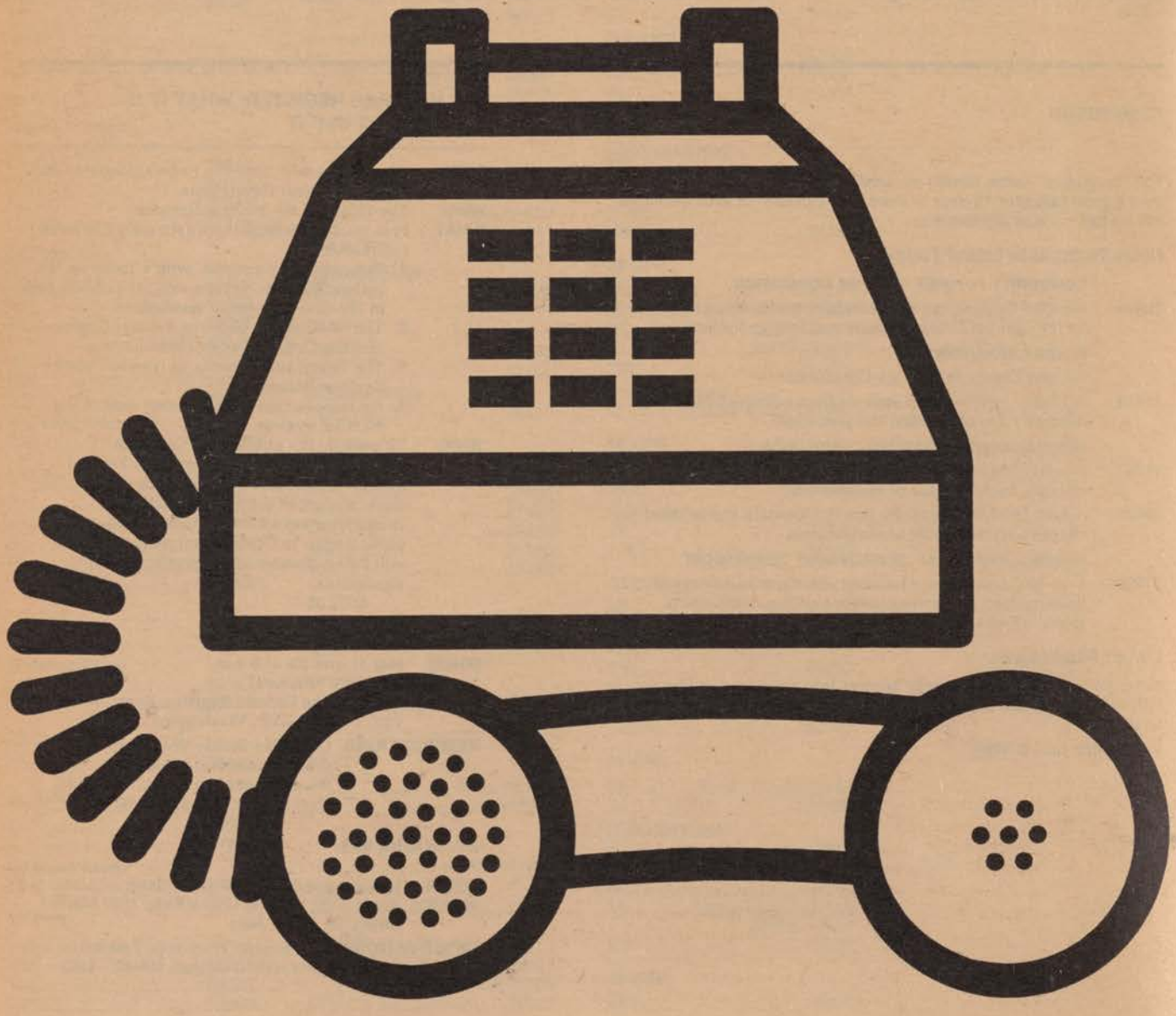
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For an advance "look" at the Federal Register, try our information service. A recording will give you selections from our highlights listing of documents to be published in the next day's issue of the Federal Register.

Washington: **202-523-5022**

Chicago: **312-663-0884**

Los Angeles: **213-688-6694**



326-280
G.S.A.
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federal register

Book 2 of 3 Books
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Consumer Programs

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Consumer Programs

federal register

Monday
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Part II

Consumer Affairs Council

Presidential Statement and a Report on the Implementation of Executive Order 12160

Presidential Documents

The President

STATEMENT BY THE PRESIDENT

Every day, agencies of the Federal government make decisions that affect all of us as consumers. In the years before I became President, I had first-hand experience with the frustration many consumers feel when they try to express a concern or raise a problem with the government bureaucracy. So, I believe it is essential that strong action be taken to assure consumers access to their government with their concerns being heard. And as President, I have taken such action.

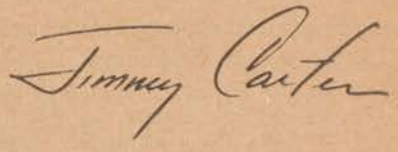
In September 1979, I signed Executive Order 12160—the Consumer's Executive Order—to improve consumer programs in agencies of the Federal government. This requires agencies to take specific, concrete steps to ensure that the consumer point of view is considered when decisions are made affecting consumers. It also established the Consumer Affairs Council to develop effective consumer programs in the Federal government, and to help implement the Consumer's Executive Order.

Last December and February, Federal agencies published draft consumer programs for public comment and review. Based upon review of your comments these agencies today are publishing their final consumer programs. If you take a moment to examine the consumer programs of the agencies which interest you I think you will agree we have made substantial progress toward increasing government responsiveness to your needs and wishes.

The improvement of communication between consumers and government has been a fundamental priority of my Administration. I have directed that the Federal documents you deal with every day be written in plain, understandable English.

But even clearly written documents *from* the government will not be enough unless you, in turn, speak *to* the government. This is the basis of the Consumer's Executive Order: to make it easier for you to talk to your government and to guarantee that the government listens. Letting us know what you think is your *right*, and it is a right I encourage you to exercise. It's your government; help us make it better!

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CONSUMER AFFAIRS COUNCIL

A Report on the Implementation of Executive Order 12160

AGENCY: Consumer Affairs Council.

ACTION: A Report on the Implementation of Executive Order 12160.

SUMMARY: In cooperation with the Consumer Affairs Council, agencies of the Federal government are today publishing final consumer programs. The programs follow this preamble. We are taking this action in response to Executive Order 12160, "Providing for Enhancement and Coordination of Federal Consumer Programs." We expect this action will result in Federal Consumer programs that are effective and responsive to the needs and wishes of American consumers.

DATES: The consumer programs in this publication are to become effective no later than July 9, 1980.

ADDRESSES: 1. For the address of a particular agency, see that agency's consumer program.

The address of the Consumer Affairs Council is 495 Old Executive Office Building, Washington, D.C. 20500.

FOR FURTHER INFORMATION CONTACT:

If Your Question is About	Contact	Telephone Number [1]
The Consumer's Executive Order (generally).	Alan Weiss	202 456-2237
The Consumer Affairs Council.	Belle B. O'Brien	202 456-2237
Exemptions from the Executive Order/ Legal Interpretations.	Mark Goldberg	202 456-6226
Comsumer Participation.	Belle B. O'Brien	202 456-2237
Consumer's Perspective in Agency Decisionmaking.	Mark Goldberg	202 456-6226
Informational Materials.	Charlotte Nyheim	202 755-8810
Complaint Handling	Roger Goldblatt	202 755-8820
Evaluation of Agency Programs.	Richard Cook	202 456-2237
OMB Budget Initiative.	Mark Goldberg	202 456-6226
OPM Personnel Initiative.	Meredith Fernstrom	202 377-5001
OPM Training Initiative	Lee Gray	202 426-4520
This Publication	Gregory Jones	202 456-2237

[1] The telephone numbers appearing here, and elsewhere in this report, are not toll-free numbers, unless we tell you otherwise.

SUPPLEMENTARY INFORMATION:

A REPORT ON THE IMPLEMENTATION OF EXECUTIVE ORDER 12160

What's Inside

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I. WHAT IS THE CONSUMER'S EXECUTIVE ORDER?

The Consumer's Executive Order, Executive Order 12160, is a directive to Federal agencies to adopt consumer programs that are effective and responsive to consumers. The Order requires agencies without consumer programs to establish consumer programs and those with consumer programs to strengthen them. The Order requires that consumer programs meet the specific standards it sets out.

A. Background

Over the past three and one-half years, three of President Carter's major goals have been to make it easier for you to talk to agencies of the Federal government, to make sure that the agencies respond to you, and to ensure that the consumer's point of view is considered when agencies make decisions. We have made good progress in all of these areas: Federal agencies today *listen to* and *serve* consumers more effectively than they ever have, and Federal employees in many agencies assure that the impact of agency decisions on consumers is considered before those decisions are made.

In spite of these real improvements, dealing with agencies of the Federal Government can still—unfortunately—be a hassle. Whether you are trying to get a satisfactory reply to a question or complaint or to make your voice heard in an agency's policymaking or regulatory proceedings, communicating with a Federal agency can sometimes be difficult. Unlike many special interests, which can afford to pay attorneys and other experts to make sure the government takes their views into account, average consumers often lack representation before Federal agencies; and all too often, policies are made without the advantage of the consumer's perspective.

The Consumer's Executive Order helps to change all that. The Order establishes specific standards for Federal agencies and requires concrete changes in the way agencies do business with consumers. The Order says that a Federal agency must listen to consumers and take what consumers say into account when it makes decisions. The Order helps get consumers "inside" an agency when decisions are being made. More importantly, the Consumer's Executive Order helps *competence* in Federal agencies: competence assuring that consumers' needs and concerns are *forcefully* and *effectively* addressed when agencies make decisions. There are already many competent and expert Federal employees effectively serving consumers, and the Executive Order makes sure that their competence and expertise continue to grow.

B. How Was the Consumer's Executive Order Developed?

In April, 1978, President Carter asked his Special Assistant for Consumer Affairs to look for ways to bring about more consumer involvement in government. He asked the Special Assistant for Consumer Affairs to—

- Review the consumer programs of Federal agencies to see if there was a meaningful consumer presence in each agency and whether existing programs were consistent with the consumer policies and goals of his Administration;
- Coordinate Federal consumer programs to aviod duplication and to ensure their proper administration; and,
- Recommend how to increase the involvement of consumers in agency decisionmaking and advise him on how well agencies were responding to consumers.

After a detailed and intensive study, the Special Assistant for Consumer Affairs drew these conclusions:

1. Many consumer programs in Federal agencies were not effective. They contained neither the standards not the authority for their own maintenance.

2. Federal officials too often interpreted "consumer representation" at an agency as the dissemination of favorable information about the agency.

3. Agencies should give consumers sufficient opportunity to participate in agency proceedings.

4. Federal consumer programs should be functioning in these areas:

- Consumer advocacy;
- Consumer participation;
- Training of agency personnel in consumer affairs and technical assistance to consumer groups;
- Consumer education and information; and,
- Complaint handling.

Few Federal agencies measured up in all of these areas, although some agencies did have well developed and imaginative consumer programs.

On the basis of the conclusions she drew about existing Federal consumer programs, the President's Special Assistant for Consumer Affairs recommended that the President issue and Executive Order to improve Federal consumer programs. The President signed such an Executive Order, Executive Order 12160, on September 26, 1979.

C. What's In The Consumer's Executive Order?

The Consumer's Executive Order established a comprehensive Federal policy to guide agencies in responding to consumer issues. It also stimulates the growth of an effective and competent group of Federal employees responsible for consumer affairs by giving then additional tools with which to serve consumers. A summary of the more important provisions of the Order follows:

1. Consumer Affairs Council

The Order establishes the Consumer Affairs Council to provide leadership and coordination for Federal consumer programs. The Council in currently composed of representatives of twelve Cabiner-level Departments. (The Department of Education is not yet a member, since it began operating on May 7, 1980.) The President's Special Assistant for Consumer Affairs chairs the Council.

2. Consumer Program Reforms

By July 9, 1980, each agency should have a consumer program designed to meet the needs and interests of consumers. The Order requires the consumer program of each agency to have *at least* five elements:

- *Consumer Affairs Perspective.* Each agency is required to have a professional consumer staff that participates in the formulation of the agency's rules, policies, programs, and legislation.
- *Consumer Participation.* Each agency is required to act to ensure that individual consumers and consumer organizations are able to participate effectively in the development of the agency's rules, policies, programs, and legislation.
- *Informational Materials.* Each agency is required to produce and distribute informational materials useful to consumers.
- *Education and Training.* Each agency is required to educate and train its staff in the principles of the Executive Order, and in the skills needed to implement the Order effectively. The philosophy of the Order is supposed to become the philosophy of the agency.
- *Compliant Handling.* Each agency is required to establish a systematic procedure for effeciently handling consumer compliants. The agency is supposed to use the compliants of consumers when it makes policy.

3. Senior-Level Oversight

Each agency is required to designate a senior-level official to coordinate its consumer program. This official is to report directly to the head of the agency. The official's consumer oversight responsibility must be his or her only responsibility.

4. Budget Review

Each year, each agency is to provide the Office of Management and Budget (OMB) with data showing the resources the agency intends to devote to its consumer program. The Chairperson of the Consumer Affairs Council will report to OMB on the adequacy of the resources each agency proposes to devote to its consumer program.

5. Exemptions

Not all Federal agencies have to comply with the Consumer's Executive Order. The only ones that are required to comply are Cabinet Departments and the agencies of the Executive Branch. (An agency belongs to the Executive Branch if its head serves at the pleasure of the President.) The Order exempts from its coverage—

- Independent regulatory agencies;
- Agencies to the extent their activities involve military or foreign affairs regulations, agency management or personnel regulations, procurement regulations, or regulations issue during an emergency; and,
- Agencies to the extent they are able to prove to the Chairperson of the Consumer Affairs Council that their activities have "no substantial impact" on consumers.

Most of the independent agencies (that is, agencies not of the Executive Branch) are implementing the Order voluntarily. Agencies that were exempted, and that are *not* implementing the Consumer's Executive Order, include:

AGENCY
Agency for International Development
American Red Cross
Central Inteligence Agency
Committee for the Purchase from the Blind and Other Severely Handicapped
Farm Credit Administration
General Accounting Office
Government Printing Office
International Communications Agency
National Academy of Science
National Aeronautics and Space Administration
National Capital Planning Commission
National Foundation on the Arts and Humanities
National Labor Relations Board
Occupational Safety and Health Review Commission
Office of Personnel Management
Railroad Retirement Board
Selective Service System
Water Resources Council

For the agencies that *did* propose consumer programs in December 1979 or February 1980, this chart tells you which agencies were required to comply with the Executive Order and which were not:

REQUIRED TO COMPLY
ACTION
Administrative Conference of the United States
Agriculture Department
Civil Rights Commission
Commerce Department
Community Services Administration
Defense Department
Energy Department

Environmental Protection Agency
Equal Employment Opportunity Commission
Federal Emergency Management Administration
General Services Administration
Health and Human Services Department [1]
Housing and Urban Development Department
Interior Department
Justice Department
Labor Department
Small Business Administration
State Department
Tennessee Valley Authority
Transportation Department
Treasury Department
Veterans Administration

NOT REQUIRED TO COMPLY

Civil Aeronautics Board
Commodity Futures Trading Commission
Consumer Product Safety Commission
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Reserve Board
Federal Trade Commission
Interstate Commerce Commission
National Credit Union Administration
National Transportation Safety Board
Postal Rate Commission
Merit Systems Protection Board
United States Postal Service
Securities and Exchange Commission

Some agencies have not been participating in implementing the Consumer's Executive Order so far, but do plan to adopt consumer programs in the future. These agencies include—
Department of Education
International Trade Commission
U.S. Metric Board
Nuclear Regulatory Commission

When these agencies' consumer programs are ready, they will be published in the **Federal Register.**

II. WHERE THINGS STAND

In December 1979 and February 1980, a total of 37 Federal agencies published their proposals for complying with the Consumer's Executive Order. The Special Assistant for Consumer Affairs carefully evaluated the draft programs. Based upon these evaluations, as well as the comments of consumers, consumer organizations, and others, agencies have revised their programs to meet more fully the requirements of the Order.

A. The Draft Programs

Section 1–501 of the Consumer's Executive Order required agencies to publish their draft consumer programs outlining how they intended to comply with the Order within 60 days of the issuance of the Order. Thirty-one agencies published draft programs on December 10, 1979. Five agencies published programs on February 4, 1980. One agency published its program on February 6, 1980. You may obtain copies of these draft programs from the Consumer Information Center, Department 645H, Pueblo, Colorado 81009.

Most agencies gave consumers 90 days to comment on their programs. To make it easier for consumers to comment, many agencies included a "Consumer Response Form" with their programs. In addition, many agencies conducted extensive "outreach" activities to make sure that consumers were aware of their programs. On February 6, 1980, the Consumer Affairs Council sponsored a workshop, at which the representatives of about 40 agencies were available to discuss their agencies' programs with consumers. All of these efforts were part of a major drive (which reached thousands of consumers) to get the word out about the Executive Order and what agencies were proposing to do to implement it.

B. Public Comment on the Draft Programs

Section 1–502 of Executive Order 12160 asks agencies to include in their final programs discussions of the comments they received. It also asks agencies to talk about how their final programs reflect the public's comments. On March 5, 1980, the Consumer Affairs Council sent the agencies guidelines to use when discussing the public's comment on their draft programs. We asked each agency to—

- Summarize statistically the comments it received, according to the source of the comments;
- Discuss the comments it received on the various specific parts of the agency's program;
- Talk about any general comments the agency received, not directly related to specific parts of the program; and
- List the changes in its final program it made in response to public comments.

The agencies were asked to summarize the oral comments they received on their draft programs. We also made several other suggestions about the way in which the final programs should be prepared.

C. Evaluation of the Draft Programs

The Executive Order gives the Chairperson of the Council the authority to approve or disapprove the agencies' programs, and the staff has conducted thorough and comprehensive evaluations of the draft programs. In evaluating the draft programs, we concentrated our effort on the programs of the agencies that were required to comply with the Order. Throughout our evaluations, we worked closely with the agencies to make sure that the final programs were the result of a cooperative effort between the Council and the agencies.

1. What Did We Do?

Evaluating an agency's program for compliance with the Consumer's Executive Order is a straightforward task, and it is a task made easier with the help of a detailed set of guidelines for implementing the Executive Order which we developed and sent to all participating agencies in October, 1979. (These guidelines appear after this preamble.)

The Executive Order and the guidelines are, to some extent, "performance oriented," not "design oriented." They tell agencies *what* to do, but not (in most cases) *how* to do it. This provides each agency with some flexibility to tailor its consumer program to its own organizational setting.

In working with the agencies, we used the specific requirements of the Executive Order and the guidelines to assess each agency's compliance with *each* of the Order's requirements. There were a few instances, though, in which common sense required us to examine an agency's program differently. For example, the very small size of some agencies, such as the Administrative Conference of the United States (23 employees), clearly prevented *total* compliance with the Order. But even in these very few cases, the goal was still substantial compliance with the Order.

2. How did we review the programs?

We conducted our reviews of the agency programs at the same time consumers were conducting their own reviews.

[1] Formerly, the Department of Health, Education, and Welfare.

We were very interested in what consumers had to say about what the agencies had proposed, and that is why we asked the agencies to discuss the comments they received in some detail. We wanted to be sure that the agencies took the comments of consumers into account when they wrote their final programs.

For reviews of the proposed programs of the Cabinet departments and Executive Branch agencies, we developed a six-step process:

• *Staff review of draft programs against Executive Order and Guidelines*

For each program, the Council Chairperson's staff carefully checked to see whether each of the items contained in the Executive Order and the Guidelines appeared in the program. While this was simple in concept, we spent an average of more than 40 staff-hours on the draft program of each Executive Branch agency to ensure accuracy and consistency.

• *Communication of findings to agency representatives*

In a series of detailed (and lengthy) meetings, the staff went over the agencies' programs point-by-point with representatives of the agencies. We placed particular emphasis on the areas in which the agencies appeared to fall far short of compliance with the requirements of the Order. The meetings were very useful in obtaining an understanding of each agency's normal operations.

• *Review of draft final programs*

After meeting to discuss the draft consumer programs, the agencies refined them even further. They then had about two months to revise their programs along the lines the Chairperson and the public had suggested. The agencies submitted revised programs, and the staff evaluated them again against the Executive Order and the guidelines.

• *Negotiation of differences*

In areas in which the staff felt an agency was still deficient, the staff and the Chairperson negotiated with the agency.

• *Recommendations to Chairperson*

Based upon the outcome of the steps we described above, the staff made recommendations to the Chairperson about whether she should approve, conditionally approve, or disapprove the programs.

• *Chairperson Action*

The Chairperson, after considering the staff's recommendations, as well as her contacts (if any) with the agencies, either approved, conditionally approved, or disapproved the final programs. She then transmitted her decisions to the agencies.

For agencies not required to comply with the Executive Order we followed a simpler procedure. We evaluated each program against the requirements of the Executve Order and the guidelines. But instead of the lengthy process we followed for agencies of the Executive Branch, we held brief meetings with the representatives of the agencies and suggested areas in which we thought their programs needed improvement. The Chairperson neither approved nor disapproved the programs of these agencies.

3. What decisions did we make and why?

The programs the agencies published in December and February went a long way towards satisfying the requirements of the Executive Order. Considering the little time the agencies had, the programs they proposed were remarkable. There were a couple of common weaknesses, through. The programs were generally weakest in demonstrating that the agencies would consider the consumer's perspective when making decisions. In addition, many agencies did not propose senior level designees who would report directly to the heads of their agencies and whose consumer affairs duties would be their only duties. The final programs which the agencies revised after their consultations with us and their reviews of the comments, were better. In most cases they came closer to satisfying the requirements of the Order than the initial drafts.

The programs approved as written appear to be in substantial compliance with the Executive Order. The programs approved conditionally are in general compliance with the major provisions of the Order but are deficient in one or more areas. (A program approved conditionally will be monitored carefully to make sure the conditions of its approval are met. Failure to satisfy the conditions may result in the withdrawal of the program's approval.)

A few agencies that published draft programs in either December or February do not have programs in this book. These agencies, for one reason or another, were not able to prepare final programs in time for this publication. They will be published later.

For more specific information on the approval or conditional approval of a particular agency's program, see the letter to that agency from the Chairperson of the Council appearing before the agency's program later in this publication. A program in this book without a letter from the Chairperson has been neither approved nor disapproved.

III. THERE'S MORE

There is more to the Consumer's Executive Order than the agencies' consumer programs. The Order requires, or allows for, changes in a number of other areas.

A. Consumer Affairs Council Membership

Section 1–101 of the Consumer's Executive Order establishes the Consumer Affairs Council. Section 1–102 of the Order says that the membership of the Council consists of representatives of the twelve Cabinet Departments "and such other officers or employees of the United States as the President may designate * * *."

At the first meeting of the Consumer Affairs Council, on February 27, 1980, the Council discussed the possibility of a larger membership. Although the Council made no decision about the desirability of an expanded membership, the Council established an informal working group to make recommendations to the Chairperson.

The working group examined the membership issue and recommended to the Chairperson that Council membership be open to all agencies publishing programs under the Order and wishing to become members. The group thought that the Council would be most effective if its membership included more than just Cabinet departments.

B. Office of Personnel Management Initiatives

Another important part of Executive Order 12160 describes ways in which the Council should work with the Office of Personnel Management (OPM) to improve consumer programs in Federal agencies. Section 1–701 asks OPM to consult with the Council about the needs for new or revised job classification standards for Federal consumer affairs personnel and the training and development of Federal employees for consumer affairs work.

An informal Council working group has been working with OPM to see if there is a need for a new job classification standard for consumer affairs employees. (There is no standard now, and agencies must often put consumer affairs personnel in various, inappropriate series.) A new standard—a general description of what a group of employees does—is critical, because it would (1) raise the professional standing of consumer affairs employees, and (2) make it much easier to recruit and retain qualified consumer specialists. Because a new standard would bring enhanced

professional recognition to consumer affairs specialists, a new standard would help to guarantee that competent and effective employees are working within the agencies to represent the consumer's interests. The working groups has met with OPM and is developing plans, with the cooperation of OPM, for the collection of data to develop a new standard (or standards).

Another Council working group has been set up to work with OPM on training for existing consumer affairs personnel, as well as training for employees with managerial and policymaking roles. Since consumer affairs is a relative newcomer to the Federal scene, there are not many consumer specialists working in the agencies. It is important for the development of effective consumer programs that more employees, particularly employees with no background in consumer affairs, receive training on consumer-related matters. The Executive Order gives us the tools we need to make this training available.

C. Office of Management and Budget Initiatives

Unless agencies spend money on their consumer programs, their consumer programs will not be effective. The President recognized the importance of devoting sufficient resources to agency consumer programs. In Section 1–601 of the Executive Order, he directed each agency to "include a separate consumer program exhibit in its yearly budget submission to the Office of Management and Budget." The Chairperson of the Council is to review these exhibits and to furnish OMB with analyses of the adequacy of the resources that the agencies propose to devote to their consumer programs. The President expects agencies to implement Executive Order 12160 within existing budgetary ceilings, which means that agencies are going to have to reallocate resources to their consumer programs.

The Council has worked with OMB on the development of instructions for agencies on how to prepare their annual consumer program budget exhibits. We are now looking at ways to assist agencies identify their resource needs and to meet their obligations under the Executive Order within existing budget limitations. The results will be important as tests of the thoroughness of the implementation of the Executive Order.

IV. WE GET LETTERS!

The Consumer Affairs Council received a few comments about the Executive Order and the Council. The comments we received are summarized below. Following each comment, we respond to that comment.

1. *Comment:* The December 10 **Federal Register** was too long (300 pages) and complicated for consumers to understand. It should have been shorter.

Response: We couldn't help it. Anyway you look at it, the consumer programs of 31 agencies are going to take up a lot of space. This **Federal Register** is even longer, because many agencies have explained their programs in greater detail than they did in December. Of course, the programs of individual agencies are not terribly long, for the most part. If you are interested in an agency, we urge you to read its program.

2. *Comment:* Consumer programs will not work unless the agencies devote adequate resources to them.

Response: We agree. The President expects agencies to allocate resources to their consumer programs sufficient to get the job done. But they must do so within existing budgetary limitations. This means in most cases that they must reallocate some funds from other areas to their consumer programs.

3. *Comment:* The government should print the **Federal Register** on paper of better quality.

Response: Better paper would make the **Federal Register** even more expensive than it is now.

4. *Comment:* Agencies should write their consumer programs in plain English.

Response: We agree. President Carter strongly supports plain English in government, and we think that we have made good progress. This preamble, for example, is, we hope, in plain English.

5. *Comment:* The Consumer Affairs Council needs a toll-free "hotline" so consumers can talk to the Council.

Response: We are always happy to talk to consumers, but a "hotline" is not feasible at the moment because of its expense. If you have a question about a particular agency, you should contact that agency directly.

6. *Comment:* The Consumer Affairs Council needs more authority to oversee the consumer programs of the agencies.

Response: The *Chairperson* of the Council *does* have the authority to monitor the agencies' programs to ensure their proper implementation, and to report to the President on the implementation of the Executive Order.

7. *Comment:* Use the word "citizen" instead of "consumer." "Consumer" means all things to all persons.

Response: We grant you that "consumer" is not an easy word to define. It has, however, come to take on a generally well understood meaning. In the Executive Order we used a broad definition of "consumer" to make sure that the coverage of the Order was not limited unnecessarily.

8. *Comment:* The new consumer programs will not be effective unless the agencies publicize them heavily.

Response: This is true. Agencies *have* been letting consumers know about their consumer programs, and will continue to do so.

9. *Comment:* The Council should coordinate the exchange of information about the agencies' consumer programs between the agencies.

Response: We agree. That *is* one of the functions of the Council.

10. *Comment:* The Consumer's Executive Order and the Council are wastes of taxpayers' money. The Council is not acting in good faith.

Response: We do not agree. Effective, responsive consumer programs are not wasteful. It is our intention to make sure that the kind of consumer programs the Presdient had in mind when he signed the Consumer's Executive Order will be commonplace throughout the Federal government within a short time.

11. *Comment:* A reader cannot tell if a consumer program will work effectively simply by reading it. Too much depends on the persons who are supposed to implement it.

Response: To some extent, this is correct. That is one reason the Executive Order gives the Chairperson of the Council a continuing oversight and evaluation role. (See the discussion in the Section that follows for more information on the Chairperson's authority to evaluate agency programs.)

12. *Comment:* The Federal Consumer programs will not work unless they are implemented in the Federal regions outside Washington, D.C.

Response: We agree. There are many Federal employees and offices outside Washington, and it is important that agencies establish their consumer programs in their regional offices, as well as in Washington. We have emphasized to the agencies that they must fully implement their consumer programs in all their offices, throughout the country.

13. *Comment:* The Council should coordinate non-Federal consumer research.

Response: An interesting idea, and one that is of great interest to us. The Council has been working closely with Federal agencies, such as the National Science Foundation, that are involved with non-Federal consumer research.

14. *Comment:* The Council should publish a consumer program of its own.

Response: The Council is not a Federal agency. We believe it would not be appropriate for the Council to publish a program, though we will publish more information about the Council, as the Council's role becomes more well defined.

15. *Comment:* Will Council meetings be open to the public?

Response: Naturally, we want the Council and its activities to be open to public scrutiny. Since the Council is not a Federal agency, however, it is not subject to the Government in the Sunshine Act (5 U.S.C. 552b) and does not have to open its meetings to the public. Consumers *did* attend the first meeting of the Council, and we may invite consumers to future meetings as well. This would be consistent with our general goal of openess in Council proceedings.

16. *Comment:* The Council and its Chairperson are doing good jobs.

Response: Thank you.

In addition to the written comments we received, we received many informal oral comments. Consumers offered us these comments, which we have not summarized, in personal meetings, over the telephone, at meetings of consumer organizations, and at the Council's Workshop on the Executive Order held on February 6, 1980. Most of those who commented expressed support for the Consumer's Exeuctive Order and the Consumer Affairs Council, although some were openly skeptical. We found both the oral and written comments we received most informative and helpful.

V. WHAT HAPPENS NEXT?

The publication of the agencies' final programs does not mean we have fully implemented the Consumer's Executive Order. Much remains to be done. Besides working on the OMB and OPM initiatives, we will be doing several other things to make sure the Executive Order is fully effective. Chief among these will be the Chairperson's continuing monitoring and evaluation of the agencies' consumer program implementation.

A. Monitoring and Evaluation of Agency Programs

It is important to realize that an approved consumer program, by itself, is not enough, if the program is not put into effect. For this reason, the Executive Order directs the Chairperson to monitor the implementation of the Executive Order. It also directs the Chairperson to (1) report to the President annually on government-wide progress under the Order and (2) evaluate the consumer programs of particular agencies.

We will be reporting to the President shortly after October 1, 1980 on the implementation of the Consumer's Executive Order so far. In the meantime, though, we are considering ways in which we might best carry out our responsibility for continuously monitoring and evaluating agency consumer programs. Some possibilities—

- Evaluations of the consumer programs of selected agencies, with briefings on the findings to top agency officials and the Council Chairperson;
- Periodic government-wide reviews of specific aspects of agency programs (e.g., consumer policy analysis);
- Periodic analyses of the effectiveness or impact of Federal consumer officers in various substantive areas (e.g., health care or energy); or
- Consumer participation in the evaluation process (e.g., consultation with consumers on what we should evaluate; public advisory committees to evaluate selected agency programs).

Clearly, we have a major responsibility to ensure more than just *minimum* compliance with the Consumer's Executive Order. We want also to work to *improve* agency consumer programs. We *will* do our best to live up to our continuing responsibilities under the Executive Order, just as the various agencies have done (and are doing).

B. Let Us Hear From You

This **Federal Register**, containing the agencies' final consumer programs, is important and useful. We expect that it will be a valuable resource for consumers and consumer groups throughout the country for years to come, and we hope that it will make communication between the government and consumers easier.

President Carter said in his letter introducing this publication, what you have to say about your government *is* important. If we don't hear from you, we can't serve you as effectively as we might wish. So, please, if you have something to say about this publication, the consumer programs appearing in this publication, or consumer affairs, in general, tell us. We'll be listening.

Esther Peterson,

Chairperson, Consumer Affairs Council.

BILLING CODE 3410-01-M

MORE USEFUL INFORMATION

1. The Consumer's Executive Order

By virtue of the authority vested in me as President by the Constitution of the United States of America, and in order to improve the management, coordination, and effectiveness of agency consumer programs, it is ordered as follows:

1-1. *Establishment of the Consumer Affairs Council.*

1-101. There is hereby established the Consumer Affairs Council (hereinafter referred to as the "Council").

1-102. The Council shall consist of representatives of the following agencies, and such other officers or employees of the United States as the President may designate as members:

(a) Department of Agriculture.

(b) Department of Commerce.

(c) Department of Defense.

(d) Department of Energy.

(e) Department of Health, Education, and Welfare.

(f) Department of Housing and Urban Development.

(g) Department of the Interior.

(h) Department of Justice.

(i) Department of Labor.

(j) Department of State.

(k) Department of Transportation.

(l) Department of the Treasury.

Each agency on the Council shall be represented by the head of the agency or by a senior-level official designated by the head of the agency.

1-2. *Functions of the Council.*

1-201. The Council shall provide leadership and coordination to ensure that agency consumer programs are implemented effectively; and shall strive to maximize effort, promote efficiency and interagency cooperation, and to eliminate duplication and inconsistency among agency consumer programs.

1-3. *Designation and Functions of the Chairperson.*

1-301. The President shall designate the chairperson of the Council (hereinafter referred to as the "Chairperson").

1-302. The Chairperson shall be the presiding officer of the Council and shall determine the times when the Council shall convene.

1-303. The Chairperson shall establish such policies, definitions, procedures, and standards to govern the implementation, interpretation, and application of this Order, and generally perform such functions and take such steps, as are necessary or appropriate to carry out the provisions of this Order.

1–4. *Consumer Program Reforms.*

1–401. The Chairperson, assisted by the Council, shall ensure that agencies review and revise their operating procedures so that consumer needs and interests are adequately considered and addressed. Agency consumer programs should be tailored to fit particular agency characteristics, but those programs shall include, at a minimum, the following five elements:

(a) *Consumer Affairs Perspective.* 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.

(b) *Consumer Participation.* 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.

(c) *Informational Materials.* 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.

(d) *Education and Training.* 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.

(e) *Complaint Handling.* 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.

1–402. The head of each agency shall designate a senior-level official within that agency to exercise, as the official's sole responsibility, policy direction for, and coordination and oversight of, the agency's consumer activities. The designated official shall report directly to the head of the agency and shall apprise the agency head of the potential impact on consumers of particular policy initiatives under development or review within the agency.

1–5. *Implementation of Consumer Program Reforms.*

1–501. Within 60 days after the issuance of this Order, each agency shall prepare a draft report setting forth with specificity its program for complying with the requirements of Section 1–4 above. Each agency shall publish its draft consumer program in the **Federal Register** and shall give the public 60 days to comment on the program. A copy of the program shall be sent to the Council.

1–502. Each agency shall, within 30 days after the close of the public comment period on its draft consumer program, submit a revised program to the Chairperson. The Chairperson shall be responsible, on behalf of the President, for approving agency programs for compliance with this Order before their final publication in the **Federal Register.** Each agency's final program shall be published no later than 90 days after the close of the public comment period, and shall include a summary of public comments on the draft program and a discussion of how those comments are reflected in the final program.

1–503. Each agency's consumer program shall take effect no later than 30 days after its final publication in the **Federal Register.**

1-504. The Chairperson, with the assistance and advice of the Council, shall monitor the implementation by agencies of their consumer programs.

1-505. The Chairperson shall, promptly after the close of the fiscal year, submit to the President a full report on government-wide progress under this Order during the previous fiscal year. In addition, the Chairperson shall evaluate, from time to time, the consumer programs of particular agencies and shall report to the President as appropriate. Such evaluations shall be informed by appropriate consultations with interested parties.

1-6. *Budget Review.*

1-601. Each agency shall include a separate consumer program exhibit in its yearly budget submission to the Office of Management and Budget. By October 1 of each year the Director of the Office of Management and Budget shall provide the Chairperson with a copy of each of these exhibits. The Chairperson shall thereafter provide OMB with an analysis of the adequacy of the management of, and the funding and staff levels for, particular agency consumer programs.

1-7. *Civil Service Initiatives.*

1-701. In order to strengthen the professional standing of consumer affairs personnel, and to improve the recruitment and training of such personnel, the Office of Personnel Management shall consult with the Council regarding:

(a) the need for new or revised classification and qualification standard(s), consistent with the requirements of Title 5, United States Code, to be used by agencies in their classification of positions which include significant consumer affairs duties;

(b) the recruitment and selection of employees for the performance of consumer affairs duties; and

(c) the training and development of employees for the performance of such duties.

1-8. *Administrative Provisions.*

1-801. Executive agencies shall cooperate with and assist the Council and the Chairperson in the performance of their functions under this Order and shall on a timely basis furnish them with such reports as they may request.

1-802. The Chairperson shall utilize the assistance of the United States Office of Consumer Affairs in fulfilling the responsibilities assigned to the Chairperson under this Order.

1-803. The Chairperson shall be responsible for providing the Council with such administrative services and support as may be necessary or appropriate; agencies shall assign, to the extent not inconsistent with applicable statutes, such personnel and resources to the activities of the Council and the Chairperson as will enable the Council and the Chairperson to fulfill their responsibilities under this Order.

1-804. The Chairperson may invite representatives of non-member agencies, including independent regulatory agencies, to participate from time to time in the functions of the Council.

1-9. *Definitions.*

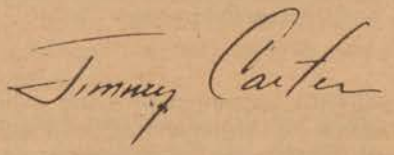
1-901. "Consumer" means any individual who uses, purchases, acquires, attempts to purchase or acquire, or is offered or furnished any real or personal property, tangible or intangible goods, services, or credit for personal, family, or household purposes.

1-902. "Agency" or "agencies" means any department or agency in the executive branch of the Federal government, except that the term shall not include:

(a) independent regulatory agencies, except as noted in subsection 1-804;

(b) agencies to the extent that their activities fall within the categories excepted in Sections 6(b)(2), (3), (4), and (6) of Executive Order No. 12044.

(c) agencies to the extent that they demonstrate within 30 days of the date of issuance of this Order, to the satisfaction of the Chairperson with the advice of the Council, that their activities have no substantial impact upon consumers.



THE WHITE HOUSE,
September 26, 1979.

NOTE.—Executive Order 12160 was originally published in the **Federal Register** on September 28, 1979 (44 FR 44787).

BILLING CODE 3410-01-C

2. Guidelines for Implementing the Consumer's Executive Order

October 4, 1979.

Memorandum to the Heads of Executive Departments and Agencies

FROM: Esther Peterson, Special Assistant To the President for Consumer Affairs and Chairperson of the Consumer Affairs Council.

SUBJECT: Guidance Regarding the Development of Consumer Programs Required by Executive Order No. 12160.

On September 26, 1979, the President issued Executive Order No. 12160, entitled "Providing for Enhancement and Coordination of Federal Consumer Programs". He designated me Chairperson of the Consumer Affairs Council created by the Order.

As Chairperson of the Council, I will be responsible, on behalf of the President, for reviewing and approving agency programs for compliance with the Order. Draft programs are to be completed, and published in the Federal Register for public comment, by November 25. (Section 1–5 of the Order sets out the timetable for development and implementation of these programs. A copy of the Order is attached.)

The Order requires each agency to develop and maintain a consumer program with, at a minimum, 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 informational 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. The Order requires that each agency revise its operating procedures to incorporate the consumer program developed under the Order. Each agency's program should indicate the mechanism (for example, Departmental order or rule) by which this will be accomplished.

The head of each agency is required to designate a senior-level official within the agency to exercise, as the official's sole responsibility, policy direction for and coordination and oversight of, the agency's consumer activities. The designated official is to report directly to the agency head.

The purpose of this memorandum is to indicate briefly what I will be looking for in reviewing agency programs for compliance with the Order. I hope that you will find this preliminary guidance useful. If you have any questions about this memorandum, or about the Order itself, feel free to call me at 456–6590, or Belle O'Brien of my staff at 456–6534.

I look forward to working with you to make this Order a success. Thanks to the President, we now have an unprecedented opportunity to build into the structures and processes of government an enhanced responsiveness to the needs and interests of consumers.

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. (Subsection 1–401(a).)

Comment: Each agency's program for compliance with the Order should indicate:

- Where the consumer affairs staff will be located on the agency's organizational chart;
- How large it will be and what expertise and resources it will have;
- Whether the staff will have responsibilities in addition to those under 1–401(a);
- What its relationship will be to other staffs performing consumer affairs functions under the Order and to the principal operating components of the agency;
- How the consumer affairs staff will be apprised of opportunities for it to participate in the development and review of all rules, policies, programs, and legislation;
- At what stages of agency decisionmaking, in each of these four areas, participation by the consumer affairs staff will take place; and
- How the consumer affairs staff will participate (e.g., membership on agency task forces and working groups, meetings with key agency officials, written comments on proposals, and so forth).

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. (Subsection 1–401(b).)

Comment: Each agency's program for compliance with the Order should indicate:

- At what stages of agency decisionmaking regarding rules, policies, and programs consumer participation will take place;
- What avenues of participation will be available to consumers in each of these types of processes (e.g., written comments, regional public hearings, membership in ad hoc working groups);
- What steps the agency will take to ensure that consumer concerns are adequately analyzed, and then considered, in decisionmaking;
- What staffs or officials in the agency will be responsible for implementing the agency's consumer participation responsibilities under the Order;
- The format, level of participating agency officials, geographical dispersion, and approximate number per year of forums the agency will hold to facilitate consumer interaction with agency officials; and
- What special efforts the agency will undertake to notify consumers of opportunities to participate in agency decisionmaking (e.g., publication of notices in periodicals other than the **Federal Register**).

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. (Subsection 1–401(c).)

Comment: Each agency should include in its consumer program a discussion of printed and audiovisual informational materials in each of the three areas identified

in the Order (agency responsibilities and services, procedures for consumer participation, and marketplace information), including:

- An assessment of the currency, completeness, and utility of current informational materials in each area;
- Plans for additional or revised informational materials to rectify present inadequacies;
- The timetable for new informational materials;
- The manner in which the informational materials will be distributed; and
- The staffs or officials who will be responsible for planning and carrying out the agency's consumer information program.

With respect to the requirement that agencies make available explanatory materials regarding meetings open to the public, each agency should indicate:

- Which staffs or officials will be responsible for preparing these materials;
- The format of the materials; and
- The manner in which their availability is to be publicized and their distribution effected.

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. (Subsection 1–401(d).)

Comment: Each agency should indicate in its consumer program:

- Which staffs or offices will be responsible for educating staff members about the Order and the agency's activities under it;
- How that educational process will be carried out (e.g., briefing sessions for policymaking personnel, circulation of the Order and related materials);
- What steps the agency will take to ensure that significant changes in the structure or procedures of its consumer program will be promptly communicated to agency staff members;
- Who will be responsible for providing specialized training to consumer affairs personnel;
- In what areas (e.g., complaint-handling, consumer participation procedures, preparation of informational materials for consumers) training will be provided, and on what basis decisions will be made as to which consumer affairs personnel will be offered training and on what topics.

Agencies that decide to provide technical assistance to consumers and their organizations should indicate:

- By whom such assistance will be provided;
- What sort of technical assistance will be made available (e.g., answering scientific, technical, or procedural questions, assisting consumers and groups in the preparation of applications, forms, and other documents); and
- How decisions will be made as to which consumers and organizations, from among those seeking technical assistance, will be provided such assistance.

Agencies that decide not to provide technical assistance should include in their consumer programs a discussion of why such assistance is not considered appropriate.

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. (Subsection 1–401(c).)

Comment: Each agency should develop procedures to govern each stage of the complaint-handling process. Thus, each agency should indicate what procedures will be followed, and which officials and staffs will be responsible, for:

- Heightening public awareness of the receptivity of the agency to complaints, and the manner in which, and offices with which, such complaints are to be filed;
- Logging in, in a standard format and in accordance with standard topical categories, all complaints received by the agency including those received by telephone. (The format, and categories used in logging in complaints should be designed to facilitate subsequent performance of tracking and analysis functions);
- Routing complaints to appropriate agency offices for investigation and analysis;
- Tracking agency handling of complaints, from receipt forward, to ensure that they are investigated and responded to expeditiously and to permit identification of key bottlenecks in the complaint-handling process;
- Responding to complaints (these procedures should include a format for acknowledgements and responses, and should establish a deadline for the transmittal of acknowledgement of complaints, outlining steps that will be taken by the agency, indicating who may be contacted for further information, and specifying an expected resolution date);
- Statistical reporting of complaints according to topical categories, and analysis of the patterns of issues raised and their implications for agency policymaking;
- Regular reports to key agency officials regarding the patterns and policy implications of the complaints received; and
- Evaluation of the agency's complaint-handling system to assess the promptness and quality of agency responses.

Oversight

Requirement: The head of each agency shall designate a senior-level official within that agency to exercise, as the official's sole responsibility, policy direction for, and coordination and oversight of, the agency's consumer activities. The designated official shall report directly to the head of the agency and shall apprise the agency head of the potential impact on consumers or particular policy initiatives under development of review within the agency. (Subsection 1–402.)

Comment: Each agency should indicate the title, GS-level, and organizational placement of the designated official, and should describe with particularity the nature of the official's responsibilities and authority, and the ways in which the official will interact and interface with other agency offices and staff members, including those who are performing consumer affairs responsibilities under the Order.

3. Consumer Contacts in Federal Agencies

The persons who names appear on the list that follows know about their agencies' consumer programs and should be able to help you, if you have questions:

EXECUTIVE ORDER CONTACT LIST

Department

1. Agriculture, Dept. of: Contact Dr. W. Neill Schaller, Administration Building, 14th and Independence, N.W., Room 432–W, Washington, D.C. 20250, (202) 447–3961.

2. Commerce, Dept. of: Contact Meredith Fernstrom, Office of Consumer Affairs, 14th and E St., NW., Rm. 5889, Washington, D.C. 20230, (202) 377–5001.

3. Defense, Dept. of: Contact Richard Fleeson, OASD (MRA&L) (MPP), The Pentagon, Rm. 3C980, Washington, D.C. 20301, (202) 697–9525.

4. Education, Dept. of: Contact Margaret McKenna, Room 4181, 400 Maryland Ave., SW., Washington, D.C. 20202, (202) 472–9768.

5. Energy, Dept. of: Contact Liz Overstreet, Forrestal Bldg., Rm. 8G082, 1000 Independence Ave., Washington, D.C. 20585, (202) 252–5373.

6. Health and Human Services, Dept. of: Contact Steven Coyle, 605F H. H. Humphrey Bldg., 200 Independence Ave., SW., Washington, D.C. 20201, (202) 245–1815.

7. Housing and Urban Development, Dept. of: Contact Sandra Alexander, 451 7th St., SW., Rm. 4100, Washington, D.C. 20410, (202) 755–0950.

8. Interior, Dept. of: Contact Cecil Hoffman, 18th and C Sts., NW., Rm. 5119, Washington, D.C. 20240, (202) 343–5106.

9. Labor, Dept. of: Contact Al Cruz, New Labor Bldg., Rm. 2018, 200 Constitution Ave., NW., Washington, D.C. 20210, (202) 523–9184.

10. Justice, Dept. of: Contact Guadalupe Salinas, Main Justice Bldg., Rm. 5132, 10th and Constitution NW., Washington, D.C. 20530, (202) 633–2927.

11. State, Dept. of: Contact James Tarrant, 21st and C Sts., NW., EB Rm. 6822, Washington, D.C. 20520, (202) 632–8636.

12. Transportation, Dept. of: Contact Lee Gray, 400 7th St., NW., MS I–39, Rm. 9402, Washington, D.C. 20590, (202) 426–4520.

13. Treasury, Dept. of: Contact Sally Vogel, Main Treasury Bldg., 17th and Pa., NW., Rm. 4416, Washington, D.C. 20220, (202) 566–2335.

Agencies

1. ACTION—Office of Compliance: Contact Don Smith, 806 Connecticut Ave., NW., Room P401, Washington, D.C. 20525, (202) 254–8393.

2. Administrative Conference of the United States: Contact Jeffrey Lubbers, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037, (202) 254–7065.

3. Civil Aeronautics Board: Contact Desta McDowell, 1825 Connecticut Ave., NW., Room 501, Washington, D.C. 20428, (202) 673–5482.

4. Commission on Civil Rights: Contact Fred Routh, 1121 Vermont Ave., NW., Rm. 410 Washington, D.C. 20425, (202) 254–2345.

5. Commodity Futures Trade Commission: Contact Barbara Lucas, 2033 K Street, N.W., Rm. 809 Washington, D.C. 20581, (202) 254–7574.

6. Community Services Administration: Contact Jane Chechan, 1200 19th Street, N.W., Rm. B–234, Washington, D.C. 20506, (202) 632–8322.

7. Consumer Product Safety Commission: Contact Barbara Rosenfeld, 5401 Westbard Ave., Rm. 332, Bethesda, Md. 20207, (202) 254–6241.

8. Environmental Protection Agency: Contact Rhea Cohen, 401 M St., SW., Rm. 311 Washington, D.C. 20460, (202) 755–0700.

9. Equal Employment Opportunity Commission: Contact Mark Wong, 4214 Columbia Plaza, 2401 E St., NW., Washington, D.C. 20506, (202) 634–6814.

10. Federal Communications Commission: Contact Zora Brown, 1919 M Street, NW., Rm. 258, Washington, D.C. 20554, (202) 632–7000.

11. Federal Deposit Insurance Corporation: Contact Tom O'Nell, 550 17th St., NW., Rm. 3061, Washington, D.C. 20429, (202) 389–4688.

12. Federal Emergency Management Agency: Contact John McKay, 1723 Eye Street, NW., Rm. 804, Washington, D.C. 20472, (202) 634–4179.

13. Federal Energy Regulatory Commission: Contact Kellen Flannery, 825 North Capitol St., Rm. 9200, Washington, D.C. 20246, (202) 357–8373.

14. Federal Maritime Commission: Contact Norman Littlejohn, 1100 L Street, NW., Rm. 12411, Washington, D.C. 20573, (202) 523–5800.

15. Federal Reserve Board: Contact Ann Marie Bray, Martin Building, 20th and C Sts., NW., Rm. M4364 Washington, D.C. 20551, (202) 452–3667.

16. Federal Trade Commission: Contact Charles Shepherd, 600 E St., NW., Rm. 660 Washington, D.C. 20580, (202) 724–1870.

17. General Services Administration: Contact Eleanor Kelly, 18th and F Sts., NW., Rm. G–142, Washington, D.C. 20405, (202) 566–1794.

18. Interstate Commerce Commission: Contact John Fristoe, 12th and Constitution, N.W., Room 7310, Washington, D.C. 20423, (202) 275–0854.

19. Merit Systems Protection Board: Contact Wayne Phillips, 1717 H St., N.W., Room 255, Washington, D.C. 20419, (202) 653–7124.

20. National Credit Union Administration: Contact Joseph Meyers, 1776 G St., N.W., Room 6601, Washington, D.C. 20456, (202) 357–1080.

21. National Science Foundation: Contact Dr. R. Lynn Carroll, 1800 G St., N.W., Room 527, Washington, D.C. 20550, (202) 357–9838.

22. National Transportation Safety Board: Contact Lloyd NcNair, 800 Independence Ave., S.W., Room 836, Washington, D.C. 20594, (202) 472–6139.

23. Nuclear Regulatory Commission: Contact Jeanne Cook, Maryland National Bank Bldg., 7735 Old Georgetown Road, Room 871, Washington, D.C. 20555. Hand Del.: 7735 Old Georgetown Road, Room 871, Bethesda, Md. 20014, (301) 492–7283.

24. Postal Rate Commission: Contact Shelley Dreifuss, 2000 L St., N.W., Suite 500, Washington D.C. 20268, (202) 254–3841.

25. Postal Service, U.S.: Contact Bob Jeffrey, 475 L'Enfant Plaza, Room 5666, Washington, D.C. 20260, (202) 245–4556.

26. Securities and Exchange Commission: Contact Ann Stansbury, 500 North Capitol St., N.W., Room 7322, Washington, D.C. 20549, (202) 523–3952.

27. Small Business Administration: Contact Paul A. Pumpian, 1441 L St., N.W., Room 219, Washington, D.C. 20416, (202) 653–6169.

28. Tennessee Valley Authority: Contact Dawn Ford, 400 Commerce Ave., Room 1200, Knoxville, Tennessee 37902, (615) 632–4402.

29. Veterans Administration: Contact Rosa Marie Fontanez, 810 Vermont Ave., N.W., Room 1001, Washington, D.C. 20420, (202) 389–2843. Hand Del.: 1425 K St., N.W., Room 1200, Washington, D.C. 20420.

[FR Doc. 80–16808 Filed 6–06–80; 8:45 am]

BILLING CODE 3410–01–M

federal register

Monday
June 9, 1980

Part III

Consumer Programs: Natural Resources

Agriculture Department 38824
Energy Department 38834
Environmental Protection Agency 38846
Interior Department 38864
Tennessee Valley Authority 38874

Part III

Consumer Programs: Natural Resources

federal register

Monday
June 9, 1980

Part III—Section A

Department of Agriculture

Final Consumer Affairs Plan

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Secretary Bergland:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve the Department of Agriculture's consumer program established under Executive Order 12160. The Department's program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Dr. W. Neill Schaller of your staff have been particularly helpful. The fact that Dr. Schaller will be reporting directly to you should provide him with the opportunity to review rules, policies, programs, and legislation to assess their potential impact on consumers. Your program is further strengthened by the designation of agency consumer affairs contacts, the establishment of a Departmental Consumer Affairs Working Group, and the review by the Department's consumer office of public participation plans and draft impact analyses.

During the coming months, I will be especially interested to observe the effectiveness of the Department's consumer complaint-handling procedures, as well as the analysis and consideration of consumer concerns and comments on proposed USDA activities. We are all operating under stringent budgetary conditions, but I urge you to assess over the coming months whether additional resources need to be allocated to the Department's consumer office.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Department's consumer program in meeting the standards of the Order and in achieving the obejctives you have set for the Department. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Bob S. Bergland
Secretary of Agriculture
Washington, D. C. 20250

BILLING CODE 3410-01-C

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Final Consumer Affairs Plan

AGENCY: United States Department of Agriculture.

ACTION: Final Consumer Affairs Plan.

SUMMARY: The purpose of this document is to give notice of the Final Consumer Affairs Plan of the Department of Agriculture (USDA). As part of the Final Plan, a Special Assistant to the Secretary for Consumer Affairs has been appointed. This senior-level person will serve as Director of the Department's new Office of Consumer Affairs upon its establishment, which will be accomplished by July 9, 1980. The Special Assistant has already taken steps to carry out many of the Office functions described in the Final Plan. Consumer Affairs Contacts have been designated and a USDA Consumer Affairs Working Group has been formed.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT:
Neill Schaller, Special Assistant for Consumer Affairs, or Gibby Edwards in the Office of Consumer Affairs, United States Department of Agriculture, Washington, D.C. 20250, 202/447-3961.

USDA FINAL CONSUMER AFFAIRS PLAN

Preamble

Final Plan

I. Consumer Affairs Perspective
II. Consumer Participation
III. Information
IV. Education and Training
V. Complaint Handling
VI. Oversight
VII. USDA Organizational Chart

PREAMBLE

In response to Executive Order 12160, the Department of Agriculture published its Draft Consumer Affairs Plan in the **Federal Register** on December 10, 1979. This Draft Plan has now been carefully revised on the basis of public comments, USDA staff reviews, and an evaluation by the White House Consumer Affairs staff.

Review and Evaluation Process

A White House press conference and news release accompanied publication of Departmental Consumer Affairs Plans in the **Federal Register** on December 10. The following additional steps were taken by the Department during the subsequent 90-day public comment period to increase awareness of our Draft Plan and to encourage comments on it:

- A Departmental press release on the Consumer Affairs Plan was issued December 11, 1979.
- The Under Secretary for International Affairs and Commodity Programs and all assistant secretaries, directors, agency heads, and State Coordination and Administration Committees were asked to react to the Plan and to encourage public comments.
- A newly-appointed Special Assistant to the Secretary for Consumer Affairs participated with other Federal consumer affairs representatives in an open meeting on the Consumer Executive Order and Federal Department plans sponsored by consumer and public interest organizations in Philadelphia, Pennsylvania.
- The Special Assistant participated in a similar workshop in Washington, D.C. sponsored by the White House Consumer Affairs Office.
- A letter from the Secretary of Agriculture to some 1,300 consumers and consumer organizations called further attention to the USDA plan and encouraged comments.
- The Special Assistant encouraged comments from individuals and organizations through direct personal contacts and meetings.

Summary of Comments

The Department received 93 public and internal comments as follows:

Individual Consumers	21
Consumer and Public Interest Organizations	25
Business and Trade Associations	9
Federal, State, and Local Government	8
Other	30
Total	93

- The Department's proposed appointment of a senior-level person to serve as Special Assistant to the Secretary for Consumer Affairs was identified as a major strength of the Plan.
- A few individuals and organizations said the proposed Office of Consumer Affairs would seem to duplicate existing responsibilities.
- Several people described the Draft Plan as typically bureaucratic in both language and content.
- Most commenters said the Plan was not complete or detailed enough for them to judge its adequacy.
- Organizations representing the interests of elderly, youth, and handicapped people, American Indians, and other groups noted omission of special efforts to reach and involve such people.
- To some, the Plan was Washington-oriented. They said it overlooked the responsibilities and current assistance of USDA regional offices and field staff and USDA-allied State Cooperative Extension personnel who are in daily contact with the consuming public.

The discussion below reviews the comments received as they apply to particular aspects of the Plan and explains changes made in response to the comments.

Consumer Affairs Perspective

Many of the comments expressed concern about the manner in which the Office of Consumer Affairs (OCA) will be integrated into the Department's existing structure. Current procedures established under Executive Order 12044, requiring public participation and impact analyses, provide a mechanism for implementing much of the Executive Order. The Final Plan describes the relationship between the new Office of Consumer Affairs and existing public participation and anlytical staffs. The OCA will be expected to monitor and evaluate the effectiveness of existing procedures from the consumer standpoint.

Further concern was expressed with regard to the ability of the Special Assistant for Consumer Affairs to fully participate in USDA decision-making. The Special Assistant for Consumer Affairs is a senior-level executive position located in the immediate Office of the Secretary and reporting directly to the Secretary. Thus, he/she has the authority to fully participate in and influence USDA policymaking and decision systems.

Some comments cited the need for a larger staff to deal with consumer affairs. Although OCA is composed of three staff members, the Office will also be assisted by Consumer Affairs Contacts in USDA agencies, Public Participation and information specialists, and program analysts. The roles of these individuals are outlined in the Final Plan. Similarly, the

budget for OCA is only a portion of that which will be expended in support of the Consumer Executive Order. Agencies provide additional monies to further consumer involvement on specific issues.

A question was raised as to why only certain agencies will be asked to designate consumer affairs specialists. This has been addressed in the "Consumer Affairs Perspective" section of the Final Plan.

Whereas the Draft Plan stated that certain agencies would be required to designate consumer affairs specialists, the Final Plan substitutes the word "contact" for "specialist." Personnel who will carry out the functions of this Plan may have broad skills and responsibilities. Moreover, by calling them Consumer Contacts, the Department is recognizing that the consumer perspective will be addressed by *all* program people.

Consumer Participation

Some commenters noted that the Plan deals mainly with participation in the development and review of rules and regulations. The Department realizes the importance of public input into policy and program decisions, as well as rulemaking, and will continue to stress participation in these areas.

Effective communication with consumers requires much more than increased distribution of the **Federal Register**. It was noted that the Final Plan should emphasize creative mediums to address the unique needs of different kinds of consumers (such as the elderly, handicapped, youth, and the traditionally "unrepresented"). USDA realizes that the **Federal Register** is inaccessible to many consumers. We will continue to seek better ways to reach the consumer and provide information through more readily available means.

The Department's policy and procedures for reimbursing public participants were not finalized when the Draft Plan was published. The reimbursement program is now in effect and a handbook describing the policy and procedures is currently available.

A question was raised as to which Departmental actions are covered by the "Impact Analysis" requirement under existing procedures. This applies to all agency actions with the exception of personnel selection, agency management and procurement.

Information

Several comments underscored the need for a consumer manual, as proposed in our Draft Plan. A "how to participate" manual has been written by the Department's Public Participation Staff and is available from that office. OCA will publish an additional guide, dealing specifically with consumer issues, with a planned release date of Fall 1980.

Some individuals who responded to the Draft Plan said it failed to identify or provide for evaluation of current consumer information. It was also noted that the draft does not specify what new information will be provided and how and when it will be distributed. USDA acknowledges the importance of these points and has responded to them in the Final Plan.

Comments were received suggesting that USDA make more effective use of its regional or field offices. These offices provide a valuable information service for the areas they serve and will be involved in implementation of the Final Plan.

Education and Training

Several individuals noted that the Cooperative Extension Service has many educational programs for consumers. The Department agrees and fully intends to involve the Extension system.

Another comment discussed the need for representatives of consumer and public interest groups to participate in the planning and conduct of training sessions and consumer forums. USDA will take the steps necessary to ensure public involvement in decisions about these programs, such as establishing content, locations and formats.

Some comments requested detailed information regarding the training of USDA personnel and consumer members of USDA advisory panels. Many of these details are being developed. Some will be covered in a Secretary's Memorandum describing the Department's implementation of the Executive Order, to be issued during the summer 1980. The Special Assistant for Consumer Affairs and the agency Consumer Affairs Contacts will be responsible for training agnecy personnel. Technical assistance will be provided by OCA for the consumer members of USDA advisory panels.

Complaint Handling

Numerous comments were received requesting more information about the consumer complaint handling functions of OCA. USDA recognizes the need for a detailed plan for the systematic handling of complaints. This is especially important due to the extreme diversity of USDA programs, the geographic decentralization of the Department and the varying degrees of control over field offices within the Agencies. The Final Plan specifies that guidelines will be established to assure that complaints will be handled and used as inputs into program and policy decisions.

Miscellaneous

Other comments included a concern about the coordination of separate Federal agency offices and their consumer-related activities; the desire to give state and local organizations greater responsibility in consumer affairs; a need for reviewing and monitoring research programs related to consumer behavior; and the view that one consumer affairs office should represent all of the agencies in the Federal government.

Additional USDA Response

The Department's Final Plan seriously attempts to respond to the comments and suggestions received. Not every concern or question raised by reviewers is fully answered in the Final Plan. Intentionally, the document is still a "plan." Many comments deal essentially with its implementation. We will seek both consumer participation and internal USDA participation to fill in many of the details. All comments received during the comment period, and from now on, will be considered carefully by those responsible for the further development and implementation process.

Certain changes in the Final Plan should be explained:

• The Draft Plan said that the Department's Office of Consumer Affairs would consist of a Director, Deputy Director, and secretary. The Final Plan says that additional assistance will be obtained, as needed, through temporary assignments, and that both the size and composition of the staff will be reexamined by February 1981.

The need to contain the Federal budget is not the only reason for this response. Much of the responsibility for administering Department programs rests with USDA agencies. The Consumer Affairs Plan will falter if agencies are not involved in a meaningful way in this new initiative. The designation of Consumer Affairs Contacts and formation of a Consumer Affairs Working Group, described in the Final Plan, will not only provide for agency involvement, but broaden the Department's consumer affairs "team." In addition, the Office of Consumer Affairs will work directly

with the Under Secretary for International Affairs and Commodity Programs, Assistant Secretaries, Directors, agency heads and other top staff to assure that consideration of consumer concerns is given proper attention.

Two other characteristics of the Department underscore the importance of inhouse participation in implementation of the Final Plan: The extreme diversity of USDA programs and the wide dispersion of USDA staff around the country. About 90 percent of the Department's employees are located in regional, state, and county offices. Marked differences exist in agency missions, styles, and current consumer affairs programs.

• The Draft Plan says that the Department will "establish a consumer complaint handling function in the Office of Consumer Affairs under the Deputy Director." The Final Plan postpones specific delegation of this responsibility within OCA until the task can be identified more fully and weighed against the delegation of OCA staff responsibilities for other parts of the Plan.

FINAL PLAN

I. CONSUMER AFFAIRS PERSPECTIVE

In response to Executive Order 12160, the Secretary has appointed a Special Assistant for Consumer Affairs who will serve as Director of the USDA Office of Consumer Affairs. This is a Senior Executive Service position reporting directly to the Secretary.

Office of Consumer Affairs

The location of the Office of Consumer Affairs (OCA) is shown in the attached organizational chart. The Office staff will consist of the Director, a Deputy Director, and a secretary. Additional assistance will be provided, as needed, through temporary assignment of required specialists. By February 1981, the Director of OCA will reassess the adequacy of the size and composition of this staff and recommend any appropriate changes to the Secretary.

The overall responsibilities of OCA are to:

1. Advise the Secretary and top USDA officials on consumer affairs.
2. Development and articulate a Department-wide philosophy and policies regarding consumer participation, consumer information and education, consumer affairs training, and consumer complaint handling.
3. Monitor and evaluate the implementation of these policies.
4. Work with the Office of Budget, Planning and Evaluation to ensure that consumers are involved and their interests adequately considered in USDA decisions.
5. Serve as a consumer ombudsman and communication link between the consuming public and the Department, as well as between the Office of the Secretary and USDA units.

In order to carry out these duties in a meaningful way, the Director of OCA will participate in, and where appropriate, initiate or recommend the development and review of rules, policies, programs, and legislation having significant impacts on consumers.

Regulations and Actions are deemed "significant" if they:

• will cause a substantial increase or reduction in program coverage affecting a significant number of people.
• will cause a substantial change in total program outlays or in the level of direct, indirect or induced benefits or costs.
• will substantially alter enforcement or compliance requirements.
• will significantly expand or contract public services which might affect any stage of production, processing, distribution or consumption.
• are likely to raise significant controversy due to conflict over questions of fact or impact.

At the outset of any decisionmaking proceeding specifically related to consumer issues, OCA will receive copies of public participation plans and draft impact analyses. The Director will review and comment appropriately to top USDA policy officials. The Director will participate in staff meetings of the Office of the Secretary, and other policy and program briefings normally attended by Assistants to the Secretary. The Director will also communicate directly with assistant secretaries, directors, and agency heads on issues of concern to consumers.

Consumer Affairs Contacts

Authority for administering the Department's many programs rests primarily with individual units in the organization, which USDA calls "agencies." The head of each agency reports to the Under Secretary for International Affairs and Commodity Programs, an assistant secretary or a director. Several other units are responsible mainly for coordination and support of agency programs, or Departmental administration. Some report to assistant secretaries, others directly to the Secretary (see the organization chart).

OCA will carry out many of its responsibilities with the involvement and assistance of Consumer Affairs Contacts in USDA agencies and related offices whose programs have important direct or indirect impacts on consumers.

The Consumer Affairs Contacts will report to their respective agency heads. The Director of OCA will approve the designation of Contacts. The agency Consumer Affairs Contacts will: (1) work with OCA and policy officials to develop and improve policies, guidelines, and procedures for carrying out the Department's consumer affairs plan, (2) monitor public participation plans and actions at the agency level for adequate consumer involvement, (3) work with policy analysts and others to ensure that impact analyses conducted at the agency level adequately identify and describe consumer impacts, (4) otherwise develop and ensure a consumer perspective within their agencies, (5) work with OCA to acquire and extend appropriate consumer affairs training for their agency personnel, and (6) serve as a consumer affairs communication link between their agencies and OCA, and with other departments having related responsibilities.

The Consumer Affairs Contacts will constitute a Consumer Affairs Working Group, to be chaired by the Director of OCA. The Working Group will be the Department's consumer affairs sounding board and training forum. Through regular meetings of the Group, or subgroups, ideas and information on consumer issues, hearings, briefings, and related developments will be shared. The Group will also facilitate joint consumer affairs activities involving two or more agencies.

The following agencies will have Consumer Affairs Contacts:

Agricultural Marketing Service
Agricultural Stabilization and Conservation Service
Animal and Plant Health Inspection Service
Economics, Statistics and Cooperatives Service
Farmers Home Administration
Food and Nutrition Service
Forest Service
Food Safety and Quality Service
Rural Electrification Administration
Science and Education Administration
Soil Conservation Service

In addition, Consumer Affairs Contacts will be named in offices with responsibilities closely related to those of OCA, such as the Office of Budget, Planning and Evaluation, and the Office of Governmental and Public Affairs.

Other USDA agencies and offices will not be asked to designate consumer affairs contacts at this time, either because they are mainly responsible for coordination and support of other Department programs or because the impacts on consumers of their programs are far less significant than those of the agencies listed above. However, appropriate communication with these other units will be maintained by OCA, and the Director will request consumer affairs participation from them whenever necessary.

II. CONSUMER PARTICIPATION

Responsibilities of Public Participation and Analytical Staffs

In response to Executive Order 12044, May 1978, the Department established an Office of Public Participation and Decision System Staff, located in the Office of Budget, Planning and Evaluation (OBPE). The Public Participation staff is responsible for increasing substantive public involvement in decisions made by the Department. The Staff monitors and approves agency public participation plans on significant decisions and consults with agency staffs to assure effective advance planning for participation by those who may be interested in, or affected by, the outcome of a given action. The planning process involves designing specific strategies and information techniques to communicate effectively with different publics, including use of prenotices, special mailings, background materials on issues, guidance on how to participate, or public meetings and briefings.

Impact analyses are conducted to be sure that USDA decision-makers have the benefit of a complete analysis of the implications of decisions. These analyses consider the effects, both direct and indirect, on all segments of the public. Consumer impacts and response to consumer comments are included. If there is no consumer impact, the basis for that determination will be stated.

These procedures apply to program decisions as well as to rules and regulations. Recently, for example, the Public Participation staff was heavily involved in arranging 10 regional meetings held by the Secretary of Agriculture to solicit public comment on the structure of American agriculture and government policies affecting it.

Responsibilities of Office of Consumer Affairs and Consumer Affairs Contacts

OCA and the Consumer Affairs Contacts will not duplicate these functions. As noted above, OCA will receive copies of public participation plans and draft impact analyses of actions specifically related to consumer issues. The Director of OCA will monitor the functioning of this system, and review and comment appropriately to top USDA policy officials. Agency Consumer Affairs Contacts will assist in the development of impact analyses and public participation plans which reflect consumer perspectives and assure participation.

The agencies and OBPE staff will advise the Director of OCA of upcoming issues of consumer significance, and the decision timetable. They will routinely provide the Director of OCA with consumer comments on **Federal Register** notices and proposed rules, as well as the agency's response to those comments.

The Department will pay particular attention to the need for consumer participation in policy and program decisions where such participation has been limited. The Department will encourage consumer input from the earliest stage of regulations and other types of significant decisions through public hearings, written comments and forums with agency officials. In addition, in each program action, analysts will reflect potential consumer impacts. Consumers will be encouraged to communicate their interests through existing advisory groups and other channels. For example, a logical channel for participation in decisions on Research and Extention education is the National Agricultural Research and Extension Users Advisory Board, established under the Food and Agriculture Act of 1977.

Here are particular steps OCA will take to ensure consumer understanding and participation in both rulemaking and program decisions.

- *Consumer Communication and Resource Network.* OCA will identify consumers and consumer groups by type, geography, and areas of interest, in order to develop appropriate mailing lists and move toward meaningful two-way communication with the consuming public. Any individual or organization wishing to be included on USDA consumer mailing lists should contact the Office of Consumer Affairs, U.S. Department of Agriculture, Washington, D.C. 20250.
- *Consumer Forums.* OCA is tentatively planning a series of consumer forums in different locations throughout the country beginning in the Fall 1980. The forums will deal with how and when to participate, and program and rulemaking issues of particular concern to consumers.
- *USDA Consumer Advisory Committee.* The Department plans to establish a USDA Consumer Advisory Committee to advise the Secretary and top USDA officials of consumer needs and interests. It will be chaired by the Director of OCA.
- *Collaboration with Extension.* The Department is the Federal member of the Federal-State-County Cooperative Extension education system. State Extension specialists and county agents provide information to consumers and conduct consumer-oriented educational programs on a day-to-day basis in almost every county in the country. OCA will explore with Extension officials ways in which these programs can strengthen consumer understanding and participation in USDA decisions. This will involve not only disseminating Department information, but communicating the concerns and interests of consumers back to the Department. OCA will also explore ways in which to help farmers and consumers understand one another's problems and concerns better.

III. INFORMATION

The Department recognizes two related consumer information needs. One is information to help consumers know how and when to participate in USDA decisionmaking. The other is information about the specific problems or issues involved in a decision.

Since publication of the Draft Plan, the Office of Public Participation has published a manual on how and when to participate in USDA decisions, as well as a handbook for applicants for reimbursement of costs of participating in rulemaking. OCA will publish an additional guide specifically for consumers, with a Fall 1980 target date for distribution.

The Department will continue to publish its "Decision Calendar" in the **Federal Register** twice a year. This calendar describes upcoming actions, the authority under which they are to be taken, a decision timetable, and the name of a person to contact for further information.

We are well aware that only a small fraction of the consuming public reads the **Federal Register.** OCA and the Working Group will seek new and better ways to inform the consuming public, including notification of open meetings, hearings, and other pertinent information. A general USDA consumer newsletter is now being considered. Other possibilites include increased use and dissemination to

consumer groups of press releases, fact sheets and special reports.

We are also aware that meaningful communication with the consuming public must respond to the unique needs of different consumers—the young and the elderly, the handicapped, Spanish-speaking, minorities, and other groups. A major goal of this Plan is to assist those consumers who are traditionally "unrepresented."

OCA will work closely with the Office of Governmental and Public Affairs and agency staffs to prevent duplication and to ensure the most effective use of existing materials and dissemination methods. For example, the Food Safety and Quality Service has taken the lead in publishing a consumer newsletter in which other USDA agencies will also report food-related items of interest to consumers.

OCA will collaborate with the Office of Governmental and Public Affairs, the Office of Public Participation and agency staffs to identify consumer information needs. OCA will develop and recommend policy guidelines on consumer information by February 1, 1981.

The Consumer Communication and Resource Network and consumer forums, discussed earlier, will provide a much-needed basis for helping to identify information gaps and test new approaches.

IV. EDUCATION AND TRAINING

For USDA Personnel

Through personal contact and participation in staff meetings, the Director of OCA has acquainted personnel in the Office of the Secretary, the Under Secretary for International Affairs and Commodity Programs, assistant secretaries, directors, agency heads, and other staff with the Department's Consumer Affairs Plan. OCA will prepare and distribute a description of the Final Consumer Affairs Plan to USDA personnel. Progress, new developments, and consumer issues will be reported to them on a continuing basis.

The Consumer Affairs Working Group will be a major forum and catalyst for consumer affairs training. USDA decisionmakers, other Federal consumer affairs staff, and consumer representatives will be invited to meet with the Group to provide for a continuing exchange. Consumer Affairs Contacts will facilitate similar exchanges within agencies. Information on consumer affairs training opportunities and experiences will be shared in the Consumer Affairs Working Group.

USDA educational assistance will be provided, as needed, to its telephone operators, field staff and others in daily contact with the public. OCA will look to consumers and consumer representatives, as well as Department staff, to help identify these and other internal training needs and to help conduct and evaluate training.

For Consumers

The Department intends that consumer education and technical assistance will be integral parts of the process of informing and communicating with the consuming public. Education will include helping consumers know how to use Department information.

Assistance will be provided on request to consumers and consumer representatives during the participation process. For example, special training will be offered to those selected to serve on the USDA Consumer Advisory Committee.

V. COMPLAINT HANDLING

The Department recognizes three required steps in the handling of consumer complaints: (1) Prompt, accurate replies, (2) followup, and (3) effective use of complaints in policy and program evaluation.

Any plan to monitor and strengthen these steps must also recognize the diversity of USDA programs, the fact that a vast majority of USDA personnel are located in field offices, and varying degrees of decentralization of control over field offices of the Department.

Under the direction of the Department's Correspondence Review Officer in the Office of the Secretary, the Department now has a computerized correspondence control system and procedures for handling all complaints received by the USDA in Washington. The system has the capability of acknowledging receipt of complaints, recording complaints by subject matter to facilitate subsequent tracking and analysis, routing of complaints to appropriate offices for investigation and response, and the tracking and monitoring of complaint investigations and responses.

Working with the Correspondence Review Officer and other USDA staffs, OCA will identify those complaints which can be considered "consumer" complaints. With the existing system and procedures applied to the handling of consumer complaints, most of the essential requirements for effective consumer complaint handling—those noted above—will be satisfied. OCA will monitor this system to ensure promptness and quality of responses.

OCA will also develop by the end of calendar year 1980 guidelines carrying out the following additional required functions:

- Informing the consuming public of the Department's receptivity to complaints, as well as how, when, and where to submit complaints;
- Analyzing complaints to determine their implications for agency and USDA policymakers;
- Reporting of these analyses to policymakers; and
- Evaluating the consumer complaint handling system.

Educational assistance will be provided to individuals and consumer groups to help them better understand how to express their problems, and what the Department can and cannot be expected to do in response to consumer complaints.

Many consumer complaints are handled by agency field offices. It would not be a service to consumers to add unnecessary processing of complaints in the Washington office. However, since large agencies of the Department have remote access to the Washington correspondence control system, it is possible that subsystems can be developed to incorporate into the Washington system appropriate complaint handling data at the local level.

Guidelines to be developed by OCA for consumer complaint handling in Washington will also include guidelines for field handling of consumer complaints. The development of these guidelines will draw on experiences in other public agencies and the private sector. Effective and economical ways to monitor and followup on complaints, such as telephone contact, will be encouraged. The basic need for educational assistance, incentives and rewards for personnel who handle complaints within the Department will be addressed. OCA will monitor implementation of these guidelines both in Washington and the field.

VI. OVERSIGHT

As explained under "Consumer Affairs Perspective," the Director of the OCA is a full-time Senior Executive Service position reporting directly to the Secretary.

Following approval and publication of the Department's Final Consumer Affairs Plan, the Department will initiate action to formally establish the OCA and to document the Department's consumer affairs philosophy, policy, procedures, and responsibilities. Establishment of OCA will

be accomplished by July 9, 1980. A **Federal Register** publication will give public notice of the establishment of OCA and state the responsibilities delegated to the Director of OCA.

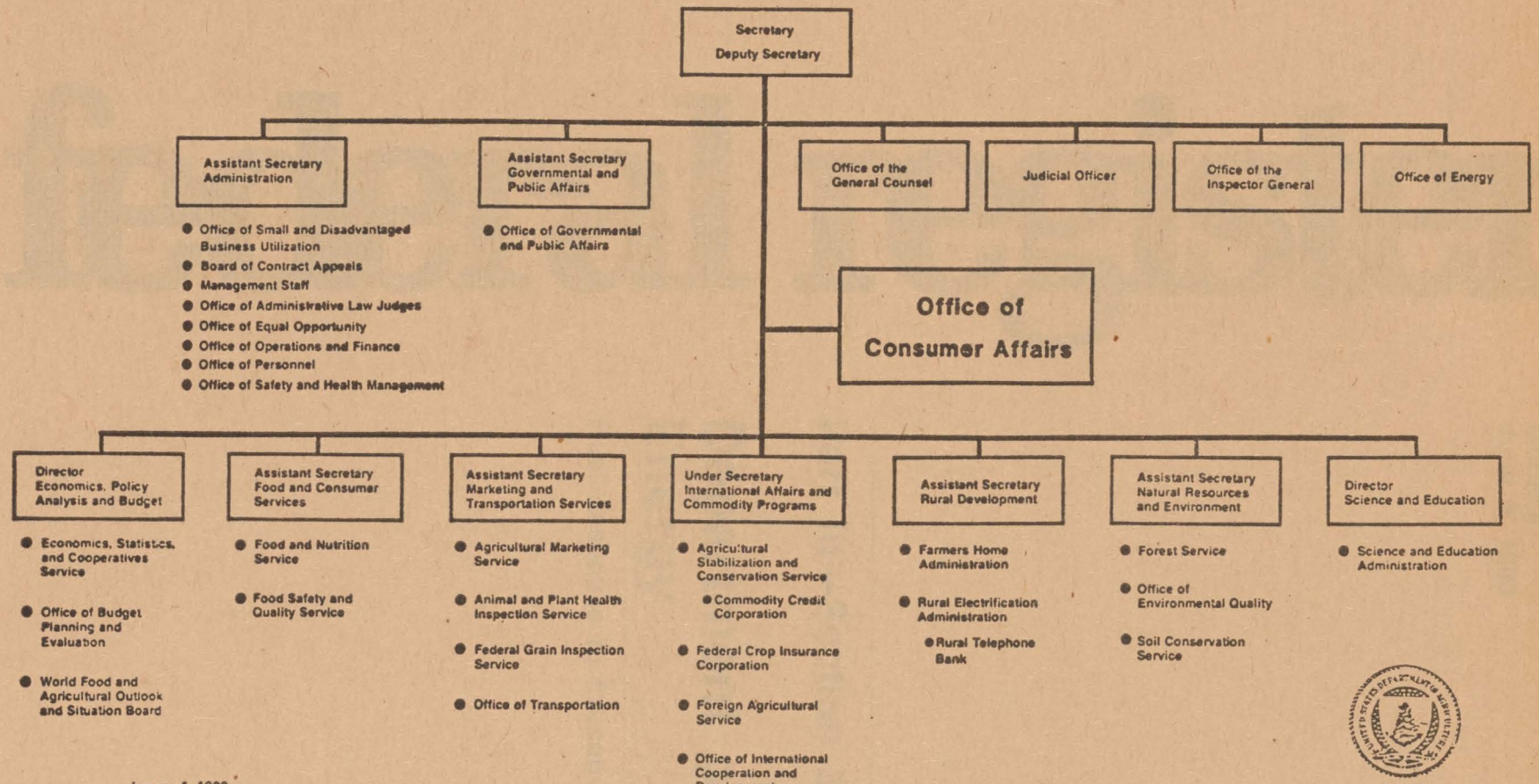
Jim Williams,

Acting Secretary Agriculture.

May 28, 1980.

BILLING CODE 3410-01-M

United States Department of Agriculture



January 1, 1980

[FR Doc. 80-16861 Filed 6-6-80; 8:45 am]

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federal register

Monday
June 9, 1980

Part III—Section B

Department of Energy

Final Response to Executive Order 12160

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Secretary Duncan:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve the Department of Energy's consumer program established under Executive Order 12160. The Department's program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Ms. Tina Hobson, Ms. Jerry Penno, and others of your staff have been particularly helpful. The fact that Ms. Hobson will be reporting to you on consumer issues and participating in Departmental policy development should provide her with the opportunity to review rules, policies, programs and legislation to assess their impact on consumers. The Department's program is further strengthened by the establishment of an Energy Coordinating Group, by the development of consumer programs by DOE components, and by recognition of the importance of regional support for consumer activities.

As the Department's consumer program develops, I urge you to continue to assess whether the recommendations of the consumer staff are fully considered in the development of Departmental policies and programs, whether public participation procedures offer significant opportunity for consumers to participate in the rulemaking process, and whether an effective Department-wide program of complaint resolution and analysis can be developed.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Department's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the Department. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Charles W. Duncan, Jr.
Secretary of Energy
Washington, D. C. 20585

BILLING CODE 6450-01-C

DEPARTMENT OF ENERGY

Office of the Secretary

Final Response to Executive Order 12160

AGENCY: Department of Energy.

ACTION: Final Response to Executive Order 12160, "Providing for Enhancement and Coordination of Federal Consumer Programs".

SUMMARY: The Department of Energy (DOE) is responsible for coordinating the development and execution of Federal energy policy, regulations, and programs. On December 19, 1979, DOE issued a draft consumer plan in response to Executive Order 12160 and asked the public to comment by March 10, 1980, on all aspects of the proposed program. This document represents DOE's final plan establishing consumer program requirements under the Executive Order. Required program elements described include:

- Identification of consumer affairs staff.
- Establishment of consumer participation procedures.
- Development of information materials.
- Education and training of DOE staff to meet consumer needs.
- Development of complaint handling procedures.

A summary of the process used in evaluating the draft program and of the public comments received on the draft version of this plan precedes the final plan. The following appendices are also included as a part of this plan:

Appendix A: DOE Organizational Chart
Appendix B: Office of Consumer Affairs Organization Chart
Appendix C: How to Get on DOE Mailing Lists
Appendix D: Current DOE Hotline Numbers
Appendix E: DOE Advisory Committees
Appendix F: Technical Assistance Program Contacts
Appendix G: DOE Consumer Energy Coordinating Group

FOR FURTHER INFORMATION, CONTACT: Liz Overstreet, Department of Energy, Office of Consumer Affairs, Room 8G082 Forrestal Building, Washington, DC 20585, 202/252-5880.

Evaluating the Draft Program

The Department of Energy (DOE) published a draft consumer program in response to Executive Order 12160 on December 19, 1979 (44FR71154). Other efforts to notify the public and solicit their comments included the publication of two articles in the Office of Consumer Affairs *Energy Consumer* newsletter explaining the draft plan and how to comment; a special mailing to over 6500 citizen and public interest organizations; and distribution of draft copies through the ten DOE Regional Offices. Comments were also solicited from consumers attending a White House sponsored workshop on Executive Order 12160, held in Washington, D.C., on February 6, 1980. The White House Office of Consumer Affairs also evaluated the draft program and provided comments to the DOE Office of Consumer Affairs.

The staff in the Office of Consumer Affairs (OCA) summarized and assessed all public comments received. The plan has been revised to reflect certain suggestions for change or clarification. Where suggestions were not incorporated into this final plan, explanations are provided in the summary of public comments below.

Summary of Comments

A total of 330 comments was received on the draft plan. A statistical summary of the sources of comments received is as follows:

1. Individual consumers: 60%
2. Consumer organizations: 18%
3. Business or trade organizations: 15.2%
4. State and local governments: 3%
5. Other (such as education): 3%

Many of the criticisms of the draft indicated that the plan dealt too much with organization and process rather than with specific energy issues; others asserted that DOE organization and processes should be described in more detail.

The final plan has been expanded to include more detail on organization and process. Discussion of specific energy issues would be inappropriate, given the purpose of the plan itself—to outline procedures for citizen participation.

Not all of these concerns are covered in this plan; but the activities that DOE will undertake as it implements the plan do place a greater emphasis on the development and dissemination of such information.

A section by section analysis of public comments follows, with explanations of what changes were made and why other proposals were not adopted.

CONSUMER AFFAIRS PERSPECTIVE—COMMENTS AND ANALYSIS

Many persons suggested that DOE include in its plan an organization chart to explain the relationship of the Consumer Office to other parts of DOE. Appendix A of DOE's final plan is an organization chart of DOE Headquarters. Although not shown on the chart, the Director of Consumer Affairs reports to the Secretary through the Executive Assistant.

Several organizations and individuals commented that DOE is not complying with the Executive Order requirement that the official responsible for the program report directly to the head of the Agency. No change was made because the Director of Consumer Affairs currently works solely on consumer affairs and does report to the Secretary of Energy. The Director of Consumer Affairs is a member of DOE's Senior Staff, sits in on the Secretary's Senior Staff meetings, is required to prepare weekly reports to the Secretary on issues and activities of the Consumer Office, communicates directly with members of DOE's Senior Staff on consumer policy issues, and may meet with the Secretary on any issue that has not been resolved through other channels. The Secretary has directed his Executive Assistant to Act as his regular point of contact with the Director. This additional reporting relationship accelerates and improves Secretarial attention to comsumer issues, since the Executive Assistant is responsible for staffing all external policy issues before they reach the Secretary's desk.

Many persons suggested that the plan should explain OCA's relationship to other DOE staffs performing consumer activities. DOE has revised the plan to describe this relationship and has added a description of the new Consumer Energy Coordinating Group (CECG). This group, chaired by the Director of Consumer Affairs, is composed of senior officials from those organizations in DOE with formal consumer programs. DOE's plan also notes, in the New Initiative section, that the Director of Consumer Affairs approves and monitors new consumer initiatives undertaken by the Department's operating program offices.

Several commentors requested that DOE's plan be made more specific in describing how OCA participates in policy program and regulatory activities. DOE has expanded this section to make clear that the Director of OCA is a member of DOE's Senior Staff and that, as such, the Director may bring policy issues of concern to consumers to the Secretary or to other members of the Senior Staff. The Executive Secretary of DOE is responsible for informing members of

the Senior Staff of major internal issue development activities; any member of DOE's Senior Staff can elect to comment, and formally concur on any such proposal before it is presented to the Secretary for decision.

A few comments sought further explanation of the adequacy of OCA resources to conduct its policy analysis responsibilities. DOE has addressed OCA resource levels in several areas. The Secretary's transfer of the education programs function into OCA is noted as an expansion of consumer education activities. It should be noted, however, that the OCA budget does not reflect total DOE resources associated with consumer affairs activities. The heart of new consumer initiatives rests in building new consumer response mechanisms within the major program offices. Although current staffing for OCA appears adequate to perform assigned consumer and education policy oversight functions, a second review of staffing will be conducted when DOE submits the October annual report.

Some commentors indicated confusion about the role of advisory committees. Attached as Appendix E to the plan is an expanded description of the DOE Advisory Committees and their roles.

Several persons also indicated that the 10% consumer representation guidelines on Advisory Committees should be raised. DOE notes that the 10% consumer membership guideline is under review.

CONSUMER PARTICIPATION—COMMENTS AND ANALYSIS

Many persons wanted more specific information on how, when, and where consumer participation takes place, on the number and kinds of forums DOE sponsors for public participation, and on the rank of DOE officials who participate in these forums. The plan provides answers to these questions by reference to documents announcing forums, meetings, schedules for written comment, energy events and other public participation opportunities. Such activities are announced in advance in *The Energy Consumer*. DOE's procedures for public participation are published in the *Citizen Participation Manual*, specifically cited in the plan. The plan has been amended to tell consumers how to obtain these documents and request inclusion on DOE's mailing lists. We are also requiring all major program offices to develop new initiatives for consumer participation, focusing on information requested in specific program areas.

Many persons suggested that low-cost participation techniques were needed for low-income persons or groups. Toll-free phone numbers were freqently mentioned. DOE does in fact have "hotlines" and other consumer participation tools not mentioned in the draft plan. Since phone numbers and addresses change frequently, DOE has revised its plan to indicate that *The Energy Consumer* and the new *Consumer Energy Atlas* will publicize phone numbers and addresses by topic. DOE is also adding the names and addresses of the members of the DOE Consumer Energy Coordinating Group to the final plan.

Some persons suggested that DOE should publicize and increase the availability of its consumer information materials. DOE's plan does require both the Office of Consumer Affairs and Secretarial Officers to improve such services. The final plan indicates that the Consumer Energy Coordinating Group will work on this issue. DOE will also expand its use of the Consumer Information Center's services to evaluate informational materials and the distribution of those materials—including publicizing availability.

Some commentors suggested that DOE hold public meetings in cities outside regional office locations. DOE's Citizens Participation Manual already encourages this where feasible, and the final plan was amended to reflect this suggestion.

Several persons suggested that DOE sponsor town meetings. DOE has amended its plan to indicate that the Department does encourage energy town meetings, but believes that locally-sponsored town meetings are most useful for consumers. The plan mentions that the Regional Offices, Operations Offices, Energy Extension Service and Speakers Bureau are all available to support such community-base events. Finally, the plan notes that the Office of Consumer Affairs has utilized community colleges to sponsor local energy forums and has assisted local institutions in developing town meetings on local and national energy issues.

A number of commentors said that DOE should establish a consumer intervenor funding program. This is specifically prohibited by statute.

INFORMATION MATERIALS—COMMMENTS AND ANALYSIS

Most criticisms of this section of the draft program deal with improvements needed in the development, evaluation and timely distribution of consumer information materials.

Since DOE's draft plan specifically charged the Director of Consumer Affairs with lead responsibility in this area, no major modifications have been made to the final plan. It does indicate that OCA will seek appropriate assistance and advice from the Consumer Energy Coordinating Group and the GSA Consumer Information Center.

EDUCATION AND TRAINING—COMMENTS AND ANALYSIS

Criticism of the Education and Training Section of the draft plan focused on the need to broaden the description of technical assistance available to consumers and their organizations. This has been done in the final plan.

It was suggested that DOE develop a film on basic Departmental functions, with brochures for use by community organizations. This suggestion is under review.

A suggestion was also made that DOE provide for training of consumer lobbyists. DOE has not adopted this suggestion, because lobbying is a private sector function in which DOE has no authority to engage.

COMPLAINT HANDLING—COMMENTS AND ANALYSIS

Many commentors suggested that DOE should place more emphasis on preventing complaints, rather than creating another layer of "red tape" and bureaucracy for complaint handling. DOE does, however, have a responsibility under the requirements of Executive Order 12160 to develop sound complaint management procedures. The final plan indicates that responsibility for developing complaint handling systems rests with individual program offices.

Several commentors suggested that the complaint handling processing would be less cumbersome and more accountable if centralized. Many of the DOE offices required to develop complaint handling procedures under this plan are as large and complex as some independent Federal agencies. Centralized complaints processing would delay complaint handling, remove accountability from the senior responsible program manager, and increase the chance that inaccurate information would be provided to consumers. The plan has been modified, however, to require periodic reporting of complaint statistics to the Secreatary to allow for appropriate oversight of this process.

A question was raised about the authority of the Office of Consumer Affairs to investigate consumer compliants. Although any DOE office may investigate complaints,

specific responsibility in this area has been decentralized to individual program offices. The Office of Consumer Affairs is not a designated complaint office under this plan.

A final observation was that consumers would need much better information on where to refer complaints if the DOE system is to work. Development of a citizen-oriented directory and of other information materials, required under the final plan, will respond effectively to this need.

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 statues, in the development and review of all agency rules, policies, programs, and legislation.

The Department of Energy (DOE) maintains an Office of Consumer Affairs (OCA), located in the Office of the Secretary. The Director of OCA reports to the Secretary through the Executive Assistant to the Secretary and Deputy Secretary, who is part of the immediate Office of the Secretary. As a member of the DOE Senior Staff, the Director may communicate directly with the Secretary or with other Secretarial Officers on energy policy and program issues. (An organization chart of DOE is included as Appendix A.)

To ensure effective representation of consumer concerns, the OCA management and organizational structure (see chart at Appendix B) call for maintenance of professional expertise in energy-related aspects of law, engineering and technology, communications, economics, education program development, environmental planning, chemistry, physics, 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, either through regularly scheduled Senior Staff meetings with the Secretary or through the routine notification procedures of the Executive Secretary. OCA then decides the appropriate level of OCA involvement in a given issue. Participation may include:

- Providing written information and comments,
- Formal representation on working groups developing regulations or policy actions,
- Commenting upon proposed decisions,
- participation in decision meetings with lead offices, and/or
- Directly informing the Secretary of the consumer impact of and advocationg change to a proposed decision.

To facilitate both OCA and consumer participation in DOE decisionmaking, a DOE "Consumer Energy Coordinating Group" (CECG) has been formed. This Group is made up of senior DOE officials responsible for initiating consumer programs required under the New Initiatives Section of this plan. This Group, chaired by the Director of OCA, will meet at the request of OCA to assist in monitoring and evaluating DOE consumer activities and in recommending changes as necessary.

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,
- Providing policy direction for, and coordination and oversight of, DOE's energy education policy and programs.

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.

The legislation establishing DOE (P.L. 95–91, Title I, Sec. 109) directs DOE to provide for, encourage, and assist public participation 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 regulations, policies, and programs.

Procedures for providing for public participation in the regulatory process are outlined in DOE Order 2030.1, *Procedures for the Development and Analysis of Regulations, Standards and Guidelines.* DOE has proposed to rescind DOE Order 2030.1 and to issue "Guidelines for the Development and Analysis of Regulations." Procedures currently required include: providing minimum, 60–day public comment periods for significant regulations; providing minimum 30–day comment periods for non-significant regulations (with opportunity to challenge on determination of nonsignificance); 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 notice 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 the **Federal Register**, in April and October of each year, a "Semiannual Regulatory Agenda" which includes a description of all significant regulations in the development process and all existing significant regulations that are scheduled for review during the following six months.

DOE Order 1210.1, a "Citizen Participation Manual" issued by OCA, provides guidance to program offices in making decisions on, planning and conducting public participation activities. The guidance covers opportunity to provide written and oral comments, participation in regional public hearings and workshops, membership on advisory committees, and participation in 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 and notices to trade journals, newspapers, magazines and newsletters; and public service announcements; speeches; and other actions aimed at providing DOE with a broad range of citizen opinion.

The procedures outlined in the "Citizen Participation Manual" address the need for advance notice of participation opportunities; for providing information to consumers on issues under consideration; for conducting hearings or meetings in the evenings or on weekends and in cities outside DOE Regional Office locations when feasible; for integrating citizen comments into DOE operations and

decision processes; and for providing feedback to consumers who have participated in any final decisions DOE has made.

The "Manual" addresses the purpose and objectives of, procedures for, and DOE responsibilities in, public participation, and outlines the types of activities in which public participation activities may be desirable or required, while allowing flexibility in shaping and conducting activities to accommodate differences in the scope and nature of program office activities and the kinds of decisions that may be under consideration.

While the Office of Consumer Affairs is responsible for oversight of DOE consumer outreach activities, DOE Secretarial Officers are responsible for regular and substantive consumer participation activity in the planning, management, and evaluation of their programs.

The Office of Consumer Affairs publishes a newsletter, *The Energy Consumer*, that 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 delivery of assistance is a state or local organization's responsibility. OCA also prepares and distributes special notices of forums to individuals and groups, and maintains a mailing list of interested citizens and organizations for use by all DOE offices. A monthly *Energy Meetings* calendar and regular press releases are also available upon request. (Information on how to get on these mailing lists is provided in Appendix C.)

A citizen-oriented directory, *The Consumer Energy Atlas*, is being prepared to help consumers locate energy information and services. The directory will be available for purchase from the Superintendent of Documents, U.S. Government Printing Office, in the summer of 1980.

Some DOE offices have established toll-free numbers during periods of public rulemaking hearings to respond to inquiries and sechedule participants. Current DOE hotline numbers are listed in Appendix D. Further use of this communications vehicle is being explored by the DOE Consumer Energy Coordinating Group.

DOE conducts public hearings on specific regulations developed in response to legislation, conducts public meetings and workshops in response to major energy initiatives such as those conducted as part of the President's Domestic Policy Review on Solar Energy, conducts public meetings as required in the biennial development of the National Energy Plan, and conducts workshops and meetings in response to consumer-generated requests. Regional and field offices also conduct consumer forums on region-specific energy activities. DOE holds in excess of 200 public forums annually. Additionally, the DOE Secretary and Deputy Secretary periodically schedule meetings with individuals and representatives of consumer and other public interest organizations to discuss issues of concern.

DOE also encourages locally-sponsored, community self-help town meetings and workshops, and makes information and speakers available through DOE Regional Offices, the DOE Speakers Bureau, and other resources such as the Energy Extension Service offices.

DOE currently has 15 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. A list of DOE advisory committees and information on their purposes, the selection process for members, and how to obtain summary reports on advisory committee activities are included in Appendix E.

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 printed and audiovisual information materials on 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*, as well as films such as *Solar Energy: The Great Adventure*.

OCA works to improve these materials—through the DOE Consumer Energy Coordinating Group and the GSA Consumer Information Center—by:

- gathering and quantifying information on the type and subject matter of public information requests,
- sampling recipients of publications and audiovisual materials to determination the usefulness of materials,
- communicating public information needs to technical staff,
- assigning staff resources for producing needed information materials in a reasonable time frame, and
- producing a citizen-oriented directory that contains information on DOE program responsibilities, services and personnel.

DOE Secretarial Officers are responsible for preparing and distributing explanatory materials regarding meetings open to the public in their program areas. These materials must clearly explain the issues involved, the reasons for the actions proposed, the method for providing written and oral comments and how consumers can obtain additional information on the issues.

OCA monitors these activities closely to ensure distribution of special materials to consumers with reasonable lead time.

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.

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

OCA conducted workships for DOE personnel on using the *Citizen Participation Manual* and is working with the DOE Consumer Energy Coordinating Group and Office of Training to develop additional training sessions and materials relating specifically to Executive Order 12160 and its implementation.

Other significant activities or changes with respect to DOE consumer programs are communicated to all DOE staff by the Secretary, Deputy Secretary, the Director of Consumer

Affairs, or other Secretarial Officers, by means of notices, directives, orders, or memoranda.

Technical assistance to consumers is available through small grants, "how-to" energy information, Energy Extension Service programs, the DOE/National Bureau of Standards Inventions Program, the DOE Appropriate Technology Small Grants Program, and other ongoing program office activities designed to assist consumers and consumer groups. DOE also provides energy education assistance to schools and education institutions through energy teacher training and educational materials development.

A list of contacts for these programs is included in Appendix F.

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.

DOE maintains a control system within the Office of the Executive Secretary (ES) for correspondence addressed to the Secretary, Deputy Secretary, and Under Secretary. Such correspondence is assigned to the appropriate DOE program office for response. However, a significant amount of correspondence, including consumer complaints, is not routinely handled through ES, but is received directly in DOE program offices. Therefore, DOE proposes to develop decentralized complaint answering procedures in each major DOE office, with continuing oversight and evaluation by OCA and other elements of the Office of the Secretary. These procedures will be developed by June 9, 1981.

Recognizing that consumer complaints about specific programs can best be handled directly by the relevant program offices, the Secretarial Officers designated in the "New Initiatives" section will be responsible for developing their own complaint handling systems to meet the requirements of the Executive Order.

The elements of the Consumer Complaint System will include:

1. *Statistical Reporting.* A designated Consumer Complaint Manager in each office will be responsible for the collection and analysis of consumer complaint data for identification of problems and use in policy development processes. Until such time as complaint systems are developed, consumers may contact officials listed in Appendix G for information on procedures being developed.

2. *Audit.* The designated Consumer Complaint Manager will be responsible for auditing office consumer complaint handling from time to time to assure that complaints received by an office are expeditiously answered with accurate and adequate responses.

3. *Policy Analysis.* Written reports will be consolidated and circulated periodically to the program Secretarial Officer for use in assessing the impact of current policies and programs on consumers. Summary reports will also be provided periodically to the Secretary and OCA identifying topics of consumer concerns and complaint trends.

4. *Accountability.* The designated Consumer Complaint Manager will develop written guidelines for program staff and will be responsible for operation of the system. Secretarial Officers are responsible for ensuring that responses to complaints are accurate, adequate, and prompt.

5. *Opportunity for Redress.* Consumers who are dissatisfied with DOE action on their complaints may request a review of an Office's resolution of an original complaint, through the designated Consumer Complaint Manager. If still dissatisfied consumers may request review by the Office of Consumer Affairs.

New Initiative

DOE has formed a DOE Consumer Energy Coordinating Group, composed of the consumer affairs designees from each office required to develop a formal consumer plan (see below). This Group, chaired by the Director of OCA, will (1) ensure preparation of office plans as required, and (2) monitor and evaluate the implementation of office consumer activities under such plans. These office designees are listed in Appendix G.

Elements of the Initiative

1. Designated DOE Offices (see #6 below) will designate a Consumer Affairs specialist(s) to direct preparation of a plan in compliance with Executive order 12160, 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 consumer plan will be established with the concurrence of OCA.

4. Secretarial Officers, Regional Representatives or Operations Office Managers, as applicable, will be responsible for ensuring compliance with the plans.

5. OCA is developing more detailed guidelines for implementing procedures.

6. The DOE Offices required to develop and implement a consumer plan are:

a. Economic Regulatory Administration (to include field offices)

b. Energy Information Administration

c. Offices of the Assistant Secretaries for: Conservation and Solar Energy, Fossil Energy, Nuclear Energy, Resource Application, Environment

Office of: Hearings and Appeals, Energy Research, Administration, Procurement

d. Regional Offices

e. Operations Offices

DOE will improve consumer services by strengthening Regional Office support to consumers, by activating the Energy Extension Service in every State and by improving information and technical assistance capabilities.

Oversight

Oversight of DOE consumer affairs activities is provided for the Secretary by the Director of Consumer Affairs, who works solely on consumer energy issues. The Director is a career member of the Senior Executive Service. In addition, the Consumer Energy Coordinating Group, chaired by the Director of OCA, has responsibility for ensuring continuing compliance with Executive Order 12160, as described above.

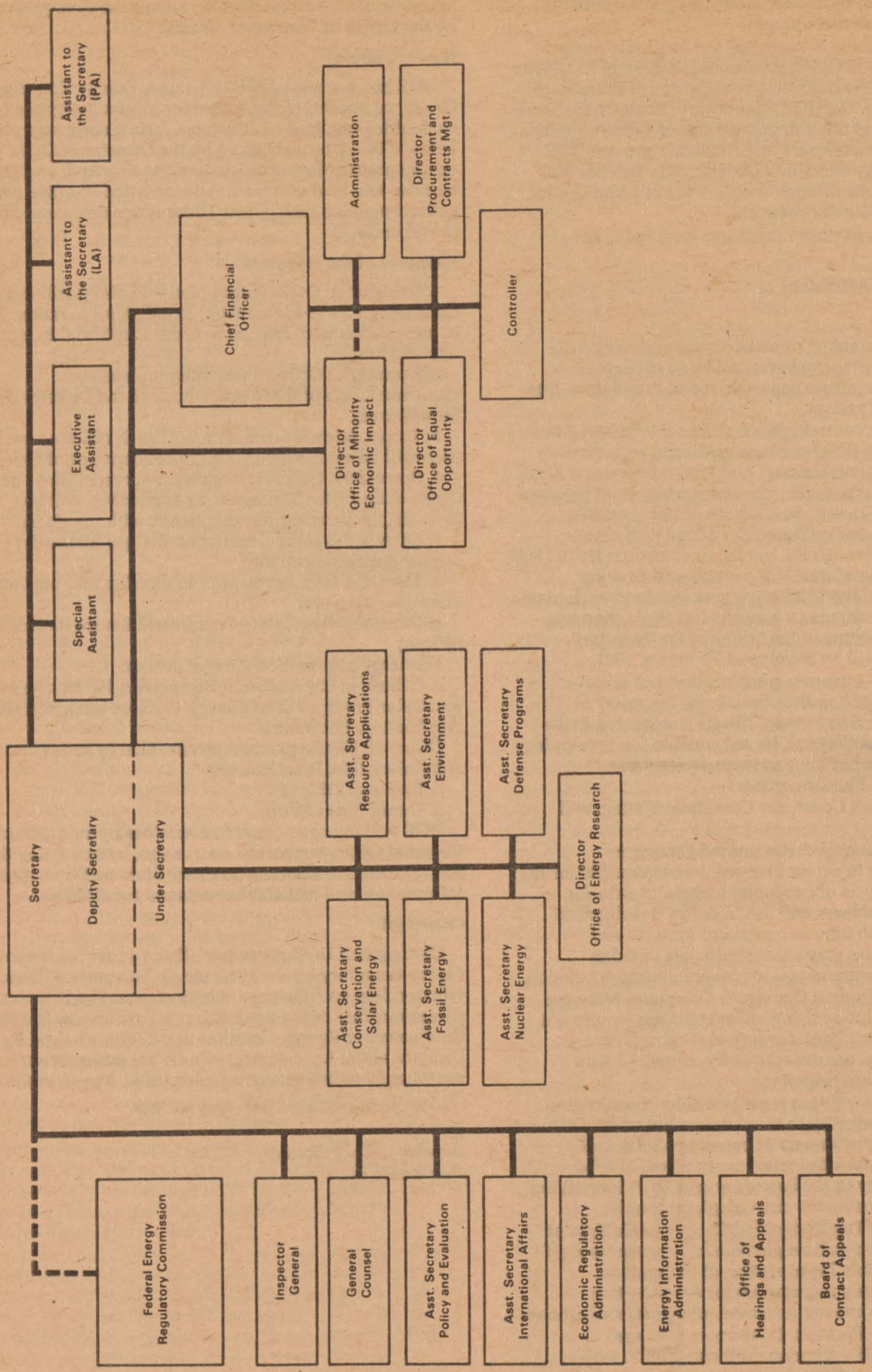
Issued in Washington, D.C., May 28, 1980.

Tina Hobson,

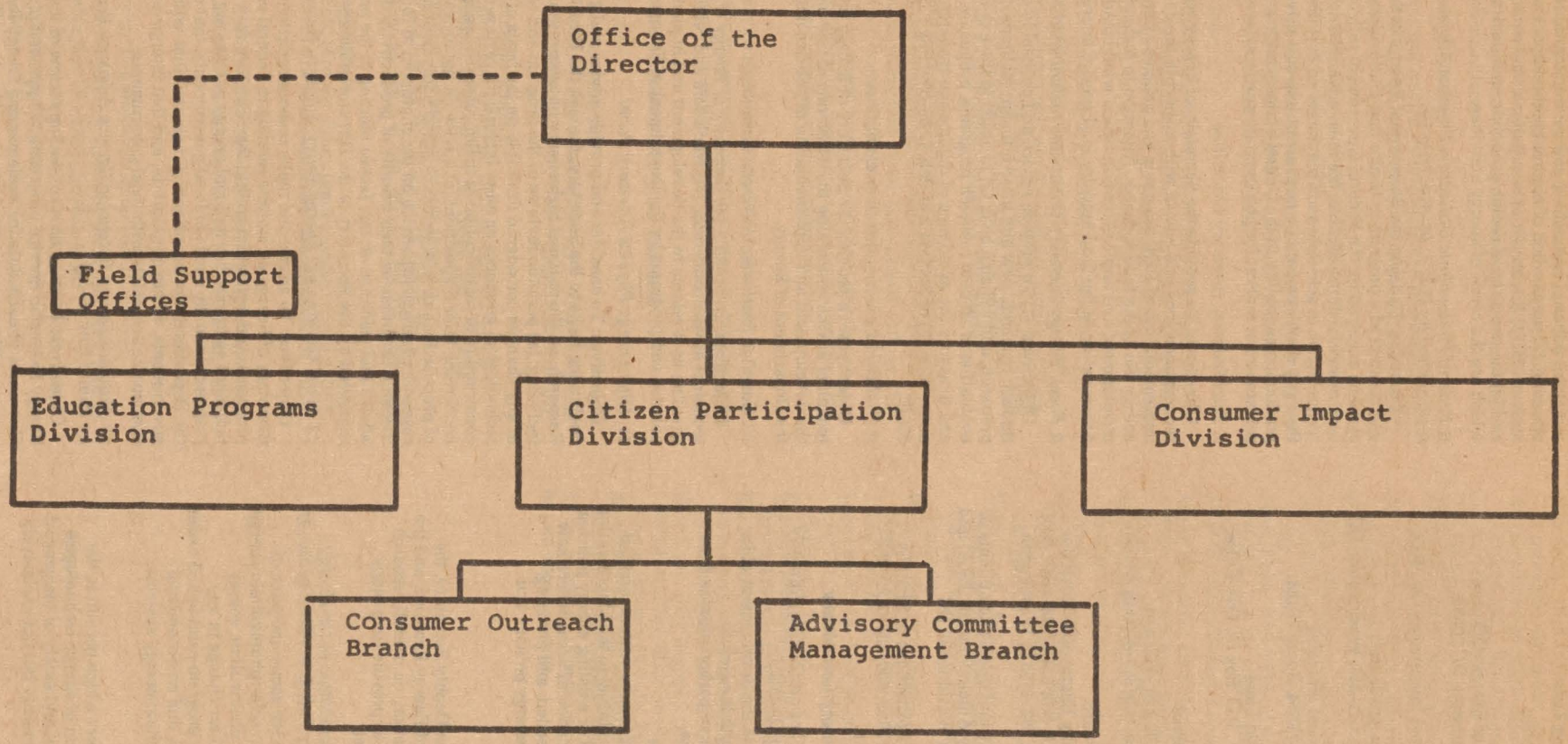
Director, Office of Consumer Affairs.

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Department of Energy Organization



OFFICE OF CONSUMER AFFAIRS



BILLING CODE 6450-01-C

Appendix C—How to Get on DOE Mailing Lists

To be Added to the Mailing List To Receive:

The Energy Consumer (newsletter)
Write: Energy Consumer, Department of Energy, Office of Consumer Affairs, Rm. 8G082, Washington, DC 20585.
Energy Meetings (calendar)
1Write: Energy Meetings, DOE-Technical Information Ctr., P.O. Box 62, Oak Ridge, TN 37830.
Energy Insider (bi-weekly DOE employee newsletter)
Write: Department of Energy, Mailstop GA–343, Washington, DC 20585.
Energy Forum (newsletter for state and local officials)
Write: Department of Energy, IR—MS 7E054, Room 7B164, Washington, DC 20585.
Catalog of available DOE publications and films
Write: DOE Technical Information Ctr., P.O. Box 62, Oak Ridge, TN 37830.

Appendix D—Current DOE Hotline Numbers

For solar information: 800/523–2929 (9:00 a.m.-8:00 p.m. weekdays); 800/462–4983 in Pennsylvania; 800/523–4700 in Alaska, Hawaii.

For alcohol fuels information: 800/525–5555.

President's Clearinghouse on Community Energy Efficiency (for local, county or State government officials only): 800/424–9040; 800/424–9081 in Alaska, Hawaii, Puerto Rico; 252–2855 in Washington, DC metropolitan area.

For gasoline and heating oil availability and pricing complaints or questions about the Economic Regulatory Administration (ERA) and EPA activities: 800/424–9246; 653–3437 in Washington, DC metropolitan area.

For inquiries on Building Temperature Restrictions or Standby Federal Emergency Energy Conservation Plan: 800/424–9122; 252–4950 in Washington, DC metropolitan area.

Appendix E—Department of Energy Advisory Committees

1. Advisory Committee on Atmospheric Carbon Dioxide (formerly Study Group on Global Effects of Carbon Dioxide)

Objectives: To provide advice to DOE in the development of its role in environmental research dealing with the global environmental effects of increasing levels of carbon dioxide from fossil fuel combustion and related matters.

2. Consumer Affairs Advisory Committee

Objectives: To provide the Secretary of Energy with diversified expert advice from qualified individuals relating to the identification and evaluation of the impact of proposed or existing energy policies and programs on consumers, the identification of areas where new policy initiatives or program change is needed, and planning, developing, and implementing equitable energy policies and programs.

3. Energy Research Advisory Board

Objectives: To advise the Secretary, the Deputy Secretary, the Under Secretary of Energy, the Director of Energy Research and the Assistant Secretary for Policy and Evaluation, on overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

4. Solar Photovoltaic Energy Advisory Committee of the Energy Research Advisory Board (established by Pub. L. 95–590, Section 9)

Objectives: To advise the Secretary on the scope and pace of research and development with respect to solar photovoltaic energy systems; the need for and timing of solar photovoltaic energy systems demonstration projects; the need for change in any research, development, or demonstration program established under this Act; and the economic, technological, and environmental consequences of the use of solar photovoltaic energy systems.

5. Environmental Advisory Committee

Objectives: To provide advice on matters which pertain to the research, development, and demonstration of energy technologies and policies which affect the environment and safety of the general society. Such advice shall be directed primarily but not exclusively to: (1) the issues of biomedical and environmental research and planning, (2) preparation of environmental impact assessments and statements, (3) the review of occupational and safety requirements, and (4) the concerns of social, economic, and institutional impacts which are the result of energy activities.

6. Federal Photovoltaic Utilization Program Advisory Committee (established by Pub. L. 95–619, Title V)

Objectives: To assist the Secretary of Energy in the establishment and conduct of a program to insure that photovoltaic electric systems acquired by the Federal Government reflect, to the maximum extent practicable, the most advanced and reliable technologies; to schedule such purchases so that they will stimulate the early development of a permanent low-cost private photovoltaic production capability in the United States; and to stimulate the private sector market for photovoltaic power systems.

7. Food Industry Advisory Committee

Objectives: To provide the Secretary of Energy with recommendations and advice with respect to the development and implementation of DOE programs and policies affecting efficient energy use in the food industry. Attention to technology development and implementation which would lead to early energy conservation in the food industry is of special interest.

8. Fossil Energy Advisory Committee (established by Pub. L. 86–599)

Objectives: (1) To provide advice and counsel in developing through research, new and more efficient methods of mining, preparing and utilizing coal; (2) to assist in the examining and evaluation of all coal research programs, proposals, and contracts and to assure the avoidance of duplication research (Pursuant to Subsection (3) of Section 2 of Pub. L. 86–599, July 7, 1960 (74 Stat. 336)).

9. Fuel Oil Marketing Advisory Committee

Objectives: To provide the Secretary of Energy with expert and technical advice concerning the marketing of fuel oil as it relates to the development and implementation of policies and programs by the Department of Energy.

10. Gasoline Marketing Advisory Committee

Objectives: To provide the Secretary of Energy with expert and technical advice concerning the wholesale and retail marketing of gasoline as it relates to the development and implementation of policies and programs by the Department of Energy.

11. High Energy Physics Advisory Panel

Objectives: To consider and provide advice and guidance on a continuing basis to the Secretary, through the Director of Energy Research, on the national high energy physics research program, including: (a) periodic reviews of the program and recommendation of any changes considered desirable on the basis of scientific and technological advances or other factors; (b) review of proposals for construction or modification of major research facilities, and advice concerning their disposition; (c) advice on the necessity and priority of proposed major new items of capital equipment needed for the research program; (d) advice on the shutdown of facilities or research programs as their priority of productivity decrease; and (e) advice and guidance on any issues relating to the program as requested by the Secretary or the Director of Energy Research.

12. Local Government Energy Policy Advisory Committee

Objectives: To advise and make recommendations to the Secretary of Energy on matters relating to Federal energy policies, programs, and legislation so that the Secretary may reach a judgment as to whether national energy policies are reflective of and responsible to the needs of local governments, that components of the Department are coordinating their activities with local governments, where appropriate, and that intergovernmental communication exists with local governments.

13. National Energy Extension Service Advisory Board (established by Public Law 95–39)

Objectives: To carry on a continuing review of the comprehensive Energy Extension Service program and approved plans of the Governors of each state for implementing Energy Extension Service activities. The purpose of this review is to advise the Director of the

Energy Extension Service, the Secretary of Energy, and the Congress on the effectiveness of this program and the plans in achieving the objectives of the National Energy Extension Service Act (P.L. 95–39, Title V), and to determine how their operation might be improved in furtherance of such objectives.

14. National Petroleum Council

Objectives: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

15. State Planning Council on Radioactive Waste Management (established by Executive Order 12192)

Objectives: Provide advice and recommendations to the President and the Secretary of Energy on nuclear waste management (including interim management of spent fuel).

Selection of Members

Advisory committee members are appointed by the Secretary or Deputy Secretary. All candidates who are qualified to serve on an advisory committee are considered for membership at the time the committee is established and when vacancies occur in the membership.

Nominations for membership are received from many sources including public interest groups, trade associations (paid staff members in the Washington area are not eligible), industrial firms, academic institutions, Congress, and private citizens. Nominations for membership may be addressed to the Advisory Committee Management Officer, DOE, Forrestal Building, Washington, DC 20585.

The Assistant Secretary who sponsors the advisory committee compiles the proposed membership list. Subsequent to review and concurrence by the Advisory Committee Management Officer, the list is submitted to the Secretary/Deputy Secretary for approval. Every effort is made to assure that the committees represent a balance of interests, including geographical balance, if appropriate, and at least 10 percent consumer/citizen representation.

Records

Executive Summaries of advisory committee meetings and other documents pertaining to advisory committees may be obtained from the Director, Advisory Committee Management, at the address indicated above.

Appendix F—Technical Assistance Program Contacts

For Information on the:

Energy Extension Service Program
Contact: Mary Fowler, Acting Director, Energy Extension Service Program, DOE CS–74, Mailstop 2H027, Washington, DC 20585, 202/252–2300.

Energy-Related Inventions Program
Contact: Patrick Donohoe, Director, DOE Inventions Support Division, Mailstop 6E040, Washington, DC 20585, 202/252–9104.

Small-Scale Appropriate Technology Grants Program
Contact: Web Otis, Director, Small-Scale AT Grants Program, Department of Energy, Mailstop 6G040, Washington, DC 20585, 202/252–9104.

Education Programs Division
Contact: Jim Kellett, Director, Education Programs Division, DOE-Office of Consumer Affairs, Mailstop 7E054, Washington, DC 20585, 202/252–6480.

Speakers Bureau
Contact: Phyllis Corbitt, Chief, Speakers Bureau, DOE-Office of Public Affairs, Mailstop GA–343, Washington, DC 20585, 202/252–5644.

Appendix G

DOE Consumer Energy Coordinating Group—Headquarters

Bart House, Economic Regulatory Administration, Rm. 6001, 2000 M Street, NW, Washington, DC 20585, 202/653–3410.
John Daniels, Energy Information Administration, 1726 M Street, Washington, DC 20461, 202/634–5602.
Peter Hickey, DOE Office of Conservation and Solar Energy, Rm. 6A055 Forrestal Bldg., Washington, DC 20585, 202/252–9249.
Bob Porter, DOE Office of Fossil Energy, Rm. 6H065 Forrestal Bldg., Washington, DC 20585, 202/252–6660.
Wallace Kornack, DOE Office of Nuclear Energy, Rm. 6H025 Forrestal Bldg., Washington, DC 20585, 202/252–6506.
Michael Card, DOE Office of Resource Applications, Rm. 3504, 12th & Pennsylvania Ave, NW, Washington, DC 20461, 202/633–8377.
Carol Jolly, DOE Office of Environment, Rm. 4G039 Forrestal Bldg., Washington, DC 20585, 202/252–4623.
Marcia Proctor, DOE Office of Hearings & Appeals, Rm. 8311, 2000 M Street, NW, Washington, DC 20585, 202/653–3144.
Patricia Rice, DOE Office of Energy Research, Rm. 6E084 Forrestal Bldg., Washington, DC 20585, 202/252–8669.
Lewis Claytor, DOE Office of Administration, Rm. 4A191 Forrestal Bldg., Washington, DC 20585, 202/252–5710.
Frank Brda, DOE Office of Procurement, Rm. 1J077 Forrestal Bldg., Washington, DC 20585, 202/252–9050.

DOE Consumer Energy Coordinating Group—Regions

Diane Hinzpeter, DOE Region 1, 150 Causeway Street, Boston, MA 02114, 617/223–0504: Serves Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
Jane Delgado, DOE Region 2, 26 Federal Plaza, New York, NY 10007, 212/264–0520: Serves New Jersey, New York, Puerto Rico, Virgin Islands.
Curtis Morris, DOE Region 3, 1421 Cherry Street, Philadelphia, PA 19102, 215/597–3880: Serves Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
Betty Camp, DOE Region 4, 1655 Peachtree St, NE, Atlanta, GA 30309, 404/881–2696: Serves Alabama, Canal Zone, Florida, Georgia, Kentucky, Mississippi, North and South Carolina, Tennessee.
Brian Quirke, DOE Region 5, 175 W. Jackson Blvd., Chicago, IL 60604, 312/353–5758: Serves Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
Grace Morrision, DOE Region 6, PO Box 35228, Dallas TX 75235, 214/767–7736: Serves Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
Suzanne Matthews, DOE Region 7, 324 E. 11th St., Kansas City, MO 64106, 816/374–5533: Serves Iowa, Kansas, Missouri, Nebraska.
Bill Jackson, DOE Region 8, PO Box 26247, Belmar Branch, Lakewood, CO 80226, 303/234–2449: Serves Colorado, Montana, North and South Dakota, Utah, Wyoming.
Dale Cook, DOE Region 9, 333 Market Street, San Francisco, CA 94105, 415/764–7027: Serves American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territories of the Pacific.
Janet Marcan, DOE Region 10, 915 Second Avenue, Seattle, WA 98174, 206/442–7285: Serves Alaska, Idaho, Oregon, Washington.

[FR Doc. 80–16914 Filed 6–06–80; 8:45 am]
BILLING CODE 6450–01–M

federal register

Monday
June 9, 1980

Part III—Section C

Environmental Protection Agency

Final Consumer Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Mr. Costle:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve the Environmental Protection Agency's consumer program established under Executive Order 12160. The EPA's program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Ms. Joan Nicholson of your staff have been particularly helpful. The fact that Ms. Nicholson will be reporting directly to you and participating in the development of agency policy should provide her with the opportunity to review rules, policies, programs, and legislation to assess their impact on consumers. The EPA program is further strengthened by the establishment of a Consumer Affairs Coordinating Council to assist in monitoring the agency's consumer activities and by the EPA rulemaking system which allows the consumer staff to participate directly in the development of significant regulations from the earliest possible stage.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of EPA's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the agency. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Douglas M. Costle
Administrator, Environmental Protection
Agency
Washington, D. C. 20460

BILLING CODE 6560-01-C

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1503-8]

Consumer Affairs Program in Compliance With Executive Order 12160, Providing for Enhancement and Coordination of Federal Consumer Programs

AGENCY: Environmental Protection Agency.

ACTION: Final Consumer Program to Implement Executive Order 12160.

EFFECTIVE DATE: This Program takes effect on July 9, 1980.

SUMMARY: This Program is intended to carry out Executive Order 12160, "Providing for Enhancement and Coordination of Federal Consumer Programs," which requires agencies to provide consumers more access to decisionmaking, and to consider their views. To this end, EPA is putting new efforts into (a) public information/education materials and activities; (b) policies for public participation and for training and other technical assistance; and, (c) complaint-handling. The Agency will conduct a continuing oversight process to evaluate the effectiveness of this Consumer Affairs Program.

AUTHORITY: By Administrative Directive, the Environmental Protection Agency is revising its operating procedures to incorporate the following consumer program.

PREAMBLE

It is the responsibility of the Environmental Protection Agency to protect the Nation's air, water and land resources from degradation, and to restore and maintain their beneficial qualities. The laws that authorize EPA's activities recognize the need to protect life and the natural environment from the serious direct and indirect effects of pollution. These laws affect a broad spectrum of consumer goods as traditionally understood, such as automobiles, drinking water, and pesticides, as well as the natural goods—the air, land, and water upon which all life depends. In focusing on the health and welfare of people, EPA's programs resemble those for consumer protection that are implemented by such agencies as the Consumer Product Safety Commission and the Food and Drug Administration, with which EPA works closely. For many years, with the strong encouragement and support of Congress, EPA has conducted active public information and involvement programs which are fundamental to all levels of the Agency's processes.

Executive Order 12160 provides the incentive for EPA to strengthen its public representation mechanisms, and to inform individuals of their opportunities to influence EPA's decisionmaking. The strong support of the President will encourage more of EPA's personnel to take cognizance of the needs and views of consumers in developing and carrying out the agency's policies and programs.

It is proposed here to implement the Executive Order by strengthening existing public information and involvement mechanisms within the Environmental Protection Agency in accordance with the requirements of the Order. The majority of individuals now served by existing public information and participation programs are consumers as defined in the Executive Order. Efforts to distinguish, within EPA's organizational structure, between *consumer* representation and *public* representation would weaken programs of proven effectiveness. All of EPA's authorizing laws call for public information programs and many require public participation activities, imparting to the word "public" the meaning, "all persons who will be directly or indirectly affected by EPA's activities." These legislative mandates could be diluted by what would be an artificial distinction between the two concepts.

In summary, the Office of Public Awareness (OPA) and the headquarters and regional program offices, together with the Administrator's Special Assistant for Public Participation, already carry out many of the programs required by the Executive Order. The OPA staff has been given additional responsibilities in accordance with the requirements of the Order. Specifically, it must review all Agency rules, policies, programs, and legislative proposals to ascertain wether consumer interests have been adequately considered, and to encourage consumer participation in the earliest stages of decisionmaking. Training will be provided to the staff annually to carry out these tasks. The Special Assistant for Consumer Affairs, in coordination with the Special Assistant for Public Participation, will conduct agencywide training programs.

In addition, the Director of the Office of Public Awareness has assumed the function of Special Assistant for Consumer Affairs, and in this capacity reports directly to the Administrator of the Agency. A reevaluation of complaint handling procedures will grant complaints a proper role in the formation of Agency policy. Finally, the Environmental Protection Agency has established a high-level Consumer Affairs Coordinating Council responsible for oversight of consumer activities within the Agency, and for ensuring compliance with the Executive Order. Co-chaired by the Special Assistant for Consumer Affairs, the Council's membership includes representatives from the program offices as well as the Special Assistant for Public Participation.

In compliance with Executive Order 12044, *Improving Government Regulations*, the Environmental Protection Agency reviewed its rulemaking procedures, and published a description of those procedures, revised in accordance with the Executive Order, in the **Federal Register** of May 29, 1979 (vol. 44, no. 1040), pp. 30988 to 30998. This document, entitled, *Improving Environmental Regulations*, describe procedures to improve management oversight in the development of regulations, to involve other governmental organizations and the public in evaluating regulatory proposals, to analyze the effects of new and existing regulations, and to avoid unnecessary paperwork burdens on the public. It is recommended that the reader consult this material for a full understanding of the proposed changes to be made in accordance with Executive Order 12160. Copies of *Improving Environmental Regulations* may be obtained by writing to Public Information Center (PM–125), Environmental Protection Agency, Washington, D.C. 20460.

Consideration of Comments

After the draft Consumer Affairs Program was published on December 10, 1979, 38 responses were received by mail. Of these, twelve were from individuals, seven from consumer organizations, four from environmental groups, three from other public interest associations, one from a labor organization, nine from business and trade associations and two from state government agencies.

Consultations with Agency staff, review of all comments by Office of Public Awareness personnel and final approval of the revised text by the OPA Director were the means for evaluating the draft and for preparing the final program.

By and large, the Agency's proposed Consumer Affairs Program met with the approval of most commentators, many of whom praised the quality and quantity of the publications and outreach activities that EPA has provided in certain program area. However, many asked questions that indicated the necessity to clarify language and correct errors and omissions. As a result, more information has been

provided on these topics (the applicable sections of this Program are cited below in parentheses): the role of the headquarters and regional Office of Public Awareness personnel (I, II); types of training to be provided to consumer affairs staff (I, IV); information materials, besides the **Federal Register**, which are used for notification (II, III); description of public forums (II); and the present mechanism for complaint handling (V).

Cogent oral and written comments emphasized a particular need for revision in two aspects of the Program: The handling of complaints (V) and the awarding of technical assistance grants (IV). In each case, an in-house review is now underway so that findings and proposed methodology can be published for comments in the **Federal Register**.

Taken section by section, commentators' major observations are shown here, paraphrased and in italics, followed by the EPA response:

(Section I) *The consumer affairs office should function as consumer advocate, and not as the Agency's publicity bureau.* The Office of Public Awareness is separate from the Office of Press Services, which has publicity responsibilities. More importantly, OPA, which does function as an advocate for the public, is expanding that role under the Consumer Program. It is noteworthy that the OPA Director may, if petitioned to do so, review and overrule any Agency decision to deny a request for written materials under the Federal Freedom of Information Act, and may also waive duplication fees for such documents. *Consult consumers for advice about hiring staff and for evaluation of the Agency's consumer program.* Periodically the OPA Director and staff do meet informally with leaders of key constituency groups and are pleased to seek periodic evaluations of the Agency's activities, especially the Consumer Affairs Program. A formal advisory committee cannot be created at this time because an Executive Order has strictly limited the establishment of additional official policy advisory committee. *Put consumers in the place of half the memberships of the existing EPA advisory committees.* From time to time, up to 200 seats become available on EPA's advisory bodies for the placement of non-Federal experts, minority group members, women and other consumers. As EPA's Consumer Affairs Program progresses, the Special Assistant for Consumer Affairs will work for the appointment of more consumer advocates on the Agency's advisory committees, as vacancies occur. Write to Talent Bank Officer (PM–213) at EPA for details.

(Section II) *Allow longer comment periods, do not require multiple copies of testimony.* These already are provisions of the Agency's proposed Public Participation Policy, which is discussed in Sec. II. *Provide funding for public interest intervenors in EPA rulemaking proceedings and for the travel, legal and technical expert fees, and other costs consumers incur to participate in Agency decisionmaking.* This issue drew the greatest number of comments. EPA supports regulatory reform legislation which is pending before the Congress that would provide intervenor funding. Further, as the budget permits, the Agency already covers some travel costs so that citizens can participate in particular workshop, hearings or other public forums. Now a pilot program is underway to provide compensation to consumers to participate in early development stages of regulations and standards in certain EPA programs. *Prepare a brief booklet telling how to participate in EPA proceedings, including those relating to the Freedom of Information Act.* Agreed. This has been added to Sec. II, for issuance after the Public Participation Policy takes effect. *Engage citizen groups to evaluate EPA's performance under Executive Order 12160.* This is included in Sec. II as a possible use of technical assistance grants to public interest groups.

(Section III) *Avoid duplication of the audio-visual materials and publications that other government agencies and the private sector produce.* OPA employs contractors for much of the information material that it develops, except for those items that are linked to day-to-day activities in the Agency, and that are thus more efficiently prepared by staff. In these instances efforts are made to prevent duplication of such materials. Another means for avoiding duplication is available to the Director of EPA's Office of Public Awareness, by chairing the task force for public participation and information of the Interagency Regulatory Liaison Group. This is composed of the four Federal bodies that regulate toxic substances and pesticides (Consumer Product Safety Commission, Food and Drug Administration, Occupational Safety and Health Administration and Environmental Protection Agency).

(Section IV) *Specialized training program for the consumer affairs staff should be conducted by consumer organizations. The staff should travel to participate in meetings and other activities of consumer groups.* It is the intention of the OPA Director to consult constitutuency groups, including consumer association, when preparing training madules. Also, it is the practice for the constituency liaison staff to travel to meet with constitutents, as the budget permits. *Provide small grants to consumer and other public interest groups to organize workshops and other forums and to carry out research projects for EPA.* This has been EPA's procedure in the past and it will be continued. *Provide periodic listings of the technical assistance grants that are in process and of grants that are available for citizens groups. Include information on how to qualify and how to apply for a grant.* Agreed. As mentioned above, and as added in Sec. III, these matters will be addressed in the **Federal Register**. *Sponsor school programs and teach children how to participate in the Agency's activities.* EPA has been doing this. However, OPA funding to support environmental information work in the schools has been discontinued, except as it relates to asbestos, a hazardous material found in old school buildings.

(Section VI) *Complaint data should be made public in summary form and should be reviewed for recommended changes in Agency policies.* One of the oversight activities of the Consumer Affairs Coordinating Council, as Sec. VI discloses, will be its annual public report to the Administrator. Among other matters, it will summarize complaints and conclude with recommendations for Agency improvements.

All substantive changes in the draft Program that have been noted above entail special publications. The publications will cover these topics: how to participate in rulemaking; selection criteria for awarding grants to citizens' groups; lists of grants awarded and grants available; how to apply for a grant; methodology for complaint handling; and the Consumer Affiars Coordinating Council's annual report.

One more change has been made. In Section I of the proposed Program, the fulltime permanent staff strength of the Office of Public Awareness was recorded as 48. In this final version, that number is reduced to 37. This reduction represents an accelerated rate of attrition due to the encouragement of early retirement of veteran personnel, in response to the President's budget-cutting process.

I. CONSUMER AFFAIRS PERSPECTIVE

Requirement

Agencies shall have identifiable, accessible professional staffs of consumer affairs personnel authorized to

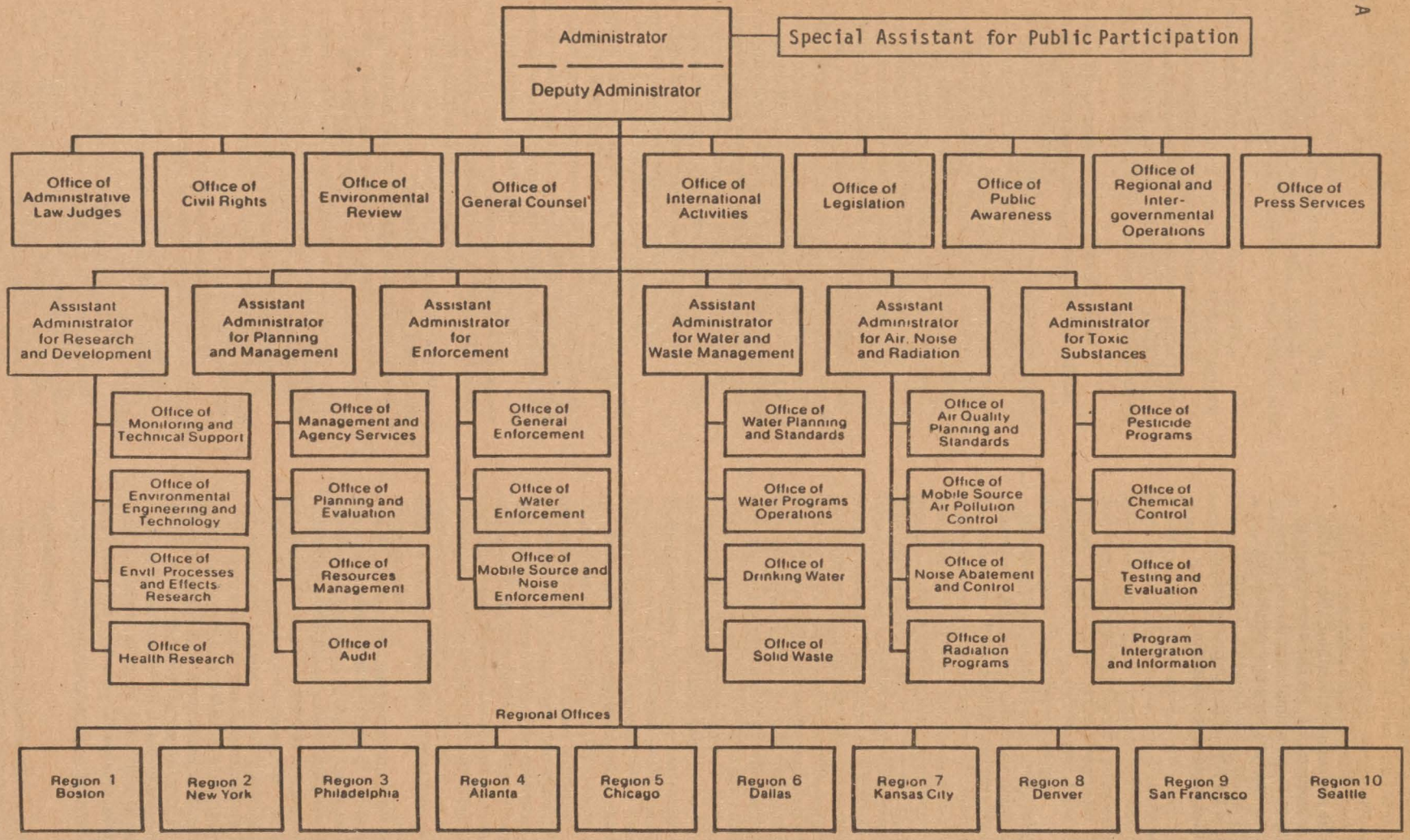
participate, in a manner not inconsistent with applicable statutes, in the development and review of all Agency rules, policies, programs, and legislation. (Subsection 1–401(a))

Fifteen members of the Office of Public Awareness staff will be designated as the consumer affairs staff. Since OPA is a staff office to the Administrator, the Director reports to the Executive Assistant to the Administrator. In her added capacity as Special Assistant for Consumer Affairs, the Director reports directly to the Administrator. (Chart A illustrates the position of the Office of Public Awareness within the Environmental Protection Agency.)

BILLING CODE 6560-01-M

Exhibit A

United States Environmental Protection Agency



BILLING CODE 6560-01-C

Size and Resources

The Office of Public Awareness has a permanent, fulltime staff of 37 and an annual budget of $2.8 million. Program officers in headquarters and regional offices also have public information and participation personnel, and the total Agency expenditure for these functions is several times that of OPA's.

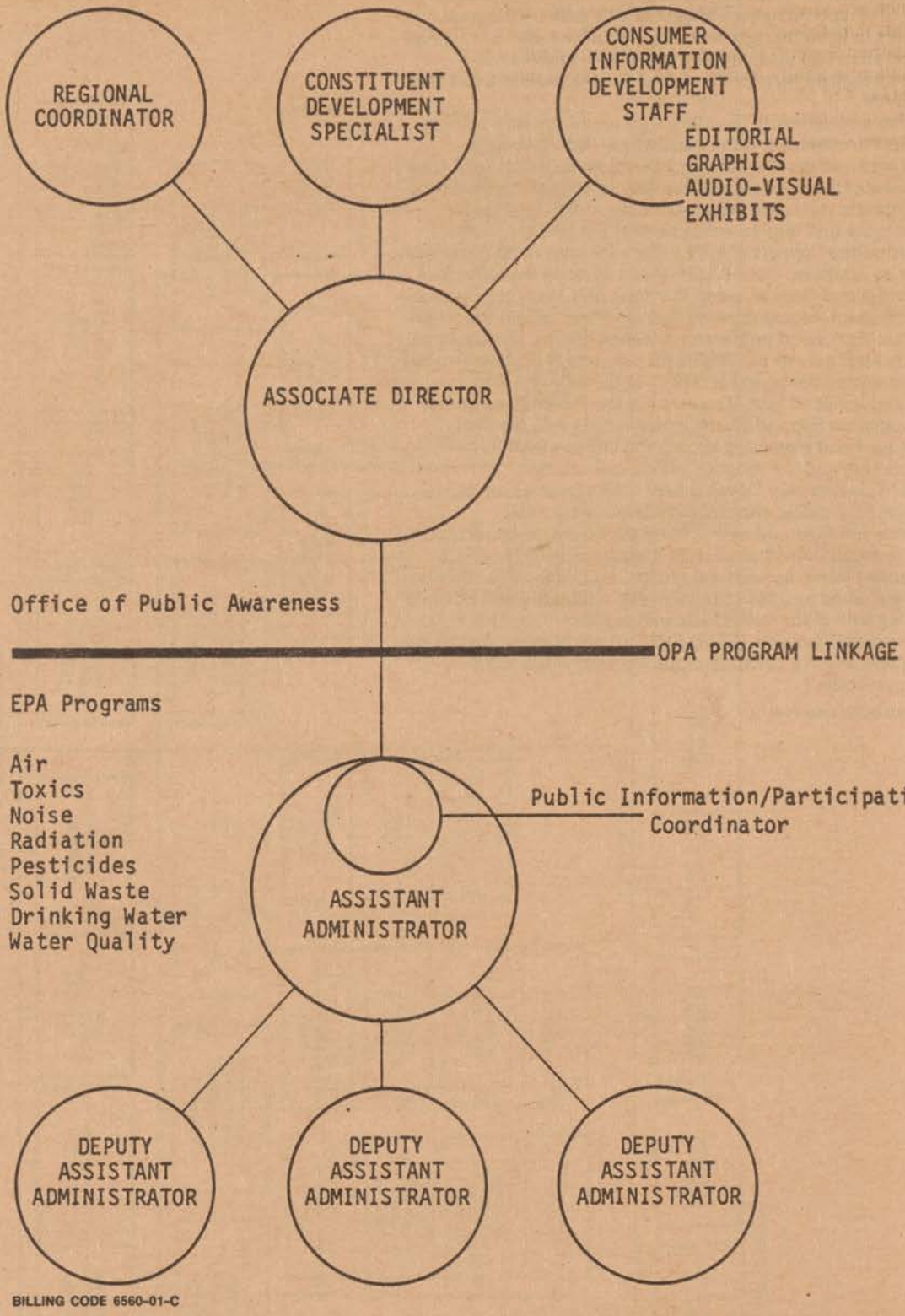
Fifteen members of the OPA staff are to provide fulltime support to consumer affairs activities—the Associate Directors and the Constituency Development Unit staff. The Associate Directors are responsible, in cooperation with the appropriate Assistant Administrators of the Agency, for developing and implementing annual Public Awareness/Participation Support (PA/PS) Plans for each of EPA's major laws. In addition, three PA/PS Plans address the Offices of Research and Development, Planning and Management, and Enforcement. In making sure that the Plans reflect the needs and perceptions of public constituency groups, the consumer affairs staff acts as advocates for consumers and the general public within the program offices at the national and regional levels of EPA. To carry out the Public Awareness/Participation Support Plans, headquarters and regional personnel and resources of both the Office of Public Awareness and the program offices are utilized.

The Constituency Development Unit serves as advocate for special publics, encourages adequate two-way information flow and helps create participation opportunities for the major constituencies, including the elderly, youth, organized labor, agricultural groups, and minorities. This is accomplished by conducting surveys to identify and compile mailing lists of the individuals and organizations that make up the constituencies. (Chart B illustrates how the Associate Directors and the constituent liaison staff relate to the program staffs.)

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CHART B

CONSUMER AFFAIRS STAFF
Roles and Resources



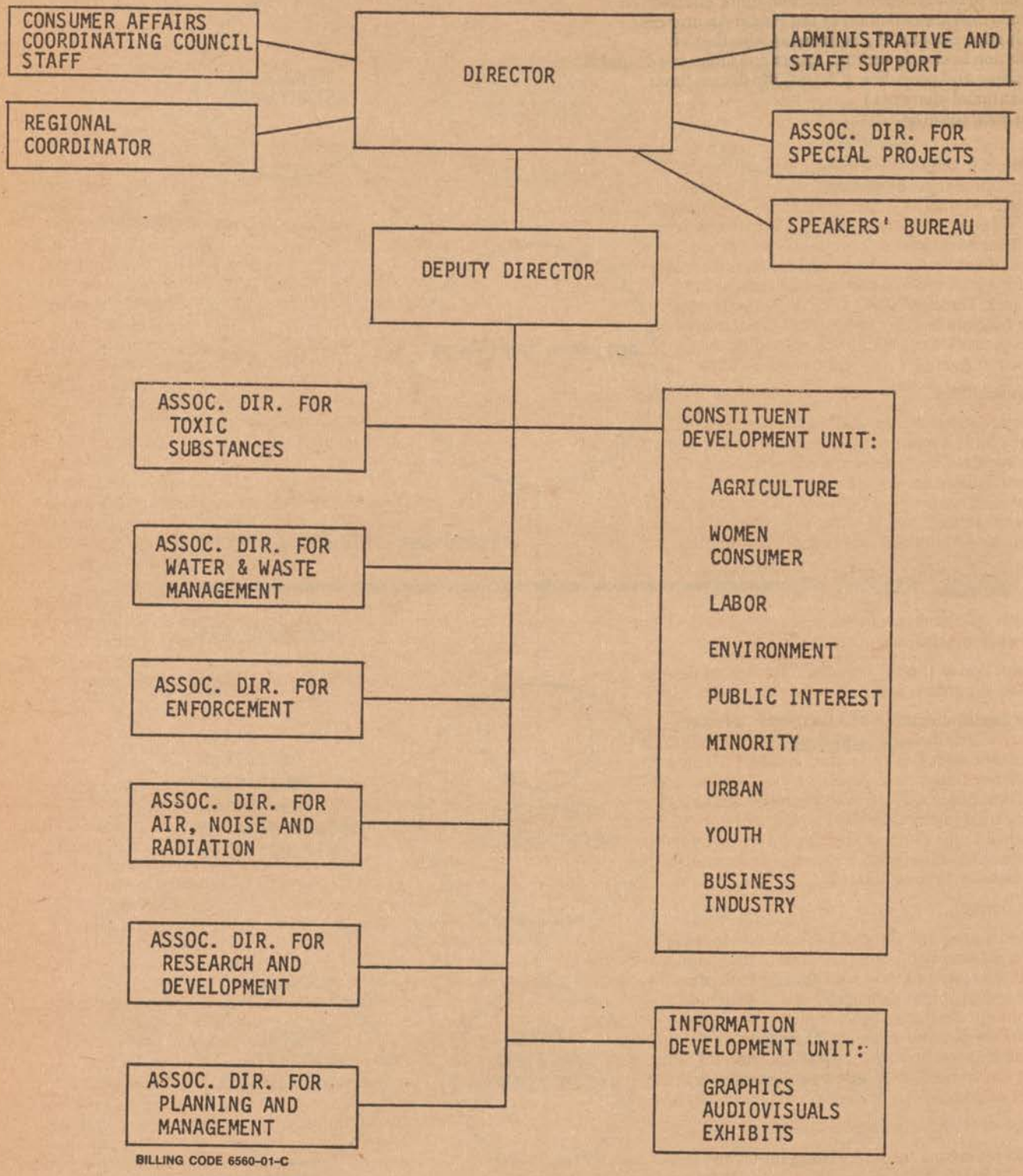
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A third component of the Office of Public Awareness is the Information Development Unit, which is responsible for the development or review of publications, radio and television announcements, films, and other information materials that are called for in the Public Awareness/ Participation Support Plans, to make sure that all information is clearly written, meets consumer needs and is free of bias and prejudice. (Chart C illustrates three organizational elements.)

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CHART C

OFFICE OF PUBLIC AWARENESS



BILLING CODE 6560-01-C

The Administrator's Special Assistant for Public Participation, whose place within EPA's organizational structure is shown on Chart A, works in close partnership with the Director of the Office of Public Awareness. Being responsible for the oversight of public participation activities in Agency programs, the Special Assistant chairs a Public Participation Task Force composed of public participaton officers representing headquarters, regional program offices, and certain other Agency staff offices. The OPA Director is a member of the Task Force.

By requiring OPA staff to participate in periodic training programs to improve their communications skills, the Environmental Protection Agency will develop a cadre of specialists qualifed to perform the review functions which the Executive Order imposes. The public awareness and consumer participation responsibilities of the Director of the Office of Public Awareness and the Associate Directors require a high level of knowledge of consumer interests and concerns. Through OPA's Constituency Development Unit, these officials become apprised of the concerns of a wide range of private organizations, regarding the Environmental Protection Agency's regulations and policies.

Responsibilities

The consumer affairs staff of the Environmental Protection Agency have a number of responsibilities in addition to those required by this section of the Executive Order. These responsibilities are described above for the major operational units of the Office of Public Awareness, and are further described below under the Consumer Participation, Information Materials, and Complaint Handling sections.

Relationships with Other Consumer Personnel and Agency Operating Units

These relationships are fully described in the Size and Resources subsection.

Participation in Development and Review of Agency Rules, Policies, Programs, and Legislation

The Environmental Protection Agency is a regulatory Agency which develops and implements regulations in accordance with Congressional mandates. This section will discuss participation in Agency rulemaking and legislative proposals. Since major policy and program decisions are usually treated as rulemaking, advanced notice for these is published in the **Federal Register**, followed by publication of the proposed action with a request for comments, before the final decision is promulgated.

1. Notification

When a program office of EPA intends to issue a significant new regulation, the Assistant Administrator of the program office sends a standard *notification form* to senior management personnel, to allow them to plan accordingly. So that consumer interests are represented at the earliest possible stage, EPA procedures require that all such notificaton forms be sent to the Director of the Office of Public Awareness, who will then disseminate them as widely as possible through the constituency liaison staff.

2. Stage at Which Participation Begins

Upon reviewing the notification forms, the Director of the Office of Public Awareness may choose to be represented on a *work group*. This is a group of specialists drawn from various EPA offices to advise and assist the lead office in preparing each significant regulation and its support materials. When OPA officials participate in such work groups they will assure that the consumer perspective is represented at the earliest possible stage of EPA rulemaking.

3. Methods of Participation

The program office which is developing a regulation prepares a *development plan* to disclose the purposes of the proposed rule and to describe the alternatives to it, the public participation steps to be taken in the review process, and the methods for identifying interested and affected parties. Consumer affairs specialists will play an advisory role in the preparation of these plans and the subsequent *decision package*, in which a copy of the proposed rule is included along with analyses of the rule's impact on various sectors of the public. EPA operating procedures require that the economic analysis in such decision packages include a discussion of the impacts on consumers. these decision packages are reviewed by Agency officials in the next stages of decisionmaking, which occur twice for each regulation, once for the *proposed* rule and once for the *final* rule.

The final stages of EPA rulemaking include a review of proposed rules by a *Steering Committee*, composed of representatives from each of the six program offices, and of appropriate staff offices. EPA operating regulations will make it possible for the OPA Director to participate at her discretion in any committee meetings at which issues significant to consumers might arise.

Before approval of the proposed rule by the Administrator, a *Red Border Review* is conducted by senior management personnel. This is an internal process in which officials make comments and suggest modificatons. The Director, who is now part of the Red Border Review procedure, will ensure, at this stage, that consumer concerns, as analyzed by the consumer affairs staff and as expressed in consumer participation forums, are properly brought to the Administrator's attention before he makes a final decision.

Legislative proposals are developed by the Administrator and program offices in conjunction with the Office of Legislation. EPA operating procedures provide for the OPA Director to be consulted in the development of these proposals.

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.

The Environmental Protection Agency has established procedures for the early and meaningful review of Agency rules, policies, and programs by the public. Requirements for such procedures are contained throughout EPA's authorizing legislation and regulations. The Office of Planning and Management regularly publishes a Regulatory Agenda which gives six months' advance notice of proposed rulemaking, and which is available upon request. Public Awareness/ Participation Support Plans require notification to the public of upcoming decisions concerning Agency rules, policies, and programs, and of opportunities to participate in those decisions.

Whenever possible, information on how to participate, fact sheets, **Federal Register** notice reprints, newsletters, articles

and other related printed materials will be mailed to constituency lists and the print media. Also, where budget permits, other means will be employed to draw consumers' attention to these proposed decisions—paid print ads for placement in the main sections of newspapers, public service announcements and prime time commericals over the broadcast media, and the like.

It is our judgement that the existing public and consumer participation procedures of the Environmental Protection Agency meet, and indeed exceed, the requirements of the Executive Order. These procedures are outlined in detail in the document *Improving Environmental Regulations,* cited at the end of the Preamble, above. The most pertinent part of EPA's policies, as promulgated in that document, are as follows:

"For each significant regulation, EPA will:

"(1) Draw up a plan for external participation (as part of the development plan) that shows in detail how interested and affected parties will be identified and notified.

"(2) Provide early notice that regulation development is under way. This includes publishing a **Federal Register** notice (usually an Advance Notice of Proposed Rulemaking), which informs the public that work is beginning, provides the general approach and schedules, and identifies particular areas where additional information is needed. This notice describes the purpose, schedule, issues, available alternatives, analyses, external participation measures, and the name, address, and telephone number of an EPA contact person for the regulation. EPA will mail this Notice directly to interested and affected groups and will use news releases and radio and television spots to provide timely notice that regulation development is beginning.

"(3) Meet to discuss issues and alternatives during the development of the regulation with representatives of consumer, environmental and minority associations; trade, industrial, and labor organizations; public health, scientific and professional societies; educational associations and other appropriate individuals or groups of interested and affected parties from outside the Agency.

"(4) Hold open conferences, workshops, hearings, meetings, and arrange direct mailings as appropriate to supplement other opportunities for public participation, and keep a mailing list of those interested in receiving draft regulations and background materials.

"(5) Provide suitable background information prior to any meeting to those who will be attending. This information may include such material as a description of EPA's regulation development process; a summary of the draft regulation and key supporting materials; list of major issues; and the name, address and telephone number of persons who can supply additional information.

* * * * *

"(9) Write the regulation and explanatory materials clearly. To help lead officials write regulations that people can understand EPA is developing a style book for regulations writers, selecting several regulations and developing them as models of good writing, and hiring editors to assist work groups to write selected regulations.

"(10) Make available a draft of the Regulatory Analysis (when one is required) by the time we publish a Notice of Proposed Rulemaking. The **Federal Register** preamble will have a summary of the Regulatory Analysis and information on how the public can obtain it. (Note: EPA will make public a final Regulatory Analysis when it publishes the final rule.)

"(11) Provide at least 60 days for public comment, measured from the date the proposal is published, and refrain from requiring commentators to supply multiple copies of their comments. When a 60-day comment period is not possible, the proposal will contain a brief statement of the reasons for using a shorter time period.

"(12) Summarize outside comments, indicate EPA's response to major points and distribute both to interested and affected individuals and groups. (We summarize comments and our responses in preambles to our final regulations.)"

In order to provide a consistent, uniform approach to public/consumer participation in the Agency, the Public Participation Task Force has developed a proposed Public Participation Policy which was published in the **Federal Register** on April 30, 1980, with a request for comments by June 30, 1980. Once this policy takes effect, the Office of Public Awareness and the Public Participation Task Force will monitor its implementation and will prepare a consumers' guidebook for participation in the EPA rulemaking process.

The proposed Policy emphasizes the following elements: identification of interested and affected members of the public; outreach to them in terms of early and sufficient information so they can participate in forthcoming decisions; two-way communication between program officials and the public; responsiveness to public recommendations and concerns in final decisions; and feedback to the public on the results of their participation. The proposed policy calls upon the Assistant Administrators and Regional Administrators to set priorities, allocate resources, and assure that the policy is applied in their justifications.

EPA's established structures and procedures encourage public and consumer access to decisionmaking within the headquarters organization as well as in EPA's ten regional offices and the 50 state governments having a prime role in implementing most of EPA's environmental laws. Many of the major laws implemented by EPA call for public participation in the development of policy and regulations. Hence, in addition to the efforts of the Office of Public Awareness and the Special Assistant for Public Participation, program managers in headquarters and regional offices must provide adequate budgets and personnel to carry out public participation activities. Regulations requiring such activities apply as well to State and local govenments that receive financial assistance under EPA's programs.

EPA's Public Participation Policy provides an overall framework of purpose, objectives, procedures and responsibility, and outlines the major Agency actions to which it will be applied. It leaves considerable discretion to Assistant Administrators, Regional Administrators and Deputy Assistant Administrators to decide which additional program decisions will be covered by the Policy. This allows flexibility for the difference among programs. For example, after extensive comment from all sectors of the public, the Office of Water and Waste Management has recently implemented regulations for public participation in its programs. These regulations were first proposed in the **Federal Register** on August 2, 1978, and the final regulations were published on February 16, 1979.

It is the responsibility of the public information/participation staff in EPA's regional offices to conduct public education activities and to provide opportunities for public involvement in ways that extend and enchance the annual Public Awareness/Public Participation Support Plans. Once the Public Participation Policy takes effect, regional OPA personnel will assist the Regional Administrators in developing and carrying out programs that will conform their decisionmaking to the policy's provisions.

Another method by which EPA encourages consumer involvement is through award of contracts and grants to public interest organizations of many varieties. These

provide public education and participation activities in which their memberships and the general public may assist, advise and meet with personnel of EPA's program offices and the office of Public Awareness, from the headquarters and regional staffs. Such grants are awarded by the Office of Public Awareness, as well as by the offices for the programs concerning air, drinking water, noise, pesticides, radiation, solid and hazardous waste management, toxic substances and water quality. In the future, another purpose for this form of technical assistance will be the periodic evaluation of the Agency's progress in implementing the Executive Order.

Public forums in Washington and in all the Federal regions are provided, not only by grantees and contractors, but also by program and OPA personnel of the headquarters and regional staffs. Depending on the subject matter of such a meeting, the Agency provides materials ranging from general brochures and documentary films to fact sheets and slide presentations to technical reports and drafts of proposed programs, to copies of regulations and laws.

All elements of the public have easy access to Agency decisionmakers. In part, this is due to the decentralization of EPA authority, which results in major decisions' being made in regional offices, and in part due to the fact that program managers are required by regulations to provide participation opportunities which are facilitated by OPA's Constituency Development Unit and the program's own public participation staff.

III. INFORMATION 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. (Subsection 1–401(c))

It is our judgment that EPA's existing information production procedures are in compliance with the requirements of the Executive Order. Nevertheless, the Executive Order does provide the Agency's information specialists with a valuable opportunity to reassess the currency, relevance, and completeness of information available to consumers.

As described in the section *Consumer Affairs perspective* above, OPA's Associate Directors assist program offices to develop and implement annual, cooperative Public Awareness/Participation Support Plans, which are designed to support program goals. They review existing written materials for their currency and determine which additional information tools will be necessary to inform the public of the program's activities and objectives.

A great variety of information materials are distributed and/or produced by the Office of Public Awareness and the program offices, to explain EPA's activities. Among these are: publications, slide presentations, exhibits, radio and television public service announcements, fact sheets, **Federal Register** notices and press releases, speakers list, bibliographies according to subject area, films, print ads, brief documentaries, feature-length public television documentaries, speech reprints, the *EPA Journal* (published ten times a year), and articles for placement in newspapers, magazines, and newsletters. These cover air pollution, water quality, drinking water, waste management, pesticides, toxic substances, radiation, and noise pollution, as well as the planning and management, enforcement, and research and development activities of the Agency. Results of technical environmental research and development are made available in lay terms, as are those issues which cut across all of the programs, such as energy, economics, health, regulatory reform, and public participation.

Typically, EPA public information materials describe the environmental problems consumers face, explain the Agency's policies, programs or regulations that address those problems, and discuss the steps that consumers can take to protect their health or improve their environment, including the ways that they may become involved in EPA's public participation processes. Consumers are provided brief explanations of the public involvement provisions of law or regulations and of the assortment of activities EPA conducts in compliance with these provisions. They may be further directed to EPA regional Public Awareness officers for more such information. Informational materials are often developed with a certain constituency in mind, such as youth, agricultural workers, pesticide applicators, or mechanics. Further, some EPA publications are produced in Spanish as well as in English.

Once developed under Public Awareness/Participation Support Plans, public information pieces are reviewed by program representatives for technical accuracy, and by editorial and constituency specialists and by other OPA officials to make sure that they are comprehensible to consumers and accurately reflect Agency information policies. Office of Public Awareness Associate Directors review all public information documents produced by the Agency, and forward them with recommendations for approval or disapproval to the Director of the Office of Public Awareness.

Usefulness of Current Material

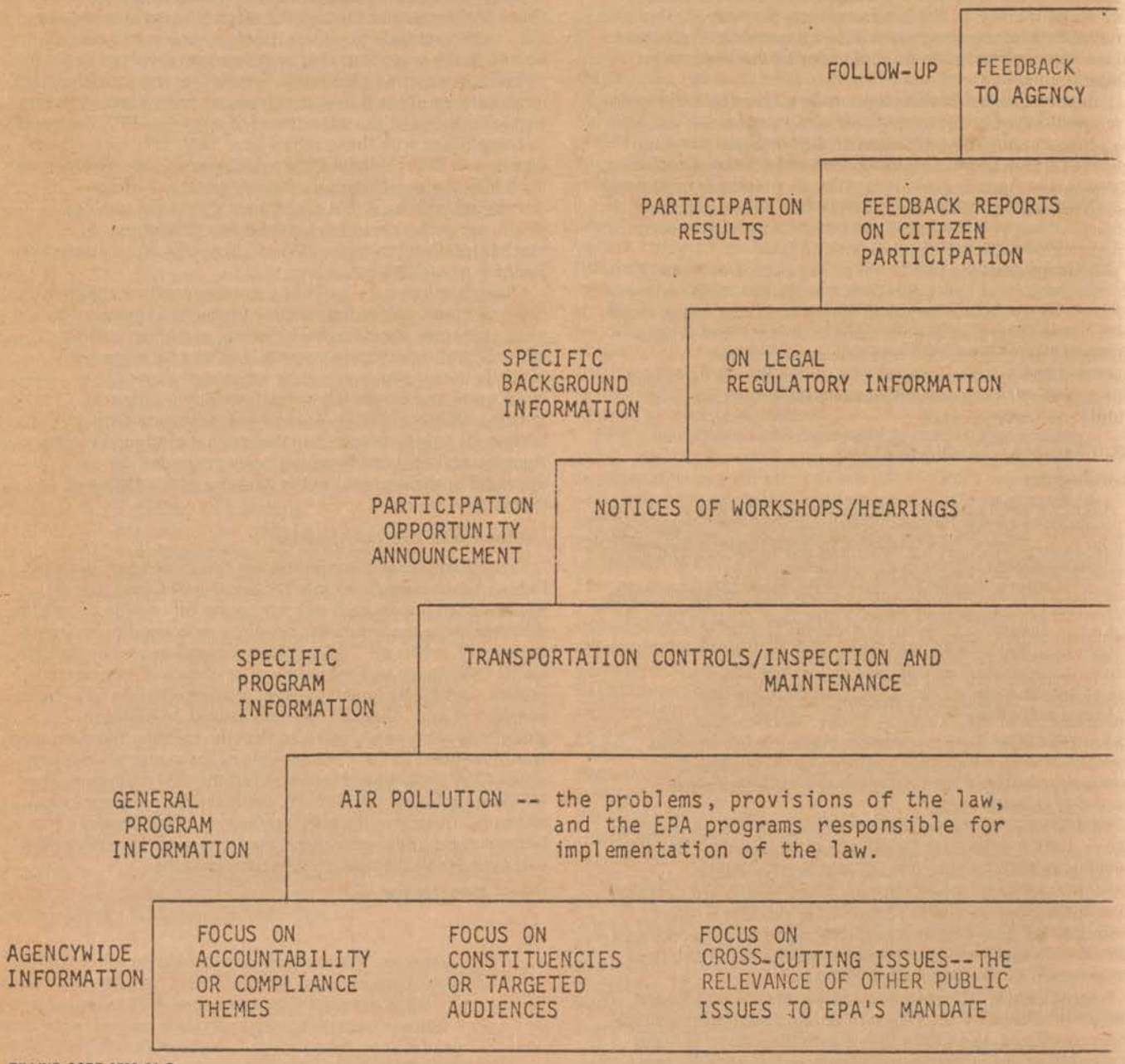
Periodic reviews of materials are conducted by Office of Public Awareness Associate Directors and Constituency Representatives, as well as by program officers, to determine whether those materials are obsolete or in need of revisions. Since 1977, when all OPA public information was evaluated for its usefulness and readability, incidence of sexism and racism, and for its language level, some materials have been suspended and others have been revised. In addition, guidelines were established so that the information produced would respond to the varied levels of consumer knowledge about EPA's missions, laws, regulations and programs. The following schematic (Chart D), using the air program as an example, illustrates the way production of sequential information builds consumers' awareness of the power they can exercise in the Agency's decisionmaking.

BILLING CODE 6560-01-M

CHART D

STEPS IN ACHIEVING CONSUMER AWARENESS TO SUPPORT PARTICIPATION

(using the Clean Air Act as an example)



BILLING CODE 6560-01-C

At the present time more than 150 publications and 35 audiovisual presentations are available from EPA headquarters, and more from regional offices. For Fiscal Year 1980, Public Awareness/Participation Support Plans call for production at EPA headquarters of 73 new publications and 13 new audiovisual presentations.

Plans for Improvement

Numerous information materials exist or are in the process of development for most of the Agency's programs. Subject matter of new publications will include planning and management, research and development, and radiation.

Executive Order 12160 emphasizes the need to educate consumers about all of the Agency' activities. Continuing efforts will be made by the Office of Public Awareness to assure compliance with the intent of the Executive Order, and to inform the public concerning EPA's response to it.

Distribution of Materials

1. Printed Materials

Newly printed materials are routinely sent in bulk quantities from headquarters to EPA's ten regional Public Awareness Offices, 27 laboratories and field offices, ten regional libraries, Visitors' Center, Public Information Center, and to the Printing Management Office, which handles subsequent nationwide distribution of publications. These entities redistribute publications within their jurisdictions, or provide them to organizations for further distribution.

In addition, materials are sent to individuals and organizations on specialized Office of Public Awareness mailing lists. These lists consist of over 100 categories and contain over 67,000 individual addresses. Such mailings tend to generate even further interest in EPA materials, since the categories include national organizations, their newsletters and magazines, and newspapers and magazines of general distribution. Frequently, EPA purchases mailing lists from private sources such as Dun and Bradstreet and from those groups whose members could be particularly affected by the Agency's activities.

Last year, the Office of Public Awareness initiated monthly mailings of printed materials to over 350 State and local public information officers to assist them in carrying out their environmental responsibilities. These information officers have commented that such mailings have significantly enhanced their effectiveness. Another mechanism employed by the Agency when it needs to reach consumers quickly is distribution through the facilities of Supermarket Communications, Inc. This company maintains display racks of publications in over 3,500 supermarkets throughout the country. A one-month campaign can result in the dissemination of over one million copies of a document. In addition, each regional office produces and distributes its own publications.

2. Press Services

EPA Press Office, located at headquarters, the ten regional offices and four major laboratories provide information through the media to consumers concerning current rulemaking and other major EPA activities. News releases are issued frequently. Copies of headquarters releases are carried to the National Press Building to be made available to every major newspaper having a Washington office. In addition, copies of releases are routinely mailed to the nearly 3,000 daily newspapers and over 8,000 weekly newspapers throughout the United States. When appropriate, releases are sent to wire services and specialized periodicals.

Press conferences, which are held on major agency actions, are open to the public as well as to the media. Often, in order to more fully explain complicated environmental decisions to the media, press briefings are held a day or two before a major action is announced.

To keep Agency officials current on those consumer views which are expressed in the media concerning Agency regulations and other actions, the Office of Press Services compiles a daily briefing book from several major newspapers, and a weekly briefing book on environmental articles taken from newspapers from throughout the Nation.

3. Audiovisuals

Audiovisuals, such as films, radio and television public service announcements, full length public television documentaries, exhibits, slide presentations, etc., are developed by the Office of Public Awareness for consumers to hear and see in a veriety of ways.

Television public service announcements are sent to over 800 program managers of television stations, and radio spots are mailed to over 6,000 program managers of radio stations across the country. Also, brief documentaries for use on local and national news programs are distributed nationwide.

The Agency awards grants to public television stations to defray some costs of producing documentaries on environmental issues. Initially these shows are purveyed through the 280-station PBS system. Some are subsequently placed with a motion picture distribution house for further dissemination to public, commercial, and cable television stations, theaters and organizations. Grants also encourage public television stations to produce special public participation programs, such as talk shows with community and business leaders and concerned citizens, about local issues using the documentary as a resource. These programs encourage consumers to participate in environmental decisions that could that could directly affect them and their communities.

The documentary films produced for television, and other films produced by EPA, are disseminated either through private distribution houses or through the National Audiovisual Center of the General Services Administration. They are also promoted by headquarters and regional personnel, and are seen by thousands of school and community groups throughout the year. A short, animated film on water pollution has had enormous success as a short subject in movie theaters. A 1977 show on drinking water has been seen by an estimated 20 million people and is still being shown. Public television shows on chemicals in the environment and on hazardous wastes have recently been released.

Slide presentations are prepared for EPA regional offices to show to their various constituencies. Many national organizations which assist the Agency by conveying specific messages also use these presentations.

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.

(Subsection 1–40(d).)

As described above, EPA already has personnel, in the professional staff of the Office of Public Awareness and in public participation staffs within its programs, who are well trained and experienced in public information and participation processes and methodology. Through OPA's constituency liaison function and through other programs, EPA now provides technical and financial assistance to organizations. This assistance helps consumers participate knowledgeably and effectively in EPA decisionmaking. The Agency recognizes a responsibility not only to provide for public participation, but to encourage it with all available means.

Selecting Consumers and Organizations to Receive Assistance

Technical assistance in the form of grants to prepare written material, conduct workshops and conferences, and participate in EPA's decisionmaking processes is provided through headquarters and regional program offices and through the Office of Public Awareness in accordance with Public Awareness/Participation Support Plans. Decisions on such grants are made by program officers or by the OPA Director. Once the Public Participation Policy becomes effective, criteria for awarding these grants, together with a brief explanation of the procedures for application, will be published in the **Federal Register** for comments. Lists of the grants that are available and those that have already been awarded will be compiled and periodically revised for general distribution.

Specialized Training for Consumer Affairs Personnel

The Director of the Office of Public Awareness and Special Assistant for Consumer Affairs will provide specialized training in communications skills and conflict management, annually and as required, to the Agency's consumer affairs personnel. OPA will develop multi-media training modules, both in-house and in consultation with constituency groups, including consumer organizations, and with private consulting firms, that describe how Executive Order 12160 is being implemented and how the Agency's staff should bring consumers into program activities. However, EPA's consumer training commitment will in the future need to be extended to include program managers and those engaged in handling complaints.

The Public Participation Task Force is currently proparing a series of public participation training activities for the program and regional offices to enable EPA managers to carry out the proposed Public Participation Policy. Consumer concepts and skills will be incorporated in the training package.

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. (Subsection 1–401(c).)

The Environmental Protection Agency's established complaint handling procedures substantially comply with the requirements of the Executive Order. All consumer complaints will continue to be received and processed by the Public Information Center, which is presently responsible for complaint handling. At this time EPA is reviewing the functions of the Public Information Center with the intention of improving its complaint handling capability. Based on that evaluation, a public notice will be published in the **Federal Register** by August 15, 1980, to describe the procedures that EPA will follow in responding to consumer complaints.

According to present procedures, complaints received by the Public Information Center (PIC) are sorted by subject. A public information specialist is assigned to each of these three subject areas: (1) solid waste, hazardous waste, radiation and noise; (2) air, water, toxic substances, pesticides, research and development; and, (3) energy, land use and general environmental matters, including such correspondence sent to the White House. The specialist determines the applicability of the complaint and, after review by the PIC Chief, the specialist either answers it or refers it to the appropriate regional or program office for further consideraion and reply. Then each complaint is entered into a permanent log. Designed for acknowledgements and responses, EPA Standard Form 51801 indicates the date of receipt and deadline for reply, which has been established as nine working days after receipt. This form is attached to copies of written complaints and filed by control numbers.

A copy of the reply is then placed in an inactive file with the original letter as verification. In the case that the log shows that a complaint has not been handled promptly by the office to which it was sent, the Center pursues the matter by a follow-up telephone call to that office. However, this is seldom required. A weekly internal report to the Director of the Office of Public Awareness and to other EPA personnel details the subject matter of public inquires, complaints and other correspondence that have been received, and indicates to which regional EPA office each has been sent, if applicable.

A large number of the inquiries which EPA receives are originally addressed to the Office of the President of the United States and his staff, or to EPA program offices. Some complaints are made over the telephone; these are handled in the same manner as written complaints.

VI. OVERSIGHT

Requirement

The head of each Agency shall designate a senior-level official within that Agency to exercise, as the official's sole responsibility, policy direction for, and coordination and oversight of, the Agency's consumer activities. The designated official shall report directly to the head of the Agency and shall apprise the Agency head of the potential impact on consumers of particular policy initiatives under development or review within the Agency. (Subsection 1–1402).

The Director of the Office of Public Awareness has been designated the senior-level official called for in the Executive Order, with the additional title of Special Assistant for Consumer Affairs. In that role, the Director reports directly to the Administrator of the Agency and, with the Special Assistant for Public Participation, coordinates the implementation of the Executive Order.

The nature of this official's responsibilities and authority, and the means of interacting and interfacing with other Agency offices and staff members, have been discussed above.

By meeting regularly to evaluate program initiatives for involving and responding to consumers, and by reporting to the Administrator, EPA's Consumer Affairs Coordinating Council will assure continued compliance with the letter and spirit of Executive Order 12160. It will be co-chaired by the Special Assistant for Consumer Affairs and by the Assistant Administrator for Planning and Management or his designate, whose office has budgetary and administrative oversight for all EPA programs. The Assistant

Administrator's authority over the Agency's internal operations will aid in the swift and effective implementation of the Executive Order. Represented on the Council will be the Special Assistant to the Administrator for Public Participation, designees from each of EPA's program offices, and the head of the Public Information Center.

In an annual report to the Administrator, the Consumer Affairs Coordinating Council will describe the Agency's public education/involvement activities of the preceding year. The report, which will be available to the public, will analyze the inquiries and complaints received and, based upon them, make recommendations for policy, program and administrative improvements.

VII. DIRECTORY FOR CONSUMERS

Consumer Affairs Office: Joan M. Nicholson, Special Assistant for Consumer Affairs, Office of Public Awareness (A–107), Environmental Protection Agency, Washington, D.C. 20460, Telephone: (202) 755–0700.

Information materials: Office of Public Awareness, listed above.

Complaint-handling information: James M. Keys, Director, Public Information Center (PM–215), Environmental Protection Agency, Washington, D.C. 20460, Telephone: (202) 755–0717.

Note.—The Public Information Center will become part of the Office of Public Awareness in the near future.

Information about consumer technical assistance: For general information and for OPA opportunities: Office of Public Awareness, listed above.

For grants applications and procedures and for program office opportunities: Grants Administration Division (PM–216), Office of Planning and Management, Environmental Protection Agency, Washington, D.C. 20460, Telephone: (202) 755–0850.

Information about participation in Agency decision process: To inquire about Public Participation Policy and procedures: Sharon Francis, Special Assistant for Public Participation, Office of the Administrator (A–100), Environmental Protection Agency, Washington, D.C. 20460, Telephone: (202) 755–0425.

To request information materials and to be added to mailing lists for notices and publications (indicate subject areas and constituency group affiliation, if applicable): Office of Public Awareness, listed above.

Douglas M. Costle,

Administrator.

May 29, 1980.

[FR Doc. 80–17024 Filed 6–06–80; 8:45 am]

BILLING CODE 6560–01–M

federal register

Monday
June 9, 1980

Part III—Section D

Department of the Interior

Consumer Affairs Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Secretary Andrus:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve the Department of Interior's consumer program established under Executive Order 12160. The Department's program will play a vital role in assuring that consumer interests will be an integral part of agency decision-making.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Ms. Cecil Hoffman to our efforts to implement the Order have been particularly helpful. The fact that as Chairperson of the Department's Coordinating Committee for Public Participation and Consumer Affairs, Ms. Hoffman will be reporting directly to you -- together with the Committee's authority to review Departmental policies -- should provide Ms. Hoffman with the opportunity she needs to review rules, policies, programs and legislation to assess their impact on consumers. The Department's program is further strengthened by recognition of its special responsibilities to Native Americans. It is clear from the program, however, that it will continue to be critical for Ms. Hoffman to receive strong support from the Department's assistant secretaries and bureau directors. I also urge you to consider carefully over the next year whether the objectives of the program could be furthered by assigning staff directly to Ms. Hoffman.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Department's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the Department. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Cecil D. Andrus
Secretary of Interior
Washington, D. C. 20240

BILLING CODE 8310-10-C

DEPARTMENT OF THE INTERIOR

Office of the Secretary

AGENCY: Department of the Interior.

ACTION: Public notice of consumer affairs program for the Department.

SUMMARY: As called for by the President's Executive Order "Providing for Enhancement and Coordination of Federal Consumer Programs," the Department of the Interior has a Consumer Affairs Program to ensure that "consumer needs and interests are adequately considered and addressed" throughout the Department. The Consumer Affairs Program for the Department of the Interior tells the consumer public how to find out about Department activities that may affect or interest them, how they can get the information they need to participate in decisions about those activities, and what is done with their input.

DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Cecil Hoffmann, Coordinating Officer for Public Participation and Consumer Affairs, Office of the Assistant Secretary for Policy, Budget and Administration (PBA), Department of the Interior, 19th and C Streets NW, Washington, D.C. 20240. Telephone: (202) 343–5106 or (202) 343–6181.

AUTHORITY: Executive Order 12160.

SUPPLEMENTARY INFORMATION:

Comments on the Draft Program, and How They Were Addressed

Comments received from the general public were not extensive, were largely positive, and offered no specifics about the program itself or any Department performance which might be affected. Comments from within the Department were approving of the basic principles spelled out, but critical of the length and the bureaucratic wording—commenters said the program should be simpler and more direct. Editors tried to comply, and added more headings and a list of contents.

Comments from consumer specialists in other Federal agencies said that the program relied too heavily on public affairs offices both as contacts and as members of the inhouse communications network. Commenters felt that government public information offices are generally seen as working to "sell" agency programs, to put out information rather than hearing it and relaying it effectively back to Department decisionmakers, which is what the consumer advocacy role requires. However, in this Department, the public affairs units have been the logical contacts—on the front line with the public, and knowledgable about the programs of the Department.

The Department proposes that its training and education stress the listening, evaluating, use of input, and feedback elements of the public service spectrum for all appropriate officials including public affairs staffs. If the consumer program's planned evaluations of experience prove that consumer advocacy within the Department is not effective enough, changes will be recommended.

A suggestion was made that the missions and the public participation and consumer affairs activities for each bureau and office be spelled out in the Department consumer affairs program, and that the program list the names of all individuals in the bureaus and offices with consumer-oriented jobs. The suggestion was considered at length, and representative material drafted. Evaluation proved that the volume and variety of needs for eleven major bureaus and offices would make the publication cumbersome and that such information could not be uniformly useful. Instead, as relevant bureau guidelines are published in their Manuals they will be referenced in the Departmental Manual.

The Department has established a Coordinating Committee for Public Participation and Consumer Affairs, and charged it with reviews of specific areas of performance for consumers.

It is the Department's policy that members of the public are encouraged to comment at any time on consumer access to the Department. If evaluation of the comment proves need for change, the Departmental guidance will be changed.

The principal author of the Department's Consumer Affairs Program is Cecil Hoffmann, Office of the Assistant Secretary for Policy, Budget and Administration. Substantive input came from staff in all major bureaus and offices of the Department, including the Office of the Solicitor, the Director of Public Affairs, and the Immediate Office of the Secretary.

Cecil D. Andrus,

Secretary.

May 27, 1980.

Consumer Affairs Program for the Department of the Interior

The program consists of six sections which follow the guidance issued by the President's Office of Consumer Affairs. For ready reference, here are the headings:

Introduction

I. Consumer Affairs Perspective

Organization of the Department.
Looking out for Consumer Concerns: Staff Location and Accountability
Departmental Committee Membership, Meetings, Relationships
Committee Activities
Linkage to Field Operations
Who Knows How to Help: Consumer Affairs Resources
Resources for the Future
Consumer Advocacy in Decisionmaking
Secretarial Level Reviews
Decentralized Decisions

II. Consumer Participation

Whom to Contact
When: Stages of Agency Decisionmaking
How: Avenues of Participation
Written Comments or Inquiries
Public Hearings
Consumer Representation Through Outside Organizations
What is Done With What We Hear: Adequate Analysis
Who's in Charge: Responsible Officials
Forums
Special Efforts

III. Informational Materials

Where the Information Goes
Keying to Consumers: Current Material, Future Plans
Information Geared to Public Meetings

IV. Education and Training

Who's Responsible
Plans
Subjects for Emphasis
Expertise
Technical Assistance for Consumers

V. Complaint Handling

Informing the Public
Where to Complain, and What Will Be Done
Complaints by Mail
Can We Do Better?

VI. Oversight

Appendix I—Department of the Interior Public Information Officers.
Appendix II—Department of the Interior, Office of the Secretary, Field Special Assistants.

Introduction

The Department of the Interior acts as steward for the nation's natural resources. As such, the Department's missions are carried out for all citizens. The consumer program is intended as a consumer's window on the Department's business for any member of the public who has a potential interest. The major missions of Interior are:

—Management of certain Federal lands and lands under Federal jurisdiction, including the underlying energy and mineral resources, and water resources;
—Regulation of energy and mineral development on Federal lands and lands under Federal jurisdiction, and regulation of surface mining of coal;
—Protection of fish and wildlife populations and their habitat;
—Identification and enhancement of natural, historic, archaeological, and other cultural or recreational resources;
—Research and information on land and water resources, and mining and mineral development;
—Advocacy for American Indian and Alaska Native peoples for whom the Federal government has a trust responsibility; and
—Exercise of the responsibilities conferred upon the Secretary of the Interior by statute or Executive Order with respect to the territories of the United States and the Trust Territory of the Pacific Islands.

The bureaus and offices of Interior each have their own procedures for addressing consumer needs and allowing for public participation in decisionmaking in light of their own widely varied missions. The Department Consumer Affairs Program is to establish a basic policy and set up a mechanism to deliver Secretarial guidance, oversight, and consistent information exchange, and to foster technology transfer among bureaus on effective consumer service methods.

The goal of the consumer program is to be sure the interested consumer can find out:

—How and when to get useful information about Departmental programs;
—How to know what activities the Department is considering which may be of interest or concern to them;
—How, when and where to make timely input to these considerations;
—What was done to address people's concerns, and how the decision came out.

The Department has a policy of offering the public meaningful participation in decisionmaking processes. This policy applies to development and review of agency rules, policies and programs, and also to local or less formal kinds of program decisionmaking. The Department's guidelines governing public participation are in the Departmental Manual (Part 301, Chapter 2). "Public" is there defined as affected or interested individuals, including consumers; organizations and special interest groups, officials of local, State, and Indian tribal governments; and officials of other Federal agencies.

It is the Department's policy to consult with Indian tribes in matters that generally affect them. That consultation would come before more general public participation in matters affecting Indians as well as non-Indian consumers. Further, the Department recognizes a need to pay particular attention to opportunities for Indians as consumers to be involved in public participation and consumer affairs activities.

The Consumer Affairs Program and the Department's public participation guidelines supplement laws, regulations, policies, and guidelines mandating or governing public involvement in administrative action. In determining whether to solicit public participation in a decisionmaking process, and in determining the form of the participation, Department officials must consider particularly:

(1) The notice-and-comment rulemaking requirements of the Administrative Procedures Act, 5 U.S.C. 553;

(2) The **Federal Register** publication requirements of the Freedom of Information Act, 5 U.S.C. 552(a);

(3) The advisory committee requirements of the Federal Advisory Committee Act, 5 U.S.C. Appendix I;

(4) The environmental impact consideration process of the National Environmental Policy Act, 42 U.S.C. 4321, et seq.; and

(5) The procedures for development of significant rules under Executive Order 12044 (March 23, 1978).

The way the Consumer Program presented here becomes a part of Department practice is by publication in the Departmental Manual, the standard operational guidance manual for the Department as a whole. The Consumer Program will be edited to format, and published in the Departmental Manual, on or about July 1, 1980.

As the Coordinating Committee completes the reviews scheduled throughout this Notice, and decisions are made on its recommendations, new procedures will be added to the Departmental Manual Chapter, with cross reference to other applicable chapters (such as those covering public participation, Secretarial Issue Documents, etc.)

When bureaus and offices complete program chapters in thier individual operating manuals which address consumer concerns, these will be cross-referenced in the Departmental Manual. The target date for the Manual guidance projected by this Consumer Program is March 1, 1981. At that time a schedule will be established for regular future review of the Manual's coverage of consumer concerns.

I. CONSUMER AFFAIRS PERSPECTIVE

This section covers the consumer awareness and advocacy function—the way the Department of the Interior raises and considers consumer points of view in carrying out its missions.

Organization of the Department

Eleven major bureaus and offices carry out the programs and policies of the Department, with much of the activity in field offices. Related functions are grouped under four Assistant Secretaries:

Land and Water Resources—Bureau of Land Management, Water and Power Resources Service, Office of Water Research and Technology;

Energy and Minerals—Geological Survey, Bureau of Mines, Office of Surface Mining;

Fish, Wildlife and Parks—Fish and Wildlife Service, National Park Service, Heritage Conservation and Recreation Service;

Indian Affairs—Bureau of Indian Affairs, Office of Indian Education. The position of Assistant Secretary for *Territorial and International Affairs* is being established, and the functions of the Office of Territorial Affairs will be assigned to that Assistant Secretary. Department-level offices include Public Affairs, Congressional and Legislative Affairs, Equal Opportunity and others. The Assistant Secretary for *Policy, Budget and Administration* has cross-cutting, analysis and coordination responsibilities Departmentwide.

Looking Out for Consumer Concerns: Staff Location and Accountability

Departmentwide policy guidance to bureaus and offices on consumer affairs is issued by the Secretary. The Assistant

Secretary for Policy, Budget and Administration is responsible for assuring that policies are implemented—that the views of consumers are heard, and that consumer views can affect decisionmaking. The Coordinating Officer for Public Participation and Consumer Affiars is the focal point of a two way system for distribution of policy guidance from the Secretary and for assuring that public input reaches the Secretary and other decisionmakers. The Coordinating Officer is responsible for monitoring awareness of consumer views and advocacy of consumer positions throughout the Department, and making recommendations for improvement. The Department's system to ensure consumer orientation for Department decisionmaking is purposefully designed to augment, rather than bypass, normal chains of responsibility for decisions at all levels.

Departmental Committee

Membership, Meetings, and Relationships

The Coordinating Officer chairs a Departmental Coordinating Committee for Public Participation and Consumer Affairs. The Committee is made up of designated officials from the immediate staff of each Assistant Secretary, and a designate from each bureau or office. Additional members may be named to the Committee by an Assistant Secretary or Head of Bureau or Office from operating units with either special or continuing consumer or public participation responsibilities. An example of "special" is Wilderness Studies, for the duration of a Congressionally mandated timeframe. An example of "continuing" is representation from Environmental Education units. Anyone may obtain a listing of the current membership upon request from the Coordinating Officer, at the address listed above.

The Committee will meet regularly, at intervals to be agreed upon by the members before January 1, 1981. The Committee will meet at least monthly until the most useful timing for regular meetings is determined by the members. The Committee may present options with recommendations to the Secretary, Under Secretary and Assistant Secretaries, at any time, as to courses of action to protect consumer interests or make better public access to decisionmaking. When needed, specific consumer affairs items will be scheduled for the agenda of the Secretary's regular staff meetings for discussion and decisions as to further assignments. The Coordinating Office will report to the Secretary on Committee activities, and be responsible for a record of actions taken.

The Departmental Coordinating Committee, meeting and reporting regularly, provides a basic network tying the separate functional areas of the Department to each other on consumer concerns. The Departmental Coordinating Officer is the central focal point. Also, the Coordinating Officer maintains regular contacts with the Executive Secretary; the Executive Assistant and Special Assistants to the Secretary; the Director of Public Affairs; and the Director of Congressional and Legislative Affairs, in addition to day-to-day reporting to the Assistant Secretary for Policy, Budget and Administration.

Committee Activities

Committee members will regularly review their bureaus' and offices' agendas of proposed rules, program plans, and issues, as well as those of the Department as a whole, to be sure that consideration of known consumer concerns is fed into the process early, and that where needed, plans are developed for the right kinds of public information, involvement, and feedback. Where Committee discussion cannot resolve questions, or otherwise shows that guidance is needed, the Committee will forward recommendations for Secretariat decision as to improvement.

Through the Committee a communications network will be established so that policy guidance and informaton will go to wide and regular distribution among the Secretariat and top bureau management. Information transmitted through this channel will be indexed so as to compile a uniform notebook for continuing up-to-date reference, easy to pass along to successors and staff.

Linkage to Field Operations

The Special Assistants to the Secretary for Regional Activities, who are responsible for coordination of Departmental issues in the field, will be systematically included in the communications network of the Departmental Coordinating Committee. They will have regular input on both problems and recommendations before each Committee meeting. Each of these Special Assistants chairs a Field Committee made up of senior bureau and office administrators in his Region, so a clear linkage is established for timely two-way communications addressing consumer concerns. Special Assistants to the Secretary are listed in the appendix to this program.

Who Knows How To Help

Consumer Affairs Resources

The Department has a growing cadre of professional staff people combining consumer-oriented skills with necessary cultural and natural resources program backgrounds. This expertise exists in Washington, in the regional service centers of major bureaus, and in field offices. The Coordinating Officer will tap those skills through the Departmental Coordinating Committee, especially during the first year of operation under the new program, until the kinds of skills and the most useful locations for them are proven by evaluation of experience. The Chair of the Committee, the Coordinating Officer, may request from the offices of Policy Analysis, Management Systems Analysis, and other appropriate Departmental offices staff support as needed for (1) regularly scheduled review of Departmental program activities affecting consumers, and (2) investigation or analysis of special consumer conerns. Members of the Committee will tap skills and resources available in their bureaus and offices to help with consumer problems and to review and evaluate overall consumer program efforts.

Resources for the Future

During the first year's operation of the Consumer Program as published here, units of the Department will monitor the calls on existing resources, note specific needs for different or additional resources, and report periodically through the Departmental Coordinating Committee to the Coordinating Officer. Resource recommendations will be addressed as needs arise. However, the Coordinating Officer will make a comprehensive report to the Secretary by April 1, 1981, with staffing proposals based on actual experience under the consumer program to that date.

Consumer Advocacy in Decisionmaking

Decisions of interest to consumers are made at several different levels of authority in the Department of the Interior—not only by the Secretary, but by Assistant Secretaries, Bureau or Office heads, and other officials with delegated authorities, in Wahington and in the field. The final review and signature of documents presented for decision, and/or ordering action, are the common point at which to be sure the right steps were taken, including consideration of consumer views. While that stage itself is

late in the process, the requirement has proved to be a useful means of affecting the content of decision papers uniformly without superseding the proper jurisdictions of officials throughout the command chain. Departmental requirements that there be a record of public views and the use made of them before a decision can be signed off means that responsible officials all along the route of study and discussion leading to that decision are accountable for including this element in their activities and in their records.

Secretarial Level Reviews

The Assistant Secretary for Policy, Budget and Administration regularly reviews the papers leading to decisions by the Secretary on Departmental issues; final approval on major rulemaking not delegated to the bureaus and offices; draft legislation for comment; and significant correspondence—which often includes Departmental policies not spelled out elsewhere. Located in this Assistant Secretary's immediate office, the Departmental Coordinating Officer can review the full spectrum of Departmental issues for orientation to consumer needs, making recommendations for better responses, further investigation, or other action as necessary to address consumer concerns.

Memorandums of instruction on Departmentwide policy are also cleared for the Secretary's signature through the same channel, allowing the Coordinating Officer to consider potential consumer impact at the beginning of significant Departmentwide activities.

Decentralized Decisions

Because of the wide range of Interior Department responsibilities, and the amount of decisionmaking that is decentralized to Assistant Secretaries and Heads of Bureaus and Offices, and field officials, all officials signing off or participating in final review of decision documents have a responsibility to be sure their clearance includes consumer concerns. The kinds of questions to ask in those reviews will be covered in the consumer education and training offered Departmental officials.

The Departmental Coordinating Committee will determine and recommend any necessary procedures for consumer oriented reviews of documents for each of the offices they represent. Where possible, changes needed will be made at once, but the Coordinating Committee will complete a review and make recommendations for any guidelines useful for such document review by October 1, 1980.

II. CONSUMER PARTICIPATION

This section covers consumer own involvement in activities of the Department which may affect or interest them. It is the policy of the Department of the Interior to offer consumers, as individuals or in representative groups, access to Departmental decisionmaking which may affect them, or which they may see as affecting them.

The Departmental Coordinating Committee for Public Participation and Consumer Affairs, described under the first section, Consumer Affairs Perspective, will also have responsibilities for Consumer Participation.

The Department of the Interior has an established policy that managers at all levels have a responsibility to allow the public's participating in development of significant changes of rules, policies and programs, and, further, in program activities at regional and local levels which may concern or interest them. Need for consumer input, public notice, and plans to account for public interest are to be determined and recorded early on.

The Department has special responsibility with regard to matters involving Indians. The Department serves as the trustee of tribal and individual Indian property, and a trustee owes the beneficiary Indians a duty of confidence. Because of that special responsibility, there may be matters affecting both Indians and consumers where the fiduciary duty owed Indians will take precedence over the involvement of others in decisionmaking. Also, it is the Department's policy to consult with Indian tribes in matters generally affecting them. That consultation should come before the participation of consumers in Department decisionmaking in matters affecting both.

Whom to Contact

The best initial point of access to the Department of the Interior is a public information officer for the bureau or office carrying out the activity of interest. If consumers do not know the official or the unit responsible for the area of concern, the best beginning point of contact is the Secretary's Public Affairs Office, or the Departmental Coordinating Officer for Public Participation and Consumer Affairs. In the field, the Regional Special Assistant to the Secretary can help. Consumers will be directed to the best source of information, including information about the procedures and designated responsible officials covering the decisionmaking or activity of interest. The contacts will link callers with the right operational offices to serve them. (Names, addresses and phone numbers are listed at the end of this notice.)

The contacts are intended to be more than a switching operation. They are to be responsible for maintaining the right connections for satisfactory consumer service. Any callers or correspondents not satisfied may call the original bureau contact or the Department Coordinating Officer for help as often as needed. The Department's consumer education and training plan will underscore the kinds of information necessary to insure good service from such contacts.

When: Stages of Agency Decisionmaking

Early notice of activities known to be of interest to the consumer public is published in the **Federal Register.** Generally, a press release announces these notices. All Interior bureaus and offices use advance notices and notices of intent to allow input to the planning of work which will be required to reach decisions affecting consumers. At the beginning of work on environmental impact statements for major Federal actions, new Federal guidelines require that there be a scoping process, with public participation.

How: Avenues of Participation

Written Comments or Inquiries

Written comments on **Federal Register** notices or on the press coverage announcing planning of an activity are generally the earliest avenues open for consumer input. Consumers may respond by a request for specific information or simply an expression of interest and a request to be put on the mailing list for further notices. Information meetings, public briefings, question and answer sessions with responsible officials or open house at field installations or project offices are methods frequently used to open a process leading to decisions of interest to the consumer. Within the constraints of the Advisory Committee Act, ad hoc working groups are sometimes established. National, regional, and local advisory boards contribute substantially to the administration of many programs and facilities of the Department.

Public hearings

Public hearings are required or suggested by legislation such as the Federal Land Policy and Management Act

(FLPMA), and the National Environmental Policy Act (NEPA), and by administrative practice. Hearings may be called anytime during the decisionmaking process, and may occur more than once in the course of working out complex policies or program activities.

Consumer Representation Through Outside Organizations

Traditional audiences for Departmental programs have been conservation and environmental groups, representatives of agriculture and industry which lease or otherwise use public resources; academic, scientific or industrial communities working cooperatively in research on many areas of basic cultural and natural resources knowledge; State, local, and tribal official affected by Interior funded programs, among them regulation and assistance for mined land reclamation, fish and wildlife preservation, recreation planning, and historic preservation; and visitors to National Parks, Refuges, recreation areas, and other lands, waters or installations managed by the various bureaus and offices of the Department of the Interior. Organized constituent groups representing these traditional interests provide useful access to the Department's activities because shared resources applied to a common interest can often provide better informed, timely and better focused involvement than a person acting alone. There are also several national consumer organizations which can help. However, all individuals have the same access to the Department's information, to opportunities for comment, and to feedback about decisions reached.

What Is Done With What We Hear: Adequate Analysis

The Department requires evidence that public concerns have been expressed, evaluated, and considered in major decisionmaking. This means that officials are responsible, as necessary and appropriate to their part of the mission, for including analysis of public comment in their procedures. Environmental Impact Statements and Secretarial Issue Documents are examples of documents which require a record of public concerns considered. These documents cover much of the Department's work which is of interest to consumers. Department officials are encouraged to follow the same sequence of steps, including early and periodic public participation leading to decisions at any levels where it may be necessary or useful.

Bureaus and offices have developed their own procedures for analysis and incorporation of public comment into final policy and program definition. The Departmental Coordinating Committee will discuss the ways this is now done in the Department, and produce recommendations and draft guidelines if they determine them necessary. The review will be complete by October 1, 1980.

Who's in Charge: Responsible Officials

At the earliest discussions in the Department of a need for an agency rule, policy, program or major activity of interest or concern to consumers, a responsible official is to be designated. This designation is to be noted for the record.

Public notices always include the name of the responsible officials. The Department tries to be sure that newspapers, correspondence, and other public distributions of information also include the name and title of the responsible official.

The Departmental Coordinating Committee review of consumer participation procedures will address need for better or more uniform practice in this area.

Forums

Executive Order 12160 on Consumer Affairs has a requirement for forums where consumers can be heard by decisionmaking officials of the Department. In the past three and half years, the Department has held numerous open meetings in various places in the country on natural resources management issues such as management of Federal coal development to meet urgent energy needs, oil and gas production on the Outer Continental Shelf, predator control, wilderness areas, mined land reclamation regulations, urban parks, water policy, Indian fishing rights and many other subjects.

The Secretary, Under Secretary, Solicitor, and Assistant Secretaries and their Deputies have consistently been available to meet with interested groups on all sides of Department issues—environmental groups, user groups, State and local officials, Indian tribal leaders, utilities, private companies, and citizen groups. The timing of these meetings has been dictated by public demand, legislated deadlines, Department work schedules and many other factors.

The Departmental Coordinating committee will review the most effective aspects of this record to see how, when, where, and in what format regularly scheduled forums could offer useful and timely access to Department officials on the wide range of Department responsibilities. The review, with options and recommendations, is due December 1, 1980. Meanwhile, however, at least one or two "demonstration" forums will be planned for summer or early fall, so results can be evaluated as part of the Committee's review.

Special Efforts

Recognizing that **Federal Register** publication is primarily a document of official public record and notification, rather than for wide general readership, bureaus and offices issue press releases describing or calling attention to the notice where it is of general public interest. Among other means to reach interested people are mailing lists, newsletter items, public service announcements on radio and television, and, where useful or necessary, paid advertising.

III. INFORMATIONAL MATERIALS

The Secretary's Office of Public Affairs publishes informational material that gives an overview of the Department and its component bureaus and offices. Examples of materials describing the Department's overall responsibilities are: "Information Please", "Interior, America's Guardian of Natural Resources", "General Organization of the Department . . . ," and "Creation of the Department of the Interior."

Each of the bureaus and offices produces and distributes material to inform the public about its particular responsibilities and services, as well as about individual facilities or locations of interest: National Parks, Monuments, Battlefields, and other historic sites, Seashores, and numerous Recreation Areas; Wildlife Refuges, Game Ranges, Fish Hatcheries; dams, hydroelectric plants and reservoirs. The Office of Surface Mining provides information on its regulatory and financial assistance program activities.

The Department also produces a variety of scientific and technical publications covering a wide range of topics. Work is done in cooperation with universities, with industry, and with other agencies of Federal, State, local and Indian tribal government. The results of such work are expected to contribute to better natural environments, better quality of life, more economical use of irreplaceable resources, and the like. The resulting technical forums and conferences, bulletins and papers may not be of general interest, but consumers have easy access to publication lists, research project lists, abstracts, etc. through the Public Affairs offices of the bureaus and offices, or of the Secretary's Office.

Where the Information Goes

Informational materials are distributed with emphasis on reaching interest groups and segments of the public interested in the particular rule, program or project activity. The Department and the bureaus and offices maintain mailing lists of organizations and interested individuals, grouped by topical interests, to receive informational materials. All use additional outreach methods such as brochures, films, television, radio, public service announcements, workshops, seminars, public meetings, press conferences, press releases, public speaking, articles in periodicals, newsletters, fact sheets, and specially arranged briefings.

Keying to Consumers: Current Material, Future Plans

The Department's Office of Public Affairs and those of the bureaus and offices review their informational material systematically. In response to the Executive Order, the Departmental Coordinating Committee for Public Participation and Consumer Affairs will design and schedule a review specifically oriented to consumer viewpoints by September 1, 1980, with the review itself to be complete approximately six months later. Specific recommendations will be made for building consumer awareness into bureaus' regular review cycles.

Criteria developed for the Committee review will become guidelines for consumer orientation in future publications planning. Consumer information needs will be incorporated into the standard Departmental clearance of new publications by the Secretary's Office of Public Affairs.

Through the Department Coordinating Committee, all bureaus and offices will be urged and assisted to put new or better focused consumer information into new or revised publications which may be scheduled before the guidelines are issued. Consistent ways of showing local sources for more detail or follow-up information will be explored. The Coordinating Committee will specifically consider a new publication telling consumers about missions and issues of interest, with a description of the ways interested consumers can become usefully involved.

The Coordinating Committee will explore and make recommendations as to the possibility of wider distribution patterns for informational materials of consumer interest. The Committee will particularly seek ways to get public comment on the informational materials themselves, and on the access offered throughout the Department for further consumer information, involvement, and feedback.

Information Geared to Public Meetings

Responsible officials for bureasus and offices, in consultation with Public Affairs officers, assure that explanatory materials regarding meetings open to the public are available at a reasonable time prior to such meetings—a standard target date is 30 days before the meeting. They try to be sure that such materials cover the subject briefly and clearly but thoroughly, and that they are keyed to the purpose of the meeting. Informational meetings may need no advance materials other than a description of the subject, but material will then be made available at and after the meeting as it becomes available.

It remains the responsibility of each bureau and office to inform the public of public participation opportunties currently available, and the issues before the public for discussion. Means of doing this include regular publication of calendars, newsletters, fact sheets, etc.

The Departmental Coordinating Committee will review existing bureau guidelines for informational materials used in connection with pubic meetings, as well as general current practices such as that for NEPA proceedings, and make recommendations for uniform Departmentwide guidance if that proves necessary or useful, by October 1, 1980.

IV. EDUCATION AND TRAINING

Education and training in consumer concerns and how to address them will be carried out in the Department in two ways. First, the orientation of policy and program officials in Washington and in the field will include explanation and discussion of their responsibilities for consumer concerns: ensuring day-to-day advocacy for consumer viewpoints, allowing early and continuing public input to decisions, analyzing and using the input they get, reporting back to the public about the concerns expressed, and reporting to Departmental management any policy or administrative changes suggested by evaluation of public input.

Then, personnel at many levels will be taught necessary skills and the methods for obtaining consumers' views, hearing, reporting and analyzing the input, tailoring informational materials including feedback to consumer needs, and establishing and maintaining useful two-way information lines for the life of the decision process, whether it be a few months or a few years.

Who's Responsible

Under the oversight of the Departmental Coordinating Committee, a task force of Departmental training officers and personnel with consumer and public participation experience will work out schedules and plans for education and training. First priority will be Departmentwide orientation to the consumer program and its implications. The Coordinating Officer will be responsible to see that education and training plans are drafted and agreed to, and that schedules are met. The Coordinating Committee will participate, report, monitor and evaluate results periodically.

Plans

Initial briefings will cover the principles of the Exeuctive Order and the Department's Consumer Program. Officials will be led to discuss the policy and program implications using recent and current Department experience as examples. Discussions among senior officials will contribute to the timing and content of subsequent meetings to address specific problems, such as effectiveness of certain public participation methods, or complaint handling procedures. Briefings will themselves be participatory, allowing officials to be involved in the planning for education and training of their staffs at all levels. The initial round of briefings for the Secretariat, bureau heads, regional administrators and key staff will be complete by October 1, 1980.

The Committee's training task force will meanwhile make a 6–8 month schedule for education and training, taking advantage where possible of meetings and training sessions already scheduled for Departmental personnel. Earliest attention will be given to overall orientation, and to filling gaps already known to exist in skills and methodology. The Committee will coordinate sharing of training resources to meet common bureau needs. The many bureau efforts already under way will be taken into account, and integrated into the overall plan. This schedule will be complete by October 1, 1980, and the training it covers by approximately July 1, 1981.

By July 1, 1981, the Coordinating Committee will prepare a report to the Secretary on education and training carried out in the first year, with options and recommendations for subsequent years' activities including relevant plans of bureaus and offices.

Subjects for Emphasis

Included in the plans for orientation and education sessions will be several basic principles: full involvement of officials being briefed, cross-bureau interchange of experience, discussion of ways to share general information and technical expertise, broad orderly outreach; planned follow-up sessions agreed to and scheduled; other agencies in and out of Interior which should be involved because of common resource management problems or common publics. Evaluation of input and feedback to interested parties will be emphasized. Economy, technology transfer, and establishment of useful relationships will be considered in setting up training sessions, but so will individual bureau and office needs for particular Departmental support.

Expertise

Training will be conducted by appropriately qualified experts from within the Department, from other Federal agencies with relevant experience and by consultants from academic institutions or private industry. An informal clearinghouse on training opportunities offered elsewhere, and on available technical expertise will be maintained by the Coordinating Committee, in the Office of the Coordinating Officer.

Technical Assistance to Consumers

The Department's bureaus and offices have traditionally supplied technical assistance in their varied fields of expertise. Traditional recipients have been State, local, and Indian tribal officials who shared administration responsibility for Departmental programs. But, citizens or groups interested in understanding and contributing to outdoor recreation planning, for example, can obtain reports, technical information, and even site visits as work schedules of knowledgable officials permit. Similarly, bureau and office personnel can guide interested people to relevant technical information. Many units will answer questions on specific problems, again where resources and work schedules permit.

V. COMPLAINT HANDLING

The separate units of the Department have routine procedures for handling complaints in accordance with their authorities and delegated responsibilities. Often, it appears, both written and oral complaints from the public can be answered by an explanation of Department authorities, a clarification of procedures, or a variety of basic information about the program in question.

When the responsible official is not known, a Public Affairs officer, or the Department's Coordinating Officer for Public Participation and Consumer Affairs can be contacted.

Informing the Public

The ever increasing opportunities for informed public involvement, the quantity and quality of Interior publications, including timely press releases and outreach efforts on special issues are all evidence of the Department's concern for the views of the public, including consumer complaints. the Departmental Coordinating Committee review of publications will look at how and where publications could indicate that the Department is receptive to complaints.

Where to Complain, and What Will be Done

Methods of filing complaints necessarily vary by the unit's mission and administration. In a National Park, for example, someone dissatisfied with concessioner service, lodging or parking facilities, for example, would address a complaint to the Park Superintendent. The Office of Surface Mining Reclamation and Enforcement has a system for handling complaints of mining violations or emergency conditions resulting from mining operations, such as subsidence (sinking ground) or underground fire. If the information warrants, a phone call to a close-by Regional Public Information Officer can result in an inspector being dispatched within hours of the call.

In another kind of situation, complaints about claims on public domain lands, or questioning of mining claim validity, once they are filed with a district office of the Bureau of Land Management, could well start a process taking months or years to resolve. Public lands throughout the West are "checkerboarded" with private lands. A survey might be required, or a search of old records in county courthouses to determine previous uses and claims. Many hours of skilled work might have to be planned, budgeted, and spent before the "complaint" could be answered.

Even though complaints are not handled uniformly, the Department is nevertheless pledged to fill reasonable expectations of timely, appropriate attention, with indication of a route for appeal of responses the consumer views as unreasonable or inadequate.

Complaints by Mail

Correspondence directed to the Secretary or to Senior Officials concerning major issues is controlled by the Executive Secretariat, and the responses, which often constitute policy statements, are cleared through each of the Assistant Secretaries and other Senior Officials who may have an interest or responsibility. Procedures for handling complaints under the Freedom of Information Act are in the Departmental Manual (Part 316). Those procedures provide for prompt access to requested information, and establish responsibilities of Department, Bureau and Office officials. Both the standard correspondence control procedures for Department-level mail (including inhouse correspondence by memorandum, etc.) and the Freedom of Information procedures set the standards for handling of inquiries and complaints thorughout operating units of the Department in Washington and the field.

Can We Do Better?

In response to the Executive Order, the Departmental Coordinating Committee will undertake a survey of bureau and office systems for complaint handling to evaluate logging techniques, routing and clearance paths, kinds of investigation called for, and timeliness and sufficiency of response. The survey will be coordinated with planned reviews and other work of the Executive Secretariat, Department management analysis staff, and bureau administrators, and will include relevant advice from the Office of the Inspector General. The Coordinating Committee will complete a report to the Secretary with options and recommendations for any necessary improvements. The survey will focus especially on recording and tracking complaints, and evaluating them in terms of needed policy or program changes. The report will recommend a systematic way to determine and consider patterns and policy implications indicated by the numbers and the kinds of complaints. This survey will be completed by December 1, 1980. Guidance, including annual reporting dates and any formats, performance standards or other results of Secretary's decisions will be put in the Departmental Manual by March 1, 1981.

VI. OVERSIGHT

The designated senior official for the Department of the Interior is the Coordinating Officer for Public Participation and Consumer Affairs. The Coordinating Officer is responsible for coordination and oversight of consumer

activities throughout the Department. Policy guidance comes from the Secretary upon the information and advice of the Coordinating Officer and the Departmental Coordinating Committee. The Coordinating Officer will see to implementation of policy through regular Department chains of responsibility, assisted by the Departmental Coordination Committee. Continued communication and coordination with field officials will be specially emphasized.

When the Departmental Manual Chapter on the consumer program becomes effective, the Coordinating Officer will be responsible for a clear administrative record of the activities of the position and of the Coordinating Committee.

Taken with the reporting on resource use and demand described early in the program, this record will allow for evaluation of the Department's Consumer Affairs operations to be sure that the designated officer location, staffing patterns and communication networks function for the consumer and the Department as anticipated.

Assignment will be made to the appropriate management review office of the Department for the first such evaluation to be scheduled so as to have recommendations to the Secretary by March 1, 1981, to be timely with the issuance of guidance to bureaus and offices starting the budget review cycle. The Committee and the Coordinating Officer will provide input to that review but it is intended to be an objective view of the management of the consumer program in operation. Please note that this schedule does not preclude necessary actions in the meantime, but is intended to insure that the Department builds a viable consumer programs, and that the program systematically becomes part of Department operations to continue to meet legitimate consumer expectations for the future.

Appendix I—Department of the Interior, Public Information Officers

List for use as initial consumer contact for bureaus and offices where "responsible official" for the consumer's area of interest is not known.

Except where otherwise indicated, address the officer and the bureau or office shown, followed by: Department of the Interior, 19th and C Streets NW., Washington, D.C. 20240. (Area code 202.)

Fish and Wildlife Service—John Mattoon; 343–5634

Heritage Conservation and Recreation Service—Joan Kelly; 343–5726

National Park Service—Priscilla Baker; 343–6843

Bureau of Land Management—Daniel A. Alfieri; 343–4151

BLM National Coordinator for Public Participation and Consumer Affairs—Tony Staed; 343–5629

Water and Power Resources Service—Dave K. Martin; 343–4662

Office of Water Research and Technology—Administrative Manager, F. William Koop; 343–4607

Bureau of Mines—Robert O. Swenarton, 2401 E Street NW., Washington, D.C. 20241; 634–1001

Geological Survey—Frank Forrester, National Center 7A10, Reston, Virginia 22092; (703) 860–7444

Office of Surface Mining Reclamation and Enforcement—Richard Nellius; 343–4719

Bureau of Indian Affairs—Thomas Oxendine; 343–7445

Office of Territorial Affairs—Deputy Director, George Milner; 343–4736

Appendix II—Department of the Interior, Office of the Secretary, Field Special Assistants.

Atlanta Office—Roy K. Wood, Special Assistant to the Secretary, Department of the Interior, Richard B. Russell Federal Building, Suite 1412, 75 Spring Street, S.W., Atlanta, Georgia 30303.
Commercial: (404) 221–4525
FTS: 242–4524

Seattle Office—Chris Carlson, Special Assistant to the Secretary, Department of the Interior, 915 Second Avenue, Room 3292, Seattle, Washington 98174.
Commercial: (206) 442–0814
FTS: 399–0814

Denver Office—R. J. Bruning, Special Assistant to the Secretary, Department of the Interior, Building 67, Room 688, Denver Federal Center, Denver, Colorado 80225.
Commercial: (303) 234–3120
FTS: 234–3120

Albuquerque Office—Robert Sanchez, Special Assistant to the Secretary, Department of the Interior, 5301 Central Avenue, N.E., Suite 1400, Albuquerque, New Mexico 87103.
Commercial: (505) 766–3565, 2838
FTS: 474–3565, 2838

Anchorage Office—Jerry Gilliland, Special Assistant to the Secretary, Department of the Interior, P.O. Box 120, Anchorage, Alaska 99510
Commercial: (907) 271–5011
Seattle Operator: 8–399–0150

Sacramento Office—Joe Nagel, Special Assistant to the Secretary, Department of the Interior, 2800 Cottage Way, Room 2408, Sacramento, California 95825.
Commercial: (916) 484–4632/4633
FTS: 468–4632/4633

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federal register

Monday
June 9, 1980

Part III—Section E

Tennessee Valley Authority

Response to Executive Order 12160

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Chairman Freeman:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve the Tennessee Valley Authority's consumer program established under Executive Order 12160. The TVA's program will play a vital role in assuring that consumer interests will be an integral part of agency decision-making.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Ms. Dawn Ford of your staff have been particularly helpful. The fact that as consumer program director, Ms. Ford will be reporting to the General Manager, Mr. William Willis, and participating in agency policy development should provide her with the opportunity to review rules, policies, programs and legislation to assess their impact on consumers. Your agency's program is further strengthened by establishing a toll-free "hotline" telephone service, by the ability of the Citizen Action Office to analyze consumer concerns, and by recognizing the need to find ways of funding consumer participation. I would also urge you to develop and publicize specific criteria for when agency management should include a consumer participation element in the development of new policies and programs.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the TVA's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the agency. During this time my staff and I will be available to help in any way we can. I will be reproting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable S. David Freeman
Chairman, Tennessee Valley Authority
Knoxville, Tennessee 37902

BILLING CODE 8120-01-C

TENNESSEE VALLEY AUTHORITY

Response to Executive Order No. 12160

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of intent to establish a Consumer Affairs Office.

SUMMARY: The Board of Directors of the Tennessee Valley Authority proposes the adoption of the following policies as provided in Executive Order No. 12160. The TVA Citizen Action Office (CAO), formed one year ago, will take the lead in establishing a consumer affairs program to ensure that citizens of the Tennessee Valley region have the opportunity to participate in TVA's decisionmaking process. The Citizen Action Office has been assigned the specific responsibility to represent consumers' interest and to report their concerns to TVA's top management. It operates on a separate budget. A major function of this office is to coordinate all of TVA's public participation programs and recommend new processes by which citizens can become involved in TVA's decisions. The office will seek methods to institutionalize ways within TVA to facilitate the gathering of timely public views about proposed and ongoing TVA programs. A toll-free telephone system provides one mechanism for the public to voice concerns. TVA expects the program to be flexible and dynamic, changing in response to public comments to meet changing needs.

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT:
Dawn S. Ford, Chief, Citizen Action Office, 400 Commerce Avenue, EPB20, Knoxville, Tennessee 37902, telephone (615) 632-4402.

SUPPLEMENTARY INFORMATION:

(1) Introduction

TVA is publishing a final consumer affairs program to supplement the draft program published in the **Federal Register** on December 10, 1979. A 90-day period for public comment was provided. In addition to the notice in the **Federal Register** TVA invited comments via a mailing to 1,500 citizens and organizations in the Tennessee Valley and a circulation to all TVA division directors. A press release announcing the availability of the draft was mailed on December 14, 1979, to every newspaper in the seven-state Valley area. On February 6, 1980, a representative of the Citizen Action Office attended a White House Conference on Executive Order 12160 making copies of the draft program available to consumers attending the meeting. On February 27, 1980, a personal followup letter from the Chief of the Citizen Action Office was mailed to key consumer groups urging them to comment on the draft.

(2) Analysis of Comments

TVA received comments from fifteen consumer organizations, two law firms, one electric power distributor, and five individual citizens. A number of the comments offered specific recommendations for clarifying or modifying specific provisions of the program.

Seven commenters made general statements that the draft program was a comprehensive one and that their organizations would cooperate with TVA in every way to implement the program.

A general letter was sent by five commenters to each agency that published a draft program, including TVA, urging a strong consumer funding program. TVA believes that adequate provisions have been made in its program for funding for citizens. TVA conducted a public participation funding program in connection with its consideration of electric power service and rate standards under the Public Utility Regulatory Policies Act of 1978 (PURPA), making substantial contributions to the cost of representing consumers' interests in hearings held by TVA. The Agency is now developing another program which will make contributions to the cost of assisting consumers in representing their interests in upcoming hearings to be held by TVA on rate reform pursuant to PURPA. Funding programs will be monitored and reassessed as the Agency gains more experience in this facet of public participation. The Agency has had some experience with various types of funding plans and will continue to try new programs as they are associated with a specific issue.

Three commenters expressed a desire to see public participation begin earlier in the decisionmaking process. TVA agrees that citizen participation early in the decisionmaking process is important and has amended Section II of the draft program to address this concern. TVA should seek public participation in all administrative processes to the extent allowable. Generally, a proposed action is regarded as significant and appropriate for consumer participation in decisionmaking if (1) it is likely to cause a substantial change in the effect on consumers of an agency program, (2) it directly affects the interests of the final users of TVA service, or (3) it is likely to impose substantial costs on, or create a substantial benefit for, consumers. TVA will invite consumer participation unless the decision is not expected to involve important policy considerations.

In some cases citizen involvement in decisionmaking shall take place after TVA staff has developed preliminary studies and prior to a final decision by the Board of Directors. This is particulary true when considering technical issues which require that citizens have some knowledge of the facts prior to making constructive input. Other instances would require that citizens be in on the "ground floor" before staff makes preliminary studies. A common compliant received by the public is that TVA's preliminary studies may foreclose some options. It is particularly helpful, for example, to have early citizen input on community development projects. TVA's public participation program will be flexible enough to allow early input when appropriate. Avenues of participation will vary with the issue and public participation processes will be implemented by the CAO or by the initiating program division in cooperation with the CAO.

Two commenters stated that a CAO representative should be physically located in each of TVA's seven district offices. TVA recently developed a system of district offices each of which is headed by a district administrator responsible for coordinating TVA activities within their geographic area. The CAO staff will have regular briefing sessions with each district administrator to determine the concerns and problems of the citizens who have contacted the field offices. TVA believes that it is more efficient to have its CAO representatives located in Knoxville and traveling throughout the Valley as necessary.

Three commenters suggested establishing permanent citizen advisory groups. TVA has considered this suggestion but believes the citizen interests would be better served by ad hoc groups formed to address single issues. It would be difficult to select appropriate members for a permanent advisory group and it is also difficult to maintain active interest over long periods of time. Consequently, TVA would like to remain flexible and utilize the concept of citizen groups when they would be the most effective

Two commenters observed that material distributed prior to public meetings is too complex for the lay person to understand. TVA agrees with this observation and will make every attempt to edit material so that it is more easily

understood. One commenter remarked that more effort should be made to educate young people about Agency programs. TVA agrees that this is a good suggestion, and it will be addressed through program divisions rather than through the Citizen Action Office.

A general proposal for a consumer affairs program was received by all agencies publishing a draft. TVA believes that its program is consistent with the aims of that proposal, but is better suited to the unique nature and structure of TVA.

One commenter reminded each agency of its obligations to abide by the provisions in OMB Circular A–76 and OMB Circular A–114 concerning Federal procurement policy in connection with the management of Federal audiovisual activities. TVA does comply with these procedures.

Two commenters requested a clarification of the term "important policy concerns." As noted in the draft proposal, public participation will be welcomed and encouraged on a host of issues. Avenues of participation will depend on several factors, including the subject. Such variables as when if, how, and on what public participation occurs will vary from issue to issue and depend on relevant circumstances.

One commenter wrote a general proposal to all agencies publishing a program requesting that the consumer affairs offices be developed as independent consumer advocacy offices with the ability to file action against the agency if necessary. One commenter in the Tennessee Valley made a similar proposal. It is TVA's determination that this request is not consistent with an Executive order which provides for setting up such an office. TVA has given this office considerable latitude in which to operate.

One commenter stated that the idea of establishing consumer affairs offices in every Federal agency is a waste of tax monies. Executive Order 12160 provides for development of such a program. Since many of TVA's actions affect consumers and the Executive order is consistent with TVA's obligations, TVA's Citizen Action Office should provide a beneficial effect.

Text of Program

Under Executive Order 12160 there are five general criteria agency consumer affairs offices should meet. TVA will comply as follows:

I CONSUMER AFFAIRS PERSPECTIVE

The CAO consists of a professional staff of approximately 15 consumer affairs personnel with backgrounds in communications, planning, and developing public participation processes. Staff will serve a coordinating function, working with all divisions in TVA to ensure that opportunities are made for citizens of the Tennessee Valley region to participate in Agency decisionmaking. In addition, it will be responsible for initiating and conducting Agency-wide public participation functions such as consumer forums and town meetings involving the Board of Directors. The consumer affairs staff will have the opportunity to review all Agency draft programs and policies and comment on how the public should be involved in the decisionmaking process. The staff will also have the opportunity to make written comments, work on Agency task forces, and attend staff briefings to the TVA Board of Directors.

II. CONSUMER PARTICIPATION

TVA should seek public participation in all administrative processes to the extent allowable. Generally, a proposed action is regarded as significant and appropriate for consumer participation in decisionmaking if (1) it is likely to cause a substantial change in the effect on consumers of an agency program, (2) it directly affects the interests of the final users of TVA service, or (3) it is likely to impose substantial costs on, or create a substantial benefit for, consumers. TVA will invite consumer participation unless the decision is not expected to involve important policy considerations.

In some cases citizen involvement in decisionmaking shall take place after TVA staff has developed preliminary studies and prior to a final decision by the Board of Directors. This is particularly true when considering technical issues which require that citizens have some knowledge of the facts prior to making constructive input. Other instances would require that citizens be in on the "ground floor" before staff makes preliminary studies. A common complaint received by the public is that TVA's preliminary studies may foreclose some options. It is particularly helpful, for example, to have early citizen input on community development projects. TVA's public participation program will be flexible enough to allow early input when appropriate. Avenues of participation will vary with the issue and public participation processes will be implemented by the CAO or by the initiating program division in cooperation with the CAO.

Prior to any policy decision a public comment period, generally no less than 30 days, will be established. Written comments will be invited as well as comments via the toll-free telephone service. These comments will be included in the final record by the division responsible for initiating the proposed policy for the Board's consideration. The CAO staff will review the final record to ensure that consumer views are adquately expressed. Depending on the nature of the proposed policy, advertisements may be taken out in community newspapers and notice may be posted in the **Federal Register.** All proposed actions will be considered at open TVA Board meetings, and the public will be advised of them through news releases and mass mailings to a list of consumers maintained by the CAO as well as to the news media. Other public participation processes will be employed as appropriate.

A critical element of effective public participation is analyzing information received from many sources in the Valley and incorporating these data into the Agency's strategic planning process. As a part of its staff, the CAO will employe a data analyst who will analyze raw data received over the Citizen Action Lines, via written correspondence, at public meetings, and from the district administrators. These analyses will be coordinated with a liaison from the Office of Planning and Budget in order to incorporate public opinion into the planning process. In addition, the CAO and the Office of Planning and Budget will work together to develop public participation processes for obtained public input on new policy issues. A report will be prepared summarizing information obtained from all facets of the public participation program for use at an annual TVA policy conference. In addition the CAO will prepare regular public opinion trend reports on various TVA programs and issues for use by the program managers.

TVA recognizes that one process by itself is rarely adequate to achieve public participation objectives. In its effort to consult with the public and respond effectively, TVA will:

A. Conduct consumer forums through the seven-state Tennessee Valley region. Issues will vary with the meeting and recognized experts on TVA-related issues who are not associated with the Agency will be invited to speak. Responsible staff—CAO.

B. Conduct Board meetings open to the public. At these meetings special time is made available for any member of the public to comment on and question Board members and responsible TVA officials about pending business or just express a view about TVA in general. Periodically the TVA Board of Directors will take Board meetings or town meetings "on the road" to various locations in the Tennessee Valley region, thus ensuring participation by a wide range of citizens. Responsible staff–CAO and the TVA Information Office.

C. Utilize TVA regional offices as a grass roots link between local communities and the senior level management of the Agency. The special knowledge and experience of field office personnel will help identify key publics, explain local impacts of major decisions, identify parties of interest in those impacts, provide logistical support at public sessions and implement publicity techniques. The CAO staff will work closely with all field office personnel.

D. Conduct public meetings and hearings on major policy issues. In fiscal year 1979, TVA conducted over 100 public meetings on issues such as transmission line construction, land use, utility power rate structures, and electric service practice standards. TVA will continue to employ this process when appropriate. All public meetings will be coordinated with the CAO. Responsible staff—CAO and program divisions.

E. Expand funding programs as necessary. TVA conducted a public participation funding program in connection with its consideration of electric power service and rate standards under the Public Utility Regulatory Policies Act of 1978 (PURPA), making substantial contributions to the cost of representing consumers' interests in hearings held by TVA. The Agency is now developing another program which will make contributions to the cost of assisting consumers in representing their interests in upcoming hearings to be held by TVA on rate reform pursuant to PURPA. Funding programs will be monitored and reassessed as the Agency gains more experience in this facet of public participation. Responsible staff—CAO and program divisions.

F. Sponsor similar workshops on subjects of mutual interest to the citizens of the region. On three occasions the Agency funded the use of outside experts in conducting electric rate workshops in different locations in the region. Although results varied in these original attempts at public participation funding, overall impressions have been favorable, particularly with the workshop-type format. Responsible staff—CAO and program divisions.

G. Consideration will be given to ad hoc citizen task forces as needed.

H. Schedule numerous informal meetings between the CAO staff and outside groups. It is TVA's belief that outreach work is the essence of good public participation. These meetings will be kept informal to encourage open expression of views.

III. INFORMATIONAL MATERIALS

To participate effectively in TVA's decisionmaking process, the public must have accurate, understandable, and pertinent information about TVA-related issues. TVA currently publishes general brochures about Agency programs supplemented by publications directly related to energy conservation, as well as technical papers. The Director of Information is responsible for production and distribution of general TVA brochures. Program divisions, in cooperation with the Information Office, are responsible for publishing other materials. Publications are continually updated and revised to reflect current programs. Distribution is through mailings in response to questions and via racks at public buildings. After an evaluation by the Director of Information, it has been determined that TVA will continue its consumer education program consisting of the following elements:

1. Television and radio public service announcements,

2. Publications such as the TVA *Annual Report, A Short History of TVA,* energy and conservation booklets, a TVA electric rate brochure and brochures on each TVA facility,

3. A new film about the Agency to distribute to schools and civic organizations, and

4. An advertising program on energy conservation.

The CAO staff is responsible for the distribution of summary, issue, and background papers in connection with public participation processes, as well as draft and final environmental impact statements. An extensive assessment has been made of the information generally available to citizens prior to the making of decisions by TVA on various issues. That assessment indicated a need to improve the types and volume of information a citizen needs to effectively participate in the decisionmaking process. To fulfill TVA's desire to inform the public, the CAO will:

A. Identify groups and individuals both inside and outside the region with an interest in TVA-related issues. An initial mailing list has been compiled. Categories include regional consumer groups, Tennessee Valley State and Federal legislative delegations, national and state organizations, private citizens who have participated in past public sessions, TVA power distributors, local government officials and industrial representatives.

B. Distribute to persons on this list in 1980 an educational packet consisting of a guide to TVA publications, a general brochure about the history of the Agency, and material on the CAO.

C. Establish and maintain information depositories in public libraries and universities. These depositories will contain copies of environmental impact statements, policy papers, and staff studies.

D. Distribute timely information on a regular basis. The CAO will prepare information for wide distribution to keep interested parties advised of TVA's progress on any given issue. A consumer newsletter will be developed in fiscal year 1980 outlining public participation programs currently being conducted and issues before the public for discussion.

E. Distribute information which facilitates the formal public comment process. The CAO will be responsible for distributing materials prior to public sessions and for gathering feedback on the results of a public session or decision by the TVA Board. As appropriate such material will be distributed prior to the decision so that the public can develop informed comments and TVA can carefully consider public views before taking final action. Distribution will be made through direct mailings to persons known to be interested in a given issue and press releases announcing the availability of such material. Citizens will be encouraged to call the toll-free Citizen Action Lines to obtain information.

The Environmental Quality Staff (EQS) has the final responsibility for the proper distribution of an environmental impact statement (EIS) and will work in cooperation with the CAO to ensure that distribution is made promptly to all interested groups and individuals. When a notice of intent to publish a draft EIS is placed in the **Federal Register,** the EQS and the CAO will begin developing a distribution list. When the draft EIS, including the distribution list, is approved, the CAO will ensure that copies are mailed promptly.

IV. EDUCATION AND TRAINING

The CAO, working with TVA's Office of the General Counsel, will be responsible for educating senior staff members and information personnel about Executive Order 12160 and any changes which will incur in the structure of the consumer affairs program as a result of the order through briefings, employee publications, and circulation of material.

The staff of the CAO has received extensive specialized training in public participation with an emphasis on conflict

management. This training is a continuing process. It is now being conducted by the CAO staff for managers in program divisions who normally have contact with the public.

TVA remains the only Federal agency equipped by statute and administrative structure to reflect the total economic and environmental concerns of the people of an entire major river basin. TVA provides the facilities, technical assistance, and opportunities for learning. A continuing economic and community development program offers technical assistance in such areas as agricultural development, flood control, solid waste management, rural health care, energy conservation, river cleanup, reclamation, industrial development, and townl.ft programs. This assistance will contine to be provided by program divisions.

V. COMPLAINT HANDLING

TVA has established a region-wide, toll-free telephone service—a "hotline" that puts the public in direct personal touch with TVA at no personal cost to themselves. The lines are a part of the CAO. Although usually answered by full-time, specially-trained personnel, they are also occasionally staffed by the Agency's Board of Directors and other senior TVA officials. Emphasis is on providing quick, reliable, and understandable answers, cutting red tape, and investigating complaints.

Complaints received over the Citizen Action Lines are entered into the computer and the complaint form is routed to the program division involved. An answer is expected back in the CAO in two weeks. The Chief of the CAO is responsible for determining in, in fact, TVA staff has done all it can for a consumer or if other steps can be taken to correct the situation. A followup system ensures that divisions are responsible within two weeks. Using the information in the computer, trends in public opinion are monitored, and analyses of trends are provided to TVA management.

In an effort to be more responsive to public needs, staffs in the General Manager's office and district field offices, who regularly handle complaints, will provide a monthly statistical report of complaints handled, resolved, and unresolved to the CAO. This staff will then prepare a uniform monthly report to the TVA Board and General Manager of all Agency complaints. This report will contain an evaluation of the way in which complaints are being handled with suggestions for improving the system and a narrative on significant complaints received in any program area. The General Manager's staff will ensure that program divisions provide the General Manager a draft response to written complaints within seven days.

The CAO will develop during calendar year 1980 a "How to Complain Guide" outlining how and where to send complaints relating to a wide variety of TVA programs for public distribution. On a regular basis the CAO will survey consumers who have complained by mail or via the toll-free hotlines. The survey responses will be analyzed from the consumer viewpoint as to what TVA can do to be more effective. The analyses will be sent to the program offices along with recommendations.

VI. OVERSIGHT

A. Top-level designee—Dawn S. Ford, Chief, Citizen Action Officer, 400 Commerce Avenue, EPB20, Knoxville, Tennessee 37902, (615) 632–4402.

B. Agency-level consumer affairs office—Dawn S. Ford, Chief, Citizen Action Office, 400 Commerce Avenue, EPB20, Knoxville, Tennessee 37902, (616) 632–4402.

C. Office for information about Agency information materials—Craven H. Crowell, Jr., Director of Information, 400 Commerce Avenue, E3D92, Knoxville, Tennessee 37902, (615) 632–3257.

D. Office for information about complaint handling—Citizen Action Lines, 400 Commerce Avenue, E3C65, Knoxville, Tennessee 37902, toll-free 1–800–362–9250 (Tennessee); 1–800–251–9242 (outside Tennessee); and 632–4100 (Knoxville area).

E. Office for information about consumer technical assistance—Citizen Action Lines, 400 Commerce Avenue, E3C65, Knoxville, Tennessee 37902, toll-free 1–800–362–9250 (Tennessee); 1–800–251–9242 (outside Tennessee); and 632–4100 (Knoxville area.)

F. Office for information about consumer participation in the Agency decision process—Citizen Action Lines, 400 Commerce Avenue, E3C65, Knoxville, Tennessee 37902, toll-free 1–800–362–9250 (Tennessee); 1–800–251–9242 (outside Tennessee); and 632–4100 (Knoxville area).

Dated: June 3, 1980.

W. F. Willis,

General Manager.

[FR Doc. 80-17186 Filed 6-6-80; 8:45 am]

BILLING CODE 8120-01-M

federal register

Monday
June 9, 1980

Part IV

Consumer Programs: Human Services

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Commission on Civil Rights 38896
Community Services Administration 38966
Equal Employment Opportunity Commission 38930
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Monday
June 9, 1980

Part IV—Section A

Merit Systems Protection Board

Final Consumer Affairs Program

MERIT SYSTEMS PROTECTION BOARD

AGENCY: Merit Systems Protection Board.

ACTION: Final Consumer Affairs Program.

SUMMARY: On December 10, 1979, the Board published for comment its Proposed Consumer Affairs Program. The purpose of the publication was to inform the public about the Board's Consumer Affairs Program to be established as a specific mechanism through which consumers may routinely express their views concerning the Board's policies and receive information concerning the Board. The closing date for submission of comments was March 10, 1980. The Board has reviewed these comments and has determined that its proposed Program generally meets the needs of the public concerned with the Board's operations and that there is good cause for publication of this Program for effect as of thirty days from the date of publication in the **Federal Register.**

EFFECTIVE DATE: July 9, 1980.

ADDRESS: 1717 H Street, N.W., Room 346, Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: Wayne Phillips, Consumer Affairs Officer, (202) 632–7634.

SUPPLEMENTARY INFORMATION: On September 26, 1979, the President of the United States issued Executive Order 12160 which required each agency, other than an independent Federal regulatory agency, to establish a mechanism to to give consumers early and meaningful opportunity to participate in the policymaking aspects of the agency's functions.

The Merit Systems Protection Board is an indpendent quasi-judicial agency designed to protect the integrity of Federal merit systems against partisan political and other abuse and to ensure adequate protection for employees against unlawful abuses by agency management.

The Board has four major functions:

- Adjudicates employee appeals from agency personnel actions, the large majority of which are of a disciplinary nature such as discharges, demotions, and suspensions for fourteen days or more;
- Imposes disciplinary actions against Government officials found to have engaged in prohibited personnel practices. The Civil Service Reform Act lists eleven such practices, including unlawful employment discrimination, coercing political activity, and taking an action in reprisal for an employee's disclosure of violations of law and mismanagement or gross waste of funds;
- Conducts special studies of the Civil Service and other Federal merit systems to determine their freedom from prohibited personnel practices; and
- Reviews issuance and implementation of regulations promulgated by the Office of Personnel Management to determine whether they violate the merit system principles, either on their face or through implementation by an individual Federal agency.

The Board was established on January 1, 1979, by Reorganization Plan No. 2. The Civil Service Reform Act of 1978, which became effective January 11, 1979, abolished the Civil Service Commission and put in its place the Office of Personnel Management which manages the Federal work force; the Federal Labor Relations Authority which deals with labor relations in the Federal establishment; and the Merit Systems Protection Board which ensures that the interests of both the Federal employee and the public are protected.

The Board consists of a Chairwoman, a Vice Chair, and a Member, each appointed by the President and confirmed by the Senate. No more than two may be from the same policital party; they serve non-renewable seven-year terms, and may be removed only for inefficiency, neglect of duty, or malfeasance in office.

Section 1–902 of Executive Order 12160 provides for an exemption from participation for independent Federal agencies. On November 6, 1979, the Board was granted such an exemption by the Chairperson of the Consumer Affairs Council. Even though the Merit Systems Protection Board is an independent Federal regulatory agency and is not legally required to establish a program pursuant to the Executive Order, it nonetheless believes that in keeping with the sprit of the Executive Order, consumers should have an opportunity to express their views on significant aspects of the Board's policy.

The Board is primarily an adjudicator of appeals arising in the Federal workplace. Under E.O. 12160, "consumer" is defined as "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." A narrow reading of the Board's statutory jurisdiction might dictate a finding that its "consumers" are solely Federal employees, applicants for Federal employment, retirees from Federal employment, labor unions, and other similar groups. However, the Board believes that all citizens have a great interest in the maintenance of an effective Federal workforce. Consequently, for the purposes of its Consumer Affairs Program, "consumers" include the general public as well as those special interest groups directly affected by its policies and procedures.

The comments received by the Board concerning the proposed Consumer Affairs Program came from various sources, including Federal employee labor organizations, Federal agencies, and private citizens. The majority of the comments which were critical of the proposal were based upon the assumption that the complaint processing procedures in the program contemplated that the public could file complaints with the Board concerning alleged discourteous treatment or incompetence by specific Government employees in various Federal agencies other than the board itself. This was not the intent of the "Complaint Handling" provisions of the Program, nor does the Board interpret either the program, E.O. 12160, or certain provisions of 5 U.S.C. 7503 as requiring such a procedure. 5 U.S.C. 7503(a) (added by the Civil Service Reform Act of 1978) specifically provides that:

(a) Under regulations prescribed by the Office of Personnel Management, an employee may be suspended for 14 days or less for such cause as will promote the efficiency of the service (including discourteous conduct to the Public confirmed by an immediate supervisor's report of four such instances within any one-year period or any other pattern of discourteous conduct).

The Board does not believe that its Consumer Affairs Program is the appropriate forum for the raising or the adjudication of any complaint of discourteous treatment of the public by persons who are not employees of the Board. Rather, the Board's "Complaint Handling" procedure is intended to provide the public with a mechanism for raising its concerns or suggestions regarding the Board's policy determinations affecting Federal personnel law. It is not intended, nor should it be interpreted, to create any general "clearinghouse" for citizen complaints about other Government agencies or their employees. While such a "clearinghouse" would undoubtedly serve an important purpose in making government more responsive to the public, the Board does not believe that its legal authorities authorize it to institute such a procedure. In light of the apparent misunderstanding reflected in the comments received, Section V, "Complaint Handling" has been revised to provide greater clarity.

Other comments received were of a more specific nature. Many were complimentary of the Board's effort to provide opportunity for information and input on the part of the public and approved the proposed program. One commentator suggested that the specific grade of the Consumer Affairs Officer should not be designated. The Board concurs and Section V, "Complaint Handling" has been revised to delete any reference to the grade of the Consumer Affairs Officer. However, in order to comply with the spirit of E.O. 12160, the Board believes that the Consumer Affairs Officer should be a "senior official" reporting directly to the Chairwoman concerning consumer affairs. Accordingly, that position has been clearly designated as "senior".

It was further stated that the complaint process developed under the program be more clearly distinguished from the Board's regular appellate processes. The Board concurs and the redrafting of the "Complaint Handling" section makes this clarification.

One commentator suggested that the planned dissemination of the program to agencies might operate to exclude Federal employees from participation in the program. The Board expects that agencies will act in good faith in making such informational materials available to their employees.

STATEMENT OF PURPOSE

The Board is a new agency and, since its creation, interested persons have always had an opportunity to express their views by commenting on proposed Board regulations which are published in the **Federal Register**. The main purpose of this publication is to inform consumers about the Board's Consumer Affairs Program which has been established and coordinated to give consumers a specific mechanism through which they may routinely express their views regarding the policies of the Board.

I. CONSUMER AFFAIRS PERSPECTIVE

The Merit Systems Protection Board, in keeping with the spirit of Executive Order 12160, has appointed a Consumer Affairs Officer to carry out all functions relating to its consumer responsibility.

The Consumer Affairs Officer will be located in the Office of the Chairwoman which will better facilitate the coordination of the consumer affairs function with the other functions of the Board. The Consumer Affairs Office will report directly to the Chairwoman, participate in meetings, and advise the Chairwoman regarding the impact of proposed regulations on consumers. Other major responsibilities are as follows:

(1) Receive, coordinate and respond, as appropriate, to consumer complaints, suggestions, and expressions of concern regarding the Board's policy in matters over which the Board has jurisdiction;

(2) Bring to the attention of the Chairwoman those consumer complaints and concerns which relate to the overall policies of the Board. The Consumer Affairs Officer will also participate in senior staff meetings to brief the Vice Chair and Board Member, and all senior staff members regarding particular concerns that have been raised by consumers. Consumer complaints and concerns will be brougth to the attention of the Chairwoman through memoranda and periodic meetings called to address these concerns;

(3) Review and group these complaints according to subject matter and refer them to the Chairwoman for appropriate action;

(4) Coordinate with other offices and operating units to bring to their attention those consumer complaints which related to their specific functions; and

(5) Gather from other offices of the Board the information necessary to respond to complaints. Based upon the evaluation of existing policies and consumer complaints, the Chairwoman will determine which if any, of the Board's policies should be revised.

II. CONSUMER PARTICIPATION

Participation begins: (1) when a consumer responds to a proposed rule or regulation which has been published in the **Federal Register**: or, (2) when a consumer expresses an interest by writing to the Board regarding one or more of the Board's policies or functions.

In addition to publication in the **Federal Register** for comments, the Board will distribute copies of its **Federal Register** notices on proposed rules and regulations to the central personnel offices of Federal agencies for their use in notifying employees of the opportunity to comment on the proposals.

With reference to proposed rules and regulations, comments and recommendations may be made by responding in writing within the time limit and in the manner set out in the Federal Register at the time the regulations or rules are published in proposed form. Once the time for responding to the proposed regulations has expired, all of the responses will be reviewed and given full consideration during the time the final regulations are being drafted. When the final regulations are published, they will be accompanied by a preamble that discusses the major comments and issues raised by consumers.

Consumers who wish to comment on any aspect of the Board's policy may do so at any time by writing to the Merit Systems Protection Board, Consumer Affairs Officer, Office of the Chairwoman, 1717 H Street, N.W., Room 346, Washington, D.C. 20419.

Additionally, the Board may, from time to time, convene public forums to provide consumers with information regarding its responsibilities and activities, and to permit a dialogue between the Board and the public.

III. INFORMATIONAL MATERIALS

The Board maintains a Public Information and Media Services Division which coordinates with the Consumer Affairs Officer and disseminates various brochures and pamphlets to be used as informational materials regarding the jurisdiction, procedures and many policy aspects of the Board's functions. These materials are useful to consumers and may be obtained from the Board's Public Information and Media Services Division or the Consumer Affairs Officer, Office of the Chairwoman, and Merit Systems Protection Board, Room 346, 1717 H Street, N.W., Washington, D.C. 20419.

Materials which are available as of April 1980, include:

(1) Regulations on organization and procedure: these materials set out procedures for filing formal adverse action appeals with the Board; also available are separate regulations which describe procedures for filing of cases with the Special Counsel of the Board;

(2) Regulations regarding the Freedom of Information Act: this publication includes information on procedures for obtaining records controlled by the Board;

(3) Regulations regarding the Privacy Act: this publication sets out procedures by which an individual may make an inquiry regarding a record, gain access to such record, or amend the record;

(4) Regulations regarding the Sunshine Act: this publication sets forth procedures pursuant to the Government in the Sunshine Act (5 U.S.C. 552b) by which the Board will conduct open meetings; the regulations set out specifically how notices of meetings will be published in the Federal Register, how records of the meeting will be kept, how information will be provided to the public, and also includes information regarding the conduct of meetings;

(5) Organizational chart of the Merit Systems Protection Board: this publication shows the names of the various offices and/or divisions within the Board;

(6) Civil Service Reform Act of 1978: this law sets out the powers and duties of the Board;

(7) Questions and Answers on the Merit Systems Protection Board: this publication answers the most frequently asked questions regarding the Board.

The Board is conscious of its responsibilities to the consumer and will continue to ensure that all informational materials are written and/or revised in a manner that is understandable to lay persons.

In addition to the informational materials already described, the Board will make available to consumers materials designed to make open meetings and hearings more understandable to them: for example, materials describing the subject of the meeting and/or hearing and a short statement explaining the issues to be discussed. Notice of meetings and related materials concerning meetings or hearings will be available through the Board's Public Information and Media Services Division. Notices are also published routinely in the Federal Register prior to the date of the meeting; the Board generally publishes such notices in the Tuesday or Friday edition of the Register.

IV. EDUCATION AND TRAINING

The Consumer Affairs Officer will provide education and training to the staff of the Board on the requirements of the Executive Order, on issues and/or matters relating to consumer concerns and on policies which have a significant consumer impact.

The Consumer Affairs Officer will have responsibility to coordinate training efforts designed to educate the entire staff of the Board on such matters as: (1) the methods used to develop materials to ensure that the necessary information is included for the benefit of consumers; and, (2) the methods used to ensure that the materials published are comprehensible to the consumer and that these materials are disseminated in such a manner designed to reach the consumer.

The educational aspects of the consumer program will include holding meetings and briefing sessions with the several offices of the Board to acquaint these offices with any problems which consumers may be experiencing.

The Consumer Affairs Officer will also have the responsibility to coordinate and train the Board's field office personnel and to ensure that consumer information is available in the field offices.

The Consumer Affairs Officer and/or other appropriate staff of the Board will attend and participate in conferences outside of the agency to keep abreast with consumer concerns and to provide an additional mechanism for dissemination to consumers materials relating to the policymaking aspects of the Board's functions.

The Consumer Affairs Officer and/or other appropriate staff of the Board also will attend sessions to receive training on issues and problems relating to the Board's consumer population, including intra-agency and inter-agency sessions which deal with problems relating to issues over which the Board may share overlapping jurisdiction with one or more other Federal agencies.

V. COMPLAINT HANDLING

Any person who wishes to address policy matters within the Board's purview may do so by writing to the Consumer Affairs Officer expressing his/her concerns. The agency will ensure that a record of all complaints is kept for a reasonable period of time.

The record of these complaints will include: (1) a complaint number; (2) the date received; (3) name and address of the person making the complaint; (4) a short statement regarding the nature of the complaint; and, (5) a short statement describing the disposition of the complaint.

When complaints are received, the Consumer Affairs Officer will review and analyze them to determine their nature, and collect the information necessary to respond to the consumer.

Each consumer complaint will be handled on an individual basis and a written response given to the consumer. Even though the individual consumer will be given a response to his/her complaint, the Consumer Affairs Officer will periodically group the complaints, depending upon their nature and number, into various categories, to provide statistical data to the Chairwoman, the Vice Chair and Member. This data will be used to determine whether the consumer is complaining about an isolated matter or whether there exists a problem affecting a large number of consumers and which may require a broader, institutional resolution. The handling of complaints under this provision of the Consumer Affairs Program is a separate, distinct, and less formal process than the Board's exercise of its powers in appellate or original jurisdiction cases as provided for in 5 CFR part 1201.

In addition, the Consumer Affairs Officer will provide assistance to consumers who have questions regarding particular Board proposals and/or procedures for commenting on them.

Issued: May 27, 1980.

By Order of the Board.

Ruth T. Prokop,

Chairwoman, Merit Systems Protection Board.

[FR Doc. 80-16411 Filed 6-6-80; 8:45 am]

BILLING CODE 6325-20-M

federal register

Monday
June 9, 1980

Part IV—Section B

Federal Emergency Management Agency

Final Consumer Affairs Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Mr. Macy:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve conditionally the Federal Emergency Management Agency's consumer program established under Executive Order 12160. The Department's program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Mr. John McKay of your staff have been particularly helpful. The fact that Mr. McKay will be reporting directly to you on the consumer program and will be participating in agency policy development should provide him with the opportunity to review rules, policies, programs and legislation to assess their impact on consumers. However, as Mr. McKay has other responsibilities besides consumer affairs, his position does not fully meet the requirements of the Executive Order. For this reason, my approval is conditioned upon my finding in the course of the coming year that this arrangement has not detracted from the effectiveness of the agency's consumer program. I also urge you to consider whether the consumer program should continue to be located within the Office of Public Affairs and whether additional staffing should be supplied in the future. I am convinced that consumer affairs in FEMA has the potential to develop into a strong, independent activity.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the FEMA consumer program in meeting the standards of the Order and in achieving the objectives you have set for the agency. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

Honorable John W. Macy, Jr.
Director
Federal Emergency Management Agency
1725 I Street, N.W.
Washington, D. C. 20472

BILLING CODE 6718-01-C

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA MISC 80-1]

FEMA Consumer Affairs Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final FEMA Consumer Affairs Program.

SUMMARY: The FEMA Consumer Affairs Program is issued is accordance with Executive Order 12060, and reflects comments submitted in response to a request for public comment published at 45 FR 7724. This document sets out the organizational arrangements, including oversight, for the FEMA consumer affairs program, the procedures by which FEMA will involve consumers early in the development of agency programs, its informational, training, and educational activities for the consumer affairs program, and its complaint-handling process.

EFFECTIVE DATE: July 9, 1980.

FOR INFORMATION CONTACT: John McKay, Federal Emergency Management Agency, 1725 I Street, NW., Washington, D.C. 20472, telephone (202) 634-4179.

SUPPLEMENTARY INFORMATION: FEMA published its draft program on February 4, 1980, and requested public comment at that time by April 4, 1980. Ten comments were submitted by the public in response to the FEMA request for comment. Of these, four were on the form attached to the request and six were from public interest groups, including two interested in FEMA activities specifically and four interested primarily in consumer affairs. FEMA also consulted with the Consumer Affairs Council. Internal review had been accomplished prior to submission of the draft Program. Copies of the draft Plan were submitted to all employees.

The comments made by the consumer affairs public interest groups were designed to be applicable at least in part to most, if not all, of the agency consumer affairs program. The principal comment was that public participation funding is necessary to insure a full and fair consideration of consumer input in the administrative process. FEMA is currently considering the adoption of a rule of the rulemaking process 44 FR 50299, and, while not covered in the propose rule, FEMA will take up the matter of public participation funding in the final rule on this subject. FEMA recognizes the need to consider this matter of public participation funding and it will treat the submission of the public interest groups as a submission in the rule on rulemaking. The matter must be considered in the broad contest of the whole process by which FEMA adopts rules rather than in a Consumer Affairs Program. Other comments by the public interest groups were general. We believe the FEMA program meets the requirements of the Executive Order and the comments of the groups.

A number of changes have been made in the draft program. The section on informational material had been substantially expanded to include a description of the methods of outreach. It is believed these meet the recommendations on improving the outreach methods.

Many FEMA Meetings can and will take place outside the District of Columbia as suggested by some commentators.

In response to a number of comments, provision is made more specifically and in greater detail for participation by the Division of Intergovernmental Relations and Consumer Affairs in the development of FEMA programs, including rulemaking, proposed legislation, and policy formulation. It must be recognized that FEMA is not a regulatory agency, and that it does not extensively engage in adjudication. Among its principal activities are the conduct of broad programs involving financial and technical assistance to State and local governments to enable them to better perform their functions. FEMA must emphasize working through these channels rather than seeking to by-pass them as was suggested in at least one case. Public participation in this administrative process is different from that in regulatory agencies. Certain of the general comments submitted were applicable to the regulatory process and not to the principal thrust of FEMA activities. We are of the view, however, that the program as revised is responsive to the principles underlying the comments.

In response to comments, the role of the FEMA regions, particularly in sponsoring public meetings, has been more clearly identified.

One comment noted the need to specifically address participation by local emergency service organizations. The revised section on informational materials deals with this important subject and indicated the strong contribution which local organizations can make to consumer participation.

A final suggestion dealt with the role FEMA's consumer affairs office could play in "policing prices of building materials and services and other needed goods being sold to disaster victims * * *" FEMA acknowledges this problem and the Division of Intergovernmental and Consumer Affairs thinks the best initial method to deal with this situation would be through the development of guidance for state and local jurisdictions.

1. CONSUMER AFFAIRS PERSPECTIVE

The Federal Emergency Management Agency programs and activities cover a broad range of specific constituencies as well as the general public. Programs range from public and individual disaster assistance, the provision of flood insurance, personnel and administrative expenses for preparedness and emergency planning functions in state and local governments, a series of fire prevention programs and civilian aspects of defense mobilization. Because substantial financial assistance in furnished to state and local governments, the Agency's perspective on consumer issues includes its intergovernmental and constituency services as well as the general public.

Accordingly, the Director, FEMA, plans to redesignate the Division of State and Local Affairs in the Office of Public Affairs as the Division of Intergovernmental and Consumer Affairs. The Division head will report directly to the Agency Director on consumer matters as well as the Associate Directors, Assistant Director, and Office Directors on matters pertaining to their responsibilities. FEMA feels that Intergovernmental Affairs and Consumer Affairs are essentially the same, and the functions of this division will be consumer oriented whether dealing with state and local governments, constituency groups, or the general public.

A specific consumer affairs position will be created in the newly designated Division of Intergovernmental and Consumer Affairs. The Division will be responsible for the coordination and monitoring to all consumer functions in the Agency. Each program area will remain responsible for responding to consumer inquiries and, in conjunction with the Division of Intergovernmental and Consumer Affairs, for insuring that the programmatic, policy development, rulemaking, and legislative development processes are opened up to an affirmative program of consumer viewpoint solicitation. The Consumer Affairs office will have a mandate to become involved in all consumer-related affairs throughout the agency in a manner not inconsistent with applicable statutes. The staff shall participate in the development and review of all agency rules, policies, programs, and legislation. Consumer Affairs personnel will participate in agency decision making at the request of

program offices and through regular agency channels. The Consumer Affairs staff will also exercise independent judgment and initiate involvement where necessary.

Each program area will designate a consumer affairs liaison officer who will apprise the Division of opportunities for consumer involvement. The Division will actively solicit input from consumer representatives on draft documents through both correspondence and special consultative meetings with agency personnel.

The Liaison Officers will meet together periodically to discuss consumer matters; the effectiveness of consumer activities; the implementation of Executive Order 12160; and, other matters pertaining to the agency's consumer program.

The consumerist initiative of FEMA's Federal Insurance Administration begins with the Administrator, and finds expression in all of FIA's Program elements.

The identifiable consumer affairs division in FIA coordinated the consumer-related activities, reports to the Administrator, and generally assures the consideration of legitimate consumer interests and the development and review of FIA rules, policies, program, and legislative proposals.

2. CONSUMER PARTICIPATION

Consumer participation in the Federal Emergency Management Agency's policy, programmatic, and rulemaking functions will occur at all stages in the process. This will primarily consist of correspondence with identified representatives of consumer groups and special constituencies of specific programs involved. FEMA has issued a proposed rule requiring notice of and allowing public comment on FEMA rules before they become final even where normally exempt. Consumer participation on working groups will be arranged as appropriate. Notification of public hearings and other forums will be made through special mailings and notices as well as through the regular government channels. Criteria for insuring public participation will be developed and distributed to all FEMA program managers.

The Division of Intergovernmental and Consumer Affairs will analyze consumer concerns as presented to FEMA and present these concerns to the Agency's management.

In addressing flood insurance issues, FIA regularly meets with an ad hoc private sector committee which is comprised of insurance companies and agents associations, State insurance regulators, and consumer groups. Similarly, FIA meets with representatives of the mortgage banking industry and the Federal financial instrumentalities with respect to flood insurance program initiatives affecting that segment of the private sector.

Also, representatives of consumer groups have been invited to join local program advisory groups in each of five demonstration cities chosen to undertake an educational and promotional program relative to crime insurance and the availability of essential property insurance in the private insurance market.

The agency has regional offices in each of the ten Federal regional cities; i.e. Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco and Seattle. Agency Regional directors or other regional staff will work with consumer groups in the various States. This will allow the agency to receive information, comments and suggestions from a national perspective.

When necessary, special consultative sessions will be arranged for program managers to meet with recipient of FEMA services to discuss all aspects of specific programs.

3. INFORMATIONAL MATERIAL

The Office of Public Affairs, in conjunction with the program staff, will undertake a three-fold review of existing printed and audio-visual materials on each of the agency's programs to assess their accuracy, availability, and distribution to appropriate persons and groups. This review will result in a written assessment and recommendations for additions, deletions, or revisions of the information and how it is made available to appropriate individuals. This assessment should be completed, with new materials developed and distributed, by the end of fiscal year 1980.

This assessment will include participation by user and consumer groups.

A Consumer Publications Series is being developed within the Office of Public Affairs. The ultimate goal of this publications series is to educate citizens on how to plan and prepare for, respond to, and recover from any emergency situation which may affect their lives * * * including natural disasters such as floods, hurricanes, tornadoes and earthquakes; man-made disasters such as hazards materials spills and fires; or even the potential for a nuclear attack on this country.

The plan to reach the citizens is to develop informative and understandable materials through the program offices of the Federal Emergency Management Agency which can be delivered through FEMA's regional offices to State and local emergency managers. These emergency managers, in turn, would distribute the materials to their States and their local community citizens and institute training measures that would result in fewer losses of lives and property should an emergency strike. Awareness campaigns, with tips on how to plan and act in case of an emergency, will contain tips for emergency managers on how to reach their citizens with this information.

Consumer materials in this vein are already beginning to be available. The Federal Emergency Management Agency "In Time of Emergency" citizen handbook, covers valuable information on many kinds of emergencies. Tips on how to avoid loss of life and property in winter storms and in hurricane situations are already distributed. Plans are on the drawing board to develop needed materials for consumers on all emergency-related situations.

Informational materials are distributed through a number of different channels. FEMA maintains extensive mailing lists of members of constituency groups and persons interested in FEMA's programs. Program managers usually determine the extent of distribution of informational materials.

FEMA regional offices are in an excellent position to sponsor open meetings on programs as appropriate. Meetings on the National Flood Insurance Program are held in communities after announcements in the local media.

Attendance by FEMA personnel at meetings sponsored by other organizations is encouraged.

Because of FEMA's primary administrative system involving states and local governments; often the officer responsible for delivery of a service or product is part of a state, county, or municipal government. In recognition of this fact, the Division of Intergovernmental and Consumer Affairs will encourage consumer involvement via these channels; and, the Division plans to work with existing state and local consumer offices to develop links between consumer and program offices at these levels of government.

FIA has available to its consumers a variety of literature on its programs. Among these are questions and answers, publications on its program areas, and brochures on how to read flood hazard boundary maps and flood insurance rate

maps. The servicing agent for the NFIP also makes available a wide variety of promotional and informational material.

4. EDUCATION AND TRAINING

It is the desire of the Federal Emergency Management Agency to develop a high degree of sensitivity to consumer needs and concerns among all agency staff. The Division of Intergovernmental and Consumer Affairs will work with Employment Development Division staff to develop a training program for all agency staff as well as to identify opportunities for more specialized training for consumer affairs personnel.

This plan will be developed by the end of Fiscal Year 1980 and implemented in Fiscal Years 1981 and 1982.

Immediate steps that will be taken will include, but not be limited to, the following:

- All agency employees will be provided a copy of Executive Order 12160 with appropriate explanatory material.
- All agency employees will be provided a copy of this draft Consumer Program.

Procedures for an ongoing internal distribution of consumer information, including materials developed under the activity outlined in the preceding section on "Informational Materials" will be developed by the Division of Intergovernmental and Consumer Affairs.

The Employee Development Division will work with the Consumer Affairs staff to identify existing training programs, develop new programs where there is a recognized need, and to assist consumer affairs personnel.

Technical assistance to consumer groups will be provided by the program offices. This assistance can be obtained by writing to the appropriate program office, the Division of Intergovernmental and Consumer Affairs or the Director of the Agency.

At the moment technical assistance is limited to providing information on agency programs; assisting consumers to understand the agency's activities; and, depending on the source of the request, more extensive assistance in the development of projects and enchancement of ongoing activities. For example, the U.S. Fire Administration provides technical assistance to jurisdictions wishing to establish arson units; and other fire prevention, or fire master planning activities. Other FEMA programs offer similiar assistance as appropriate and necessary.

5. COMPLAINT HANDLING

A guide for complaint handling will be developed by the agency for implementation by the Regional Offices, program offices, and other agency elements. This guide will establish procedures for logging, routing, tracking, responding, and filing complaints. Additionally, an agency-wide reporting system will be developed to provide comprehensive reports to agency managements and the agency Director. These reports will serve as tools to detect problem areas and measure agency performance.

The Guide and reporting system will be completed by September 1, 1980. Implementation of the reporting system will follow by not more than 60 days.

Several ways to heighten awareness by consumers of the complaint handling system are being considered. These include the addition to forms of information and addresses of where to send comments and complaints; the development of brief paragraphs for inclusion in speeches given by Agency personnel; and the publication of a small brochure or flyer with information of how and to who to send comments.

The Division of Intergovernmental and Consumer Affairs will be responsible for developing the guide for complaint handling, the report system, and the means to heighten awareness about the system among consumers.

6. OVERSIGHT

The FEMA Director will establish the consumer program as an annex to the agency's Organization Order.

The Director of the Division of Intergovernmental and Consumer Affairs will have oversight responsibilities for the agency's consumer affairs program and compliance with Executive Order 12160. The Division, administratively, is part of the Office of Public Affairs which is in the FEMA Director's office. The Director of the Division will report directly to the Director, FEMA on consumer matters and is responsible to the Director for policy direction, coordination, and oversight of the Consumer Affairs Program. The Director of the Division of Intergovernmental and Consumer Affairs is a GS–15.

Inquiries on FEMA's consumer programs and other related consumer activities should be directed to John McKay, Director, Division of Intergovernmental and Consumer Affairs, Federal Emergency Management Agency, 1725 I Street, N.W., Washington, D.C., 20472; or call (202) 634–4179.

John W. Macy, Jr.,

Director.

[FR Doc. 80–16856 Filed 6–6–80; 8:45 am]

BILLING CODE 6718–01–M

federal register

Monday
June 9, 1980

Part IV—Section C

Commission on Civil Rights

Final Adoption of Consumer Affairs Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Mr. Nunez:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve conditionally the United States Civil Rights Commission's consumer program established under Executive Order 12160. I am well aware of the importance of the Commission's commitment to assuring that consumers' civil rights are safeguarded. The Commission's program will play a vital role in making certain that consumer interests will be an integral part of Federal agency decisionmaking.

The fact that the Assistant Staff Director for Congressional and Public Affairs will be reporting directly to you on the consumer program should give that person the opportunity to review policies, programs, and legislation to assess their impact on consumers. However, as the Assistant Staff Director has other responsibilities besides consumer affairs, this position does not fully meet the requirements of the Executive Order. For this reason, my approval is conditioned upon my finding in the course of the coming year that this arrangement does not detract from the effectiveness of the Commission's consumer program.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Commission's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the Commission. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

Mr. Louis Nunez
Staff Director
U.S. Commission on Civil Rights
Washington, D. C. 20425

BILLING CODE 6335-01-C

UNITED STATES COMMISSION ON CIVIL RIGHTS

Consumer Affairs Program

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of Final Adoption of Program for Consumer Affairs.

SUMMARY: The purpose of this document is to inform the public of the final adoption by the United States Commission on Civil Rights of a consumer affairs program as required by Executive Order 12160: Enhancement and Coordination of Federal Consumer Programs.

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Frederick B. Routh, Director, Community Relations Division, Office of Congressional and Public Affairs, 1121 Vermont Avenue, N.W., Room 500, Washington, D.C. 20425, Telephone (202) 254–6345.

SUPPLEMENTARY INFORMATION: On Monday, December 10, 1979, in 44 FR No. 238 at pages 71192–71194, the United States Commission on Civil Rights published a notice of its proposed program for consumer affairs as mandated by E.O. 12160: Enhancement and Coordination of Federal Consumer Programs. In response to this publication, the Commission received a number of comments from the public, all of which have been considered in the adoption of this final program for consumer affairs. In addition, the proposed program was the subject of internal discussion among Commission on Civil Rights staff members and between Commission staff and staff of the Consumer Affairs Council.

A total of 12 public comments were received. Of these, eight were from organizations; two from trade associations; two from public interest legal foundations and four from consumer interest groups. Seven of the organizational comments were general in nature, dealing with the various aspects of the Executive Order and not specifically directed to the program proposed by the Commission on Civil Rights. The one program specific comment received from an organization suggested that a senior level Commission staff member be designated to serve full time on the consumer affairs program rather than in addition to other duties, as proposed, and that the responsible senior official be a program operations officer rather than a planning officer, as proposed.

The suggestion that a senior officer be designated to serve full time as director of the consumer affairs program has been rejected as contrary to the public interest. As an agency of which the entire staff of two hundered and eighty-five are occupied in investigating and reporting to the President, the Congress and the public with respect to discrimination and deprivations of equal protection of the laws, it is our view that the statutorily mandated program of the Commission is in aid of consumer interests and that it would not benefit this aspect of consumer interests to assign a senior official to assume full time responsibility for a specific consumer affairs program.

The recommendation respecting the assignment of consumer affairs responsibilities to a programmatic rather than a planning officer has been adopted in SECTION I, RESPONSIBILITIES of the program, on the basis of the public comment, as well as internal staff discussion of the proposed consumer affairs program.

Of the four comments received from private parties, two expressed concern that the Commission lacked authority to resolve individual complaints, one requested nonspecific amendments to the civil rights statutes and one requested the Commission to establish more field offices. The Commission cannot act with respect to statutory amendments and lacks the resources to establish a network of "grass roots" offices in addition to the 10 existing regional offices, as requested. Therefore, none of the comments from individuals were adopted in the final program.

Consumer Affairs Council staff suggested that the final program indicate that the Commission publishes a catalogue of its publications and that copies of the catalogue may be obtained by writing to the Commission. This suggestion has been adopted and incorporated in SECTION III, INFORMATIONAL MATERIALS, of the program.

The statement of statutory responsibilities and the Consumer Affairs Program of the U.S. Commission on Civil Rights is as follows:

The United States Commission on Civil Rights is an independent, bipartisan, factfinding agency established by Congress under the Civil Rights Act of 1957.

The Commission is authorized to:

Investigate compliants alleging that citizens are being deprived of their right to vote because of race, color, religion, sex, age, handicap, or national origin, or, in the case of Federal elections, by fraudulent practices.

Study legal developments consitituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice.

Appraise the laws and policies of the Federal Government with respect to discrimination or denails of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap or national origin, or in the administration of justice.

Serve as a national clearinghouse for civil rights information.

Submit reports of its activities, findings, and recommendations to the President and Congress.

The Commission is not an enforcement agency and has no power to apply specific remedies in individual cases. Complaints about denials of rights are usually referred to the appropriate Federal agencies for action.

ACTIVITIES

The Commission conducts factfinding hearings relating to discrimination or the denial of equal protection of the laws. Using its supena power, the Commission seeks facts from public officials, minority group members, and other citizens representing diverse interests and points of view.

The Commission conducts extensive research and investigations regarding the denial of equal protection of the laws in such fields as voting, education, employment, health services, housing, and administration of justice. The Commission also evaluates the Federal effort to further equal opportunity.

The Commission sponsors national, regional, and State conferences as part of its fact-gathering and as a method of disseminating information to specialized audiences. These conferences bring together Federal, State, and local officials, community leaders, and representatives of businesses, labor, and civil rights and women's groups.

The Commission collects, compiles, and disseminates information concerning civil rights problems, the laws relating to them, and various procedures for resolving such problems. These materials are called "clearinghouse reports."

STATE ADVISORY COMMITTEES

The Commission has State Advisory Committees in each State and the District of Columbia to assist in factfinding, investigative, and clearinghouse functions. These Committees are composed of knowledgeable citizens who serve without compensation and who are familiar with local

and State civil rights problems. The Committees issue reports to the Commission that are published when appropriate. They also make recommendations to the Commission that may be used in its reports to the President and Congress.

The Commission maintains 10 regional offices. Addresses of these offices are:

Central States Regional Office, U.S. Commission on Civil Rights, 911 Walnut Street, Kansas City, Missouri 64106, (816) 374–2454.
Eastern Regional Office, U.S. Commission on Civil Rights, 26 Federal Plaza, Room 1639, New York, N.Y., (212) 264–0400.
Mid-Atlantic Regional Office, U.S. Commission on Civil Rights, 2120 L Street, N.W., Room 510, Washington, D.C. 20037, (202) 254–6717.
Midwestern Regional Office, U.S. Commission on Civil Rights, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7371.
New England Regional Office, U.S. Commission on Civil Rights, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223–4671.
Northwestern Regional Office, U.S. Commission on Civil Rights, 915 Second Avenue, Room 2852, Seattle, Washington 98174, (206) 442–1246.
Rocky Mountain Regional Office, U.S. Commission on Civil Rights, Executive Tower, Suite 1700, 1405 Curtis Street, Denver, Colorado 80202, (303) 837–2211.
Southern Regional Office, U.S. Commission on Civil Rights, 75 Piedmont Avenue, N.E., Room 362, Atlanta, Georgia 30303, (404) 221–4391.
Southwestern Regional Office, U.S. Commission on Civil Rights, Heritage Plaza, First Floor, 418 South Main, San Antonio, Texas 78204, (512) 229–5570.
Western Regional Office, U.S. Commission on Civil Rights, 312 North Spring Street, Room 1015, Los Angeles, California 90012, (312) 688–3437.

Information regarding the organization and programs of the Commission may be directed to:

Office of the Staff Director, U.S. Commission on Civil Rights, Washington, D.C. 20425.

PROPOSED CONSUMER AFFAIRS PROGRAM:

I. CONSUMER AFFAIRS PERSPECTIVE

The Commission on Civil Rights has an authorized strength of 285 staff members. Of these, approximately 200 are located at headquarters in Washington, D.C., and the balance in the 10 regional offices.

Although a specific staff unit is directly responsible for the implementation of the U.S. Commission on Civil Rights Consumer Affairs Program, all staff members are accountable for considering consumer interests in carrying out their various assignments.

Responsibilities

The Assistant Staff Director for Congressional and Public Affairs, a position in the Senior Executive Service reporting directly to the Staff Director, is designated as Director of Consumer Affairs and serves in addition to other duties, as the official responsible for the coordination and oversight of U.S. Commission on Civil Rights consumer activities.

Communications to the Assistant Staff Director for Congressional and Public Affairs should be addressed as follows:

Assistant Staff Director for Congressional and Public Affairs, U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Room 500, Washington, D.C. 20425, (202) 254–8090.

Staffing

Ten members of the staff of the Office of Congressional and Public Affairs, reporting to the Assistant staff director for Congressional and Public Affairs, serve as the staff responsible for the consumer affairs program of the Commission, in addition to their other duties. This staff relates to and communicates with other staff units of the Commission through the Assistant Staff Director who is a member of the Commission's executive staff.

Communications to the Consumer Affairs staff regarding consumer affairs generally, should be addresses as follows:

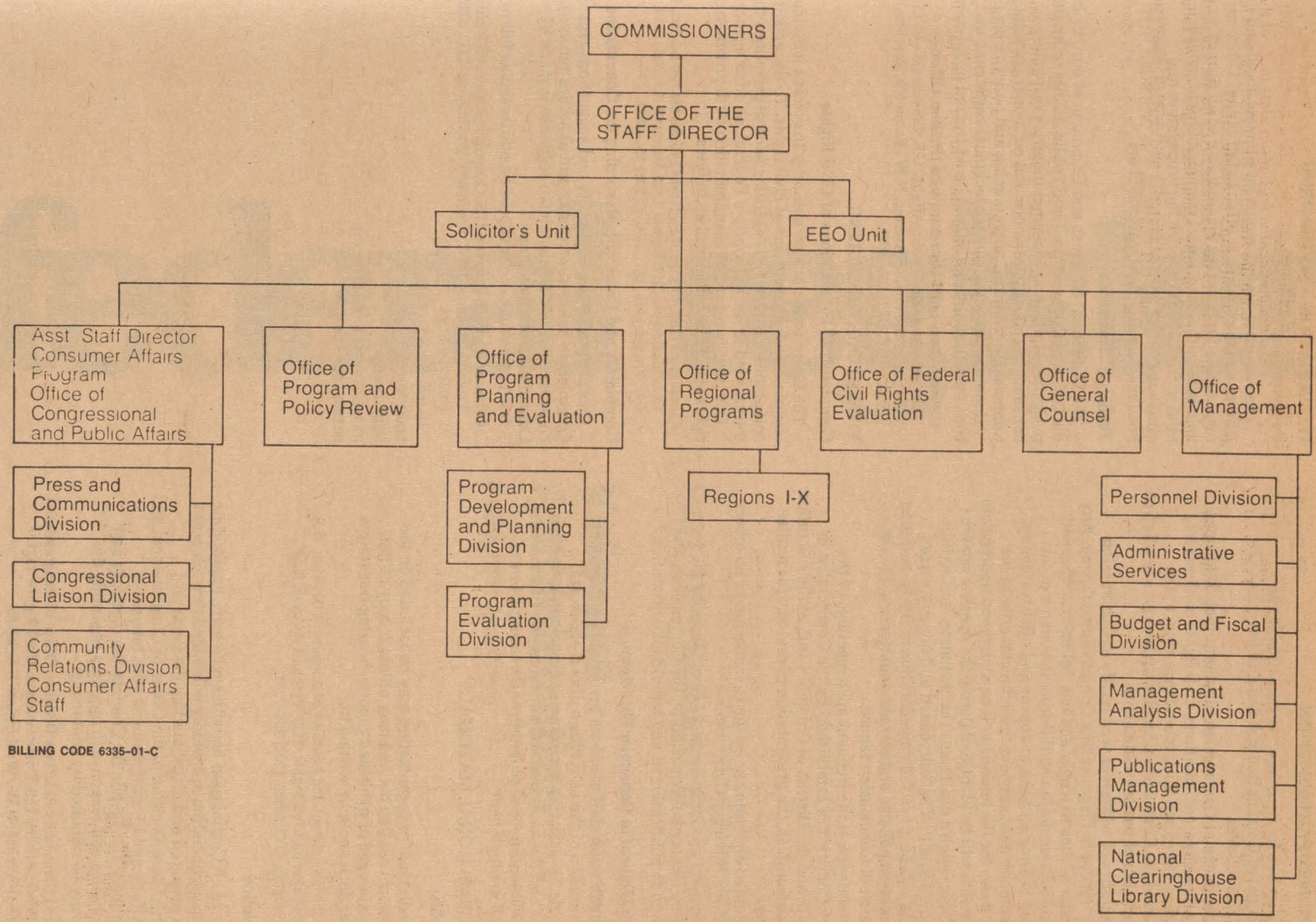
Director, Community Relations Division, Office of Congressional and Public Affairs, U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Room 503, Washington, D.C. 20425, (202) 254–6345.

Staff Location

The Consumer Affairs staff are located in the Office of Congressional and Public Affairs, a first level unit in the table of organization of the Commission. Through its chief, the Assistant Staff Director for Congressional and Public Affairs, this office reports directly to the staff Director who is the administrative head of the agency, and laterally to the other Assistant Staff Directors of the Commission.

BILLING CODE 6335-01-M

USCCR ORGANIZATION CHART



BILLING CODE 6335-01-C

II. CONSUMER PARTICIPATION

Opportunities for consumer participation in the development of Commission policies and programs are available as follows:

(a) Attendance at Commission functions, including: open meetings, hearings, consultations, civil rights conferences, and press conferences. Such attendance may, at the discretion of the Commission, include an oral presentation or the submission of written statements.

The majority of witnesses who testify at Commission hearings appear in response to a Commission subpena. Any person who wishes to testify and has not been subpenaed may contact Commission staff during the course of the scheduled hearing and ask to appear and offer testimony. Such testimony must concern the subject matter of the hearing. Rules for the hearing will be stated and appropriate staff contacts will be identified during the opening remarks of the Commission's chairman. The testimony and written statements submitted by subpenaed and nonsubpenaed witnesses will be given full consideration in the formulation of Commission policies and recommendations and in the preparation of Commission reports.

(b) Attendance at the frequent open meetings of the Advisory Committees established by the Commission in each State and the District of Columbia and, at the discretion of such committees, the presentation of oral and/or written testimony.

(c) Potential appointment by the Commission as members of such State Advisory Committees.

(d) Comment on Commission publications prior to publication as may be requested by the Commission and subsequent to publication at any individual's discretion.

Staff Involvement in Consumer Participation

All Commission staff members involved in the conduct and preparation of the activities outlined above are responsible for assisting in consumer participation in such activities and the analyzing and consideration of consumer views for the purpose of planning and executing future Commission programs.

III. INFORMATIONAL MATERIALS

Mailing List

Any individual or organization may be included on the Commission's mailing list and may obtain a copy of the current catalogue of published reports, hearing transcripts and other documents by writing to:

Office of Management, Publications Management Division, U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Washington, D.C. 20425, (202) 254–7381.

Public Notice

Notice of all Commission activities which are appropriate for public participation are widely publicized through press releases prepared and distributed by the Press and Communications Division of the Office of Congressional and Public Affairs and by staff contacts with interested organizations. The agenda for Commission meetings and other activities and response to inquiries regarding the agenda may be obtained by contacting:

Press and Community Relations Division, Office of Congressional and Public Affairs, U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Washington, D.C. 20425, (202) 254–6697.

IV. EDUCATION AND TRAINING

Responsibility for Training

The Assistant Staff Director for Congressional and Public Affairs and the consumer affairs staff of that Office are responsible for directing the attention of all agency staff members to their individual responsibility for consumer affairs. Such effort includes the preparation and dissemination of written material and oral briefings for headquarters and field staff members.

Technical Assistance

The Director of the Press and Communications Division of the Office of Congressional and Public Affairs or his/her designee responds to consumer inquiries respecting consumer technical assistance and consumer participation in Commission planning, programming and policymaking.

Communications regarding technical assistance and consumer participation should be addressed as follows:

Director, Press and Communications Division, Office of Congressional and Public Affairs, U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Room 503, Washington, D.C. 20425, (202) 254–6697.

V. COMPLAINT HANDLING

Complaints of Deprivations of Civil Rights

The Commission has no authority to resolve individual complaints of deprivations of civil rights. To the extent complaints are received regarding such deprivations they are transmitted to the appropriate Federal, or other agency.

Complaints regarding discrimination or deprivation of civil rights should be addressed as follows:

Complaints Unit, Office of Federal Civil Rights Evaluation, U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Room 606, Washington, D.C. 20425, (202) 254–6681.

Complaints and Comments Regarding the Commission

Complaints, views, comments and suggestions regarding Commission policies, programs and activities receive full consideration and a substantive response is made by senior Commission staff members.

Such communications should be addressed as follows:

Office of the Staff Director, U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Room 800, Washington, D.C. 20425, (202) 254–5190.

Dated: April 11, 1980.

Louis Nunez,

Staff Director.

[FR Doc. 80–16857 Filed 6–6–80; 8:45 am]

BILLING CODE 6335–01–M

federal register

Monday
June 9, 1980

Part IV—Section D

Veterans Administration

Consumer Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Mr. Cleland:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve the Veterans Administration's consumer program established under Executive Order 12160. The VA program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Mr. John Leffler, Mr. Rich Jeffers, and Mr. Clayton Cochran of your staff have been particularly helpful. The fact that Ms. Rosa Maria Fontanez, recently appointed Director of the Consumer Affairs staff, will report directly to you on the consumer program should give her the opportunity to review agency rules, policies, programs and legislation in order to assess their potential impact on consumers.

Among the many commendable features of the program are the development of consumer feedback cards and the system for reporting complaints and compliments. It is noteworthy that consumer representatives have been designated throughout the agency and that detailed descriptions are provided of the specific consumer-related responsibilities of agency personnel. I also urge you to continue to assess whether the opportunities for participation in decisionmaking are adequate for consumers who are not members of Veterans' organizations.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the VA consumer program in meeting the standards of the Order and in achieving the objectives you have set for the agency. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Max Cleland
Administrator
Veterans Administration
Washington, D.C. 20420

BILLING CODE 8230-01-C

VETERANS ADMINISTRATION

VA Consumer Affairs Program

AGENCY: Veterans Administration.

ACTION: VA Consumer Program.

SUMMARY: The Veterans Administration Consumer Affairs Program addresses the ongoing Agency consumer activities and integrates the programs of the Departments of Medicine and Surgery, Veterans Benefits, and Memorial Affairs. The primary goal of this program is to ensure that veterans, their dependents, and their surviving beneficiaries have the opportunity to provide input to the decisionmaking process. The program described complies with the requirements established by Executive Order 12160 on Federal Consumer Programs.

EFFECTIVE DATE: July 9, 1980.

ADDRESS: Consumer Affairs Staff, Office of Planning and Program Evaluation (07), 810 Vermont Avenue N.W., Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT: Rosa Maria Fontanez, 389–2843.

SUPPLEMENTARY INFORMATION:

INTRODUCTION

The draft Veterans Administration Consumer Affairs Program was published in the **Federal Register** on December 10, 1979. The program was written in response to the specific guidelines and requirements of Executive Order 12160, entitled, "Providing for Enhancement and Coordination of Federal Consumer Programs." As specified by Executive Order guidance, the 90-day public comment period closed on March 10, 1980. Comments on the program received during this period were considered and, where appropriate, incorporated into the final program. Although the comment period has closed, the VA intends to consider suggestions and comments from all sources for improvement of the program on a continuous basis.

This section of the preamble includes a brief description of the process of evaluating the draft program, a brief statistical summary of the responses received from various sectors of the public, a summary of the draft program's strengths and weaknesses, discussions of comments made on the draft program, and a summary of the major suggested changes and why they were made or not.

EVALUATING THE DRAFT PROGRAM

The primary means for publicizing all Federal consumer programs was the **Federal Register**. Because only a limited number of people interested in veterans affairs are regular readers of the **Federal Register**, 12,000 reprints of the VA program were distributed to interested parties through the field facility network. Veterans, veterans' groups, businesses, trade organizations, and State and local government agencies were invited by the field facility directors to review and comment on the program. Special briefings were also conducted and copies of the program were distributed to representatives of national veterans service organizations. At the same time, field stations were asked to provide their comments. The U.S. Office of Consumer Affairs reviewed the program for compliance with provisions of Executive Order 12160 and suggested clarification of certain program aspects.

The VA Consumer Affairs Coordinator was interviewed by the VA newsletter *VAnguard* and *The Stars and Stripes.* Articles which appeared in both of these publications served to further publicize the VA program.

All of the responses received to the draft program were recorded and analyzed. Since a single response often contained several different comments, the analysis was conducted on the basis of the comments rather than on each response. A task force of department consumer representatives reviewed each response and extracted the significant comments. Each comment was viewed on its own merit and, where appropriate, incorporated into the program. Further review by VA field facility and Central Office employees also resulted in changes to the approach proposed in the draft program.

The remainder of this preamble summarizes the analysis of comments and their effect on the VA Consumer Affairs Program.

SUMMARY OF RESPONSE SOURCES

The following list shows the number and percentage of responses by grouped sectors of the public who commented on the draft VA Consumer Affairs Program:

	Number	Percent
Individuals	22	12.9
Consumer organizations (primarily veterans' organizations)	47	27.6
Businesses or trade organizations (primarily educational institutions)	40	23.5
State and local governments	58	34.0
Other	3	2.0
Responses received	170	100.0

STRENGTHS AND WEAKNESSES OF THE VA CONSUMER AFFAIRS PROGRAM

Evaluation of the VA draft program revealed several strengths and weaknesses which are summarized below:

Strengths

1. The Departmental consumer feedback cards provide a convenient opportunity for individuals to express their opinion of VA services directly to Central Office. Many consumers indicated that they approved of the card system because the opinions expressed reach Central Office directly.

2. The Complaint/Compliment Reporting System received positive comments because complaint data from all field stations will be gathered to give an agency-wide view of consumer satisfaction.

3. Each Central Office Department and Staff Office will have at least one consumer representative, as will all field facilities. This network of personnel will stress the consumer viewpoint in all areas of agency operations. Many respondents believe that having designated consumer representatives throughout the agency will provide ready access for consumer input.

4. Several comments about the program indicate a positive interest in the coordinating role the program outlines for the Consumer Affairs Staff. It was generally recognized that each Department could best develop its individual consumer program but that an agency-wide perspective must be maintained. The Consumer Affairs Staff fulfills that role.

5. The Consumer Affairs Program enhances consumer participation in agency decisionmaking in several ways, as described in the draft document. The program illuminates the numerous existing channels of communication while opening opportunities for new avenues of input.

6. An important strength of the Consumer Affairs Program is that there is now a focal point in the agency for consumer-oriented considerations. The program will act as a catalyst to encourage local facility initiatives in consumer activities.

Weaknesses

1. The major missing element in the draft program was reference to the important contributions made to VA programs by state and local government agencies which provide assistance to veterans. Many states have extensive veteran-related programs administered by state and local government agencies. Often, the agencies performing this function assist VA in its mission by distributing information, answering inquiries, and assisting veterans in solving their problems, some of which may involve VA programs. The revised program will note state and local government agency contributions where appropriate.

2. The draft program was occasionally criticized for insufficient input into the decisionmaking process from consumers who are not members of veterans' organizations. This criticism is valid, in that it currently is more difficult for an individual veteran to be heard than it is for the major veterans' organizations. However, an important element of the VA consumer program is the effort to increase input from consumers who do not affiliate with any veterans' organizations. The added emphasis on complaint handling and the identification of emerging problem areas is one of the ways individuals can contribute their views for consideration in the decisionmaking process.

3. Some public comments indicated that the program should be accomplished at local levels of the agency. While it is true that the program was initiated at Central Office and that initiatives and coordination take place there, it is the local facilities that ultimately will bear the responsibility for fully implementing the Consumer Affairs Program.

4. The draft program did not make it clear that the field facility directors provide the primary point of contact for local veterans' service organizations. This is an important link whereby consumer groups are given access to the facility management in resolving problems.

COMMENTS ON SPECIFIC SECTIONS OF THE DRAFT PROGRAM

The Executive Order required that each agency address five main areas in consumer affairs. These were (1) agency perspective, (2) consumer participation, (3) consumer informational materials, (4) education and training, and (5) complaint handling. Many of the comments addressed specific aspects of these areas. A summary of the comments received on each area follows:

(1) Consumer Perspective

The Consumer Perspective section of the draft VA program is intended to present an overview of the entire VA consumer effort as well as the Departmental programs.

The largest block of comments were general in nature and positive in tone. They support both the broad approach and the initiatives expressed in the program. Several comments praised the operating structure under which the program will be administered—overall coordination of the Agency program focused in the Consumer Affairs Staff, with each Department maintaining responsibility for its specialized approach. There was praise for having appointed and identified a consumer affairs representative for each local facility as well as at Department and Staff Office level in Central Office.

At the same time, a few individual comments expressed concern about the consumer affairs operating structure: Will the structure itself discourage consumer-decisionmaker interaction? Will facility directors unduly influence local consumer affairs representatives?

It is believed that the structure, specifically a consumer representative at each facility, will enhance the consumer program because it facilitates more rapid response to consumer complaints. Facility directors will receive rapid feedback on their operations, and be able to respond to problem areas more quickly. The utility of the program at the local level should encourage facility directors to provide consumer representatives freedom of operation.

The draft program published in December 1979 identified the Associate Deputy Administrators as the VA's top consumer official. Several questions were raised regarding whether that position would meet the Executive Order requirement for a senior-level official whose sole responsibility is to coordinate and direct the Consumer Affairs Program.

As a result of recent reorganization, the Associate Deputy Administrator's responsibilities have been revised. The Office of Planning and Program Evaluation, which encompasses the Consumer Affairs Staff, will not report directly to the Administrator. The Director of the Consumer Affairs Staff has sole responsibility for VA consumer activities and will also report directly to the Administrator on Agency consumer matters.

The resources allocated to the Consumer Affairs Program evoked opposing comments. On the one hand, questions were raised about the adequacy of the agency's budget for consumer affairs. These respondents believe that more resources should be devoted to the consumer effort. On the other hand, some commentators questioned whether the program was too costly. However, the program also received a measure of praise for utilizing existing resources.

(2) Participation

Most comments regarding the participation of consumers in agency decisionmaking were positive. Several commenters saw the overall program as promoting increased consumer participation. The planned feedback mechanisms were cited as useful, especially the "Tell it to the Administrator" card. The use of local consumer representatives was praised. Several correspondents were pleased that veterans' organizations play a large role in representing consumers and insuring that VA is informed of veteran viewpoints.

At the same time, the general structure was criticized for making too heavy a use of the traditional veterans organizations. Some respondents believe that the well-known, major organizations do not represent a great number of veterans, especially Vietnam era veterans.

It is the belief of the VA that the consumer program is strengthened by its acceptance of the preeminent role in VA decision-making of the large, traditional veterans' organizations. These organizations represent millions of veterans, and their well-established networks of service officers in local facilities are an asset to the VA consumer effort. However, VA is now engaged in several efforts to seek additional input from veterans who, for whatever reason, are not represented by the well-known organizations. These efforts will be enhanced by the initiatives of the VA Consumer Affairs Program.

While VA was generally praised for seeking consumer input in a systematic way, several comments indicated an interest in direct consumer participation in advisory groups and at policymaking levels. In the first instance, consumers currently participate on local advisory committees dealing with a variety of local topics.

The Vietnam Veteran Civic Councils are a notable example. In the latter case, veterans' organizations provide their advice and opinion to the highest level VA decisionmakers. VA employees at all levels are in daily contact with veterans and provide input to administrators. New initiatives, such as the consumer feedback cards and

the complaint/compliment reporting system, provide valuable information to policymakers.

(3) Informational Materials

The comments directed at informational materials fell into three categories. The first category focused on the informational material provided on the Consumer Affairs Program itself. While some comments indicated that the level of detail in the draft program provided a clear presentation of all facets of the program, there were some which suggested that there was too much detail. It was suggested that there should be short, simple information sheets for consumers on how the program could work for them. It was also noted that the consumer informational materials and initiatives should be invaluable in increasing the quality of service.

The second category directs attention to the information on the agency's benefits programs. Here again there were diverse opinions. While there were comments which were positive in nature on the availability of information on benefits and services, other commenters felt that there should be further efforts to ensure that veterans in special categories be informed (e.g., incarcerated veterans), and that informational materials be more readily available.

The third category addressed the future development of informational materials. These were primarily requests that the VA use the resources of the private sector in the development and distribution of materials.

(4) Education and Training

Reaction to proposals for education and training in the draft program were directed at two basic areas. The first is the program's provision for education and training for employees and consumers with respect to the VA Consumer Affairs Program itself. The internal training of employees in consumer awareness was though to be invaluable and one of the most important provisions in the program. Past VA initiatives, such as the "May I Help You?" campaign, were said to help reinforce agency policies on serving the veteran. Education and training of the VA consumer was often linked to informational materials. It was felt that one of the main themes which should be used in this area was the reinforcement of how consumers could most effectively use the program and what is expected of them. Several comments expressed interest in having VA consumer affairs training extended to include citizen councils and state and local government agencies serving the veteran.

The other area identified in education and training concerned ongoing VA programs for veterans' benefits and services, and did not specifically refer to the training and education of VA employees and consumer affairs staff.

(5) Complaint Handling

Complaint handling is one of the most visible components of any consumer program. Comments received which addressed this area of the draft program focused on several different aspects of complaint handling. First, many of the respondents indicated that they were satisfied with the current procedures for complaint handling. In these cases, it was noted that excellent communications with field facility management ensured effective resolution of problem areas. Concern was raised that new initiatives outlined in the consumer affairs program might inhibit communications and that field facility management might become isolated from consumers. The Consumer Affairs Program, however, builds onto existing procedures and will not interfere in the communications between the public and field facility management.

The second aspect of complaint handling highlighted was the new initiatives in the program which encourage consumer complaint input. The Consumer Feedback Card System was well received as being a positive method for soliciting the concerns of veterans, through a convenient simple format. The Consumer Complaint/Compliment Reporting System was also noted as being a positive means for allowing agency management to systematically review and monitor consumer complaint issues.

The third aspect pinpointed by the comments was the interrelationship between complaint handling and the education and training of consumers. In this instance it was pointed out that increased perception by consumers of VA benefits and services would most likely reduce complaints. It was also suggested that a guide for consumers be developed showing how to effectively register a complaint.

GENERAL COMMENTS

The most frequent comment received supported the VA Consumer Affairs Program as it was written. Several respondents thought the program to be well designed and conceived, since it does not reduce the operating department responsibilities, but rather makes each department accountable for its own consumer affairs program. Among the positive responses were several supporting the program in theory and principle but reserving final judgment until it can be reviewed in practice.

Inevitably, there were some negative comments. A few commented that the resources which would be expended for consumer affairs efforts were misguided and should be spent on additional specific benefits or services. The remainder of the comments generated from the draft review addressed specific instances of consumer problems. Where it was appropriate or requested, action was initiated to have the departments resolve these specific problems.

SPECIFIC CHANGES

Many of those who commented on the draft VA program proposed that certain changes be made. Some of the proposals were already encompassed within the program while others were outside its scope. The remaining substantive proposals and their disposition are listed on the following pages:

Proposed change	Change implemented	Reason
Include recognition of State and local government role in assisting veterans.	Yes	State and local veterans' assistance agencies provide valuable help to veterans directly and assist VA in dispensing Federal services and benefits.
VACO Consumer Affairs Coordinating Committee should have consumer members. Other management committees should also include consumers.	No	Several respondents suggested that individual consumers be members of various VA management committees. The draft program includes consumers on many advisory committees, but not on all management committees.
The program should specifically spell out ways in which individual consumer views are brought to decisionmakers attention.	Yes	Where appropriate, the program reflects specific channels of expression from consumers to decisionmakers.

Proposed change	Change implemented	Reason
Several suggestions proposed that exit interviews be conducted with every patient and that similar feedback mechanisms be undertaken.	No.....	Several suggestions of this nature were rejected as too cumbersome or too costly. However, the program proposes several new feedback mechanisms which provide simple means for consumers to express their concerns.

Approved: May 9, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

VA CONSUMER AFFAIRS PROGRAM

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VA CONSUMER AFFAIRS PROGRAM

I. PURPOSE

This directive establishes procedures and policies for administering the VA Consumer Affairs Program and implements the requirements of Executive Order 12160, entitled "Providing for Enhancement and Coordination of Federal Consumer Programs."

II. SCOPE

The Consumer Affairs Program requirements are applicable to all VA departments, staff offices, and field stations. The Consumer Affairs Program is in support of the mission of the VA to provide benefits and services to eligible veterans, their dependents and beneficiaries. The success of the program depends upon the contributions and support of each organizational element within the VA. Therefore, included in this directive are descriptions of the individual department consumer affairs programs. These programs are presented in Parts VIII through X. Staff offices having significant involvement in support of the consumer program are presented in Part XI. The combination of these individual programs constitutes the VA Consumer Affairs Program.

III. POLICY

It is the policy of the VA to effectively involve consumers in VA activities including the development of agency regulations, policies, and programs which are of substantial consumer interest. Such participation will help the VA recognize its responsibilities to the consumer, will help provide the VA with a broad range of views on regulations and policies, and will facilitate the conduct of agency business, thus having a positive effect on the quality of services provided by the agency.

IV. GOAL

The goal of this program is to provide high quality service to consumers by increasing the VA's sensitivity to the needs and desires of veterans and their dependents, by being responsive to inquires, by incorporating their views into the policymaking process, by ensuring their awareness of programs and opportunities available through the VA, and by evaluating the effectiveness of existing programs to assure that the VA is meeting the needs of consumers as well as carrying out the mission of the VA.

V. OBJECTIVES

A. That the Administrator and senior decisionmakers be kept aware of the needs and problems of VA consumers.

B. That productive channels of communications be maintained with veterans' organizations to include technical assistance when needed.

C. That information on VA programs and procedures for consumer participation be disseminated in an effective and timely manner.

D. That the views of special consumer groups (e.g., monirities, handicapped, elderly, etc.) be given consideration in areas directly affecting them.

E. That all proposed agency rules, policies, programs and legislation be reviewed to determine their impact upon consumers.

F. That there be more emphasis on meaningful participation by consumers in the development and review of all agency rules, policies and programs.

G. That the VA educate staff members on the provisions of the Federal Consumer Program and provide special training for agency consumer affairs personnel as deemed appropriate.

H. That consumer satisfaction with each major VA program be continuously monitored to determine their degree of satisfaction with the agency activity.

VI. RESPONSIBILITIES

A. General

The Veterans Administration has three departments: the Department of Medicine and Surgery, the Department of Veterans Benefits, and the Department of Memorial Affairs. Although each department is involved in providing benefits and services to veterans and their dependents, each has distinct functions. Each is, therefore, responsible for developing its own consumer affairs program consistent with the overall VA program.

Responsibility for the implementation of the Consumer Affairs Program at the operational level rests with the department heads who, using their appointed consumer affairs respresentatives, will be responsible for the control, reporting, and monitoring procedures necessary for the successful operation of the Consumer Affairs Program. In this regard, representatives will review responses to compliants from the standpoint of timeliness and quality, and will provide guidance to employees on the handling of consumer compliants. Representatives will also bring to the attention of top management those consumer issues requiring their advice or of which they should be aware.

B. Department and Staff Office Heads are Responsible For

1. Designating a senior level individual to serve as "consumer affairs representative" for their respective elements.

2. Ensuring that the consumer affairs representative is included in decisionmaking as early as possible, and at all significant subsequent stages, in matters of substantial consumer interest.

3. Including in the Five Year planning process sufficient funding and staff for an effective consumer involvement program designed to give consumers opportunities to participate in the organization's decisionmaking processes.

4. Managing the control, reporting, and monitoring of procedures necessary for the successful operation of VA consumer compliant handling and the Compliant/Compliment Reporting System.

5. Implementing the Consumer Affairs Program at all field stations, and ensuring that field station directors:

(a) Designate a senior level individual to serve as consumer affairs representative for their respective stations. The representatives' duties will be similar to their Central Office counterparts and related to their level of duty.

(b) Ensuring that the consumer affairs representative is included in decisionmaking as early as possible, and at all significant subsequent stages, in matters of substantial consumer interest in their area of operations.

(c) Maintaining open communications with local veterans service organizations.

6. Ensuring that there is adequate opportunity for meaningful consumer participation when substantive changes are proposed to policies, procedures, or programs which affect consumers.

7. Producing and distributing materials to inform consumers about department programs, procedures for obtaining services or benefits, and ways to register their complaints.

8. Maintaining a meaningful outreach program to consumers to encourage their involvement in the agency's programs.

9. Educating and training their staff on the Consumer Affairs Program purpose and objectives.

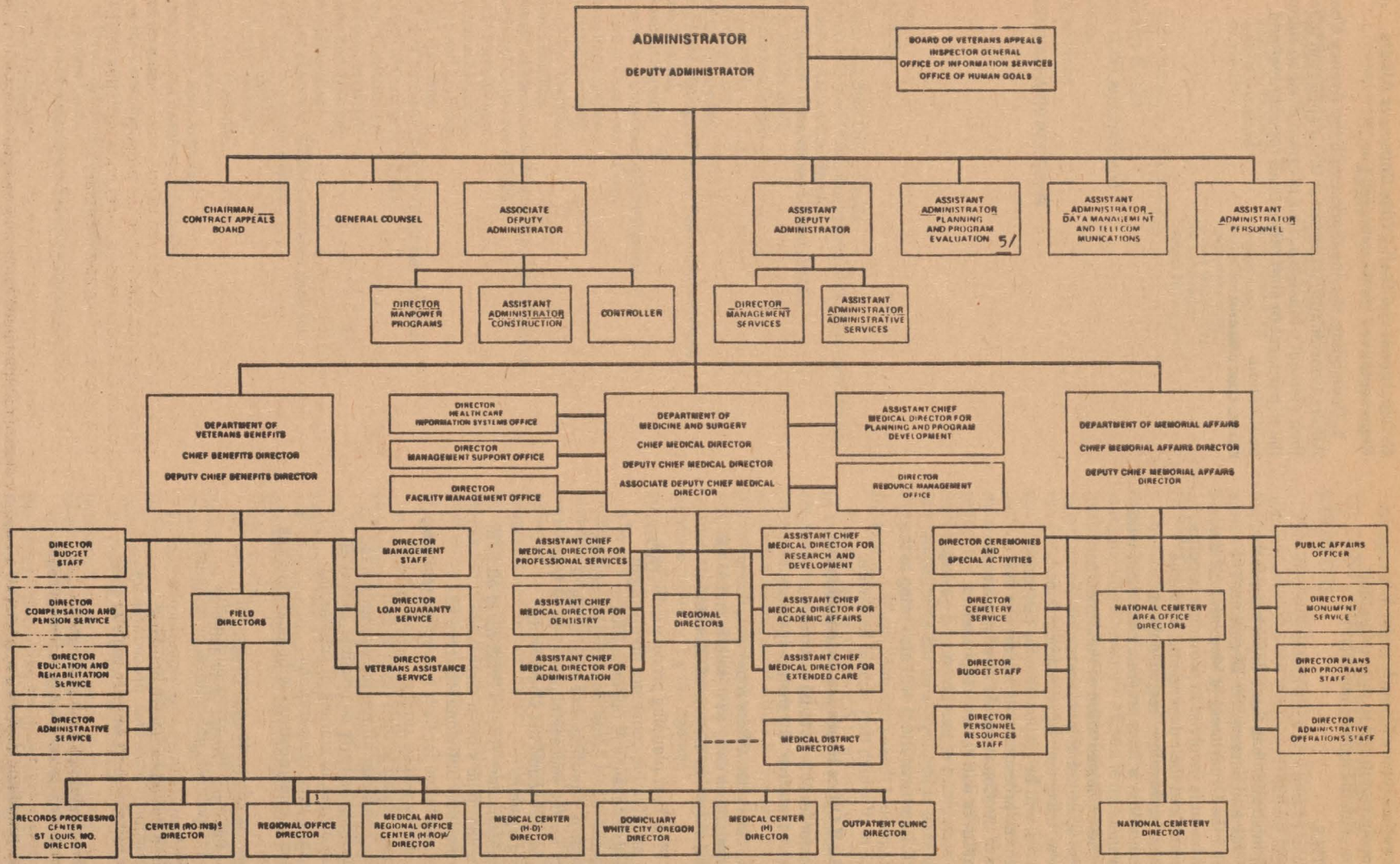
C. Department and Staff Office Consumer Affairs Representatives are Responsible For

1. Developing, in consultation with the Agency Consumer Affairs Coordinator, a consumer affairs program tailored to their element's functions. This program shall be submitted to the department or staff office head for approval and publication.

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FIGURE 1

ORGANIZATION OF THE VETERANS ADMINISTRATION



[1] Lumberton Hospital and Domiciliary
[2] Cumberland Hospital and Regional Office
[3] Outpatient Clinic where authorized
[4] Combined Regional Office and Insurance Center, Philadelphia office has staff responsibility for agency insurance programs

5/ Location of Consumer Affairs Staff

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2. Using all appropriate means to notify consumers of each proposed regulation, policy, or program having substantial consumer interest, to include coordination with the Veterans' Service Organization Liaison (VSOL).

3. Monitoring and recommending improvement in his/her element's procedures for notifying consumers about hearings and public meetings; monitoring and recommending any necessary changes in locations of meetings and advance notice requirements to assure maximum consumer participation.

4. Identifying and advocating the consumer interest in appropriate issues. Carrying out this responsbility will include, but not be limited to:

(a) Ascertaining consumers' positions on relevant issues through such devices as maintaining contacts with consumer groups and analyzing consumer mail;

(b) Keeping senior officials informed of consumers' opinions, concerns, and needs;

(c) Providing consultation to Department and Staff Office members who draft proposed rules and regulations.

D. VA Consumer Affairs Coordinator

The Director, Consumer Affairs Staff, is the Agency's Consumer Affairs Coordinator and reports directly to the Administrator of Veterans Affairs on consumer matters. (See Figure 1, Organization of the Veterans Administration.) He/she is responsible for:

1. Coordinating all VA consumer affairs activities and ensuring that the provisions of Executive Order 12160 are implemented.

2. Providing the administrative policy direction for and oversight of VA consumer activities.

3. Reporting directly to the Administrator the potential impact on consumers of particular VA policy or program initiatives under review or development.

4. Participating as a member of the Organization and Management Improvement (OMI) Committee which consists of senior-level management representatives from each department and staff office. The committee will meet as needed, but at least monthly to exchange information about consumer-oriented actions within the VA; increasing efficiency, cost-effectiveness, and consistency of VA consumer affairs programs; and avoiding duplication of effort. The committee will also analyze the consumer implications of proposed changes to rules, policies and programs.

5. Providing coordination with other Government agencies on consumer/community veterans' interests to include coordination with the U.S. Office of Consumer Affairs Special Assistant to the President.

6. Supporting the interests of consumers by communicating their concerns to officials within the VA in order that such concerns may be recognized and considered in VA policies, programs, and actions.

7. Promoting consumer education/information programs and consumer involvement within the agency.

8. Ensuring that consumers have adequate opportunity for participation before significant regulations, policies, or procedures are initiated.

9. Ensuring that consumer views and concerns are adequately considered in agency decisionmaking.

E. Veterans' Service Organization Liaison (00A3) is Responsible For

Establishing and maintaining a systematic method of internal coordination for national-level communications between veterans' service organizations (VSOs) and the Office of the Administrator and department and staff offices of the Veterans Administration.

F. VA Consumer Affairs Staff—Office of Planning and Program Evaluation (07) is Responsible For

1. Maintaining a Consumer Affairs Program for the management and coordination of VA consumer activities. (See Figure 1, Proposed Organization of the Veterans Administration.)

2. Acting as point of contact for the U.S. Office of Consumer Affairs and other consumer groups, except veterans' service organizations who contact the Veterans' Service Organization Liaison.

3. Coordinating and integrating, in consultation with consumer affairs representatives, comprehensive agencywide guidelines governing the handling, classification and analysis of complaints.

4. Reviewing VA consumer policies and procedures for consistency with national consumer policy established by the President and the U.S. Office of Consumer Affairs.

5. Collaborating with departments, staff offices, and Veterans' Service Organization Liaison in the development of procedures for early and meaningful participation by consumers in the development of agency rules, policies, and programs.

6. Collaborating with the Veterans' Service Organization Liaison (VSOL) activity to obtain input from veterans' organizations into the consumer program.

7. Evaluating information obtained from the Consumer Complaint/Compliment Reporting System and other feedback systems and providing such information to the Administrator and to the Departments and Staff Offices.

8. Coordinating with departments and staff offices to assure VA responsiveness to complaints, and monitoring consumer feedback systems to see that consumer views and concerns are adequately analyzed and considered in policy and regulation formulations.

9. Coordinating with the Office of Information Services to ensure that information about VA programs reaches consumers.

10. Developing an education and training program for consumer affairs.

11. Coordinating the conduct of surveys and research studies concerning the needs, interests and problems of consumers.

12. Coordinating the development of a system of statistical sampling of recipients of the agency's services to obtain a complete and comprehensive picture of consumer attitudes toward the agency and to illuminate areas where improvements could be made in the dispensing of such services.

G. Office of Human Goals (09) is Responsible For

Identifying views of special consumer groups, such as minorities, handicapped, women, etc., and ensuring that such information is relayed to program officials as input for future decisions.

H. General Counsel (02) is Responsible For

Analyzing Congressional correspondence to identify strengths and weaknesses in VA programs and ensure that such information is relayed to program officials as input for future decisions. Reviewing the proposed VA consumer actions and initiatives for legal and legislative implications and recommending any necessary changes.

I. Information Services (06) is Responsible For

Informing consumers through the use of publications and other media forms about VA programs, including where and how to apply for benefits.

J. Controller (04) is Responsible For

Controlling consumer reports within the agency, serving as a liaison for OMB clearance of public use reports, providing statistical support, and preparation of agency consumer affairs budget.

K. Office of Data Management and Telecommunications (30) is Responsible For

Providing ADP support to departments and staff offices consumer programs and activities.

L. Inspector General (50) is Responsible For

Reviewing consumer complaint mail referred by departments and staff offices to determine if an investigation is warranted and processing complaints received from the "Employee Hot Line." As part of their audit activities, they will examine field station consumer activities.

M. Management Service (60) is Responsible For

Insuring that VA records are effectively managed in order to provide maximum service to veterans. Protecting veterans' rights under Privacy and Freedom of Information policy and regulations. Insuring that VA regulations are clearly and accurately published in the **Federal Register** for public information.

VII. OVERVIEW OF VA CONSUMER AFFAIRS PROGRAM

A. Perspective

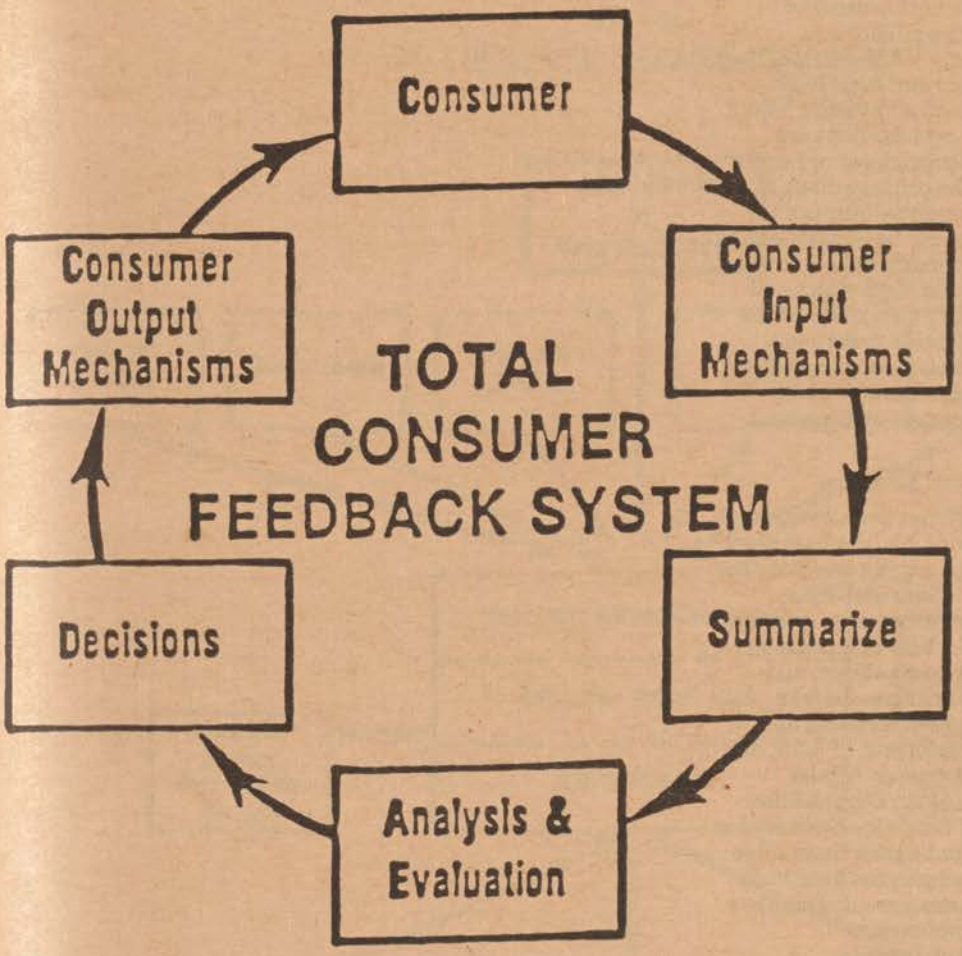
1. Operation of Consumer Affairs Program

The mission of the Veterans Administration is to provide service and benefits to eligible veterans and their dependents. Benefits and services are provided in a broad range of areas which include compensation and pension payments, educational and vocational rehabilitation assistance, insurance, mortgage credit assistance (home loans), burials, headstones and markers, health care, and hospitalization. These programs must be responsive to the needs of the recipients by providing the best service possible within the resources available. It is recognized that implementation of consumer initiatives can be accomplished only to the extent that resources are available to the Departments.

Although the VA has always had the interest of its consumer as its primary concern, the consumer program brings with it a new philosophy seeking greater consumer participation in the development of rules, policies and programs. It emphasizes that the beliefs of the benefit recipient need to be considered as an important ingredient in the decisionmaking process. This approach relies upon active consumer participation and the establishment of effective feedback mechanisms to keep each level of management and program officials informed of the needs and concerns of veterans. The process of consumer participation is shown in Figure 2, Total Consumer Feedback System. It begins with input from *consumers* expressing desires and needs through a variety of *mechanisms* (e.g., complaints, veterans' organizations' impact surveys, veterans civil councils). This information is to be *summarized* in a format meaningful to management for further *analysis and evaluation* to determine possible problem areas or changes that may be indicated. With this consumer information available, management can then make better informed decisions to help improve VA programs or services through *output mechanisms* which implement changes in rules, regulations, policies, or resources.

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FIGURE 2



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The veterans' organizations play an important role in the VA Consumer Program. There are approximately 50 national veterans' organizations representing veterans' concerns. The Veterans Administration maintains working relationships with these groups at both the national and local levels. These organizations provide one of the best sources of feedback from VA consumers, as well as effective organizations to inform consumers about VA programs. They represent the interests of VA consumers and most have program specialists who can intercede on a veteran's behalf when assistance is needed. Veterans' organizations are consulted whenever major changes in procedures are under consideration. On the national level, the primary point of contact in the VA with the veterans' organizations is a Special Assistant to the Administrator, the Veterans' Service Organization Liaison (VSOL), whose primary duty is to work with the veterans' organizations to obtain their views and assist them in obtaining information they may need. At the local level the field station directors provide the primary contact with local veterans' organizations through various means: periodic formal meetings, personal contact, and organization representation in advisory groups, to name a few.

2. VA Consumer Program Organizational Structure

The Director, Consumer Affairs Staff, has been designated as the VA Consumer Affairs Coordinator. He/she has direct access to the Administrator and is in a position to advise the Administrator and oversee consumer affairs activities throughout the VA. The coordinator is the agency's primary consumer affairs advocate and with the help of a consumer affairs staff, analyzes all rules, regulations, policies, and proposed legislation for consumer implications. He/she recommends changes as needed to make procedures and policies more responsive to consumer interests. In addition to help from the consumer staff, the Consumer Affairs Coordinator participates as a member of the Organization and Management Improvement (OMI) Committee which also functions as the Consumer Affairs Coordinating Committee. Committee members are senior-level employees from each Staff Office and Department. Major management initiatives on consumer affairs, management improvement, organizational changes, and proposed changes to regulations, policies, procedures, and legislation are brought before the committee.

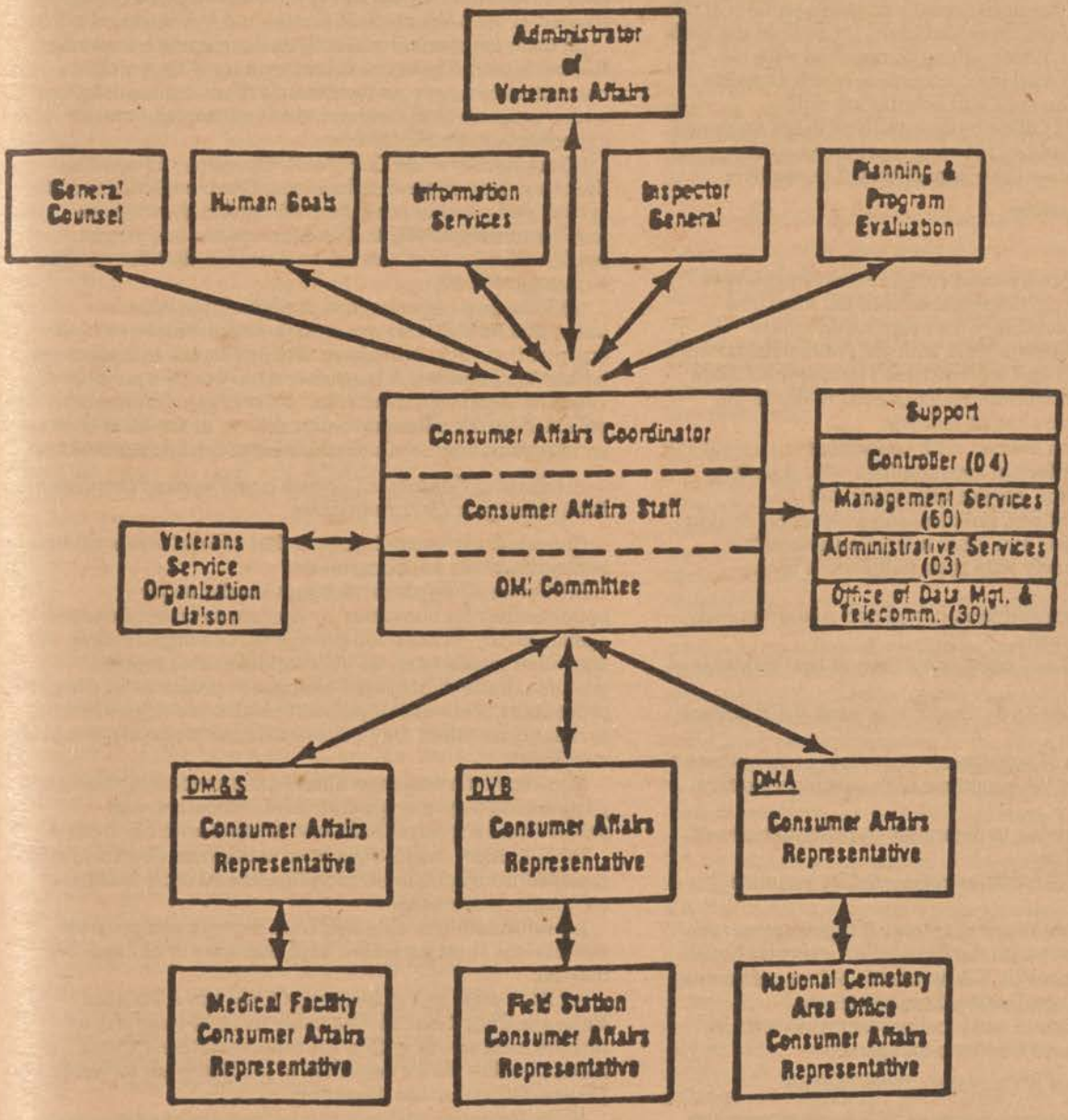
Each major staff office and department in Central Office and each field facility has a consumer affairs representative responsible for consumer activities and reports directly to the department head or station director. They also provide the Administrator with status reports of their programs during the Quarterly Review and Analysis briefings. The consumer affairs representatives act as consumer advocates resolving problems of an immediate nature, crossing organization lines when necessary. The consumer affairs representatives interact with consumer affairs personnel at all other levels in the VA Consumer Affairs Program network to resolve problems of both general and specific natures.

The basic interrelationships under the Consumer Affairs Program are shown in Figure 3, Operating Structure of VA Consumer Affairs Program. The specific duties and responsibilities of the Consumer Affairs Coordinator, the consumer staff, departments and staff offices are shown in Part VI, *Responsibilities*.

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FIGURE 3

OPERATING STRUCTURE
OF THE
VA CONSUMER AFFAIRS PROGRAM



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3. Organization of Agency Consumer Affairs Staff

The agency Consumer Affairs Staff is a separate element located in the Office of Planning and Program Evaluation. It directly supports the Consumer Affairs Coordinator (CAC). Its location in Planning and Program Evaluation gives it needed access to expertise in the areas of agency planning, special studies, and program evaluations. The staff is composed of a director, two analysts, and administrative support.

The agency Consumer Affairs Staff is in continuous contact with each of the department's consumer affairs staffs and the consumer affairs representatives for each of the staff offices. Coordination is routinely accomplished with the departments through working committees which expedite necessary actions. The staff will colloborate with Department and Staff Office representatives in the review of proposed legislation and in policies, regulations, and procedures to determine their impact on VA consumers.

B. Consumer Participation

1. General

The VA has an extensive and comprehensive system to encourage consumer participation both at the local and national levels. Responsibility for ensuring adequate participation by consumers rests with the Administrator and heads of departments and staff offices. The major methods of obtaining information from the consumer to use in the decisionmaking process are as follows:

(a) Person-to-person contact with consumers.

(b) Meetings and informal consultations with consumer organizations (veterans' service organizations).

(c) Copies of regulations, policies, and procedures sent to veterans' organizations and other interested groups for comment simultaneously with their publication in the **Federal Register.**

(d) Information obtained from complaints and proposed consumer feedback cards.

(e) Impact, attiude, and opinion surveys of the recipients of benefits.

(f) Vietnam Veterans Civic Councils at each VA Regional Office.

(g) Representation of consumers on advisory committees.

(h) Conferences on VA programs with participation from consumer groups.

(i) Program evaluations to determine the effectiveness of the delivery of benefits.

(j) Evaluation of VA facilities conducted by veterans' organizations.

(k) On-site representatives of veterans' organizations at VA facilities who meet with the director on a regular basis.

(l) Public appearances by VA managers before community and civic groups and professional organizations.

(m) Contacts with state and local government veterans services, and social and employment agencies.

2. Avenues and Forms of Consumer Participation

There are many avenues of approach VA consumers can use to make their views known. The major ways are shown below:

(a) The Veterans Administration provides opportunities for consumers to express their views at both field station and Central Office Organizational levels and at several points in the agency policymaking process. Some consumer contacts are direct and informal, such as a veteran inquiring about VA programs; others are formal, such as the Administrator and VA staff attending the annual conventions of national veterans' organizations.

(b) Consumers may express their opinions of VA benefits and service in a variety of ways. Inquiries, utilization of VA benefits, and general information obtained about consumers provide input into the decisionmaking process. Personal contact between VA employees and individual consumers provides an opportunity for input into decisionmaking; information obtained from these contacts ultimately becomes a source of agency knowledge regarding consumer concerns. To aid in this effort the VA has an extensive outreach program which includes toll-free telephone calls to all VA Regional Offices and veterans assistance personnel located at each VA medical Center and VA Regional office.

(c) Each department currently is developing a consumer feedback card. These are voluntary means by which consumers can express their satisfaction or dissatisfaction with a program or the service received. Implementation is expected in early FY 1981.

(d) An agency wide Complaint/Compliment Reporting System is also under development. When implemented, this system will provide computerized reports showing the number of complaints, their subject matter and source. Implementation is scheduled to start in early FY 1981. (See Paragraph VII. E)

(e) Veterans' organizations periodically evaluate individual field station operations. Representatives of the organizations also provide on-site assistance to consumers within VA facilities. A consumer need not be a member of a veterans' organization to utillze its services. Information provided by the veterans' organizations at the local level is an important source of consumer input for decisionmakers.

3. Analysis of Consumer Concern and Stages of Consumer Participation in Decisionmaking

Consumer views are interjected at several levels when policy decisions are being made:

(a) Veterans' organizations provide the major opportunities for consumer viewpoints to be hard early in agency policy formulation processes. The organizations are consulted regularly on an informal basis and receive advance drafts of proposed changes in programs and major procedures. Veterans organizations also provide comments and analyses when they believe existing programs should be modified.

(b) Comments and suggestions are provided by third party participants (e.g., mortgage lenders, educators, and professional organizations) who interact with consumers.

(c) Individual suggestions from consumers and information received from complaint/compliment and other feedback mechanisms are used.

(d) Information is obtained from surveys and program evaluations showing where improvements or changes are needed.

(e) Each state or VA Regional Office has a Vietnam Veterans Civic Council. The councils meet quarterly to discuss local issues with a VA representative. Council recommendations for remedies to problems are forwarded to Central Office for consideration.

(f) Professional advisory committees are another mechanism for consumer input. The advisory committees represent diverse groups, including veterans and members of the community who are prominent in the fields of medicine, education, construction, and law. The committees provide management with professional evaluations of VA programs and serve as a source of new ideas to improve VA services to consumers.

(g) VA sponsors conferences on agency programs and veteran-related issues. Experts convene to share ideas and discuss solutions to consumer problems.

C. Consumer Informational Material

Informational materials on VA programs are comprehensive and widely distributed. They are an integral part of the outreach effort. Information is provided to veterans through the following seven primary means:

1. Television and radio.
2. Newspapers and magazines.
3. VA pamphlets and literature.
4. Veterans Assistance Discharge System (VADS) which provides information directly to new military dischargees.
5. Personal contact with VA employees.
6. VA nationwide toll-free telephone system.
7. Conferences with veterans' organizations.

In addition to VA publications, third party participants in VA programs (e.g., mortgage lenders) supplement VA publications by providing additional information to the potential beneficiary. Most veterans' organizations also publish monthly magazines at the national level and special material at the local level containing information about VA programs. Furthermore, when the VA participates in public events, appropriate informational materials on VA programs are made available. VA surveys of veterans and dependents show that as a result of these efforts, almost all veterans receive some information about VA programs and activities and that the needed information is readily available to veterans in all parts of the country.

There is a continuous assessment of the effectiveness of informational materials being provided and they are under continuous review to update and simplify the information for VA consumers. Responsibility for developing information about the programs rests with department and program officials. As new legislation is passed or procedures are changed, program administrators are also responsible for making the necessary changes to the appropriate informational publications. Dissemination of information by radio, television, and newspapers is arranged for at both the national and local levels.

An important function of VA facilities at the local level is to disseminate information. Within the Department of Medicine and Surgery, hospitals, outpatient clinics, domiciliaries, and nursing homes furnish a full spectrum of health care information. Regional Offices, within the Department of Veterans Benefits, are the contact points for veterans wishing to obtain information about their benefits, and serve also as distribution points for all non-medical programs. National Cemeteries, within the Department of Memorial Affairs, furnish information on VA burial benefits.

All of the regional offices, hospitals, and cemeteries are covered by seven regional information specialists who work with the station director and program officials to develop information about VA programs for media use.

VA publications are routinely made available at convenient locations such as military installations, veterans' service organizations, libraries, universities/college campuses, and community information centers. The VA toll-free telephone system is also a source for consumers to request VA benefits information.

D. Education and Training

1. Employee Education and Training

Employee education and training includes informing all VA personnel regarding the requirements of Executive Order 12160 and the enhanced VA Consumer Affairs Program; additional education and training in consumer service for those VA personnel involved in direct contact with consumers; and specialized training and education for employees directly involved in the Consumer Affairs Program.

Training of employees is the responsibility of the departments and staff offices. Each department and staff office develops its own training program to meet the special needs of its personnel in providing the best possible service within available resources. Currently each department having public contact has a training program for employees on answering questions and on sensitivity toward the individual. The best ways to serve or care for the individual are emphasized.

A specific Consumer Affairs training program is to be established by each department to include field stations. The Consumer Affairs Staff will coordinate and assist the departments to ensure that there is a consistent and cohesive agency approach. The current training programs for employees relating to consumer affairs are to be integrated into one training program. An agency training directive providing guidance for establishing departmental consumer programs will be developed and will include the requirements of the Executive Order.

2. Consumer Education and Training

Consumer education and training includes informing the consumer of the benefits and services and how to obtain them; providing technical assistance on VA matters to consumer organizations (e.g., Veterans' Organizations); and providing technical assistance and training to intermediaries through which some VA benefits are delivered (e.g., builders, educational institutions, contract health care facilities, and funeral homes).

E. Complaint Handling

A major source of consumer opinion is from complaints, most of which are received and resolved by the field stations. There is a formal written procedure to ensure that special review of complaints is made, whether it comes to the station staff, the station director, or a veterans' organization. Complaints are forwarded to the Office of the Director to ensure prompt reply and to be certain corrective measures are taken to avoid similar complaints from other veterans. It is the policy of all VA field stations to respond immediately to complaints and to resolve them in an expeditious manner. As a goal, the VA tries to at least provide an interim response to the complainant within ten (10) working days if the problem cannot be readily resolved. In addition to complaints about service received, veterans, their dependents, or their beneficiaries can appeal decisions made regarding claims for benefits. In these instances, the VA instructs the consumers of the proper procedures for having the case heard by the Board of Veterans Appeals. If a VA field station discerns a pattern which indicates a consumer problem is more than local in scope, the appropriate Central Office official is contacted.

Complaints received at Central Office receive similar priority handling, each request being answered promptly and reviewed, together with other data, to determine if there is any need for change. As a result of this method, complaints received at the field stations and Central Office have influenced VA policies, procedures, and regulations.

With the implementation of the TARGET computer system, the VA has been able to provide immediate answers to consumer inquiries, and thus possibly avoid a formal complaint. This system when fully operational will allow the VA field stations to immediately make inquiries on individual veteran's status of eligibility and benefits.

Under the enhanced Consumer Affairs Program, a system is under development to collect topical data on all complaints. This data will be computerized and used to produce statistical information on "who" (e.g., veteran, Congressional, White House, professional, etc.), "what

program" (e.g., DVB's housing, education, pension, DM&S's Inpatient, Dental, Contract Care, etc.; or DMA's headstone/marker National Cemetery maintenance, etc.), and "specific concern" (e.g., timeliness, denied benefits, treatment, etc.) that are involved. With this information the VA will be able to establish a more representative picture of the views and opinions held by veterans on VA performance. This will be accomplished through the use of statistical reports showing the number and percentage of complaints during a period by facility, program area, and concern. These reports will also show the timeliness of VA's response to complaints. As a management tool for all levels of management, the information from these reports can help increase the VA's sensitivity to consumer concerns and more effectively alert management to possible problems.

Appropriateness of response will also be reviewed through a sampling procedure as part of the field station systematic analyses, the departmental station evaluations, and the Inspector General audits.

VIII. DEPARTMENT OF MEDICINE AND SURGERY CONSUMER AFFAIRS PROGRAM

A. Consumer Affairs Perspective

1. Operating Structure

The DM&S Consumer Affairs Operating Structure (Figure 4) shows the key program representatives in the Department of Medicine and Surgery (DM&S) at each level of management.

2. Responsibilities

(a) The Chief Medical Director (CMD) has overall responsiblity for development, implementation and management of the Department of Medicine and Surgery Consumer Affairs Program.

(b) The Executive Assistant to the Medical Director has been designated as the Department Consumer Affairs Representative.

(c) The Communication and Inquiries Staff, a part of CMD's immediate office is responsible for the development, conduct and coordination of the Department program with inputs from all Department elements whose activities impact on consumer affairs.

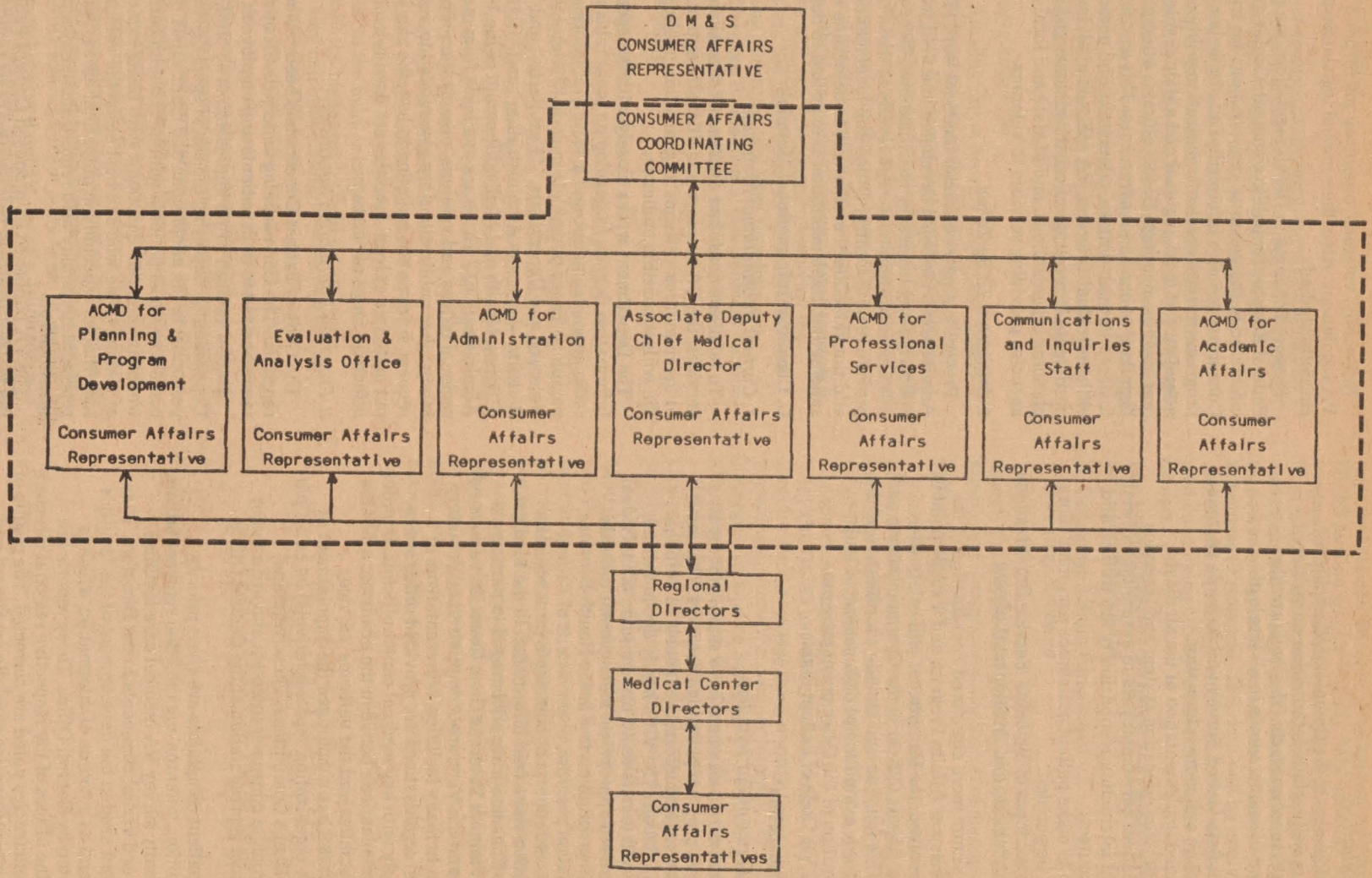
(d) A coordinating committee on Consumer Affairs has been established to facilitate communication and cooperation in this process. The coordinating committee's members (Figure 4) are key staff from the major operational, policy and management offices of the Department.

(e) Medical Center and Clinic Directors are responsible for the consumer affairs activities at their facility.

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FIGURE 4

OPERATING STRUCTURE
OF THE
DM&S CONSUMER AFFAIRS PROGRAM



Note: The Department's Consumer Affairs Coordinating Committee consists of representatives of those elements within the dotted line.

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3. Department Initiatives

(a) Final development of the Complaint/Compliment Reporting System will include information on written, telephonic and personal contacts. This will provide information about consumer views to all levels of management.

(b) The Patient Satisfaction Survey will be made an annual evaluation to assure still more information.

(c) The continued implementation of the Medical Administration Service education system and inservice training for all patient care employees to assure that all staff who have patient interaction responsibility are trained and have refresher courses.

(d) A program to make patient assistance personnel more identifiable will be pursued.

(e) The continued input of Veterans' Service Organizations will be sought in planning and development of new initiatives.

(f) In order to assure more structured coordination of the entire DM&S Consumer Affairs Program and a single point of contact for all involved, the Department will establish a DM&S Consumer Affairs Officer in the Communications and Inquiries Staff. This function will include coordination of the Department's efforts, evaluation of data generated and overall administration of the Department program.

(g) Establish a VA Code of Patient Rights.

B. Consumer Participation

1. Avenues and Forms of Participation

Veteran medical care consumers have significant input into the policy and program planning processes. This input comes through formal and informal channels at both the local and national levels. The VA's highly decentralized medical care system fosters rapid transmission of individual consumer concerns to appropriate management officials.

The systematic program review in the Health Services Review Organization program, observations of Patient Representatives, and reports or comments from veterans' service organization visits feed information to the Medical Center Director. Consumers are encouraged to participate locally through Vietnam Veterans Civic Councils, various *ad hoc* commitees, and the Veterans Administration Voluntary Service program. In many facilities, representatives of various veterans' organizations are provided office space and meet regularly with key medical center officials. In order to improve communications between the academic affiliates of VA medical facilities and the veterans' service organizations, DM&S has encouraged the appointment of veterans' service organization representative(s) as *ex officio* members to the Deans Committees. These veterans' organizations promote consumer interests and are a major source of consumer representation at the Central Office level.

At all levels, patient complaints are given priority attention. In addition, veterans' organization representatives, who tour or formally survey VA medical care facilities, provide written and verbal comments to the Directors. These formal reviews are used in the development of the facility's five-year plans and as a source of information which is carefully evaluated by Central Office. These reports are followed up by the offices of the respective regional directors to ensure that deficiencies noted are corrected. The results of patient satisfaction surveys are carefully monitored and facilities with deficiencies are required to take steps toward their correction. The Communication and Inquiries Staff keeps top department managers informed of individual complaints, emerging trends, and potential consumer impact of proposed changes in policy.

Nationally, veterans' organizations respond to proposed VA regulations. Also, their annual legislative packages are carefully studied.

Proposed changes in DM&S regulations are printed in the **Federal Register** for public comment. Copies are also circulated to the veterans' organizations for comment. Consumers are also informed of available benefits and programs through service organization publications. Through attendance at local, regional and national veterans' organization meetings, DM&S officials attempt to maintain a high level of consumer awareness. This awareness is also fostered through written, telephonic, and personal contacts with individual veterans. VA officials at all levels also participate in meetings of other consumer groups, health planning organizations, and of state and local government agencies providing services to veterans.

2. Initiatives To Be Taken

Presently, a new consumer feedback card (Tell it to the Administrator) is being developed and field tested. Following any necessary modifications, these cards will be introduced system-wide. The results of these cards will provide to both Central Office and local management an additional feedback mechanism to determine consumer satisfaction. Implementation is expected to begin in FY 1981.

C. Consumer Informational Materials

1. Current Informational Materials

To facilitate consumer awareness of available medical services, the VA employs a multimedia approach in addition to the numerous veterans' organization publications to reach the widest possible audience.

The Department works closely with the agency's Information Service in developing press releases, TV and radio announcements, and a variety of informational pamplets. These pamphlets include "Federal Benefits for Veterans and Dependents," "Fast Facts," and "Medical Benefits—Veterans Administration" and "CHAMPVA (Civilian Health and Medical Program of the Veterans Administration)." These are available from medical centers, regional offices and veterans' organization representatives. Many other publications are also mailed to veterans on request. Information bulletins in benefits checks and hand-out materials at local facilities are used to reach directly affected groups of veterans.

2. Proposed Information Initiatives

The Code of Patient Concern has been revised and reprinted. The Code is being widely distributed and reemphasized to both patients and employees.

Since a veteran's first impression is so vital, the Department is exploring the use of specially trained personnel in the admissions and clinic areas of the medical centers to assist patients with their health care benefits and treatment program questions. Also being explored are means of making those who can best assist the veteran more identifiable, especially in outpatient areas. Patient representatives may also require similar special identification.

The VA published its proposed Code of Patient Rights in the **Federal Register.** This proposal sets forth the detailed substantive and procedural rights to be afforded both voluntary and involuntary patients undergoing treatment in a VA medical center. This action will ensure that patients' rights will be consistent and uniformly applied in all VA facilities.

D. Education and Training

1. Current Training

The Department recognizes the importance of training for medical care personnel, especially for employees in constant contact with consumers. Training of 17,000 Medical Administration Service employees has recently been completed. To assist VA medical facilities in being more effective in dealing with the needs of veterans and other consumer publics they deal with, both in person and through written correspondence, Medical Center Directors and other selected field personnel receive training in community affairs and communications through the Regional Medical Education Centers. Familiarizing employees with the Code of Patient Concern indicates the Department's commitment to the consumer.

2. Planned Training Initiatives

New Medical Administration Service employees receive a minimum of 30 hours of training which includes a consumer awareness component. Consumer Awareness Training is being explored as a regular part of all medical care inservice training programs. Also, special training will be provided for all employees responsible for the consumer affairs program, both at the medical facilities and in the Central Office.

Development of these new initiatives and improvements in existing programs will be a joint venture involving the medical center staff, the Department's Public Information Officer, Continuing Education and Staff Development Service, Health Services Research and Development Service, the Agency's Consumer Affairs Staff, and the Office of Personnel.

E. Complaint Handling

1. Complaint Processing

A central element in a comprehensive consumer affairs program is the prompt and effective resolution of consumer complaints. Consumer comments including complaints, compliments and suggestions, are a valuable management tool in the identification of strengths and weaknesses at all levels. These comments are therefor given priority attention.

Most consumer comments and complaints are resolved at the medical center level. Those comments received in Central Office are either coordinated by the Communications and Inquiries Staff or routed to the appropriate medical facility for response. Correspondence, including that sent to the field, is logged to ensure prompt response. Copies of the responses by field facilities are returned so that they can be monitored for timeliness and quality. In DM&S Central Office, the Inquiries Unit in conjunction with medical specialists answer the bulk of the consumer mail. The Inquiries Unit, along with the Hospital Administration Specialists in the Regional Director's Offices, respond to telephonic inquiries received from consumers. These comments and questions which require particular expertise are referred to appropriate Department elements. Before signature, all replies are carefully reviewed by the Communications and Inquiries Staff to ensure that they are appropriate and in compliance with agency policy. Copies of all contacts are retained and monthly reports are generated. Each medical facility follows similar procedures to ensure prompt attention and appropriateness of reply. Differences in size, complexity and clientele preclude a completely uniform system.

2. Planned Initiatives

A consumer Complaint/Compliment Reporting System is under development in conjunction with the other departments and the agency's Consumer Affairs Staff. The DM&S portion will be initially field tested at four medical centers. When implemented, this system will be the nucleus from which a comprehensive reporting system on consumer comments will be developed. Comments will be categorized by source, program involved, area of specific concern and timeliness of response. This data will be analyzed, evaluated and considered along with other factors in the decisionmaking process at Central Office and medical centers.

IX. DEPARTMENT OF VETERANS BENEFITS CONSUMER AFFAIRS PROGRAM

A. Consumer Affairs Perspective

1. Operating Structure

The DVB Consumer Affairs Operating Structure (Figure 5) depicts the organization and relationships of key consumer affairs representatives at each level of management.

2. Responsibilities

The DVB Consumer Affairs Program is the responsibility of the Chief Benefits Director; its development and implementation are under the direct guidance of the Deputy Chief Benefits Director (DCBD), DVB's senior level Consumer Affairs Representative.

(a) The DCBD has direct access to the Chief Benefits Director and possesses the authority to make decisions regarding matters of consumer interest. The Director, Veterans Assistance Service, has been designated as DVB's alternate senior level Consumer Affairs Representative.

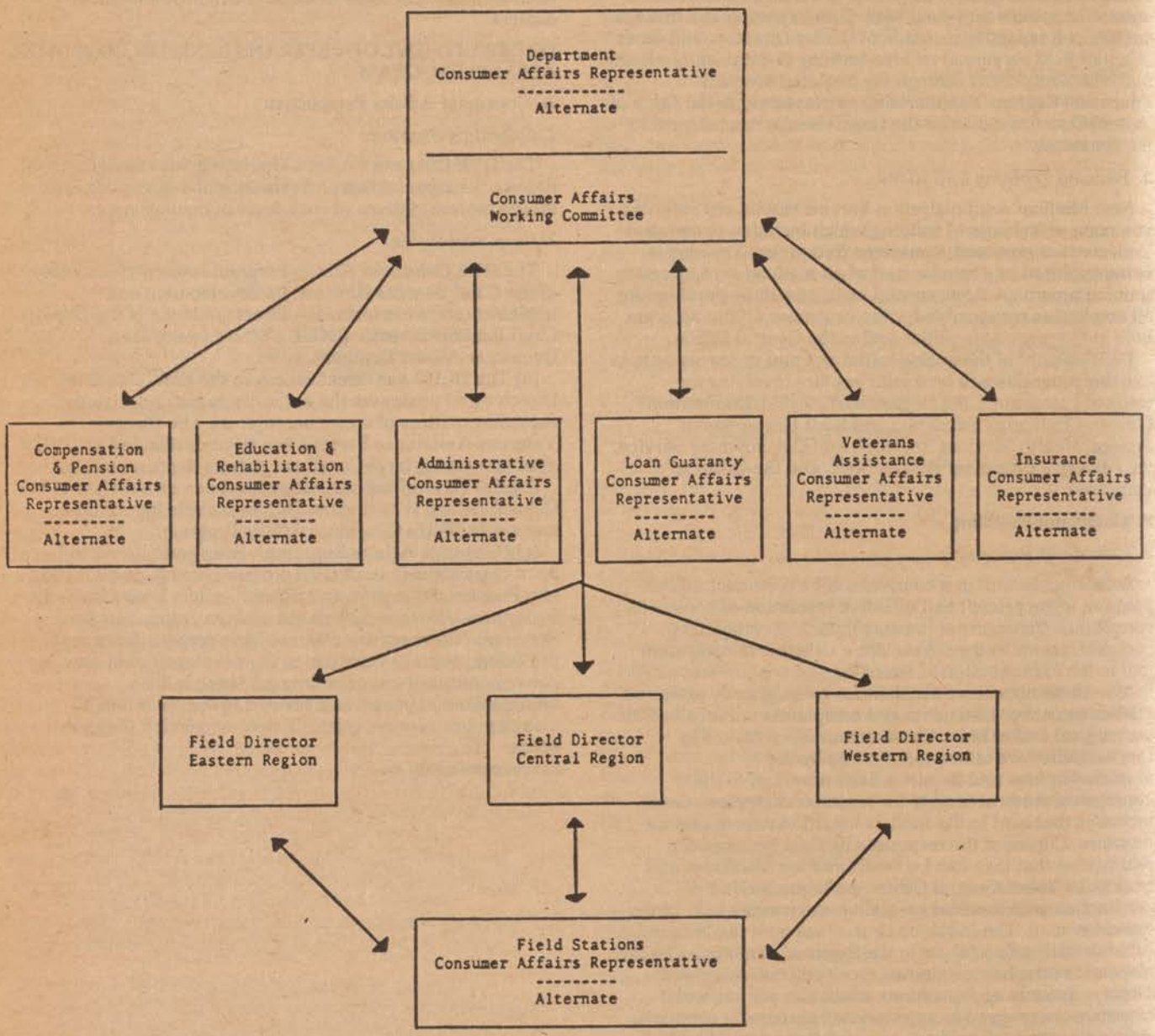
(b) A DVB working committee has been established at VA Central Office, Washington, D.C. to provide input and support to DVB's Consumer Affairs Program.

(c) Consumer Affairs Representatives and alternates have been designated in each DVB program area (Compensation and Pension, Education and Rehabilitation, Loan Guaranty, Insurance, Veterans Assistance and the Administrative Services). These representatives have responsibility for providing program expertise in the development of new consumer initiatives, providing guidance in the implementation phase, and reviewing the operation of existing consumer programs in their respective program areas.

BILLING CODE 8320-01-M

FIGURE 5

OPERATING STRUCTURE OF DVB CONSUMER AFFAIRS PROGRAM



BILLING CODE 8320-01-C

(d) Each DVB field station has named the Veterans Services Officer and an alternate as Consumer Affairs Representatives who have responsibility for providing input to and implementing DVB-wide consumer programs, as well as initiating, implementing, and advertising consumer related programs tailored to the needs of their particular station, as appropriate.

(e) All Consumer Affairs Representatives provide input on the development of new programs, rules, policies, and legislative actions which involve consumerism in DVB and the VA as a whole.

3. Department Initiatives

(a) Field station Consumer Affairs Representatives will be requested to find new and innovative ways to improve service to veterans and their dependents residing within their field station jurisdiction.

(b) In coordination with the Office of Planning and Program Evaluation, DVB has developed a five-year program on consumerism which includes the following actions: (1) Implementation of a computerized Complaint Reporting System; (2) Establishment of Baseline of Service Delivery Standards; and (3) Implementation of a DVB Consumer Feedback Card System.

B. Consumer Participation

1. Avenues and Forms of Participation

Consumer participation in DVB's decisionmaking processes occurs in every phase of the Department's operations on a continuous basis. Consumer input on the need for changing rules, policies and programs is solicited through both formal and informal channels. Input leading to program changes comes from the following mechanisms/sources:

(a) Review of claims referred to Central Office by field stations.

(b) Comments from other VA departments and staff offices.

(c) Analysis of correspondence from Members of Congress and the general public.

(d) Recommendations from national veterans' service organizations; housing, education and insurance interest groups; and *ad hoc* committees.

(e) Contacts with state and local government veterans services, social and employment agencies.

DVB consumers can participate in the decisionmaking processes through involvement in local Vietnam Veterans Civic Councils, through correspondence, or personal visits to DVB field stations or Central Office. VA employee suggestions concerning the needs and concerns of veterans also play an important role in policy and procedure formulation.

Prior to their effective date, all proposed regulations are published in the **Federal Register** for public review and comment. Interested persons are invited to submit written comments, suggestions or objections regarding the proposals. Comments received are analyzed by program staffs and where appropriate incorporated into the final regulation, which is then republished in the **Federal Register** for additional comments before implementation.

Along with publication in the **Federal Register**, draft copies of new issues are regularly sent to a large number of concerned organizations for their review and comment(s). For example, an educational issue affecting the school approval process would be sent to the National Association of State Approving Agencies (NASAA) for their comments. Veterans' service organizations play an important role as consumer advocates in this process.

Consumers are given the opportunity to express their views on the effectiveness of DVB's programs and services through a variety of channels, such as, toll-free telephone service to our field stations, consumer satisfaction letters, Vietnam Veterans Civic Councils, DVB's outreach programs, compliance surveys, and *ad hoc* committees. Also, representatives from DVB participate in consumer-oriented meetings to establish rapport with consumers and technical groups, to keep abreast of current trends, and to solicit suggestions for improving service to veterans.

To ensure that consumer concerns are adequately analyzed, ongoing reviews are undertaken by each service within DVB. These include statistical quality control, systematic analysis, field station surveys, and administrative review of selected cases.

The quality control system alerts field stations of any areas needing attention on a technical basis and informs Central Office of 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 review indicates a trend of similar problems at a number of field stations.

2. Department Initiatives

DVB is developing a consumer feedback card which will provide veterans and their dependents a means of expressing their view on the timeliness and quality of the service they are furnished at DVB offices. Implementation of the system is scheduled for FY 1981.

A Baseline of Service Standards will be developed to measure how well DVB programs meet their mission of service to veterans and beneficiaries.

Expanding the role of the Vietnam Veterans Civic Council (VVCC) as a consumer advocate group is also being explored. As is currently done with veterans' service organizations and other concerned groups, VVCC's may be provided copies of proposed legislation and policy changes and requested to review and comment on these issues. Since a significant portion of the VVCC membership consists of potential VA beneficiaries, this could be an effective means of involving more consumers in the VA's decisionmaking processes.

C. Consumer Informational Materials

1. Current Informational Materials

Current informational materials available to DVB's consumers include a wide range of publications, pamphlets, and booklets which describe the scope of benefits that veterans and their beneficiaries are entitled to receive. Special interest publications, such as, "Your VA Counseling Service Can Help You," "Veteran-Student Work-Study Program," "Pointers for the Veteran Homeowner," "National Service Like Insurance," and "Minority Businesses" are also published regularly by the VA. Most of the above publications are routinely made available to military bases, veterans' service organizations, libraries, schools and community information centers, as well as all DVB field stations.

Newly discharged veterans are sent computer-generated certificates of eligibility for educational assistance and loan guaranty benefits through the computerized Veterans Assistance Discharge System (VADS), in Austin, Texas. Pamphlets describing benefits available to veterans are also included with the certificates. Six months after the initial VADS mailing, a follow-up package of similar information is sent.

DVB conducts a number of special outreach programs to assist a particular group of veterans with common types of

problems. Currently, these outreach efforts are being directed to such groups as elderly veterans, educationally disadvantaged Vietnam era veterans, veterans in jeopardy of losing their homes through foreclosure, minority veteran homebuyers, and incarcerated veterans.

Career Development Centers (CDCs) which help veterans plan their career and find jobs have been established or are planned for 38 field stations located throughout the country. This program is receiving the support of the Department of Labor's Veterans Employment Representatives located in the field stations and who assist veterans in job placement.

2. Proposed Informational Materials

When DVB's publications, pamphlets and booklets are revised to reflect policy and procedural changes, they will also emphasize the importance of consumer involvement in the day-to-day operations of the VA.

D. Education and Training

1. Current Training

Veterans' Services Division personnel, located in all VA field facilities, provide information and assistance to veterans in applying for benefits from the VA and other agencies, as well as receiving complaints. Currently, these employees receive one-half hour training daily.

Adjudication personnel in DVB field stations participate in the "Venture in Progress" training program which is composed of three hours of training weekly. Additional training may be scheduled if deemed necessary by field station management.

Representatives of Central Office Loan Guaranty Service periodically conduct training sessions for field station Loan Service Representatives. Among other things, these sessions include tips to Loan Service Representatives in making contact with borrowers and how to provide financial counseling to delinquent borrowers.

2. Planned Training Initiatives

An essential element in the success of DVB's programs is through training and educating employees to be understanding, responsive and courteous to our consumers. Actions will be taken to encourage and emphasize the need for effective employee training in all phases of DVB's operations which directly involve the consumer.

The Education and Rehabilitation Service is planning staff development training in three geographical areas in 1980 for the counseling and rehabilitation staffs. The purpose of the training will be to ensure that the practices and methods utilized in the Veterans Vocational Rehabilitation Program are in accord with modern concepts and advanced knowledge in the field of rehabilitation.

DVB will participate in three seminars on Community Relations sponsored by the Department of Medicine and Surgery in 1980. Techniques for improving communication within VA facilities and the surrounding community will be stressed.

Consumer Affairs Representatives from DVB services will meet regularly to discuss ways to improve and expand consumerism in DVB.

E. Complaint Handling

1. Complaint Processing

(a) *Central Office.*—Complaint mail received in DVB is identified and analyzed according to the type of complaint and area of responsibility. Either the Chief Benefits Director's office or one of the DVB program offices logs the complaint, sets up timeliness controls, and assigns it to the appropriate office for action or forwards it to the field station of jurisdiction for action.

(b) *Field Stations.*—All complaint mail received in a DVB field station is given priority handling and forwarded directly to the station Director's office. The complaint correspondence is then logged, analyzed as to type and area of responsibility, and timeliness controls set up.

Department directives provide complaint handling and analysis guidelines. For example, DVB Quality Control Manual, M20–2, requires that all complaint mail receive the personal attention of the station Director to assure prompt and correct disposition of all pertinent issues. Also required are regular studies of complaint situations to identify underlying causes which can be eliminated, and referral to Central Office of situations beyond field station control.

Loan Guaranty Divisions in each field station reported to Central Office during FY 1979 the number and status of all written complaints involving newly constructed homes. Additionally, the stations analyzed complaint mail received for a three-month period on existing, previously occupied homes according to type, frequency, and timing.

2. Planned Initiatives

DVB is currently developing a computerized Complaint Reporting System which when implemented will enable the Department to collect complaint data by Central Office Service or field station, program area, source, and specific area of concern and will also show how prompt DVB is in responding to complaints. Computer-generated reports showing data for each of the above categories will provide management, both in Central Office and the field, with necessary information for improving the delivery of veterans' benefits. Implementation of the system is scheduled for FY 1981.

X. DEPARTMENT OF MEMORIAL AFFAIRS CONSUMER AFFAIRS PROGRAM

A. Consumer Affairs Perspective

1. Operating Structure

The DMA Consumer Affairs Operating Structure (Figure 6) shows the key program representatives in the Department of Memorial Affairs (DMA) Consumer Affairs Program. DMA administers its Consumer Affairs Program through normal management channels, since the program is considered an essential management function of DMA staff and line managers.

2. Responsibilities.

The DMA Consumer Affairs Program is the responsibility of the Chief Memorial Affairs Director; its development and inplementation are under the direct guidance of the Deputy Chief Memorial Affairs Director. DMA staff and service directors are the Consumer Affairs Representatives directly responsible for the implementation of DMA programs. They are directly involved with consumer concerns on a regular basis and are responsible for responding to consumer complaints and other consumer feedback.

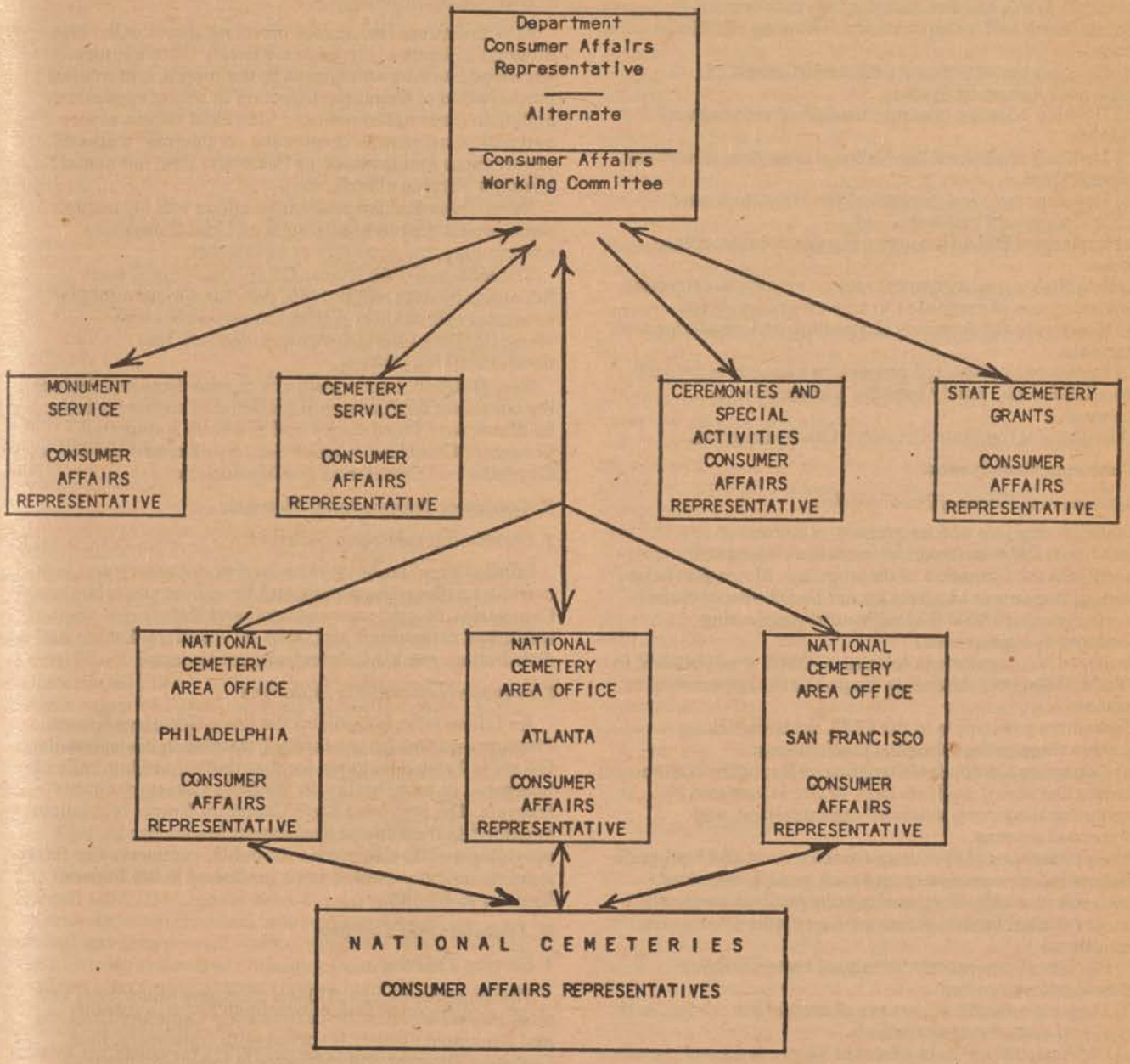
DMA organizational responsibilities for consumer affairs are vested in:

(a) *The Director, Plans and Programs Staff,* who has been designated as the DMA Consumer Affairs Representative and is responsible for coordinating the DMA Consumer Affairs Program. This individual will act as a consumer affairs advocate by ensuring the responsibilities in Paragraph VI, B & C, are accomplished.

BILLING CODE 8320-01-M

FIGURE 6

OPERATING STRUCTURE
OF THE
DEPARTMENT OF MEMORIAL AFFAIRS
CONSUMER AFFAIRS PROGRAM



BILLING CODE 8230-01-C

(b) *DMA Staff and Service Directors* who are responsible for Consumer Affairs within their organizational elements.

(c) *National Cemetery Area Office (NCAO) Directors* who are responsible for coordinating and monitoring the Consumer Affairs Program for their respective areas.

(d) *Cemetery Directors* who implement the program at the station level.

3. Department Initiatives

In coordination with the Office of Planning and Program Evaluation, DMA has developed a five-year consumer program which will incorporate the following significant actions:

(a) Develop the automated Consumer Complaint/Compliment Reporting System.

(b) Develop baseline measurement of service delivery standards.

(c) Test and implement the National Cemetery Consumer Feedback Card.

(d) Develop, test, and implement the Headstone and Marker Consumer Feedback Card.

(e) Implement DMA Consumer Feedback Information System.

(f) Establish a quality control review system to determine appropriateness of responses to consumer complaints.

(g) Reactivate the Advisory Committee on Cemeteries and Memorials.

(h) Implement automated processing methods to provide more effective and timely benefits and services to consumers.

(i) Implement the State Cemetery Grants Program.

B. Consumer Participation

1. Avenues and Forms of Participation

Based on analysis and awareness of consumer expressions, DMA incorporates consumer viewpoints directly into the formation of its programs. Major decisions regarding Department operations are based almost entirely on consumer dissatisfaction with current operating procedures in a given area.

Proposed VA regulations relating to DMA are published in the **Federal Register**, affording the public the opportunity to comment.

Consumers participate in the DMA decisionmaking processes through the following mechanisms:

(a) Consumer Complaint/Compliment Reporting System, including complaint analysis from White House and Congressional sources, veterans' organizations, and professional sources.

(b) Appearances of Cemetery Directors and DMA program managers before community and civic groups, veterans' organizations, and professional groups (such as national, state, or regional funeral directors' associations; cemetery associations).

(c) Review of environmental impact statements for proposed cemetery sites.

(d) Program evaluation surveys of next-of-kin, clergy, and funeral and cemetery associations.

(e) DMA participation in Vietnam Veterans Civic Councils (established by the VA Department of Veterans Benefits).

(f) DMA participation in ongoing VA studies, such as the Survey of Veterans.

(g) Contacts with state and local government agencies serving veterans.

The DMA Consumer Complaint/Compliment Reporting System identifies the specific complaints received. Input is reviewed by DMA management at every organizational level, including the Chief Memorial Affairs Director. This system provides opportunities for consumer participation in the DMA decisionmaking process. Consumers are informed of proposed or revised regulations through publication in the **Federal Register**. Proposed procedural changes at the cemetery level are coordinated with officials of local funeral homes and veterans' organizations. Proposed cemetery development projects are communicated to community groups and veterans' organizations.

2. Department Initiatives

New initiatives include the direct notification to State program officials of the State Cemetery Grants Program to assure consumer participation in the program; increased participation of Cemetery Directors in public appearance activities (hearings, meetings); increased efforts at all national cemeteries to involve the community in special observances and ceremonies (Veterans Day, Memorial Day, Vietnam Veterans Week, etc.).

Regulations and proposed regulations will be sent to professional organizations, such as funeral directors' associations and cemetery associations.

The automated Consumer Complaint/Compliment Reporting System will provide data for a more effective consumer information system to ensure consumer viewpoints are formally incorporated into the decisionmaking process.

New DMA consumer feedback mechanisms will include the consumer feedback card (national cemeteries), consumer feedback card (headstones and markers), automated Consumer Complaint/Compliment System, and the Advisory Committee on Cemeteries and Memorials.

C. Consumer Informational Materials

1. Current Informational Material

Informational material is revised as necessary and kept current. Leaflets, pamphlets, and brochures cover National Cemeteries, Headstones and Markers, history and maps of individual cemeteries, and DMA Newsletters. For methods of distribution, see VII.C, Informational Material.

2. Proposed Information Initiatives

An information bulletin on the State Cemetery Grants Program and Guidelines for Participation in State Cemetery Grants is being developed for distribution to State officials interested in participating in the State Cemetery Grants Program. The proposed State Cemetery Grants regulations appeared in the **Federal Register** on September 28, 1979, providing a sixty-day period for public comment. The final regulations are expected to be published in the **Federal Register** in FY 1980.

D. Education and Training

1. Current Training

The sensitive nature of DMA programs (interments and monuments) dictates the need to train Cemetery Directors and personnel directly involved with consumers. Each Cemetery Director and employee is evaluated in areas relating to direct dealings with the public. Special training sessions on consumer awareness are held at the Annual Directors' Conference. The presentations feature professional persons from the private sector who are skilled in human relations and communications.

Continuous emphasis is placed on improving written communications as a follow-up to the VA Better Letters program, as well as oral communications, using the "VA—MAY I HELP YOU" approach.

2. Planned Training Initiatives

DMA is assembling a briefing package on the DMA Consumer Affairs Program, which will include the five-year plan on consumerism. Briefings will be given to DMA Staff and NCAO Directors. The need for training in human relations, effective writing, effective oral communications, will be emphasized to each Cemetery Director; formal training completed will be made a matter of record.

Consumerism will be a major item on the agenda of the 1980 Cemetery Directors' Conference.

Consumer Affairs briefings will be developed under the guidance of the Deputy Chief Memorial Affairs Director and the Director, Plans and Programs Staff.

DMA consumer representatives will be responsible for implementing the Consumer Affairs Program, including recommended training courses, for their respective organizational elements.

DMA Staff and NCAO Directors will receive a comprehensive briefing package on the Consumer Affairs Plan. NCAO Directors will disseminate the briefing package at the field level and will be responsible for ensuring adequate training for cemetery personnel.

Formal training in consumerism completed by cemetery personnel will be reported to VACO through the NCAOs.

The minimum requirement for Consumer Affairs representatives and other DMA personnel will consist of orientation sessions on the VA Consumer Affairs Program and participation at meetings and workshops on consumerism, human relations, and communications at the annual DMA Directors' Conference.

E. Complaint Handling

1. Complaint Processing

Complaint records are maintained by assigned personnel at national cemeteries and at each VACO Staff and Service Office. Complaints are logged from correspondence, telephone calls, and personal visits. The log reflects name of complainant, type and nature of complaint, and date of response. A separate VACO log identifies special sources of complaints: Congressional referrals, White House referrals, other high-level consumer sources. The log also shows referrals to other DMA facilities or VA organizational elements responsible for preparing replies to complainants, or to another Federal Agency.

Compaints are targeted for reply within five work days. Additional follow-up procedures have been established to ensure timely responses to White House, Congressional, or other "special" mail. Interim responses are used where needed or in cases where target dates cannot be met.

2. Planned Initiatives

In April 1979, DMA established a manual Consumer Complaint Reporting System, in which complaints are classified into five separate categories. This system will be replaced by the automated consumer Complaint/ Compliment Reporting System which identifies 27 specific areas of concern in which complaints may be classified. The automated system will:

(a) produce quarterly reports and facilitate indepth analyses. The number and type of complaints per facility, overall timeliness of responses, and total number of complaints will be shown.

(b) furnish reports to the Chief Memorial Affairs Director, DMA Staff and Service Directors, NCAO Directors, and Cemetery Directors. Additional procedures will be developed to provide for a random review of responses to consumer complaints to assess the appropriateness and quality of response.

The aforementioned reports will constitute a means of involving the consumer in DMA plans and operations. Consumer viewpoints will be considered in improving services at the operating level, as well as in the decisionmaking process, and will be incorporated directly, wherever feasible, into DMA polices and programs.

XI. STAFF OFFICE CONSUMER ACTIVITIES

A. Veterans Service Organization Liaison

The Veterans Service Organization Liaison (VSOL) is responsible for establishing and maintaining systematic internal coordination for national-level communications between Veterans' Service Organizations (VSOs) and the Office of the Administrator. The VSOL activity augments veterans' service organization communications with program officials and is not intended to replace direct communications to VA officials.

The VSOL maintains open channels of communications, assists veterans' service organizations in matters involving the VA, and performs the following functions:

1. Provides internal administrative coordination for communications by department and staff offices with veterans' service organizations.
2. Maintains current names and addresses of veterans' service organizations.
3. Coordinates annual VA briefings for new officers of each of the major veterans' organizations.
4. Conducts an annual reception and briefing for new officers, executive staffs, and auxiliary officers of all veterans' service organizations.
5. Coordinates quarterly conferences between major organizations and the Deputy Administrator to update activities, exchange information, and discuss issues and concerns.
6. Ensures control of resolutions and important correspondence received from veterans' service organizations.
7. Provides advance notifications to veterans' service organization presiding officers and/or VSOL primary contacts about major appointments, announcements and activities of the VA as determined appropriate.
8. Assists with appointments of veterans' service organization officials to federally chartered advisory committees of the VA.
9. Provides information to the Consumer Affairs Coordinator about veterans' organizations concerns and areas of interest.

B. General Counsel

The General Counsel serves as the chief legal officer of the Veterans Administration in all matters of law and legislation and is responsible for all litigation, legal advice and legislative services. These responsibilities include: (1) review of regulations proposed by program units, to assure their legality; (2) drafting legislation for presentation to the Congress; (3) interpretation of laws affecting the VA; (4) advice, opinions, and assistance to VA officials in legal problems arising in their work; (5) litigation in local, State and Federal courts brought by or against the VA; (6) assisting the Department of Justice in litigation brought by or against the United States, involving the VA; and (7) working with Congressional Committees in legislative matters.

The work of the General Counsel involves contact with consumers in responding to letters from the general public on legal or legislative issues. When the correspondence indicates a potential need for legislative or regulatory changes, it is reviewed with program officials who are primarily responsible for recommending such changes. The

General Counsel personnel also have direct contact with claimants and witnesses in processing claims and conducting litigation under the Federal Tort Claims Act and the Medical Care Recovery Act; in commitment and guardianship proceedings involving orphans, mentally ill and incompetent persons; in insurance, education and housing programs; in criminal prosecution; in bankruptcy and probate proceedings; and in other types of cases.

The General Counsel functions in the VA Consumer Affairs Program include: (1) legal advice and services to VA officials on problems arising in their consumer affairs programs; (2) continued sensitivity to consumer impact in drafting or reviewing legislation and regulations; (3) continued sensitivity to information revieved from legislative, judicial, public and other sources to insure that potential weaknesses in VA programs are communicated to program officials and considered in future decisions; and (4) protecting interests of consumers by assuring that accredited service organizations and representatives have the required qualifications.

C. Controller

The Office of Controller is responsible for coordination and submission of the Agency budget, and for the reports management function. The reports management function includes controlling reports within the agency, serving as a liaison for OMB clearance of public use reports, and providing statistical support. The Controller also prepares demographic reports for the public and for Congress as well as for VA use.

The Office of the Controller provides support to department and staff consumer affairs programs as follows:

1. Assisting with design of reports for handling consumer data.
2. Assisting in identifying consumer data already available in Agency reporting systems and studies.
3. Providing statistical assistance in surveys and consumer reporting systems (Complaint/Compliment Reporting System and Consumer Feedback Cards).
4. Inclusion of a separate consumer program exhibit in yearly budget submissions to OMB.

D. Information Services

Information Services is responsible for consumer education regarding Veterans Administration benefits. Utilizing print and electronic media, the office seeks to directly increase the awareness among veterans, their dependents, spouses and the general public of VA benefits, new benefit laws, important deadlines and changes in policies and regulations. Veterans and their dependents are encouraged to contact the VA for information and assistance.

Approximately 600 local and national news releases are distributed each year to 11,000 daily and weekly newspapers, the Associated Press, United Press International, Reuters, Copley, and other national news services. These news releases are also distributed to veterans service organizations and military publications. Written, recorded and videotaped and filmed spot announcements are distributed to 6,100 radio and television stations and a weekly news insert is distributed to the Armed Forces network. Question-and-answer features, benefit filler facts, cartoon features, magazine articles and information are prepared and sent to the print media. The office also publishes a comprehensive booklet, "Federal Benefits for Veterans and Dependents," which is disseminated to the media and public through all VA facilities, and is also sold in volume by the Government Printing Office.

The service also publishes a weekly *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.

E. Office of Planning and Program Evaluation (OP&PE)

Planning and Program Evaluation is responsible for (1) coordinating and integrating Agency planning to support the agency's missions and goals, (2) identifying agency top management informaton requirements and developing plans for a supporting information system, (3) conducting program evaluations, special studies, and systems analyses, and (4) supporting the agency Consumer Affairs Program through coordination of plans, procedures, and consumer complaint handling and feedback information systems. The Consumer Affairs Staff is located in this office.

In addition to the functions performed by the Consumer Affairs Staff, OP&PE has the following activities related to the consumer program:

1. Conducting program evaluations and special studies of the delivery of services. These studies may be initiated as a result of an analysis of complaint mail or other feedback systems which indicate a potential problem with service or delivery of benefits.
2. Developing from the planning effort characteristics of the veteran population which could indicate that special attention is needed toward a special group of VA consumers (e.g., aging veterans).
3. Contracting for or conducting attitudinal surveys of consumer groups concerning the VA in order that attention can be given the areas which most concern veterans.
4. Coordinating and monitoring the five-year consumer planning of the departments and staff offices to ensure that the consumer initiatives approved by the Administrator are included in the Agency plan and that there is adequate planning to enhance the consumer program.

F. Office of Human Goals

The primary responsibility of the Office of Human Goals is to ensure that benefits, services, employment, training, and advancement in every element and program administered by the Veterans Administration are provided for all groups and individuals on an equal basis and in a compassionate, competent, and sensitive manner. Activities are designed to keep the agency especially attuned to the unique needs, aspirations, and concerns of those who are minority, disabled, handicapped, female, or elderly.

OHG reviews reports made be veterans' organizations as well as internal reports for indications of problems areas. It participates in conferences of minority, women's and veterans organizations and those for handicapped individuals to secure insight into how VA is perceived by specific groups of individuals. OHG receives correspondence from special interest groups, the general public, and Congress regarding programs and practices affecting equal opportunity. The Office examines the composition of the work force and other equal opportunity factors of the Veterans Administration as they relate to VA's responsiveness in providing benefits and services. For example: Do VA employees have the ability to communicate with the consumer in a language other than English, e.g., Spanish, as needed? Is there understanding and regard by VA employees for cultural differences? Is VA meeting the religious needs of hospitalized minority veterans? What are the consumers' perceptions of the loan guaranty program and staff?

G. Office of Data Management and Telecommunications (ODM&T)

The Office of Data Management and Telecommunications provides staff offices and departments with a complete range of data processing and telecommunication services, including consultation, ADP planning, technical evaluation, systems design and development, and systems production. Since the consumer program is an Agency effort, ODM&T supports all departments and staff offices involved in the development of computerized consumer feedback systems.

ODM&T is currently providing support in the design and development of the VA Consumer Complaint/Compliment Reporting System and consumer feedback cards of the departments. When these systems are fully developed, the office will computerize the source data and produce the necessary management reports for both field stations and Central Office. In addition, ODM&T is a member of a committee working to develop new and improved computerized feedback mechanisms for the consumer.

H. Inspector General

Each of the offices under the Inspector General have specific duties and responsibilities in the area of Consumer Affairs. The Office of Investigation is responsible for handling complaint mail, including consumer complaints, referred by department and staff offices to determine if a Central Office investigation is warranted. The Risk Analysis Staff is responsible for handling the consumer complaints it receives from the employee telephone "Hotline," General Accounting Office and Members of Congress. The Office of Audit is responsible for reviewing field station activities relating to consumer affairs.

Complaints received by the Office of Investigation or the Risk Analysis Staff that fall under the jurisdiction of department or staff offices are referred to those offices for indicated action. Department and staff offices are requested to furnish reports of actions taken to the Office of Investigation or the Risk Analysis Staff on referred complaints that are of interest to the Inspector General. Information concerning consumer complaints handled by the Office of Investigation or the Risk Analysis Staff and copies of consumer complaint mail received by these offices are forwarded to the Consumer Affairs Staff.

The mechanisms utilized by the Office of Audit in examining consumer affairs issues at medical centers or regional offices include:

1. Reviews of the facility's complaint files and the assessment of the handling of selected complaints.
2. Reviews of the facility's community-oriented activities and relations with the media.
3. Reviews of timeliness and responsiveness of replies by the Veterans Assistance and/or Medical Administration Services.
4. Reviews of the VAF 2633 files, Report of Incident, and further reviews of the system that governs this Patient Care File.
5. Interviews with representatives of Veterans' Service Organizations and Veterans' Benefits Counselors to collect their comments regarding hospital operation and any consumer problems.
6. Reviews of applications for admission to a health care facility which have been denied and the controls that are in place to determine whether proper procedures were utilized.

I. Management Services

Management Services is responsible for: coordinating and providing a smooth working relationship between VA, Department of Defense, National Archives and Records Service, and other government agencies in the development and implementation of policies, procedures, and programs relating to the loan and exchange of information and records essential to the processing of veterans' claims and the delivery of services; promulgating beneficiary travel policy that is sensitive to the needs of veterans and other beneficiaries who must travel to receive benefits; issuing adequate Privacy and Freedom of Information regulations and policy to ensure that veterans receive access to their records while having them protected from unauthorized disclosure; reviewing and publishing clear and accurate regulations and other notices in the **Federal Register** for public comment and information; ensuring that all VA records are managed in a cost efficient and appropriate manner in order that maximum service can be provided to our nation's veterans.

APPENDIX

A. Definitions

Consumer.—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.

Consumer Complaint.—An allegation, oral (telephone and personal visit) or written, including an anonymous one, that adversely reflects upon the service, responsiveness or sensitivity of the VA, its employees or organizations or individuals having official dealings with the VA towards the needs of veterans, their dependents and beneficiaries.

VA Consumer.—Veterans, their dependents, and beneficiaries as set forth in sections 101–103, Title 38, United States Code.

Veterans' Service Organizations (VA Consumer Organization).—Any national group organized to serve veterans. For purposes of this operating plan, veterans' organizations shall be identical to those listed in the Administrator's Memorandum No. 00–78–16, dated November 16, 1978, entitled "Veterans' Service Organizations Liaison."

Veterans' Service Organizations Liaison (VSOL).—A staff with the primary mission of maintaining communication with veterans' organizations and obtaining their input into the VA policy, rules, and procedures.

B. Inquiries for Information

For assistance with apecific problems or questions, call or visit the nearest VA Regional Office, VA Medical Facility or VA National Cemetery. To register complaints, requests, comments, or suggestions, contact the Director of the nearest VA facility. For information about VA benefits and service, consult your local telephone directory for the VA office toll-free number serving each state.

For general information regarding the VA Consumer Affairs Program, including complaint handling, consumer technical assistance, or consumer participation in agency decision process, contact the Consumer Affairs Coordinator (07D), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, or call (202) 389–2843.

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federal register

Monday
June 9, 1980

Part IV—Section E

Equal Employment Opportunity Commission

Final Consumer Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Chair Norton:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve conditionally the Equal Employment Opportunity Commission's consumer program established under Executive Order 12160. I am well aware of the importance of EEOC's commitment to assisting consumers aggrieved by employment discrimination. The EEOC program will play a vital role in assuring that consumer interests will be an integral part of Federal agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Mr. Mark Wong and Ms. Barbara Lipsky of your staff have been particularly helpful. I understand that the Executive Director of the EEOC, Mr. Preston David, will be the consumer program director and that he will continue to be assisted by Mr. Wong. The fact that Mr. David will be reporting directly to you on the consumer program should give him the opportunity to assess the impact on consumers of rules, policies, programs and legislation. The program is further strengthened by the establishment of a system for dealing with complaints about the Commission itself. However, as Mr. David has other responsibilities besides consumer affairs, his position does not fully meet the requirements of the Executive Order. For this reason, my approval is conditioned upon my finding in the course of the coming year that this arrangement does not detract from the effectiveness of the Commission's consumer program.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Commission's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the Commission. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Eleanor Holmes Norton
Chair, Equal Employment Opportunity
Commission
Washington, D. C. 20506

BILLING CODE 6570-06-C

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Consumer Program

AGENCY: Equal Employment Opportunity Commission.
ACTION: Final Consumer Program.

SUMMARY: As required by Executive Order 12160, the Equal Employment Opportunity Commission is publishing its final report on the Commission's consumer affairs program. The Commission's draft program was published for notice and comment on February 4, 1980.

FOR FURTHER INFORMATION CONTACT: Preston David, Executive Director, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C., 20506, (202) 634-6814.

SUPPLEMENTARY INFORMATION: On February 4, 1980, the Commission published a report on its draft consumer program for public notice and comment. The report summarized how the Commission proposed to comply with Executive Order 12160 ("Providing for Enhancement and Coordination of Federal Consumer Programs"). The Commission received ten comments from members of the public concerning its draft program. These comments, along with staff recommendations, were reviewed in preparing the final consumer program printed below.

Of the ten comments received by the Commission, three were from individual consumers, one was from a private company and six were from consumer organizations. Seven of the comments addressed themselves to the Commission's consumer program specifically. Three commented generally on the requirements of the Executive Order without making any specific references to the Commission's draft program. The following changes were suggested by those commenting specifically on the Commission's draft program:

1. Time periods for processing charges of discrimination should be specified in Section VII(A) of the report. These time periods should be as short as possible;
2. The senior level official with oversight responsibility should be identified in the report and the responsibilities of that offical described;
3. There should be greater distribution of the Commission's informational material. One group expressed particular concern that greater efforts be made to inform older workers of their rights under the Age Discrimination in Employment Act;
4. The Commission's meetings should not be held during working hours as this makes it difficult for working people to attend;
5. Consultants from business and consumer groups should be part of the Office of Policy Implementation; and
6. The staff should receive more than two weeks training in charge processing.

The first and second items above have been addressed in the final report. Section VII(a) of the report now specifies that the Commission has established a goal of resolving new charges of discrimination within six months. As regards the oversight function, a new section VIII has been added which identifies the official with oversight responsibility and details that individual's specific duties.

In response to item #3, the Commission is currently looking into ways to achieve broader distribution of the Commission's informational material. The Commission will particularly examine methods of achieving greater public awareness of the ban on age discrimination in employment.

The Commission does not consider it either feasible or necessary to implement suggestions four, five and six above. The Commission conducts almost all of its business at its weekly meetings which are open to the public. Since these meetings are frequently lengthy and require the presence of numerous staff members, it simply would not be practical to hold these meetings during non-working hours. As to the use of business and consumer consultants, this could not be accomplished without establishing an advisory committee pursuant to the requirements of the Federal Advisory Committee Act. At the present time, the Commission does not think this step is necessary as the Commission has been able to obtain ample public comments from a wide range of viewpoints during its rulemaking and other proceedings. Lastly, the Commission has concluded that its current charge processing training is adequate. The Commission wishes to stress, however, that the two week training period described in Section VI(b) is merely the initial training which staff members receive. Considerable on-the-job training is received after the completion of the initial course.

Among those who addressed themselves to the requirements of the Executive Order generally, rather than to the Commission's own program, one of the main recommendations was that agencies institute public participation funding programs. The primary argument for such programs is that they help to redress the imbalance in agency proceedings between business and consumer interests. The Commission has concluded that such a funding program is neither needed nor financially feasible for the Commission at the present time. The Commission has been very fortunate in that it has been able to secure active participation in its rulemaking proceedings by numerous groups representing minorities and women, and by civil rights and public interest organizations. This participation has generally been at about the same level as that by business and employer groups.

In addition to the changes described above, the Commission has also made certain changes in the consumer program as a result of internal staff review and recommendations. The most significant change is that the Commission will introduce a formalized system for processing consumer complaints about the Commission itself. This complaint system is described in Section VII(D). The Commission has also added specific time-frames for the publication of the new informational material for consumers described in Section V.

FINAL REPORT ON THE CONSUMER AFFAIRS PROGRAM OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

I. Introduction

The Equal Employment Opportunity Commission has always placed a high priority on serving the needs and soliciting the views of consumers and members of the public. The recent Presidential Order on Federal Consumer Programs requires each agency to review and improve its operating procedures to ensure that consumer needs and interests are adequately considered. Specifically, the Order requires that each agency's consumer activities include the following five elements:

1. *Consumer Affairs Perspective:* ensure that the consumer perspective is considered in the development and review of all agency rules, policies and programs;
2. *Consumer Participation:* provide opportunity for consumer participation in the development and review of all agency rules, policies and programs;
3. *Informational materials:* produce and distribute informational materials for consumers;
4. *Education and Training:* provide consumer affairs training for agency personnel; provide technical assistance to consumers and consumer organizations;

5. *Complaint Handling:* develop systematic procedures for investigating and responding to consumer complaints.

This report will discuss the Commission's activities in each of these five areas. As a preliminary matter, the report will summarize the Commission's responsibilities and identify the consumers affected by the Commission's programs.

II. Consumers Affected by Commission Programs

The Equal Employment Opportunity Commission is responsible for enforcing several statutes which prohibit employment discrimination on the basis of race, color, religion, sex, national origin or age. The Commission is also responsible for assuring that equal employment opportunities are extended by the Federal Government to handicapped individuals.

In the area of private employment, the Commission's functions include receiving, investigating and attempting to conciliate complaints of employment discrimination. Where appropriate, the Commission may also bring suit in Federal Court to enforce the statutes which it administers. The Commission performs the same functions concerning complaints of employment discrimination against State and local governments, except that court suits in some of these cases must be brought by the Attorney General.

In the area of Federal Government employment, the Commission is responsible for establishing procedures to be followed by other agencies in processing complaints of discrimination and for hearing appeals from agency decisions on such complaints. The Commission also oversees the affirmative action programs of other Federal agencies.

The Commission is engaged in some rulemaking activities. The Commission issues regulations setting forth its procedures for accepting, investigating and resolving complaints of discrimination. It also issues interpretative guidelines which define discriminatory employment practices. The Commission is also responsible for coordinating all equal employment opportunity programs and policies of the Federal Government in order to ensure consistency and eliminate duplication among these programs.

As can be seen from the above description, the work of the Commission has an impact on employees and applicants for employment in the public or private sector. Particularly affected are those individuals who feel that they have been the victims of discriminatory employment practices.

III. Consumer Affairs Perspective

Section 1–401(a) of the President's Order requires each agency to ensure that the consumer perspective is considered during the development and review of all agency rules, policies, programs and legislation. At the Equal Employment Opportunity Commission, this function is performed by the Commission's Office of Policy Implementation.

The Office of Policy Implementation is responsible for developing and reviewing Commission policy. It does this through the development of interpretative guidelines, regulations and policy statements for the Commission, and by writing Commission decisions on charges of discrimination which involve novel issues. The staff of the Office of Policy Implementation is involved in the development of Commission policy from the initial identification of areas needing policy guidance up until the final adoption of policy by the Commission. Staff members participate in the research and analysis of the issues, the drafting of policy documents, the solicitation of public comments, and the preparation of the final regulation or policy statement.

Policy options being considered by the Office of Policy Implementation are also discussed at the weekly meetings of the Staff Committee on Equal Employment Opportunity Commission Policy (SCEP). SCEP is chaired by a Commissioner on a rotating basis and is composed of the Special Assistants to the Commissioners, representatives of the Office of Policy Implementation, a designee of the Office of General Counsel, and other headquarters staff as appropriate. The function of SCEP is to ensure the Commissioners' early involvement in the development of policy. Once a regulation or a policy statement has been developed by the Office of Policy Implementation and SCEP, it is presented to the Commission for final approval.

The purpose of policy development at the Commission is to protect the right to equal employment opportunity and to provide adequate means for remedying instances of discrimination. Consideration of the needs and interests of individuals aggrieved by employment discrimination is a central and integral part of this process and the work of the Office of Policy Implementation. The Office of Policy Implementation keeps itself informed about consumer needs and views by soliciting public comments on proposed regulations and guidelines, and by holding Commission authorized informational hearings. The Office employs 34 professional staff members, including attorneys, economists and statisticians. It thus has the staff capability to analyze the impact of various proposals on the consumers of the Commission's services.

The President's Order calls for the establishment of a "consumer affairs" office within each agency to represent the consumer perspective in the agency's policy development process. The Commission has determined that compliance with this portion of the Order is neither necessary nor feasible in light of the Commission's mission and functions. The consumers of the Commission's services are employees and applicants for employment aggrieved by job discrimination. All policy development at the Commission is intended to protect the rights and provide for the needs of these "consumers." As stated above, consideration of the interests of individuals and groups who may be the victims of discrimination is a central part of the function of the Office of Policy Implementation. For this reason, the establishment of a separate office to consider the consumer perspective in policy development would not be appropriate. Such an office would merely duplicate functions necessarily performed by the Office of Policy Implementation.

IV. Consumer Participation

Section 1–401(b) of the Executive Order requires each agency to "establish procedures for the early and meaningful participation by consumers in the development and review of all agency rules, policies and programs." The Commission's process for developing policy and regulations does provide substantial opportunity for consumer participation.

All significant proposed regulations developed by the Commission are published in the **Federal Register** for notice and public comment. Except in unusual circumstances, a 60 day public comment period is provided. Where appropriate, the Commission also holds hearings on proposed regulations, at which members of the public may make oral presentations. In the past, members of civil rights, labor, business and professional groups have actively participated in Commission hearings.

Over the last few years, the Commission has been making a concerted effort to involve members of the public at the earliest stages of policy development. A good example is provided by the process used to develop the Commission's proposed guidelines on religious discrimination. Before

proposed guidelines were drafted, the Commission held extensive public hearings, at several locations across the country, on the problem of religious discrimination. This procedure permitted the views of affected groups to be expressed and considered before any basic policy choices were made by the agency. The information gathered at these hearings proved very useful in determining both the need for and the content of the Commission's proposed policy in this area. Once proposed guidelines were drafted, the public was again invited to comment. Similarly, in April 1980, the Commission held informational hearings on the topic of job segregation and wage discrimination. The information and comments submitted as part of this hearing will be used by the Commission in determining what policy guidance, if any, the Commission should issue on this topic. The Commission plans to use similar techniques in the future for involving the public at an early stage of policy formulation.

In future rulemaking proceedings, the Commission plans to experiment with a number of means, in addition to publication in the **Federal Register,** of notifying members of the public of their opportunity to comment on Commission proposals. The alternatives being considered include placing notices in periodicals likely to be read by individuals affected by the regulations and direct mailings to interested groups and individuals. Starting in June 1980, notices of opportunities to participate in Commission hearings and to submit written comments on proposed regulations will be published in a Commission magazine entitled "MISSION." (This magazine is discussed in greater detail in Section V(b).) The Commission will also continue its current practice of issuing press releases concerning Commission rulemaking proceedings. These press releases include information on how the public may participate.

Comments received on a proposed regulation are carefully analyzed before the regulation is adopted in final form. The preamble to each final regulation contains a summary of the comments received and the Commission's response to these comments.

The office which develops a regulation is responsible for ensuring that public comments are solicited and considered during the rulemaking proceedings. Generally, the office developing the regulation will be the Office of Policy Implementation.

Commission Meetings: Most portions of the Commission's weekly meetings are open to public observation. Commission meetings are usually held on Tuesday mornings at the Commission's headquarters in Washington, D.C. The agenda for each meetings is published in the **Federal Register** a week in advance. Interested individuals may also call (202) 634–6748 for a recorded message stating the time, place and agenda for the upcoming Commission meeting.

Consumer Forums: Since January 1978, the Chair of the Commission has been holding quarterly meetings with representatives of groups affected by the work of the Commission. Meetings have been held with representatives of groups concerned with discrimination against women, Hispanics, Asian Americans, the handicapped and workers over age 40. These meetings provide opportunities for consumers to voice their views on the problem of discrimination and the effectiveness of the Commission. Participants are also provided with information on new Commission programs and policies.

V. Informational Materials

Section 1–401(c) of the President's Order requires each agency to produce and distribute materials to inform consumers about: (1) the agency's responsibilities and services; (2) the agency's procedures for consumer participation; and (3) aspects of the market place for which the agency has responsibility.

a. *Assessment of material currently available:* During 1978 and 1979, many new responsibilities were transferred to the Commission as a result of a Presidential reorganization plan. For the first time, the Commission became responsible for enforcing the Age Discrimination in Employment Act, the Equal Pay Act and Section 501 of the Rehabilitation Act. It also took over responsibility for enforcing the prohibition on discrimination in Federal employment. In addition, the Commission assumed the role of reviewing and coordinating all equal employment opportunity programs of the Federal Government. In order to provide better service to the public, the Commission has also made major changes in its organization, structure, and procedures during the last two years. As a result of these changes, many of the Commission's publications have become outdated.

The Commission publications which are currently available and up-to-date include:

1. A booklet entitled "EEOC: The Transformation of an Agency" which describes recent changes in procedures and functions of the Commission;

2. Various posters which explain the work of the Commission and the right to be free of job discrimination; and

3. Pamphlets on the Commission's new responsibilities in the area of equal pay and age discrimination.

As a result of the reorganization and Executive Order 12160, the Commission has reviewed the adequacy of its informational material. In order to ensure that consumers have adequate information on the Commission's responsibilities and services, the Commission is currently preparing several new publications. One of these publications is "Laws and Rules You Should Know." This booklet will be a helpful source of information for anyone interested in the field of equal employment opportunity law as it will contain the text of relevant statutes, executive orders and regulations. This booklet should be available in July, 1980. The Commission also is preparing a new packet of informational material for consumers which summarizes the functions and structure of the Commission, and describes the laws which the Commission administers. This packet will include information on the Commission's weekly open meetings and on how to participate in Commission rulemaking proceedings. Publication is scheduled for July, 1980.

Starting in June 1980, the Commission will resume publication of a quarterly magazine entitled "MISSION." The magazine will report on new programs and developments at the Commission and in the field of equal employment opportunity law. It will contain information on new Commission regulations and on proposed rulemaking. The magazine will be sent to community, public interest and civil rights groups and other groups and interested members of the public. Individuals and groups interested in receiving "MISSION" may request to be included on the mailing list by writing to: Office of Public Affairs, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506.

In addition, the Commission will continue to issue reports concerning the employment of women and minorities in the United States. These reports are usually in the form of statistical tables which summarize employment data by geographical area, industry and job category.

c. *Distribution of Material:* The informational material described above is displayed in the Commission's District Offices and in the Office of Public Affairs at headquarters. Copies of Commission publications will be mailed to members of the public upon request. Material summarizing

the work of the Commission and describing how to file a charge of discrimination has also been provided to the "Federal Information Centers." These centers are located across the country and are run by the General Services Administration of the Federal Government. Informational material is also distributed by Commission officials during their numerous speaking engagements before groups interested in equal employment opportunity. Through the Commission's bilingual information program, press releases and several of the Commission's pamphlets are made available to the public in Spanish as well as English.

d. *Commission Offices Responsible for Publication Distribution of Informational Material:* Most of the Commission's informational material is published by the Commission's Office of Public Affairs. The Commission's statistical publications on the employment of women and minorities in the United States are published by the Survey Branch of the Commission's Office of Program Planning and Evaluation.

e. *Background Material for Commission Meetings:* Section 1–402(c) of the President's Order also requires agencies to make available to consumers who attend agency meetings materials designed to make those meetings comprehesible to them. The weekly meetings of the Commission are generally open to public observation. The Commission does not consider it feasible to publish written background materials for each of these weekly meetings. This is because numerous topics are discussed at each meeting and the specific content is often not finalized until shortly before the meeting. As noted previously, however, the agenda for each Commission meeting is published in the **Federal Register** a week in advance. Interested individuals may also call (202) 634–6748 for a recorded message stating the agenda of the upcoming meeting. If additional information is needed, individuals may leave a message at the conclusion of the recording and the call will be returned by a Commission official. Written background materials are distributed at the quarterly meetings which the Chair holds with consumer groups. (These quarterly meetings are described in Section IV.)

VI. Education and Training

Section 1–401(d) of the Executive Order requires agencies to engage in three kinds of training activities concerning consumer affairs. These are: (1) educating staff members about the federal consumer policy embodied in the Executive Order and about the agency's program for carrying out that policy; (2) specialized training for consumer affairs personnel; and (3) technical assistance for consumers and their organizations. The Commission has the following training and technical assistance programs:

A. *Educating Staff About the Federal Consumer Policy:* The Commission plans to educate staff members about the Commission's consumer program by circulating copies of the President's Order and this report to the heads of all offices within the Commission and to all staff members in offices that will be directly involved in carrying out the program (for example, Office of Policy Implementation and Office of Public Affairs). This educational effort will be conducted by the Office of the Executive Director. The Executive Director's office will also keep staff members informed of any subsequent changes in the consumer program.

B. *Specialized Training:* The Commission currently is involved in an extensive effort to provide training to its staff on complaint handling procedures. New employees receive a two week course which includes training in equal employment opportunity law and case processing skills. Participants in the course receive instruction in counseling, intake, conducting fact-finding conferences, writing determinations and negotiating settlements. Class sizes are small (20–30 people), enabling participants to practice the skills being taught through role-playing. Experienced employees periodically receive training concerning new procedures and new developments in equal employment opportunity law. This training is conducted by the Training Division of the Office of Field Services. In addition, staff members in the Office of Public Affairs have attended seminars and training courses on how to produce more effective informational material for the consumer.

C. *Technical Assistance to Consumers:* The Commission has had a long-standing commitment to providing technical assistance to individuals who wish to pursue their right to equal employment opportunity through private lawsuits. These programs of technical assistance include:

1. *Attorney Referral System:* Each District Office of the Commission maintains a list of attorneys willing to and capable of representing plaintiffs in employment discrimination suits. Upon request, individuals who file charges of discrimination with the Commission may be referred to one of these attorneys.

2. *Area Bar Center Program:* This program provides technical assistance, litigation support and continuing legal education to attorneys representing plaintiffs in employment discrimination cases. The aim of the program is to ensure that sufficient trained and competent attorneys will be available to assist aggrieved individuals in exercising their rights under federal law. The Commission has entered into contracts with educational and non-profit organizations that will administer the Area Bar Center program in each of five geographical areas. The contractors will conduct training seminars, provide sample legal pleadings (Complaints, Motions, Interrogatories) to attorneys, maintain background and research material on employment discrimination law and provide individual assistance to attorneys in their representation of persons aggrieved by employment discrimination.

3. *The Loan Fund Program:* This program provides loans ($1500 for an individual action and $7500 for a class action) to private attorneys to help defray the plaintiff's costs in bringing employment discrimination litigation. Certain criteria have been established to determine which cases receive priority funding. An attorney receiving a loan must reimburse the fund if the plaintiff prevails in the litigation and costs are recovered. The Commission has entered into contracts with non-profit organizations that will administer the Loan Fund Program in several federal judicial circuits.

VII. Complaint Handling

Under the President's Order, agencies are required to establish procedures for systematically logging in, investigating and responding to consumer complaints, and for integrating an analysis of complaints into the development of policy. The Commission's primary statutory obligation is to investigate and resolve complaints of employment discrimination filed by members of the public. Over the last few years, the Commission has developed a highly professional and efficient system by processing these complaints.

A. *Commission Procedures:* The basic stages of complaint processing are established by statute. The Commission is required to accept charges of discrimination, conduct investigations, and issue determinations on whether there is reasonable cause to believe that the charges are true. If the Commission finds reasonable cause to believe that discrimination occurred, it is required to attempt conciliation of the charge. If conciliation fails, either the Commission or the complainant may bring suit in federal court.

The Commission has 22 District and 27 Area Offices which receive and process charges of discrimination. In addition,

the Commission has dual filing and work sharing agreements with some 69 State and local fair employment practice agencies which have enforcement authority over employment discrimination complaints. A complaint filed with one of these agencies is automatically filed with the Commission; one filed with the Commission is automatically filed with the State or local agency. By use of work sharing agreements, the combined resources of Federal, State and local agencies are utilized to the best advantage of the complainant, and duplication of investigation is minimized.

In the past, the Commission has suffered from large backlogs of uninvestigated charges and lengthy processing delays. During the last two years, major reforms of the charge processing system have enabled the Commission to process current charges within reasonable time frames and to retire a large percentage of its backlog. The major features of the Commission's new procedures are:

1. Professionalized intake counseling to ensure that the complainant has a problem falling within the jurisdiction of the Commission;

2. Innovative investigative techniques including a face to face conference between the complainant and the employer at which information is exchanged and voluntary settlement attempted;

3. Emphasis on early resolution of complaints through voluntary settlement; and

4. Use of a "litigation worthy" standard in determining whether violations of the law have occurred. This ensures that each Commission finding of discrimination is supported by a sound evidentiary record, thereby facilitating pursuit of the matter in court if conciliation fails.

Using these new procedures, the Commission has been able to resolve most new charges expeditiously, with a large number of complainants receiving monetary or non-monetary benefits through voluntary settlement. The Commission has established a goal of attempting to resolve all new charges within six months of the date the charge was filed.

If the Commission is unable to resolve a complaint through conciliation, either the Commission or the complainant may seed relief in federal court. The Commission's Office of General Counsel has an active litigation program through which the Commission files suit on behalf of aggrieved individuals in appropriate cases. The Commission also participates in numerous discrimination suits brought by private individuals, either by intervening in those suits or by filing "friend of the court" briefs. Through these activities, the Commission exerts an influence on the development of equal employment law and makes its legal expertise available to persons complaining of employment discrimination.

In addition to investigating individual charges of discrimination, the Commission also initiates its own investigations of employers and unions whose employment practices tend to exclude women or minorities on a class-wide basis. These investigations are conducted by special "systemic units" in the Commission's 22 district offices and by the Office of Systemic Programs in headquarters. The Commission strives to resolve systemic charges during the administrative process, but suit will be filed in court when voluntary resolution is not possible.

B. *Logging in, Tracking and Statistical Reporting of Complaints:* The Commission has developed a computerized system for logging in and tracking complaints of discrimination. This system also generates considerable statistical data concerning the complaint process. Monthly reports summarizing the performance of the Commission's field offices are distributed to the Commissioners, senior staff in headquarters and the directors of the Commission's district offices. These reports include the following information for the month in question: (1) number of complaints received; (2) number of complaints closed; (3) disposition of the complaints; (4) monetary and non-monetary benefits achieved for the complainants; and (5) average processing times. These monthly reports are used primarily in management planning (for example, planning staffing patterns or revising procedures which are causing delays in resolving complaints). A second series of reports prepared at least annually, summarizes the number of charges filed with each Commission district office according to the basis of the discrimination alleged (e.g., race, sex), and the type of respondent named in the charge (e.g., private employer, union). These reports, along with the information gathered by the Commission on the employment of women and minorities in the United States, are used in the development of Commission policy.

C. *Public Knowledge of Complaint Procedures:* By statute, employers, employment agencies and labor unions are required to post notices which inform employees and applicants of their right to equal employment opportunity and of the procedures for filing a complaint of discrimination with the Commission. Though its District Offices and the Federal Information Centers, the Commission also distributes pamphlets containing this information.

D. *Complaints About the Commission:* The Commission has always attempted to resolve expeditiously any complaints by consumers about the service they have received from the Commission. In order to comply with the spirit of the Excutive Order, the Commission is now formalizing its procedures for consumer complaints about the Commission.

Any individual or organization which is dissatisfied with the service it receives from the Commission, or with the conduct of any Commission employee, may make an oral or written complaint to the Director of the District Office involved. Complaints which concern the conduct of the District Director or which question agency-wide compliance procedures should be made to the Field Management Liaison Division, Office of Field Services, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, Telephone Number (202) 634–6863. Complaints about the conduct of staff members employed at EEOC's headquarters office in Washington, D.C., or about any matter not included above, should be referred to the Office of the Executive Director, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506 (202) 634–6814.

Whenever a District Director receives a written or oral consumer complaint, the Director shall make whatever investigation is necessary, take appropriate action to resolve the matter, and inform the complainant in writing of the disposition of the complaint. The District Director shall keep an accurate and complete log of all complaints received. This log will indicate: (1) the name of the complainant; (2) the nature of the complaint; (3) the date received; (4) the nature and date of any action taken; (5) the date that the complaint was resolved and the complainant was informed in writing of its disposition. Any complaints received by the District Office which concern the conduct of the District Director or agency-wide policies or procedures, or which for other reasons can not be resolved at the district level, shall be referred to the Field Management Division for processing.

The Field Management Division and the Office of the Executive Director will each keep a log similar to the District Director's log concerning all complaints received by or referred to those offices. The Field Management Division or the Executive Director's office may refer complaints to appropriate offices for disposition. When this is done, the

office to which the complaint is referred will be required to report back to the referring office on the disposition of the complaint within the prescribed time period.

At least once a year, the District Directors and the Field Management Division will be required to submit a report summarizing the number and kind of consumer complaints received, how they were resolved and the processing times. This information will be reviewed by the Executive Director's office and summarized in an annual report which will be distributed to the Commissioners, senior staff in headquarters and all District Directors. These reports will be considered in revising Commission procedures and in developing policy.

Initially, Commission offices will be asked to attempt to respond to consumer complaints within 10 working days after they are received. It may be necessary to revise this time goal if it proves to be either too short or too long in light of volume or nature of the complaints received. Methods of advising members of the public of the existence of the complaint system are being explored and will be instituted shortly.

The Commission will issue an internal EEOC order within the next few months which establishes the formal procedures for consumer complaints about the Commission. The Commission offices indicated above, however, are already receiving and acting upon such consumer complaints.

VIII. Oversight

The Office of the Executive Director has been designated to oversee the implementation of the Presidential Order within EEOC. The Executive Director will report directly to the Chair and the Commissioners of EEOC on the consumer program.

The Office of the Executive Director will be responsible for reviewing the work of all Commission offices to ensure that the requirements and objectives of the Presidential Order on consumer programs are met. Specifically, the functions of the office will include: (1) reviewing plans for public participation in agency proceedings to ensure that they are adequate; (2) reviewing the adequacy of the agency's response to public comments on agency proposals; (3) periodically reviewing Commission publications, and the means of distributing those publications, to ensure that they meet the requirements of the Executive Order; (4) reviewing reports on complaints by consumers about the Commission and suggesting any changes in Commission policies or procedures indicated by these reports; and (5) educating Commission staff members about the consumer program and keeping them informed of any changes in the program. The Office of the Executive Director will also participate in meetings of the Staff Committee on EEOC Policy (SCEP) to ensure that the consumer perspective is considered in policy and program development.

An internal EEOC Order which officially establishes the agency's consumer program and assigns the above functions to the Office of the Executive Director will be adopted by the Commission shortly.

IX. Offices to Contact

Individuals wishing to receive additional information on the Equal Employment Opportunity Commission may contact the following offices:

A. For information on how to file a charge of discrimination, contact any of the Commission's District or Area Offices. The Commission has 49 such offices located in cities across the country. Individuals may also contact the Office of Public Affairs, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, Telephone Number (202) 634–6930.

B. For information on Commission rulemaking proceedings and opportunities for public participation, contact the Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, Telephone Number (202) 634–7060.

C. To find out the time, place and agenda of meetings of the Commission, contact the Executive Secretariat, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, Telephone Number (202) 634–6748.

D. For informational material, pamphlets or general questions about the Commission, contact the Office of Public Affairs, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, Telephone Number (202) 634–6930.

E. To be placed on the Commission's mailing list, contact the Office of Public Affairs, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, Telephone Number (202) 634–6930.

F. To file a complaint about the service you have received from the Commission, contact the Director of the District Office involved. If the complaint concerns the conduct of the District Director or agency-wide policies or procedures, contact the Field Management Division, Office of Field Services, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, Telephone Number (202) 634–6863. All other complaints, including complaints about the conduct of employees at the Commission's headquarters office, may be referred to the Office of the Executive Director, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, Telephone Number (202) 634–6814.

Signed this 23rd day of May, 1980.

For the Commission.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

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ORGANIZATION

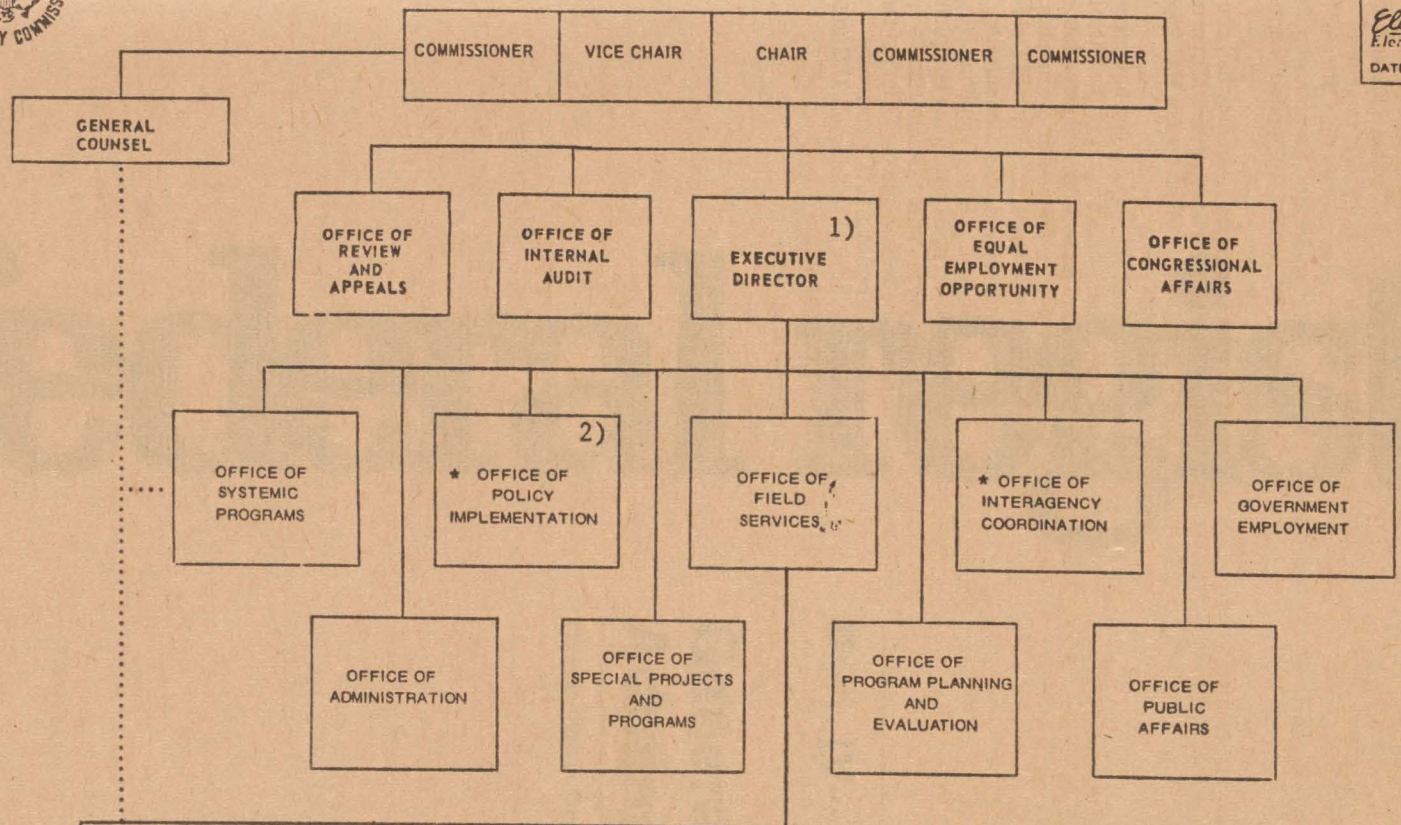
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

APPROVED

Eleanor Holmes Norton

Eleanor Holmes Norton, Chair

DATE October 1, 1979



DISTRICT AND Area OFFICES

ATLANTA	**BIRMINGHAM**	**CLEVELAND**	**DENVER**	**MEMPHIS**	**NEW ORLEANS**	**PHOENIX**	**SEATTLE**
Greenville	Jackson	Cincinnati	**DETROIT**	Louisville	Little Rock	Albuquerque	**ST LOUIS**
Savannah	Mobile	Columbus	**HOUSTON**	Nashville	**NEW YORK**	**SAN FRANCISCO**	Kansas City
BALTIMORE	**CHARLOTTE**	Dayton	San Antonio	**MIAMI**	Boston	Fresno	
Norfolk	Greensboro	Toledo	**INDIANAPOLIS**	Jacksonville	Buffalo	Oakland	
Richmond	Raleigh	**DALLAS**	**LOS ANGELES**	Tampa	**PHILADELPHIA**	Sacramento	
Washington	**CHICAGO**	El Paso	Bakersfield	**MILWAUKEE**	Newark	San Jose	
		Oklahoma City	Long Beach	Minneapolis	Pittsburgh		
		Tulsa	San Diego		Trenton		

....LITIGATIONS OPERATIONS

* Reports to the Commission on Policy Matters

PREPARED BY
ORGANIZATION AND STANDARDS DIVISION
OFFICE OF ADMINISTRATION
SUPERSEDES CHART OF 5 9/79

1) Responsible for Overseeing Implementation of Executive Order 12160

2) Ensures Consideration of Consumer Perspective in Policy Development

[FR Doc. 80-16859 Filed 6-6-80; 8:45 am]

BILLING CODE 6570-06-C

federal register

Monday
June 9, 1980

Part IV—Section F

General Services Administration

Consumer Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Mr. Freeman:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve the General Services Administration's consumer program established under Executive Order 12160. The GSA program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Mr. David Peterson and Ms. Eleanor Kelly of your staff have been particularly helpful. The fact that Mr. Peterson will report directly to you on the consumer program should give him the opportunity to review agency rules, policies, programs and legislation in order to assess their potential impact on consumers. The program is further strengthened by the establishment of an agency consumer committee and by the mechanism for receiving complaints from Federal agencies and employees. I continue to be grateful for the fine contribution which GSA has made through the Consumer Information Center, the system of Federal Information Centers, and the Federal Register. I am also very pleased about GSA's plan to include a special "finding aid" in the Federal Register to identify items of interest to consumers. I look forward to working with you and other Federal agencies to make this important project a success.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the GSA consumer program in meeting the standards of the Order and in achieving the objectives you have set for the agency. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Rowland G. Freeman, III
Administrator, General Services Administration
Washington, D. C. 20405

BILLING CODE 6820-34-C

GENERAL SERVICES ADMINISTRATION

Consumer Program—Implementation of Executive Order 12160

AGENCY: General Services Administration.

ACTION: Consumer program.

SUMMARY: The General Services Administration (GSA) is expanding its current consumer activities. This consumer program follows the guidelines in Executive Order 12160 (44 FR 55787, Sept. 26, 1979).

EFFECTIVE DATE: July 9, 1980.

ADDRESS: General Services Administration (XC), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: David F. Peterson, Office of Consumer Affairs (202–566–1794)

AUTHORITY: In accordance with Executive Order 12160, the General Services Administration issues the following consumer program:

Background

The General Services Administration (GSA) established policy and provides for the Government an economical and efficient system for the management of its property and records, including 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 the management of the Government-wide automatic data processing resources program.

GSA is administratively divided into six Services—Automated Data and Telecommunications Service, Federal Property Resources Service, Federal Supply Service, National Archives and Records Service, Public Buildings Service, and Transportation and Public Utilities Service—and five Staff Offices—Office of General Counsel, Office of Acquisition Policy, Office of External Affairs, Office of Human Resources and Organization, and Office of Plans, Programs, and Financial Management.

Although GSA Services are primarily directed to other Federal agencies, there are three programs within GSA that are especially consumer-oriented: The Consumer Information Center (CIC), the Federal Information Center (FIC), and the Office of the Federal Register (OFR). GSA's consumer program focuses on the activities of these three programs.

Preamble

This GSA consumer program incorporates many of the comments we received following our publication of a draft consumer program in the **Federal Register** on December 10, 1979 (44 FR 71200–71204). We appreciate the interest and time-consuming efforts of those who submitted comments. The GSA consumer affairs staff reviewed and included many of these comments in this current program. We also reviewed and incorporated many of the internal GSA staff comments and those provided by the staff of the Interagency Consumer Affairs Council. GSA welcomes additional comments on this current consumer program as we plan to periodically refine our program to meet the ever-changing needs and interests of consumers.

GSA received comments from a variety of sources during the 90-day comment period. The 38 comments we received include: 6 from individual consumers; 9 from consumer organizations; 8 from business or trade associations; and 15 from the internal review by the Heads of GSA Services and Staff Offices and Regional Administrators.

These comments assisted the GSA consumer affairs staff in our evaluation of the draft consumer program. In summary, favorable comments addressed the quality and usefulness of GSA's Information Materials and the Education and Training programs outlined in the draft program; while other comments suggested that we broaden the scope of the draft program, particularly on the Consumer Affairs Perspective, Consumer Participation, and Complaint Handling sections. The latter highlighted the need for greater consumer representation throughout GSA and for the establishment of a mechanism to handle consumer complaints about the agency's performance.

We received specific comments on each of the sections of the draft program. Comments pertaining to the Consumer Affairs Perspective section concerned the experience and expertise of the consumer affairs staff to participate in agency rulemaking, policy-setting, etc., and the ability of the Director of Consumer Affairs (DCA) to independently assess issues affecting consumers. Another comment suggested earlier notification and involvement of the consumer affairs staff in all GSA activities. These comments have been addressed in this current program by our broadening and strengthening the agencywide consumer order which will be issued within 30 days of the publication of this program.

Several Consumer Participation comments stressed the need to provide funding for interested consumer participants. One of these comments suggested that GSA provide funds for expenses consumers incur, such as office supplies, copying, postage, etc. Others emphasized that paid public participation would permit the best mechanism for involving a greater number of technically competent viewpoints. And finally, some suggested the development of a "how to participate at GSA" publication to encourage wider, more competent participation as well as a more specific program of consumer forums. We are considering these suggestings and will assess the need for expansion of this current program as we proceed with its implementation. Increased outreach efforts through newspaper notices, newsletters, bulletins, and organization mailing lists were suggested to increase consumer participation. These suggestions are included in the procedural options for consumer participation outlined in this current program.

Specific comments on Information Materials development included the following suggestions: develop educational materials about consumer participation at GSA; make available consumer publications on GSA-conducted product tests; and publish a newsletter or bulletin about GSA's consumer-related activities. We do not plan to develop any of these materials at this time but will review these suggestions once the expanded GSA consumer program is underway. In response to one suggestion, the Consumer Information Center already uses cable television during its annual public service campaign to reach a wider consumer audience. As suggested, GSA will give greater visibility or credit lines to organizations who assist in the revision of our consumer publications. One comment expressed concern that information materials, expecially audiovisual materials, be produced and distributed in compliance with existing OMB Circulars A–76 and A–114. The GSA Office of Acquisition Policy and the National Archives and Records Service have been assigned responsibility for implementation of OMB Circulars A–76 and A–114, respectively. As suggested, information materials for open meetings and the responsibility of the Director of Consumer Affairs for these meetings are more clearly outlined in this current program. Finally, one consumer suggested the use of community service center newspapers to expand our consumer outreach. Some community weekly and daily

papers are included in the Consumer Information Center's mailing lists. We will continue to expand our use of these newspapers in the CIC's and other GSA outreach efforts.

One comment about the Education and Training section stated that the draft program did not explain how decisions will be made to determine staff education and training needs. Approval by the Director of Consumer Affairs will be required and is stated in this current program.

Complaint handling comments included: Concern for the handling of Federal employee complaints; and the need for local contacts for individual consumers or consumer organizations who have complaints about GSA's performance. These suggestions are incorporated into this current program, which outlines procedures for both of these complaint handling mechanisms. Another comment suggested that we notify the consumers of actions being taken and the actual disposition of their complaints. The CIC, FIC, and OFR complaint handling systems already include this type of notification. With the establishment of the new complaint handling procedures outlined in this current program, this concern will be addressed throughout the agency.

In addition to the above specific comments, we received general comments on the GSA draft program. These miscellaneous comments concerned the need for a clearer statement of the reporting relationship between the Director of Consumer Affairs and the Administrator of General Services and for a strengthening of the agencywide order to describe and implement all sections of the program, including consumer participation. These suggestions have been included in this current consumer program. Several general comments requested an expansion of GSA's "public" to include Federal employees and all consumers (taxpayers). These other "publics" are included in the complaint Handling section of this current consumer program.

This current GSA consumer program contains additions, clarifications, and changes which were suggested in the comments we received on our draft program. The changes that appear in the current program are:

1. Broadening of the consumer affairs perspective throughout GSA by expanding the agencywide consumer order to include all five elements of the program;
2. Appointment of key officials in GSA Services who will work closely with the DCA to ensure early and meaningful consumer participation;
3. Establishment of an intra-agency consumer committee, chaired by the DCA, which will meet on activities related to the implementation and expansion of this program;
4. Assessment of the usefulness of the informational brochure describing the FIC program;
5. Timetable for establishing the new "finding aid" for consumer-interest documents in the **Federal Register**;
6. Role of the DCA in developing information materials on agenda of public meetings;
7. Expansion of education and training of consumer affairs staff to include intra-agency consumer committee designees;
8. Description of complaint handling system for Federal agency/Federal employee complaints about the performance of GSA;
9. Description of complaint handling system with local contacts for consumer organizations and individual consumer complaints about GSA activities; and
10. Strengthening of the role and reporting relationship of the GSA Director of Consumer Affairs.

The above changes were incorporated into the current program to broaden and strengthen the consumer perspective in all GSA activities. The changes are reflected in each of the five sections of the program and the Oversight section as well.

Some suggestions that we received have not been included in the current program. These include:

1. Development of consumer information on GSA-conducted product tests;
2. Funding for consumer participants in GSA rulemaking, policy-setting, and program determination;
3. More specific program of consumer forums;
4. Development of classroom (kindergarten—12th grade) educational materials about consumer participation in GSA activities; and
5. Development of an agency consumer newsletter or bulletin about GSA's consumer related activities.

GSA does not compare or test all brands of consumer products in a given product category to make its purchase decisions. Therefore, we cannot develop useful information for comparative consumer shopping. At this time, the GSA Director of Consumer Affairs has not found that a need exists for the programs and materials mentioned in 2, 3, 4, and 5, above. As this consumer program is implemented, the DCA will assess the need for these additional activities and amend the GSA consumer program accordingly.

I. CONSUMER AFFAIRS PERSPECTIVE

The professional staffs of the Consumer Information Center and the Federal Information Center programs will constitute the Consumer Affairs staff of the General Services Administration. The staff members involved with the Office of the Federal Register consumer function will work closely with the Consumer Affairs staff of GSA.

The Administrator of General Services will issue an agencywide order to establish procedures for implementation of this consumers program for the principal operating components of the agency. This order would be effective within 30 days of the publication of this consumer program. The order will require the appointment of a key official at the policy-making level from each of the six GSA Services; the Office of General Counsel; and the CIC, FIC, and OFR to serve on an intra-agency consumer committee. This consumer committee will be chaired by the GSA Director of Consumer Affairs and will meet to discuss activities related to the implementation and expansion of this consumer program. The specific responsibilities of the consumer designees from the GSA Services are discussed under the appropriate headings thoughout this program. The agencywide order will also designate the eleven GSA Assistant Regional Administrators for External Affairs to handle complaints from community organizations and individual consumers about GSA performance, programs, or policies. It will be the responsibility of each Assistant Regional Administrator for External Affairs to report to the GSA Director of Consumer Affairs concerning the nature and disposition of these complaints. The DCA will analyze and evaluate complaint patterns to monitor GSA responsiveness to consumers.

Staff Location

The Consumer Information Center and Federal Information Center will report directly to the Director of Consumer Affairs for the General Services Administration. The Director of Consumer Affairs will monitor and coordinate the consumer activities performed by the Office of the Federal Register and other GSA operating components through the consumer designees from the Services and the Assistant Regional Administrators for External Affairs, when appropriate. The Director of Consumer Affairs will report directly to the Administrator of General Services on implementation of this consumer plan.

Size and Resources

The Consumer Information Center was established by Executive Order 11566 in 1970, and its staff consists of 19 persons, including consumer information and consumer media specialists. The Center has two basic responsibilities: To encourage Federal departments and agencies to develop and release relevant and useful consumer information, and to increase public awareness of and access to Federal consumer information. The Center maintains an active liaison program with more than two dozen Federal departments and agenices to accomplish these missions. Dissemination of consumer information is carried out by publication of the quarterly Consumer Information Catalog, in coordination with the media, to publicize the availability of consumer information; and distribution of Federal consumer publications through the Center's distribution facility in Pueblo, Colorado.

The Federal Information Center program was established to assist persons seeking information about the Federal Government and its programs. The program was established solely for the benefit of the consumers and users of Government services who have questions about the Government but do not know where to access the system to find the answers. An FIC headquarters staff of 7 persons and a field staff of 148 persons, located in 38 key cities across the country, provide in-person and toll-free telephone information services to approximately 50 percent of the U.S. population.

The Office of the Federal Register (OFR) comprises 90 persons and is responsible for the publishing of the daily **Federal Register**, which contains all Presidential proclamations, Executive orders, and Federal Government rules and regulations (final and proposed), and of the Code of Federal Regulations, which is the codification of the current general and permanent regulations of Federal agencies and is republished annually. Presidential speeches and other materials made public by the White House are published in the Weekly Compilation of Presidential Documents and annually in the Public Papers of the Presidents. The OFR provides additional information on Federal agencies in the annual United States Government Manual.

Responsibilities

The CIC, FIC, and OFR staffs will continue their regular operating procedures to accomplish the responsibilities listed above. These staffs will work closely together to coordinate consumer activities within GSA.

Participation in Development and Review of Agency Rules, Policies, Programs and Legislation

The Administrator of General Services will issue within 30 days of publication of this program an agencywide consumer order. The order will require the appointment of a key policy-level official from each of the six GSA Services and the Office of General Counsel who will be responsible for notifying the DCA of pending actions (e.g., rules, programs, and policies) within their units that may have a potentially significant impact on the economic well-being or quality of life of consumers. Upon review of the proposed action and subsequent determination by the DCA that an agency action does significantly affect consumers, the DCA will submit written comments on proposals in order to present the consumer viewpoints, and the DCA will be included in the formal GSA clearance procedures before a final agency determination is made. The DCA will also meet with the Service consumer designee to determine the appropriate avenue for consumer participation.

In addition, the agencywide consumer order will give the DCA authority to independently monitor and assess GSA actions in terms of their consumer impact and to become involved in any agency issues that the DCA determines will have significant consumer impact.

II. CONSUMER PARTICIPATION

When the Director of Consumer Affairs determines that a proposed GSA program or policy significantly affects consumers, the DCA will ensure that the originating unit within GSA observes specific procedures for early and meaning participation by consumers. The agencywide consumer order mentioned above will assign monitoring and coordinating responsibilities for consumer participation to the DCA. Consumer participation procedures will be governed by the GSA Order, Improving GSA regulations (ADM 1812.3), issued in compliance with Executive Order 12044. These procedures became effective December 1, 1978. The originating GSA unit may consider the following procedural options for inviting consumer comments: (1) Publishing an advance notice of proposed rulemaking in the **Federal Register**; (2) holding open conference or public meetings; (3) sending notices of proposed actions to publications that are likely to be read by persons who will be affected; or (4) notifying interested persons directly. The DCA will assist the GSA Services in their holding of consumer forums; e.g., in the development and dissemination of outreach materials, the determination of forum agendas, GSA participants, location, etc. The DCA will also assist in evaluating the consumer comments received and in establishing an evaluation plan for the final action, focusing on its effect on consumers.

Additional Avenues for Participation

The Consumer Information Center will continue to regularly conduct national consumer surveys to identify consumer's informational needs. These surveys involve interviewing 2,500 consumers with diverse demographic characteristics in order to pinpoint their need for specific publications. Survey results are reported by the age, sex, geographical location, income, and education of the respondents. The Center then encourages the development of Federal consumer information based on these consumer surveys and also learns what methods of information dissemination to use.

The Center also conducts audience surveys to obtain consumer views concerning ways to improve the CIC program. Once each quarter, questionnaires are enclosed with 1,500 randomly selected outgoing orders. They are designed to elicit advice and suggestions for new publications and also ask about the Center's service; e.g., whether the consumer was satisfied with the publications, how long it took to receive the order, and what the Center can do to improve the service.

The Center will establish publications evaluation surveys on a regularly scheduled basis to improve the quality of Federal consumer pamphlets. These surveys invite consumer suggestions for making revisions of consumer publications more useful. The Center will undertake a more extensive analysis of consumer mail and telephone inquiries and will expand external liaison efforts with national, State, and local consumer organizations to obtain meaningful consumer participation in program direction and development.

The Federal Information Centers will encourage and assist consumers who are interesed in participating in Federal agency rulemaking. The staff members will use the specialized training detailed in Section IV, Education and Training, to more fully assist, the public in participating in the rulemaking processes. The FIC's will develop and keep

current a list specifying the person within each department and agency responsible for public participation programs. Additionally, each FIC will obtain and post notices of public hearings. The Centers will have available for the public a 60-day file of **Federal Registers** if there is no library in the building with a more extensive file.

The Office of the Federal Register will continue to expand its consumer education workshops designed to assist consumers in using the Federal Register/Code of Federal Regulations system more effectively. A new segment will be added to specifically focus on the public's right to participate in the rulemaking process and to present guide-lines for effective participation. The workshop information will be compiled into a self-teaching text. This text would be publicized by U.S. Government Printing Office, the CIC, and the FIC and would be available for purchase through the Superintendent of Documents by consumers unable to attend the workshop.

III. INFORMATION MATERIALS

Agency Information Services

1. Usefulness of Current Material

The Consumer Information Center conducts programs to develop and disseminate consumer information. The Center encourages, coordinates, and assists Federal agencies in the development and distribution of consumer information publications through the Consumer Information Catalog and use of the Center's distribution facility in Pueblo, Colorado. The Catalog, published quarterly, lists more than 200 of the best Federal Government consumer booklets and covers a broad range of consumer topics. In FY 1979, the Center distributed more than 22 million consumer publications. The Center's media program includes the development of biweekly consumer news releases and monthly radio and television scripts that highlight publications in the Catalog and other topics of current consumer interest. The media staff also provides a media "hotline" service for consumer reporters seeking Federal consumer information assistance. Additionally, the Center conducts an annual public service campaign to increase awareness of the Catalog and Federal consumer publications. The campaign involves the development of television, radio, and print public service announcements. More than 450,000 Catalogs were distributed as a result of the FY 1979 public service campaign. Special efforts are made to reach Spanish-speaking consumers through the Lista de Publicaciones Federales en Espanol para el Consumidor. This listing gives titles and ordering instructions for Federal consumer publications available in Spanish. The listing is distributed free to educators, libraries, community leaders, and consumer organizations. The Center also provides news releases and scripts to the Spanish media as well as prerecorded Spanish-language consumer features. In quarterly audience surveys the Center has consistently received an over-90-percent approval rate on questions concerning user satisfaction.

The Federal Information Center network is cuurently composed of FIC's serving 85 major metropolitan areas. These centers provide in-person or toll-free telephone informational services to more than 50 percent of the U.S. population. The Centers currently distribute an information brochure describing the FIC services and listing the addresses and telephone numbers of the FIC's across the country, the Consumer Information Catalog, and a selection of other Federal Government consumer publications. A publication evaluation survey will be conducted within 60 days of publication of this program by the Consumer Information Center to assess the usefulness of the FIC brochure. A revision of this brochure will include a review of the consumer comments received in this survey.

The Office of the Federal Register publishes the daily **Federal Register** and the Code of Federal Regulations, which is published annually. These publications inform consumers of the workings of their Government. 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.

2. Plans for Improvement

The Consumer Information Center will continue all of its consumer information programs listed above. The CIC media program will be expanded to include 26 additional consumer news releases annually and will increase its efforts to encourage major national magazines to promote consumer information through feature articles.

The CIC will encourage and assist the National Audiovisual Center, located in GSA, with the development and distribution of a listing of consumer education films. This pamphlet would be an interagency listing of educational films on consumer topics available through the National Audiovisual Center.

In FY 1980, the FIC program will begin an expansion effort as follows:

- Open the first statewide operation by expanding the two Florida FIC's to service the entire State.
- Expand FIC's in Missouri and Nebraska to statewide coverage.
- Open new FIC's in Kansas and Iowa that will provide immediate statewide service.
- Open a new FIC in Anchorage, Alaska.

The eventual goal of this expansion effort is to provide 100 percent of the U.S. population with toll-free telephone access to an FIC.

In FY 1980 the FIC program will begin an annual public service campaign to publicize the increased availability of FIC service. This campaign will use television and radio public service announcements to inform consumers of the availability of FIC services.

New brochures detailing the FIC program and how to access it will be prepared and promoted widely within local communities. Additionally, the Centers will distribute other Federal consumer publications, especially the Consumer Resource Handbook from the Office of Consumer Affairs and the Consumer Information Center Catalog. The FIC's will also develop special resource lists to assist handicapped persons. These lists will identify Federal Government and local community programs that provide special services for persons with varying types of handicaps.

There will be a test program in the San Francisco FIC using a special telecommunications system that will allow deaf persons to use FIC services. This test, planned to begin in 1980, will be the first time deaf persons will have the opportunity to access an FIC.

The FIC headquarters staff will expand its liaisons program with Federal agencies to offer assistance to Federal agencies without an extensive field structure. In the past the Federal Communications Commission and the Office of Copyrights have used the FIC's to communicate vital information easily and quickly to consumers. The FIC's ability to dispense information and materials to consumers widely and with dispatch is a device that will be offered to Federal agencies.

The Office of the Federal Register will be prepared to develop a new research tool or "finding aid" for consumer-interest documents within 60 days of publication of this consumer program. This aid would appear in the daily

Federal Register and would also be included in the monthly subject index and the cumulative annual index from the effective date forward. However, development of this research tool depends on each publishing agency identifying their consumer-interest documents upon submission to the OFR. It will state the matter being regulated in terms of the consumer issue impacted, the subject matter, and the name of the agency issuing the document; e.g., Nutrition; Food Labeling; Food and Drug Administration.

3. Officials Responsible for Consumer Information Program

The GSA Director of Consumer Affairs will be responsible for planning and carrying out the GSA consumer information program. The Director of Consumer Affairs will have direct responsibility for the CIC and FIC programs, and will monitor and coordinate the consumer information functions of the OFR.

Information on Agenda of Public Meetings

The agencywide consumer order will require the consumer designees from the GSA services to notify the DCA of meetings open to the public. It will provide for the DCA's review of any explanatory materials developed for the public about the meetings. While formats may differ, these materials will notify consumers and the public of scheduled hearings and meetings open to public participation. these materials will:

—Clearly and adequately state the issues,

—Provide key questions or issues open to comment,

—Explain how and when consumer input should be made, and

—Name a contact person for obtaining additional information and clarification

The designees will also be responsible for developing plans for their distribution of these materials. The DCA will provide support and guidance in monitoring these outreach efforts.

IV. EDUCATION AND TRAINING

Areas in Which Training Provided

Executive Order 12160 requires that a consumer affairs staff be identified in Federal agencies, and that this staff review proposed and final rules and regulations and policies issued by the agency in terms of their impact on consumers. Since the Office of the Federal Register has unique resources for conducting workshops and developing training materials to assist Federal consumer staffs in reviewing regulations, it will offer 1-day seminars in rulemaking and its relationship to the consumer affairs staff. These seminars will be offered on a continuous and regularly scheduled basis. Topics will include: What is "readability" in Federal regulations; basic administrative law; how to structure rulemaking to achieve maximum public participation; effective use of semiannual agendas as a consumer tool; and how to manage, digest, and analyze a large return of comments.

Responsibility for Educating Staff Members About Consumer Program

The GSA Director of Consumer Affairs will be responsible for educating the Heads of all GSA Services and Staff Offices and the consumer committee designees about Executive Order 12160, this consumer program, and the agencywide consumer order implementing this program.

Method of Education

The GSA Director of Consumer Affairs has circulated Executive Order 12160 and the proposed GSA consumer program to the heads of all GSA Services and Staff Offices. The DCA will circulate this final consumer program and the agencywide consumer order to heads of all GSA Services and Staff Offices and the consumer committee designees. These designees will provide an avenue for the DCA to periodically update the heads of GSA operating units on the implementation and expansion of this consumer program.

Specialized Training for Consumer Affairs Personnel

The Office of the Federal Register will conduct its 1-day seminars in rulemaking and its relationship to the consumer affairs staff (described above) for the Consumer Information Center and Federal Information Center headquarters staffs and the consumer committee designees. The supervisor of the 38 FIC's will also attend the OFR seminar during the annual FIC supervisors' conference.

The CIC and FIC staffs will continue to attend and participate in training courses and workshops on topics of consumer interest. The DCA will approve additional training for the consumer affairs staff for complaint handling, consumer participation procedures, and preparation of consumer informational materials as needed. The CIC and headquarters staff of the FIC program will arrange and regularly attend training sessions conducted by Federal and non-Federal resource persons who will provide detailed explanations of issues and programs on current consumer topics. Information from these briefings will be furnished to the 38 FIC's through FIC bulletins.

Technical Assistance

The consumer education workshops for consumers, described in Section II, Consumer Participation, will be conducted by the Office of the Federal Register. These workshops will focus on the public's right to participate in the rulemaking process and will present guidelines for effective participation.

V. COMPLAINT HANDLING

The agencywide order mentioned above will establish a mechanism for the handling of consumer complaints concerning GSA performance and activities, and will authorize the DCA to monitor these procedures. The order will assign responsibility to the GSA Assistant Regional Administrators for External Affairs in the 11 GSA regional offices for the handling of complaints from community organizations and individual consumers. They will regularly report to the GSA Director of Consumer Affairs concerning the nature and disposition of these complaints. Federal employee complaints concerning GSA activities reach GSA through the complaint mechanisms established for Federal agencies. The employing Federal agency presents the employee(s)' complaint to the appropriate GSA Service. In the event a Federal agency complaint is not resolved at the Service level or if it is unique in nature or scope, the complainant may appeal to the Customer Relations unit in the GSA Office of External Affairs. The Customer Relations unit represents the Administrator of General Services in the handling of Federal agency complaints not resolved at the service level.

The Consumer Information Center, the Federal Information Center program, and the Office of the Federal Register routinely receive consumer inquiries and complaints. These offices will establish procedures for systematically logging in, routing, handling, responding to, and analyzing consumer complaints and inquiries.

The CIC currently acts as a collection point for a wide variety of consumer complaints and inquiries. The center forwards these to the appropriate Federal agencies and directs consumers to either local consumer agencies or private groups that can help with their particular problems. To better service consumers, the Center is consolidating all

the complaint handling in one clearly defined area and is designating a full-time professional staff member to serve as coordinator. The coordinator will:

—Maintain a log of the number of written and telephone complaints received, by specific topic. The logs will state what help was given to the consumer or to what agency he or she was referred;

—Send a followup letter to each consumer whose complaint is referred to another Federal agency. On a regular basis, the CIC will invite consumers to let us know if their problems have been resolved;

—Prepare, on a monthly basis, a summary of complaints and inquiries, both for internal use and to be sent to the U.S. Office of Consumer Affairs (USOCA); and

—Maintain liaison with consumer complaint units in other Federal agencies.

The CIC will also promote to the media and the public the availability of USOCA's Consumer Resource Handbook. This free publication tells consumers how to complain and get results, and gives a descriptive listing of Federal, State, and local governmental agencies and private organizations that can help.

Each year the FIC's receive between 7 million and 8 million inquiries, some of which are complaints about Federal programs or services and suggestions regarding how to make them more effective. The FIC program, both at the Center level and the Washington level, will analyze these complaints and suggestions and report quarterly to the appropriate agency the concerns voiced by the public. Where the situation requires immediate actions, the FIC's or the headquarters staff will promptly bring the matter to the appropriate agency official for resolution. Responses to inquiries or complaints received by the FIC's are immediate—either over the telephone or in person.

The OFR will maintain a reading file of complaint letters with the response letter attached, which will be available for public inspection upon request.

OVERSIGHT

The Administrator of General Services has designated the Director of Consumer Affairs (DCA), at the GS–15 level, to be solely responsible for policy directions, coordination, and oversight of the agency's consumer activities. The Director of Consumer Affairs will directly report to the Administrator on implementation of this consumer plan and the agencywide consumer order. The DCA will coordinate the consumer activities performed by the agency's consumer affairs staffs in the Consumer Information Center, the Federal Information Center programs, the Office of the Federal Register, and other agency components as appropriate. The Administrator of General Services will issue an agencywide consumer order requiring the appointment of a key official at the policy level from each of the six GSA Services; the Office of General Counsel; and the CIC, the FIC, and the OFR to serve on an intra-agency consumer committee. This consumer committee will be chaired by the DCA and will meet to discuss activities related to the implementation and expansion of this consumer program. These consumer designees will notify the DCA of pending actions (e.g., rules, programs, and policies) within their units which may have a potentially significant impact on the economic well-being or quality of life of consumers. Upon review of the proposed action and subsequent determination by the DCA that an action does significantly affect consumers, the DCA will meet with the Service consumer designee to determine the appropriate avenue for consumer participation. In addition, the DCA will have the authority to independently monitor and assess GSA actions in terms of their consumer impact. The DCA will submit written comments on proposals in order to present the consumer viewpoint, and will be included in the formal GSA clearance procedures before a final agency determination is made.

Dated: May 22, 1980.

R. G. Freeman III,

Administrator of General Services.

GSA Consumer Affairs Contacts

Director of Consumer Affairs (DCA), David F. Peterson, Director, Office of Consumer Affairs, General Services Administration (XC), Washington, DC 20405, (202) 566–1794.

Consumer Information Center (CIC), Teresa N. Nasif, Deputy Director, Consumer Information Center, General Services Administration (XCC), Washington, DC 20405, (202) 566–1794.

Federal Information Center (FIC), Donald Knenlein, Coordinator, Federal Information Centers, General Services Administration (XCF), Washington, DC 20405, (202) 566–1937.

Office of the Federal Register (OFR), Martha Girard, Director, Executive Agencies Division, Office of the Federal Register, General Services Administration (NF), Washington, DC 20405, (202) 523–5240.

Information Materials, contact: DCA, CIC, FIC, OFR.

Complaint Handling, contact: DCA, CIC, FIC, OFR, Regional Offices.

Consumer Technical Assistance, contact: DCA, OFR.

Consumer Participation, contact: DCA, CIC, FIC, OFR.

(Select appropriate office and see addresses and phone numbers above.)

Assistant Regional Administrators for External Affairs (Consumer Complaint Contacts)

General Services Administration, John W. McCormack Post Office and Courthouse, Boston, MA 02109, 617–223–2868.

General Services Administration, 26 Federal Plaza, New York, NY 10007, 212–264–1234.

General Services Administration, Ninth & Market Sts., Philadelphia, PA 19107, 215–597–9613.

General Services Administration, 7th & D Sts., S.W., Washington, DC 20407, 202–472–1804.

General Services Administration, 75 Spring St., S.W., Atlanta, GA 30303, 404–221–3032.

General Services Administration, 230 South Dearborn St., Chicago, IL 60604, 312–353–5383.

General Services Administration, 1500 E. Bannister Rd., Kansas City, MO 64131, 816–926–7203.

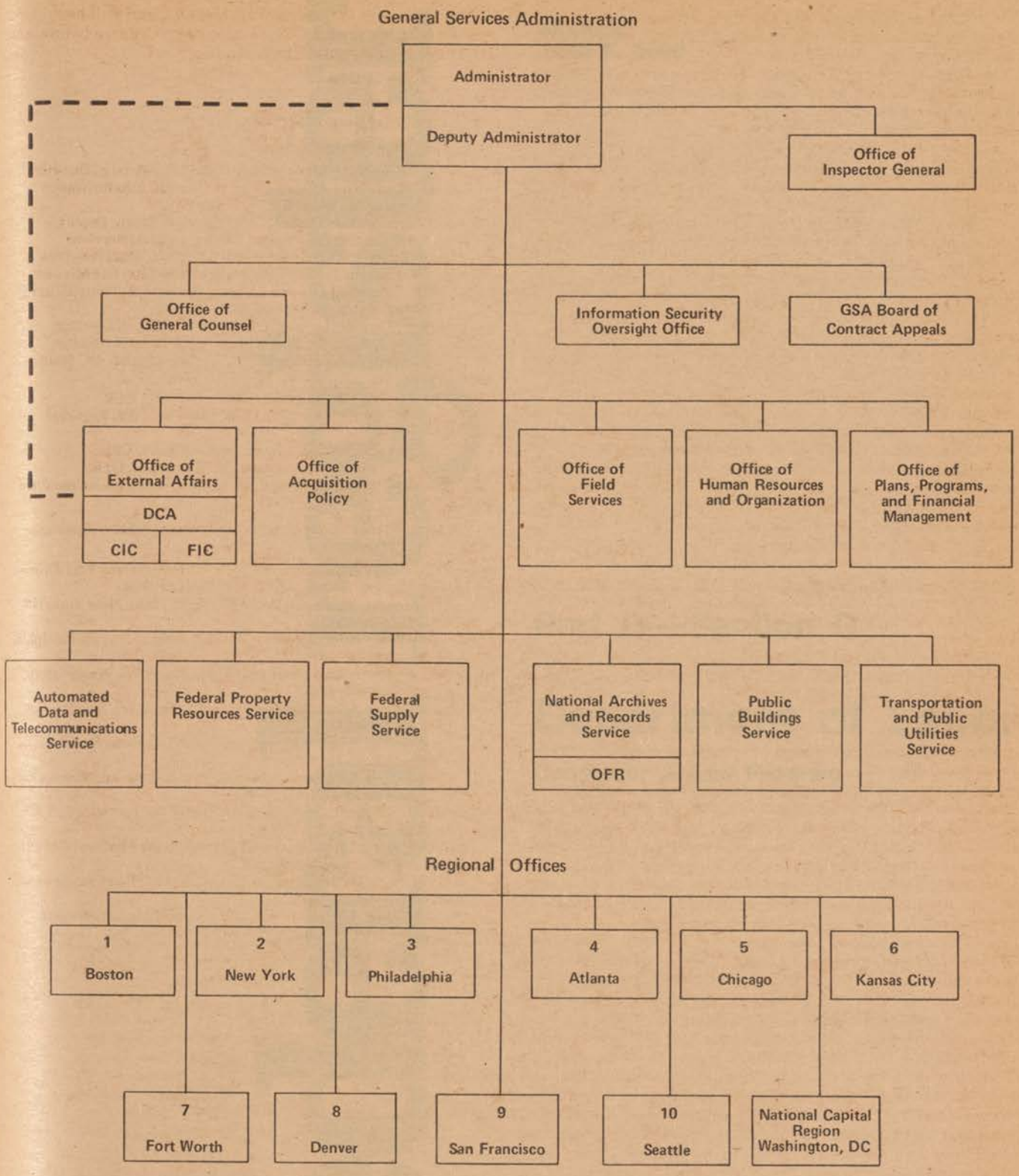
General Services Administration, 819 Taylor St., Fort Worth, TX 76102, 817–334–3284.

General Services Administration, Bldg. 41, Denver Federal Center, Denver, CO 80225, 303–234–2216.

General Services Administration, 525 Market St., San Francisco, CA 94105, 415–556–0877.

General Services Administration, 440 Federal Bldg., 915 Second Avenue, Seattle, WA 98174, 206–442–5556.

BILLING CODE 6820-34-M



DCA - Director of Consumer Affairs
CIC - Consumer Information Center
FIC - Federal Information Center Program
OFR - Office of the Federal Register

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BILLING CODE 6820-34-C

federal register

Monday
June 9, 1980

Part IV—Section G

Department of Labor

Consumer Affairs Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Secretary Marshall:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve conditionally the Department of Labor's consumer program established under Executive Order 12160. The Department's program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Ms. Judy Sorum and Mr. Al Cruz of your staff have been particularly helpful. The fact that Ms. Sorum will be reporting directly to you on the consumer program should give her the opportunity to review rules, policies, programs, and legislation to assess their impact on consumers. However, as Ms. Sorum has other responsibilities besides consumer affairs, her position does not fully meet the requirements of the Executive Order. For this reason, my approval is conditioned upon my finding in the course of the coming year that this arrangement has not detracted from the effectiveness of the Department's consumer program. The Department's program is strengthened by the creation of a Consumer Affairs Advisory Council and by the planned designation of consumer representatives within the agencies and regions. I also urge you to consider over the next year whether additional staffing should be provided at the Departmental level to help in monitoring and coordinating the Department's consumer activities.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Department's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the Department. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Ray Marshall
Secretary of Labor
Washington, D. C. 20210

BILLING CODE 4510-23-C

DEPARTMENT OF LABOR

DOL Consumer Affairs Program

AGENCY: U.S. Department of Labor: Employment and Training Administration, Occupational Safety and Health Administration, Labor-Management Services Administration, Mine Safety and Health Administration, Employment Standards Administration, Bureau of Labor Statistics, Bureau of International Labor Affairs, and Women's Bureau.

ACTION: Consumer Affairs program.

SUMMARY: In cooperation with the Consumer Affairs Council, the Department of Labor is establishing a new consumer affairs program. We are taking this action in response to Executive Order 12160, "Providing for Enhancement and Coordination of Federal Consumer Programs." We expect this action to result in an improved amd more effective Department consumer program. This program establishes specific guidelines for Department agencies to comply with the requirements of the Executive Order.

EFFECTIVE DATE: July 9, 1980.

ADDRESS: Judith A. Sorum, Special Assistant for Consumer Affairs, U.S. Department of Labor, Room S-2018, 3rd and Constitution Avenue, NW, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Al Cruz, Coordinator of Consumer Affairs, U.S. Department of Labor, Room S-2110, 3rd and Constitution Avenue, NW, Washington, D.C. 20210, Phone: (202) 523–6060..

Accordingly, the Department of Labor hereby issues a DOL Consumer Affairs Program Plan which reads as set forth below.

Signed at Washington, DC on the 22nd day of May, 1980.

Ray Marshall,

Secretary of Labor.

SUPPLEMENTARY INFORMATION:

PUBLIC COMMENT ON THE PROPOSED CONSUMER AFFAIRS PLAN (December 1979 Through March 1980)

Section 1.502 of Executive Order 12160 states that, "Each agency's final program shall be published no later than 90 days after the close of the public comment period, and shall include a discussion on how these comments are reflected in the final programs." Intergrating consumer concerns into our planning process is at the base of the Executive Order and or our actions at DOL.

The Department of Labor received a small number of comments on its proposed consumer affairs program from individuals and organizations. DOL sought public comment through **Federal Register** process and through other internal and external means including copies distributed to heads of DOL's program agencies, consumer related staff, regional personnel concerned with the coordination of consumer activities, and management support personnel. Externally, our proposal was made available to selected constitutent groups that are traditionally involved in DOL's programs and services. The Department participated in open forums and meetings such as the February White House workshops on the Order, the Citizen Participation Workshop at the George Washington University, and the Consumer Federation of America Conference. The forums provided opportunities to meet with the public and to make available and discuss our proposed plan of action.

The comments received, both written and verbal, have been analyzed by the Special Assistant for Consumer Affairs and the Coordinator for Consumer Affairs, and adjustments made to our proposed plan where an improvement was indicated. Appropriate staff have also reviewed the changes to the proposal from specific program veiwpoints. staff of the U.S. Office of Consumer Affairs evaluated our plan and suggested some pertinent changes.

While the number of written comments was small, they were received from a variety of sources. The thirty comments included: seven from individual consumers; eight from consumer organizations; six from business and trade associations; two from professional associations; and seven from internal review Federal components. In addition, several telephone suggestions were useful in helping us to improve our plan.

After careful review of all the comments, the Department has amended its plan to include many of the recommended changes.

A prevalent comment from both individuals and organizations was that the proposed plan was too general and did not specify actions that would lead to an increase in citizen participation. Our plan has the intent of providing a framework which will commit and guide program agencies of the Department to strengthen consumer participation in the context of allowing them the flexibility to decide the most effective means. A predominant observation was that our proposed plan was positive in that it allowed for each of our program agencies to spell out how each will address the basic requirements of the Executive Order. This procedure was seen by several commentors as a good one for putting accountability with the program managers. An effort has been made to accomodate this complex issue by setting more specific objectives and lines of responsibility in the final program.

Several consumer related and public citizen interest groups provided DOL with general principles about what should be in an agency's consumer action plan. These position papers addressed all aspects of a consumer program, and several ideas were applicable and helped us adjust our program.

The reactions to the Department's *consumer perspective* section were mixed. There were a few concerns that we do not have a separate and indentifiable overall consumer office for the Department. Yet, having each program agency take full responsibility for its consumer activities was viewed as a plus by other commentors.

The element of *consumer participation* was the concern primarily of organized consumer groups and public citizen interest groups, and to a lesser extent, the trade associations. The major concern is that the Department should make available additional avenues for citizen participation, and that we spell out how this would be accomplished. A very strong case was made for poviding funding for public participants, and there was equal concern that different groups in the society most in need of Department services may be shut out of the decision making process, eg. youth, elderly, handicapped, women, and minorities. Observations that outside of rulemaking, there are few specific public participation opportunities for the other programs, were also noted.

The most frequently raised criticism in the *informational* materials area is that we do not provide materials to show potential participants how to participate. Several commentors focused on development of better ways to reach consumers, eg. newspapers, selected trade journals, and specific how-to bulletins. Trade groups focused on the need for DOL to use commercial audio-visual materials and the newspaper media to reach consumers. The need to improve dissemination of DOL materials was suggested by several commentors.

The consumer related groups expressed concerns about the lack of *training and education* in DOL for preparing consumer specialists or developing the consumer perspective. These same groups, joined by some individuals, expressed concern for the lack of technical assistance and advocacy procedures to potential recipients of DOL programs and services.

A few comments touched on the absence of a Department *complaint handling* procedure. As a minimum, DOL was being asked to develop some way of monitoring the handling of complaints and evaluating them for use as input into policy making.

Several comments of a miscellaneous nature were obtained. Specifically, several individuals and organizations were concerned that we did not have a workable definition of "consumer" that was relevant for DOL's purpose. Comments seeking a government-wide central consumer affairs office rather than each agency having one were also received. Some proposed no consumer office at all.

In our final plan, the Department incorporates some of the suggested changes. Other of the suggestions were considered, but deemed inappropriate at this time. Specifically, the discussion of the *purpose* of our activity was expanded and a workable definition of "consumer" for DOL's programs and services was incorporated into the plan. Input from the public was most useful in this case.

The *scope* of our Department plan was enlarged to include, in addition to all the major program activities, the Department's management support programs. The mission of the Department is spelled out in this section with the emphasis placed on the unified effort of the program agency actions and the management support activities that assist them.

The consumer-related *objectives* of the Department are defined in a specific section of the plan. Public concerns, voiced through verbal and written comments, led us to more explicity spell out these objectives. However, the issue of providing funding for citizens to participate in deliberations was not specifically included in these objectives as we are in the process of reviewing this issue.

Since many of the comments, either directly or indirectly, touched on responsibility and accountability issues, a major part of the change to the proposed plan focuses on the oversight aspect of the Department's consumer activity. A substantial section of the plan focuses on the specific responsibilities of key personnel in DOL for carrying out an expanded and improved Department consumer program. An explanation of the Department's essentially decentralized program is made a part of this section. Much of the concern expressed regarding the oversight of DOL's consumer program is taken into account by stressing specific accountability of a large number of personnel who play a role in the program. The overall responsibility for the program in the Department is already vested with the Special Assistant for Consumer Affairs who serves as the principal advisor to the Secretary on consumer policy.

The establishment of the DOL Consumer Affairs Advisory Council received positive comment and the final plan expands on the makeup of this group.

The *consumer affairs perspective* section of the Department plan did not change significantly from the proposed plan based on the evaluation of comments and staff reviews. The important addition here is an explanation that the Special Assistant does in fact participate in decisions and assesses the impact of a Department program or service for consumers. Since the Special Assistant for Consumer Affairs serves on the Secretary's staff, that person is part of the ongoing process of evaluation of rules, policies, programs and legislation which may impact on consumers.

The *consumer participation* section reflects the development of a process for analyzing how the consumer perspective is sought, what barriers to participation currently exist, and how consumer participation can be improved. The input of the senior-level DOL Consumer Affairs Advisory Council in this process is stipulated in the final plan.

The *informational materials* section, the *education and training* section, and the *complaint handling* section contain only minor changes from the proposed plan. These sections specify the responsibility of the various program units. The concerns of individuals and organizations who commented on the plan will be considered in the objectives and responsibilities sections of the plan, and to some degree in the specific agency planned actions. The preparation and dissemination of Department informational materials will be closely monitored by the Special Assistant, to ensure the consumer perspective is incorporated. Plans for expanding consumer participation are being developed, but are not ready for inclusion at this time. Once the plan is approved, DOL will provide appropriate orientation on the consumer program and specific training in complaint handling and methods of improving citizen participation.

DEPARTMENT OF LABOR CONSUMER AFFAIRS PROGRAM

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I. PURPOSE

This directive establishes procedures and policies for administrating the DOL Consumer Affairs Program and implements the requirements of Executive Order 12160 entitled, "Providing for Enhancement and Coordination of Federal Consumer Programs".

A Department of Labor consumer is a citizen who benefits from a program or service provided by the Department including: participants in DOL programs; prime sponsors and deliverers of services in DOL programs; organizations or individuals entering into contractual arrangements with DOL; subscribers to DOL publications and services; individuals or groups requesting information; groups or individuals affected by DOL-related legislation and policies; and other groups, organizations, and individuals deemed

consumers by the DOL Special Assistant for Consumer Affairs.

II. SCOPE

The Consumer Affairs Program requirements are applicable to all DOL agencies, staff offices, and field offices. The Consumer Affairs Program supports the mission of the DOL to protect and promote the interests of U.S. workers.

The success of the DOL Consumer Affairs Program depends upon each organizational element within DOL contributing to the program. Therefore, included in this directive are descriptions of the individual agency consumer affairs efforts and activities of staff offices having significant involvement in support of the overall Department program. The combination of these individual programs constitutes the DOL Consumer Affairs Program.

III. POLICY

It is the policy of DOL to effectively involve consumers in DOL activities including the development of Department regulations, policies, and programs which have a substantial consumer impact or interest. Such participation recognizes DOL's responsibilities to the consumer and provides DOL with a broad range of views on regulations and policies. It facilitates the conduct of Department business, and thus has a positive effect on the quality of services provided by the Department.

IV. GOAL

The goal of this program is to provide high quality service to consumers by maximizing DOL's sensitivity to their needs, by being responsive to inquiries, by incorporating consumer views in the policymaking process, by ensuring consumer awareness of programs and opportunities available through DOL, and by evaluating the effectiveness of existing programs in meeting the needs of consumers and realizing the mission of the Department.

V. OBJECTIVES

A. That the Secretary and senior policymakers be kept aware of the needs and problems of DOL consumers.

B. That the impact upon consumers be considered in all proposed Department rules, policies, programs and legislation.

C. That there be meaningful participation by consumers in the development and review of all Department rules, policies and programs.

D. That the dissemination of information on DOL programs and procedures for citizen participation be effective and timely.

E. That attention be given to the quality and distribution of consumer information materials.

F. That mechanisms for handling consumer complaints and concerns be established and/or improved as needed.

G. That productive channels of communication be established with worker groups, employer groups, community groups and citizen groups.

H. That the views of special consumer groups such as handicapped, elderly, minority, etc., be given consideration in areas directly affecting them.

I. That the DOL educate staff members on the provisions of the Federal Consumer Program and provide special training for agency consumer affairs personnel as appropriate.

J. That the coordination of consumer affairs activities within the department be improved and systematized as appropriate.

VI. RESPONSIBILITIES

A. General

The Department of Labor has seven major components: Employment and Training Administration, Labor-Management Services Administration, Employment Standards Administration, Bureau of Labor Statistics, Mine Safety and Health Administration, Occupational Safety and Health Administration, and Departmental Management which includes the Women's Bureau and the Bureau of International Labor Affairs as well as staff support offices. Although each major component is involved in administering programs and providing services to consumers in the working place, each has distinct and multiple functions. Each is, therefore, responsible for developing and maintaining its own consumer affairs program consistent with the overall DOL program.

Responsibility for the implementation of the Consumer Affairs Program at the operational level rests with these agency heads who, using their appointed consumer affairs representatives, will be responsible for the control, reporting, and monitoring procedures necessary for the successful operation of the Consumer Affairs Program. Representatives will bring to the attention of their top management those consumer complaint issues requiring their advice or of which they should be aware. Representatives will review periodically a sample of agency responses to complaints from the standpoint of timeliness and quality, and will provide guidance to employees on how to improve the handling of consumer complaints.

B. Departmental Oversight for Consumer Affairs

1. *Special Assistant for Consumer Affairs*—Responsibility for policy direction, coordination, and oversight of the Department's consumer activities is assigned to the Special Assistant to the Secretary of Labor. The Special Assistant serves as the principal advisor to the Secretary on how consumers perceive and react to DOL policies and regulatory decisions, and is actively involved in the policy development and regulations review process. The Special Assistant provides overall leadership in the process of implementing the Department's consumer plan.

Oversight of the consumer affairs activities within the Department is not the only responsibility of the Special Assistant. The Special Assistant will continue to meet his/her responsibilities in other areas, many of which are closely related to consumer concerns. The Secretary believes that these additional responsibilities enhance the ability of the Special Assistant to represent consumers' interests within the Department.

In addition, the Coordinator of Consumer Affairs will directly support and assist the Special Assistant in meeting his/her responsibilities under this program. The Coordinator has day-to-day responsibility for coordinating internal and external activities in the consumer area that are department-wide in scope, and in implementing the Department's consumer plan. The Coordinator also provides direction for research and development of mechanisms and procedures designed to promote awareness and advocacy for citizens seeking to participate in the Department's decision-making activities.

Specifically, the Special Assistant is responsible for:

a. Coordinating all DOL consumer affairs activities and ensuring that the provisions of Executive Order 12160, "Providing for Enhancement and Coordination of Federal Consumer Programs," are implemented.

b. Providing the administrative policy direction for and oversight of DOL consumer activities.

c. Reporting directly to the Secretary the potential impact on consumers of particular DOL policy or program initiatives under review or development.

d. Representing the Department on the Consumer Affairs Council established by EO 12160 and chaired by the President's Special Assistant for Consumer Affairs.

e. Chairing the DOL Consumer Affairs Advisory Council made up of members from each of the program units and key staff support offices, and selected regional representatives.

f. Supporting the interests of consumers by communicating their concerns to officials within DOL in order that such concerns may be recognized and considered in DOL policies, programs, and actions.

g. Ensuring that consumers have adequate opportunity for participation before significant regulations, policies and procedures are initiated.

h. Ensuring that consumer views and concerns are adequtely considered in agency decision making.

i. Promoting consumer education/information programs and consumer involvement within the Department.

Specifically, the Coordinator of Consumer Affairs is responsible for:

a. Maintaining a consumer affairs program department-wide to assist the Special Assistant in the management and coordination of the DOL Consumer Affairs Program.

b. Acting as point of contact for the U.S. Office of Consumer Affairs, other agency consumer affairs offices, and other consumer groups.

c. Coordinating and integrating, in consultation with the Special Assistant and agency consumer affairs representatives, comprehensive agencywide guidelines governing the handling, classification and analysis of complaints.

d. Reviewing DOL consumer policies and procedures for consistency with national consumer policy established by the President and the U.S. Office of Consumer Affairs.

e. Collaborating with agency staff offices in the development of procedures for early and meaningful participation by consumers in the development of agency rules, policies and programs.

f. Coordinating with the Office of Information, Publications and Reports to insure that information about DOL programs reaches a maximum of DOL's consumers.

g. Collaborating with the Directorate of Personnel Management in the development of a consumer affairs education and training program.

h. Planning, directing, and coordinating the conduct of surveys and research concerning the needs, interests and problems of the consumers of DOL's programs and services.

i. Coordinating the development of a sampling system of recipient feedback of the agency's services and programs provided to obtain a comprehensive picture of consumer attitudes toward the Department and to single out areas where improvements could be made.

j. Identifying views of special consumer groups, such as minorities, handicapped, elderly, etc., and ensuring that such information is relayed to program officials as input for future decisions.

2. *Agency and Program Office Heads*—Specifically, Agency and Program Office Heads are responsibile for:

a. Designating an employee to serve as "Agency Consumer Affairs Representative" for their respective programs.

b. Ensuring that the Agency Consumer Affairs Representative is included in decision making as early as possible in matters of substantial consumer interest.

c. Ensuring effective and appropriate involvement in the organization's decision making processes.

d. Implementing the DOL Consumer Affairs Program in the headquarters office and the regional offices.

e. Managing the control, reporting, and monitoring procedures for the successful operation of an agency consumer complaint handling and complaint reporting system.

f. Producing and distributing materials to inform consumers about agency programs, procedures for obtaining services or benefits, and ways to register complaints.

g. Maintaining a meaningful outreach program for consumers.

h. Educating and training their staff on the Consumer Affairs Program purpose and objectives.

3. *Agency Consumer Affairs Representatives*—Specifically, the Agency Consumer Affairs Representatives will be responsible for:

a. Developing and maintaining, in consultation with the Special Assistant, an agency consumer affairs program tailored to their agency's functions and meeting the basic requirements of the Executive Order.

b. Using all appropriate means to notify consumers of each proposed regulation, policy, or program having substantial consumer interest.

c. Identifying and advocating the consumer interest in appropriate issues by: (1) ascertaining consumers positions on relevant issues through devices such as maintaining contacts with consumer groups and analyzing consumer mail; (2) providing consultation to staff members who draft proposed rules and regulations; and (3) keeping senior officials informed of consumers' opinions, concerns, and needs.

d. Meeting with the Special Assistant for Consumer Affairs and/or the Coordinator of Consumer Affairs to discuss consumer issues and plan strategies for improving the Department's consumer activities.

e. Providing the Special Assistant with a quarterly report on the progress of the consumer program in the department.

4. *Departmental Management Support*—

The Office of Information, Publications and Reports is responsible for assuring that Agencies inform consumers through the use of publications and other media forms about DOL programs, including where to inquire and apply for specific services and benefits. OIPR will also conduct consumer information programs where appropriate.

The Office of the Solicitor is responsible for reviewing the proposed DOL consumer actions and initiatives for legal and legislative implications and recommending any necessary changes.

The Office of the Assistant Secretary for Administration and Management is responsible for serving as a liaison for OMB clearance of public use reports, necessary survey materials, providing statistical support, and preparation of the Department consumer affairs budget.

The Office of the Inspector General is responsible for reviewing consumer complaint mail referred by agency and staff offices to determine if an investigation is warranted.

5. *Regional Office Overview*—Responsibility for the implementation of the Consumer Affairs Program rests with the agency heads for operating purposes, and implementation of the program in the regional offices is their responsibility. Each of the agency heads and program office heads will designate, as soon as possible after the publication of the plan, but no later than September 1, 1980, counterpart regional agency consumer representatives. The representatives' duties will be similar to their national office counterparts. They will be responsible for ensuring the functioning of the consumer program at the regional program level. They will report through their regular reporting channels to the national program office.

The Chairperson of the Regional Executive Committee (REC), who already serves as coordinator for regular

exchange among regional DOL administrators regarding program policies, problems and operating activities, will ensure coordination among the various DOL programs' consumer efforts at the regional level. The Chairperson of the RECS will provide reports on the region's coordinated consumer efforts directly to the Special Assistant upon request.

6. *DOL Consumer Affairs Advisory Council*—The Department will establish a DOL Consumer Affairs Advisory Council with primary responsibility to develop and propose department-wide initiatives in consumer affairs, to evaluate the effectiveness of the program and to report to the Secretary on activities and plans for future consumer action.

The Council will be made up of members from each of the program units, who are at least at the Deputy Assistant Secretary level, from the Bureau of Labor Statistics, the Women's Bureau, the Office of the Solicitor, the Assistant Secretary for Administration and Management, the Office of Information, Publications and Reports, and one Regional Representative chosen by the Secretary on a rotating basis. The Special Assistant for Consumer Affairs will serve as executive officer of the Council and as its chairperson. The Council will meet at least twice a year for official meetings, and there will continue to be frequent and considerable ongoing communication and interchange among the members and the chairperson on consumer and related matters.

The policies set by the Council will be implemented by the appropriate staffs: in some cases the agency consumer representatives, in some cases the information staffs, in some cases the program staffs. The nature of staff support will depend on the specific project.

VII. DEPARTMENT-WIDE CONSUMER PLAN

This part of the DOL Consumer Affairs Plan outlines a general framework which incorporates the basic elements for a consumer program required by Executive Order No. 12160, which each agency will develop in detail.

A. Consumer Affairs Perspective

The Executive Order requires agencies to have identifiable and accessible professional staffs of Consumer Affairs personnel authorized to participate in the development and review of agency rules, policies, programs and legislation.

Consumer Affairs staff will be located in the Office of the Secretary, and in agency consumer offices, public information offices, and policy planning offices of the eight separately identifiable agencies which have substantial consumer impact activity. These are: Employment and Training Administration; Occupational Safety and Health Administraton; Labor-Management Services Administration; Mine Safety and Health Administration; Employment Standards Administration; Bureau of Labor Statistics; Bureau of International Labor Affairs; and Women's Bureau. The Special Assistant to the Secretary for Consumer affairs already has primary responsibility for coordination of the Department's consumer affairs activities.

As decisions on proposed rules, policies, programs, and legislation are made by officials in the Department, they will also be reviewed for their impact on consumers as part of the total Department review process; at the level of the Office of the Secretary as well as in the principal operating components of the Department. In this process, the Special Assistant for Consumer Affairs and the Agency Consumer Affairs Representative will have an opportunity to comment on the potential impact on consumers of proposed Departmental policies.

B. Consumer Participation

The Executive Order requires that agencies take steps to insure that individual consumers and consumer organizations are able to participate in the development of agency rules, policies, and programs.

The Department currently encourages consumer input particularly in the review of agency rules and regulations, and has been a leader in encouraging public participation in rulemaking. In addition, the Special Assistant for Consumer Affairs will take responsibility for making sure that consumers have adequate opportunities to participate in other DOL activities as appropriate. The DOL Consumer Affairs Advisory Council will analyze how the consumer perspective is now sought, what barriers to participation currently exist, and how consumer participation can be improved. At a minimum, the Department will:

1. Assure that deadlines for public comment, submission of data, and notification of (times of intent to appear at) hearings and committee meetings are reasonable and permit maximum participation by consumers.

2. Promote balanced representation of consumer viewpoints on the Department's advisory committees, including the appointment of public members knowledgeable in consumer matters.

3. Increases 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 consumers input and involvement in decision making.

5. Develop new methods to involve consumers in preproposal stages of regulation and development.

6. Develop new procedures to expand consumer input into program and policy evaluation and to incorporate the input into the evaluation process.

7. Increase contacts with consumer groups to encourage their input into the evaluation of existing and proposed Department programs.

The Department already conducts numerous meetings open to the public on its wide array of programs. During the coming year these meetings will be closely observed and evaluated to determine the inclusion of the consumer perspective.

C. Informational Materials

The Executive Order requires that agencies must produce and distribute informational materials useful to consumers.

The Department of Labor prepares many publications each year on its activities. It issues information on such subjects as collective bargaining, employment standards, foreign labor, labor law and administration, labor organization, employment and training, prices and living conditions, safety, wages, and youth employment. Its periodicals include the *Monthly Labor Review* and *Occupational Outlook Quarterly*.

The Department will continue to prepare consumers both to protect themselves as individuals in the marketplace and to participate effectively as advocates in the DOL policy making process. In order to continue to accomplish this, we will prepare informational and educational consumer materials about the Department and its programs and encourage the expression of consumer viewpoints through forums, public hearings, seminars, meetings and mailings. Specifically, notices of advisory committee meetings and hearings on regulations will be published in the **Federal Register.**

DOL publications produced by program offices are reviewed for clarity and sensitivity to the consumer

viewpoint and to identify where new publications are needed. Additionally, summaries of major new program initiatives or revisions are written and sent to consumers.

DOL will continue to publish a summary of significant consumer comments on proposed policy and rulemaking in the **Federal Register**. The Department will also develop new methods for feedback to consumers about their program and policy comments. The Department will explore the most effective means of communicating regularly with consumer organizations and with the consumer. DOL will prepare a list of consumer organizations for use in mailing consumer news releases and other consumer information materials and for obtaining their views on Department programs.

Many of the Department's publications may be obtained without charge.

D. Education and Training

The Executive Order requires that agencies must educate and train their staffs in the principles underlying the Executive Order, and the skills needed to implement the Order effectively. In addition, 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.

1. *Employee Education and Training.* The Special Assistant, with assistance from the Directorate of Personnel Management, OASAM, will take principal responsibility in educating Department personnel about the objectives of the Department Consumer Program and the mechanisms by which it will be implemented. This will be accomplished within 6 months of the publication of the plan. DOL will undertake a specialized orientation and training program that will increase the knowledge of consumer affairs staffs of Federal policy and DOL's consumer programs. Additional audiences for an employee education and training program may be Program Administrators, both at Headquarters and Regional offices, and the Agency Consumer Representatives in the regions. All DOL consumer staff will be trained in the principles of consumer affairs and in how to best convey information and materials to all consumers. The specific subject matter and conduct of the training of employees will be the responsibility of program agencies to insure that they meet the special needs of their personnel in providing the best possible service within available resources. As a minimum the agency training will involve curriculum on how to: develop useful consumer participation networks; establish guidelines for handling complaints, and develop procedures for processing consumer input, including evaluating that input, and using it in the policy working process.

2. *Consumer Education and Training.* The Department already has in place, for many of its programs, procedures specifying the period during administrative processes when citizens may affect decision making. However, the fact that this formal procedure has been focused only on formal rulemaking may result in a lack of knowledge and understanding about other DOL activities, programs and procedures, and thus lessen the public's participation. The need for providing assistance to consumers and their organizations which will enhance the effectiveness of their participation is under study by the Department. DOL recognizes that providing technical assistance to consumers in order to increase the effectiveness of their involvement in its programs may be necessary, particularly since so many of those served are the traditionally disadvantaged groups.

E. Complaint Handling

The Executive Order requires that agencies establish systematic procedures for the efficient handling of consumer complaints, and that consumer complaints must be taken into account in the formulation of agency policy.

The Department's agencies currently have individual mechanisms for receiving and responding to consumer complaints. Each agency's mechanism is required by the executive order to:

1. Assure that all consumer complaints receive timely and responsive replies;

2. Provide decision-makers at DOL with accurate information about areas of frequent consumer concern;

3. Compile and utilize consumer complaint data in assessing the impact of DOL policies and programs.

The Department is developing a monitoring procedure for complaint handling, coordinated by the Special Assistant to the Secretary for Consumer Affairs. This monitoring system establishes a focal point in Headquarters and Regional Offices for effective quality control of responses to consumers; assurance of timeliness; and appraisal of system performance.

Reporting. Each DOL agency will be the focal point in the Department for the collection and analysis of consumer data about their own programs which may be used by policy-makers as tools to identify problems and develop policy recommendations.

Monitoring. The Special Assistant for Consumer Affairs will monitor the effectiveness of the procedures of the program agencies for handling complaints to ensure that those responses are both timely and adequate to give reasonable promise of substantial progress toward meeting the needs of consumers.

Analysis. Written reports from the Agency Consumer Representatives and the Special Assistant's evaluative data will be consolidated and distributed on a regular basis to Assistant Secretaries and Regional Administrators to provide feedback on complaints for use in assessing the impact of DOL policies and programs on the consuming public.

Accountability. The Special Assistant will monitor specific guidelines governing the handling of all complaints, regardless of the source.

Opportunity for Review. The Special Assistant will ensure that each agency provides ample review of consumer complaints when the initial response to the consumer is not found to be satisfactory.

Responsibility. The Assistant Secretaries and the Program Administrators will continue to improve and maintain their agency complaint handling systems. Agency Consumer Affairs Representatives will be responsible for management of the control, reporting, and monitoring procedures necessary for the successful operation of their agency complaint systems. Responsibility for the implementation of the consumer complaint system in the Regional Offices will rest with the Program Administrators. Regional Agency Consumer Representatives appointed by the Program Administrators will be responsible for management of the control, reporting, and monitoring procedures necessary for the successful operation of their agency complaint handling systems in the field. The Special Assistant will monitor the overall Consumer Complaint Handling procedures to include the field, to ensure that complaints received in every part of DOL are expeditiously routed to the program official best able to respond to the complaint.

VIII. SPECIFIC AGENCY PROGRAM PLANS

This section of the Department Plan contains the Mission Statement of each of the eight major program agencies and the specific Consumer Actions that each will undertake to begin to implement the Plan. As a minimum, each agency

will incorporate into their planned action the basic elements mandated by Executive Order No. 12160.

A. Employment and Training Administration (ETA)

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 and Human Services.

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.

8. *Office of National Programs*—Provides special Federal assistance to Indians, migrant and seasonal farmworkers, older workers, and others with particular job disadvantages.

9. *Office of Youth Programs*—Provides special Federal assistance to programs that serve youth and are designed to improve their job prospects and test new ways of serving them.

Consumer Affairs Perspective

ETA at present has assigned an information staff member the responsibility for consumer affairs and will appoint a full-time consumer affairs representative whose sole responsibility will be to enhance and coordinate ETA's consumer program and participate in the review and development of consumer program policies, programs, and legislation.

Consumer Participation

ETA will undertake an active program to encourage consumer participation in the various phases of decision making and improve communications with consumers in all its programs. 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.

ETA will notify prime sponsors of programs under the Comprehensive Employment and Training Act (CETA), the apprenticeship programs registered by the Bureau of Apprenticeship Training and State Agencies, the Federal-State employment and unemployment insurance programs, and the research, development, and evaluation community 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, unless otherwise prescribed by law. ETA will respond promptly to consumer proposals.

Informational Material

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. ETA will also 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.

ETA will continue to prepare news releases announcing information published in the **Federal Register** to 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.

Education and Training

Education and training of the ETA staff in consumer affairs will be the responsibility of the ETA National Office training staff and the Regional Training Centers. As a minimum, training will be conducted on the basic elements of the Executive Order, the Department Consumer Plan, and specific agency procedures. Training will be provided on complaint handling specifically.

Complaint Handling

ETA will improve its complaint handling procedures that respond 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. Both CETA and the Employment Service programs already have existing complaint handling procedures. While each office in ETA will exercice their own methodologies for handling complaints, these efforts will be within the guidelines of the proposed Department Monitoring System, and subject to review by the Agency Consumer Representative.

B. Occupational Safety and Health Administration (OSHA)

OSHA develops, issues and enforces safety and health standards to protect workers on the job. OSHA inspects workplaces for standards violations, issues citations and proposes penalities for noncompliance with regulations. OSHA aides States in developing their own job safety and health plans and conducts education, training and information programs to promote workplace safety and health practices.

Consumer Affairs Perspective

The Office of Information and Consumer Affairs advises the Assistant Secretary for Occupational Safety and Health on information and consumer affairs matters, supports the operations of the agency's public hearings and advisory committees, and directs and guides its information and consumer affairs programs. The Director of OICA monitors, on behalf of the Assistant Secretary, opportunities for the public to participate in the development of regulations, policies, and programs. This office schedules and

coordinates public hearings and supports advisory committees in their development of recommendations regarding proposed regulations, programs and policies. The office also plans, develops and coordinates the distribution of informational material and coordinates consumer information activities with OSHA's ten regional offices.

Consumer Particiption

OSHA's advisory committees provide an avenue for public input to the agency's decision making process. Positions on each advisory committee are apportioned to achieve a balanced representation of labor, management, government and the public. OSHA actively encourages public participation in the proceedings of the advisory committees and their working subgroups, which are open to the public. Notification is provided by an announcement of the meetings published in the **Federal Register** at least two weeks in advance.

OSHA considers petitions for occupational health and safety standards from interested groups in standards development activities. In some instances, an ad hoc standards advisory committee is appointed to assist in developing the proposal for a standard.

Following the public comment period on a proposal, a hearing is held conducted in an informal legal manner before an administrative law judge. The hearing is designed to furnish interested parties the opportunity to present evidence and opinions in oral and written form. Moreover, it provides a forum for the interaction of different points of view.

Informational Materials

In August, 1979 OSHA published a pamphlet entitled "OSHA Publications and Training Materials" describing current publications and training materials. Over 50 free publications covering such topics as Workers' Rights, Safe Work Practices, Health Hazards, and OSHA regulations are made available.

OSHA also utilizes other media to encourage concern for occupational health and safety, including films, slide-types and video. The agency makes these programs available through the National Audio-visual Center in Washington, D.C.

The agency is continually adding to its range of consumer education materials available to the public. Further, studies are currently being conducted of how best to make these materials rapidly available to the public and to identify new areas for consumer information.

Education and Training

The Assistant Secretary of Labor for OSHA shall issue a memorandum to the Directors of all Directorates within the agency and to the field staff explaining the Federal Consumer Policy embodied in E.O. 12160 and circulate the Executive Order to these individuals.

A determination will be made if further education or training is needed for agency personnel, particularly those in the Office of Information and Consumer Affairs.

Complaint Handling

Complaint rights for employees regarding workplace safety and health violations are detailed in the OSHA poster, which OSHA requires to be displayed in every workplace. These complaint procedures are under continual scrutiny to insure appropriate, prompt response. The latest revision was issued on September 1, 1979. All formal complaints and nonformal complaints of imminent danger or extremely serious working conditions are scheduled for inspection. Nonformal complaints of less serious hazards in some cases are pointed out by letter to the responsible employer who must correct the hazard and inform the area director by letter that this has been done.

C. Labor-Management Services Administrator (LMSA)

LMSA regulates certain union activities and enforces the law requiring unions, employers, labor relations consultants and others to file reports with the Labor Department, protects participants' rights in private pension and welfare benefit plans, protects reemployment rights of veterans, and administers laws intended to protect employees in certain industries who may be adversely affected by Federal grant programs or other government actions.

1. *Pension and Welfare Benefit Programs*—Administers the Employee Retirement Income Security Act (ERISA), which protects the pension and welfare 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. The law also establishes reporting requirements for employers and labor relations consultants when they engage in certain activities in relation to unions. In specific situations, union officers and employees must also file reports.

3. *Veterans Reemployment Rights*—Assists veterans and members of military reserve units in exercising their reemployment and other rights.

Consumer Affairs Perspective

LMSA regulates certain activities of unions, employers, labor relations consultants and others which are required to submit reports to its Office of Labor-Management Standards Enforcement (LMSE); protects participants rights in private pension and welfare benefit plans through its Office of Pension and Welfare Benefit Programs (PWBP); and assists veterans and members of military reserve units in their reemployment rights and other job rights through the Office of Veterans Reemployment Rights (OVRR). LMSA has designated an identifiable consumer affairs representative to assist the Department's Special Assistant for Consumer Affairs.

Consumer Participation

PWBP publishes all regulations on its programs as proposals with adequate notice and time for comment by interested parties. PWBP develops and maintains contact with consumer groups through meetings and correspondence to gain their input in the early stages of the development of regulations and policy. An Advisory Council composed of 15 members advises the Secretary of Labor on his administration of the Employee Retirement Income Security Act of 1974.

LMSE publishes all regulations on its programs as proposals with adequate time for comments by interested parties. Efforts are made to obtain the views of interested parties in the early stages of the development of regulations and policy. Because OVRR does not develop regulations or have rulemaking authority under the reemployment law, consumer participation consists primarily of getting feedback from clients about how their cases were handled and about the adequacy of their rights under the law.

Informational Material

LMSA will continue to issue news releases on all major regulations to coincide with publication of proposals in the **Federal Register.** In addition to the general news media, special distribution of press releases will be made to major

trade media, national and international unions, practitioner associations, general consumer organizations and small business groups. A large number of technical and general publications are designed to help these groups impacted by LMSA's activities. LMSA will also provide speakers to discuss its programs.

Education and Training

LMSA will provide for educating national and regional staff members about Executive Order 12160 and the agency's activities under it. PWBP, LMSE, and OVRR field investigators and other staff personnel will attend training as necessary to assure that they are informed on new regulations and case law that may affect their complaint handling and enforcement responsibilities.

Complaint Handling

Complaint to PWBP about management of plan assets, benefit levels and plan reports are handled by the Office of Communications and Public Services and by field employees as promptly and completely as possible.

LMSE field investigators handle complaints regarding labor organization officer elections, trusteeships, union finances, and reports required of labor organizations, officers, union employees, employers and consultants. Complaints are investigated promptly and enforcement sought through voluntary compliance or, where necessary, through litigation.

OVRR field investigators look into all complaints relating to the exercising of veterans' or reservists' reemployment rights under the Federal law to determine merit and works with complaints and employers to resolve the matter. Complaints that cannot be resolved to the satisfaction of the complainant may be referred to the Justice Department for consideration of legal action.

D. Mine Safety and Health Administration (MSHA)

MSHA is responsible for making working conditions for the Nation's miners as safe and healthful as possible. Safety and health standards development activities represent the basic area of MSHA work having a substantial impact on consumers, most of whom are associated in some manner with the country's mining activities. The actual application of such standards by MSHA's enforcement, civil penalty assessment, technical assistance, approval and testing, and education and training activities is limited in terms of the numbers of consumers affected, e.g., operators, miners, etc. Because MSHA activities have a direct impact on all mining in the Nation, MSHA will handle any and all consumer complaints as received.

Consumer Affairs Perspective

MSHA's policy is to provide interested consumer groups, organizations and individuals with the opportunity to have their views heard and considered relative to mine safety and health regulatory matters impacting on the mineral industries of the United States. Consumers will also be given opportunities to provide input into the decision-making processes that affect MSHA policies and programs.

The Director of Administration and Management is responsible for coordinating MSHA's consumer program. The Chief, Division of Management Research will serve as point of contact for consumer activities.

Each Administrator and Director will maintain information on the extent of consumer participation in the everyday business of MSHA.

Consumer Participation

MSHA will continue to give consumers the opportunity to obtain information and express their views by means of public meetings whenever the magnitude of a proposed action is of significant impact. Current lists of consumer groups, organizations, and individuals expressing an interest in MSHA activities, will be maintained. MSHA staff will advise the MSHA Office of Information of significant matters impacting on consumers so that local and/or national news media outlets can be utilized to inform the public.

The media of questionnaires and surveys to develop ideas on issues affecting the general public will be used to insure that information obtained from consumers, in response to proposed actions, is given an objective and considered evaluation before decisions are reached.

Informational Material

News releases, brochures, and audio-visual materials concerning MSHA programs with considerable consumer impact activity will be expanded and distributed.

Education and Training

MSHA staff members, both in the National office and the field, will be educated on Executive Order 12160 and the agency's activities and responsibilities under it. MSHA employees will be informed about Federal consumer policy, in general, and MSHA consumer policy, in particular.

Complaint Handling

MSHA will provide for logging, investigating, and responding to consumer complaints, consistent with the procedures of the Department System. Information will be collected on the subject matter and number of individual consumer letters, and the nature of MSHA responses; and on the volume and types of consumer complaints and nature of MSHA resolutions.

E. Employment Standards Administration (ESA)

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; and enforces equal employment opportunity by government contractors for women, minorities, handicapped persons, and veterans.

1. *Wage and Hour Division*—Enforces Federal wage and hour laws which set the minimum wage, overtime pay, child labor and record-keeping standards, enforces laws establishing wage garnishment procedures, requiring registration by farm labor crew leaders, requiring safe and healthy work conditions for farm workers, and setting wage and hour standards for Government contract work.

2. *Office of Federal Contract Compliance Programs*—Administers the Federal government's program requiring affirmative action and equal employment opportunity for workers regardless of race, color, sex, religion, national origin, handicap or veterans' status on Federal contract and subcontract work.

3. *Office of Workers' Compensation Programs*—Provides compensation programs for Federal employees who suffer job-related injuries, diseases and deaths; maritime workers or their survivors, and coal miners with black lung disease and their survivors. Certain other groups of employees are also covered by special provisions.

Consumer Affairs Perspective

ESA administers and enforces more than 90 Federal Labor laws and programs that establish workplace standards, equal opportunity provisions and workers' compensation.

These laws and programs protect the rights in one way or another of almost all the workers of the country. ESA has designated an identifiable Consumer Affairs representative, and changed the name of its Office of Information to Office of Information and Consumer Affairs, in order to provide a central point for the agency administration of its consumer affairs.

Consumer Participation

ESA will continue to put emphasis on the publicizing of proposed rulemaking published in the **Federal Register**, to give more consumers a better opportunity to participate in the comment stage of the regulations process.

Where appropriate, ESA will hold public hearings. The consultation process will be formalized and expanded. Public members of advisory committees will be asked to represent consumer views. Where possible, new public members will be selected to reflect consumer opinions.

ESA will assure that all public comments are fed directly into the evaluation process.

Informational Material

ESA will continue to produce and distribute radio and television public service announcements and film materials to inform consumers of their rights and responsibilities under ESA laws.

ESA will continue to disseminate news articles on subjects of consumer interest to the media.

ESA will continue to utilize an exhibit system in regional and area offices.

Press releases, pamphlets and fact sheets, motion pictures, speeches and other informational materials produced will continue to stress the information consumers should know.

Education and Training

ESA's Office of Information and Consumer Affairs, in collaboration with the ESA Division of Employee Development and Training, will be responsible for educating staff members about Executive Order 12160 and the agency's activities under it.

The Office of Information and Consumer Affairs will be made responsible for scheduling briefing sessions as necessary for policy-making personnel, for circulation of the Order and related materials throughout the agency in D.C. and the field, and for ensuring that significant changes in the structure or procedures in the consumer program will be promptly communicated to agency staff members in Washington and in the field.

Complaint Handling

ESA's complaint-handling system will be re-evaluated to assess the promptness and quality of agency responses, and to consider ways in which the system can be improved and coordinated with the proposed Department complaint monitoring system.

F. Bureau of Labor Statistics (BLS)

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.

Consumer Affairs Perspective

The Bureau conducts economic research and produces economic indicators which it disseminates in the form of news releases, publications, and responses to inquiries. Consumers of this information are the news media, government agencies, business establishments, labor unions, libraries, and other organizations and individuals. BLS keeps these users informed about changes being made in its programs. BLS has no regulatory or enforcement functions.

Because consumers' contact with the Bureau primarily is through the information BLS disseminates, the Bureau has assigned overall responsibility for consumer affairs to its information staff. The Bureau's program offices, which are responsible for collecting, analyzing, and producing data, also respond to consumer inquiries.

Consumer Participation

Consumer representatives participate in discussions and review of the Bureau's activities in the Bureau's business and labor research advisory councils which meet three times a year and in public proceedings of such bodies as the recent National Commission on Employment and Unemployment Statistics. Consumer representatives also are participating in developing plans to revise the Bureau's industrial price, productivity, and family budget programs, and their views will be solicited in the review of the industry employment programs.

Information Materials

BLS provided current economic data to consumers upon request. In 1979, BLS responded to 1,358,045 inquiries from consumers and distributed 4,749,974 pieces of information material. BLS annually produces 1,500 news releases, 280 reports and summaries, 64 issues of periodicals, and 140 bulletins.

To make users aware of its information materials, BLS publishes and distributes a monthly list of new publications and a semi-annual catalog.

Education and Training

BLS will be responsible for educating staff members about Executive Order 12160 and the agency's activities and responsibilities under it. BLS will advise its employees about Federal consumer policies in general and BLS consumer policies in particular.

Complaint Handling

Bureau offices now handle consumer complaints in a variety of ways. The Bureau's present procedures for handling consumer complaints will be adapted to conform to the proposed complaint monitoring system.

G. Bureau of International Labor Affairs (ILAB)

ILAB administers trade adjustment assistance programs for workers adversely affected by imports, participates in bilateral and multilateral trade negotiations, conducts programs of technical cooperation with foreign countries, and helps represent the U.S. on such international agencies as the Organization for Economic Cooperation and Development (OECD).

Consumer Affairs Perspective

ILAB consumer affairs staff will be located in the Office of Management, Administration, and Planning. ILAB operating units (mainly the Office of Trade Adjustment Assistance) will afford the consumer staff an opportunity to comment on the potential impact on consumers of new regulations and proposed legislation relating to the trade adjustment assistance program.

Consumer Participation

Before ILAB puts in effect regulations to implement legislative changes in the trade adjustment assistance program, consumers of the program will be provided with an opportunity to comment and make recommendations. This

process will be achieved through the publication of Federal Register notices, private mailings, and meetings with representatives of selected trade union organizations. During 1980 approximately six regional meetings with program consumers will be held, at which consumers will be given a forum to express their views on the program in person. Letters and news releases will be utilized to convey information to consumers on opportunities to present such views.

Informational Material

Informational materials concerning the adjustment assistance program will continue to be distributed widely. The Director of the Office of Trade Adjustment Assistance, in consultation with the consumer affairs staff, will be responsible for planning and carrying out the ILAB consumer information program. The Director will also assume responsibility for preparing materials on public hearings and Federal Register Notices concerning such hearings.

Education and Training

Copies of Executive Order No. 12160 will be circulated to Bureau staff concerned with consumer interests. The ILAB consumer affairs staff will promptly alert concerned Bureau staff about significant changes in the structure or procedures of the ILAB consumer program. Training will be provided on complaint handling as necessary.

Complaint Handling

The Office of Trade Adjustment Assistance will respond promptly and adequately to consumer complaints, which will be filed with the Office of Trade Adjustment Assistance. Complaints about the management of the adjustment assistance program or about the specific details of an individual case will be handled by that office. Complaints will be reported to the Bureau head on patterns and policy implications, if any, of the complaints received.

H. Women's Bureau, Office of the Secretary (WB)

The Women's Bureau develops policy and programs which have an impact on women's employment and employability, and through outreach to target groups of women with special employment-related needs, develops programs to meet those needs. WB provides technical assistance and general information to a wide range of organizations and individuals. It does not enforce laws, nor is it directly responsible for issuing guidelines or regulations that affect women. WB does, however, participate in the writing of regulations, and it informs women about laws and regulations affecting them.

Consumer Affairs Perspective

WB's consumer affairs program is primarily information oriented. All WB components will continue to serve consumers by: working with DOL agencies to insure that the employment-related needs and concerns of female consumers are being addressed by DOL policymakers and program planners; by participating in the process of writing DOL regulations and guidelines affecting women; by commenting on relevant regulations of other Federal agencies; and by responding to consumer requests for technical assistance and general information.

Consumer Participation

Through its quarterly meetings with constituency groups—women's organizations; union women; community groups; and Federal, State, and local agencies—WB gains input from their review of agency rules, policies, and programs that are pertinent to the woman consumer. WB also communicates with consumers to inform them of proposed legislation, regulations, and hearings on matters affecting women as workers, to provide them an opportunity to comment. WB also invites individuals and organizations to conferences, seminars, and workshops to express their needs and concerns.

Informational Material

WB disseminates information on subjects of consumer interest through publications (including consumer information leaflets), speeches, news releases, audiovisuals, and other written and oral communications. Based on consumer demand, WB prepares new publications and revises old ones, and widely distributes information on its programs and services, including its publications list. The major responsibility for coordinating and consolidating consumers affairs information has been assigned to the Bureau's Division of Information and Publications. WB reaches consumers through the activities and services of its 10 regional offices and the national office.

Education and Training

WB will be responsible for educating staff members about Executive Order 12160 and the agency's activities under it and for scheduling briefing sessions as necessary for policy making personnel.

Complaint Handling

WB procedures for handling complaints will be evaluated, improved, and coordinated with the proposed Department complaint monitoring system.

IX. IMPLEMENTATION OF THE DOL CONSUMER AFFAIRS PROGRAM

Prior to July 1, 1980, the Secretary of Labor will issue a Secretary's Order that will delegate authority and assign responsibility for implementing the Department of Labor Consumer Affairs Program, and the development of specific Agency consumer programs.

Appendix A—Department of Labor Consumer Contacts

Individuals or organizations with consumer questions, problems or comments can contact the following persons in the Department for assistance:

Washington National Office

Top level concerns regarding policy direction for, coordination and oversight of, the Department's consumer activities should be addressed to: Judy A. Sorum, Special Assistant to the Secretary for Consumer Affairs, U.S. Department of Labor, Room S–2018, 3rd and Constitution Avenue, NW, Washington, DC 20210, Phone (202) 523–9184.

Information about complaint handling, consumer technical assistance, consumer participation in the agency decision process, and coordinating and monitoring consumer activities should be obtained from: Al Cruz, Coordinator of Consumer Affairs, U.S. Department of Labor, Room S–2110, 3rd and Constitution Avenue, NW, Washington, DC 20210, Phone (202) 523–6060.

Inquiries for information about Department informational materials should be directed to: John W. Leslie, Director, Office of Information, Publications and Reports, U.S. Department of Labor, Room S–1032, 3rd and Constitution Avenue, NW, Washington, DC 20210, Phone (202) 523–3971.

Regional Offices

All consumer-related concerns should be addressed by mail to the Chairperson, Regional Executive Committee at the following Regional Office addresses:

Region I—Boston
Chairperson, REC, U.S. Department of Labor, JFK Federal Building, Government Center, Boston, Mass. 02203.

Region II—New York
Chairperson REC, U.S. Department of Labor, 1515 Broadway, New York, N.Y. 10036.

Region III—Philadelphia
Chairperson, REC, U.S. Department of Labor, 3535 Market St., Philadelphia, Pa. 19104.

Region IV—Atlanta
Chairperson, REC, U.S. Department of Labor, 1371 Peachtree St., N.E., Atlanta, Ga. 30309.

Region V—Chicago
Chairperson, REC, U.S. Department of Labor, 230 S. Dearborn St., Chicago, Ill. 60604.

Region VI—Dallas
Chairperson, REC, U.S. Department of Labor, 555 Griffin Square Building, Griffin and Young Sts., Dallas, Tex. 75202.

Region VII—Kansas City
Chairperson, REC, U.S. Department of Labor, 911 Walnut St., Kansas City, Mo. 64106.

Region VIII—Denver
Chairperson, REC, U.S. Department of Labor, Federal Building, 1961 Stout St., Denver Colo. 80294.

Region IX—San Francisco
Chairperson, REC, U.S. Department of Labor, Federal Office Building, 450 Golden Gate Ave., San Francisco, Calif. 94102.

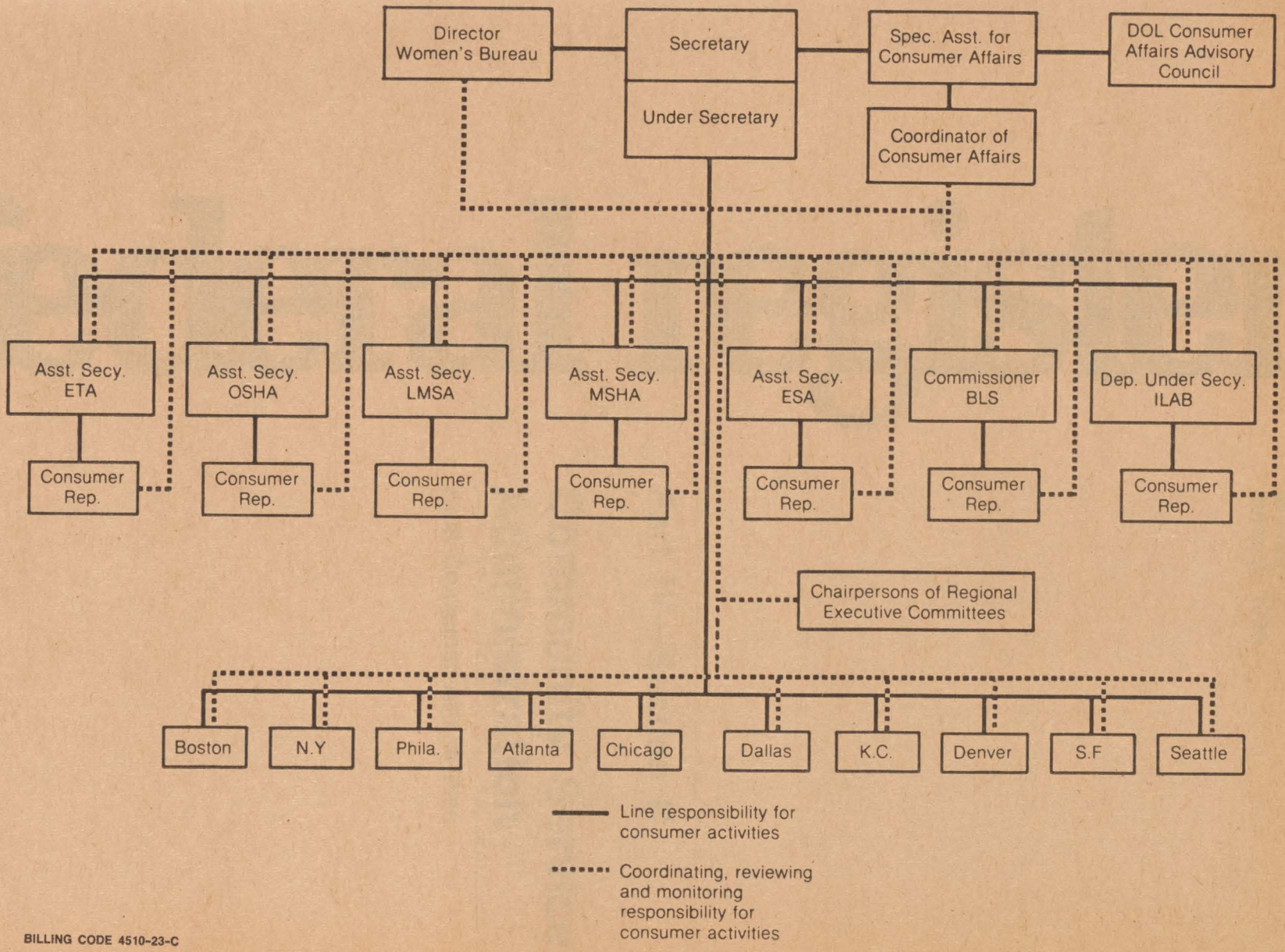
Region X—Seattle
Chairperson, REC, U.S. Department of Labor, Federal Office Building, 909 First Ave., Seattle, Wash. 98174.

[FR Doc. 80-16863 Filed 6-6-80; 8:45 am]
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APPENDIX B

U.S. Department of Labor

Consumer Affairs Organization Chart



BILLING CODE 4510-23-C

federal register

Monday
June 9, 1980

Part IV—Section H

Community Services Administration

Final Consumer Affairs Plan

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Mr. Allison:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve conditionally the Community Services Administration's consumer program established under Executive Order 12160. I am well aware of the importance of CSA's commitment to assisting low-income consumers. The CSA program will play a vital role in assuring that consumer interests will be an integral part of federal agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by your staff have been particularly helpful. The fact that Ms. Diane Elliot will be reporting directly to you on the consumer program should provide her with the opportunity to review rules, policies, programs, and legislation to assess their impact on consumers. The program is strengthened by the establishment of an agency Consumer Affairs Council and by the assignment of responsibility to Regional Directors for increasing consumer participation activities. However, as Ms. Elliot has other responsibilities besides consumer affairs, her position does not fully meet the requirements of the Executive Order. For this reason, my approval is conditioned upon my finding in the course of the coming year that this arrangement does not detract from the effectiveness of the Administration's program.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of CSA's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the agency. During this time my staff and I will be available to help in any we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

Mr. William Allison
Acting Director
Community Services Administration
Washington, D. C. 20506

BILLING CODE 6315-01-C

COMMUNITY SERVICES ADMINISTRATION

Consumer Affairs Plan

AGENCY: Community Services Administration.
ACTION: Notice of Final Consumer Affairs Plan.

SUMMARY: The Community Services Administration is filing its final Consumer Affairs Plan. This action is taken in order to comply with Executive Order 12160, providing for Enhancement of Federal Consumer Programs. The plan details how CSA will carry out its functions in the area of consumer representation.

FOR FURTHER INFORMATION CONTACT: Jane Checkan, Community Services Administration, Constituent/Government Liaison, Office of External Affairs, 1200—19th St., N.W., Washington, D.C. 20506. Telephone: 202–632–8322.

William W. Allison,
Acting Director.

Preamble to Community Services Administration Consumer Program

CSA published its draft consumer program in the December 10, 1979 **Federal Register.** Thirty-three (33) responses were received—one from the National Association of Community Action Agency Executive Directors Associations, two from CSA Regional offices, one from a State Association of Community Action Agencies (CAAs), eight from CAAs, eight from community based organizations, nine from Washington-based advocacy groups and associations, one from the U.S. House of Representatives, one from a university, and two from unaffiliated individuals.

Comments suggested that the consumer program be functional and not just a clearinghouse, that the revised consumer plan state specific services the enhanced consumer activity will provide and how CAAs can benefit, and the need for a permanent consumer representative at Headquarters and in the regions. The consumer program outlined below suggests mechanisms for enhanced activities mandated under EO 12160, especially the intra-agency Consumer Affairs Council. It describes processes for citizen/consumer involvement, including CAAs. It provides also for informational materials, education and training, and complaint handling. Finally, though a Consumer Representative is designated at Headquarters, limited staff and funds preclude a consumer representative per se in each regional office.

The various suggestions on citizen participation were helpful. Some cited processes are already in place. For example, one letter stated the needed provision for active low-income participation at state, regional and national levels and funds for consumer participation in rule-making procedures and policy planning. Further, the letter asked that consumers be clearly and adequately informed of procedures for participation and given timely notice of upcoming policies suggesting that this might be done through a Consumer Bulletin. Another letter suggested that grantee task forces or regional meetings be utilized whenever CSA anticipates new and significant policy directions. Other letters mentioned the need for public forums and regional seminars. One suggested that CAA insure through field staff that input from the grass roots level is always included in every rule and regulation. Some suggested advisory boards and committees to review, analyze, and process consumer-related complaints.

As stated in the plan, CSA has the regulations and resources for effective citizen participation. Although there cannot be Regional Consumer representatives *per se* Regional Staff will be encouraged to foster and coordinate consumer programs and to continue to encourage Regional and State forums which involve consumers in decision-making and implementation. Moreover, as can be seen in the Complaint Handling Section, there are a variety of mechanisms by which consumers can make their suggestions and complaints known. There is a system by which these will be reviewed, addressed, and presented to agency policy makers for possible incorporation into CSA regulations and overall program emphasis. As noted below, CSA regulations require citizen participation on grantee boards, one-third of which are composed of representatives of the poor. These do, as suggested, have access to review and comment on CSA rules, regulations, and policies as published in the **Federal Register.** In fact CSA requires all grantees to purchase copies of the *Code of Federal Regulations* and the **Federal Register.** The suggestion that CAA Boards and low-income groups have a role in grantee self-evaluation is being carried out in CSA's CAA self evaluations. The involvement of low-income people also is encouraged in our contract Type III evaluations.

Many suggestions were received on consumer information. Letters cited the need for a Consumer Manual detailing agency operations and decision making processes which could contain material and instructions for preparing testimony for public hearings, consumer materials in Spanish, and materials in simple language on topics such as consumer rights, money management, citizen participation, and nutrition. One CAA asked that resource material on consumer education distributed by CSA in past years be made available to CAAs.

The Consumer Plan addresses itself to these concerns in general. CSA information on all its programs and on consumer education is available through the Information Office in the Office of External Affairs. CAAs can write or call for any information they wish. Some materials are being translated into Spanish. The idea for a Consumer Manual is a good one and will be discussed along with other suggestions when the intra-agency Consumer Affairs Council meets to assess the adequacy of CSA materials and to determine what is needed.

Various letters cited the need for education and training locally and at all levels of CSA for staff and client training in consumer functions.

One person felt that CAAs should be told how to set up effective credit unions, co-ops, and housing rehabilitation associations. Another cited the need for teaching the principles of sound fiscal management. Another said training efforts by CAAs should cover processes for dealing with consumer complaints. Several felt that consumer issues could be highlighted and enhanced through training sessions.

The plan states that provision of information and technical assistance can be provided through CSA's grantee network. Training sessions will use existing material and new guidance papers to be developed. Some existing guidance papers discuss credit unions, cooperatives, and fiscal management. CAAs can train consumers in complaint handling by schooling them in the procedures already in place, as described in the Complaint Handling Section. Finally, Grantee Boards, Executive Directors, and Mid-Management Staff will be informed about EO 12160, as stated in the plan.

Complaint handling was perceived by many as weak. Letters suggested procedures for logging, routing, and tracking complaints, and also coordinating such efforts between CSA programs and with other agencies such as the Legal Services Corporation. As noted, some asked that complaint handling be part of training CAAs and other grantees.

The many different ways for complaint handling, as described in the plan, should help satisfy these perceived needs. Especially responsive will be the periodic review of complaints with a view to improving regulations and program emphasis. Though not stated in the plan, CSA grantees are encouraged to work with Legal Services Offices.

These comments underwent internal staff review and then for the reasons stated above a revised draft Consumer Affairs Plan was prepared. Further internal review took place resulting in minor modifications. A final plan was prepared and circulated to agency senior staff followed by a meeting of these officials to finalize the plan. Throughout this process discussions were held with staff of the White House Office of Consumer Affairs to assure compatibility of the CSA Plan with the intent of EO 12160.

There are fiscal and staff restraints on carrying out the consumer functions as fully as both EO 12160 requires and many responses would like. However, as circumstances change CSA will seek to strengthen its consumer role.

CSA's focal point for consumer affairs is the Office of External Affairs which will monitor the various components of the plan.

COMMUNITY SERVICES ADMINISTRATION CONSUMER PROGRAM PLAN

INTRODUCTION

The Community Services Administration's (CSA's) authorizing legislation requires maximum feasible participation of the poor in the planning, conduct and evaluation of programs. Involvement of the poor in developing plans and priorities of local Community Action Agencies (CAAs) is required. CAA Boards must have at least one-third of their members representing the poor. Boards of other grantees either must comply with this one-third requirement or establish an advisory committee.

In a general sense, CSA serves low-income consumers in such programs as Senior Opportunities and Services, Community Food and Nutrition, Emergency Energy Conservation, Community Economic Development, and Community Action. The latter is CSA's major program and the projects it funds deal with such concerns as housing, employment, education, consumer affairs, day care, etc., all of which are locally designed with in-put from low-income consumers in the planning process and from Board members in the decisionmaking process. CSA also is involved in specific consumer programs which include consumer education and protection and the development of alternative economic systems such as cooperatives and credit unions.

CSA has traditionally served as the lead agency in coordinating efforts toward increased citizen participation. Its January 1978 publication, *Citizen Participation,* identified requirements for citizen participation in over 300 Federally assisted programs and explained how individuals and groups could affect them. Ten Public Policy Forums in the Fall of 1977 gave CSA staff the chance to hear directly what low-income consumers felt about Federal anti-poverty programs. In December 1978 CSA sponsored 13 public meetings where low-income consumers provided their concerns and recommendations to make the National Consumer Cooperative Bank responsive to marginal and emerging cooperatives. In January-February 1980 CSA headquarters and field staff involved many grantees and other low-income consumers in meetings which the Bank sponsored in an effort to get grass roots comments on its proposed policies. In February 1980 CSA served as the coordinating agency on behalf of the U.S. Office of Consumer Affairs to support a conference on the evaluation of citizen participation.

PROPOSED PLAN

I. Consumer Affairs Perspective

The Office of External Affairs will have responsibility for functions mandated by EO 12160. This newly created office combines the Legislative Office; the Constituent and Governmental Liaison Office; and the Media/Public Liaison Office. They will develop strategies for improved information sharing and involvement of CSA constituents in formulating CSA policies programs.

The complaint handling function will be monitored by this office and consist of at least a semi-annual review and analysis of complaints received by CSA through its various complaint handling systems.

The Office of External Affairs will convene an intra-agency Consumer Affairs Council chaired by the Associate Director for External Affairs and composed of representatives from the Office of Community Action and its Office of Regional Operations; the Office of Economic Development; and the Office of Policy, Planning, and Evaluation. This Council will meet at least quarterly to discuss elements of CSA's categorical programs such as Community Food and Nutrition, Emergency Energy Conservation, and others which affect consumers. It will represent the agency in program, policy, and intergovernmental aspects of consumer activity.

Council members will seek to coordinate consumer elements of the categorical programs and provide support and direction for consumer activities in the field. Regional Directors will serve as contacts and facilitate Regional office opportunities for consumer participation. The Council will seek to determine how consumers perceive their problems and CSA's responsiveness to them.

The Associate Director for External Affairs will coordinate CSA's representation at and involvement with public and private consumer organizations, including the White House Consumer Affairs Coordinating Council, the Consumer Education and Information Liaison Panel, and the Internal Council on Citizen Participation, on day to day contact.

The Director of the Constituent/Governmental Liaison, Office of External Affairs (632–8322), will serve as the staff contact point for activities related to the Consumers Affairs functions of the Community Services Administration.

II. Citizen Participation

Pursuant to Executive Order 12044, CSA seeks to maximize public participation in its rulemaking process. Its semi-annual report lists rules and regulations being revised for various policies. In preparation for the semi-annual report (May and December) the Associate Director for External Affairs and such Council members as are designated will assist in the development of regulations, rules, and policies which are identified as issues which affect low-income consumers and determine needed public participation activities to explain policy and encourage participation in its formulation.

CSA regulations do not necessarily relate to direct services to the poor nor fall into the citizen/consumer participation process. Nevertheless, there are regulations requiring public meetings, and citizen participation on grantee boards is required by law. Citizen/consumer participation is required administratively through CSA's grantee program management system (GPMS). Community Action Agencies are required to develop a planning process which includes community participation in assessing local needs and defining priorities.

The resulting goals and strategies are then reflected in specific local programs. Programs are monitored regularly by CSA staff—primarily through the Regional Offices. The

GPMS effects low income consumer participation in CSA funding programs at the local level; it also serves as a very real and consumer-produced vehicle for CSA to establish national priorities and to advocate on behalf of low income consumers.

CSA national special emphasis programs (e.g. Community Food and Nutrition, Senior Opportunities and Services) are also consumer oriented. Public participation through open meetings and planning guides the direction of these national programs and also the application for their funds.

CSA requires in its regulation concerning grantee public meetings and hearings (45 CFR 1070.2) that they be open to the public and that they be announced publicly. CSA will continue to encourage Regional and State level forums which involve consumers in decision-making and implementation.

III. Informational Materials

CSA has a range of information materials on all of its programs. These have been developed both at Headquarters and in the field. Books, pamphlets, papers and bibliographies, and directories of films and audiovisual materials are available from the Office of External Affairs, Information Staff 254–6010. This Office also distributes a wide variety of materials describing a broad range of CSA programs in an effort to inform CSA's constituency, the media, and the general public. Many of these materials are being translated into Spanish. The Consumer Affairs Council will assess informational materials to determine their adequacy and recommend development or additional materials if necessary.

IV. Education and Training

Provision of information and technical assistance to consumers can be delivered through CSA's grantee network. Training, using existing material and new guidance papers to be developed, will be available to familiarize the grantee Boards of Directors, Executive Directors, and mid-management staff about Executive Order 12160.

The Council will familiarize CSA staff about CSA responsibilities pursuant to EO 12160 and will collect and disseminate information about consumer affairs activities of other agencies.

CSA offices and grantees will be informed of the Consumer Plan to be published in the June 9 **Federal Register.**

V. Complaint Handling

CSA's Office of Inspector General has established a telephone "hotline" (653–5430 in Washington and a toll-free long distance 800–424–8005). Any information or allegation regarding a violation of law can be reported confidentially to the Inspector General by this means.

Secondly, CSA regulations require due process rights for applicants denied benefits under CSA funded programs (45 CFR 1067.7).

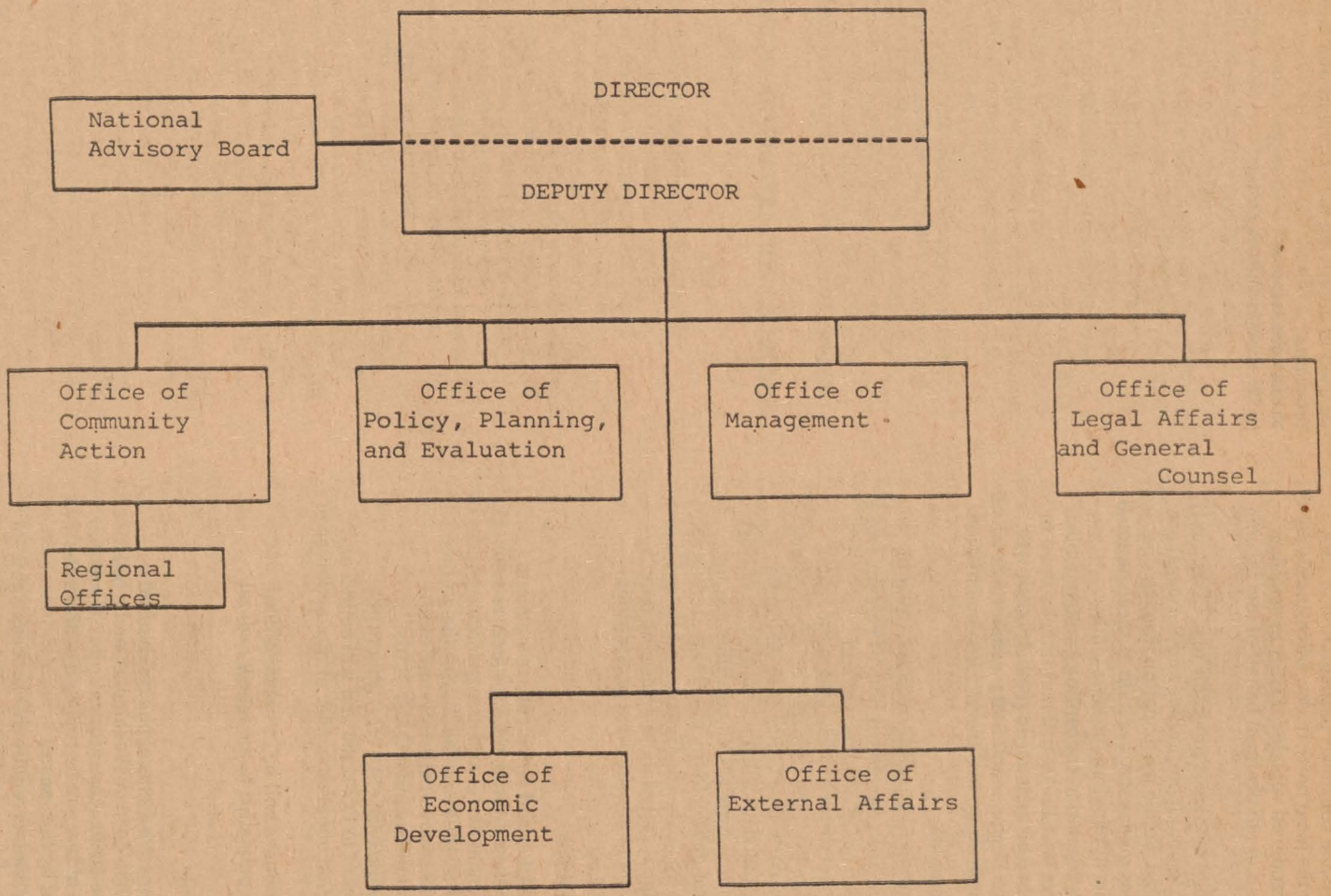
Thirdly, and most frequently, Headquarters Executive Secretariat (Exec. Sec.) assigns and monitors preparation of response to written inquiries from the public. These inquiries are often referred to CSA by the Congress, other Federal agencies, etc.

CSA will periodically review complaints and evaluate them for significant trends. Such trends will be addressed by presentation for policy-making decisions. Presentations will be coordinated by the Consumer Affairs Council. The types of questions and opinions expressed in the complaints will be used in improving the emphasis and direction of CSA programs.

BILLING CODE 6315-01-M

[FR Doc. 80-16918 Filed 6-6-80; 8:45 am]

COMMUNITY SERVICES ADMINISTRATION



BILLING CODE 6315-01-C

federal register

Monday
June 9, 1980

Part IV—Section I

ACTION

Final Consumer Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Mr. Brown:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve conditionally the ACTION consumer program established under Executive Order 12160. I am well aware of the importance of ACTION's commitment to assisting poor and disadvantaged consumers. The ACTION program will play a vital role in assuring that consumer interests will be an integral part of federal agency decisionmaking.

The fact that Mr. Dennis Derryck of your staff will be reporting directly to you on the consumer program should give him the opportunity to assess the impact on consumers of policies, programs, and legislation. However, as Mr. Derryck has other responsibilities besides consumer affairs, his position does not fully meet the requirements of the Executive Order. For this reason, my approval is conditioned upon my finding in the course of the coming year that this arrangement has not detracted from the effectiveness of the agency's consumer program.

There are two particularly notable features of the program that deserve special mention. One is the formation of an agency Consumer Affairs Council to coordinate the program and report to you on the effects on consumers of agency actions. The other is the assignment of responsibility to the Council for reviewing all agency publications to assure their usefulness to consumers.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the ACTION consumer program in meeting the standards of the Order and in achieving the objectives you have set for the agency. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Samuel W. Brown
Director, ACTION
Washington, D. C. 20525

ACTION

AGENCY: ACTION.

ACTION: Final Consumer Program.

EFFECTIVE DATE: 30 Days after Publication in Federal Register.

ADDRESS: 806 Connecticut Avenue N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Dennis A. Derryck, Assistant Director, Office of Policy and Planning, (202) 254–6860.

SUPPLEMENTARY INFORMATION: Attached.

Preamble

The ACTION Consumer Affairs Program is an integral part of the agency's business since volunteerism is involved with local community and problems.

The agency has welcomed the internal and external comments in response to the draft consumer program guidelines which were published in the **Federal Register** on December 10, 1979, and thanks those persons and organizations which took time to make suggestions. Those comments and concerns have either been incorporated by actual changes to the proposed ACTION Consumer Program, or by ongoing policies, regulations, and operational procedures which already address these suggestions.

ACTION is a small agency, involved with many diverse and often times unorganized constituencies; furthermore, it has no consumer regulatory function. It may be for these reasons that we only received comments from three organizations, and one individual: two from consumer groups; one from a professional/business organization.

These comments, as well as those received from the White House Consumer Affairs Council Review, have helped ACTION to focus importance on the need for improved informational inquiry from, and response to consumers. Specific comments requested a program to protect and inform the elderly of rights and entitlements, which ACTION will respond to through increased information distribution—particularly involving the Fixed Income Consumer Counseling Demonstration Program which is now being considered by Congress for possible national replication. One comment suggested program development and training in conjunction with voluntary organizations—ACTION already does this. Another comment suggested cooperation between ACTION and the Community Services Administration on consumer issues—again, ACTION is working with CSA in a jointly funded search of minority employment opportunities, and will continue to support inter-agency consumer programs. One comment on the location of the consumer affairs responsibility caused a more careful examination of the functions and location of the program. This resulted in naming the Assistant Director of Policy and Planning as the ACTION Consumer Affairs Chairperson. The Office of Policy and Planning provides support to the agency Director through oversight of the budget, planning, and program development functions; in addition it conducts all program evaluations. These office functions make it the logical location for consumer affairs operations.

In addition to these helpful concerns, the following changes and clarifications have been made to the draft program:

1. Assignment of Consumer Affairs Council activities to the Director of Policy and Planning;
2. Elaboration on how consumers do, and will participate in the consumer affairs program;
3. Clarification of information materials which will be made available to consumers;
4. Clarification of the methods which will be used in providing training and technical assistance to ACTION staff and consumers;
5. Clarification on how consumer complaints will be processed;
6. Elaboration on the composition and purpose of the ACTION Consumer affairs Council.

The above changes, responsive to all suggestions received, have been made to strengthen the consumer perspective in all ACTION activities. Furthermore, ACTION welcomes additional comments on this current consumer program since we plan to periodically refine our program to meet the everchanging needs and interests of our constituents.

ACTION CONSUMER AFFAIRS PROGRAM

This notice is issued to inform the public that ACTION is establishing a formal plan to correspond to the major elements of Executive Order 12160, "Providing for Enhancement and Coordination of Federal Consumer Programs," dated September 26, 1979.

1. STATEMENT OF PURPOSE

On September 26, 1979, the President of the United States signed Executive Order 12160 which requires each agency to formally establish a consumer affairs program in order to improve the management, coordination, and effectiveness of those programs on a government-wide basis.

Additionally, the Executive Order contained a provision for the exemption of those agencies which do not affect the consumer.

ACTION does not have a statutorily established regulatory role in the marketplace nor does it affect the provision of property, goods, services, or credit to consumers.

However, ACTION, with its mission of assisting the poor and disadvantaged to become a part of the mainstream of American Life, has utilized the consumer affairs mechanism as a primary means to achieve its goals. This is accomplished with a relatively small staff of employees backed by a much larger number of volunteers.

Thus, while the agency has requested exemption from full compliance with the provisions of the Executive Order based on its small staff and limited mission, it is committed to an active role in support of the President's consumer affairs program. To this end, ACTION is establishing a formal plan to correspond to the major elements of the Executive Order. In addition, the agency, based on its mission to assist the poor and disadvantaged, proposes to make its consumer interest programs a part of the larger Federal effort by assuming a role on the President's Consumer Affairs Council and by providing a bridge between the overall Federal effort and those poor and disadvantaged citizens with whom ACTION works in its established programs.

2. CONSUMER AFFAIRS PERSPECTIVE

A. Executive Order Requirements

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.

B. ACTION Program

Due to ACTION's relatively small size and narrow scope of activities the agency will utilize existing organizations and staff to promote the consumer affairs perspective. The Office of Policy and Planning which reports directly to the agency Director, has been designated as the ACTION unit responsible for these activities.

This office is currently assigned responsibility for, and will continue to exercise its duties relative to Planning, Evaluation, and Policy Development. In this capacity, this office maintains a centralized overview of the entire agency, reviewing all agency rules, policies, programs, and developing new demonstration programs which will be influenced by the consumer affairs process. A staff of fifty-two will be at the disposal of the consumer affairs chairperson to deal with the program.

The additional responsibility for the consumer affairs program is compatible with that office's current activities in assuring agency compliance with program requirements and with the coordinative role that the office now plays. In as much as the other offices will have responsibility for the operational aspects of parts of this program the Office of Policy and Planning will exercise overall program management authority and responsibility.

The Assistant Director for Policy and Planning, who reports directly to the Director of ACTION as a member of the executive staff, will promote and coordinate the ACTION consumer interest activities internally and externally with other Federal Agencies, as chairperson of the ACTION Consumer Affairs Council. As outlined in part eight (8) of this plan, the chairperson will represent ACTION on the President's Consumer Affairs Council, direct the work of the ACTION Council, and advise the ACTION Director on all matters pertaining to consumer affairs as they affect the agency. Primarily the ACTION Council will conduct oversight reviews and make policy recommendations, to the Director, on consumer affairs activities within each program and support office through the annual Zero Based Budget and quarterly budget review processes. The Council, under direction of the chairperson will coordinate consumer affairs reviews with and disseminate consumer affairs information/policies to the ACTION line operations through the Office of Domestic Operations.

Thus, the consumer affairs perspective will specifically and automatically be a component of the agency decision processes.

3. CONSUMER PARTICIPATION

A. Executive Order 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 decision-making. To facilitate the expression of those concerns, agencies shall provide for forums at which consumers can meet with agency decision-makers. In addition, agencies shall make affirmative efforts to inform consumers of pending proceedings and of the opportunities available for participation therein.

B. ACTION Program

The "consumers" affected by ACTION programs are the poor and disadvantaged who are most likely to benefit from the agency programs.

These "consumers" are comprised not only of basic grassroots organizations, but also the locally recruited volunteers whose activities are funded by ACTION. Therefore, consumer needs are an integral part and reflection of the most needed consumer service activities which local organizations request ACTION to support through volunteers, informal materials, technical assistance or funding.

Furthermore, ACTION is required by law to publish funding policies and criteria in the **Federal Register** allowing public comment/response before final guidelines are issued.

Additionally, the agency field structure through its Regional and State offices provides a direct line of communication and cooperation between agency officials and community members/volunteers, assuring that these individuals are provided the opportunity for expressing their concerns to agency officials.

The ACTION Consumer Affairs Council shall play the main role in increasing the role of consumer participation in ACTION programs. The Council shall be charged with providing forums whereby consumer concerns may be the primary focus in the consideration of agency rules, policies, and programs, these will conform with and/or be a part of the ongoing citizen participation meetings which ACTION Executive Staff conduct periodically for input into new programs and revisions for ongoing activities.

4. INFORMATIONAL MATERIALS

A. Executive Order 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.

B. ACTION Program

ACTION currently publishes and distributes a wide variety of informational material to state, local, and community organizations. These materials explain the agency, its programs and services available and how the citizen may participate.

In addition, two new public information brochures are being prepared—one of which focuses on the ACTION Fixed Income Consumer Counseling demonstration program—for distribution commencing in August 1980.

Program office staff prepare and mail out agendas and informational materials to all citizen participation representatives prior to actual open meetings. In addition, information about agency meetings is available from program offices.

Pending an appropriation from Congress, the Office of Recruitment and Communications will prepare an information pamphlet entitled *Meeting Community Needs* which will describe the ACTION programs in terms of agency responsibilities and services, procedures for consumer participation, and marketplace information. Subject to available funds this pamphlet will be printed and distributed through the ACTION field structure to the state, local, and community organizations that sponsor agency projects or that are potential sponsors for agency programs.

The ACTION Consumer Affairs Council will review all agency publications and certify their consumer viability. A list of these materials and/or copies may be obtained by writing: ACTION, Office of Recruitment and Communications, 806 Connecticut Avenue N.W., Washington, D.C. 20525.

5. EDUCATION AND TRAINING

A. Executive Order 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 consistent with applicable statutes, technical assistance shall be made available to consumers and their organizations.

B. ACTION Program

The agency currently provides extensive training for those staff members and volunteers who are responsible for providing agency services to the sponsoring organizations and individuals.

Specific training with regard to the Executive Order on Consumer Affairs will be provided in three fundamental ways. First an ACTION Executive Order will be disseminated to all personnel from the director outlining the intent of the Presidential Order and its impact on ACTION programs. This will be done by July 1, 1980. Second, a briefing program will be developed by the ACTION Consumer Affairs Council and will be used by the chairperson to brief ACTION executive and senior staff followed by council members' briefings of their individual program/office staffs. This will be completed by August 1, 1980. Third, the Office of Voluntary Citizen Participation and the VISTA Currents Magazine staff will be asked to prepare and disseminate consumer affairs information as part of their ongoing mandate to provide technical assistance to volunteers, volunteer sponsors, and community based organizations.

Further, the agency will take steps to provide training and training materials regarding "consumer interests" programs as reflected in the programs of other agencies and the activities of the President's Consumer Affairs Council.

6. COMPLAINT HANDLING

A. Executive Order 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.

B. ACTION Program

The agency's public information program proposed in part 4 of this plan will serve to heighten public awareness of the agency's receptivity to complaints. Any complaints received by the agency will be processed through the controlled correspondence system maintained by the Office of Administration and Finance. This office is responsible for logging in, routing, monitoring, and dispatching correspondence requiring special attention. While consumer complaints must be routed to the appropriate ACTION office for resolution, a copy of each complaint will also be provided to the Office of Policy and Planning as the agency focal point for consumer affairs. All such complaints will be answered within two weeks of receipt by the agency. The Office of Policy and Planning will monitor this system and, as necessary, assist the appropriate program office in the investigation and reply. Additionally, the Consumer Affairs Council will prepare a semi-annual report to director based on input from Program offices, General Counsel, Grants and Contracts, etc., with an analysis of the complaints. These reports will be integrated into the policy making process by the program offices, by agency management and, specifically by the Office of Policy and Planning and the ACTION Consumer Council.

7. OVERSIGHT

A. Executive Order Requirement

The head of each agency shall designate a senior-level official within the agency to exercise as the official's sole responsibility, policy direction for and coordination and oversight of, the agency's consumer activities. The designated official shall report daily to the head of the agency and shall apprise the agency head of the potential impact on consumers of particular policy initiatives under development or review within the agency.

B. ACTION Program

The Assistant Director of the Office of Policy and Planning is designated as the agency's senior level official responsible for the oversight of the agency's consumer activities. In addition to heading the Office of Policy and Planning, the organization that comprises the consumer affairs staff, and serving as the chairman of the ACTION Consumer Affairs Council, the Assistant Director is also responsible for coordinating the individual parts of ACTION's consumer affairs program described above in parts 2 through 6 and providing policy direction to the Agency program.

The information order described under section five (5) will be the agency mandate for compliance by all ACTION personnel with Executive Order 12160. This order will be directed to ACTION executive staff and all first-line supervisors, including Regional and State Program Directors.

8. ACTION's CONSUMER AFFAIRS COUNCIL

Due to ACTION's intense interest in the success of the Federal Consumer Affairs Program and desire to be an integral part of that program the agency shall form an ACTION Consumer Affairs Council.

A. Membership

The following agency offices shall be represented on the Council:

—Office of Compliance.
—Office of Domestic and Anti-Poverty Operations.
—Office of Recruitment and Communications.
—Office of Administration and Finance.
—Office of Voluntary Citizen Participation.
—Office of Policy and Planning.
—Office of General Council.

B. Purpose

The Council shall provide for overall coordination of the agency's Consumer Affairs Program. In this capacity the Council and/or chairperson shall:

—Represent ACTION on the President's Consumer Affairs Council;
—Review the consumer complaints received by ACTION in its deliberations;
—Provide executive correspondence with answers to consumer inquiries;
—Make quarterly or more frequently if necessary, reports/recommendations to the ACTION Director for responsive resolution to consumer problems or recommendations within the agency.
—Participate in the formulation and review of agency rules, policies, programs, and legislation which pertain to Consumer Affairs.
—Transmit information received from the President's Council through the ACTION headquarters and field structure to the volunteers and community grassroots organizations; and
—Transmit consumer concerns received from the volunteers and community grassroods organizations to the President's Council and other federal agencies.

9. AGENCY CONTACT

All inquiries, advice and/or complaints relating to ACTION's Consumer Affairs program should be directed to: Dr. Dennis Derryck, Assistant Director for Policy and Planning, ACTION, Washington, D.C. 20525, Telephone (202) 254–8420.

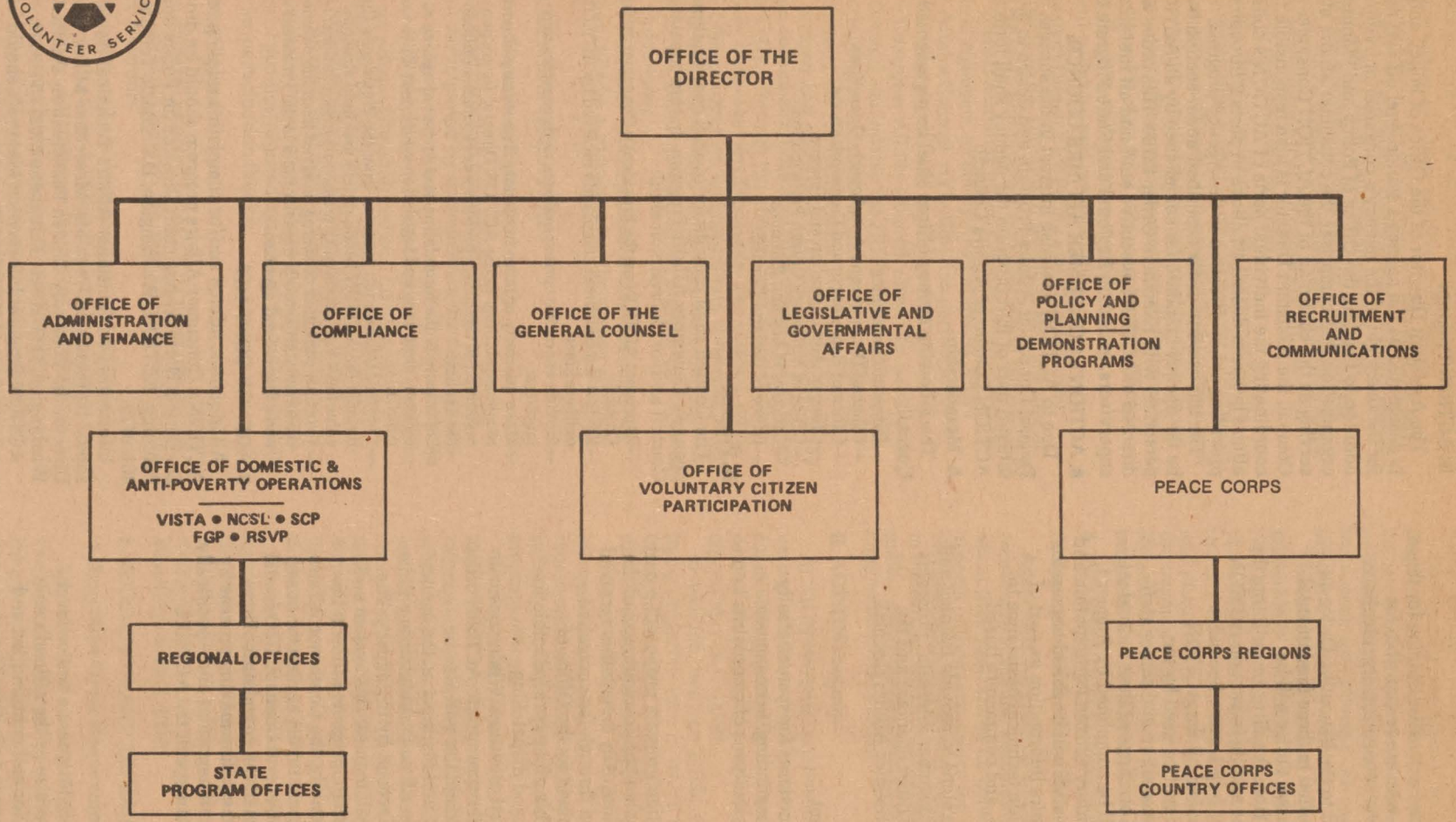
Information on Consumer Affairs Technical Assistance should be requested from: Ms. Mercedese Miller, Assistant Director for Voluntary Citizen Participation, ACTION, Washington, D.C. 20525, Telephone (202) 254–3545.

ACTION Program Information Materials should be requested from: ACTION, Office of Recruitment and Communication, Washington, D.C. 20525, Telephone (202) 254–8387.

Sam Brown,
Director of ACTION.

BILLING CODE 6050-01-M

ACTION



[FR Doc. 80-16916 Filed 6-6-80; 8:45 am]
BILLING CODE 6050-01-C

federal register

Monday
June 9, 1980

Part IV—Section J

Department of Health and Human Services

Final Consumer Affairs Plan

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Secretary Harris:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve the Department of Health and Human Services' consumer program established under Executive Order 12160. The HHS consumer program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Ms. Anne Cohn and Mr. Steven Coyle of your staff have been particularly helpful. I appreciate very much the fact that you will be expanding the Consumer Reimbursement Demonstration project to other programs within the Department. Further, the Department's consumer staff will have clear authority to become involved in the development of rules, policies, programs, legislation, and the formation of a Consumer Affairs Council should help to assure the coordination of consumer activities throughout the Department. Also, the inclusion of consumer representatives on most advisory committees will provide significantly greater opportunities for consumer participation. Of course the success of the program will depend to a considerable degree on the continued support by other units within the Office of the Secretary. I know you are in the process of filling the position of the Assistant to the Secretary for Consumer Affairs, and I urge you to consider over the next year whether additional staff should be provided to that person to help in monitoring the Department's consumer activities.

With the publication of each agency's final program, a new phase of our work begins. This office will owrk closely with you in monitoring the effectiveness of the Department's consumer program in meeting the standards of the Order, and in achieving the objectives you have set for the Department. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to the consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Patricia Roberts Harris
Secretary, Health and Human Services
Washington, D. C. 20201

BILLING CODE 4110-12-C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Response to Executive Order 12160

AGENCY: Department of Health and Human Services.

ACTION: Final Consumer Affairs Plan.

SUMMARY: The final Consumer Affairs Plan for the New Department of Health and Human Services describes the objectives of the Consumer Affairs Program, the organization of the Consumer Affairs staff within the Department, special initiatives to meet the objectives of the program, and how the Department will comply with the Executive Order.

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Anne H. Cohn, Special Assistant to the Secretary, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue SW., Washington, D.C. 20201, (202) 245-9286.

PREAMBLE: REVIEW OF PUBLIC COMMENTS

On February 4, 1980, the Department of Health, Education, and Welfare published a draft Consumer Affairs Plan for the new Department of Health and Human Services. The proposed Plan responded to Executive Order 12160 entitled "Providing for Enhancement and Coordination of Federal Consumer Programs".

It described the organization of Consumer Affairs within the Department, the special initiatives planned by the Department, and compliance with the requirements of the Executive Order to meet specific objectives.

The **Federal Register** notice was distributed widely to private citizens, organized consumer groups and to HHS service agencies at the state and local levels. HHS received approximately seventy (70) written comments. Most comments were received from individuals identifying themselves as consumers, although extensive comments were provided by a number of organized consumer and special interest constituency groups. In addition, the Department received comments by telephone and during informal meetings in Washington. Finally, comments were provided by the staff of the Federal Office on Consumer Affairs. The revised Plan takes into account all suggestions made by groups and individuals throughout the country and within the Department. It makes an effort to be as responsive as possible to the concerns of HHS service consumers.

The following section includes a summary of the major comments and the Department's response.

Consumer Participation in Developing the Draft Plan

Comment.—Some commentors expressed concern that their participation was not invited in developing the draft Plan. Others said the comment period on the draft Plan occurred too late in the HHS decision-making process to have any impact on the final Plan. Moreover, commentors perceived the flow of information to be too one-directional, from HHS to the consumers, and that the Department should draw more from individual consumers, as well as from organized consumer groups.

Discussion.—The Department recognizes the need for consumer participation in the developmental stages of policy activities. However, the timeframe for developing the initial Plan was extremely limited. A plan to meet the basic requirements of Executive Order 12160 was drafted and drew a broad range of consumer comments. As a result, the Department's final Plan responds to and incorporates the specific points expressed in the comments.

Ambiguity of the Draft Plan

Comment.—A majority of the commentors stated that the draft Plan lacked specific detail to allow for substantive public reaction or meaningful criticism. Commentors favored the FDA Consumer Affairs approach, which emphasizes consumer involvement and outlines specific program operations not included in the HHS draft Plan. Furthermore, commentors expressed concern that the FDA approach was not widely publicized.

Discussion.—As previously stated, a general draft Plan was prepared for **Federal Register** publication which set out the basic requirements of the Executive Order. That plan elicited constructive and specific suggestions which were used to develop a viable consumer affairs plan. The comment process provided the Department with "front-end" consumer participation despite the time constraints.

Publication of the FDA model could have eliminated true consumer participation in the Plan's development. Consumers might have interpreted it as a "fait accompli". This would have generated critical evaluations of a specific plan rather than allow commentors to make specific suggestions for developing the Department's final Plan.

In addition, it should be made clear that continuous public comment on the operation of the Consumer Affairs Program was and will continue to be encouraged. Public comments will be used regularly as measurements of the Program's effectiveness and as a basis for refining the Plan.

HHS Financial Support for Consumer Participation

Comment.—There was widespread comment that consumer participation could not be equitable or effective without HHS financial support for cost reimbursement. Commentors felt that consumers would gain confidence in the program if the Department devised a fair and open approach to consumer participation funding.

Discussion.—In some circumstances, individuals have been reimbursed for certain expenses incurred while assisting the Department, such as rulemaking proceedings. However, there is no general policy on cost reimbursement.

Executive Order 12160 requires that adequate support for consumer programs and representation be accomplished within existing budgets. Although no additional funding is

available, the Department is working on alternative funding strategies within current budgets to meet the requirements of the Executive Order. The Department plans to support two or three demonstration projects which would allow cost reimbursement for consumer participation.

Consumer Representation on the Consumer Affairs Council

Comment.—Failure in the draft Plan to include consumers on the Consumer Policy Council was interpreted as being inconsistent with the requirement of the Executive Order calling for "early and meaningful participation by the consumers in the development and review of agency rule, policies and program". Some commentors believed that the "coordination and implementation" role of the Council was too limited and did not provide for continuing evaluation and improvement in methods for citizen participation.

Discussion.—The majority of commentors felt that the Council should perform management and oversight responsibilities rather than policy leadership responsibilities.

In order to eliminate any misconception that it is a policymaking body, the group has been renamed the Consumer Affairs Council. The Council will include the Assistant to the Secretary for Consumer Affairs and the Consumer Affairs Coordinators for each agency component. The members of the Council will comprise the "staff" for the Department's Consumer Affairs Program and will have the responsibility to direct and oversee policy matters which have been cooperatively developed by the Department and consumers. The Council will perform primarily an in-house management function. In response to the expressed consumer need for involvement, however, the Council will meet at least quarterly with consumers and consumer groups on a formal basis to maintain open communication among the various parties.

Consumer Representation on Advisory Committees

Comment.—Some comments focused on the need for consumer representation on all HHS advisory committees. Commentors stressed the need for full voting rights and that selection of consumer members be based on the ability to represent the particular needs of the consumer group.

Discussion.—The suggestions recommeding consumer representation on advisory committees have been adopted. Therefore, all meetings will be open to any consumers wishing to attend, and consumer participation may be requested by the Council chair. Meeting announcements will be issued two weeks in advance, and materials will be made available one week in advance. The Secretary will require the presence of a consumer representative on all advisory committees created under the Secretary's authority.

Handicapped Consumer Concerns

Comment.—Because of their particular concerns, commentors felt that handicapped persons should be involved in the policy and decision-making processes. In addition, commentors urged that public meetings should be held in facilities that are fully accessible to handicapped persons.

Discussion.—The Department recognizes the special needs and concerns of certain groups of consumers. Therefore, the needs of consumer groups, including special populations (e.g., the handicapped, the elderly) will be considered in order to provide equal access in Departmental policy development.

The Department's policy on physical accessibility for handicapped consumers remains consistent with the intent of Section 504 of the Vocational Rehabilitation Act of 1973.

Evaluation of the Consumer Affairs Program

Comment.—Without an effective evaluation mechanism, some commentors believed that the Program's accountability to the Secretary and to consumers would be jeopardized.

Discussion.—The final Plan includes several mechanisms that insure an effective evaluation of the Consumer Affairs Program. The Consumer Affairs Council will submit an annual report to the Secretary assessing the effectiveness of the Consumer Affairs Program in the Department. The assessment will be based on information gathered through 1) the quarterly Council meetings with consumer affairs groups, 2) the consumer referral hot lines, and 3) the evaluation of our complaint handling process and other mechanisms.

In addition to the measurement tools just described, the evaluation process is an on-going activity. Changes and adjustments will be made continuously to the Program in response to the changing needs of the HHS consumer.

INTRODUCTION

The Department of Health and Human Services is actively committed to improving the role of consumers in all of its activities. In responding to Executive Order 12160 entitled "Providing for Enhancement and Coordination of Federal Consumer Programs", the Department of Health and Human Services has developed and is issuing a Consumer Affairs Program which provides for the consideration of consumer needs and interests at all levels of decision-making. Specifically, the objectives of the program are:

(1) To increase the Department's understanding of and responsiveness to all consumer concerns, including the special concerns of minority and handicapped groups;

(2) To improve procedures for consumer participation in the development and review of rules, policies and programs;

(3) To provide mechanisms for Consumer Affairs staff to participate in the development and review of rules, policies, programs and legislation;

(4) To improve mechanisms for handling consumer complaints and concerns;

(5) To increase the public's awareness of the Department's programs;

(6) To improve the quality and distribution of consumer information materials; and

(7) To improve the coordination of Consumer Affairs activities within the Department.

The following describes the Consumer Affairs Program for the Department of Health and Human Services. The Department will periodically review, evaluate and improve this program. Comments from consumers on the proposed program are most welcome now and in the future on an ongoing basis. Unlike most rules and regulations which are generally regarded as fixed, this program must be seen as a dynamic one, which will change over time as feedback is received from those it is intended to serve.

Consumer Affairs Perspective

The Department has identifiable professional staffs of Consumer Affairs personnel at all levels in the Central Office and in the Regional Offices who are authorized to participate in the development and review of agency rules, policies, programs and legislation. In addition, the Department has a Consumer Affairs Council which serves as the internal mechanism to guarantee coordination of Consumer Affairs activities. The overall Department approach to providing for a Consumer Affairs perspective is described below; details for individual operating components appear in Sections II-V.

Consumer Affairs Staff

The Secretary has created a position for an Assistant to the Secretary for Consumer Affairs, who reports directly to the Secretary. This assistant has, as sole responsibility, policy direction for, and coordination and oversight of, the Department's consumer activities.

More specifically, the Assistant is responsible for providing leadership and direction in the development and implementation of a responsive Consumer Affairs program throughout the Department. The Assistant serves as the Department representative on the Federal Consumer Affairs Council, established by the President, and serves as chairperson of the Department's Consumer Affairs Council established by the Secretary. The Assistant, with support and guidance from members of the Consumers Affairs Council, and a small staff will oversee implementation of policies and guidelines which: increase the Department's understanding of consumer concern; improve procedures for consumer participation in the development and review of rules, policies, programs, and legislation; provide mechanisms for Consumer Affairs staff to participate in the development and review of rules, policies, programs, and legislation; increase consumers' awareness of Department programs; improve the quality and distribution of consumer information materials; and, assisted by the Coordinators of Consumer Affairs located in the Department's principal operating components, and Consumer Affairs staff in the Regional Offices, coordinate the Department's Consumer Affairs activities. The Assistant has responsibility for assuring ongoing evaluation of the effectiveness of Department programs and advising the Secretary of results as appropriate.

The Assistant is specifically responsible for Consumer Affairs activities in the Office of the Secretary.

In addition to the Office of the Secretary, the Department of Health and Human Services has four principal operating components. These include: The Public Health Service, the Office of Human Development Services, the Health Care Financing Administration and the Social Security Administration. The heads of each of these principal operating components has appointed a Coordinator of Consumer Affairs. The Coordinator of Consumer Affairs is responsible for policy direction for, and coordination and oversight of consumer activities within the operating component. The Coordinator reports directly to the principal of the operating component.

Each of the principal operating components of the Department, and the Office of the Secretary, contains a number of agencies or offices. For example, the Public Health Service includes the following agencies: the Center for Disease Control; the Food and Drug Administration; the Health Resources Administration; the Health Services Administration; the National Institutes of Health; and the Alcohol, Drug Abuse and Mental Health Administration. Each of the agencies or offices within the Department's principal operating components have persons assigned to deal with Consumer Affairs and to be responsible for the coordination of program specific consumer activities. The number of people assigned varies depending upon the nature and functions of the particular office or agency, as described in Sections II–V.

Finally, Consumer Affairs staff have been identified in the Regional offices, both in the Principal Regional Official's office and in the operating components' Regional Administrator's office. Regional Consumers Affairs staff have responsibilities which complement those of consumers staff in the central offices.

Consumer Staff Role in Reviewing Department Policy

Three are many ways in which the Consumer Affairs staff will participate in the development and review of agency policy. In order to gurantee such participation, the Secretary has established a new Departmental policy. Currently, before decisions on proposed rules, policies, programs and legislation are made by officials in the Department, they are reviewed by relevant staff. Staff comments and recommendations are forwarded to the official. As a new policy, Consumer Affairs staff in the principal operating components and the Office of the Secretary will be included in this clearance process, providing a clear opportunity to comment on the potential impact on consumers of proposed Departmental policies. The Department's Consumer Affairs Council as an entity will additionally have opportunities to provide the Secretary with comments on proposed policies. Consumer Affairs staff will also have responsibility for reviewing consumers comments on selected proposed regulations and provide decisionmakers with an independent assessment of the views of consumers on the proposed Department policy. Criteria will be established to assist Consumer Affairs staff in selecting which areas to perform this additional review. The Assistant to the Secretary for Consumer Affairs, or a designated member of the Consumer Affairs Council, will serve on standing regulations panels and will have opportunities as appropriate to follow up with consumer groups on their comments prior to submission of a regulatory document for secretarial decision.

Consumer Affairs Council

In order to assure the coordination and management of Consumer Affairs activities throughout the Department, the Secretary has established a Department-wide Consumer Affairs Council. The Council, composed of the Consumer Affairs coordinators from each of the Department's principal operating components, representatives from staff offices within the Office of the Secretary and four at-large members, is chaired by the Assistant to the Secretary for Consumer Affairs. Staff support for the activities of the Council will be available from throughout the Department. In addition to providing overall management of and coordination for the Department's Consumer Affairs activities, the Council and its individual members will provide guidance and recommendations to the Secretary on Consumer Affairs activities in the Department. The Council will serve as the focal point for consumer-related concerns for the Department as a whole and will serve to ensure that consumer views are considered in the review and development of Departmental rules, policies and programs. The Council is essentially a mechanism for organizing and coordinating consumer activities within the Department; it is viewed as an internal management structure. Membership is thus restricted to individuals with relevent consumer-related positions in the Department. However, consumer input into the activities of the Council is vital. All meetings of the Council will be well-publicized and open to the public. The public will be invited to participate in the discussions and deliberations of the Council, as appropriate. On a quarterly basis, the Council will conduct open forums with all interested consumers and consumer groups to hear of their concerns and to provide information about Departmental activities.

Those principal operating components of the Department which operate a number of diverse programs—e.g., the Public Health Service and the Office of Human Development Services—will operate their own Consumer Affairs Councils as will Regional Offices of the Department.

CONSUMER PARTICIPATION

The Department currently provides for consumer participation in the development of rules, policies and programs in a variety of ways. A description of some of these appears in Sections II–V. It is in the regulatory process that the Department has gone the furthest to insure that the public has an opportunity to comment on proposed policy. Since 1976, the Department has strengthened public participation in rulemaking. The Department's regulation reform has been accomplished by:

- Providing the public the earliest possible notice that the Department is undertaking new regulations drafting. A "Notice of Decision to Develop Regulations" is published in the **Federal Register** as soon as a regulations panel has met and the Secretary has been notified;
- Publishing a semi-annual agenda of regulations under development within the Department (exceeding the requirements of the President's Executive Order on improving government regulations which requires the Department to include only "significant regulations" in its agenda);
- Expanding the time available for public comment on each proposed rule from 30 days to a minimum of 60 days;
- Conducting public hearings on major regulations;
- On an experimental basis, installing special "hot lines" to receive public comment.

However, approaches used throughout the Department for consumer participation in other aspects of the development and review of policies and programs are not consistent and are at times inadequate. The Consumer Affairs staff in the Department will be given primary responsibility for improving opportunities for consumer participation in the development and review of Department policy. To this end, the Department's Consumer Affairs Council has been instructed to analyze how the Consumer perspective is now sought, what barriers to participation currently exist and how consumer participation can be improved. Four areas in which improvements can be made have already been identified: participation through membership on Advisory Committees; participation through constituency groups; participation through the development of standardized procedures to petitions for rulemaking and outreach through consumer polls. The Consumer Affairs staff has recommended changes in these areas to the Secretary, as described below. Once other elements of the overall Consumer Affairs Plan are implemented, the Consumer Affairs Council will conduct a more systematic assessment of consumer participation procedures used throughout the Department. Additional recommendations will be forwarded to the Secretary early in 1981.

Advisory Groups

The Department currently has over 235 Federal Advisory Committees, Councils, Panels and Boards; approximately one-third of these advisory groups have general public or lay members. The Department is committed to expanding the membership of most of its advisory groups to include general public or lay members, provided enabling legislation for any given group allows for this. The Secretary's Special Assistant on Advisory Committees has been directed by the Secretary to assure public or lay representation on most Departmental advisory groups, where legislatively feasible. At this time, some advisory groups dealing with highly technical or scientific issues will not have lay or consumer members. The Assistant to the Secretary for Consumer Affairs will work with appropriate agency staff to make sure that appropriate consumer training programs are established and that public and lay members of Federal advisory groups, particularly those dealing with technical or scientific matters, receive sufficient training to be able to participate productively.

Outreach Through Constituency Groups

Many of the agencies of the Department interact continually with a wide variety of constituency groups and organizations. This contact facilitates a flow of useful ideas and information, provides input to the regulatory and administrative processes, and contributes to their improvement. It is the Department's intention to expand opportunities for consumer participation and to improve public access to and involvement in its processes in part through constituency groups. The objectives of this outreach through constituency groups are to inform consumers about specific opportunities to participate in the development and review of the Department's policies while providing consumers with information about the Department's programs.

Contacts have already been made with numerous organizations to explore cooperative activities. An outreach effort has been initiated which initially includes the preparation of materials to be inserted in newsletters and magazines of various groups discussing how consumers can become involved in the Department's decision-making process. Constituency groups will be asked to more actively assess membership opinions about the Department's programs and share this information with the Department. In addition, each of the Department's operating components have been asked to identify successful efforts with constituency groups which will be shared for potential replication by other units in the Department. Finally, operating components will be asked to meet more consistently with representatives from constituency groups to permit direct feedback on the Department's programs.

Petitions for Rulemaking

The Department does not currently have specific procedures by which consumers or other members of the public may petition for the issuance, amendment, or repeal of Department rules. There is no uniform policy on where such requests should be filed, who in the Department is responsible for acting on them, and how they must be considered.

Although the Department's grants and benefits rules are exempt from statutory rulemaking petition requirements, the Department plans to voluntarily adopt a petition procedure in the interest of expanding opportunities for the public to influence policy decisions. Uniform procedures are currently under consideration, and, as part of the Department's Consumer Affairs Plan, the Department will issue a Notice of Proposed Rulemaking to solicit public comment on the petition procedures by August, 1980.

Outreach Through Consumer Polls

To complement the above activities, the Department will assess the value of conducting systematic surveys of consumer opinion as one strategy for expanding the consumer viewpoint into decision making. To this end, as part of the Consumer Affairs Program, the Department will conduct several consumer polls on major issue areas, and will assess the ability of the Department to use the resulting information in policy development and review.

The survey project is being built into the Department's Policy Research and Evaluation plans. It is intended to add an important dimension to the expert analyses and recommendations assembled to assist in the policy and budget decision-making process and in program evaluation. The surveys will be designed to complement existing

consumer and related survey work and will include new data, such as the level of consumer knowledge and understanding of how to access programs and benefits.

CONSUMER INFORMATION AND EDUCATION

The Department currently prepares and distributes thousands of different publications for use by professionals and the general public. Plans for all information materials are approved by the Office of the Assistant Secretary for Public Affairs prior to their release. Consumer Affairs staff have an opportunity to comment on such materials prior to their release. This Office will continue to improve mechanisms of quality control over Departmental publications as part of the Consumer Affairs Program. Beyond the question of the quality and utility of information materials, the areas requiring the most significant improvement have to do with the distribution of these information materials and more education of the public about the Department's programs. In addition, special publications targeted to consumers will be developed as the need for them is identified. Specific activities of the operating components of the Department in these areas are described in Sections II–V. At the Departmental level, three activities will be pursued including: improved disribution of information materials; "Getting to Know HHS" Regional Consumer Conferences, and improved consumer education campaigns.

Improved Distribution of Consumer Materials

The Department and individual program components produce thousands of publications and documents of interest to consumers. They are designed to provide information to the consumer about policies, services and benefits available from the Department and how to gain access to programs. Many publications are designed to give assistance on health or other issues in order to help the consumer in making personal decisions. These publications can serve their purpose only if they reach the intended audience, are read and understood, and are relevant to consumer needs. In order to increase the effectiveness of these materials, the Department will:

- Revise communication plans reporting and clearance procedures to require added consideration of consumers and their needs. In addition, revised clearance forms will require more advance planning of effective distribution nethods prior to production in anticipation of new consumer concerns.
- Provide easy access to previewing prior to production. Consumer review of materials will insure their relevancy to consumer needs, provide the Department with consumer views on the material's content and format.
- Provide training programs for HHS staff to insure that the most effective distribution techniques are adopted Departmentwide; encourage coordination of materials production and distribution between programs with compatible audience related content, to avoid duplication and confusion among the intended audiences.

"Getting to Know HHS" Regional Conferences

The Department will hold regional conferences to inform consumers about the programs and services in HHS, and the mechanism by which consumers can participate in programs and in the decision-making process. Conferences will provide a forum for exchange of ideas between national and regional policy-level staff and the public. These meetings will provide consumers with an overall view of HHS and give the Department consumer input on general policy issues. Individual agencies are establishing their own mechanism for conducting more narrowly focused consumer forums as discussed in other portions of the Plan.

"Getting to Know HHS Conferences" will provide opportunity for a two-way dialogue betweeen policymakers and people attending the conferences. A procedure will be established where individuals with specific problems can meet with program officials.

Special attention will be given to discussing complaint-handling processes and procedures for paticipating in rulemaking and policy development. The Department will also use this opportunity to clarify the programs remaining in HHS and provide infomation on how to gain access to local and national program officials. The Consumer Affairs staff will insure that comments are considered by appropriate Departmental policymakers.

The Department will work with consumer groups and beneficiary organizations to inform those affected by HHS programs of the regional conferences and encourage participation and input into agency decision-making through these forums.

Improved Consumer Education Campaigns

The Department annually conducts more than 30 public information campaigns through HHS agencies. These campaigns are designed to inform the public about the benefits and services available to them and to let the public know how to participate in HHS programs. In addition, many of these initiatives are intended to provide the consumer with information to make individual decisions.

The purpose of this effort is two-fold: to provide information about the program and benefits of HHS in a form and manner that is useful and usable to the consumer; and to provide material that assists consumers in making personal decisions, particularly in the area of health.

An expanded component of HHS informational programs will be material on consumer participation mechanisms. The purpose is to inform consumers of the process for involvement in program development, policy-making, and participation in rulemaking.

The Department will take the following specific steps to meet these objectives:

- Revise communication plans reporting and clearance procedures to increase consumer involvement in the development of educational materials.
- Prepare a guidebook on development of public information materials RFPs to insure that these contracts adequately reflect consumer needs, especially in planning and evaluation phases.
- Through outreach efforts channels of communication both to and from the Department will be expanded to impove the effectiveness of the information campaigns in addressing the needs and concerns of constituents.

IN–HOUSE EDUCATION AND TRAINING

Central to the success of the Department's Consumer Affairs activities is the education and training of Departmental personnel about Consumer Affairs. The Department has developed a Consumer Affairs Education and Training plan that will assure that: employees are oriented to the policy in the Executive Order and the Department's overall Consumer Affairs Plan; a system for communicating policy and program changes and other Consumer Affairs-related information is established; and specialized training is provided to Consumer Affairs personnel.

The Assistant to the Secretary for Consumer Affairs and the Consumers Affairs Council will provide leadership and direction to the development and implementation of Departmental Consumer Affairs education and training

activities in the operating components and in each of the regional offices. Support will be provided by the Office of the Assistant Secretary for Personnel.

The overall policies defining the central focus of Consumer Affairs education and training have been established along with target dates for the provision of the training. In brief, education for Departmental personnel in general will consist of an orientation to the policies contained in the Executive Order and the Department's Consumer Affairs Plan; this orientation will first be provided for Departmental personnel in July, 1980. Training for the Consumer Affairs staff throughout the Department will focus on the intent of the Executive Order: the importance of working with consumers and consumer groups; a general review of Department policy regarding consumer participation; problems usually encountered by consumers who do participate in a review process, and methods for working effectively with consumer groups. Detailed training plans will be developed by the operating components by September, 1980; training will be available thereafter on an ongoing basis. In addition, a formal system for communicating important Consumer Affairs information and for incorporating changes to Consumer Affairs policies, procedures and plans throughout the Department will be established by September, 1980. Sections II through V describe education and training plans in each of the Department's operating components.

In developing and implementing training and education plans, operating components and agencies will consider the following:

- Use of a variety of media and methods of presentation (speakers, training models, video tapes, films, printed material);
- Use of existing institutional mechanisms to accomplish employee training objectives;
- Use of joint efforts among operating components and/or agencies to develop training modules, tapes, and other training materials;
- Use of a variety of methods to determine what technical assistance is needed, including methods which assure consumer contributions in determining those needs.

ASSISTANCE TO CONSUMERS

Individual operating components of the Department already provide a variety of forms of technical and financial assistance to consumers, as described in Sections II–V. The Department is prepared to explore additional mechanisms for providing assistance to consumers interested in participating in the review and comment of Departmental policy and programs. Beyond the assistance already provided by the Department, mechanisms for reimbursing consumers will be explored and regional information and referral telephone lines will be instituted.

Consumer Reimbursement Demonstrations

Prohibitive costs are often cited as barriers to the meaningful participation of consumers and other members of the public in agency decision making. As a result, the interests of consumers may go unrepresented or may not be represented as fully as other interest before the Federal agency.

In response to this concern, the Food and Drug Administration in the Department has established a pilot program of funding for applicants whose participation will contribute to a full and fair determination of the issues, but who otherwise would not be able to participate effectively in the agency proceeding.

As part of the Consumer Affairs Program, the Department will expand this demonstration project to other programs in the Department. The Department plans to select 2 or 3 demonstration regulations for which public participation funding would be provided in order to test the value, feasibility, and alternative mechanisms for such funding. These demonstration projects would also allow the Department to evaluate different methods for deciding funding applications, the varying need for different types of assistance, and the response of various categories of participants. Detailed descriptions of the projects, identification of demonstration regulations, and procedures for applying for funds will be published in the **Federal Register** in the fall of 1980.

Regional Information and Referral Telephone Lines

The Department houses many different agencies and programs. It is often difficult for a member of the public to know who to call or where to write to with a question or a complaint about any particular program. While individual operating components and agencies within the Department will increase their efforts to inform the public about who to call and where to write with questions or complaints, the Department is also establishing, through each of its regional offices, a telephone number which will serve as an Information and Referral point for the general public. These numbers will be well publicized.

COMPLAINT HANDLING

Each operating component and agency within the Department annually receives and responds to large volumes of complaints from consumers. Procedures for handling complaints vary across the Department. Current methods for handling complaints and preliminary plans for change of the operating component and agency level are described in Sections II–IV. Recognizing that complaint-handling procedures can be improved, a Department-wide assessment of complaint handling is being conducted. Recommendations from this assessment will result in more prompt, responsive and standardized complaint-handling procedures across the Department. Because of the size and complexity of the Department's programs, consumers do not always know where to lodge their complaints. The Regional information and referral telephone numbers discussed earlier are being established to assist consumers in this regard. The complaint-handling assessement is described below.

Assessment of Procedures for Complaint Handling

Objectives.—The objectives of the complaint handling assessment are to:

- Review current complaint-handling procedures and performance criteria in selected Department agencies.
- Evaluate these procedures and criteria against general Departmental standards.
- Draw general conclusions on the promptness and quality of agency responses, and the apparent impact of complaints on agency policy.
- Recommend improvements for particular agencies.
- Recommend future evaluation procedures and responsibilities.

Scope.—Initial investigations indicate that the Department receives perhaps as many as 50 million complaints annually. Furthermore, the Department administers both regulatory and service programs which do now or will at some point affect the life, health, or livelihood of most people living within the United States. Finally, these programs have their greatest impact on those who are most vulnerable—the very young, the aged, the disabled, the handicapped, and the poor.

In view of the volume and probable severity of complaints handled, the scope of the initial complaint-handling assessment is limited to:

• Procedures for handling complaints from individuals who use, or attempt to use any tangible or intangible goods or services which are regulated, funded or administered by Departmental agencies, for personal, family or household purposes.

• Telephoned, personal visit, and written complaints from such individuals

• Complaint handling for such individuals in at least one large-volume service agency, one large-volume regulatory agency, and two or more smaller-volume agencies.

The assessement covers both central office and selected regional office complaint-handling processes. It is based primarily on observable, documented evidence. However, personal opinions and attitudes are also being taken into consideration.

In the spirit of Executive Order 12160, this initial assessment concentrates on the handling and impact of complaints of individuals. It concentrates on individual telephone calls, personal visits and personal written complaints. Group and systematic complaints such as comments on proposed regulations will receive future review.

Standards.—In view of the diversity of the Department's programs and clinetele, general standards to be used in the assessment include having:

• A senior-level official directly accountable to the head of the agency's Consumer Affairs Program for the performance of its complaint-handling system.

• Sufficient staff, of adequate capability, to operate the complaint-handling system.

• Training and sensitization programs regularly conducted for persons handling complaints, both staff devoted to that task entirely and others periodically involved.

• Public informational efforts that assure that present and potential complainants are aware of their rights to register complaints, and of the proper methods of accessing the complaints systems.

• An adequate documented description of the complaint handling process, including specific steps in the process and the persons responsible for each.

• Elements of the complaint-handling system sufficiently uniform to permit accumulation and analysis of data for consideration in policy decision-making.

• An agency manual that prescribes a classification system for complaints, to the level of detail sufficient to determine root causes and assign priorities of response.

• A documented system for assigning priorities to complaint responses that mandates agency-wide response times for each priority category (e.g., threatening to life, injury, or livelihood, vulnerability of complainant, etc.).

• A log kept, at the appropriate agency level, of each complaint received, in sufficient detail to serve as a data base for other complaint-handling elements (e.g., tracking, analysis, follow-up, etc.).

• A mechanism for acknowledging in writing the receipt of all complaints which cannot be resolved and responded to within two weeks of receipt. Model formats include expected resolution date, indication of referral, and the person to contact for further information.

• Documented criteria for proper, accurate and timely investigation and resolution of complaint problems and response formulation and distribution e.g., acceptable time from receipt to response, percent of complaints in which line analysts and senior management would have arrived at some problem resolution, etc.).

• Copies of responses sent to complainants forwarded to appropriate agencies or individuals (e.g., the referring organization or group).

• Documented internal and referral procedures which ensure that appropriate responses are send in a timely manner.

• Records of complaint handling which are kept in sufficient detail to permit easy retrieval and analysis.

• Specific, accurate and regular statistical and analytical reports which are made to management, including plans for correcting problem areas identified.

• Concrete evidence which shows that complaint analysis and recommendations have had an impact on agency policies and decisions.

• A complaint-handling process which is evaluated at least annually by an appropriate external organization.

• A complaint-handling system which ensures confidentiality and security.

Method of Assessement.—The following methods will be used in conducting the assessment:

• Prior studies related to complaint-handling in a given agency will be reviewed, including reports on service delivery assessments which may shed light on problems in this area.

• Personal interviews will be held with agency central office and regional staff responsible for complaint handling, from receipt through dispensation, to obtain detailed descriptions and responsibilities for the process.

• Staff levels, training and turnover rates will be reviewed.

• Basic system descriptions, forms, formats, instructions criteria, policy, and other documents related to complaint handling will be collected.

• Screening practices will be reviewed, and logs examined for adequacy of data elements.

• Records will be examined for adequacy of classification and data elements, and samples of open and closed complaints pulled for analysis and follow up.

• Senior management representatives will be interviewed for their attitudes toward the complaint-handling process, their understanding and opinions of it, and evidence of impact of complaints on policy decisions.

• Regional complaint-handling activities will be sampled to verify uniformly of agency processes, and identify potential complaints.

• Complainants will be sampled for their satisfaction with responses, and potential complainants sampled for their understanding of how to access the systems.

• System documentation will be analyzed for adequacy and process performance measured against agency criteria and Departmental standards.

• An interim report will be sent to the Consumer Affairs Council and the Secretary on the status of agency complaint-handling procedures.

• Results of complainant and potential complainant's samples will be analyzed, for verification of quality of responses and awareness of proper system access.

• Preliminary findings in the interim report will be reviewed and verified where possible.

• A final report will be delivered to the Consumer Affairs Council and the Secretary which:

—describes the complaint-handling systems reviewed
—assesses the adequacy of these systems
—identifies problem areas and recommends solutions
—recommends future evaluation efforts and procedures.

Given staff and budgetary limitations, most of the fact-finding and verification outside agency headquarter areas will have to be conducted by telephone. Otherwise, personal, on-site observation and data collection will be undertaken. Staff will work closely with the Federal Complaint Coordination Center.

Schedule.—Based on the process review and assessment, an interim report will be prepared in July, 1980. The assessment of the quality of complaint responses and public awareness, which entails sampling of the general public, will be ready by September, 1980. Analysis of recommendations by the Consumer Affairs Council and the Secretary and implementation of recommendations will occur in the fall, 1980.

Because of many diverse programs and responsibilities, the principal operating components of the Department will implement their own Consumer Affairs Programs under the guidelines established by Executive Order 12160 and coordinated by the Department. The following section details the programs of the Social Security Administration, the Office of Human Development Services, the Health Care Financing Administration and the Public Health Service.

Draft Social Security Administration Plan

Introduction

The Social Security Administration itself and through the states serves a broad range of consumers through its social insurance and needs based programs, social security records and a number of related maintenance responsibilities. SBA's consumers include anyone contributing to the program, those applying, potentially eligible, or receiving benefits from the program, and those who use the services we provide. Because of this broad constituency, SSA's concept of Consumer Affairs with respect to the Executive Order closely parallels the long-standing commitment of this agency to open two-way communication with the public.

Consumer Affairs Perspective

Currently, within SSA, the Office of Governmental Affairs (OGA) is assigned the responsibility of developing, coordinating and administering the Agency's Consumer Affairs Program. OGA provides support for field consumer affairs activities and represents the Agency with national consumer organizations and public interest groups. The Associate Commissioner for Governmental Affairs additionally serves as the principal advisor to the Commissioner on how consumers perceive and react to SSA's policies and regulatory decisions.

The OGA has several subcomponents to carry out specific functions. An External Liaison Staff with three professionals is responsible for regular contact with national consumer organizations for public interest groups. The Office of Public Inquiries with a staff of 170 deals on a daily basis with correspondence of a sensitive nature—identifying issues and complaints raised, assuring prompt response, analyzing the correspondence for trends and reporting such trends to the Commissioner and SSA Executive Staff. Complaints are, on average, responded to within 24 days after receipt. A small Congressional Relations Staff (CRS) with 4 professionals, deals with consumer concerns as related to SSA through Congressman and Senators and their staffs. The offices of SSA's 10 Regional Commissioners have significant Consumer Affairs responsibilities on a day-to-day and special event basis. Responsibility for consumer and public affairs activities within our regions has been placed within the Regional External Affairs Staff, located within the immediate office of each of our Regional Commissioners. Examples of regional activities include public hearings on proposed regulations, local town meetings, sessions with community affairs groups, employee seminars and the distribution of information materials. SSA considers its local social security offices primary consumer contact points.

Specifically identified Consumer Affairs staff are also located within the Office of Governmental Affairs and are actively involved in providing the consumer perspective in agency decision-making and policymaking. This staff of 27 is part of the SSA review team for *all* phases of the regulatory process (regulations proposal, NPRM and final) and the majority of our operating instructions. Staff also reviews major legislative proposals and participates in task forces which result in recommendations for policy revisions. Thus, the consumer perspective has been made a part of policy development and routine review and clearance processes with OGA input, including recommendations on public participation, going directly to the decision/policymakers. In unusual situations, OGA may bring the public view directly to the attention of the Commissioner.

An indepth review of present Consumer Affairs Stafff activity in providing the consumer perspective is underway. OGA's goals are to assure our input at the earliest possible moment, which will provide for better use of our input by decisionmakers, to monitor this use and to assess the total range of SSA activities appropriate for the consumer perspective.

Consumer Participation

Currently, consumers have the opportunity to participate by providing SSA with comment on Notices of Proposed Rulemaking as published in the **Federal Register** and mailed directly to interested groups and organizations. Opportunity for consumer input also exists during formal and informal meetings on proposed regulations. The SSA Advisory Council, mandated by law, includes consumer representation and provides recommendations dealing with all aspects of social security.

SSA informs the public about opportunities to participate through publication of meeting notices in the **Federal Register**, media efforts, and direct communication with individuals, groups, and organizations. Through a variety of mechanisms, including public meetings and local forums, the public is informed of the results of their participation.

Listed below are several examples of current SSA consumer participation activities:

- A series of symposia were conducted in each region, Washington, D.C., and Puerto Rico between June and December 1979 on issues of interest to beneficiaries, the general public, and various advocacy and consumer groups. Examples include social security financing, the programmatic treatment of men and women under social security, and changing work and retirement patterns. The purpose of this project is to disseminate basic information about the present system and its value and to generate public dialogue about financing, demographic and social changes which may affect the future direction of the program. During the period January through June 1980 over 300 local forums will be held across the country to discuss these same issues and to stimulate dialogue with the public.
- SSA is working with the Special Advisor to the Secretary on Women's Affairs in her relationship with State and local Commissions on Women. It is anticipated that these commissions will initiate a variety of activities which will focus on the report titled "Social Security and the Changing Roles of Men and Women."
- Meetings between the Commissioner and representatives of key organizations are held regularly. About 25 have been conducted in the past year allowing for direct expression of views and concerns to the Commissioner.
- Regarding Public Hearings on Proposed Regulations, during 1979 hearings were held on a variety of subjects such as confidentiality of social security records and the vocational factors considered in determining whether a person is disabled. During 1980, hearings were held on an

experiment which will be conducted in the appeals process, and are being considered on several issues stemming from pending legislation. The unaffiliated public as well as advocacy and professional groups, providers of services, and governmental agencies have attended these meetings, at which time opportunity is provided for explanation of the proposed regulation, and for public comment. Written comments received in response to a proposed regulation are reviewed by policymakers and responded to in the preamble to final rules.

This regulation activity continues on an ongoing basis.

- SSA has pretested beneficiary notices in six cities. The notices give information about actions SSA takes when beneficiaries report they are working. Representative groups of beneficiaries were asked if the material is clear and understandable. The notices which were tested were revised to provide maximum readability and understanding. Similar activities will be undertaken in the future.
- Thousands of pieces of mail are analyzed annually to measure the public's reaction to change in the law, policy and procedures. Trends in public reaction are provided to policymakers, often with recommendations.
- SSA field offices participate in "out of office" consumer activities including speechmaking, seminars, information distribution, town meetings and dialogue with various advocacy and consumer groups.
- SSA central office staff regularly work with representatives of national organizations and national advocacy groups to maintain an open dialogue. Similar activities occur in the field organization.

Many of the preceding activities are ongoing and some will be expanded upon. Towards this end OGA is developing a policy on the need to regularly engage in these and other forms of consumer participation, e.g., focus groups, another round of local forums starting in late 1980. In addition OGA is in the process of preparing a Handbook on Consumer Participation which we will distribute to the public. We plan to include in this publication a comprehensive description of our ongoing consumer participation plan (listing activities) and methods for the public to participate.

Informational Materials

Currently, within SSA, consumer information is principally produced and distributed by the Office of Public Affairs (OPA) through our network of local social security offices and directly with the national mass media (print and electronic).

The Office of Public Affairs is responsible for the concept, clearance, the design, production and distribution of all informational and educational materials. This Office designs and develops national campaigns and assists the SSA components in providing publications and audiovisuals to complement field consumer education programs.

The informational materials developed by the Office of Public Affairs are designed and intended for distribution to the public, primarily through our local social security offices. Some 180,000,000 publications are distributed a year. This Office uses a wide variety of media techniques to inform consumers in clear ways about SSA's responsibilities, services and regulated products.

The Agency's principal consumer affairs objectives are to provide concise, understandable and relevant information to consumers about the Agency's programs, and to devise a public participation program to provide consumers with the opportunity to participate in both formal and informal decisionmaking activities. The effectiveness of the public participation program will be judged by the degree that it is successful in bringing consumer participation to these activities.

The Office of Public Affairs is revising and redesigning program informational materials to make them more useful to consumers. Also, SSA is reviewing all communications to applicants and beneficiaries to be sure that the consumers understand their rights and responsibilities under the program.

The programs and materials developed by the Office of Governmental Affairs will be directed to distinct consumer audiences and the general public. The Public Affairs office will work with OGA concerning the planning and production of all Consumer Affairs materials. As previously discussed, a first consumer publication will be the Consumer Participation Handbook, designed for use by the general and distinct publics we serve. OGA will be the focus for motivating the preparation of materials geared to all aspects of SSA's consumer affairs activities. This would include, but is not limited to, materials to make agency meetings comprehensible to attendees and information of particular interest to specific segments of our public.

Education and Training

The strategy developed by the Office of Governmental Affairs for educating SSA staff members about the Executive Order involves the entire Agency. Executive Staff members have been provided with a copy of the Executive Order and briefed by the Acting Associate Commissioner for the Office of Governmental Affairs. A briefing on the Order for regional Consumer Affairs personnel discuss the basic elements of the Executive Order and its potential impact on the future of public participation within SSA.

The Office of Governmental Affairs is planning to conduct specialized formal training for Agency Consumer Affairs personnel, as well as to integrate orientation in the Order, and SSA Consumer Affairs Programs into training for other skills of SSA personnel having ongoing program responsibilities in this area. OGA will be preparing staff papers which will form the basis for the SSA position on the nature of technical assistance to be provided to consumers and their organizations, including an analysis of the technical assistance now provided. SSA also publishes extensive statistical and analytical data which is made available to the public.

Complaint Handling

Currently, SSA's non-claims interaction with the public is one of the largest in the Federal sector. Initial estimates, for example, are that over 32,000,000 pieces of correspondence are received a year as are over 15,000,000 phone calls a year not directly related to claims processing. Over 5,000,000 of the above are requests for status of an action pending within social security and the Office of Public Inquiries within OGA handles some 200,000 sensitive inquiries/complaints annually. The great majority of the above are directed to local offices.

OGA is in the process of inventorying SSA's large volume of correspondence and telephone workloads, developing categorizing methodologies, capturing data and developing procedures for analyzing and integrating data and information from complaints into the decisionmaking process. The result will be a system in compliance with the Executive Order.

Draft Office of Human Development Services Plan

Introduction

The Office of Human Development Services, a principal operating component of the Department of Health and Human Services, administers social service programs for poor and low-income people, children, youth and families,

the elderly, developmentally disabled people and Native Americans. The Office includes the Administration on Aging, the Administration on Children, Youth and Families, the Administration for Native Americans, and the Administration on Developmental Disabilities and a number of support offices including one which has the responsibility for title XX administration.

From its inception, HDS has been charged under the majority of its legislative authority with strong advocacy responsibilities. Because of this, HDS has been actively involved in seeking the participation of consumers in developing programs, policies, regulations, and legislative proposals.

In responding to Executive Order 12160 entitled "Providing for Enhancement and Coordination of Federal Consumer Programs", the following Consumer Affairs Plan has been developed. The Plan provides a more uniform and visible Consumer Affairs organization within HDS and its program administrations, strengthens existing Consumer Affairs activities, and includes new initiatives to encourage further consumer participation in HDS activities.

Consumer Affairs Perspective

The Assistant Secretary for Human Development Services will designate a Consumer Affairs Coordinator to exercise policy direction for, and coordination and oversight of, the consumer activities for the Office Human Development Services (HDS).

The Consumer Affairs Coordinator will report directly to the Assistant Secretary and will review and comment on proposed rules, regulations and policies. Consumer Affairs responsibilities will be a critical element in the performance appraisal plans for this position.

The Commissioner of each program administration or office (such as the Administration on Aging and the Administration on Children, Youth and Families) within HDS will designate a Consumer Affairs Coordinator who will be responsible for coordination and oversight of the consumer activities for the program administration. These Coordinators will be housed administratively either in the immediate office of the Commissioner, or in the administration's policy and management control component, but will report directly to the Commissioner on Consumer Affairs concerns.

Each Program Director within a program administration will designate a representative to serve as liaison to the Program Administration Consumer Affairs Coordinator. The representatives will be responsible for informing the Coordinator about the development of programs, policies, regulations and legislation in each program area.

Consumer Affairs responsibilities will be a critical element in the performance appraisal plans for all Program Administration Coordinators and program representatives.

Each Staff Office Director of HDS will designate a representative to serve as liaison to the HDS Consumer Affairs Council. The representatives will be responsible for ensuring coordination of Consumer Affairs activities with staff office activities and for ensuring accessibility to supportive services and resources of the staff offices.

Consumer Affairs responsibilities will be a critical element in the performance appraisal plans for all staff office representatives.

An HDS Consumer Affairs Council will be established, comprised of the HDS Consumer Affairs Coordinator and the Program Administration Consumer Affairs Coordinators. Program and staff office representatives will be responsible for meetings with the Consumer Affairs Council as needed. The purpose of the Council will be to coordinate and implement the HDS Consumer Affairs Plan.

Each Regional Administrator will designate a Consumer Affairs Coordinator for the Region to be housed administratively in the Office of program Integration, but who will report directly to the Regional Administrator on Consumer Affairs concerns. The Regional Consumer Affairs Coordinator will be responsible for coordination and oversight of consumer activities in the Region, and for the implementation, at the regional level, of activities and initiatives included in the HDS Consumer Affairs Plan.

Consumer Affairs responsibilities will be a critical element in the performance appraisal plans for all Regional Consumer Affairs Coordinators.

Expenditures for Consumer Affairs activities will be made out of the appropriate program, staff or regional office budget.

It will be the responsibility of the appropriate staff personnel in the Office of Policy and Development to inform the HDS Consumer Affairs Coordinator about the development of all agency rules, policies, programs, and legislation.

The Coordinator will:

- Review and comment on draft regulations and will actively participate in the preparation of citizen participation plans accompanying regulations
- Review and comment on legislative proposals and issues
- Review and comment on program plans and budgets
- Review and comment on proposed policies.

The Coordinator will carry out these functions in part by maintaining ongoing communication with consumer representatives. It will be the responsibility of the Program representatives to inform the Consumer Affairs Coordinator in the Program Administration about the development of all rules, policies, programs and legislative proposals and issues. Program Administration Coordinators will have the same review and comment responsibilities for the Program Administration prior to submission of materials to the Office of Policy and Development or other staff office in HDS which may be designated to review such materials.

The HDS Coordinator will be invited to Executive Staff meetings of HDS and to participate on task forces and working groups established to develop initiatives and strategies for the agency.

The Program Administration Coordinators will be invited to Program Administration staff meetings and to participate on task forces and working groups established by the Program Administration to develop initiatives and strategies for the Program Administration.

CONSUMER PARTICIPATION

Current Activities

Because of its major advocacy responsibilities, the Office of Human Development Services (HDS) has, from its inception, been greatly involved in consumer participation activities. In the development of programs, policies, regulations, and legislative proposals, the following types of activities are carried out by all program administrations:

- Frequent meetings are held with consumer interest groups and individual consumers to obtain advice and recommendations and to provide information. For example, meetings were held throughout the country with day care consumers to discuss the new day care regulations. Comparable meetings have been held with representatives of older Americans to discuss amendments to the Older Americans Act, with developmentally disabled consumers to discuss plans to implement recommendations of the White House Conference on Disabled Individuals and so on.
- Teams of HDS personnel conduct service delivery assessments to determine how well programs are working.

accessibility of services to people in need, and to obtain advice and recommendations.

• Public hearings are held in regions and nationally on major proposed regulations. Strong efforts are made to schedule hearings at times when consumers will find it most convenient to attend, and to publicize such hearings to ensure maximum participation by all interested consumer organizations and individuals.

• All major regulatory changes are accompanied by public participation plans to ensure maximum public comment.

• HDS has formal advisory committees which meet on a regular basis to ensure consumer input into the HDS decision-making process.

• On a periodic basis, White House Conferences are held on human development services to provide a national forum for discussion of consumer concerns and to provide recommendations for policy direction. A White House Conference on Disabled Individuals was held in 1977; a Conference on Families will be held in 1980; and two Conferences, one on Children and Youth and one on Aging are in the planning stages.

• White House Conferences involve consumers at all levels since they are preceded by conferences at the state level which enhances the opportunity for all concerned consumers to participate.

• Follow-up is an essential part of the Conferences. For example, an Implementation Task Force has reviewed all of the recommendations of the Conference on Disabled Individuals and developed an implementation plan to ensure that appropriate action is taken as a result of this important consumer activity.

• The Office for Families within HDS is charged with responsibility for ensuring similar action following the Conference on Families.

• White House Conferences are planned, developed and implemented under the direction of consumers representing the range of concerns about the particular program involved.

• Special panels of consumers are appointed to consider and advise on policy directions for special activities. For example, on the 15th Anniversary of the Head Start Program, a special panel was designated to make recommendations on the future of the Head Start program.

• Since the majority of HDS programs are administered at the state and local level, it is important to note that consumer participation is also an important part of state and local planning activities. For example, each area agency on aging has a consumer advisory council and holds public hearings at the local level on the area plan. State agencies also hold public hearings on many of the state plans required for various social service programs.

In addition to continuing the above and other consumer participation activities, each program administration will develop an Operational Management System (OMS) initiative which will lay out their plans for consumer involvement over the next year. These plans will reflect the differing need for consumer involvement for each of the programs and will be reviewed and approved by the Consumer Affairs Coordinator for the Program Administration. The Consumer Affairs Council will be responsible for preparing and comprehensive Consumer Affairs Plan across programs which should include:

• A process for identifying policy issues for consumer involvement and feedback to the consumer on the final determination which includes the final impact consumer suggestions had on that determination.

• Regular meetings at the regional level with consumers around an agenda of current program issues. The meetings should occur no less than semi-annually and should be chaired by the Regional Program Director. The Regional Consumer Affairs Coordinator will participate in developing the meetings and will be responsible for reporting the results of the meetings to the Regional Administrator, the Program Administration Consumer Affairs Coordinator, and the HDS Consumer Affairs Coordinator.

The HDS Consumer Affairs Coordinator will be responsible for providing technical assistance in developing the initiatives with the program administrations and coordinating activities across HDS and HHS to prevent duplication.

The HDS Coordinator will be responsible for tracking these initiatives and will ensure that HDS-wide activities not covered by program administration plans include a consumer affairs component.

In addition, the HDS Coordinator will assist the programs in developing new techniques of notifying consumers of opportunities to participate in the decision-making process.

Consumer participation will not be limited to those activities enumerated in the Plan. Consumers will be encouraged to initiate action where they feel it is appropriate.

INFORMATIONAL MATERIALS

HDS currently distributes a large number of printed and audiovisual information materials on human service issues, ranging from technical documents aimed at program administrators and service providers to consumer-oriented publications and radio/TV public service announcements.

Each year, the HDS Office of Public Affairs and the Public Affairs Offices in the program administrations, develop and implement a comprehensive public affairs plan designed to help program administrations achieve their goals.

In developing these plans, existing informational materials are reviewed for their currency and determinations are made as to the appropriate information tools needed to convey specific messages for information about programs in the upcoming year.

Informational materials are also pre-tested, when appropriate, with samples of consumers. Spanish language materials are evaluated by Hispanics to ensure appropriateness of the presentation for the audience.

When appropriate, Service Delivery Assessments include questions concerning the adequacy of informational material to meet the needs of consumers at the local level.

Information materials produced by HDS include: publications, fact sheets, two bi-monthly magazines, a monthly newspaper, exhibits, slide presentations, posters, radio and television public service announcements, films, speech reprints, news releases and feature articles for placement in newspaper, magazines and newsletters.

Consumers are encouraged to contribute articles for publication in the magazines and HDS newsletter.

The HDS public affairs offices are responsibile for concept clearance, design, production and distribution of these informational and educational materials. The public affairs offices will make available to the Consumer Affairs Coordinators copies of annual public affairs plans for review and comment. Public affairs offices will coordinate with and work with the Consumer Affairs Coordinators concerning the planning and production of consumer affairs materials initiated by the Coordinators.

The majority of HDS authorizing legislation mandates outreach and consumer information/advocacy activities. Distribution of informational materials is made through the Government Printing Office, the Consumer Information Center, Pueblo, Colorado, and Federal Information Centers. A number of consumer publications receive wide distribution through Congressional offices. For example, over a million copies of *Infant Care* are distributed yearly.

In addition to general distribution methods, a variety of clearinghouse and information dissemination systems have been developed to carry out legislative mandates, including:

- The National Center on Child Abuse and Neglect collects and disseminates materials concerning the child abuse and prevention program. Information is disseminated through the National Clearinghouse and through 10 regional resource centers.
- The National Clearinghouse on Aging collects and disseminates information to the general public and to the aging field on issues of concern to the elderly.
- The Child Welfare Resource Exchange collects and disseminates information concerning needs, programs and services in the child welfare field.
- Project SHARE, a national clearinghouse for improving human services management sponsored by the Office of the Assistant Secretary for Planning and Evaluation, HHS, distributes information concerning social services for poor and low-income families (Title XX).
- The Domestic Violence clearinghouse system will utilize the Project SHARE system for information collection and dissemination.

Rules and regulations are announced in the **Federal Register** and by news release. National public meetings are also announced in this way. Information on how the public can comment on the rules and regulations and how they can participate at the meetings is contained in the announcements.

Regional Offices develop and distribute informational material to consumers, including annual reports and special reports of conferences and meetings on pertinent topics. Public affairs staffs in the regional offices assist HDS program and public affairs staffs in arranging and publicizing outreach meetings, forums, and public hearings.

As a new initiative, the Office of Public Affairs, HDS, is conducting a survey of all information systems to evaluate the entire information distribution system(s) for HDS and to develop a more effective information dissemination system for the entire agency. The outcome of this initiative will be a system which will tell agency managers the audiences they are reaching, the penetration of the audiences, the most effective methods for reaching their audiences and which audiences are not being reached.

In addition, the Office of Public Affairs, HDS will continue to strengthen its capacity to review the informational material currently in use, material proposed in the annual public affairs plan, and, through the appropriate clearance forms, ensure that informational materials, dissemination strategies, and methods of outreach address consumer interest and needs.

The Office of Public Affairs will provide technical assistance to HDS offices in developing informational materials for public meetings with special attention to their readability, format and appropriateness for the audience. The Office will provide technical assistance to the Consumer Affairs Coordinators to ensure that the most appropriate and effective public affairs techniques are used to enhance consumer participation.

EDUCATION AND TRAINING

The purposes of education and training plans are: to assure that employees are oriented to the policy embodied in the Executive Order and the Consumer Affairs program; to assure that a system for communicating policy and program changes and other information is established; to assure that specialized training is provided for consumer affairs personnel; and to assure that an identifiable, systematic program of technical assistance is provided to consumers and consumer groups.

In the Consumer Affairs plan for the Department of Health and Human Services (HHS), an overall policy and plan for education and training of consumer affairs staff and employees is outlined. The Office of Human Development Services will require all consumer affairs staff to participate in the Department's training program.

In addition, the HDS, Consumer Affairs Coordinator will develop a training and education plan for all HDS employees to assure that they are oriented to the policy and are informed of their responsibilities and opportunities concerning consumer affairs activities.

The plan will include the following:

- Orientation of personnel regarding the policy embodied in the Executive Order and the Consumer Affairs Programs to implement that Order.
- Establishment of a system to communicate consumer affairs information including changes in policies and programs.
- Provision for specialized training for consumer affairs personnel in cooperation with the appropriate servicing training office.
- Identify and prioritize training needs. Provide for consumer involvement in this phase.
- Identify existing sources of training within the Department through the Training Work Group of the HHS Policy Council.
- Develop annual Fiscal Year training plan and submit it to the Assistant to the Secretary for Consumer Affairs.
- Submit reports through administrative channels to the Assistant to the Secretary for Consumer Affairs as required but no less than annually.

To assure that an identifiable, systematic program of technical assistance is provided to consumers and consumer groups, the training plan will include the following activities:

- Identify technical assistance being provided, the criteria for receiving such assistance, who provides it, and how consumers know about it and use it. Provide for consumer involvement in this phase.
- Establish a central contact point for consumers who wish information on technical assistance and publicize that contact point.
- Identify technical assistance that could be provided to consumer and consumer groups. Provide for consumer involvement in this phase.
- Develop a plan to establish additional technical assistance programs. The plan will provide for implementing at least one new program in Fiscal Year 1981. Provide for consumer involvement in these decisions.
- Publish a booklet explaining how to access HDS discretionary funds, with eligibility criteria and contact points within the agency.

CONSUMER COMPLAINT HANDLING

The Office of Human Development Services does not provide services directly to consumers. The procedure in handling complaints or inquiries is, in the majority of cases, to refer the complaint to the state or local agency, usually through the Regional Office, or to the Regional Office if a state agency is named in an allegation.

Title XX of the Social Security Act (social services for poor and low-income families), and the Administration on Aging programs have a "fair hearing" process required of the service delivery agency. The fair hearing is for an individual who applies for a service and is turned down, or who has some other problem with the service.

Consumers can also make complaints or suggestions about programs and services through the public participation requirements on regulations.

The Head Start program, which is funded directly by HDS rather than through states, is handled differently. Complaints are handled by community representatives who operate out of Regional Offices.

At the present time, there is little delineation between the number of complaints and inquiries processed. On an annual basis, excluding requests for publications and responses to radio/TV campaigns, HDS processes approximately 9,700 complaints and inquiries.

The HDS Consumer Affairs Coordinator will prepare plan to meet the requirements of the Executive Order following the Department-wide investigation of complaint handling. The study has as its objectives:

- To outline the characteristics of current complaint-handling procedures in the Department's agencies.
- To define general standards and criteria for complaint-handling procedures, including impact on agency policy.
- To determine improvements and future evaluation activities and responsibilities required for effective and efficient handling of consumer complaints.

The procedures and recommendations developed as a result of the above study will be used in developing the HDS procedures for systematically logging in, investigating and responding to consumer complaints, and for integrating analyses of complaints into the development of policy.

Until that plan is developed, agencies within HDS will continue to handle complaints under existing systems. Where feasible, program administrations will be encouraged to develop interim systems based on the model used by the Administration on Aging which includes standardized procedures for logging in, referral, and follow up to complaints.

The HDS Consumer Affairs Coordinator, the Program Administration Coordinators and the Regional Consumer Affairs Coordinators will be responsible for ensuring that the interim systems for complaint handling are effective, and will provide technical assistance to program administrations in improving the complaint handling process. Consumer involvement will be a part of this effort.

Draft Health Care Financing Administration Plan

The Health Care Financing Administration (HCFA) was established to combine health financing and quality assurance programs into a single agency. JCFA is responsible for the Medicare program, Federal participation in the Medicaid program, the Professional Standards Review program and a variety of other health care quality assurance programs.

The mission of the Health Care Financing Administration is to promote the timely delivery of appropriate, quality health care to its beneficiaries—approximately 47 million of the nation's aged, disabled and poor. The Agency must also ensure that program beneficiaries are aware of the services for which they are eligible, that those services are accessible and of high quality and that Agency policies and actions promote efficiency and quality within the total health care delivery system.

With this aim in mind, HCFA established the Office of Beneficiary Services as a direct line of access and communication to beneficiaries and consumer organizations.

Consumer Affairs Perspective

The Office of Beneficiary Services (OBS) is located in the Office of the Administrator. It is staffed with 13 full-time employees. In addition to the central office staff, each regional office has assigned one professional to serve as contact for beneficiary service activities and to assist in coordinating on-going regional activities in this area. The Office's expertise covers public information, program and quantitative analysis, public relations and health education. Our resources include money for printing, personnel and funds to conduct one major education program such as the Medigap initiative for 1980. The Office of Beneficiary Services is a new office in HCFA; it was established officially in December, 1979. The Administrator has given the Director of OBS the authority to attend any meetings on any subject and to comment on legislation and regulatory proposals. This includes participation in the formal clearance and comment process of agency rules, policies and programs. Presently, OBS participates in the agency's decision and policymaking in the following ways:

- Reviews and comments on selected HCFA policy and operational proposals.
- Reviews and comments on the research activities of the research and development staff where the beneficiary is concerned.
- Proposes new procedures to increase awareness of beneficiary impact in development of HCFA policy.
- Participates on agency task forces and work groups.

Consumer Participation

Beneficiary participation is viewed as an integral aspect of HCFA's activities. OBS was established in part to assure the effectiveness of this participation. The current framework for regulatory development and public participation is as follows:

- Each year HCFA pubishes a regulation plan which includes regulatory inititatives planned or being considered which may result in the publication of one or more regulatory documents during the fiscal year. The public is invited to comment on the initiatives, the priorities set, and target dates. This plan gives the earliest notification to the public of what is underway or being considered so that they can indicate interest in participating.
- For each tentative initiative in the above plan that results in a decision to develop regulations, a Notice of Decision to Develop Regulations is published in the **Federal Register** to alert interested individuals and groups. A work plan, cost estimate, schedule and public participation plan is developed by HCFA in preparing the Notice. These are available to interested members of the public.
- Each initiative actively under development in HCFA (after it passes the stage described above) is included in a semiannual agenda of Department regulations published in June and December each year. The information in this document provides a specific contact person for each initiative.
- With rare exceptions, regulation changes are published in proposed form to get public views on potential changes. A comment period is provided for this purpose. When the final rule is drafted each of the comments is discussed in the Preamble to the final rule so that members of the public know how their comments were evaluated.
- For some regulations input is also obtained by holding public hearings and by invitation to organizations and interested groups to participate.
- In some cases representatives of various groups and organizations are invited to discuss particular ideas for regulation changes, using a meeting as the vehicle.

General responsibility for managing this process rests with the Office of Regulations Management in the Office of Executive Operations.

The following processes for getting beneficiary input are being established:

- Meetings with beneficiary representatives and the agency Administrator.

• Regular meetings and communications between beneficiary representatives and OBS staff as a means of continuous input from representatives.

• New OBS staff to be based in D.C., where many national offices of consumer groups are located, will develop increased liaison with beneficiary groups.

• We will explore creation of informal technical adivsory panels on HCFA beneficiary issues during fiscal year 1981; these panels will be used when proposed regulations and policy changes are being considered which have an especially significant impact on beneficiaries.

• Establishment in fiscal year 1981 of a "quarterly issues series" where representatives from beneficiary groups are invited to attend briefings by various HCFA Senior Staff members on a variety of issues affecting Medicare/Medicaid beneficiaries.

The information received from these in-person contacts, from mail received in the bureaus, from hearings, congressional casework, and association public forums will be analyzed by OBS staff to determine the concerns and problems of the beneficiary and, where possible, to propose operational, legislative, or regulatory changes.

Regular meetings between representatives of beneficiary groups and either the Administrator, Deputy Administrator or other senior staff are being held in Washington, D.C. Similar meetings are held in certain regional offices. Additional sessions will be phased-in. Beneficiaries are informed of these meetings in the following manner:

• A primary mailing list of major national beneficiary groups is used to inform beneficiary representatives about events taking place.

• The Office of Public Affairs or the relevant bureau is responsible for announcing public hearings and special initiatives.

• HCFA regional representatives in many regions conduct meetings with local beneficiary groups to solicit views about current programs.

Announcement of upcoming regulations that impact on beneficiaries will be prepared for publication. A leaflet for general distribution on how consumers can access HCFA's regulatory process is planned for FY 81. And to aid beneficiary representatives, we are currently developing an "outsider's inside guide to HCFA."

Information Materials

HCFA's Office of Beneficiary Services and Office of Public Affairs work together in the creation and production of general information materials.

Presently, the following steps are taken to improve and expand materials:

• All of HCFA publications are being analyzed for clarity and effectiveness. A solicitation of comments has been distributed to all beneficiary groups and others involved in HCFA programs.

• Evaluation of Medicaid material presently available is being conducted to indentify and distribute the best publications.

• Initial steps are being taken to produce information materials through media other than print.

• Producing new information material is an ongoing activity; beneficiary input is solicited as publications are developed, revised, and brought up to date.

• HCFA distributes information about both Medicare and Medicaid programs. Medicare publications are distributed primarily through HCFA's Regional Offices and the Social Security Administration district offices. Medicaid publications are distributed through the States' local welfare offices. In addition, the States produce their own beneficiary publications. Presently, these publications are being inventoried, so the best may be more widely distributed as models. Publications for both programs are mailed from Headquarters' inquiries staff as requests are received.

• HCFA also develops educational/informational campaigns to inform beneficiaries of potential impact of certain regulations.

Education and Training

The Office of Beneficiary Services is responsible for contributing a beneficiary perspective to establish education and training programs for HCFA employees and contracting parties. These programs are coordinated with HCFA's Training and Career Development Branch, along the following lines for HCFA staff:

• Development and showing of documentary films which will focus on beneficiaries engaged in the medical care delivery system.

• Encouraging the production by private producers of documentary films which objectively portray beneficiary and consumer interaction with the welfare and health care system.

• Use of HCFA's employee information system for relaying beneficiary services information to agency components.

• Explore the possibility of funding for staff training.

• Informal inter-office training between the Office of Beneficiary Services and other HCFA components.

• The Office of Beneficiary Services staff who specializes in handling complex and sensitive complaints will provide training to staff in the bureaus that handle beneficiary inquiries.

• Technical assistance for beneficiaries and beneficiary organizations is planned as follows:

• Briefings by the Office of Regulations Management on how the beneficiary groups can access HCFA's regulatory process.

• Special staff resources made available to assist beneficiary groups to understand the impact of proposed major regulations, e.g., Bureau of Health Standards and Quality making available in Washington staff to assist beneficiary groups to understand the impact of proposed revised conditions of participation for nursing homes.

• As noted above, an "outsider's inside guide to HCFA" is being prepared.

Complaint Handling and Beneficiary Inquiries

Most of HCFA's Bureaus have an inquiries staff; all keep records of the number and kind of complaints recevied. Some analysis of the complaints is currently conducted. Complaints are tracked and routed, when necessary, to the proper agency offices. The various inquiries staffs are being evaluated; a uniform system for reporting, using the Executive Order as a guideline, is being established. This activity will be coordinated with overall departmental efforts to improve complaint handling. Estimates of current central office complaint and inquiry volumes annually are as follows:

Bureaus of Program Operations—8300; Bureau of Program Policy—12,000; Bureau of Quality Control—250; Bureau of Support Services—150; Office of Legislation and Policy—380; Office of Public Affairs—6,000 and Office of Beneficiary Services—360; Part B Carriers, Medicare Program—9,051,978.

Draft Public Health Service Plan

Introduction

The mission of the U.S. Public Health Service (PHS) is to promote the protection and advancement of the physical and

mental health of the American people. The PHS sets national health policy, promotes cooperative health programs with State and local governments, conducts basic and applied research, and plans health care systems. The PHS administers programs to deliver health services, develop health resources, prevent and control disease, and curb the abuse of such substances as alcohol and drugs. The PHS also enforces laws to assure safe and effective drugs and to protect consumers against impure and unsafe foods, drugs, cosmetics, medical devices, and radiation-emitting products. Overall responsibility for the direction of the PHS rests with the Assistant Secretary for Health and Surgeon General, who serves as principal advisor on health to the Secretary of the Department.

The constituent organizations within the PHS include:

• *The Office of the Assistant Secretary for Health and Surgeon General* (OASH) has overall policy and management functions; also has several staff offices with important consumer-related programs, such as the Offices of Smoking and Health, of Disease Prevention and Health Promotion, of Health Maintenance Organizations, of Public Affairs, and the Office of Health Information, Health Promotion and Physical Fitness and Sports Medicine.

• *The Alcohol, Drug Abuse, and Mental Health Administration* (ADAMHA) develops policies and programs for the treatment and prevention of the abuse of alcohol and drugs and of mental health problems.

• *The Center for Disease Control* (CDC) works with State and local health authorities and other public and private organizations to control and prevent disease, to improve the performance of clinical and public health laboratories, and to assure safe and healthful job conditions for America's workforce.

• *The Food and Drug Administration* (FDA) protects the public against dangers in the marketplace that may come from foods, drugs, biological products, cosmetics, medical devices, radiation-emitting products, and substances such as poisons, pesticides, and food additives.

• *The Health Resources Administration* (HRA) is concerned with the identification, placement, and use of physical, financial, and health care resources, and supports health planning, education and training, and construction programs for these purposes.

• *The Health Services Administration* (HSA) develops and supports comprehensive (public and private) systems of health care delivery for medically under-served and priority populations, such as agricultural migrants, Eskimos and Indians, rural and urban poor, and Federal wards and employees.

• *The National Institutes of Health* (NIH) conducts and supports basic and applied medical, biomedical and environmental research and supports the training of research personnel and the technologies for the exchange of medical and health information.

CONSUMER AFFAIRS PERSPECTIVE

OASH: The Assistant Secretary for Health and Surgeon General has designated a Special Assistant to be the Coordinator for Consumer Affairs throughout the PHS. This Coordinator has direct access to the Surgeon General, to the heads of staff offices, and to the Administrators and Commissioners of the six constituent PHS agencies. The Coordinator chairs the PHS Consumer Affairs Committee, each of whose six members is responsible for consumer affairs in the PHS agency. The Coordinator also represents the PHS on the Departmentwide Consumer Affairs Council. The Coordinator is provided with staff assistance, as the needs require, from among the staff offices serving the Assistant Secretary for Health.

The Coordinator participates in the development and review of PHS policy and reviews proposed rules, policies, programs, and legislative proposals for their effect upon consumers of health and medical services. When appropriate, the Coordinator seeks counsel from consumer representatives from elsewhere within the Department as well as from resources outside the Department. Responses to policy proposals and other matters are forwarded by the Coordinator to the Assistant Secretary or lead staff person involved. With the assistance of consumer coordinators in PHS agencies the Coordinator will routinely notify consumer groups, representatives, and special-issue advocates of meetings, proposals, petitions, and other matters on the PHS calendar. The Coordinator is also the principal agent for assisting consumer groups to get more information concerning pending PHS matters with potential impact upon consumers of health and medical services.

The PHS Consumer Affairs Committee meets not less than once every two months. Meetings are announced through consumer notices and with the full assistance of public affairs staffs. The Committee shares ideas, resources, and information in order to achieve all the objectives of the PHS and Department Consumer Affairs Plans, with particular emphasis on improving consumer participation, the distribution of consumer information, and staff training.

ADAMHA: The Associate Administrator for Communications and Public Affairs has responsibility for the development and implementation of an agency consumer affairs plan. The Associate Administrator reports directly to the Administrator, reviews proposed program regulations and guidelines, and maintains direct relations with consumer and public interest constituencies. In addition, program personnel in the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Mental Health have specific consumer-related responsibilities.

CDC: The Director of the Center has assigned consumer affairs responsibilites to the Director of the Office of Information, who participates in all agency decision-making. The Director of the Bureau of Health Education and the Information Officer for the National Institute of Occupational Safety and Health coordinate consumer-related activities with the CDC Director of Information.

FDA: The Office of Consumer Affairs was established within the Office of the Commissioner in December 1979. The 26-person staff is directed by an Associate Commissioner for Consumer Affairs, who is the principal advisor to the Commissioner on consumer perceptions of, and reactions to, FDA policies and regulatory decisions. The incumbent is a member of the agency's Policy Board and reports directly to the FDA Commissioner. The Associate Commissioner provides support for other headquarters and field consumer affairs activities and represents the agency before national consumer and public interest groups.

The FDA also has one or more Consumer Affairs Officers in each of its 22 District Offices and a Consumer Affairs Representative in each of its six bureaus. The Consumer Affairs Officers are part of the FDA Field Operations staff, but coordinate their plans and activities with the Associate Commissioner for Consumer Affairs.

HRA: A Special Assistant provides the HRA Administrator with consumer input for HRA policy formation and is the focal point at the agency level for consumer affairs. The Special Assistant is a member of the Administrator's Policy Board, Small Staff, and Large Staff groups and has direct access to agency principals. However, HRA is developing a new permanent position of Coordinator of Consumer Affairs within the Office of Program Policy

Coordination. Final determination of this new staff office will be made after June 1.

The Special Assistant (and the proposed Coordinator) works with other HRA program personnel with consumer-related responsibilities in the Bureau of Health Planning (to facilitate consumer participation in health planning), the Bureau of Health Facilities (to monitor compliance with regulations), and the Office of Health Resources Opportunity (to improve access to health careers, services, and planning processes for women, minorities, and the disadvantaged).

HSA: Following an agency-wide review of its consumer relations, HSA established a Task Force on Consumer Affairs, chaired by the Executive Assistant to the Administrator for Primary Health Care. The HSA Task Force has five staff from Central Office plus representatives from each of the agency's three bureaus and 10 Regional Office staffs. The three objectives of the HSA Task Force are (1) to improve consumer participation in the work of the agency, (2) to develop better grievance procedures under the agency's Patients' Rights program, and (3) to develop monitoring and evaluation procedures concerned with consumer needs, preferences and satisfactions. The Task Force expects to produce an agency-wide consumer affairs plan by October 1.

In addition to the Executive Assistant to the HSA Administrator, the agency has an Assistant to the Administrator for Community Affairs and a Consumer Affairs and Participation Specialist in the Bureau of Community Health Services. The agency also assigned primary consumer affairs responsibility in the Bureau of Medical Services to the Chief of its Program Coordination Staff and has focused the consumer responsibilities of the Indian Health Service within the Office of Tribal Affairs. In Regional Offices all HSA project officers are responsible for monitoring compliance with law, regulation, or agency policy regarding consumer participation and patients' rights.

NIH: Primary responsibility for consumer affairs has been assigned to the Office of Communications within the Office of the Director, NIH. The Associate Director for Communications has direct access to the Director, the heads of staff offices and individual Institutes, and policy and decision-making processes.

Regional Offices: Consumer affairs in the field are handled on a program-by-program basis. However, the PHS Coordinator for Consumer Affairs and the Consumer Affairs Committee are in the process of assessing the most effective approach for the PHS to establish a continuing and coordinating consumer presence in the Regional Offices. This assessment should be completed by the end of 1980 with a functioning consumer focal point for the PHS in place in each Regional Office by the beginning of January 1981.

CONSUMER PARTICIPATION

Many laws carried out by the Public Health Service require the active participation of consumers (or "non-providers") of health care on local governing boards of grantees, on local and national advisory committees, in State and local planning agencies, and at various points in the rule-making process. The range of consumer participation is broad and provides a strong base upon which the PHS will continue to build. Examples are provided below.

OASH: Regional public forums and "hearings" are valuable methods of gaining consumer contributions to the development of a national health policy. For example, Regional hearings were held by the Select Panel for the Promotion of Child Health; information gathered at those hearings will be included in the Panel's final report in September 1980. Regional hearings on food labeling were held by PHS in cooperation with the Department of Agriculture and the Federal Trade Commission as part of the rule-making process. Other hearings are scheduled around the country as the need arises.

Smaller meetings on specific issues are held throughout the year at headquarters to hear the views of consumer and public interest experts. Current methods of organizing, announcing, and conducting these meetings are being reviewed and certain improvements are contemplated later this fiscal year. The views of consumers on the improvement of this meeting process are being solicited.

ADAMHA: Consumer and public members comprise about half the membership on national advisory committees assisting this agency. In addition, the ADAMHA Minority Advisory Committee conducts site visits to grantees around the country to see how responsive they are to the needs of local minority consumers. Reports from these visits and the annual Minority Conference are made to the ADAMHA Administrator for use in policy and program evaluation.

Each year the Director of the National Institute of Mental Health convenes an open Community Support Program. Consumers and public interest representatives are notified, invited to attend, and solicited for their views on the improvement of NIMH programs.

The law requires consumer and citizen participation among most local ADAMHA grantees: a Citizens' Alcoholism Advisory Committee for alcoholism treatment or rehabilitation grantees, Citizens' Advisory Boards for local community mental health centers, and similar arrangements for other grant-supported projects. Program personnel, in year-round contact with consumer groups, monitor the presence and effectiveness of these committees and boards.

CDC: The Center for Disease Control functions primarily through State and local health agencies which, in turn, provide forums for local consumer participation. In addition, with the aid of national voluntary organizations, extensive consumer dialogue directly with CDC takes place regarding childhood immunization, venereal disease control, lead poisoning prevention, and rat control.

As more emphasis is placed on the informed participation of citizens in disease and injury prevention, there will be increased opportunities for consumers to participate directly with CDC in program development and policy formation. An assessment of this potential will take place later this fiscal year.

CDC's National Advisory Committee on Occupational Safety and Health must include public members, one of whom is designated as the chair. Also, a majority of the Mine Health Research Advisory Committee, including the chair, must be persons representing interests other than the mining industry or government; these persons may be consumers or miners.

FDA: The Food and Drug Administration has developed a program for consumer participation that covers both formal and informal policy and decision-making processes. The formal processes include the following:

- *Regulations:* Consumers are invited to comment in writing on regulations proposed by the FDA.
- *Petitions:* Consumers can petition the FDA for action on a policy or regulation or to comment on the petitions of others; the Commissioner must respond within 180 days.
- *Administrative Hearings:* Consumers are solicited to contribute testimony to hearings, including regulatory hearings.
- *Advisory Committees:* Consumer groups are notified of vacancies on FDA advisory committees and are asked to suggest appropriate nominees.

This fiscal year the agency is conducting a pilot project for reimbursing consumers who participate in certain formal proceedings (Cf. 44 FR 72585 ff., December 14, 1979).

Applicants for reimbursement are screened by an Agency Evaluation Board, chaired by the FDA Associate Commissioner for Consumer Affairs. The FDA has allotted $250,000 for the one-year project.

Among the informal processes are the following:

• *Consumer Exchange Meeting:* Held on national and district levels; open, informal, and focused on one or two major policy issues and chaired by top agency managers.

• *Prehearing Meetings:* To aid lay representatives in understanding scientific and technical information about which they may comment in a subsequent formal hearing.

• *Focus Meetings:* Held between agency personnel and issue-oriented consumer groups at the request of either party.

• *Annual Poll:* An agency sample of consumer perceptions, including suggestions of what the FDA's top five priority areas ought to be.

• *Inquiries, Complaints, Correspondence:* A "mailbag" view of consumer concerns.

The FDA is concentrating its efforts in further developing and strengthening its program of consumer participation.

HRA: The Health Planning and Resource Development Act requires a consumer majority on each of the 57 state- or territory-wide health coordinating councils and 205 local health systems agencies. Failure to have a consumer majority can lead to loss of Federal "designation" and, hence, the authority to act as the State or local planning agency. Amendments to the original law also require groups created by designated planning agencies.

Agency dialogue with consumers occurs throughout the year in a variety of formal and informal settings, including the meetings of the three national advisory councils, each with public members, concerned with health professions education, nurse training, and health planning and development.

Consumers also contribute to the public record in the rule-making process. With the establishment of its Coordination for Consumer Affairs, HRA anticipates a more structured and productive relationship with consumer and public interest groups and more innovative ways for opening up the rule-making process.

HSA: The Health Services Administration is the second largest Federal agency providing health services to civilians. Law and agency policy require some form of consumer participation in the planning and management of most of services. While consumers participate in national advisory committees, the Task Force is reviewing ways through which consumers may become more involved in agency policy and programs. At the outset, consumers are actively involved with the Task Force in the development of HSA's agency-wide Consumer Affairs Plan.

Substantial opportunities for consumer participation exist at the bureau and program levels:

• *Each Public Health Service hospital and clinic* must have a Patient Advisory Council to advise its director on consumer perceptions of patient care. All Councils meet at least quarterly; some meet each month. Merchant Marine personnel are directly involved in the development of their own Seafarers' Health Improvement Program; the first "Seafarers' Conference" was held in 1978 and work groups have held 14 since then.

• *Each HSA grantee* health center, counseling project, or treatment program must have a council or governing board drawn from its community or from among its patient population. Consumers may occupy from a third to a majority of the places on these groups, depending on program requirements.

• *Research, demonstration, and technical assistance* funds are available for HSA grantees to assist them in selecting consumer and community members and in organizing their boards for effective advisory or governance roles.

• *The Indian Health Service* and its 149 hospitals and clinics have had the longest history of consumer participation in program policy at all levels. The IHS now has over 2,000 patient advocates representing 700,000 Native Americans and Alaskan Natives. Through exchanges with national Indian groups and with regional and local (tribal) health boards, IHS personnel are sensitized to the needs of Indian consumers. Under the Indian Self-Determination and Education Assistance Act and the Indian Health Care Improvement Act the participation of tribal members has been firmly established in the health care system.

NIH: Consumers participate in the development of policies and programs principally within the 19 national advisory councils and boards and 14 program advisory groups. They provide the board perspective on social needs against which specific research decisions may be made and judged.

The relatively new Consensus Development Conferences bring together a broad range of experts, consumers, and concerned public interest advocates to discuss new, emerging, or controversial health technologies and provide policy guidance for NIH staff and extra-mural researchers. More than a dozen conferences have been held; another two dozen are planned.

CONSUMER INFORMATION AND EDUCATION

Since its inception nearly 200 years ago the U.S. Public Health Service has remained committed to the timely delivery of accurate health information to the American people. Examples of ways in which the commitment is carried out are described below.

OASH: The PHS Office of Public Affairs provides a variety of advisory services to agency offices, covering the use of new media, new information technologies, abilities to reach discreet new constituencies, and the increased use of minority consultants and contractors. The Office emphasizes "plain English" communications to the public, more meetings opened to the public, better public notice of open meetings, better Spanish language materials, and improved systems for delivering information materials to target readerships.

During this fiscal year, the public affairs staff are providing major support to a number of OASH initiatives, including one on disease prevention and health promotion. Based upon the Surgeon General's Report on Health Promotion and Disease Prevention, title *Healthy People*, a variety of media are used to deliver four messages to the general public, youth and young adults, minorities, and voluntary organizations:

—Become better aware of risk factors
—Assume more control over your own health
—Communities have special responsibilities, too
—Prevention is a public health priority

During this fiscal year the Office of Health Information, Health Promotion, and Physical Fitness and Sports Medicine is setting up a new National Health Information Clearinghouse. The Clearinghouse is intended to help consumers identify and use different current sources of health information and to encourage the development of new health information resources and networks.

This new information clearinghouse, plus two others being developed (on rape and on digestive diseases) will be among several already serving consumer needs: the National Clearinghouses on Alcohol Abuse and Alcoholism, Drug Abuse, Mental Health, Family Planning, Emergency Medical Services, Occupational Safety and Health, Health Planning, Arthiritis, High Blood Pressure, and Diabetes.

ADAMHA: The Office of the Associate Administrator for Communiations and Public Affairs produces a weekly column ("Understanding") prepared for community newspapers and the *ComNet* Manual for use by staffs of agencies funded by ADAMHA. Special information initiatives focus on health risks among children and youth and on the importance of prevention. This office requests that consumer materials be pre-tested for effectiveness and assists in improving the distribution plans for all materials.

CDC: Public information is emphasized for each of the project grant programs administered by CDC and carried out by State and local health authorities: childhood immunization, influenza immunization, urban rat control, childhood lead poisoning prevention, community- and school-based fluoridation, and venereal disease control.

FDA: The agency's information program is integral to its enforcement and prevention missions. In both areas, the participation of informed consumers has been valuable.

The FDA has three publications that circulate to both industry and consumers: *FDA Consumer* (a monthly magazine with free and paid circulation), *FDA Public Calendar* (free), and *FDA Enforcement Report* (free). Consumers are the main audience for reprints of articles from the magazine. Distribution is through individual requests or with the aid of local, regional, and national groups.

Consumer Update advises individuals or community groups of the petition process, of pending petitions, of committee vacancies, of open public hearings and meetings, and of opportunities to comment on proposed and final regulations.

"Dear Consumer" letters are intermittent and deal with single issues of immediate importance. They often have background material enclosed to assist interested consumers in becoming more informed and involved. These letters, like *Consumer Update,* are products of the Office of Consumer Affairs.

This fiscal year the FDA is concentrating its public affairs messages on unnecessary exposure to radiation through X-rays, the wise use of prescription drugs, quackery, and poison prevention.

The FDA was the first domestic Federal agency to have an official bilingual (English-Spanish) information policy. Consistent with that policy, FDA operates a program to provide low-income Spanish-speaking citizens with health information and counseling on ways to participate in FDA's programs.

FDA's Consumer Affair's Officers in the agency's 22 District Offices give immediate response to telephone and letter inquiries, appear on local radio and TV, are interviewed by local community and consumer press, and conduct—or take part in—a full schedule of public meetings sponsored by FDA and other public and private consumer agencies.

HRA: The primary consumer audience for HRA public information is persons involved with health planning. HRA publishes a monthly *Health Planning Newsletter* free. Other special publications explain the health manpower and facilities programs.

Additional materials produced as they are needed explain Federal support for health professions education, particularly among minorities and women. These materials are distributed through cooperating educational systems and institutions, parent and community organizations, and minority and women's rights groups.

HSA: The Health Services Administration is focusing on teenage pregnancy and prenatal care in this year's consumer and public information efforts. At the local level, handbooks, newsletters, posters, announcements, and press releases contribute to the effectiveness of Patient Advisory Committees in PHS-supported hospitals and clinics. Similar information materials are produced by and for individual tribal groups served by the Indian Health Service. Representative consumers and patients advocates are frequently asked to review and pre-test HSA materials.

NIH: The principal product of the National Institutes of Health can be said to be information: research results, biostatistical data, medicaL library computer printouts, etc. Much of this data is scientific and technical in nature. However, an increasing amount of information materials is directed to consumer audiences.

In 1980 the NIH Office of Communications will focus much of its information efforts upon these areas:

- Public Understanding of Research.
- Consensus Development.
- Nutrition Education.
- Publications Improvement.

Consumer education and training draws heavily upon the information resources of PHS agencies, although it is a cooperative effort between information staff and program staff. Information, education, and training to facilitate consumer involvement in policy planning and program management varies among PHS agencies:

- *ADAMHA* has consumer training built into its grant programs; technical assistance is provided by training personnel ("resource development" programs) in its three Institutes.
- *CDC* receives assurances from some State and local health authorities that education and training of consumer participants in certain CDC-funded programs will be carried out; the Center's Bureau of Health Education aids national voluntary organizations develop their own programs.
- FDA headquarters and field staff have an extensive and ongoing program of informing and training consumers to participate fully and knowledgeably in agency processes.
- *HRA* supports consumer training and other assistance for public members of local and State planning boards.
- *HSA* supports a variety of consumer education programs among its grantees; the Indian Health Service provides formal consumer education at its own facilities and in tribal and university settings.
- *NIH* assists national voluntary organizations to understand current research results and also conducts national education programs (high blood pressure, stroke, etc.) for particular, vulnerable members of the public.

The PHS Consumer Affairs Committee will review consumer needs in this area during the remainder of this year and make appropriate recommendations.

Education and Training of Agency Staff

The Coordinator for Consumer Affairs in each PHS agency is responsible for determining the kind of agency staff training that is required by the President's consumer initiative and, with the assistance of personnel and management staff, to devise appropriate ways to carry out that training. The PHS Consumer Affairs Committee will develop overall PHS staff training objectives and propose appropriate methods and alternatives later this year.

- To the extent possible, existing training mechanisms, plus close advisory relationships with consumer groups, will be used in the development of staff training by each PHS agency, as well as for all of PHS. FDA already has consumer-related training elements for its District Directors and for new employees.

Each coordinator is responsible for informing personnel in his or her agency of the details of the agency, PHS, and Department consumer affairs plans and for maintaining the flow of accurate, current, and helpful information among

agency staff regarding the evolution of the consumer affairs activity within PHS and the Department.

Complaint Handling

Consumer complaints regarding PHS programs may come directly to the proper agency and program officer or may be handled by the PHS grantee in the field, including State and local governments.

In the latter case, if there is no resolution to the complaint, the headquarter's unit is the next level of appeal. Tracer numbers and files, computer logging, and other methods are used to keep track of complaints requiring actions and responses to the complainant. Other methods appropriate to each agency are used to follow up on complaints not requiring a letter response.

Currently there are no accurate figures on the total number of complaints received, acted on, and resolved in the PHS. The closest approximation of such record-keeping is within the FDA, where the examination and logging of complaint mail is an integral part of that agency's enforcement program. The following is a brief description of how complaint correspondence, plus other allied consumer mail, is handled within PHS:

- *OASH:* Most complaint mail is channeled through the Executive Secretariat and referred to the appropriate PHS program for response or by staff offices. The correspondence frequently takes issue with national health policy; much of this mail comes from (or via) the Congress or the White House. A logging and tracer system is employed to insure responses within a reasonable amount of time.
- *ADAMHA:* Complaints to headquarters are directed to the appropriate program office. Most complaints are referred to the grantee or contractor involved, with a request for a response (copy to headquarters). Direct patient services are provided by the agency only at St. Elizabeths Hospital, which has its own internal, privacy-insured system.
- *CDC:* Complaints are referred to the appropriate program for response. Most complaints are received initially by State and local health authorities, who may ask the Center to provide expert medical or technical assistance at the site (for vaccine reactions, computer errors, etc.). Product-related complaints are handled within the Center or through consultation with EPA, FDA, or CPSC.
- *FDA:* Under its enforcement regulations, FDA follows a specific course on complaints it receives concerning products or services in the marketplace. Agency procedures reflect the legal requirements of the FD&C Act, Privacy Act, FOIA, and the "due process" guarantees of the Constitution. However, among the 110,000 consumer inquiries received each year by FDA are a number which express new concerns, trends, or lifestyle shifts that could affect agency policy and planning; these are analyzed by the Office of Consumer Affairs and periodically submitted to the FDA Policy Board for consideration.
- *HRA:* Complaints regarding applications for guaranteed mortgages, student loans, or similar services are referred to the appropriate program office. Regulations prescribe how complaints will be handled regarding compliance with Hill-Burton Assurances.
- *HSA:* Services-based complaints to Regional or Central Office personnel may be directed to the program staff, State or local health authority, or grantee for resolution. The HSA Task Force on Consumer Affairs is developing an agency-wide complaint-handling mechanism which would also provide for incorporation of complaints data into program review and evaluations. HSA's direct patient care agencies (the Indian Health Service and the PHS hospitals and clinics) handle their own complaints; however, Central Office program directors are ultimately responsible and will intervene, if there is no local resolution.
- *NIH:* The Institutes receive over a half-million mail and telephone inquiries a year, but rarely more than 500 are complaints. Most complaints are directed to the appropriate Institute staff for response. The Clinical Center handles its own patient complaints. The NIH Executive Secretariat, assisted by the Office of Communications, is responsible for complaints received by the NIH Director or by any principal component.

CONCLUSION: THE NEED FOR ONGOING EVALUATION AND WHO TO CALL

This Plan will become part of the Department's operating procedures. However, the Department recognizes the need for ongoing review, evaluation and refinement of its Consumer Affairs plans and activities. Although the key elements of this Plan are incorporated in the Department's management manual, the Department's Consumer Affairs Council will periodically review the plans and activities described here and recommend improvements to the Secretary and other principal officials in the Department as appropriate. In addition, and more importantly, the Department will welcome, on an ongoing basis, any comments and suggestions from the public for ways to improve or enhance consumer activities. Consumer Affairs staff will periodically solicit such input but interested consumers and consumer groups should feel free to contact directly Consumer Affairs staff at any time. For the convenience of those wishing to contact HHS Consumer Affairs officials, the names, addresses and phone numbers of those persons primarily responsible for this Plan are provided below:

Office of the Secretary

Anne Cohn, Special Assistant to the Secretary, Room 600E Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201 (202) 245–9286.

Heidi Hanson, Special Assistant to the Secretary, Room 635G.3 Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201 (202) 245–3475.

Human Development Services

Ann N. Gropp, Acting Consumer Affairs Coordinator, Director, Public Affairs, Room 329D Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201 (202) 472–7257.

Social Security Administration

Janice L. Warden, Acting Associate Commissioner, Office of Governmental Affairs, Room 960, Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235 (301) 594–2330.

Public Health Service

Theodore O. Cron, Public Health Service Coordinator for Consumer Affairs, Office of the Assistant Secretary for Health and Surgeon General, Room 740G, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201 (202) 245–6867.

Health Care Financing Administration

Barney Sellers, Director, Office of Beneficiary Service, Room 2424 Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207 (301) 594–8131.

When appointments to the Consumer Affairs positions in the Office of the Secretary, the principal operating components and the regional offices have been completed, the Department will issue a full list of names, addresses and phone numbers of HHS Consumer Affairs staff.

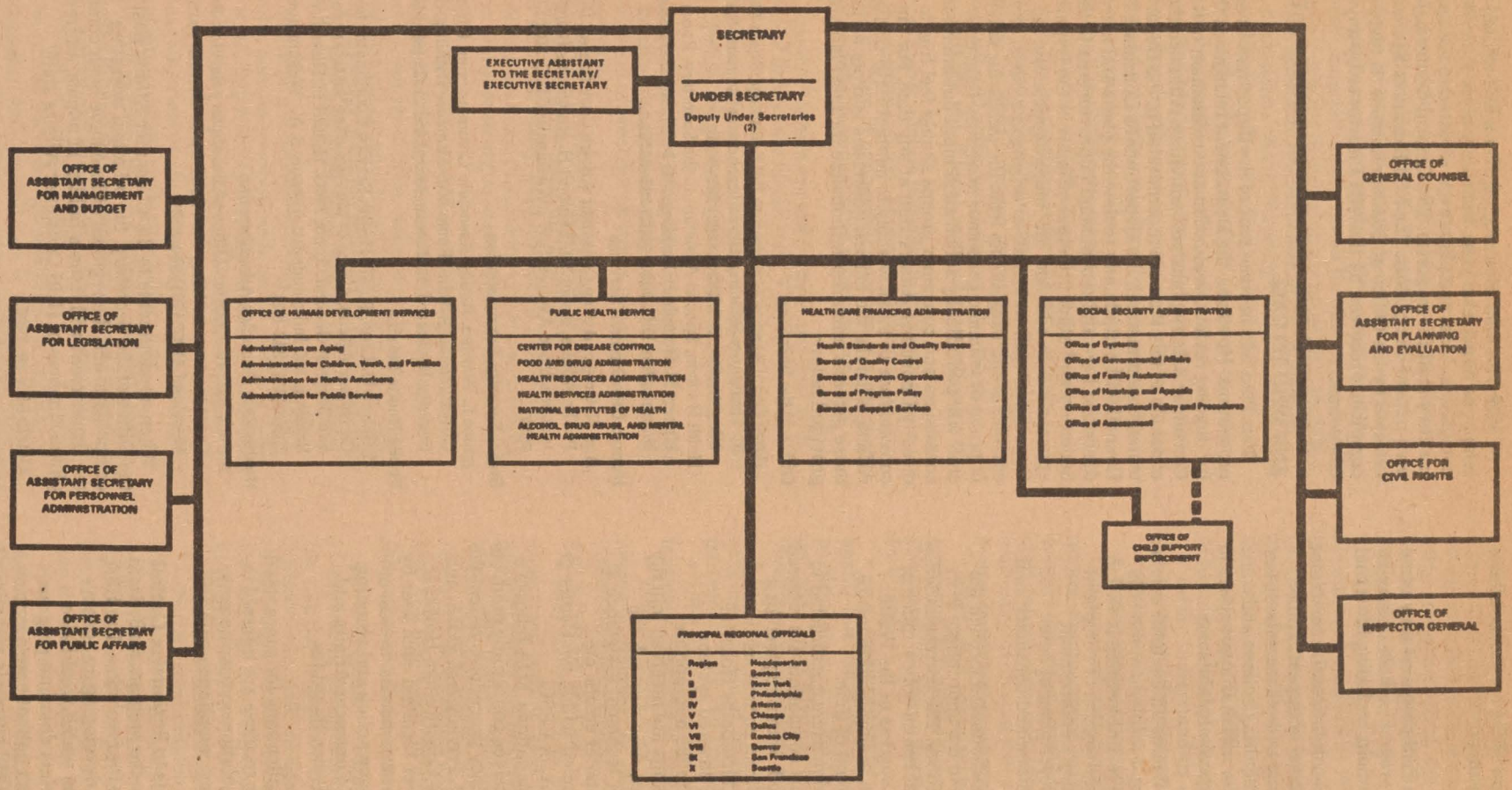
Dated: May 28, 1980.

Patricia Roberts Harris,

Secretary, Department of Health and Human Services.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES



[FR Doc. 80-16915 Filed 6-6-80; 8:45 am]

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federal register

Monday
June 9, 1980

Part IV—Section K

Department of Housing and Urban Development

Final Consumer Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Secretary Landrieu:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve conditionally the Department of Housing and Urban Development's consumer program established under Executive Order 12160. The Department's program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people within and outside the government. The contribution and assistance provided by Father Baroni and others of your staff have been particularly helpful. However, as Father Baroni has other responsibilities besides consumer affairs, his position does not fully meet the requirements of the Executive Order. For this reason, my approval is conditioned upon my finding in the course of the coming year that this arrangement does not detract from the effectiveness of the Department's program. I would also like to cite three particular aspects of the HUD program which can serve as models for other agencies. These are the system of forums between consumers and agency decision-making, the Departmental system for handling consumer complaints, and the concurrence procedures which provide the consumer staff with the opportunity to participate in decisionmaking.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Department's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the Department. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Moon Landrieu
Secretary, Department of Housing
and Urban Development
Washington, D. C. 20410

BILLING CODE 4210-01-C

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[N-80-1008]

AGENCY: HUD.

ACTION: Final Consumer Program.

EFFECTIVE DATE: July 9, 1980.

SUMMARY: This program was prepared in response to Executive Order 12160. It is designed to indicate the structure and operation of the consumer affairs organization at HUD and to provide the general public with information about the Department which will enhance their ability to understand and work with HUD and its programs.

FOR FURTHER INFORMATION CONTACT:
Cal J. Wilson, Office of Consumer Affairs, U.S. Department of Housing and Urban Development, Room 4150, 451 7th Street S.W., Washington, D.C. 20410, (202) 755–1887; or Sandra J. Alexander, Office of General Counsel, U.S. Department of Housing and Urban Development, Room 9256, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755–5303. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12160, this document presents an outline of the directions and components of HUD's Final Consumer Program. The program was evolved in response to the Department's commitment to full and fair representation and consideration of consumer interests. For the most part, the program is in place and operational. However, some elements of the program are under development. For example, several descriptions of the duties of HUD officials and offices, as outlined in the program, are subject to approval and issuance of an organizational handbook for the Office of the Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection (NVACP). Also, the full details of some features of the Consumer Complaint handling system discussed in Part V are still under consideration. These include the handling of fair housing and equal opportunity complaints and of tenant comments on certain rent increases.

It should be emphasized that this document is a program description which is not self-effectuating. The components of the program are, or will be, set forth in specific Department handbooks which will be available for public inspection and review. All handbooks, and material therein, are, of course, subject to change in order to meet evolving consumer needs, issues and problems.

The Department's Draft Consumer Program was prepared by the staff of the Office of the Assistant Secretary for NVACP. This Draft Program was circulated within HUD for review and comment. On December 10, 1979 HUD's Draft Consumer Program was published in the **Federal Register** (44 FR 71208), with a 90 day public comment period.

To ensure a wide dissemination of the Draft Consumer Program HUD mailed copies of the **Federal Register** to the 28,000 individuals and groups listed on the Department's Consumer Network. A cover letter from the Assistant Secretary for NVACP urged the recipients to send written comments evaluating the proposed program to HUD. During the public comment period the Draft Program was evaluated by the staff for the Consumer Affairs Council. The final Consumer Program printed below is a significantly revised version of the Draft Program based on the comments received from the public and the Council staff, and through the final clearance review by the Department's Primary Organization Heads.

As required by Executive Order 12160, the public comments received on the Draft Consumer Program, and HUD's response, are summarized below.

A. Overview of Public Comments

HUD received comments from 186 individuals and groups. All but four submitted their comments through the questionnaire published in the **Federal Register** with HUD's Draft Consumer Program. In addition to answering the questionnaire, many commenters added statements expressing their opinions. Two hundred and seven such statements were received. (Several of the 186 commenters discussed more than one issue.)

To provide an overview of the public comments, Tables 1 through 8 have been designed to display the responses to the eight questions on the **Federal Register** questionnaire. These questionnaire responses and the additional 207 statements are analyzed in-depth in part B.

Table 1.—*Source of Public Comments*

Source	Number	Percent
Individual Consumer	54	29
Consumer Organization	72	39
Business or Trade Organization	34	18
State or local government	26	14

Table 2.—*After Reading About Our Consumer Program, do You Think You Understand How It Works?*

Responses	Number	Percent
a. Yes, it is clear and I understand	47	39
b. Yes, I understand most of it	67	55
c. No, much of it is not clear to me	8	6

Table 3.—*Do You Feel HUD's Consumer Program Makes Easier for you to Participate in Policymaking?*

Response	Number	Percent
a. Yes	83	71
b. No	34	29

Table 4.—*How Adequate is the Proposed HUD Consumer Program for Getting Information to Consumers?*

Responses	Number	Percent
a. Adequate	96	82
b. Not adequate	21	18

Table 5.—*How Adequate is HUD's Proposed Consumer Program for Handling Complaints?*

Response	Number	Percent
a. Adequate	92	80
b. Not adequate	23	20

Table 6A.—*After Reading the Proposed Consumer Program do You Know Which Office in HUD to Contact if You Have a Complaint?*

Response	Number	Percent
a. Yes	91	77
b. No	27	23

Table 6B.—*After Reading the Proposed Consumer Program do You Know Which Office in HUD to Contact if You Have a General Question About the Agency?*

Response	Number	Percent
a. Yes	96	87
b. No	14	13

Table 6C.—*After Reading the Proposed Consumer Program do You Know Which Office in HUD to Contact if You Have a Question About How to Take Part in Agency Proceedings?*

Response	Number	Percent
a. Yes	83	77
b. No	25	23

Table 7.—*Do You Know Who or Which Office in HUD Speaks for the Consumer?*

Response	Number	Percent
a. Yes	85	77
b. No	25	23

Table 8.—*Do You Have Any Suggestion for Improving Our Consumer Program?*

a. No	46	38
b. Yes	74	62
—Consumer participation		34
—Informational materials		35
—Complaint handling		31

B. Response to Public Comments

While the range of comments was broad, all responsive comments ("Consumers don't need the government to speak for them" illustrates a non-responsive comment) on the HUD Consumer Program can be classified into one of four types of concerns: clarity of the Program; feasibility of consumer participation mechanisms; content and dissemination of consumer informational materials; and adequacy of HUD's complaint handling system. The Department's response to the hundreds of individual public comments has been organized according to these four broad areas of consumer concern.

1. *Clarity of Program.*

As the responses summarized in Tables 2, 6a, 6b, and 6c indicate, a significant percentage of readers experienced at least some difficulty in understanding HUD's Consumer Program. In addition, nearly 15% of the comments either directly or indirectly expressed confusion over the meaning of various sections of the Program. Such commenters typically had difficulty understanding specific sections because they were either too vague or too complex.

The especially confusing sections of the Consumer Program were identified. These sections were specifically improved through the amplification and/or clarification of the entire Program. The Program revisions are listed and summarized below.

a. A description of Congressionally-mandated requirements for local citizen participation in the Community Development Block Grant Program (CDBG) has been added to Part I of the Consumer Program.

b. The "Responsibilities" section of Part I has been expanded to include: the responsibilities delegated to the Assistant Secretary for NVACP, General Deputy Assistant Secretary for NVACP, and Deputy Assistant Secretary for Neighborhoods and Consumer Affairs; program responsibilities of the Office of Consumer Affairs and the Office of Policy and Program Development; and the responsibilities of the Headquarters citizen participation staff under the Assistant Secretary for Community Planning and Development.

c. Part II includes a detailed description of the role of the Consumer Affairs Working Group in the analysis of consumer concerns expressed through the HUD field offices.

d. An expanded listing and description of HUD's consumer-oriented publications now appears in Part III of the Program.

e. An explanation of the role of HUD's Communications Review Board; in the development of the Departmental public communication plan has been added to Part III.

h. Part IV has been amplified by a comprehensive overview of HUD's employee training programs that includes a discussion of training activities that respond to needs of consumer affairs staff.

g. Part V, which describes the activities of HUD's Consumer Complaint Division has been greatly expanded to report in detail the Division's organization, procedures, responsibilities and goals.

2. *Consumer Participation.*

Eighty-four of the comments can be classified as registering a concern about the feasibility of the Program's consumer participation mechanisms. These concerns are characterized by four distinct themes; inadequate outreach, citizen participation funding, direct vs. indirect consumer representation, and citizen participation in the Community Development Block Grant Program (CDBG).

a. *Inadequate Outreach.* These comments were all critical of the Department's strong reliance on the **Federal Register** to inform and solicit consumer participation in HUD policy-making. Commenters pointed out that the average consumer does not have access to the **Federal Register**; and even if they did, few consumers would be able to comprehend the complicated regulations sufficiently to respond intelligently.

HUD is in basic agreement with these comments. For this reason HUD has added a second major outreach strategy—local consumer forums. HUD now requires each of its Area Offices to hold two Consumer Forums per year. This requirement decentralizes Consumer Forums into 80 cities across the country and thus offers consumers a better opportunity to influence HUD policy from a location close to their homes. A complete description of this HUD consumer participation outreach strategy appears in the Consumer Program (Part II).

In addition, HUD enhances the consumer outreach effectiveness of the **Federal Register** by using the Department's Consumer Network mailing list to funnel pertinent **Federal Register** notices to individuals and consumer groups who would not ordinarily monitor the **Federal Register**. The Consumer Network operation is fully described in Part II of HUD's Consumer Program.

b. *Consumer Participation Funding.* Twenty-one commenters strongly recommended that HUD institute a program to help individual consumers defray the costs of participation in Federal policy-making (e.g. travel expenses to meetings, honorariums for lengthy review and comments, etc.). HUD is sensitive to this concern but it has been determined that the Department has extremely limited statutory authority to institute such a program.

c. *Citizen Participation in the CDBG Program.* Slightly over ten percent of the comments in this consumer participation category were critical of local jurisdiction for their failure to involve citizens in planning the use of Block grant funds as required by HUD regulations. Several of these commenters urged HUD to enforce its CDBG citizen participation requirements more actively.

The Department has established citizen participation to be a priority area for field office monitoring of grantees. The recent CDBG Monitoring Handbook provides direction to field staff in monitoring grantee processes for involving citizens in Block Grant planning, implementation and assessment. Most field office staff have received training in citizen participation monitoring during the past year. Performance evaluation of field office monitoring activities are currently being carried out to ensure adequate monitoring in this area.

In addition, as explained in Part II of HUD's Consumer Program, it is possible for consumers to address this problem by petitioning HUD to amend its CDBG regulations to strengthen citizen participation enforcement mechanisms. Consumers may also recommend such a regulatory change during the public comment period for a proposed new/revised CDBG regulation. This opportunity is also explained in Part II of the Program.

d. *Direct vs. Indirect Representation.* A small group of commenters criticized the Program for only indirectly representing consumer views. In general these comments were distrustful of the assumption that HUD staff could adequately understand and speak for the consumers of HUD programs. Commenters recommended that HUD's Consumer Program include mechanisms for achieving direct communication between consumers and HUD policy-makers.

The commenters are correct in their description of the HUD Consumer Program as relying principally on indirect advocacy of the consumer perspective by HUD staff. Representative arrangements, like those outlined in the Consumer Program, are the only practicable means of consistently factoring the consumer prespective into HUD policy-making.

It is, of course, HUD's hope and goal that the various consumer perspectives are truly and effectively represented by the Department's consumer affairs staff assigned this advocacy responsibility. As outlined in Part I of HUD's Consumer Program (section on staff size and resources), the Department's staffing practices require that consumer affairs positions be filled by individuals with the training, experience, and perspective to be able to identify and represent the consumer's interests within HUD.

Simultaneously HUD is striving to improve its *direct* mechanisms for consumer input. For several years the Department has paid the travel expenses of invited grass-roots consumer representatives attending the National Consumer Forums, which are generally held in Washington, D.C. each year. The Department has also paid the travel expenses of invited experts, who represented the technical concerns of consumers regarding the programs discussed at these Forums. Consumer representatives attending the National Forums had encouraged HUD to decentralize its public participation activities. During the past fiscal year NVACP's Consumer Liaison Division instituted a program of

80 local consumer forums designed to solicit directly consumer recommendations for improving HUD programs. The Department has requested limited Fiscal Year 1981 funding to assist in the support and conduct of local consumer forums. Support will be provided in relation to the Fiscal Year 1981 funding made available.

3. *Information Materials*

In general, commenters lauded HUD's consumer-oriented information materials. Comments in this category divide into three themes, two positive and one critical: HUD consumer publications are informative and deserve a wide distribution; the Consumer Network is a valuable information conduit from HUD to consumers and should be more heavily promoted; and HUD publications are often hard to understand because they are written in bureaucratic and legal jargon.

a. *Publication distribution.* Many commenters complimented HUD publications for providing useful consumer-oriented information. These same commenters also urged HUD to develop a distribution system wider than the present emphasis on the **Federal Register.** Alternative media like radio, newspaper, and television were often suggested; as well as placing consumer information in heavy public-use buildings like Post Offices, financial institutions, and supermarkets.

HUD is aware of the limited audience reached by the **Federal Register** and is continually searching for legal and cost-effective distribution techniques that will reach a broader audience. Unfortunately radio and television are not promising alternatives because their cost is usually beyond HUD's budget. Newspaper advertising is a viable alternative for unique and local events and this technique has been occasionally utilized by HUD Field Offices to advertise local Consumer Forums.

NVACP's consumer program staff typically possess limited public relations skills. Excluding the Consumer Network (described below), creative distribution techniques for NVACP consumer publications have rarely been developed. However, it is HUD's intention to add a public relations component to the training HUD provides its consumer affairs staff—particularly Field personnel. This proposed new skill area has been added to the training curriculum described in HUD's Consumer Program. The consumer affairs staff also will work in closer direct consultation with the staff of the Office of Public Affairs on publication distribution matters.

b. *Consumer Network Awareness.* The value of HUD's Consumer Network as a conduit for information flow from HUD to consumers was noted by many commenters. But almost the same number of commenters remarked that individuals found it difficult to learn about the Consumer Network and how to become subscribers.

The Consumer Liaison Division, which is responsible for administering the Consumer Network, has not actively promoted the Network except at HUD's Consumer Forums. There are now 28,000 subscribers. The early and rapid success of the Network and NVACP's limited publication budget have made it necessary to limit promotion.

HUD is pleased with the success of the Consumer Network as an effective strategy for quickly distributing HUD information to targeted consumers and organizations. NVACP will promote and enlarge the Network as the publication printing budget permits expansion. For the present, instructions for receiving Consumer Network materials have been added to the Consumer Program.

c. *Publication Readability.* HUD regulations published in the **Federal Register** were heavily criticized for their lack of clarity and abundance of bureaucratic and legal jargon. Consumers report finding the regulations difficult to understand and to comment on intelligently. Seventeen commenters recommended that HUD improve the readability of its publications—especially regulations—by writing in plain English.

HUD has recently instituted three changes designed to improve the readibility of regulations and consumer-oriented publications.

NVACP's Office of Policy and Program Development has been given Departmentwide authority to review and revise *all* HUD forms to insure they are in plain English. To date this Office has simplified over 400 HUD forms.

Secondly, NVACP has created a Publications Review Board to carefully scrutinize all the consumer-oriented publications developed by by NVACP program offices to insure readability by the audience HUD hopes to communicate with.

Finally, HUD's Office of Regulations is under mandate from the Secretary to review all HUD regulations for plain English. Two sets of program regulations have so far been revised using plain English guidelines.

4. *Complaint Handling System*

Complaint handling received a great deal of attention form the public One-third (74 of 207) of the written comments received on the HUD Draft Consumer Program dealt with complaints. Comments on this subject were concentrated in four areas:

a. Technical questions about how to complain;

b. Recommendation that HUD's complaint procedures by more widely publicized;

c. Criticisms that complaints are not handled in a timely manner; and

d. Specific compliants concerning a particular consumer's problem.

(1) *How to complain.* Many commenters were critical of the Draft Consumer Program because if did not provide clear directions for registering a consumer complaint. Concern was specifically expressed over the lack of one phone number or name to contact with a complaint.

Whle legitimate concerns, these comments reflect a misunderstanding of the goals and workings of HUD's complaint handlings system which is designed to track the decentralized report and resolution of consuner complaints. It is HUD's experience that a complaint handling system centralized in Washington, D.C. cannot quickly and effectively resolve consumer complaints, the majority of which originate from the local level. The system encourages the local offices to resolve the complaints they receive, whenever possible

Through a well developed reporting network, all local housing-related complaints are documented by the Consumer Complaint Division in Washington, D.C. The staff of the Division is responsible for monitoring complaint activity to ensure that all complaints are resolved quickly and to inform HUD officials in Washington of complaint patterns that indicate where program or policy changes are needed. HUD (in agreement with many commenters) is confident that a decentralized compliant handling system is in the best interests of the consumers.

The high percentage of comments which reflected confusion about the workings of HUD's complaint handling system (e.g. 23% unable to identify which office in HUD to contact with a complaint, see Table 6A) indicates that the Draft Consumer Program did not provide adequate detail on this subject. In response to these comments, this section of the Plan has been expanded to explain more clearly the organization and operation of HUD's decentralized complaint handling system. As insurance against indequate complaint handling at the local level, the Program now contains the address and telephone number of HUD's Consumer Complaint Division.

(2) *Complaint procedure publication.* One common suggestion for improving HUD complaint handling was wider publication of the procedure for registering a consumer complaint. HUD has been aware of the need for more public information on this important topic. To meet this need, the Consumer Complaints Division is in the process of developing consumer-oriented guidelines for utilizing the Department's complaint handling system. As a result, HUD expects in early fall to publish a booklet titled "How to Complain". This publication will provide consumers with detailed instruction and advise on registering and resolving housing and community development complaints. In addition, the Department will disseminate this publication as widely as possible, using consumer and neighborhood groups as distribution points.

(3) *Timely complaint handling.* A small, but significant number of individuals commenting on HUD's complaint handling (11%) were critical of the length of time required to resolve a complaint. However, few commenters cited specific lengths of time and none provided recommendations for improvement.

It is important that consumers be aware that even the most simple housing problems cannot be investigated and resolve in less than a few weeks. To be equitable to all parties, complaint processing most invariably involve time-consuming record keeping, investigation, and negotiation.

Within the constraints of equitable processing and staff time, the Department has developed a complaint handling system which is capable of responding to consumers in a timely fashion. In fact, Department records demonstrate that 92% of all complaints received by HUD during 1979 were resolved within 30 working days. While we will continue to strive to improve this performance, we feel this is a better than acceptable rate.

(4) *Specific problem complaints.* Several commenters took this opportunity to register complaints about specfic problems they were experiencing with HUD programs. FHA delays and conditions in public husing dominated. Each of these complaints has been forwarded to the appropriate HUD program office.

The Department has determined that an environmental impact statement is not required with respect to this rule. A copy of the Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

I. CONSUMER AFFAIRS PERSPECTIVE

In 1976 the Secretary of the Department of Housing and Urban Development created the Office of Consumer Affairs and Regulatory Functions and delegated primary responsibility for consumer matters within the Department to the Assistant Secretary heading this office. (See 41 Fed. Reg. 19365—May 12, 1976.) The Office of Consumer Affairs and Regulatory Functions was delegated expanded responsibilities in 1977 and was renamed the Office of Neighborhoods, Voluntary Associations, and Consumer Protection (NVACP).

The Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection (NVACP) has a unique mission within the Department: advocating the interests of and increasing the participation by neighborhood and consumer groups, the voluntary profit and non-profit private sectors, and grass root organizations in HUD programs and policy decisions, while simultaneously administering and enforcing federal regulatory legislation concerning consumer protection and welfare.

This mission has three aspects: first, to assist these organizations in engaging in a dialogue with all HUD program managers and policy makers in order to become full partners in the urban revitalization process; second, to perform the Department's consumer affairs functions; and third, to increase the capacity of neighborhood and voluntary profit and non-profit sectors to implement the housing and community programs of the Department. Under the latter, the Assistant Secretary seeks to ensure that consumers of HUD's programs are informed about the Department's programs and policies, that their complaints are heard and that certain consumer-related statutes are enforced.

However, Congress has mandated that a certain form of consumer participation be maintained for certain programs administered by the Department. The Housing and Community Development Acts of 1974 and 1977 established a federal commitment of encouraging local citizens involvement in the Community Development Block Grant (CDBG) Program. The 1974 Act required that all communities which applied for CDBG funds under Title I of the Act: (1) provide citizens with adequate information concerning the amount of funds available, the range of community development activities that may be undertaken and other important program requirements; (2) hold public hearings to obtain the view of citizens on community development and housing needs; and, (3) provide citizens with an adequate opportunity to participate in the program. When Congress renewed the Act three years later it restated these requirements and in addition asked communities to prepare and follow a written citizen participation plan which provides citizens with an opportunity to participate in the development of the application and to submit their views and proposals. It also required that communities provide citizens an opportunity to comment on their community's performance. These requirements specified that the processes particularly encouraged participation by residents of blighted neighborhoods, minorities and persons of low- and moderate-income. HUD regulations implementing this law provide more specific requirements for communities to follow: To ensure compliance with requirements of these Acts, the Assistant Secretary for Community Planning and Development (CPD) maintains a citizen participation staff in HUD headquarters and citizen participation specialists in each area office to monitor the activities of local communities.

Staff Locations

The consumer affairs staff is located under the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, in the Office of Consumer Affairs and the Office of Policy and Program Development. The Office of Consumer Affairs is divided into four divisions and a staff: Consumer Liaison Division, Consumer Complaint Division, Neighborhood Housing Counseling Services Division, Human Services Division, and Community-Based Energy Conservation Staff.

The citizen participation staff under the Assistant Secretary for Community Planning and Development is located in the Citizen Participation Office.

Responsibilities

The Assistant Secretary for NVACP has oversight responsibility, establishes policy direction for and coordinates the Department's consumer activities. The Assistant Secretary will report directly to the Secretary on matters related to this program, and has authority to directly appeal to the Secretary or Under Secretary any

determination of agency officials adversely affecting the consumer interest.

The Director of the Office of Consumer Affairs will directly support and assist the Assistant Secretary in meeting his or her responsibilities under this program.

The Assistant Secretary will continue to meet his or her delegated responsibilities in the consumer-related subject areas of neighborhood development, public-private partnerships and regulatory enforcement. The Secretary of HUD has determined that these delegated responsibilities are complementary to the consumer affairs function and will enhance the Assistant Secretary's ability to represent the consumer interests within the Department.

In fulfilling his/her responsibilities, the Assistant Secretary administers programs. The Assistant Secretary initiates and brokers relationships with the full range of HUD constituencies—neighborhoods and consumers, local governments, and the voluntary profit and non-profit entities in the private sector.

The *General Deputy Assistant Secretary* assists the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection in the performance of overall duties and responsibilities assigned to that office. He/she exercises concurrently all powers and authorities of the Assistant Secretary when both are on duty subject to any restrictions, limitations, exceptions or amendments published in the **Federal Register**, and serves as Acting Assistant Secretary in the absence of the Assistant Secretary. Moreover, the General Deputy Assistant Secretary is responsible for the day-to-day management and operation of NVACP.

The Office of Policy and Program Development consists of the immediate office, the Women's Policy and Programs Staff, and the Hispanic Policy and Programs Staff. The *Office of Policy and Program Development*, headed by a Director, is responsible for analyzing Departmental programs, policies and procedures of concern to consumers, neighborhood groups, voluntary associations, and other non-governmental entities, and for recommending or developing new or revised programs, evaluation mechanisms (in coordination with the Office of Management and Field Support), policies and strategies when deemed appropriate. The Office also serves as the Assistant Secretary's primary representative with: the Office of General Counsel in analyzing, commenting on and recommending legislative proposals; the Office of the Assistant Secretary for Policy Development and Research in analyzing, commenting on and making rcommendations regarding long-range policy issues; and with other HUD Assistant Secretaries and Primary Office heads, in connection with recommendations regarding the policies, programs and procedures of their offices.

The *Deputy Assistant Secretary for Neighborhoods and Consumer Affairs* is responsible for directing and managing the following consumer affairs programs and functions of the Department:

a. Voluntary Association Liaison Activities.
b. Private Sector Liaison.
c. Foundation Liaison Activities.
d. Public Programs and Organizations Liaison Activities.
e. Consumer Liaison Activities.
f. Consumer Complaints Handling.
g. Congregate Housing Services Program.
h. Neighborhood Housing Counseling Services Program.
i. The Human Services Program.
j. The Neighborhood Self-Help Development Program.
k. Neighborhood Capacity-Building Activities.
l. Neighborhood Training Activities.
m. Neighborhood Information Activities.

The Deputy Assistant Secretary is responsible for developing, implementing and monitoring program objectives and for serving as the principal advisor to the Assistant Secretary and General Deputy Assistant Secretary for the above cited programs and functions. The Office of the Deputy Assistant Secretary includes an Office of Public-Private Partnerships, an Office of Consumer Affairs, and an Office of Neighborhood Self-Help Development.

The *Office of Consumer Affairs* is responsible for the overall direction of all consumer affairs activities assigned to the Deputy Assistant Secretary. This Office, headed by a Director, is responsible for:

a. Maintaining liaison with consumer groups and organizations for the Department.

b. Ensuring that consumer views on housing and community development issues are solicited and transmitted to the Office of Policy and Program Development or to other program offices of the Department.

c. Developing and implementing consumer complaint and information handling systems, necessary for the identification of program problems in the implementation, on the modification or development of policy.

d. Administering the Department's Neighborhood Housing Counseling Services Program, including: single family home buying; default and foreclosures prevention; pre- and post-occupancy counseling for renters; Indian mutual self-help; handicapped and the elderly.

e. Administering the Department's Congregate Housing Services Program including: meals and appropriate supportive services to the frail elderly and non-elderly handicapped residents of Public and Section 202 Housing Projects.

f. Assisting the Assistant Secretary in meeting his/her responsibilities as the Principal Energy Conservation Officer for HUD and those delegated responsibilities relating to Executive Order 12185 on conservation of petroleum and natural gas.

The Office of Consumer Affairs includes a Neighborhood Housing Counseling Services Division; a Consumer Complaint Division; a Consumer Liaison Division; and a Human Services Division; and a Community-Based Energy Conservation Staff.

The *Consumer Liaison Division*, headed by a Director, is responsible for:

a. Ensuring that consumers, as well as other affected parties, have reasonable and timely opportunities to communicate their views regarding the development, modification and functioning of Departmental programs.

b. Ensuring that consumers have access to relevant background materials and information, in order to facilitate their participation in the Department's program.

c. Establishing national, regional and area-level consumer information networks to insure an ongoing dialogue and informational exchange regarding housing and community development issues.

d. Analyzing in coordination with the Office of Policy and Program Development consumer positions on HUD programs and policies and preparing summary documents to be forwarded to the appropriate HUD program policy makers.

e. Developing and implementing ongoing communication mechanisms to ensure that consumer views are solicited and considered regarding Departmental policy and program decisions, including the use of forums, hearings and a consumer newsletter.

f. Identifying and recruiting local consumer organizations to participate in evaluating the effectiveness of HUD's programs and policies.

g. Disseminating consumer information material to consumer groups and public interest organizations, including

the publishing of a monthly letter from the Assistant Secretary concerning the Department's current program initiatives and projected activities.

h. Preparing informational and educational publications to assist the consuming public in understanding and using HUD's programs.

i. Serving as liaison office with State and local consumer and community affairs agencies in strengthening the consuming public's understanding and use of HUD's programs.

The *Consumer Complaints Division*, headed by a Director, is responsible for:

a. Coordinating the implementation of the Departmental consumer complaint handling system established under the provisions of HUD Handbook 5550.1.

b. Advising the Deputy Assistant Secretary for neighborhoods and Consumer Affairs regarding the nature, extent and severity of consumer complaint issues within the Department.

c. Coordinating the collection and analysis of consumer complaint data necessary for problem identification and policy development or modification on housing and urban development issues and transmitting the analyses to the Office of Policy and Program Development.

d. Developing and implementing a monitoring and a centralized control system to assist program managers throughout the Department in providing effective and timely handling and resolution of consumer complaints throughout the Department.

e. Providing technical assistance and guidance to other Departmental organizations in the implementation and operation of consumer complaint handling procedures.

f. Developing in cooperation with the Office of Management and Field Support evaluation systems for use by Headquarters and regional offices in monitoring the overall performance of field offices in the handling of complaints.

g. Preparing monthly assessments based on feeder reports received from consumer complaint coordinators, for distribution to Headquarters officials and Regional Administrators and for incorporation in the Executive Management Report.

h. Initiating public awareness programs which include educating the consumer on how to complain and informing them of the Department's jurisdictions and limitations. This function is performed in conjunction with the Consumer Liaison Division.

The *Neighborhood Housing Counseling Services Division*, headed by a Director, is responsible for:

a. Providing technical oversight in the development organization guidelines and procedures for administering the HUD neighborhood housing counseling services program to provide comprehensive housing and related counseling to HUD housing consumers in revitalization and other areas.

b. Providing technical assistance to the Department in matters pertaining to the development, administration or revision of Departmental counseling responsibilities.

c. Coordinating the provision of housing counseling activities with Housing and other appropriate offices with HUD in areas which affect the housing consumer's ability to purchase or rent, retain and maintain decent, safe and sanitary housing.

d. Assisting in the development and implementation of the comprehensive housing counseling program including the approval, review and monitoring of private and public agencies which provide housing counseling to HUD housing consumers.

e. Developing training for NVACP field staff and housing counseling agencies and for administering training contracts relative to the housing counseling program.

f. Developing funding recommendation and administering the funding allocated for local housing counseling agencies according to budgetary limitations and including the scoring, evaluation, awarding and administration of grants, contracts, and cooperative agreements.

g. Monitoring and evaluating housing counseling program field staff activities in cooperation with the Office of Management and Field support.

h. Coordinating Departmental housing counseling program activities conducted with other Federal and State agencies including HEW, CSA, DOL, VA and the Farmers Home Administration.

i. Maintaining liaison for NVACP with national organizations regarding matters of interest and importance to housing counseling programs.

j. Maintaining liaison for NVACP with appropriate Congressional staff and committees, State and local governments to share matters of concern to the housing counseling programs, and to maintain up-to-date data and information concerning pending developments or legislative initiatives relating to NVACP counseling program.

The *Human Services Division*, headed by a director, is responsible for:

a. Providing technical advisory assistance to the Assistant Secretary in connection with NVACP input into departmental policy and programs relative to the elderly and for the special needs of the handicapped and for community and supportive services needs if all residents of HUD public and assisted housing.

b. Serving as the Departmental focal point for management and related issues relative to tenant, community and congregrate services programs, pertaining to HUD public and assisted housing.

c. Providing technical oversight in the development of organizational guidelines and procedures for administering the HUD congregate Housing Services Program (CHSP) to provide meals and other necessary supportive services for frail elderly and non-elderly handicapped residents of HUD public and Section 202 Housing.

d. Developing, implementing and administering the CHSP, including the review of and monitoring of Public and Section 202 housing projects receiving CHSP funds.

e. Developing funding recommendations and administering the screening procedures under which field offices designate Public and Section 202 Housing Projects as applicants for CHSP funds, consistent with budgetary limitations and including the scoring, evaluation, awarding and administering of grants and contracts, in cooperation with the Office of Housing.

f. Monitoring and evaluation NVACP field staff activities for the CHSP in cooperation with the Office of Management and Field support.

g. Developing technical training and assistance for NVACP Regional and Area Office staff pertaining to NVACP Congregate Housing Services Activities: community organization activities; activities relating to tenant organization; and for the provision of human resources services including employment opportunities; securing health services, and opportunities for all residents of public and assisted housing programs of the Department.

h. Maintaining cooperative working relationships with other organizational elements of the Department, including Housing, community Planning and Development, and Policy Development and Research to assure their input into the ongoing design of the Congregate Housing Services Program; to provide for the development and training for field saff;

staff of public and other local housing agencies; and tenant organizations, in order to enhance their overall skills, knowledge and ability in areas of social needs and operating social services programs.

i. Maintaining liaison with other Federal Agencies, State and local government agencies and appropriate Congressional and committee staff as well as groups or organizations representing the elderly, the handicapped, and others, in order to provide for an ongoing exchange of concern to the tenants and community services needs of special constituencies.

j. Developing and participating in neighborhood and consumer affairs area and State workshops for local housing authority staff, public housing managers of other HUD-assisted housing projects and tenant organizations.

k. Reviewing the adequacy of Department practices and procedures pertaining to the provision of services and service related facilities for the elderly, the handicapped and for families residing in public or HUD-assisted housing, participating as required with Housing, PD&R and other appropriate program organizations in the development or recommendation of revisions to Departmental policies, programs or operating procedures impacting upon the elderly, handicapped or other residents of HUD-assisted housing.

l. Participating as required with Housing, in the development of evaluation criteria or in the conduct of inspections, evaluations and Program Office field Reviews of existing public and assisted housing, to determine compliance with NVACP guidelines concerning: the administration of the CHSP, the provisions of tenant services for family residents and the elderly; to examine the adequacy of existing procedures or guidelines; and to develop in cooperation with Housing, summaries and recommendations for corrective action or for improvements in basic performance.

m. Representing the Department on national interagency committees, in meetings, workshops and conferences, as well as serving on functionally related committees of State and local government and other voluntary organizations in order to provide advisory assistance necessary to facilitate the expansion or improvement of delivery mechanisms for human resources to residents of HUD public and other assisted housing.

n. Participating, in cooperation with Housing and PD&R, in planning Departmental research, demonstration or pilot activities pertaining to services for the elderly and handicapped and for other related support services and facilities for families of public and assisted housing.

o. Developing and maintaining joint working relationship with Housing, CPD, and other Federal or non-Federal agencies in the community in order to facilitate joint ventures including interagency agreements and the joint use of other programs and services to provide social and economic benefit to residents in HUD public and assisted housing.

p. Developing, recommending and implementing jointly in cooperation with Housing, programs and practices to enhance tenant/management relations and improve economic opportunities and the quality of life for families and individuals living in HUD public and assisted housing.

q. Coordinating the preparation of special reports or analyses on the Department's activities relative to the elderly, or on data related to Human Services, as required by Congressional or Presidential Committee. The *Community-Based Energy Conservation Staff,* headed by a Director, is responsible for:

a. Providing staff support to the Assistant Secretary in meeting his/her responsibilities as the Principal Energy Conservation Officer for HUD.

b. Providing staff support to the Assistant Secretary in meeting his/her responsibilities under Executive Order 12185 regarding conservation of petroleum and natural gas.

Within Headquarters the *Citizen Participation Advisor* is the principal advisor to the Assistant Secretary for Community Planning and Development with respect to all aspects of citizen participation and minority of small business enterprise in Community Planning and Development's program; provides technical and management assistance to Headquarters and Field Office personnel; has lead responsibility for development of citizen participation regulations, policies and procedures for CPD programs; monitors citizen participation functions of Field Offices and of selected CPD grantees; and ensures timeliness and quality of response of the Office of CPD to consumer complaints in conjunction with the Office of Neighborhoods, Voluntary Associations and Consumer Protection.

Size and Resources

There is an existing professional staff of 50 Headquarters consumer affairs personnel allocated under the Office of the Assistant Secretary for NVACP. The Citizen Participation Office under the Assistant Secretary for CPD has a professional staff of three (3). There is a field staff of 127 neighborhood and consumer affairs representatives and 40 Area Office Citizen Participation Specialists. The allocation of staff to the various consumer affairs functions is made on the basis of the workload requirements of the identified consumer affairs responsibilities. A review of the staff allocations is made as a part of the annual Departmental budget process. Proposals for adjustments to the staff allocations are and will be made by the Assistant Secretaries when such adjustments would be appropriate.

The effective operation of the *Consumer Complaints Division* depends upon a staff having experience working effectively with individuals, and developing and maintaining consumer complaint systems, including systems for equitably resolving complaints. The staff must also have an ability to monitor the processing of consumer complaints by other HUD Headquarters and field offices and to analyze data gathered by the consumer complaint management system. The staff includes at least three Consumer Complaints Specialists.

The *Consumer Liaison Division* requires a staff possessing familiarity with HUD's organizational structure and major departmental programs, a thorough working knowledge of methods of ascertaining public views, and the ability to analyze and evaluate the views and positions of the public and to summarize them into policy recommendations. Experience is also needed in conducting and analyzing extensive studies in the fields of housing, in collecting and evaluating facts, in drawing conclusions, interpreting and applying regulations and policies to programs related to housing issues.

In order for the *Office of Policy and Program Development* to be effective, its staff members must be familiar with one or more HUD programs, and have the ability to perform systematic and high level analyses of HUD issues, policies, programs, procedures and regulations, from the perspective of the affected consumers. Staff members must have proven high-level writing abilities, knowledge of regulatory program operations, and the ability to articulate and advocate a minority position. The staff of the Office currently includes nine Program Analysts.

Relationship With Other Consumer Personnel and Agency Operating Units

The Office of the Assistant Secretary for NVACP will also coordinate its oversight responsibility with the activities of the Office of Citizen Participation within the Office of Community Planning and Development. Development of consumer educational and informational materials, and participation in public events will be coordinated with the Office of Public Affairs in the Secretary's Office. Development of an education and training strategy for HUD personnel will be coordinated with the Assistant Secretary for Administration. The Office of the Assistant Secretary for Administration will also support the Office of the Assistant Secretary for NVACP by providing expertise in preparing publications, and preparing presentations and exhibits for the public. The exact nature of the coordination among the offices is specifically described under the appropriate headings of this program.

Participation in Development and Review of Agency Rules, Policies, Programs and Legislation

A common factor in the development and review of HUD's rules, policies, programs and legislation is the requirement that all such documents must pass through a Departmental clearance and approval process. All documents destined for publication in the **Federal Register** must go through clearance.

Various authorities require publication in the **Federal Register** of virtually all of this Department's substantive policies for the programs it administers; procedural requirements which must be met in order to participate in those programs; information as to which HUD officials are authorized to exercise program authority; and major interpretations of program policies or procedures which are of general applicability. A more specific, but not all-inclusive, list of documents which must be published follows:

(1) Substantive rules relevant or applicable to the general public which prescribe a penalty or course of conduct; confer a right, privilege, authority, or immunity; or impose an obligation.

(2) Rules of procedure (e.g., description of forms available, places where forms may be obtained, instructions as to the scope and contents of reports).

(3) Statements of general policy or interpretations of general applicability relating to public property, loans, grants, benefits, or contracts.

(4) ANPR's; Notices of Proposed Rulemaking; Advisory Committee charters and Notices of Advisory Committee Meetings.

(5) Descriptions of HUD's central and field organizations (e.g., Delegations or redelegations of final authority regarding Departmental programs; Orders of Succession).

(6) Information regarding places at which, and methods whereby, the public may obtain information, make submittals or requests, or obtain decisions.

1. *Notification Procedure.*

The Drafting Office is that office whose Primary Organization Head (POH—means an Assistant Secretary or other head of a major organizational unit in HUD Headquarters) has been delegated rulemaking authority for the subject matter of a proposed rule or whose Primary Organization Head has been directed by the Secretary/Under Secretary to draft a specific **Federal Register** document.

—The drafting office submits the clearance item to the Office of Regulations, in the Office of the General Counsel (OGC). Sufficient copies of the clearance item are furnished to the Office of Regulations for distribution to all interested POHs. In light of his/her delegated responsibility for consumer matters within the Department, the Assistant Secretary for NVACP is an interested POH for all clearance items, and receives a copy of all items distributed by the Office of Regulations along with an invitation to participate in the clearance process. The Assistant Secretary has redelegated his/her responsibility for reviewing such documents from the consumer perspective to the Office of Policy and Program Development. This Office notifies the Office of Consumer Affairs and its divisions that items have been received by the Assistant Secretary and are available for review by their staffs.

—The Consumer Affairs staff may also be invited by various Departmental program offices to participate during the development of rules, policies, programs and legislation.

2. *Stage at Which Participation Begins.*

In light of the requirements of the clearance process most drafting offices consult with the consumer affairs staff under the Assistant Secretary for NVACP as early as possible in the development of rules, policies, programs and legislation. The early consultation is usually motivated by a desire to avoid a nonconcurrence from NVACP during clearance. Through this early consultation the staff of the drafting office becomes sensitized to the consumer issues being raised by the proposed actions.

If the drafting office does not choose to consult with the consumer affairs staff during the development of the rules, policies, programs and legislation, staff participation takes place no later than during the Departmental clearance process for the item.

3. *Methods of Participation.*

—The Consumer Affairs staff may be assigned, either as working staff or as the official consumer representative, to a variety of agency task forces or working groups.

—The staff may meet with key officials to resolve disputes over appropriate program directions.

—The staff may develop and propose program initiatives in response to a percieved consumer need or actual requests for rulemaking by the Department on specific consumer concerns.

—The staff may participate in program reviews or program development when a specific consumer interest is identified.

—The staff may also participate on evaluation panels for research contracts awards on particularly relevant issues.

II. CONSUMER PARTICIPATION

The Department of Housing and Urban Development's Consumer Participation Programs are designed to fulfill the following objectives:

—To provide the public with the opportunity for input into rulemaking and policy or program development;

—To provide consumer educational and informational exchanges;

—To provide technical assistance in the utilization of available program resources;

—To facilitate the monitoring of program input; and

—To ensure that local communities are providing for citizen participation as Congressionally mandated by the Housing and Community Development Acts of 1974 and 1977.

Stage of Agency Decisionmaking Participation Begins

1. Rules

—Departmental procedures as outlined in HUD Handbook 010.1 (The Rulemaking Process) require that a drafting office prepare a work plan for each routine or significant rule in order to outline the entire rule formulation process and facilitate early resolution of policy issues.

The drafting office must indicate in its work plan for each significant regulation, the methods by which it will obtain public participation in the development of the regulation. The first step in developing the plan is to identify who should be invited to comment on the regulation. Participants will include:

(a) Those persons and groups to whom the benefits or obligations of the regulation are directed;

(b) Those persons or groups who assist HUD in providing services, such as counseling agencies, or other government agencies;

(c) Interest groups, such as civil rights or consumer organizations; and

(d) General purpose State and local governments and national organizations representing those general purpose governments which notified the drafting office of their interest in the regulation following publication of the Semiannual Regulations Agenda.

The drafting office will list the participants in the public participation portion of its work plan. If a participating group is large, the drafting office will identify the method by which it will obtain a representative sample of the group.

Each work plan will be approved by the Secretary/Under Secretary or a designee. Approval may be conditioned upon modification of the work plan or portions of the work plan may be approved separately. The Secretary/Under Secretary or their designee will request the assistance and advice of the Assistant Secretary for NVACP in reviewing the public participation section of the work plan. The consumer affairs staff will report to the Assistant Secretary on whether the drafting office will be taking the most effective steps to encourage early public participation in the development of the rule. The Assistant Secretary will make recommendations to the Secretary/Under Secretary regarding the sufficiency of this section of the plan.

In accordance with Section 10.20 of the HUD Regulations (24 C.F.R. Sec. 10.20) any interested person may petition the Secretary of HUD for the issuance, amendment, or repeal of a rule. Each petition should: (1) be submitted to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, Washington, D.C. 20410; (2) set forth the text or substance of the rule or amendment proposed or specify the rule sought to be repealed; (3) explain the interest of the petitioner in the action sought; and (4) set forth all data and arguments available to the Petitioner in support of the action sought.

No public proceedings will be held specifically about the petition. If the Secretary finds, after consultation with the appropriate program office(s), that the petition contains adequate justification, a rulemaking proceeding will be initiated or a final rule will be issued as appropirate. If the Secretary finds that the petition does not contain adequate justification, the petition will be denied by letter or other notice, with a brief statement of the grounds for denial. The Secretary may consider new evidence at any time; however, repetitious petitions for rulemaking will not be considered.

In light of the Administrative Procedure Act and Executive Order 12044 (Improving Government Regulations) the Department, as a matter of policy, requires publication in the **Federal Register** of a Notice of Proposed Rulemaking with a sixty-day comment period for each significant rule, routine rule, and any special rule treated as a routine rule. The Notice will contain either the form or substance of the proposed rule or a description of the subjects and issues involved. The preferred format is to include the text of the proposed rule in the Notice.

2. Policies and Programs

The determination of the actual point for consumer participation in general policy and program development not involving rulemaking is left to the discretion of the drafting program office. The public participation components employed by these offices may include consultation with Advisory Committees, meetings with representatives of affected consumer groups, and discussions in forums and public hearings.

However, the principal means of encouraging public participation at the early, pre-drafting stage of policy, program and rule development is to publish an Advance Notice of Proposed Rulemaking (ANPR) in the **Federal Register.** The ANPR will briefly outline:

(a) The proposed new program or proposed changes, and why they are needed;

(b) The major policy issues involved;

(c) A request for comments, both specific and general, as to the need for the proposed rule and the provisions that the rule might include;

(d) If appropriate, a list of questions about the proposal that will elicit detailed comments;

(e) If known, an estimate of the reporting and recordkeeping requirements likely to be necessitated by the proposal; and

(f) Where comments should be addressed and the time within which they must be submitted.

When an ANPR is sent to the **Federal Register** for publication, HUD will mail copies of the ANPR to interested parties. If a proposed regulation is subsequently published, the drafting office will mail copies of it to the same parties who received the ANPR.

An ANPR will be published for each significant regulation, unless the Secretary/Under Secretary grants an exception based upon legitimate and pressing time constraints.

In addition to publishing an ANPR and a proposed regulation, the drafting office may provide for further public participation by one or more of the following methods:

(a) Random or media based surveys;

(b) Panels, conferences, or forums; and

(c) Public hearings.

Avenues of Participation

1. Consumer Forums

Perhaps the most visible mechanism for informing consumers about HUD and soliciting their views on issues and programs has been the Consumer Forums. These forums are designed to encourage a working relationship between HUD's program offices and policymakers and the consumers of the Department's programs. Approximately 100 open consumer forums have been held in the past 12 months, focusing on major, timely issues. The forums are of three types: national, state and local.

Several *national forums* are held annually. They are generally conducted in Washington, D.C. The forums serve as catalysts for discussions on issues of concern to the Department and the public. Staff from the specific programs being discussed are present and take part in discussions with representatives of industry, consumers and government. Assistant Secretaries make presentations at these forums. Occasionally the Secretary and Under Secretary are participants.

Eighty to ninety *local consumer forums* are planned annually throughout the country by HUD field offices. The intent of these meetings is to inform consumers about HUD programs and solicit their views on program performance. Area Office Managers or Regional Administrators make major presentations at virtually all of these forums. Other

HUD field staff serve as panelists and workshop leaders. In addition, there is generally representation on the panels by State and local officials, community organizations, consumers and private business firms involved in HUD programs. Audiences average from 100 to 250 people.

Approximately fifteen states per year conduct *State Consumer Forums* on behalf of HUD. These forums are structured to pull state and HUD resources together to jointly address, in a public setting, major consumer issues in housing and community development. The state offices involved include housing and community development, urban affairs, housing finance, and consumer affairs.

The state agencies develop the forums to acquaint the public with:

(a) HUD's programs and personnel;

(b) City/state/Federal role in housing and community development;

(c) Ways in which the public can help government meet its needs;

(d) Ways in which the public could provide feedback on the effectiveness of HUD's state and local programs;

(e) Ways in which the Federal, state and local agencies may meet the public's needs;

(f) Community Development Block Grant Entitlement Cities;

(g) Office of Housing Finance;

(h) Consumer Affairs Office;

(i) State Economic Opportunity Office;

(j) State legislative committees that have jurisdiction over HUD issues; and

(k) Consumer, neighborhood and community groups.

They are encouraged, where appropriate, to invite either HUD Area Office Managers, Regional Administrator, or Assistant Secretaries as speakers.

2. Consumer Network

HUD has established a Consumer Network that now numbers approximately 24,000 groups and individuals. It is composed of local consumers and community groups, national organizations, state and local consumer affairs agencies, tenant associations, public housing authorities and other groups or individuals who request that they be listed in the Network. It also includes groups with special concerns, such as women, Spanish-speaking individuals, Indians, the elderly, and coalitions working on specific issues. The Consumer Network is a computerized system with the ability to assemble and update various mailing lists, cross-indexed by consumer interests in Department al policies or programs. This system has the capacity to limit its distribution to any State or Regional jurisdiction.

3. Consumer Newsletter

A monthly Consumer Bulletin is sent to the entire Consumer Network highlighting HUD activities and soliciting comments. A Consumer Notice is distributed only to those consumers who have expressed an interest in a specific topic. It announces upcoming consumer forums and provides background material on the issues and programs to be discussed.

4. Mailings

Director solicitation of comments about major regulations is conducted by sending mailings of published proposed regulations, with a cover letter highlighting the major issues, to various groups and individuals to ensure that they have notice of the proposal and to encourage them to formally comment. These are groups and individuals from the Consumer Network who have indicated an interest in the particular subject matter. Mailings are also made to special consumer groups, such as Hispanics, Indians, and women, on issues directly related to their interests.

5. Informal Working Groups

These small groups of consumers and consumer representatives are brought together to discuss a particular issue. The working groups then prepare papers stating their views and recommended HUD actions.

6. Advisory Committees.

When it is desirable that a group of consumers and consumer represenatives meet on a regular, long-term basis with HUD staff to discuss a particularly important issue or program, an Advisory Committee is established. This is mandated by the Federal Advisory Committee Act.

Analysis of Consumer Concerns

With regard to rulemaking, the preamble to a final regulation is required by HUD procedures to include an analysis of significant comments submitted regarding the previously published proposed rule. The preamble also explains why comments were or were not adopted. Prior to publication of a final regulation, the consumer affairs staff in the Office of Policy and Program Development reviews the preamble to evaluate its adequacy. The consumer affairs staff reads and takes detailed notes on the public comments submitted on the proposed rule so that they may check on how the final regulation responds to the comments. When the consumer affairs staff identifies an issue which appears to have a negative impact on consumers, or when the comments raise an issue which the staff determines was not adequately addressed by the responsible program official, then the Assistant Secretary for NVACP attempts to resolve the matter with the program office. If NVACP and the Program Office cannot agree on a resolution, the issue may then be escalated to the Under Secretary or the Secretary of HUD for a decision.

In addition to the formal rulemaking process, when an issue has been highlighted and consumer views solicited through one of the avenues of participation previously discussed, those views are analyzed, presented to, and discussed with responsible HUD program officials. The objective is to affect current or future rulemaking and program design by insuring that the consumer viewpoint has been presented and considered.

A Consumer Affairs Working Group is designated by the Area Managers for the Area Offices and the Regional Administrators for the Regional Offices. The groups consist of representatives for the Office of Housing, Community Planning and Development, Fair Housing and Equal Opportunity and NVACP. This group's primary responsibility is to:

a. Identify issues or topics for public discussion;

b. Determine processes to be used in acquiring public participation;

c. Acquire Departmental consensus on the topic and agenda for local consumer forums;

d. Allocate resources and responsibilities within the Department for pre- and post-forum activities; and

e. Ensure analysis and appropriate responses to all issues raised by the public during a consumer forum.

Following each Consumer Forum, the Consumer Affairs Working Group prepares an evaluation which is transmitted to the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection which describes the forum design, audience mix, major issues raised, and their recommendations and commitments of the Area Offices to respond to specific concerns. This report includes: (1) a classification of the issues as "program" or "policy"; (2) an

analysis and discussion of the issues and sub-issues raised; (3) the position of the Department, private sector and consumers on each issue; (4) a discussion of the commitments made by HUD officials during the forum; (5) a discussion of the action plan developed by the Working Group and approved by the Area Manager to respond to the program issues; (6) recommendations for action by Headquarters in response to policy issues; and (7) a schedule for resolving program issues and reporting the resolution to Headquarters.

The Assistant Secretary for NVACP reviews the policy related issue from the evaluation report and makes a recommendation to the appropriate Primary Organization Head (POH) for policy changes. If the POH agrees with the policy recommendation it is incorporated into a new policy statement that is issued by the Department. If the program POH disagrees with the recommendation of the Assistant Secretary for NVACP, the matter may be appealed to the Secretary/Under Secretary.

On program related issues, the Consumer Liaison Division staff monitors the Field Offices' responses to the issues raised in the Consumer Forum and makes recommendations for action when there is non-compliance with the evaluation report.

Failures to comply with evaluation reports are discussed in the Executive Management Meeting, at which time the Regional Administrator must provide the Secretary/Under Secretary an explanation for the failure to meet the goals.

Notice to Consumers of Opportunities to Participate in Decisionmaking

Consumer Notices are sent to the members of the previously described Consumer Network to provide information concerning forums, special meetings, newly proposed regulations, and any other significant matters. In addition, the Office of Public Affairs notifies the local news media each time a Consumer Forum is scheduled.

III. INFORMATIONAL MATERIALS

Agency-Information Services

Public understanding and support of the Department are largely the result of effective communications among the employees, and with the constituencies of HUD, the general public, the press, and Congress. Greater public understanding and participation are achieved through the coordination of public communication activities. The highest priority goes to the creation of effective instruments which inform and educate the consumer about HUD's mission, goals, and aspiration.

1. Usefulness of Current Material

Over 600 Departmental publications are currently in print and readily available to the public which identify the Department's responsibilities, programs and services; inform the general public about the procedures for participation in HUD programs; and educate the consumer about major problems and issues relating to housing and community development. HUD program offices produce brochures and fact sheets on each program which are updated when changes in the program areas have occurred. Ninety-nine percent of these publications have been produced or revised in the last ten years.

The Office of Policy Development and Research (PD&R) is the research arm of HUD. The Assistant Secretary for PD&R is the principal advisor to the Secretary for overall Department policy, program evaluation, and research. The Office focuses on six areas: the cost of housing; urban economic development; public finance and tax policy; housing for special users—the elderly and the handicapped; neighborhood reinvestment and revitalization; housing market discrimination and racial integration; and alternative housing finance mechanisms. The Department believes that the public should have access to (and make its own judgments about) the information which is or may be the foundation for the formulation of overall policy and the development of program initiatives. Therefore, the Office of PD&R is making efforts to disseminate the results of its research to the widest public audience.

A *Consumer's Primer of HUD*, which explains how the Department works and its major programs, is being revised and is scheduled for publication during FY 81. Brochures with pictures and diagrams explaining the functions of the Office of Consumer Affairs and procedures for consumer participation also have been developed. The Office of Public Affairs has developed a booklet entitled *More Than Shelter* which describes HUD's programs in "Plain English" with photographs for consumers. An information book summarizing all HUD programs (whether active or inactive) is produced annually by the Office of Public Affairs. Films, slide presentations and exhibits are prepared at the request of the program offices and used at public conferences and meetings with trade organizations.

Requests for reprinting of these materials are reviewed by the initiating office and the Department's Publications and Information Division (P&ID). If the publication has been in print for an extended amount of time or there have been significant changes in the subject area, P&ID may suggest that the program office examine the publication and make any necessary revisions.

2. Plans for Improvement

Due to inadequacies identified over the past years by HUD staff or by outside groups and individuals, several new materials or methods for communicating with HUD's clientele have been developed for FY 1980.

These include:

—A continuation of the FY 1979 initiative *Women and Mortgage Credit Campaign*. The Campaign is specifically designed: (1) to educate women about the availability of credit for home mortgages, and about past and current discriminatory practices; and (2) inform lending institutions about the credit worthiness of women. During FY 1980, the Campaign will be brought to women and lending institutions via public service announcements on T.V., radio, and newspapers. The Office of Policy Development and Research monitors this campaign through a contract with an outside consultant.

—The Neighborhood Information Sharing Exchange (NISE) is a working network of active neighborhood organizations. Its purpose is to share the valuable know-how that is being developed by its member participants. The network is putting people in touch to share information and to solve real problems concerning specific projects and programs. NISE maintains information on community groups, neighborhood issues, support groups and Federal programs. The focus of this information is a knowledge of organizations, their current projects and the names of the people who are to meet the information needs of neighborhood organizations, and is funded by the Office of Neighborhood Development under the Assistant Secretary for NVACP. It operates outside the HUD Headquarters at K Street, N.W., Washington, D.C., and is maintained by an outside contractor.

—HUD has developed a film about an energy conservation conference held in 1978. The film is designed to encourage local groups to undertake the same type of conference activity. HUD will develop more of this kind of consumer oriented-films. The energy film, and other materials not yet developed, will be distributed to HUD Area and Regional

Offices and to other Federal Agencies which indicate an interest in the particular consumer item. Also, the availability of the material will be made known through HUD's consumer mailing list as well as through the White House consumer bulletin.

—The Office of the Assistant Secretary for NVACP has prepared a resources catalog to assist neighborhood organizations in locating sources of financial assistance (including grants, contracts, loans and loan guarantees) and technical assistance offered by the Federal Government. This catalog is intended as a resource tool for neighborhood organizations seeking Federal assistance in carrying out their programs. The catalog, *Neighborhood Oriented Programs of the Federal Government* (HUD–542–NVACP), is not a comprehensive listing of all Federal Programs, but highlights many of the programs of greatest interest to neighborhood groups.

—The Department will initiate a series of Public Service Announcements (PSA's) for television aimed at informing consumers about such subjects as:

a. The Real Estate Settlement Procedures Act
b. Lead-Based Paint Poisoning Prevention
c. Fair Housing
d. Housing Counseling

3. Officials Responsible for Consumer Information Program

The Communication Review Board was established to assist and advise in the development of the Departmental public communication plan. This Board provides the mechanism for information interchange between the various operating offices. Through it, the public affairs expertise of the Department is available during the planning stages of various Department public communication programs. Public communication activities of the Department are conceived and executed to achieve the most far-reaching effect on the greatest number of interested, concerned and affected citizens. Such a board provides coordinated planning and evaluation and permits the long-range policy guidance essential to a Departmental information program.

The responsibilities of the Communication Review Board are to:

a. Advise the Assistant to the Secretary for Public Affairs of all public communication requirements and plans within the Department;

b. Assist in the evaluation of communication program effectiveness;

c. Assist the Assistant to the Secretary for Public Affairs in the development of a coordinated communication program;

d. Provide a medium for exchange and cooperation between two or more program areas with common information program requirements;

e. Provide guidance and assistance on communication programs for those areas which do not have on-staff capabilities;

f. Have prepared a complete and annotated bibliography of Departmental publications and review the bibliography annually, updating, eliminating and adding as required by program activity changes; and

g. Assist in the development of long-range and annual communication plans in support of the policies and strategies of the Secretary and develop in conjunction with the Assistant to the Secretary a departmental communications operating plan.

The Review Board consists of representatives from the following organizations:

Housing
Community Planning and Development
Fair Housing and Equal Opportunity
Administration
Policy Development and Research
Neighborhoods, Voluntary Associations and Consumer Protection (who represents the consumer perspective)
Field Coordination
International Affairs
Government National Mortgage Association
Inspector General
Public Affairs (Chairing)

The Assistant to the Secretary for Public Affairs issues an annual call to the Offices of Assistant Secretaries of the Department to determine the total public communication requirements for the upcoming fiscal year. The assistant Secretaries will advise the Assistant to the Secretary for Public Affairs of their total annual public communication requirements through their respective representatives, who have been designated to serve on the Communication Review Board.

The assistant to the Secretary for Public Affairs will extend to all Assistant Secretaries the expert advice and guidance of public information specialists when requested for development or assistance in the development of comprehensive program communication requirements.

The Communication Review Board, under the direction of the Assistant to the Secretary for Public Affairs, establishes a Departmental communications operating plan which:

a. Accommodates the various program communication needs;

b. Establishes priorities for response to the department's total communications need;

c. Provides for the elimination of repetitive or conflicting program publication requirements;

d. Provides for the coordination of duplicative or similar requirements in multiple program areas;

e. Provides for contingency adjustments as required; and

f. Provides for the input of expert guidance for all communications.

The Assistant to the Secretary advises the Secretary of the annual communications operating plan. The Communication Review board needs monthly to review all public comunication requests directed to the Assistant to the Secretary for Public Affairs and to consider any requests for adjustments to the operating plan made by representatives to the Review Board.

A Communication Review Board review of the initial publication or other communication vehicle concept is mandatory during the planning stage and the Board reserves the right to review all materials through all stages following approval of the annual operating plan. Such further reviews may be requested at the writing, editing, layout, procurement or subsequent production stages.

The Board also reviews any publication for effectiveness at any time after printing and distribution. A review for publication effectiveness shall be mandatory before any existing publication is authorized for reprinting.

All requests for publications and other communication vehicles are directed initially to the Assistant to the Secretary for Public Affairs. All requests shall clearly identify the specific purpose and the particular "audience" to whom the publication would be directed.

The Office of Public Affairs chairs the meetings of the Communication Review Board.

The Office of Public Affairs in cooperation with the Office of Administration's Publications Division. Prepares the agenda for each meeting as well as the annual plan, and upon direction of the Board, makes periodical adjustments to the plan.

4. Manner of Distribution

In addition to the Consumer Bulletins, the Office of neighborhood Development, under the Assistant Secretary of NVACP, periodically publishes "Alert Memos." The Alert Memos provide updated information on the programs of HUD and other Federal agencies which are relevant and accessible to neighborhood organizations. These memos are sent to an expanding national network of neighborhood organizations and individuals. As of October 1979 the mailing list included 5,600 organizations and individuals.

HUD also has a Public Information Center in its Headquarters Office where one may obtain informational materials about programs as well as technical and research publications. Each Area and Regional HUD Office has program materials for distribution to the public. Often information about HUD activities of interest to consumers is made available to national magazines and regional and local journals.

Television spots are occasionally used to highlight specific consumer issues. These television spots are often followed-up by newsletters and consumer forums. Films and slide presentations are shown at most consumer Forums. Press conferences are frequently held in conjunction with these meetings and press releases are always prepared and sent to the local news media, announcing the meetings. Consumer Forums, public hearings and seminars are preceded by careful background work, such as selected participants and HUD staff researching and writing discussions papers. Packages of informational materials about a specific issue or program are distributed at these meetings.

The Product Dissemination and Transfer Division of the Office of Policy Development and Research (PD&R) is responsible for assuring that HUD constituents have access to research products and programs. The constituent population includes state and local public officials, members of the building industry, representatives of neighborhood organizations, researchers in universities, and consumers. Highlights of the Division's dissemination program include:

(a) Publications especially for consumers on selected subjects have been prepared and disseminated. Examples of this type of publication include "The Energy-Wise Home Buyer" and "In the Bank . . . or Up the Chimney?"

(b) The Division also has developed new types of publications which summarize research results (bi-monthly bulletins, flyer, with order forms) which are designed to give the user enough information to decide whether to order the full report.

National Solar Heating and Cooling Information Center

The HUD solar demonstration program has as one of its major activities the development and dissemination of information on solar energy to the housing industry and its customers. The principal mechanism used to provide this information to the public is the National Solar Heating and Cooling Information Center. The Center, which is a part of Philadelphia's Franklin Institute, is funded under a HUD contract and supports the HUD and Department of Energy solar programs.

The Center was established to provide an interacting response mechanism, to help interested people ask the right questions, and to provide answers. Established in October, 1977 the Center staff have thus far responded to over 390,000 telephone calls (using toll-free WATS service) and almost 200,000 letters requesting information. Other activities of the Center include managing exhibits at many energy fairs, and carrying out a program of exhibits in 75 shopping malls in eleven major metropolitan areas around the nation. Several million copies of various publications, from bibliographies and fact sheets to program reports, have been distributed as part of this program.

HUD USER is a computer-based information service created by the Department to serve the public. It offers a variety of products and services designed to bring the consumer the results of HUD-sponsored research easily and rapidly. Personalized literature searches from HUD USER's computerized data base may be used to answer the consumer's questions. Summaries of research results are provided through (1) The Compendium—a semiannual annotated catalog of HUD-sponsored research results, and (2) Recent Research Results—a bimonthly bulletin announcing the latest reports by the Office of Policy Development and Research research reports. Special products including topical bibliographies, brochures, and announcements of important future research also are provided through the service. HUD USER is also a document distribution service which supplies the public with copies of research results. Through the data base the public may be able to find and use: published and unpublished reports of HUD-sponsored research, research summaries, reports of internal HUD activities and initiatives, and guides for laymen and professionals. The data base includes, but is not limited to, the following: building technology, community development, conserving communities, economic development and public finance, elderly and the handicapped, energy and utilities, environmental research, financial management, housing finance, housing management, and housing programs.

Information on Agenda of Public Meetings

The open meetings sponsored by HUD program offices are essentially informational meetings. The stated purpose of these meetings is to inform the public about the Department's responsibilities, services and programs. It is assumed that the individuals in attendance come to the meeting with limited, if any, knowledge about the program area to be discussed. The informational materials on the specific subject of the meeting are assembled by the sponsoring office and distributed at the meeting in informational folder-packets. Additional information about other HUD programs are readily available to the public at these meetings.

IV. EDUCATION AND TRAINING

Areas in Which Training Provided

The Department has a substantial professional staff in Headquarters which has performed most of the activities outlined in this program for several years. It is not anticipated that the Department will need to develop or offer specialized training to existing Headquarters personnel in consumer participation, complaint handling and preparation of informational and educational materials. Recruiting procedures and on-the-job orientation processes will insure that the Headquarters professional staff will have the requisite skills to meet their responsibilities under this program.

The Neighborhoods and Consumer Affairs Representatives and the Citizen Participation Specialists receive annual training to increase their skills and abilities to perform the consumer affairs functions outlined in the Consumer Affairs Perspective section of this program.

Responsibility for Educating Staff Members About Consumer Program

The Department, under authority of Government Employees Training Act of 1958 (Chapter 41 of Title 5, United States Code), annually directs Headquarters and Regional

management to survey the training needs of its employees. This Annual Needs Survey, conducted in conjunction with the operating plan process, requires an identification of the needs of both Headquarters and Field employees. When all needs are identified, it can then be determined whether they will be met by 1) Headquarters (through the National Training Center); 2) Regions designing their own training program; or 3) non-HUD source training resources for those needs not met by either 1 or 2.

—The Assistant Secretary for Administration is responsible for the direction as well as the overall coordination of training for the entire Department.

The Assistant Secretaries for NVACP and CPD annually survey the training needs of their consumer affairs staffs. The Program Training Coordinators (PTCs) are then instructed to work with the program directors to develop annual training packages, which will enhance the staff's ability to perform their consumer affair functions. The PTC for NVACP is located in the Personnel and Administrative Services Division of the Office of Management and Field Support. The Program Training Coordinator for CPD is found in the Training and Operational Performance Division of the Office of Field Operations and Monitoring.

Method of Education

HUD will conduct briefing sessions, including a slide show for all of the Assistant Secretaries's offices within HUD. These briefings will explain the Executive Order, HUD's policy and program response and the implementation strategy.

The Assistant Secretary for NVACP will provide the Secretary's Principal Staff a short summary of the Executive Order and the proposed plans at Principal Staff Meeting.

The staff of the Office of Consumer Affairs in conjunction with the Office of Public Affairs will prepare a video cassette film and a slide presentation about the Executive Order, the new Federal policy and HUD's programs and policies developed in response to the Order. The audiences will include:

(a) Regional Administrators and Area Managers
(b) Headquarters and Field Staff
(c) Neighborhood and Consumer Affairs Representatives
(d) HUD'S consumers

A special briefing will be held at the HUD Executive Management Review meeting (an internal management meeting) in which Regional Administrator, Area managers and Assistant Secretaries meet to discuss program and policy implementation strategies.

When appropriate Departmental Handbooks will be issued or revised to provide information of a permanent nature (including policies, instructions, guidance, procedures, forms and reports) for use by HUD staff and/or program participants regarding the Department's consumer affairs activities.

The importance of being timely and responsive to complaints is stressed to all HUD employees by the Primary Organization Heads. The Consumer Complaints Division is developing several methods for instructing employees on how to be responsive. A guidance manual has been prepared which outlines what is expected of complaint handlers at each step of the complaint handling process. A video package for HUD employees on complaint handling is also under development.

Selecting Consumers and Organizations To Receive Assistance

Procedures may be established which specify certain periods during the administrative process when citizens may affect the decisionmaking process. The Department will review several approaches for providing assistance to consumers and their organizations which would encourage their participation and enhance the effectiveness of their input.

HUD personnel currently answers technical and procedural questions, and assist consumers and groups in the preparation of applications, forms and other documents.

The Department also has a Technical Assistance Program which is designed to transfer skills and knowledge in planning, developing, and administering the Community Development Block Grant program to eligible applicants who have a need for this assistance. For example, the Neighborhood Development Division of the Office of Neighborhood Self-Help Development under the Assistant Secretary for NVACP provides technical advice and assistance on neighborhood development/revitalization/stabilization to Federal, State and local government agencies, private industry, and neighborhood organizations and groups. The Community Planning and Development Division of the Area Offices is providing Training and Technical Assistance on Citizen Participation policies, regulation, techniques and methodologies to State and local agencies, affected citizen groups and professional organizations.

V. COMPLAINT HANDLING

The need for housing, the need for protection from the elements, is one of the basic physiological requirements for human survival. Complaints about the availability and condition of housing in the United States are likely to be expressed to a wide spectrum of public and private officials. The Department of Housing and Urban Development is the agency charged with the responsibility for assisting the President in achieving maximum coordination of the various Federal activities affecting housing and community development. It is, therefore, likely that the various types of complaints about housing and activities affecting housing will be received by this agency through a variety of sources, including direct consumer contact with Department officials in Headquarters and Field Offices, and referrals from the White House, Congress and other local, state, and Federal agencies.

Since the means for complaint resolution has not been centralized within the Department, no effort has been made to establish a central point of entry into the Department for all consumer complaints. If the individual is able to reach directly the official who is most capable of resolving their complaint, then HUD does not wish to impose a communications structure which may hinder that direct contact. However, the Department is committed to the maintenance of a system for complaint handling which tracks and monitors the resolution of consumer complaints. The overall purposes of HUD's consumer complaint handling system are as follows:

—To provide timely and responsive replies to all consumer complaints received by the Department;

—to provide decision makers in HUD with accurate complaint information and recommendations about consumer concerns which would impact upon HUD issues, policies, and procedures;

—to assist in translating consumer needs into Departmental policy; and

—to assist in resolving consumer problems.

Responsibilities

The Consumer Complaints Division within the Office of Consumer Affairs has the overall responsibility for overseeing the Department's complaint handling operation. It coordinates and evaluates complaint handling throughout

the Department, and ensures that all steps in the complaint handling process are appropriately carried out. Since 1977 the Division has functioned under the provisions of HUD Handbook 5550.1 which establishes its explicit role in the monitoring of all complaints received by the Department.

Responsibility for implementation of this system in the Headquarters Offices rests with the Assistant Secretaries and the Program Administrators who appoint Consumer Complaint Coordinators from the various program offices. With guidance from the Consumer Complaints Division, these coordinators are responsible for management of the accountability, reporting, and monitoring procedures necessary for successful operation of the consumer complaint handling system. Coordinators review the responses to complaints for timeliness and quality. In addition to providing guidance to employees in program offices on handling complaints, Consumer Complaint Coordinators bring to the attention of their Assistant Secretary or Primary Organization Head (POH) emerging trends and issues. The Consumer Complaint Coordinator is responsible for preparing the narrative complaint activity report and forwarding it to the Assistant Secretary or POH for review and approval.

Responsibility for implementation of the consumer complaint system in HUD's Regional Offices rests with the Regional Administrators. With guidance from the Consumer Complaints Division, Regional Neighborhood and Consumer Affairs Officers are responsible for management of the control, reporting, and monitoring procedures of the system within their Region. They closely monitor, train, and provide technical assistance to the Neighborhood and Consumer Affairs Representatives in their respective Area Offices. They are responsible for assuring that all recording, responding, and reporting are carried out with proper research and timeliness. They also complete performance evaluation surveys, either by telephone or in writing, to evaluate the effectiveness of the complaint handling system from the consumer's perspective. The Regional NCA Officers are also responsible for consolidating the Regional and Area Office reports for the Monthly Complaint Report and the Quarterly Narrative Report.

Responsibility for implementation of the complaint handling system in HUD's Area Offices rests with the Area Manager. Neighborhood and Consumer Affairs Representatives in the Area Offices refer consumer complaints to the appropriate program official for response. They maintain a close working relationship with the program offices to assure that complaints are given timely and responsive replies. They bring to the attention of Office Directors those problems and complaints requiring their advice and involvement. They work with the Regional Neighborhood and Consumer Affairs Representatives to coordinate and submit the monthly statistical complaint report and quarterly narrative report. They are knowledgeable about HUD programs and organizational structure. They also complete performance evaluation surveys, either by telephone or in writing, to evaluate the effectiveness of the complaint handling system from the consumer's perspective.

The Consumer Contact is responsible, on the program office level, for implementing and monitoring the consumer complaint process. The Consumer Contact advises the Office Director on a regular basis about the nature of the complaints received by the office and assesses the progress of office staff members in responding to complaints.

The Consumer Complaint handler is the HUD employee to whom the responsibility for responding to a particular consumer complaint has been assigned.

Processing Complaints

1. Format for Logging Complaints

All written, telephone, and walk-in complaints received in the Department, except those exempted by the Assistant Secretary for NVACP, are logged. All complaints which reflect dissatisfaction about non-HUD related matters are also logged. Each consumer complaint received in the Department is screened and recorded on the day of receipt by the Consumer Contact for that office. Screening consists of a careful reading to determine program area and nature of complaint. Recording consists of logging complaints onto a correspondence log already in use or on a log especially set up for recording of consumer complaints. Information on these logs must include name, address, date of receipt, HUD program category of complaint, the nature of the complaint, and the date when all remedies within HUD's jurisdiction have been exhausted and the consumer has been so advised. Inquiries and requests for information are distinguished from consumer complaints and are *not* considered or logged as complaints. Complaints which reflect dissatisfaction with housing matters which are *not* HUD-related are recorded as complaints.

2. Response Procedure

The Consumer Complaint Coordinator or Consumer Contact classifies complaint correspondence in one of two ways: 1) for "action", or 2) for "information only". "Action" items require a written response to be made to the consumer including any relevant evidence, documents, or agreements necessary to remedy the complaint. "Information Only" items may require a written response in the form of an acknowledgment of receipt. The responsibility for responding to complaints rests with the Program Office with the delegated responsibility for the subject area to which the complaint refers.

The HUD Department goal is for each "action" item to be resolved within 30 calendar days. If a field or site visit is required or a final resolution is not possible within 30 calendar days, an interim response is required. In addition, if a letter is referred from the Central Office to a HUD Field Office, an interim letter will be sent to the consumer advising him/her of this referral. Interim letters contain the name, address, and telephone number of a contact in the field office. Such contact individuals are at the level of Office Director, Division Director, Branch Chief, or equivalent.

The Consumer Complaint Handling System Handbook (HUD Handbook 5550.1) suggest guidelines for effective handling of written consumer complaints. Program Directors may modify the following guidelines to meet the specific standards established for the complaint handlers in their offices:

a. Complaints should be responded to as quickly as possible. If a complaint cannot be resolved within 30 calendar days, an interim letter should be sent. After the interim letter has been sent to the complainant, the complaint handler should keep the consumer advised of all Departmental actions involving the complaint.

b. HUD personnel should be sympathetic to the consumer's problem. No request for assistance should be belittled and all complaints should receive a tactful, relevant response. Complaint handlers should make sure that the complainants understand the Department's position. Letters should be clear and concise without being abrupt. Letters should use everyday language rather than program jargon. Technical terminology should be avoided when possible.

c. Complaint handlers should never lead a person into thinking that the Department can or will do more than it is able to do. Letters should not raise false expectations.

A complaint is resolved when either the Department: 1) satisfies the complainant's grievance; 2) researches the case and clearly informs the complainant as to why the grievance cannot be satisfied; or 3) refers the complainant to another agency if the complaint is not HUD related.

If the complaint involves a matter which is not within HUD's jurisdiction, an attempt is made to immediately refer the complainant to an agency which can be of assistance. However, in some cases, an immediate referral is not possible as the respondent may wish to contact various agencies to see who can help the consumer before making a referral. In such cases when an immediate referral is not possible, a return telephone call to the consumer is made.

The Departmental goal is to respond to all telephone-walk-in complaints as quickly as possible. Complaint handlers obtain as much information as possible from the complainant in order to determine exactly what the consumer desires from the Department and reviews with the consumer the relevant details to ensure their correctness. If the appropriate staff person is not available to talk with the complainant, another staff member contacts the complainant within 24 hours. In all cases, the complaint call is returned within 24 hours or, where a weekend or holiday intervenes, no later than the end of the next business day.

3. Review Mechanism

The Consumer Complaints Division acts as the final arbitrator in cases where consumers are dissatisfied with HUD's resolution of their original complaints. The types of complaints which may be handled under the appeal or review process are as follows:

a. Those complaints where HUD employees have misinterpreted relevant law, regulation, or policy (as determined by the Consumer Complaints Division after consultation with the Office of General Counsel, as appropriate).

b. Those complaints where the facts involved have been misinterpreted.

c. Those complaints where the Department's position has not been adequately explained.

When a request for review of a previous decision is received the Consumer Complaints Division may respond in one of four ways:

a. Request clarification or reconsideration from the office which handled the original complaint.

b. Request a review from a higher level program official then the official handling the original complaint.

c. Request the Secretary/Under Secretary to review the matter if all other avenues with the Department have been exhausted.

d. Take no other action and inform the complainant of that decision if:

1. A remedy already exists; or

2. The problem has been solved; or

3. The complaint in the Division's judgment is trivial, frivolous, vexations (instituted without real grounds in order to cause annoyance), or is not made in good faith.

4. Tracking Complaints

NVACP is currently implementing an automated Consumer Complaint Handling System (CCHS) to monitor and track all consumer complaints received by the Department. Implementation of the automated CCHS will greatly increase the efficiency and accuracy of the complaint handling procedures in the Department.

Evaluation of the Complaint Handling System

1. Reporting Complaint Activity

Two reports are submitted to the Division of Consumer Complaints on consumer complaint activity. Input from these reports is used to prepare a consolidated feedback report of complaint activities to the Secretary, Under Secretary, Assistant Secretaries, and other HUD officials. Key consumer complaint issues are also identified from these reports which are included as a part of the Department's monthly Executive Management Report. Other special reports are prepared based on information contained in these reports for use by the Secretary, Congress, other agencies, and HUD managers.

By the 15th of every month each Headquarters and Field office is responsible for submitting a statistical report on complaint activity for the previous month. These figures are categorized by HUD program area. The Consumer Complaints Division then combines the individual reports into one monthly consumer complaint report.

On a quarterly basis, each office is responsible for submitting a narrative analysis of the complaint activity during the previous three month period. The quarterly narrative reports are thoroughly analyzed and a consolidated feedback report is developed which is sent to key HUD officials as well as all field offices.

2. Monitoring

The overall responsibility for monitoring and evaluating the operation of the complaint handling system rests with the Consumer Complaints Division. The Division evaluates how the system is functioning on the basis of the recording of complaints, timeliness and quality of responses, and reporting of complaints in all HUD Headquarters and Field Offices. The evaluations involve visits to the program and field offices, audits of complaint records, and reviews of responses to complaints. Evaluations of Headquarters offices are conducted by the staff of the Consumer Complaints Division. Evaluations of Regional and Area Offices are conducted by the consumer affairs staff in the Field Offices, who report their findings to the Consumer Complaints Division.

The Neighborhood and Consumer Affairs Officers and Representatives evaluate the consumer complaint handling system in their Regional and Area Offices on a quarterly basis. They will audit and review the following functions:

a. *Recordkeeping.* NCA Officers and Representatives review procedures and audit complaint logs and correspondence files to insure that all complaints are recorded as described in HUD Handbook 5550.1.

b. *Responding.* NCA Officers and Representatives review all complaint correspondence to insure that it is handled in a timely and responsive manner as outlined in the Handbook. They may use telephone or written samplings of complainants to determine consumer satisfaction and HUD's responsiveness. They monitor replies to insure that they are empathetic, concise and courteous, that the complaint issue is addressed, and that referrals are expeditiously routed to other agencies.

c. *Reporting.* NCA Officers and Representatives review Monthly Complaint Reports and Quarterly Narrative Complaint Reports to insure that all complaints are reported as required by the provisions of the Handbook.

The Consumer Complaints Division staff and Neighborhood and Consumer Affairs Officers and Representatives use a Consumer Complaint Checklist for monitoring the recording, response, and reporting activities in the consumer complaint handling system.

Public Awareness of the Consumer Complaint Handling System

Realizing that many consumers are: 1) unaware of the Departmental Consumer Complaint System; 2) unaware of the proper way to file a complaint to get timely and quality action; and 3) unaware of what the Department is capable of doing for consumers, the Division of Consumer Complaints has instituted an intensive public awareness program.

—A "How to Complain Guide" is being prepared by the Division for expedited publication, which outlines how and where to send complaints relating to a wide variety of housing matters.

—On a regular basis, the Division puts out press releases on the current, most common complaints to increase awareness about problems and solutions.

—The Division prepares informational materials or suggests revisions to other HUD publications based upon conclusions derived from the Quarterly Narrative Reports.

The priority objectives are formulated from the proposals submitted by the Primary Organization heads to the Under Secretary. The Assistant Secretaries for NVACP and CPD are required to propose priority objectives which relate to the consumer affairs functions of their staffs. This process ensures coordination of program activities and accountability of staff for performance of their designated responsibilities, as outlined in this program.

The inclusion of consumer affairs objectives in the Operating Plan guarantees the allocation of resources to ensure the accomplishment of the organizational workload. It establishes the baseline for monitoring progress toward meeting the identified goals and objectives by comparing actual accomplishments with goals and projected workload, and comparing staff utilization with staff allocations. It serves as a basis for program control, productivity measurement and management, and future planning.

Each month the Secretary and/or Under Secretary conduct the Executive Management Review during which actual accomplishments are measured against Departmental goals and objectives. The timely resolution of consumer complaints is among the items reviewed each month. This process allows the Secretary and Under Secretary to be fully informed about the Department's responsiveness to consumers and about particular issues that are of concern in the area of consumer protection. In this way the top officials of the Department stay directly and personally involved in meeting the purposes of Executive Order 12160.

VI. OVERSIGHT AND IMPLEMENTATION

The Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection continues to have authority to exercise policy direction for, and coordination and oversight of, HUD's consumer activities under the terms of this program. The Directors of the Office of Consumer Affairs and the Office of Policy and Program Development directly assist and support the Assistant Secretary in meeting his or her responsibilities under this program.

The Assistant Secretary for Community Planning and Development continues to advise the Secretary with respect to and directs the administration and consolidation of Community Development programs in accordance with Title I of the Housing and Community Development Act of 1974, P.L. 93-383, as amended including Urban Development Action Grants and the Secretary's fund. With the support of the Citizen Participation Advisor, the Assistant Secretary will be responsible for ensuring compliance by CPD grant recipients with the Congressionally mandated citizen participation requirements of these programs.

In these efforts, HUD officials are supported by the Department's managemernt systems, which provide for promulgation of policy objectives, for allocation of resources to meet projected workloads, and for monitoring of performance against objectives. The management systems are vehicles for implementation of Secretarial and Assistant Secretarial policies and are thus able to reflect the Secretary's commitment to maintaining a high standard for the protection of consumer interests.

In this context, the most significant components of the management systems are the Operating Planning System and the Executive Management Reporting System. The Operating Plan defines and publishes the Departmental goals and objectives as defined by the Secretary. The Plan also identifies projected workloads in all areas and allocates resources to achieve them. The process through which the Plan is formulated ensures coordination of program activities and accountability of staff for performance of their designated responsibilities. The consumer affairs functions outlined in this program are included in the Operating Plan, consistent with HUD policy.

Each month the Secretary and/or Under Secretary conduct the Executive Management Review during which actual accomplishments are measured against Departmental goals and objectives. The timely resolution of consumer complaints is among the items reviewed each month. This process allows the Secretary and Under Secretary to be fully informed about the Department's responsiveness to consumers and about particular issues that are of concern in the area of consumer protection. In this way the top officials of the Department stay directly and personally involved in meeting the purposes of Executive Order 12160.

Moon Landrieu,

Secretary of Housing and Urban Development, Washington, D.C.

APPENDIX A—CONTACT LIST

a. Top-level Designee

Geno C. Baroni, Assistant Secretary for Neighborhoods, Voluntary Associations, and Consumer Protection, U.S. Department of Housing and Urban Development, Room 4100, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755-0950

b. Agency-level Consumer Affairs Offices

Office of Consumer Affairs, NVACP, HUD, Room 4150, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-1887

c. Office(s) for Information About Agency Informational Materials

Publications Service Center, HUD, Room B-258, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755-7353

HUD USER, P.O. Box 280, Germantown, Maryland 20767 (301) 428-3105

Neighborhood Information Sharing Exchange, 1725 K Street, N.W., Washington, D.C. 20006, (800) 424-2852 (toll free), (202) 293-2813 (in D.C.)

Office of Policy Development and Research, Solar Heating and Cooling Research Staff, HUD, Room 8162, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6900

Office of International Affairs, HUD, Room 2118, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-5770

d. Office of Information about Complaint Handling

Consumer Complaints Division, Office of Consumer Affairs, HUD, Room 4206, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-5433

e. Office for Information about Consumer Technical Assistance

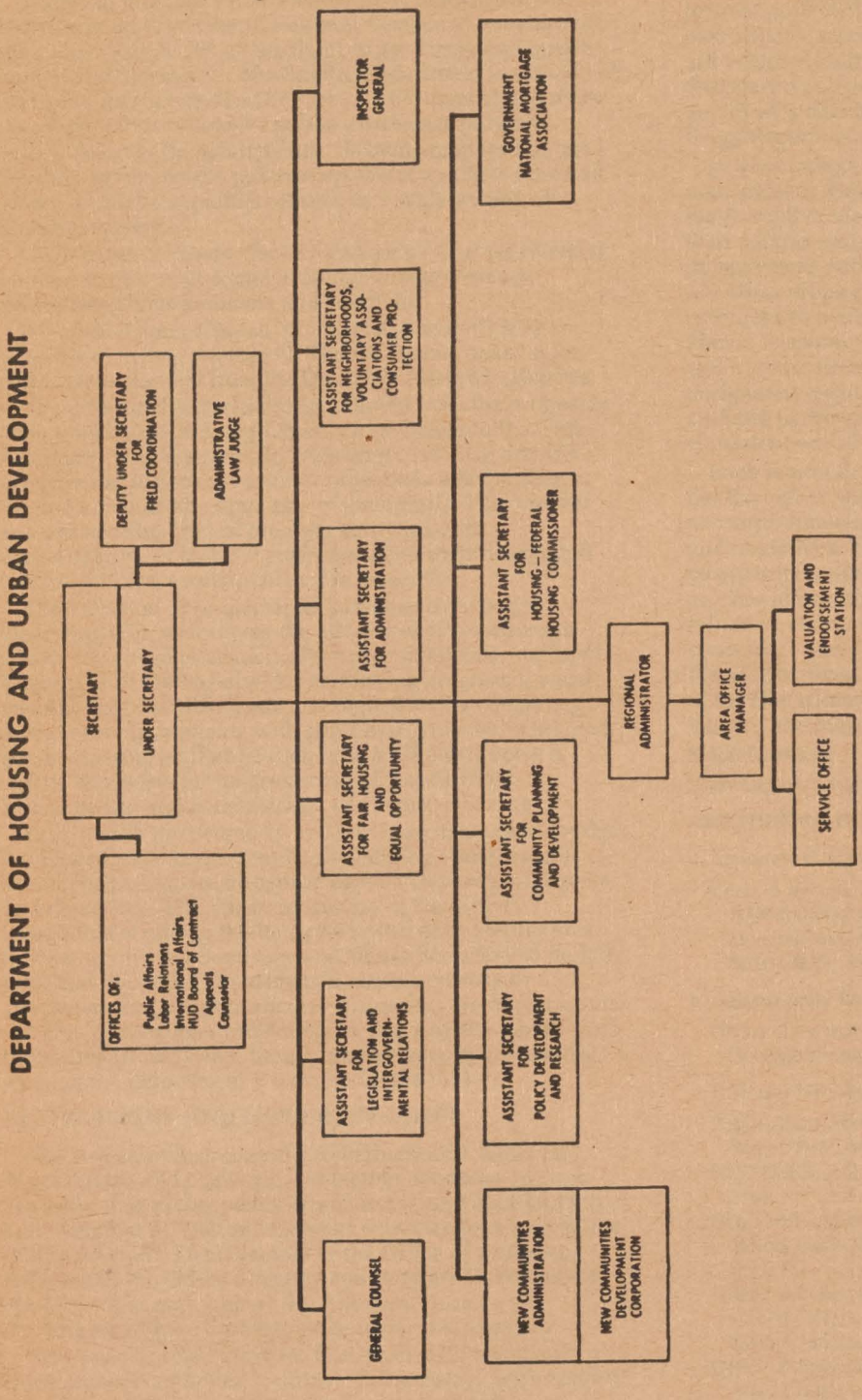
Office of Consumer Affairs, HUD, Room 4150, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-1887

f. Office of Information about Consumer Participation in the Agency Decision Process

Office of Policy and Program Development, HUD, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–8740

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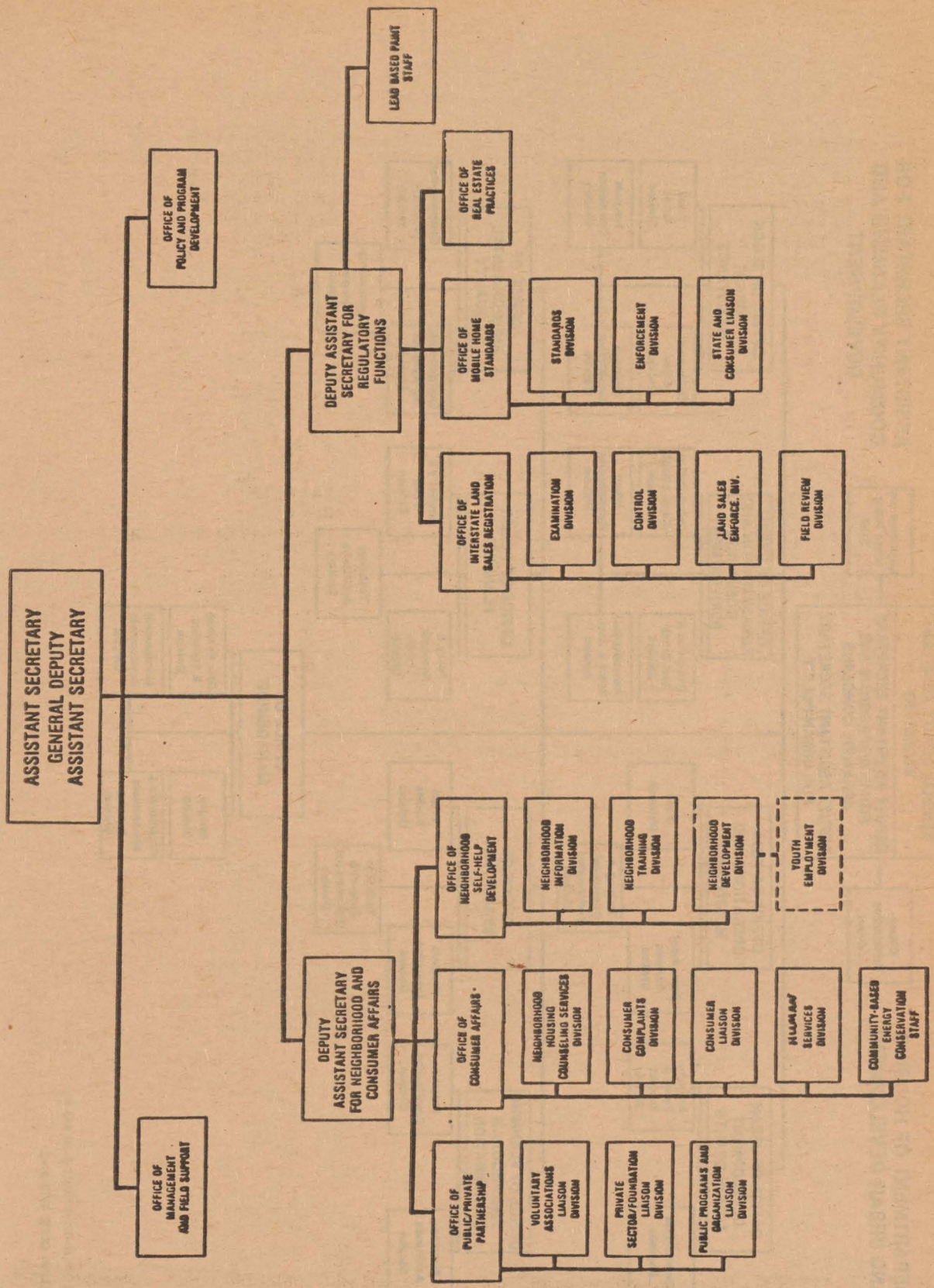
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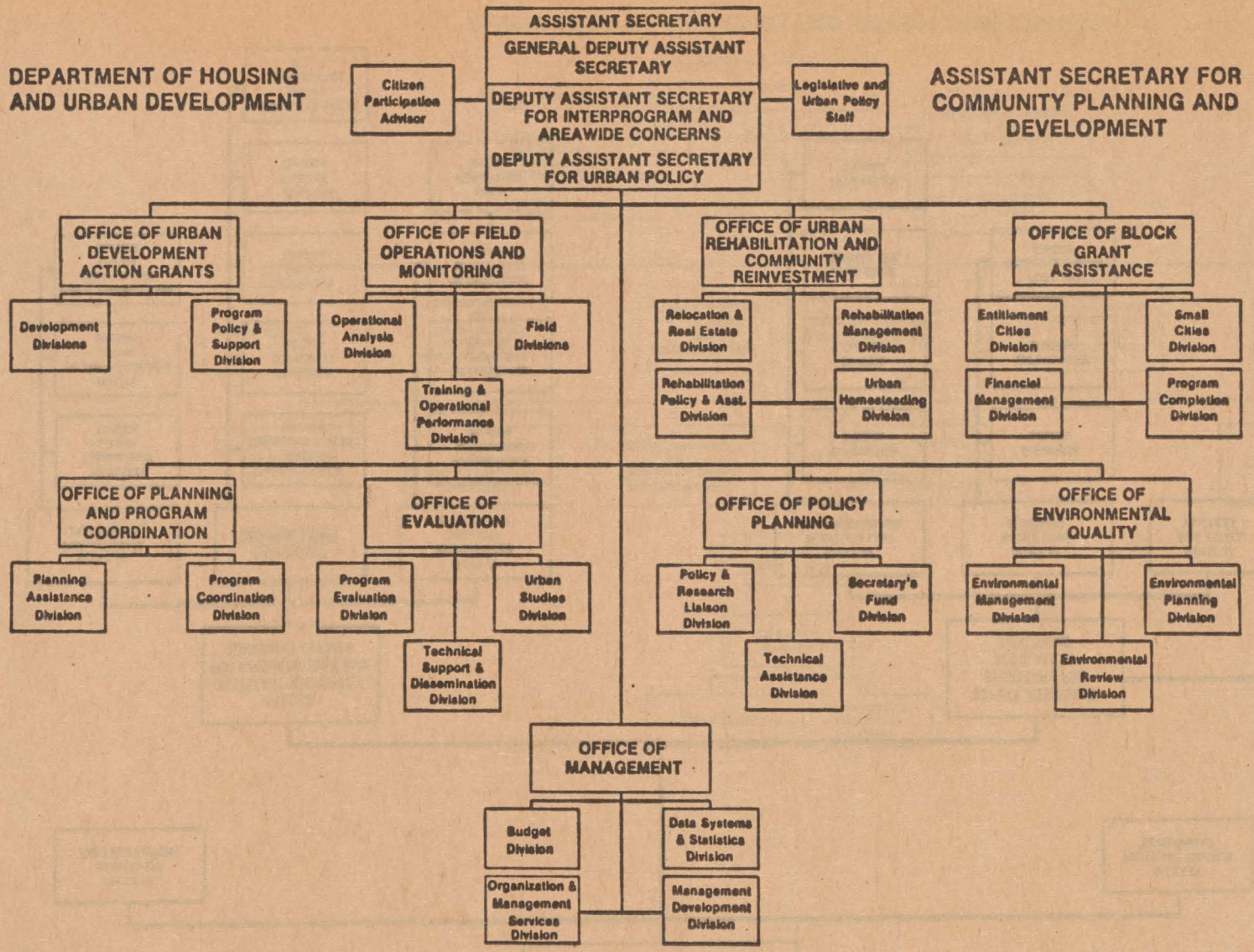

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SECRETARY
UNDER SECRETARY
DEPUTY UNDER SECRETARY FOR FIELD COORDINATION
ADMINISTRATIVE LAW JUDGE
OFFICES OF:
Public Affairs
Labor Relations
International Affairs
HUD Board of Contract Appeals
Counselor
ASSISTANT SECRETARY FOR LEGISLATION AND INTERGOVERNMENTAL RELATIONS
ASSISTANT SECRETARY FOR FAIR HOUSING AND EQUAL OPPORTUNITY
ASSISTANT SECRETARY FOR ADMINISTRATION
ASSISTANT SECRETARY FOR NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION
INSPECTOR GENERAL
GENERAL COUNSEL
ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH
ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT
ASSISTANT SECRETARY FOR HOUSING – FEDERAL HOUSING COMMISSIONER
GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
NEW COMMUNITIES ADMINISTRATION
NEW COMMUNITIES DEVELOPMENT CORPORATION
REGIONAL ADMINISTRATOR
AREA OFFICE MANAGER
SERVICE OFFICE
VALUATION AND ENDORSEMENT STATION

APPENDIX C

ORGANIZATION STRUCTURE

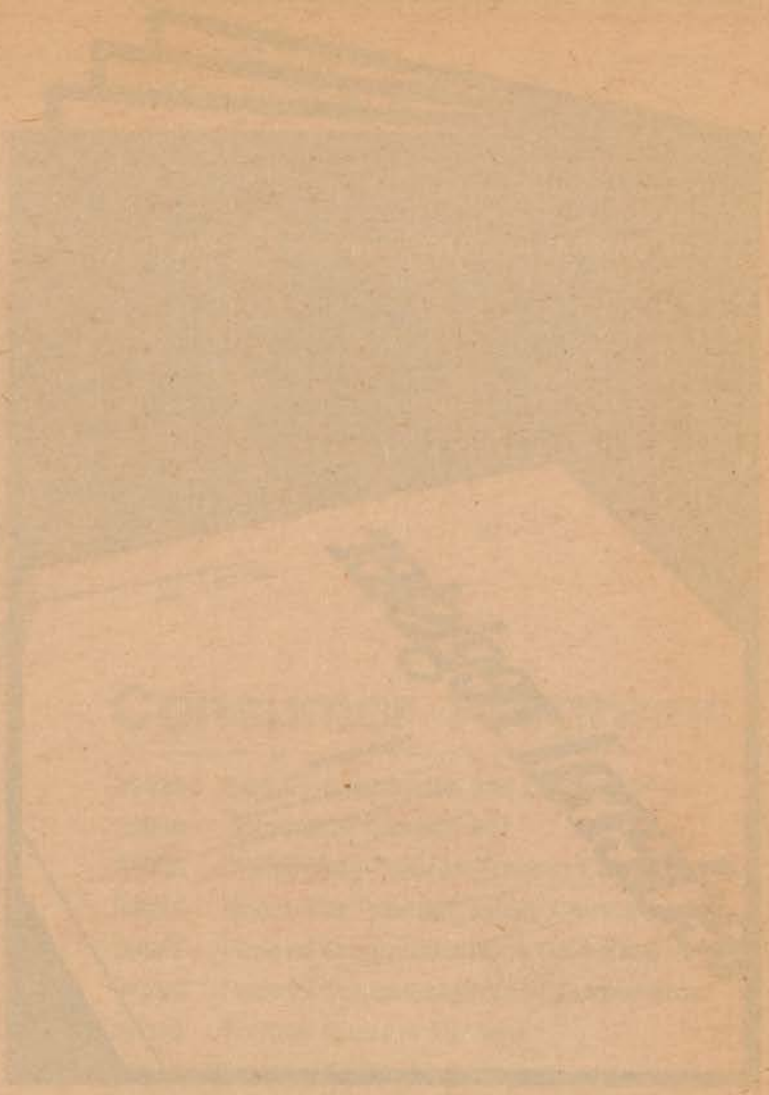
NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION



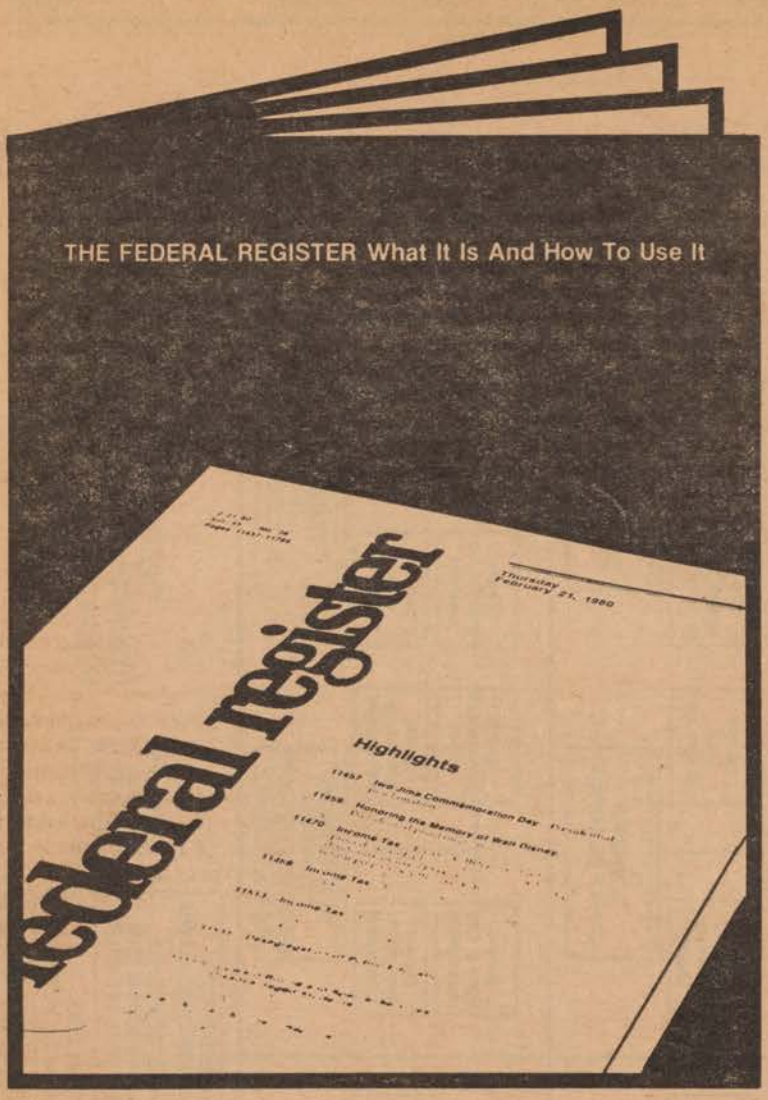


[FR Doc. 80-17041 Filed 6-6-80; 8:45 am]

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Part V

Consumer Programs: Economics and Commerce

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Part V—Section A

Federal Communications Commission

Final Consumer Program

FEDERAL COMMUNICATIONS COMMISSION

Consumer Assistance Program

AGENCY: Federal Communications Commission.

ACTION: FCC Consumer Program.

SUMMARY: The Consumer Assistance Office's Program represents a blend of existing programs, future programs now in the planning stages, and a long-range forecast of programs to be tried in the future.

DATE: May 14, 1980.

FOR FURTHER INFORMATION CONTACT: Zora Brown, Consumer Assistance Office, Federal Communications Commission (202) 632–7000.

I. CONSUMER AFFAIRS PERSPECTIVE

In 1976, the Consumer Assistance Office (CAO) was created to provide a direct channel of communication between the Commission and the public. The Consumer Assistance Office serves as the focal point within the FCC for responding to a variety of written, telephone and walk-in requests for information and assistance from individual consumers. CAO has the responsibility for facilitating participation in the Commission's decisionmaking processes. CAO participates in the development and review of FCC rules, policies, programs and legislation.

Presently, CAO assists in the administration of an FCC-wide consumer budget of approximately $7 million through its liaison committees and other mechanisms. Each Bureau has primary responsibility for its own budget and expends a portion for consumer programs such as complaint handling, "plain-English" publications, training programs, travel to public participation workshops and meetings, and for other methods of outreach. During fiscal year 1980, the FCC budget was $77.2 million; the FCC-wide consumer activity budget was approximately $7.7 million; the Consumer Assistance Office budget was $644,000.

CAO employs professionals and paraprofessionals with varied backgrounds in consumerism and communications. The staff includes such positions as: Consumer Assistance Officer; Deputy Consumer Assistance Officer; Consumer Assistance Specialists; Contact Representatives; Writer-Editors; Attorneys and Paralegal Specialists: Secretaries and Clerks. As needed, CAO will obtain the services of experts in various areas of consumer assistance. The Consumer Assistance Office has an outreach and information coordination activity on behalf of disabled consumers.

The Consumer Assistance Office advises and assists the Chairman, Commissioners, Bureaus and Offices with respect to public participation and consumer assistance matters. CAO provides a consumer perspective to decisionmakers in the FCC on critical issues. CAO is a focal point for organizing briefings for international groups, schools, licensees, and other organizations. In coordination with the program bureaus and offices, CAO communicates the Commission's regulatory requirements and proposed requirements to FCC licensees and the general public. CAO develops and recommends strategies and new initiatives for solving problems when communicating with consumers of communications services. CAO develops "plain-English" materials explaining FCC proposals, policies and requirements and shares responsibility for FCC publications management. CAO participates in the development and review of FCC rules, policies, programs and legislation. For example, when a consumer-related issue should be raised in a proposal for public comment, CAO will often raise the issue for inclusion in the proposal. CAO receives advance copies of all open meeting agenda items (which are staff recommendations of proposed Commission action). CAO schedules agenda briefings with all Divisions of Public Affairs Office to apprise the staff of rulemakings which may have a consumer impact. CAO is experimenting with a program for improving the FCC's consumer communications mechanisms, using low-cost modern equipment. CAO will propose a plan to automate field offices' consumer contacts and a plan for improved dissemination of information. CAO will assist in training the field office contact representatives in handling consumer communications.

II. CONSUMER PARTICIPATION

The Consumer Assistance Office develops and implements policies and objectives to encourage active participation in policymaking proceedings by the consumers of communications services, with a goal of insuring that the FCC has the benefit of the broadest range of information and viewpoints in its decisions. To accomplish this goal, CAO carries out a number of programs. Typical of CAO's programs are these:

- CAO maintains liaison with individual consumers and organizations of consumer concerned with FCC regulatory activities insuring a continuous exchange of views and information on matters of common interest. CAO maintains liaison with other government agencies on consumer education and public participation matters.
- CAO aims to promote increased understanding of the concerns and viewpoints of consumers of communications services at all levels within the Commission.
- CAO conducts and attends regular discussion sessions with consumer groups, informing them of the Commission's top issues and how they can effectively participate in the Commission's rulemaking process.
- CAO has primary responsibility for implementing the Commission's consumer participation in rulemaking program, drawing on the resources and expertise of other Bureaus and Offices as needed.
- CAO conducts Public Participation Workshops, an on-going series of skills building sessions for consumers, informing them of major matters before the Commission and telling consumers how they can effectively participate in shaping the outcome of those major matters.

Some future programs are underway at this time. For example, CAO will continue to work with the General Counsel's Office to propose new guidelines for simplifying the comment and petition filing procedure. Coordinating with the Office of the Secretary, CAO will propose a procedure for notification to acknowledge receipt of petitions and comments. CAO will study a proposal to install an 800 telephone line, enabling consumers to file complaints and inquiries. CAO will consider an alternative proposal, installing an 800 telephone line with a recording of the FCC's weekly meeting agenda.

III. INFORMATION MATERIALS

CAO has a strong information program, including these initiatives:

- CAO publishes *Feedback* (a plain-English summary of the major consumer notices before the Commission), as well as *Actions Alert* (a weekly status report of the top issues before the Commission), and other information publications.
- CAO distributes the FCC's Open Meeting Guide; [1] Sunshine Agenda; [2] and other materials informing consumers of Agency procedures.

• CAO publishes new bulletins and procedure manuals in plain-English and, where appropriate, in a bilingual format.

• CAO uses the mass media and other forms of media as an appropriate distribution channel for information about proposals, policies, and decisions. In addition to newspaper distribution, CAO makes distribution by using such vehicles as:

(1) Sunday Newspaper Supplements; (2) Video and Audio Tapes Programs; (3) Ethnic Media (i.e., Black, Hispanic, and other special interests); (4) Public Service Announcements; (5) Edited Tapes of Major Commission Meetings; (6) Participation in Public Affairs Forums.

• CAO distributes such publications as: *Consumer Notices* (periodic bulletins which give information about Commission activities which are of primary interest to the public.) *Feedback* (A "plain-English" summary of the major consumer related proposals before the Commission.) *FCC Information Bulletins* (A wide range of information publications describing FCC services and activities.) *Procedure Manual* (A pamphlet outlining the respective roles of the industry we regulate, offering advice to the consumer on how to participate in FCC activities.) *Curriculum Materials* (A set of consumer communication course materials used to illustrate skills required for participating in FCC proceedings.

CAO is considering new information programs. For example, CAO will explore the possibility of purchasing advertising space in the telephone directory yellow page supplements to publicize the availability of CAO's information services.

CAO will aid in the production of FCC's Field Operation Bureau's information bulletins. CAO will aid FOB in the distribution of Sunshine Agenda, news releases, and public notices. A facsimile machine has been installed at headquarters and Field Offices to expedite delivery of major agency decisions to other parts of the country. CAO will assist FOB's public information specialists in conducting training sessions for FOB contact representatives.

IV. EDUCATION AND TRAINING

The Consumer Assistance Office is responsible for informing other Bureaus and Offices of the assistance available from CAO for consumers seeking information and assistance.

CAO staff receives training, as needed, in consumerism, complaint-handling, citizen participation techniques and outreach methods.

CAO personnel receives training by attending classes when offered, by attending consumer affairs conferences, professional development seminars, and by participating in programs aimed at enhancing consumer affairs/participation. Workshops have played an integral part in CAO training by providing the staff with a knowledge of the kinds and types of assistance expected by the public.

Other offices within the Commission with responsibility for implementation of rules and oversight provide technical assistance to consumers. A portion of the Public Participation Workshops is set aside to discuss technical assistance needs. CAO also employs bi-lingual staff to aid those individuals having difficulty communicating with the Commission.

V. COMPLAINT HANDLING

The Consumer Assistance Office has a low-cost, modern system for facilitating timely and responsive replies to all complaints and inquiries. The reports generated by the system provides decision makers at the FCC with accurate information about areas of frequent complaints and inquiries.

A complaint handling coordinator has been identified in all Bureaus and oversees the timely response to all complaints and inquiries.

The FCC receives three types of complaints and inquiries: written, telephone and walk-in. A reasonable amount of time for responding to written inquiries is 10 days; telephone, 24 hours; and for walk-ins, the staff tries to provide response immediately. The complaint-handling system provides for logging and follow-up mechanisms. The coordinator regularly makes a check for trends and areas of frequent complaint. When a trend is recognized, the complaint coordinator recommends that Commission action be taken to offset any major problems.

The complaint/inquiry coordinator collects statistics on complaint and inquiry activity and provides CAO with a report. A descriptive narrative accompanies the statistical report and includes specific nature of the complaint and suggests action that can be taken to correct problem areas.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-16412 Filed 6-6-80; 8:45 am]

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[1] A Guide to Open Meetings is a pamphlet designed to help those individuals attending Commission meetings to understand what is taking place during the meeting; who is participating in the meeting; and what conduct is expected.

[2] The Sunshine Agenda lists the titles and briefly summarizes those items to be considered during the Commission meeting. The Sunshine Agenda is issued seven days prior to the meeting date.

federal register

Monday
June 9, 1980

Part V—Section B

Federal Reserve System

Final Consumer and Community Affairs Program

FEDERAL RESERVE SYSTEM

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of Consumer and Community Affairs Program.

SUMMARY: The Board is publishing an updated version of the consumer program published on December 10, 1979 (44 FR 71306), in voluntary response to Executive Order 12160. This version clarifies certain aspects of the program that were the subject of consumer comment.

ADDRESS: Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: Ann Marie Bray, Staff Assistant, 202–452–3378.

SUPPLEMENTARY INFORMATION: A recent presidential action, Execitive Order 112160, established a Consumer Affairs Council of Executive agency departments "to improve the management, coordination, and effectiveness of agency consumer programs" (44 FR 55787, September 28, 1979). These agencies were directed to prepare and publish draft consumer programs that would meet certain criteria specified in the order. Although not represented on the Council, the Board published a notice describing the components of its existing consumer program (44 FR 71306, December 10, 1979), which it believes is in conformity with the President's order.

In response to this notice, the Board received approximately 15 written comments, of which 5 specifically addressed the Board's program. In addition, three individuals offered verbal comments on the program during the White House Workshop on the Consumer's Executive Order, held on February 6, 1980.

Several commenters urged the Board to investigate methods of facilitating consumer participation in the Federal Reserve rulemaking process, and to clarify, in its program, the consumer advocacy responsibilities of the Division of Consumer and Community Affairs (DCCA) staff and the Board's Consumer Advisory Council. The Board was also asked to discuss its specific plans for informing the DCCA staff of Executive Order 12160 and the activities of the Consumer Affairs Council, and to encourage the DCCA staff to regularly attend consumer group meetings to more directly expose the staff to the ideas and concerns of consumer professionals.

Additional comments included suggestions in the following areas: (1) preparing materials that describe how consumer groups can most effectively monitor compliance with the regulations administered by the Board; (2) providing an organizational chart as part of the program; (3) asking the Consumer Advisory Council to consider the special concerns of the elderly in all of its deliberations; (4) taking educational initiatives that are tailored to elderly and disabled consumers; (5) outlining the types of information that are sent to consumers filing complaints with the Board; and (6) regularly soliciting information about consumer complaints received by other federal agencies enforcing the consumer credit regulations to be considered in policymaking decisons.

The Board is publishing below an updated version of the consumer program published in December 1979, which clarifies certain aspects of the program that were the subject of consumer comment. The Board continually evaluates the administration of its consumer program and always welcomes comments and suggestions on methods of improving it. The Board's report will include the areas noted in Section 1–4 of the Executive order: consumer perspective, consumer participation, informational materials, education and training, and complaint handling.

CONSUMER AND COMMUNITY AFFAIRS PROGRAM

The Board relies on its Consumer Advisory Council to present the consumer viewpoint (as well as that of creditors) on issues facing the Board. This direct method of consumer interaction with Board members, which is expressly mandated by stutute, is believed by the Board to be the approach best suited to ensure that the interests of consumers are communicated to it.

Creation of the Consumer Advisory Council was mandated by the Congress in the fall of 1976, at the suggestion of the Board. It was established to assist the Board in implementing legislation passed in the consumer credit protection area, and to advise and conslut with the Board on any other consumer-related matters.

The Council consists of approximately 30 individuals from all parts of the nation, representing a broad range of consumer and creditor perspectives. As such, it presents a unique mechanism for interaction between the Board and the public. Meetings of the Council are held quarterly and are open to the general public.

To date, the Council has considered a broad range of consumer issues, including implementation of the Electronic Fund Transfer Act and of the Board's responsibilities under the Federal Trade Commission Improvement Act to ban unfair or deceptive bank practices, cost-impact statements for Board regulations, uniform regulatory policies, right to financial privacy recommendations, and various issues concerning the implementation and enforcement of the Truth in Lending and Equal Credit Opportunity Acts.

I. CONSUMER AFFAIRS PERSECTIVE

The Board has assigned primary responsibility for implementation of its rulewriting and compliance activities in the area of consumer credit regulation and community affairs, as well as the handling of consumer complaints, to its Division of Consumer and Community Affairs (DCCA). This division is charged with assisting the Board in seeing that the interests of savers and consumers are given adequate and specific attention in considerations leading to relevant Board decisions. In addition, the division is responsible for implementing a number of specific consumer-related programs mandated to the Board by the Congress, as well as civil rights laws having to do with consumer credit.

Currently there are eleven major pieces of legislation for which the Board has rulewriting authority or enforcement responsibility or both. These include the Truth in Lending, Fair Credit Billing, Consumer Leasing, Equal Credit Opportunity, Home Mortgage Disclosure, Community Reinvestment, Federal Trade Commission Improvement, Fair Housing, Fair Credit Reporting, Fair Debt Collection Practices, and most recently, Electronic Fund Transfer Acts.

Responsibilities

Generally the Board's responsibilities include (1) drafting, amending, and interpreting regulations that implement those laws; (2) developing and monitoring programs to enforce those laws with regard to state chartered banks that are members of the Federal Reserve System; (3) disseminating educational materials concerning the rights and responsibilities of creditors and consumers under those laws; and (4) administering its consumer complaint handling system.

The director of DCCA reports directly to the Board and is charged with making policy recommendations to the Board on matters involving consumer credit regulation, implementing Board policy directives, setting divisional

priorities, and ensuring a high degree of inter- and intra-agency coordination, where appropriate, for both regulatory and compliance activities. The director monitors the Board's consumer programs, reviews proposed changes to or new consumer-oriented policy initiatives and communicates to the Board the potential effect that such actions may have upon consumers.

Size and Resources

The Board's professional staff of consumer affairs personnel is centralized in the DCCA. The staff currently consists of 4 senior level officials, 15 attorneys, 7 review examiners, 2 consumer affairs specialists, 2 staff assistants, and a community affairs coordinator, as well as other general program support and clerical personnel.

The Consumer and Community Affairs legal staff has major responsibility for drafting regulations and interpretations concerning eight of the statutes listed above. This staff is also responsible for advising state member banks and the System's consumer affairs bank examiners regarding the legal interpretations of the laws listed above. In addition, the staff analyzes proposed legislation in the consumer and civil rights areas that might affect the Board's work, and prepares testimony for Congressional hearings.

The division's staff of review examiners coordinates the consumer and community affairs compliance examination program by developing examination procedures and by reviewing, evaluating, and assisting in the regulatory and compliance activities in the Federal Reserve Bank districts. The staff reviews consumer and community affairs compliance examination reports submitted by the Reserve Banks to determine the quality of the examinations, and communicates its findings to the Reserve Banks. Based upon review of the reports and application of the statutes and regulations, the staff develops programs to eliminate inconsistencies and enhance uniformity in compliance efforts in the banking community.

The division's consumer affairs specialists are responsible for handling complaints received from consumers regarding banks and a broad range of other creditors, including merchants. This includes advising Federal Reserve Bank staff members on questions concerning complaints, and following up Reserve Bank investigations to determine the resolution of complaints. They also respond directly to requests for information, statistics and advice from consumers, and persons in federal, state, and local agencies and in the private sector. In addition, these staff members compile data for annual reports to the Congress and provide information regarding consumer complaints for use by the division officials and the Board in their deliberations.

The division's staff assistants handle requests for information related to the division's work that are filed under the Freedom of Information Act, and process the division's **Federal Register** notices for publication. Other duties include preparing the Board's Annual Reports to the Congress on Truth in Lending, Equal Credit Opportunity, and Section 18(f) of the Federal Trade Commission Improvement Act, occasional speechwriting, providing general information services to the public, and performing miscellaneous projects as the need arises.

The division's community affairs coordinator, who has major responsibility for the Board's community-related activities, keeps Board officials informed of developments and programs involving community-related policy, problems and precedents, and their probable impact on the Board, the communities or banking system. This staff member also identifies and is knowledgeable about programs, such as neighborhood preservations and urban development, which may be useful to state member banks in helping to meet the credit needs of their communities. Additional responsibilities include serving as the Board's liason with community groups and others on matters of community development, participating in interagency community affairs activities to develop uniform and coordinated policies, and preparing reports, speeches, testimony, and policy-oriented correspondence on community reinvestment areas.

Participation in Development and Review of Agency Rules, Policies, Programs, and Legislation

The director of the division informs the Consumer and Community Affairs staff of the opportunities for its participation in the proceedings of the Board with regard to consumer matters. The division's staff provides information the input during all stages of agency decisionmaking. Generally, the question, proposal, or subject at hand is researched by the staff. Staff knowledge and expertise is then used to develop recommendations for submission to the Board. This involves attending public hearings, reviewing written comments from the public and suggestions from the Consumer Advisory Council, meeting with agency task forces and outside representatives, applying applicable laws and regulations, reporting findings to the division's director and other officials, preparing materials for and attending the Board meetings at which decisions are made, and finally, implementing those decisions with an eye toward future improvements or changes.

II. CONSUMER PARTICIPATION

The Board has established procedures to ensure the opportunity for public participation in its rulemaking process (12 CFR, Part 226). Depending upon the circumstance, the opportunity for participation is published in the **Federal Register** and in press release format. All press releases concerning consumer affairs proposals and other actions are routinely distributed to interested parties through a mailing list maintained by the Board. Persons interested in being added to this list should contact the Board's Publications Services.

Written Comments on Proposals

Generally, the public is given 60 days after the proposal appears in the **Federal Register** to submit written comments or arguments concerning the material. The name and telephone number of the staff member handling the action appears in the **Federal Register** notice as well as in the press release so that questions may be easily answered and additional information provided to interested members of the public.

After the comment period has closed, the Board's Division of Consumer and Community Affairs prepares for the Board a summary of the comments received and incorporates ideas received from the Consumer Advisory Council. After reviewing and considering all comments received, the staff formulates recommendations and drafts language for the proposed or final regulations or amendments for submission to the Board. The staff is present at the Board meetings to explain its recommendations and to discuss considerations raised in the comment letters and by the Consumer Advisory Council.

Public Hearings

In certain instances, the Board, either in reponse to a public request or on its own initiative, considers it appropriate to hold public hearings on a proposal. Whenever a hearing is ordered by the Board, notice is usually published in the **Federal Register** no less than 20 days prior to the hearing and notice appears in the form of a press release. Persons interested in testifying at the hearing are instructed

to contact the Board in advance of the hearing so that appropriate scheduling can be handled. Transcripts are made of all public hearings, which become part of the public record and are used by the DCCA's staff during their deliberations on the proposals.

III. INFORMATIONAL MATERIALS

Consumers' awareness of their rights and responsibilities under the credit laws and regulations is a continuing concern of the Federal Reserve Board. To further this awareness, the Board and the Reserve Banks have prepared, and continue to prepare, written and audiovisual materials covering a range of topics of interest to consumers. Usually, the Board's involvement in the education of consumers is carried out by the Board's Office of Public Affairs and the Federal Reserve Banks in coordination with the Division of Consumer and Community Affairs.

Agency Responsibilities and Services

Several pamphlets and fact sheets outlining the purpose of the Federal Reserve System have been prepared by the Board's staff for dissemination to the public. The most comprehensive of these is *The Federal Reserve System—Purposes and Functions.* Completely rewritten and revised in 1974, this 125-page booklet provides a concise account of the responsibilities and operating techniques of the System in the areas of monetary policy, banking and financial regulation, and international finance. While not specifically directed toward the consumer credit regulations, this publication does present an overview of the workings of the Federal Reserve. *A Guide to Federal Reserve Regulations,* published in April 1978, is designed to provide consumers with a general understanding of the goals and scope of each Federal Reserve regulation. Copies of the individual regulations are available to consumers from the Board of Governors or from the Federal Reserve Banks.

More detailed information concerning consumer credit regulations is available through two fact sheets continually updated by the Division of Consumer and Community Affairs. The first, most recently revised in March 1980, discusses the specific regulatory and enforcement responsibilities of the Division of Consumer and Community Affairs. The second discusses unofficial interpretations prepared by staff members of the Board in response to questions from the public concerning the Board's consumer credit protection regulations.

Other sources of information concerning the Board's activities in the consumer credit area are the Board's Annual Reports to Congress on Truth in Lending, Equal Credit Opportunity, and Section 18(f) of the Federal Trade Commission Improvement Act (under which the Board's consumer complaint program is administered). A recent pamphlet outlining the Board's consumer complaint handling process will be discussed in the section of this report concerning complaint handling. All of the above mentioned materials are available to interested persons and some are routinely distributed to persons on the Board's general consumer affairs mailing list mentioned earlier in this report.

Marketplace Information

An important aspect of the Board's enforcement function in the area of consumer credit protection regulation is educating both creditors and consumers of their rights and responsibilities. Explanatory pamphlets are a principal method of achieving this goal.

The Board's *Consumer Handbook to Credit Protection Laws,* published in December 1978 and reprinted in April 1979, is a comprehensive compilation of information about consumers' rights under credit laws and regulations. Many different techniques were used to bring about its broad distribution. The Board sent a copy of the booklet, with instructions on how to request additional copies, to over 35,000 high schools, junior colleges, and colleges. In addition, each member of Congress received a copy as did approximately 150 Better Business Bureaus. Copies were provided in bulk to the other Federal agencies that enforce the consumer credit laws and a regular distribution was made to the Reserve Banks. Copies are also being distributed through the Consumer Information Center in Pueblo, Colorado. The *Handbook* is currently being revised to include information about consumer protections under the Electronic Fund Transfer Act and regulation, which became fully effective May 10, 1980. In addition, a separate consumer pamphlet about electronic fund transfers will be published by the Board later this month.

Other selected brochures currently available from the Board with their dates of preparation appear below:

The Equal Credit Opportunity Act and * * * Credit Rights in Housing (1/78).
The Equal Credit Opportunity Act and * * * Age (5/77).
The Equal Credit Opportunity Act and * * * Women (5/77).
The Equal Credit Opportunity Act and * * * Doctors, Lawyers, Small Retailers, and Others Who May Provide Incidental Credit (5/77).
Fair Credit Billing (12/76).
If You Use a Credit Card (12/78).
Truth in Leasing (3/78).
What Truth in Lending Means to You (Rev. 4/78).
How To File a Consumer Complaint (7/78).

Since short pamphlets such as those mentioned above are suitable for classroom use, multiple copies are available without charge.

In the area of audio-visual communication, the Federal Reserve recently began national TV distribution of a film entitled *To Your Credit.* Produced by the Federal Reserve Bank of Philadelphia, this film examines common problems faced by consumers during the course of credit transactions and offers solutions by informing consumers of their rights under the many consumer credit protection laws. The Philadelphia Reserve Bank has also produced a film entitled *EFT: At Your Service.* A teacher's guide for use with this film is being prepared by the Federal Reserve Board. School, consumer, and civic groups may obtain copies of these films without charge by contacting the Federal Reserve Bank of their district.

Last year, the Board inaugurated teacher workshops. Topics covered include an overview of the Federal Reserve System, its consumer credit regulations, its resources available in the areas of economic and consumer education, and methods of teaching consumer education in the classroom. So far this year the Board has held two workshops for teachers in the Washington, D.C. metropolitan area schools. Some Reserve Banks have also initiated similar programs for their own districts. Along the same line, the Federal Reserve Bank of Minneapolis is developing a comprehensive consumer credit curriculum for use in high schools and colleges. The package is expected to be available in the fall of this year.

A game entitled "You're the Banker" has been devised primarily for classroom use by the Minneapolis Reserve Bank. It familiarizes the players with the basics of banking and demonstrates the effect that banking transactions have upon the general economy. "You're the Banker" is available from that Bank's Public Information Office at a cost of $15.00.

As part of the educational effort, staff members of the Board's Division of Consumer and Community Affairs regularly make public speaking appearances before creditor

and consumer groups interested in various consumer credit topics.

To assist community groups and organizations in understanding the Community Reinvestment Act review process, the Board is preparing a "Guide To Application Procedures Under the Community Reinvestment Act" written in plain English.

Finally, a *Federal Reserve System Compliance Handbook*, published in the spring of 1979, contains explanations of Federal consumer credit laws and regulations, guidelines for enforcing those laws, System procedures for handling consumer complaints, and examiner instructions. This manual was prepared primarily for use by System examiners and State member banks.

IV. EDUCATION AND TRAINING

Staff members of the Board's Division of Consumer and Community Affairs receive regular briefings and copies of related materials concerning the Board's consumer program and policies. In addition, the staff's opportunities for professional development include participating in on-site consumer affairs bank examinations as well as attending interagency schools for bank examiners.

Where needed, special seminars are conducted to familiarize staff with recent developments in areas such as civil rights enforcement. Also, selected staff members conduct weekly training sessions for members of the division on topics relevant to the division's work. Information about Executive Order 12160, the Consumer Affairs Council, and agency consumer programs will be the subject of an upcoming staff seminar and will be included in the division's orientation for new members.

V. COMPLAINT HANDLING

The Federal Reserve System continues to reply to complaints and inquiries about many areas of consumer activity. Responses range from providing consumers with information or explanations to investigating and resolving complaints against State member banks. Complaints that involve creditors or businesses not under the Board's supervisory jurisdiction and that require more than information are forwarded to the appropriate enforcement agency.

To help consumers report complaints against State member banks, the Board, in July 1978, published *How To File a Consumer Complaint*. The pamphlet explains what a consumer should do when experiencing a problem with a bank and the procedures the Board will follow in investigating the complaint. It also contains a complaint form that is addressed to the Board, and that solicits specific information about the problem.

Response Procedures

Within 15 business days of receipt of an oral or written complaint, a substantive response or an acknowledgement setting a reasonable time for a substantive response will be sent to the individual making the complaint. The name or the person handling the complaint or the name of the person at a Federal Reserve Bank or other agency to which the complaint has been referred is provided to the complainant. In an ongoing effort to monitor the effectiveness of the System's efforts to resolve consumer complaints, the board sends followup letters to individuals who contact the board about problems concerning state members banks, asking the complainants whether they were satisfied with the promptness with which their complaints were handled, whether they found the System staff courteous, whether they were content with the resoluton of the problem, and whether they would contact the Federal Reserve in the event of fute problems.

Tracking Complaints

Information about all consumer complaints received by the System (the Board and the 12 Federal Reserve Banks) is manually recorded on data sheets that are later used to transfer this information to the Board's computer system. The type of complaint, the name of the bank against which it has been lodged, and that bank's corresponding Federal Reserve district are included on the sheet. This system gives the computer program the capacity to retrieve information concerning, for example, the number of complaints on a particular topic or against a particular bank.

Board of Governors of the Federal Reserve System, May 20, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-16413 Filed 6-6-80; 8:45 am]

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federal register

Monday
June 9, 1980

Part V—Section C

Consumer Product Safety Commission

Statement of Support for the President's Executive Order No. 12160

CONSUMER PRODUCT SAFETY COMMISSION

Statement of Support for the President's Executive Order No. 12160

AGENCY: Consumer Product Safety Commission.

ACTION: Final Statement of Support for Executive Order.

SUMMARY: In September, 1979, President Carter issued an executive order to provide for the enhancement and cooperation of federal consumer programs. The Consumer Product Safety Commission, an independent agency, fully supports this effort. In the December 10, 1979, **Federal Register** the Commission published an initial document describing its activities that increase consumer participation and encouraging comments from the public. This is the final version of that statement of support including comments received from the public.

FOR FURTHER INFORMATION CONTACT: Ken Rashid, Associate Executive Director for Communications, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6580.

SUPPLEMENTARY INFORMATION:

INTRODUCTION

The Consumer Product Safety Commission (CPSC) is an independent federal regulatory agency charged with the responsibility of protecting the public against unreasonable risks of injury associated with consumer products. The Consumer Product Safety Act, which established CPSC, contains unique provisions regarding consumer participation and consumer information, and requires CPSC to provide meaningful access to consumers and to consider their views in the development of major Commission programs. In addition to these statutory requirements, the Commission, since its creation, has recognized the vital role that consumers have in assisting the agency to carry out its mission, and has actively sought ways of informing consumers about agency activities and involving them in these efforts.

On December 10, 1979, CPSC published in the **Federal Register** a Statement of Support for the President's Executive Order 12160. Although, as an independent agency, CPSC is not required to comply with the Executive Order, the Commission strongly supports this effort to improve federal consumer programs. This Statement of Support indicates that our existing programs substantially meet the formal requirements of the Executive Order, and, beyond that, actually provide consumers with many ways to learn of, and participate in, Commission activities.

In response to the Statement of Support describing these activities, CPSC received 19 comments: three from individual consumers, nine from consumer groups and related organizations, 6 from businesses or trade associations and one from a state. These comments were reviewed by CPSC staff who are familiar with our program. Some of these comments are beyond the scope of Executive Order 12160 and the Commission's consumer program, and therefore, have not been addressed.

The principal issues raised by the commenters are discussed below.

CONSUMER AFFAIRS PERSPECTIVE

Several commenters noted that the Commission has not designated a single individual or office to provide a consumer affairs perspective. Others noted that in their opinion the head of such a unit should report directly to the head of the agency. Since the Commission is not covered by the Executive Order, and since we have had an active and successful consumer affairs program for several years, we believe that reorganizing this function is not necessary at this time. Accordingly, our Area Offices, Office of the Secretary, and Directorate for Communications, which function as a consumer affairs staff at CPSC, will continue to share responsibility in this area. However, in response to several comments indicating that our description of this shared responsibility was not clear, we have revised that section to clarify the relationships and responsibilities of the staff.

CONSUMER PARTICIPATION

In different ways, commenters stressed the need for adequate funding for consumer participation, for example, to encourage participation by low income, elderly and handicapped persons. One commenter suggested that, to encourage applications for funding, we indicate the precise amount available for consumer participation. We agree that adequate funding is necessary for a successful consumer participation program, and the Commission has set aside $30,000 for the fiscal year 1980. Other commenters stressed the need for public input early in the policy-making process, and we have clarified the section on public participation to explain that we will continue to make every effort to provide opportunities for the public to express its views long before a regulation is even proposed. We have also clarified, at the suggestion of one commenter, how consumers who do not require funding may participate in CPSC activities.

Two commenters suggested that we continually review and attempt to improve consumer representation on our advisory committees. Two others believed that we should include a permanent consumer representative on the Commission and that a "Consumer Advisory Board" should be established in each agency.

The CPSC supports the need for strong consumer representation on its advisory committees, and positions are set aside for consumers on 3 of our 4 advisory committees (the fourth is a highly technical body). We constantly strive to maintain and upgrade the quality of all our advisory committees. New legislation, however, would be necessary to give the Director of the Consumer Affairs Office in each agency the power to seek judical review or to set aside one position on the Commission itself solely to represent consumer interests.

Two other commenters recommended that the CPSC also provide technical assistance to consumers who wish to participate in Commission proceedings. Others suggested that the Commission use all available and innovative means to advise the public about Commission activities for early and meaningful participation. Still another suggestion was that CPSC consider developing and updating a list of private consumer citizens who could provide particular knowledge or expertise in the applicable subject area.

We agree with the intent of these suggestions. CPSC is committed to encouraging the widest possible participation by the public and it is one of the major responsibilities of our Office of Public Participation to see that this is done effectively. The Office will make special efforts to provide timely information on how to participate in Commission activities, and to reach out broadly to provide this information to the public.

We believe that our present procedures enable us to provide technical assistance by answering specific questions from concerned persons by letter, personal visit or telephone and by making available material relating to our activities. Our Area Offices Community Services personnel are especially trained to give technical assistance at the State and Local level.

We have therefore, revised this section to indicate that we will explore and use all appropriate means to get information on our activities to consumers.

INFORMATIONAL MATERIALS

Many commenters stressed the need to provide information to "average consumers" or to particular groups, such as the handicapped, low-income, minority groups, or the elderly, who may have particular concerns about product safety. The Commission attempts to reach average consumers by working with a variety of groups with concerns other than product safety to which consumers are likely to belong. These include community and service groups, religious groups, educational groups, youth groups, and so on. In addition, we make particular efforts to contact "hard-to-reach" consumers through groups concerned with their needs and publications addressed to their special problems. Several specific ways of improving publicity were suggested by commenters such as purchased space in newspapers or greater use of the Consumer Information Center at Pueblo, Colorado. Unfortunately, these are high cost options that we cannot consider at this time.

One commenter suggested that CPSC make funds available for bona fide consumer groups to develop their own material. Although this suggestion is too expensive to adopt at this time, the Commission does make negatives of many of its print materials available to any outside source that wishes to print them. In general, 10 copies of fact sheets and certain other publications can be obtained free from the CPSC. More than 10 copies are available for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Another commenter suggested that the CPSC's audio visual program make adequate use of the expertise that is available in the private sector. The CPSC presently uses the skills and knowledge of the private sector both to produce and distribute its audio visual products.

One commenter suggested that we incorporate local news items, minority news items, sign language for the deaf (TV) and braille material for the blind as part of our information materials. We encourage our area offices to issue press releases on local events, and these do include minority news events and items of concern for the handicapped. For example, our news releases always contain the telephone number of our teletype for the deaf. We will also continue looking into the feasibility of sign language for TV spots and braille for the blind.

EDUCATION AND TRAINING

Most commenters thought the Commission's education and training programs were sufficient, although some stressed the need for adequate resources and staff expertise in making consumer programs successful. Several commenters suggested that the CPSC give special attention to the hiring of qualified individuals with demonstrated experience in representing consumers. We have revised that section accordingly to emphasize our activities in this area.

Two commenters noted that this section had no reference to availability of funds or contract monies for experienced consumer groups who could assist the agency in its activities to increase consumer participation. Such a program would be beyond our means. However, contract funds are available from time to time on certain projects which are awarded on a competitive basis by the CPSC.

INQUIRIES AND COMPLAINT HANDLING

Many commenters noted our use of the toll-free Hotline with approval. In response to several comments, we have clarified the section on how compliants are handled and the role they play in initiating agency action.

Another commenter said that a complaint handling system should be made more efficient and accessible to the elderly. In our opinion, the CPSC system meets these requirements because it is readily accessible to all groups of consumers.

FINAL STATEMENT

The following discussion is our final statement of support for Executive Order 12160. It incorporates the Commission's responses to the public comments discussed above.

CONSUMER AFFAIRS PERSPECTIVE

Within the CPSC, staff of the Directorate for Communications, the Office of the Secretary, and the Commission's thirteen Area Offices work most directly with meeting the needs of consumers. The Associate Executive Director for Communications, CPSC's top-level designee for coordinating the implementation of Executive Order 12160, plans and directs the implementation of nationwide consumer information and education programs to insure their coordination with the Area Offices.

Consumer affairs professionals in the Directorate for Communications are responsible for a broad range of communications including the composition and production of CPSC audio-visual and print information and education material for consumers, the dissemination of this material, and the management of the agency's coordinate efforts to alert and educate consumers about the hazards of consumer products.

The Professional Community Services personnel in the CPSC Area Offices implement broad national information and education programs in keeping with Commission priorities. Headquarters personnel in the Directorate of Communications assist these Field personnel by giving them continuing guidance and by coordinating the I & E activities both at the national and local level. This latter activity requires that consumer affairs professionals in both Headquarters and Area Offices be in almost constant communication with consumers and representatives of a wide range of consumer organizations.

The Office of the Secretary makes pertinent documents relating to our proceedings available to outside interested parties and includes the Office of Public Participation which is responsible for encouraging funded and unfunded consumer participation in official Commission standards setting and other regulatory activities.

In 1977, the Commission established a program management system in which multidisciplinary program teams drawn from the agency's technical directorates handle regulatory development and other program issues. Consumer affairs personnel from the Directorate for Communications are integral members of these teams, and fully participate in the development and review of all agency rules, policies, and programs.

CONSUMER PARTICIPATION

The Commission seeks the participation of all segments of the public in its rulemaking proceedings and other activities. Although industry representatives usually communicate their views to the Commission, non-industry individuals and groups, who can be affected by the rules, are not always heard. Therefore, the Commission is committed to making special efforts to encourage the widest possible participation in CPSC activities.

Consumers can play an important role in Commission affairs such as participation in the standards setting process. We also seek consumer opinion, both formal and informal, at every point in the development of safety standards, at

meetings between Commission officials and industry, and also during periods of open comment on proposed standards.

As one example, the CPSC has broadened public participation by conducting meetings outside of Washington, D.C. The Commission has held meetings in cities throughout the country, especially in areas where consumers might be particularly affected by a Commission project. Top agency officials—in many cases, the Commissioners—conduct these regional meetings. To the extent that funding permits, the Commission will continue scheduling these meetings in order to take maximum advantage of consumer participation on a coast to coast basis.

In meetings, hearings, and other proceedings, consumer participation is possible only when all segments of the public are fully informed about them. The Commission notifies the public about these proceedings through its Public Calendar, the **Federal Register**, press releases, *CPSC MEMO*, non-government news letters and magazines, notices sent directly to interested individuals and notices placed in periodicals. The Commission will continue to explore and use the best ways to publicize and encourage consumer participation at the earliest stages of our activities such as the use of special mailing lists and maximum and strategic use of the electronic and print media.

Consumers may be aware of Commission activities, but often lack the financial resources to participate. When consumers do participate, the degree and nature of their participation is often limited for the same reason. To address this problem, the Commission has set aside funds and established procedures by which qualifying consumers and other parties can be compensated for expenses incurred in participating in CPSC proceedings. These procedures apply to all of the Commission's informal notice and comment rulemaking activities, including the early stage in which the Commission obtains outside assistance in developing proposed rules. The Commission does not always specifically solicit funding requests, but consumers are welcome to submit them in every proceeding. Funding is available for transportation to CPSC meetings, payment of time spent on preparing written comments and all other expenses related to participation in rulemaking, such as document duplication and babysitting.

The major responsibility for administering the funding programs comes under the direction of the Commission's public participation personnel. Further information on funding is available from the Office of the Secretary (Attn: Director, Office of Public Participation), Consumer Product Safety Commission, Washington, D.C. 20207. This same office will also assist consumers who wish to participate on an unfunded basis.

INFORMATIONAL MATERIALS

Immediately after its establishment in 1973, the Commission began public awareness programs aimed at informing consumers about its existence, its responsibilities, and the services it could provide. Some of the first consumer information materials were specifically designed to make the public aware of the agency, its mission, and the ways to communicate with it. Personnel from the Directorate of Communications are responsible for the development of CPSC informational materials and share the responsibility for their distribution with the area offices.

The Commission's dedication to informing the public about consumer participation avenues is demonstrated by the agency's open meetings policy. Under this policy, all meetings are open to the public, unless there is a specific and compelling reason to close them. As one of the first such policies among federal agencies, it is the subject of a pamphlet and Fact Sheet and is frequently mentioned in other CPSC materials. All of these items have been widely disseminated to consumers.

The CPAC has conducted "educational diagnoses" to determine consumers' needs for product safety information. These surveys, based on a random sampling of households across the country, focused on consumers' knowledge levels and awareness of hazards in relation to dozens of consumer products. The Commission studied habits of consumers with regard to selection, use, maintenance, storage, and disposal of consumer products. The CPSC has also periodically commissioned research projects that investigate and analyze human usage factors and patterns in connection with specific consumer products.

The Commission is constantly striving to better serve the needs of consumers through its informational materials. The creation of many of the CPSC materials has often directly resulted form consumer inquiries or concerns on specific products or hazard areas. The most widely used and disseminated material, the CPSC Fact Sheets, evolved from the need to satisfy consumer inquiries received through correspondence and through our toll-free telephone Hotline (see "Inquires and Complaint Handling").

The Commission has, from its earliest days, been committed to the principle of conducting the public's business in public with participation by all interested parties. The CPSC open meetings policy and standards development processes, mandating the opportunity for direct public participation, are examples of this commitment. Both of these examples are supported by various consumer information materials.

The identification of particular constituent groups to be reached with product safety information is considered during the formulation of specific product safety information and education campaigns. The segments of the population that may be at highest risk of those likely to purchase or use the product are targeted as the recipients of the bulk of the Commission's planned informational activities. Additionally, the CPSC has initiated a minorites research project which is aimed, in part, at discovering what consumer products are associated with the highest number of accidents among certain minority consumers.

In its efforts to reach as many consumers as possible, the CPSC continually strives to reach and influence group or opinion leaders who can transmit information to a significant number of consumers. This "multiplier" or "ripple" effect is an efficient and productive way to reach the greatest number of consumers while expending a minimum or resources.

The Consumer Product Safety Commission uses a wide variety of mechanisms to transmit product safey information to consumers. A list of those the Commission has used is contained in Attachment 1. The choice of which method to use depends on the characteristics and nature of the population segments to be reached, their size, the the type of information to be transmitted.

The Commission has completed various assessments of its informational materials and programs. Examples of some of these measures are:

(1) Pre-testing of new materials under development.

(2) Informal assessment by consumers in telephone, correspondence, and face-to-face conversations with staff in Headquarters and the Area Offices.

(3) A one-year formal review of all CPSC print material based on a questionnaire accompanying all requests for informational materials and seeking consumer viewpoints on the usefulness and timeliness of the material and whether it was shared with others.

(4) Formal evaluations that measure the effectiveness of specific materials or approaches and/or programs.

All of these kinds of assessments are done continually in order that the CPSC may revise its old publications or consider the comments and concerns emerging from assessments in the development of any new materials.

The Commission produces a number of radio and television public service announcements annually. Each of these announcements gives the CPSC address and/or Hotline telephone numbers so that consumers can easily obtain further information. The material that is sent usually contains currently available informational materials.

As previously mentioned, the CPSC does design plans for specific product safety information and education campaigns. These plans are formulated yearly and provide guidance to the Commission's consumer affairs professionals in both the Headquarters and Area Office locations, on how to conduct targeted and concentrated informational efforts. The plans include: the identification of target groups, scope of effort, national consistency requirements, overall goals, materials to be used, suggested outreach activities, time frames, reporting requirements, and indications of resources to be used. When appropriate, the plans call for the coordination of efforts with other federal agencies or entities.

The Office of the Secretary issues the CPSC Public Calendar, which lists in advance all meetings of Commission employees and non-Commission representatives in which matters of substantial interest will be discussed. Since most of the listed meetings will be open, members of the public can plan to attend meetings that interest them. The Public Calendar notice includes the intent of the meeting and the subject to be discussed, the time and location of the meeting, and the name and telephone number of the Commission employee to contact for further information. The Public Calendar which also describes recent Commission actions and notifies the public of the matters to be considered at regularly scheduled Commission meetings and briefings, is published and mailed weekly free of charge to interested persons who request it. Request to be placed on the Public Calendar mailing list should be made to Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

EDUCATION AND TRAINING

The Directorate for Communications will be responsible for informing CPSC staff members about the Executive Order. Part of this has already been accomplished by the circulation of the Executive Order to the Commissioners and senior staff officials in the Commission's headquarters and Area Offices with accompanying instructions to notify all staff members of the Order. Additionally, all of the agency's Associate Executive Directors will be briefed on the Order.

It is always a CPSC objective to employ individuals who are experienced in consumer representation for its I & E activities. Even then, proper training is an important adjunct. For instance, in addition to other specific training programs in fiscal 1980, the Directorate for Communications will help prepare an orientation session for the consumer affairs personnel in each one of the agency's thirteen Area Offices on points relating to the Executive Order. During these orientation sessions, information and procedures will be provided to the consumer affairs personnel that will aid them in being better able to offer technical assistance to consumers upon request.

INQUIRIES AND COMPLAINT HANDLING

Since December of 1973, the Comsumer Product Safety Commission has collected consumer complaint and consumer contact data. What began as a "Hotline" and consumer correspondence program has evolved into an agency-wide consumer contact system which is supported by a computerized data base, "CONTACT".

After coding and processing the Hotline and correspondence inquiries, our staff also has the capability of retrieving this information. Then, analyses of these complaints in the data base are conducted by our Emerging Hazards Team to help us to determine trends which guide our future policy and program priorities. Because the complaints and inquiries are so numerous, the Commission cannot make a follow up to each individual report. However, it is important to note that each individual report becomes a part of the aggregate for Commission action, if indicated.

The data is composed of public inquiries, requests for publications, complaints about products, reports of product safety hazards, and injury reports. The agency has established procedures to ensure that consumer inquiries and complaints are handled in a timely and effective manner. All CPSC Headquarters and field offices can contribute and retrieve consumer complaint data by using the computer terminals installed in many Commission offices.

In a number of instances, consumer communications are petitions for rulemaking that identify unreasonable risks of injury presented by consumer products and lead to Commission proceedings for safety regulations.

In fiscal 1979, the agency received 500,000 inquiries and complaints from the public, an increase of over 200 percent from the previous year. Of the total inquiries and complaints, 300,000 were received on the toll-free telephone "Hotline" and 200,000 were from letters. Over 80% of the complaints and inquiries were handled in less than three weeks by the Directorate of Communications. Complaints of a technical and legal nature are referred to other CPSC units for analysis and appropriate follow-up.

Within CPSC, the Directorate for Communications has been delegated the responsibility for maintaining the agency's CONTACT program. Both monthly reports and an annual report summarizing a full year's trends have been issued.

During the past year, CPSC has taken significant steps towards improving its consumer complaint data system by conducting training sessions for all agency offices to assure uniformity in coding and use of the data in policy making and priority setting.

Any consumer can request information and report a product hazard by writing to the U.S. Consumer Product Safety Commission, Washington, D.C. 20207. Consumers can also call the toll-free Hotline at the following numbers: Continental U.S.A. (800) 638–8326; in Maryland only, (800) 492–8363; in Alaska, Hawaii, Puerto Rico, Virgin Island, (800) 638–8333. A teletype for the deaf is available from 8:30 a.m. to 5:00 p.m. EST on the following numbers: national (including Alaska and Hawaii); (800) 638–8270 in Maryland only, (800) 492–8104.

APPROPRIATE TELEPHONE NUMBERS

—Top-level designee.

—Agency Level Consumer Affairs Office.

—Office for Information about Agency Informational Material.

—Office for Information about Consumer Technical Assistance (Also, see attached list of Area Offices):

Kenneth R. Rashid, Associate Executive Director for Communications, U.S. Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207, (301) 492–6580.

—Office for Information about Complaint Handling:

Walter U. Johnson, Director of Consumer Response and Information, Directorate for Communications, U.S. Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6590.

—Office for Information about Consumer Participation in the Agency Decision Process:

Barbara Rosenfeld, Director of the Office of Public Participation, U.S. Consumer Product Safety Commission, Washington, D.C. 20207, (202) 254–6241.

Dated: May 22, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

CONSUMER PRODUCT SAFETY COMMISSION

Area Office Addresses

CPSC ATLANTA AREA OFFICE (ATL): Leslie Y. Pounds, Director, 1330 West Peachtree Street, Atlanta, Georgia 30309, FTS/8–257–2259 (COM/404–881–2231).

CPSC BOSTON AREA OFFICE (BOS): Jerome J. Donovan, Director, 100 Summer Street, 16th Floor, Room 1607, Boston, Massachusetts 02110, FTS/8–223–5576 (COM/617–223–5576).

CPSC CHICAGO AREA OFFICE (CHI): Milton J. Schulz, Acting Director, 230 South Dearborn Street, Room 2945, Chicago, Illinois 60604, FTS/8–353–8260 (COM/312–353–8260).

CPSC CLEVELAND AREA OFFICE (CLE): Roland W. Atley, Director, Plaza Nine Building, 55 Erieview Plaza, Suite 520, Cleveland, Ohio 44114, FTS/8–893–7160 (COM/216–522–3886).

CPSC DALLAS AREA OFFICE (DAL): Jeanne Devers-White, Director, 1100 Commerce Street, Room IC10, Dallas, Texas 75242, FTS/8–729–0841 (COM/214–767–0841).

CPSC DENVER AREA OFFICE (DEN): Victor P. Petralia, Director, Guaranty Bank Building, Suite 938, 817 17th Street, Denver, Colorado 80202, FTS/8–327–4795 (COM/303–837–2904).

CPSC KANSAS CITY AREA OFFICE (KAN): Alfred E. Lucas, Director, Midland Building, Suite 1000, 1221 Baltimore Avenue, Kansas City, Missouri 64105, FTS/8–758–2034 (COM/816–374–2034).

CPSC LOS ANGELES AREA OFFICE (LOS): Area Director, 3660 Wilshire Boulevard, Suite 1100, Los Angeles, California 90010, FTS/8–798–7272 (COM/213–688–7272).

CPSC TWIN CITIES AREA OFFICE (MIN): John F. Rabusch, Director, Metro Square, Suite 580, 7th and Robert, Saint Paul, Minnesota 55101, FTS/8–725–7781 (COM/612–725–7781).

CPSC NEW YORK AREA OFFICE (NYC): Richard D. Swackhamer, Director, 6 World Trade Center, Vesey Street, 6th Floor, New York, New York 10048, FTS/8–264–1134 (COM/212–264–1125).

CPSC PHILADELPHIA AREA OFFICE (PHL): Lacy B. Ward, Director, 400 Market Street, 10th Floor, Philadelphia, Pennsylvania 19106, FTS/8–597–9105 (COM/215–597–9105).

CPSC SAN FRANCISCO AREA OFFICE (SFO): James P. DiGrazia, Director, U.S. Customs House, Room 416, 555 Battery Street, San Francisco, California 94111, FTS/8–556–1819 (COM/415–556–1816).

CPSC SEATTLE AREA OFFICE (SEA): Joan L. Bergy, Director, 3240 Federal Building, 915 Second Avenue, Seattle, Washington 98174, FTS/8–399–5276 (COM/206–442–5276).

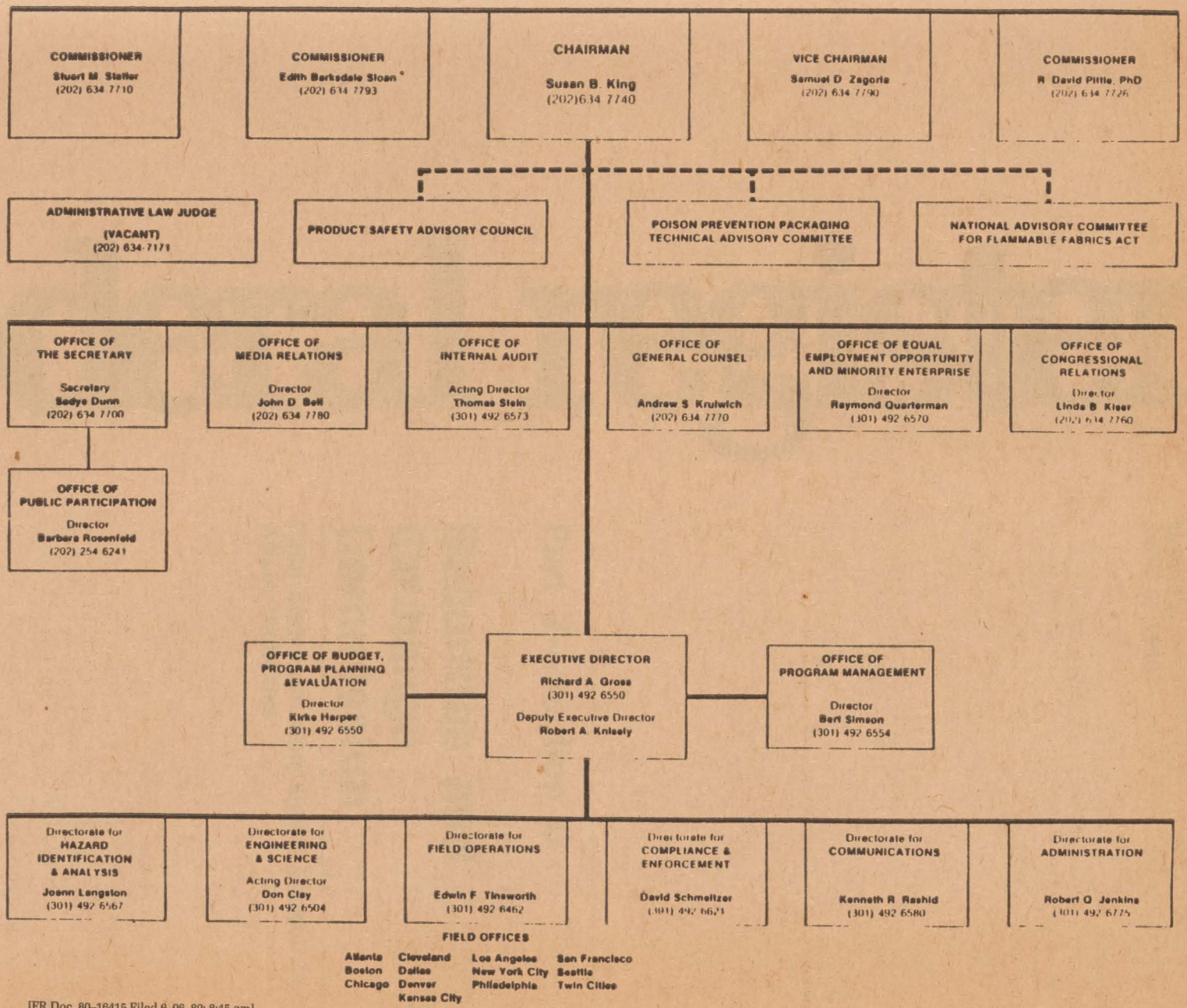
Attachment 1

CPSC Outreach Methods and Mechanisms

Pamphlets
Brochures
Booklets
Fact Sheets
Curriculum Guides
Teacher and Student Readings
Discussion Leader Guides
Counter Cards
Transit Cards
Posters
Coloring Books
Comic Books
Newspaper Articles
Magazine Articles
Bill Stuffers
TV Public Service Announcements
Radio Public Service Announcements
Announcer Copy
Newsettes
Slide-Tape Presentations
Films
Films Strips
Press Releases
Speeches
Staff Appearances on Mass Media
Consumer Hotline
Periodic Mailings
Workshops
Seminars
Public Display of Information
Exhibits
Conferences
Conventions
Hearings
Agency Newsletter
Spotmaster Service
Free Loan of Audio-Visual Materials
Consumer Information Center Distribution of Materials

BILLING CODE 6355-01-M

U.S. CONSUMER PRODUCT SAFETY COMMISSION



[FR Doc. 80-16415 Filed 6-06-80; 8:45 am]
BILLING CODE 6355-01-C

federal register

Monday
June 9, 1980

Part V—Section D

Securities and Exchange Commission

Final Statement Concerning Consumer Affairs Activities

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-16840/May 23, 1980]

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Final Statement Concerning Commission Consumer Affairs Activities.

SUMMARY: In Securities Exchange Act Release No. 16399 (November 26, 1979) the Securities and Exchange Commission published a statement to inform the public about its consumer affairs activities, and to solicit public comment concerning the effectiveness of its consumer affairs efforts. The Commission is issuing this release to discuss the comments received and to set forth a revised statement clarifying certain points in the prior release.

FOR FURTHER INFORMATION CONTACT: Ann C. Stansbury, Special Counsel, Office of Consumer Affairs, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, Telephone: 202-523-3952.

SUPPLEMENTARY INFORMATION: In Securities Exchange Act Release No. 16399 (November 26, 1979) the Securities and Exchange Commission published a statement concerning its consumer affairs activities in order to inform the public about such activities and to solicit public comment thereon. Executive Order No. 12160, entitled "Providing for Enhancement and Coordination of Federal Consumer Programs," requires all executive departments and agencies to publish draft and final consumer programs. Although the Commission as an independent regulatory agency is not subject to the Executive Order, the Commission elected to respond to its objectives by issuing a description of its consumer affairs program, especially of its Office of Consumer Affairs (OCA), according to the five elements of the Executive Order—consumer perspective, consumer participation in agency decision-making, information, education, and complaint-handling. The Commission has received and reviewed public comments on the statement of its program and is publishing a summary of those comments as well as a revised statement clarifying certain points in its earlier statement.

SUMMARY OF COMMENTS

The Commission received a total of seven comments on its consumer affairs program: one from an individual; five from public interest or consumer organization; and one from members of the Federal Regulation of Securities Committee, Section of Corporation, Banking, and Business Law of the American Bar Association (ABA members).

Those comments that were addressed to the Commission's program, rather than to all of the programs collectively, in general expressed satisfaction with the Commission's program. The comment by ABA members expressed approval of the working relationship of OCA with other offices and of its authority to participate in the decision-making process without prior review by any intermediate program manager. On the other hand, the members expressed doubt that OCA is necessary to increase public participation in decision-making. The ABA members commended OCA educational materials for investors as well as OCA's program to improve dispute resolution procedures for investor-broker disputes. They noted that OCA's complaint handling system received an excellent rating from Technical Assistance Research Programs, Inc. (TARP) in 1978. The ABA members recommended that OCA keep in mind the distinctions between investors and consumers in the ordinary sense,* that is, users of services and products, as well as between individual and professional investors such as institutions. They also recommended that OCA not be expanded because of budgetary considerations.

One comment criticized the Commission for not affording more opportunities for speeches addressed to groups of individual investors.

Other comments, not addressed specifically to the Commission's program, focused on enhanced citizen participation in decision-making, independence of the consumer affairs office within each agency, and training of consumer affairs staff to analyze trends and to advocate solutions.

Based on the analysis of comments received, the Commission has decided to issue a revised statement regarding its consumer affairs functions. The statement clarifies certain points in the previous release.

I. CONSUMER AFFAIRS PERSPECTIVE

The Commission's basic mandate under the federal securities laws is to protect investors. In order to fulfill this mandate it is important that the Commission have information about the needs and interests of investors, particularly individual investors who are relatively unsophisticated. In order to enhance its awareness of and responsiveness to such needs and interests, the Commission in May of 1976 established an Office of Consumer Affairs ("OCA"). OCA represents the viewpoint of individual investors as a class in matters before the Commission and develops its perspective primarily through analysis of complaints and inquiries received by the Commission. OCA reports administratively to the Executive Director and works closely with the Executive Director in formulating its views and recommendations. OCA may submit its recommendations directly to the Commission. The Commission's OCA staff includes attorneys, consumer affairs specialists, and support staff.

OCA is apprised of opportunities for participation in policy and program development through regular contact with the staff members of other offices and divisions. OCA routinely receives copies of items scheduled for Commission consideration, which are reviewed for the potential effect on individual investors of proposed Commission action. OCA may then formulate its position on such matters and make recommendations accordingly.

OCA may participate at every level of agency decisionmaking. Such participation may be through informal discussion, exchange of memoranda, membership on agency task forces and working groups where appropriate, meetings with Commission members and their staffs, and memoranda to the Commission. Memoranda submitted to the Commission by OCA are considered together with those of other offices in decisionmaking. The staff of OCA is authorized to participate in Commission meetings in order to present recommendations and to articulate its views on matters before the Commission.

OCA is responsible for overall coordination of the Commission's complaint processing program. OCA uses material obtained primarily from analysis of complaints to carry out its role of advising the Commission and staff about the concerns and interests of investors. Other offices, including the regional offices of the Commission, have staff members who respond to investor complaints and inquiries, and OCA frequently refers complaints to staff members who are most familiar with the subjects of complaints. OCA maintains close liaison with the Divisions to monitor those instances in which investor complaints suggest the need for further inquiry or regulatory action.

OCA's participation in programs is not limited to review of other staff proposals. When OCA was created in 1976, the

* In the context of the Commission's activities, the word "consumer" is used to refer to individual investors.

Commission directed it to develop recommendations for improved dispute resolution procedures for investor-broker disputes. A group known as the Securities Industry Conference on Arbitration (Conference) was organized in 1977 for that purpose and includes three representatives of the public in addition to representatives of securities industry organizations. OCA is the staff liaison with the Conference members. The Conference developed a series of uniform arbitration rules for adoption by the securities industry organizations, upon Commission approval, and prepared informational materials for investors about arbitration.

OCA reviews the arbitration procedures of the self-regulatory organizations, reports to the Commission any deficiencies and recommends any necessary action pursuant to the Commission's oversight responsibilities. OCA also reviews the complaint-handling systems of self-regulatory organizations and broker-dealers, in coordination with other staff offices having oversight functions.

II. CONSUMER PARTICIPATION

Investors may participate in Commission decisionmaking through the regular public comment process. Comment may be solicited through advance notices of proposed rulemaking, proposed rules and announcements of applications, in accordance with the Administrative Procedures Act. In addition, public hearings occasionally are held at various locations throughout the country in order to obtain a broad range of viewpoints on subjects of Commission rulemaking.

Participation in decisionmaking by individual investors also may take place indirectly through the Office of Consumer Affairs, which considers letters from the public to be valuable sources of information about investor interests and needs. Participation by OCA in staff discussions facilitates representation of investor interests at earlier stages of decisionmaking than the public comment periods.

In the releases announcing final actions on matters for which public comment has been sought, the Commission undertakes to respond to all comments received, including those from individual investors. In this connection, the Commission may ask OCA to prepare separate analyses of investor comments for Commission consideration, as appropriate.

The Commission, through its OCA and Office of Public Affairs, strives to provide meaningful information to individual investors about opportunities for participation in agency decisionmaking for the purpose of soliciting the views of those persons who may be affected by the implementation of Commission proposals. In general, the Commission has an ongoing system for informing the press about Commission actions, including those matters on which comment is solicited. The Commission provides information to a broad range of publications, as well as the broadcast media, which may be more accessible to individual investors than the **Federal Register**. In addition, the Commission has a system for mailing proposals to interested persons to encourage submission of comments for inclusion in the public record.

Organizations concerned with the interests of individual investors, who wish to receive regular information about matters published by the Commission for public comment, should contact OCA or the Office of Public Affairs.

III. INFORMATIONAL MATERIALS

The Commission recognizes that individual investors must be informed about the functions and responsibilities of the Commission in order to respond to proposed agency actions. In addition, the Commission believes that investors should be better informed about the services offered by the Commission, particularly the complaint handling functions of OCA.

The Commission has published several brochures and audiovisual materials to educate investors about aspects of the marketplace, the work of the Commission, and types of fraudulent schemes of which investors ought to be aware.

The Commission plans to revise and upgrade its informational materials for the public to include more practical advice and information. With respect to services offered by the Commission, the Commission plans to update its booklet *The Work of the SEC* to include additional information about its services, including public information and complaint handling. In addition, a new pamphlet will be published to serve as a general guide to persons who are investing for the first time, and to explain the type and degree of assistance that the Commission can render to individuals.

Pamphlets will be distributed by the Commission's staff upon request and through the Federal Information Center in Pueblo, Colorado.

The Commission also furnishes materials to the press from time to time for the purpose of educating investors. The Commission's OCA and Office of Public Affairs recently began to distribute to newspapers a series of brief columns entitled "Information for Investors." The columns are to include general information about topics of concern to investors, as well as about items for which the Commission is soliciting public comment.

With respect to information about matters to be considered at public Commission meetings, the agendas for such Commission meetings are published in advance in the *SEC News Digest* as well as the **Federal Register**. The names and telephone numbers of persons to contact for further information are also provided. Persons who attend public meetings receive summaries of the agenda items to be considered at such meetings. The office responsible for each agenda item submits a clear, concise summary to the Office of the Secretary prior to the Commission meeting at which the item will be considered. The summaries are required to be easily comprehendible, listing the issues expected to be considered by the Commission during the course of the discussion. An announcement is made at the opening of each public meeting that the summaries are available at the entrance to the meeting room.

Public hearings and forums are held on subjects of Commission rulemaking and other matters that are of general public interest. For example, two public forums were held in connection with development of plans for uniform investor-broker dispute resolution procedures, and the Commission held hearings throughout the country on the subject of corporate governance.

IV. EDUCATION AND TRAINING

The Commission's OCA is responsible for educating other Commission staff members about the Executive Order and the Commission's consumer program. For example, OCA will participate in any orientation programs for new personnel, for the purpose of explaining the purposes and role of OCA in the work of the Commission. In addition, information about the Executive Order and programs concerned with individual investors has been circulated to Commission members and senior Commission staff members by memorandum.

Personnel who process complaints currently receive on-the-job training by responding to investor complaints of increasing degrees of difficulty. In addition, they are encouraged to participate in training programs on technical subjects both within and outside the Commission in order to

provide more informative responses to investor inquiries and complaints.

V. COMPLAINT HANDLING

The Commission views investor complaints as an important source of information about investor concerns and about possible violations of the federal securities laws. The Commission therefore seeks to heighten public awareness of the Commission's complaint handling facilities in a number of ways. For example, the Commission has a number of educational brochures for public distribution. Each brochure contains a list of regional and branch offices of the Commission, including the addresses, telephone numbers and states covered by each regional office. The brochures also provide the address and telephone numbers of the Commission's OCA and Office of Public Affairs.

From time to time the Commission issues releases regarding securities industry practices that may be harmful to investors. At the end of each such release, we advise the public to contact OCA if they have any inquiries or complaints, giving the address of the office. *See,* for example, Securities Exchange Act Release No. 15194 (September 28, 1978) [43 FR 46397] regarding certain practices of broker-dealers.

In addition, writers of financial columns sometimes advise investors with inquiries and complaints to contact the Commission's OCA. Any informational materials on topics of interest to individual investors which are distributed to the press will include the address of the Commission's OCA, to which complaints and inquiries may be address.

OCA's procedures for complaint processing are as follows: OCA requests that most complaints be in writing and be sent directly to OCA. OCA's system for logging in complaints and inquiries in standard format, including telephone complaints, is computerized. Each complaint or inquiry is assigned its own unique number and certain information is extracted from each complaint or inquiry for retention in the computer. The information includes the name of the complainant, the name of the entity involved, the type of complaint and the dates of correspondence.

Certain complaints received by OCA are forwarded to other offices, divisions or regional or branch offices of the Commission for investigation and analysis where appropriate. OCA has a system for tracking all complaints handled by the office and forwarded to other divisions and offices, including regional and branch offices, for responses. This system advises the receiving office of an expected due date (generally two to three weeks from the date of referral). A monthly computer printout advises the receiving office of all outstanding complaints.

OCA has a format for acknowleding complaints and inquiries which are forwarded to another office or division, including regional and branch offices, for responses. In most cases acknowledgments are sent within 5 days from the receipt of a complaint or inquiry. Acknowledgments are signed by a senior OCA staff member. OCA has a format for responding to complaints and inquiries which it handles. In general, it is OCA's goal to handle such correspondence within three weeks from the date received. In those matters in which a report is requested from the entity involved, OCA requests an expected date of return from the entity and, if it is not obliged, OCA sends follow-up requests. Responses are signed by either the person handling the complaint or a senior OCA staff member.

OCA receives monthly computer reports of statistics on complaints and inquiries, which are used for agency policymaking. Such reports reflect the number and types of complaints received against an entity. Other computer reports also are available to the staff.

OCA reports to the Chairman and division directors regarding the number and types of complaints received involving registered entities, and the pattern and policy implications of such complaints.

OCA has an ongoing program for assessing its own procedures. OCA had conducted three surveys to determine if complainants were satisfied or not satisfied with the promptness and quality of handling of their complaints. We plan to continue these surveys in the future. OCA can also evaluate the promptness of agency responses from its computer system for complaint handling. Certain computer reports reflect the number of days between the date on which a letter is received and the date on which a matter is closed. In addition, the system has a code for "thank you" letters, which are letters from correspondents indicating that their complaint has been satisfactorily resolved by us on their behalf.

The Commission's complaint handling system was evaluated in 1975 and reevaluated in 1978 by Technical Assistance Research Programs, Inc. (TARP) contracted by the United States Office of Consumer Affairs. In 1978, the Commission received an excellent rating on all categories involved in this study.

The Commission's programs that provide technical assistance to consumers are as follows. In addition to handling complaints, the Commission's OCA responds to inquiries about matters of concern to individual investors, including securities industry and corporate practices, the rules applicable thereto, and entities registered with the Commission. OCA, however, does not provide legal or investment advice. OCA may refer investors to the Commission's Public Reference Section, which maintains the Commission's public files, for more detailed information about register ed entities. As noted above, OCA and the Office of Public Affairs cooperate in the preparation of educational materials for investors, another form of technical assistance to investors.

Persons having questions about complaint-handling and investor participation in decision-making may contact OCA at 500 North Capitol Street, Washington, D.C. 20549, telephone 202–523–5516. Persons requesting informational materials may contact OCA or the Office of Public Affairs at the same address, telephone 202–272–2650. Addresses and telephone numbers of the Commission's regional and branch offices are as follows:

Atlanta Regional Office, 1375 Peachtree Street, N.E., Suite 788, Atlanta, GA 30367, 404–881–4767.

Boston Regional Office, 150 Causeway Street, Boston, MA 02114, 617–223–2721.

Chicago Regional Office, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Rm. 1204, Chicago, Illinois 60604, 312–353–7390.

Denver Regional Office, 410 17th Street, Suite 700, Denver, CO 80202, 303–837–7390.

Detroit Branch Office, 1044 Federal Bldg., Detroit, MI 48226, 313–226–6070.

Fort Worth Regional Office, 411 W. Seventh St., Fort Worth, TX 76102, 817–334–3821.

Houston Branch Office, Federal Office and Courts Bldg., 515 Rusk Ave., Rm. 5615, Houston, TX 77002, 713–226–4986.

Los Angeles Regional Office, 10960 Wilshire Blvd., Suite 1710, Los Angeles, CA 90024, 213–473–4511.

Miami Branch Office, Dupont Plaza Center, 300 Biscayne Blvd. Way, Suite 1114, Miami, FL 33131, 305–350–5765.

New York Regional Office, 26 Federal Plaza Center, New York, NY 10007, 212–264–1636.

Philadelphia Branch Office, William J. Green Jr. Federal Bldg., 600 Arch Street, Room 2204, Philadelphia, PA 19106, 215–597–2278.

San Francisco Branch Office, 450 Golden Gate Ave., Box 36042, San Francisco, CA 94102, 415–556–5264.

Seattle Regional Office, 3040 Federal Bldg., 915 Second Ave., Seattle, WA 94174, 206–442–7990.

Washington Regional Office, Ballston Center Tower 3, 4015 Wilson Blvd., Arlington, VA 22203, 703–557–8201.

Public Reference Rooms are located in Chicago, Illinois; Los Angeles, California; New York, New York; and Washington, D.C.

OVERSIGHT

The Director of the Commission's OCA reports to the Commission as described in Part I. The Director is compensated at the GS–14/15 level. The Director is responsible for coordination of all consumer affairs functions within the agency, including complaint handling and representation of consumer interests in development of agency programs. The Director interacts with other senior level staff members to see that the interests of individual investors are adequately considered in decisionmaking.

CONCLUSION

On November 26, 1979, in Securities Exchange Act Release No. 16399 the Commission published a statement regarding its consumer affairs program, and solicited public comment thereon. The Commission has considered the comments received. The Commission is issuing a summary of those comments and a revised statement clarifying certain points in its previous release.

By the Commission.

George A. Fitzsimmons,

Secretary.

May 23, 1980.

[FR Doc. 80–16855 Filed 6–6–80; 8:45 am]

BILLING CODE 8010–01–M

federal register

Monday
June 9, 1980

Part V—Section E

Department of Commerce

Final Consumer Program

THE WHITE HOUSE

WASHINGTON
June 2, 1980

Dear Secretary Klutznick:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve the Department of Commerce's consumer program established under Executive Order 12160. The Department's program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Ms. Meredith Fernstrom and Ms. Marti Yocum of your staff have been particularly helpful. The fact that Ms. Fernstrom will be reporting directly to you and participating in management meetings should provide her with the opportunity to review Departmental rules, policies, programs, and legislation and assess their impact on consumers. The Department's program is further strengthened by the presence of the Commerce Consumer Connection and Regional Office Network. I am concerned, however, that the consumer programs of the bureaus and administrations seem relatively undeveloped compared to the Departmental program. It will be necessary for Ms. Fernstrom to be able to work continually with agency heads on strengthening their programs. I was also pleased to learn that some additional resources have been allocated to the program at the Departmental level. I urge you to continue to assess the resource situation in the coming months.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Department's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the Department. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Philip M. Klutznick
Secretary, Department of Commerce
Washington, D. C. 20230

DEPARTMENT OF COMMERCE

Office of the Secretary

AGENCY: U.S. Department of Commerce.

ACTION: Final Consumer Program.

SUMMARY: The Final Consumer Program describes a plan for assuring that consumer needs and interests are solicited and adequately considered in decision-making processes of the U.S. Department of Commerce. It also describes efforts planned to encourage greater responsiveness to consumer concerns from the business community.

EFFECTIVE DATE: July 9, 1980.

ADDRESS: Office of Consumer Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 5889, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:
Meredith M. Fernstrom, Director of Consumer Affairs, (202) 377-5001.

AUTHORITY: Executive Order 12160.

SUPPLEMENTARY INFORMATION:

QUICK REFERENCE TO ACRONYMS

All Government agencies rely on the use of acronyms as a shorthand in communicating about their programs. We've used a lot of them in this Program to save time and space. We realize that acronyms are often meaningless or confusing to non-government persons, so we're including this "quick reference" listing of the agency and program acronyms used throughout the Consumer Program. We hope it will make it easier for you to find out about the DOC's (that's "Department of Commerce's") consumer affairs activities.

DOC—Department of Commerce
FY—Fiscal Year
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NMFS—National Marine Fisheries Service (NOAA)
NTIA—National Telecommunications and Information Administration
CCPT—Center for Consumer Product Technology (NBS)
MAFAC—Marine Fishery Advisory Committee (NMFS)
PPCS—Planning and Policy Coordination Staff (NTIA)
ORP—Office of Regulatory Policy
OPS—Office of Product Standards
ITA—International Trade Administration
USTS—U.S. Travel Service
PTFP—Public Telecommunications Facilities Program
OMB—Office of Management and Budget (Executive Office of the President)
USTR—U.S. Trade Representative (Executive Office of the President)

PUBLIC COMMENTS ON THE DRAFT PROGRAM

The Department of Commerce Draft Consumer Program was issued in the **Federal Register** on December 10, 1979, for a ninety-day comment period. (44 FR 71270 *et seq.*) The Commerce Office of Consumer Affairs conducted an extensive outreach effort to make the public aware of the Draft Consumer Program and to solicit comments on it. We want to thank each individual and organization that took the time to comment. Your constructive criticisms and recommendations have helped us strengthen the Program, and we look forward to continual public scrutiny and suggestions for its effective implementation.

The following is a summary of actions taken to distribute the Program, the number and nature of comments received, changes that were made in response to comments, and reasons why some changes suggested in the comments were not made.

Outreach Efforts

The Department of Commerce issued a press release on December 10, 1979, announcing issuance of the Draft Consumer Program. The release was sent to over 200 news sources, including the national news networks, and was announced on the daily Commerce radio broadcast tape which receives wide distribution throughout the country.

The Office of Consumer Affairs sent letters soliciting comments on the Program to its mailing list of 1100 consumer organizations and state and local government consumer agencies. Letters were also sent to 1600 national and local members of the Society of Consumer Affairs Professionals, an organization that primarily represents consumer affairs professionals in business, but which also includes consumer representatives from government, academia and the media. The Consumer Program was mailed to approximately 200 trade associations and individual corporations in consumer product and service industries. These mailings were augmented by a taped interview with the Director of Consumer Affairs for a weekly Commerce radio program which is broadcast by over 400 stations.

The Office of Consumer Affairs co-sponsored a public meeting on the Draft Consumer Programs of all Federal Agencies in Philadelphia, PA, on January 31, 1980. A coalition of over twenty consumer and public interest groups from Philadelphia and the Delaware Valley requested the meeting, and provided Task Forces to comment on the Draft Programs of seven Agencies, including Commerce. Approximately 125 persons attended the meeting.

On February 6, 1980, Commerce was represented by staff from the Office of Consumer Affairs, the National Bureau of Standards and the National Telecommunications and Information Administration at a White House Conference on the Draft Programs. Over 400 persons attended the plenary session of the Conference, and approximately 20 persons visited the Commerce table during the breakout sessions. While a few comments were received at that time, it was primarily an opportunity to explain the Program in more detail and answer questions.

Within the Department of Commerce, copies of the Draft Program were sent to the Secretarial Officers and Heads of Operating Units, the ten Regional Representatives of the Secretary, and the 47 District Offices of the International Trade Administration, to solicit their comments and to make their employees aware of it. The Consumer Affairs Branch of the National Marine Fisheries Service also distributed the Program to members of the Marine Fishery Advisory Committee.

Number and Origin of Comments

A total of 55 comments were received on the Draft Consumer Program, orally or in writing. Sources and numbers of comments are as follows:

Individual Consumers	6
Consumer Organizations (One of which represented the Task Force report at the Philadelphia meeting)	12
Business	6
Consumer consultants	3
Trade organizations	11
Federal government (Including DOC operating units, regional representatives and District offices, plus agencies other than Commerce)	12
State and local government consumer offices	3
Congressional offices	2

In addition, the Draft Program received an informal evaluation from the staff of the White House Office of Consumer Affairs.

A copy of the comments are part of the public record and are available for inspection and copying in DOC's Central Reference and Records Inspection Facility.

General Comments

The Review process revealed a wide disparity of opinion about the Draft Program. The majority of comments viewed the Program, in general, as comprehensive and well-designed, but at the same time, made a number of recommendations for strengthening it. For example, twenty comments were concerned with the reporting channel of the Director of Consumer Affairs and consumer staffs in other operating units to the heads of the agencies, and with the size of staff and resources for the Consumer Program. On the other hand, the Program was termed "seriously inadequate" in one comment, due to lack of specificity for some procedures and target dates, and "an embellishment of existing policies" in another comment, unless access to the Secretary and agency Administrators was made certain.

A second major point of disparity concerned the overall role of the Office of Consumer Affairs. Six written and other verbal comments strongly supported efforts for the Office to encourage and assist the development of corporate consumer affairs activities. As one public interest representative stated, ". . . Encouraging greater responsiveness to consumer concerns in the business community is an imaginative and useful function. There are few governmental agencies which consider that to be an appropriate part of their role and the concern of the Commerce Department about this issue is to be encouraged." Conversely, one respondent found this objective inappropriate to the Program and an indication of the "entrenched business orientation of the Department." It should be noted that the Consumer Program, as a response to Executive Order 12160, is not the appropriate document for explaining in detail our plans for working with the business community on consumer issues; however, this will continue to be a second major responsibility of the Office.

Three comments commended the fact that the Director of Consumer Affairs "serves as the Department's consumer advocate" in reviewing rules, policies, etc. We appreciated that recognition and hope that our performance will continue to merit it.

Specific Comments and Actions Taken

The following summarizes the specific comments received for each of the five components of the Draft Program and notes changes that have been made in response to the comments. Discussion is also provided for recommended changes which have not been made.

I. CONSUMER AFFAIRS PERSPECTIVE

Office of Consumer Affairs: Staff Location

The majority of comments on this portion of the Program focused on the location and reporting channel of the Director of Consumer Affairs. Reference was made repeatedly to the requirement of the Executive Order that the Consumer Affairs Director report directly to the head of the agency, in order to assure regular and substantive input to DOC decisions that affect consumers.

In recent years, it has been the Department's policy to reduce the number of persons reporting directly to the Secretary as a more efficient management practice. However, as a result of the completion of a Departmental reorganization which was underway when the Draft Program was written, it has been determined that the Director of Consumer Affairs will now report directly to the Secretary while also serving as Director of the Office of Consumer Affairs. Administrative arrangements for the Office of Consumer Affairs will continue to be provided by the Office of the Associate Deputy Secretary (formerly titled the "Deputy Under Secretary"). The Director has also been made a member of the Commerce Council, a top management committee which meets weekly with the Secretary.

Office of Consumer Affairs Staff Size and Resources

Numerous comments were made regarding the fact that the Office of Consumer Affairs must have adequate staff to carry out the requirements of the Executive Order. One comment pointed out that "without more full-time professional and support staff, the Office of Consumer Affairs will be a symbol and not an effective source of consumer participation." The addition of one professional position to the staff was approved for FY '81. Preliminary plans call for adding another professional slot and a clerical position in FY '82.

An increase in the Office's FY '81 program budget was also approved for the purposes of developing an informational brochure on Commerce's consumer services and for conducting business-consumer forums. In addition, use of the Secretary's Special Initiatives Fund was approved for a major project in which the Office will review and revise a series of consumer affairs guidelines for business in 1980.

It was recommended in one comment that the Office of Consumer Affairs staff be supplemented by adequate research personnel to determine, among other things, precisely what "consumer views" are. We do not expect the additional anticipated positions to be research personnel; however, the Department has the capability for conducting some types of research along the lines suggested through the Bureau of the Census and the Bureau of Economic Analysis. This possibility will be explored further.

One comment stressed that the effectiveness of the Office of Consumer Affairs should not be made contingent upon the presence and abilities of college interns to supplement the staff. While it is certainly our preference to add permanent, full-time positions to the staff, as noted above, we hope to continue utilizing qualified interns to the extent possible, since such internships have proven in the past to be mutually beneficial to the Office and the students. We believe that internship programs provide an important career development opportunity for potential consumer affairs professionals.

Major Operating Units' Consumer Staffs

National Bureau of Standards

The description of the NBS portion of the Draft Program was considered too vague in one comment. Another stressed the need for the NBS Center for Consumer Product Technology (CCPT) to establish regular mechanisms for consumer input, perhaps through creation of a consumer advisory committee. The comment also urged DOC to devote significantly more in-house resources to the CCPT, since nearly 80 percent of its funds are dependent on agency contracts outside the Department of Commerce. These recommendations are responded to in Section II, Consumer Participation.

National Marine Fisheries Service

With regard to the consumer staffs of the major operating units, several comments strongly endorsed the establishment and funding of consumer offices in the National Marine Fisheries Service and the National Telecommunications and Information Administration. As was noted in the Draft Program, NMFS has reconstituted its former "Consumer Affairs Division" into a new Consumer Affairs Branch of the Seafood Research, Inspection and Consumer Services Division, which is part of the Office of Utilization and Development. As was suggested in one comment, an

organization chart showing the location of NMFS within NOAA as been appended to the Final Program.

The same comment stated that although the staffing plan for NMFS' Consumer Affairs Branch is specified in some detail, they were "Nonetheless very concerned about how the six positions are to be filled. In light of the specialized training for consumer affairs personnel which the Executive Order mandates . . . to fill any of the six positions with temporary employees, personnel on limited detail, college interns, or part-time staff will conflict with the intent of the (Order). The continuity and effectiveness of the Consumer Affairs Branch's work requires the adoption of a policy to this effect." As stated in the Program, the new Consumer Affairs Branch includes positions for 3 consumer affairs professionals, 1 economist, 1 home economist, and 1 clerk/typist. Given current hiring restrictions, the Branch is now staffed with one full-time and one part-time (32 hours per week) permanent, a full-time temporary clerk/typist, a detailed (120 days) full-time home economist, and a detailed (120 days) consumer education specialist. In addition, efforts are now underway to recruit a full-time branch chief, and a full-time temporary (one year), Intergovernmental Personnel Act appointment economist. The part-time permanent position has been established as a training slot. Specific training has been and will continue to be provided to the entire staff. In addition, the Consumer Affairs Branch will continue to draw on the expertise within the Division and other parts of NMFS in carrying out its function.

One comment stated that there is ". . . no evidence anywhere in the Draft Program that the plan will place a senior-level official solely responsible for consumer affairs into the inner circle of . . . the Administrator of NOAA or the Assistant Administrator of Fisheries." The commenting organization stated it could not support the "remote placement" of the Consumer Affairs Branch. The comment read: "The Executive Order requires relocating the Consumer Affairs Branch into the Office of the Assistant Administrator for Fisheries *and* if that consumer office has responsibilities for NOAA matters which are outside NMFS jurisdiction, the office should be located in the Office of the Administrator of NOAA." The DOC does not interpret the Executive Order as requiring each operating unit to designate a senior level official to exercise, as the official's sole responsibility, policy, direction for and coordination and oversight of the agency's consumer activities. Rather, having established the Director of Consumer Affairs at the Department level, an identifiable, accessible professional staff has been established at the program level in NMFS which is authorized to participate in the development and review of all agency rules, policies, programs and legislation. The head of this staff serves as the consumer advocate within NMFS, as described in the Consumer Program, and is the NMFS member of the Commerce Consumer Connection, having a direct link to the Director of Consumer Affairs. The Consumer Affairs Branch has full and direct access to the Assistant Administrator for Fisheries, however the Branch has no responsibilities for matters outside the NMFS jurisdiction.

National Telecommunications and Information Administration

One comment misinterpreted the Program to say that "NTIA's plans for consumers with respect to its public telecommunications grants function was contingent upon the establishment of a consumer affairs office in NTIA." This is not the case; NTIA's funding for public participation—most of which is associated with its Public Telecommunications Facilities Program—will shortly be implemented. Information on the funding procedures is described in the Final Program under "How Consumer Participation Will Occur" in Section II.

Other Operating Units

The Draft Program indicated that DOC operating units other then NBS, NMFS, and NTIA (whose plans for compliance with the Executive Order are described in the Program) will be required to designate a "Consumer Contact Person" as liaison to OCA and to serve on the Commerce Consumer Connection. One comment questioned why only these three operating units developed plans, since the breadth of the Department's jurisdiction has enormous impact on American consumers. In particular, the comment questioned why the Economic Development Administration and the Maritime Administration were not included. When the Draft Program was being written, a survey within the Department indicated specific need for the NBS, NTIA, and NMFS plans, in addition to the Office of Consumer Affairs' program, since their activities had the most direct and significant consumer impact of all DOC agencies ("consumer" as defined by the Executive Order). However, the Office of Consumer Affairs is mandated to work as closely as possible with all DOC operating units, through the top managers, their designated "Consumer Contact Persons," and the Commerce Consumer Connection, to participate actively in program and policy development throughout the Department. The Office's capacity to peform this function will be strengthened with the additional staff now being added.

Office of Product Standards

It was pointed out in one comment that the Draft Program did not mention a major new responsibility of the Department: the implementation of OMB Circular A–119, entitled "Federal Participation in the Development and Use of Voluntary Standards," which is administered by DOC's Office of Product Standards (OPS). It was recommended that an adequate staff be established to monitor the more than 400 voluntary standards organizations, and that funds be made available for mechanisms to assure consumer input into the implementing guidelines. An advisory committee that includes consumer representatives was proposed to advise the Secretary on these guidelines, and a recommendation was made that a training program be established to educate consumers and small business on how to participate effectively in such activities. In response, OPS reported that these comments were appreciated as they emphasize the importance of the Circular to consumers, and others. OPS does not believe it will be necessary to increase its staff for the suggested purpose of monitoring the voluntary standards organizations. It was never comtemplated by OMB, nor by OPS, that there should be any such monitoring by the Federal Government on a more or less routine basis. Instead, the Circular and the DOC implementation procedures provide minimum basic requirements which each organization that desires to be listed must certify as having met. Upon receiving statements and prescribed evidence of compliance with those requirements, the applicant organizations will be listed without any investigation being made by the government. After listing, DOC will not investigate the accuracy of the self-certification actions unless and until a complaint is received that a listed organization is in violation of the requirements. Such a complaint . . . or notice . . . could come from anyone, and very likely will come from the Federal personnel who sit on standards-developing committees or others who are acquainted with the procedures employed by the standards developers. If and when such a complaint or notice is received, DOC will be

obliged to investigate and resolve the matter. The proposed procedures provide a mechanism for doing this.

OPS also reported that it plans to hold meetings with standards organizations and consumer representatives to review proposed procedures for implementing the Circular. The procedures will also be published in the **Federal Register** for public comment. OPS believes this will be an effective mechanism for assuring consumer input into its procedures. At the same time, that mechanism should help acquaint the affected organizations with the provisions in the procedures which make it possible for consumers to have a voice in the standards development process.

Finally, OPS is in favor of a training program and is in the process of developing a plan for such a program.

U.S. Travel Service

One comment suggested that the U.S. Travel Service would benefit from enhanced consumer representation and participation. Although the USTS mandate is limited to encouraging foreign travel to the U.S., the agency is currently consulting with the Office of Consumer Affairs on consumer-related projects which have potential benefit for both foreign and domestic travelers. These new activities have been included in the Final Program.

International Trade Administration

The International Trade Administration (ITA) and its relationship to the Office of Consumer Affairs was the subject of five comments received on the Draft Program. Specific recommendations included: (1) the Office of Consumer Affairs should serve as a conduit through which a consumer point of view could be heard on interagency committees such as the Trade Policy Committee, the Textile Trade Policy Group, and the Committee for Implementation of Textile Agreements (CITA); (2) the Office of Consumer Affairs should undertake a systematic evaluation of ITA to determine which of its functions most directly impact consumer prices and merchandise availability; and (3) a program should be developed for maximizing consumer involvement, through the Office of Consumer Affairs, in Departmental decisionmaking involving those functions.

ITA (previously called the Industry and Trade Administration) was formed in January, 1980 as a result of the President's Reorganization Plan Number 3, of 1979. Because ITA's reorganization was not complete at the time the Draft Program was written, it was not possible to define the specific mechanisms and organizational structure through which the Office of Consumer Affairs and ITA would coordinate their activities. However, the comment review process resulted in the following responses to the reommendations cited above: (1) The new Industry Sector Advisory Committee on Wholesaling and Retailing (ISAC 17) is particularly well-suited as a policy channel for the interests expressed in comments of two import-related trade organizations. Retailers, wholesalers and their associations are eligible for membership on ISAC 17, and may apply by contacting the Trade Advisory Center, Room 3036, Department of Commerce. (The statute restricts membership on ISAC's to representatives of the particular industry sector.) (2) The industry advisory program also assures an open channel to U.S. trade policy makers in that all interested parties can submit written views on trade policy issues to the Trade Advisory Center. These views will be presented to the appropriate advisory committee(s) for consideration, and will be circulated separately to appropriate Commerce officials and to the U.S. Trade Representative (USTR), a part of the Executive Office of the President. This affords consumer spokespersons, as well as all other interested parties, continuing direct input to the advisory and decisionmaking processes. (3) The mandate for advisory committees under the new Trade Agreements Act, i.e., to provide advice on matters arising in connection with the administration of U.S. trade policy, is broader than the limited mandate for advice on the Multilateral Trade negotiations provided by the Trade Act of 1974. Consequently, the activities of the committees in the future are more likely to deal with the range of concerns expressed in the comments.

Another opportunity for consumer participation in trade policy development exists outside of the DOC, in the office of the U.S. Trade Representative. The USTR administers the Advisory Committee for Trade Negotiations (ACTN), which provides overall policy advice and is composed of representatives from a broad range of sectors, including government, labor, industry, agriculture, small business, service industries, retailers, consumer interests, and the general public.

The Final Program makes reference to these existing channels for consumer input to policy and indicates that the Office of Consumer Affairs will continue to pursue additional opportunities within ITA for this to occur.

DOC Regional Office Network

In comments from DOC's Secretarial Representatives and ITA District Offices, it was pointed out that the Program should identify the availability of the Department's regional office network as the contact point to the public, business, and state and local government. Although these offices do not have separate consumer affairs personnel, they can assist in finding answers to consumer questions, or relay consumer views to the Office of Consumer Affairs. We have amended the Progrma to show the existence of this network, and have included the addresses and phone numbers of the ten Secretarial Representatives' offices (Appendix A).

It was also recommended that a part-time consumer outreach staff position be made available on a trial basis to a select number of the ten regional offices of the Secretarial Representatives. We agree that this would be an extremely useful function in the future, but at the present time our efforts are limited to seeking additional positions at the Office of Consumer Affairs headquarters.

Procedures for Consumer Policy Coordination

Several comments focused on the Office of Consumer Affairs' role as coordinator of the Consumer Program. One comment stressed that in addition to oversight of policy and budget authorizations for consumer affairs functions, the Director of Consumer Affairs should also be involved in agencies' program evaluation to insure compliance with the Program throughout the Department. We, too, feel this is a very important function, and one which was not spelled out explicitly in our Draft Program. Under the Executive Order authority to participate in reviews of agency programs, the Office has apprised the Department's Office of Budget and Program Evaluation of this recommendation, and reference will be made to the Executive Order requirements in the guidelines for program evaluation which will be sent to all agencies.

1. Commerce Consumer Connection

The intradepartmental "Commerce Consumer Connection" as a mechanism for policy coordination was the subject of several comments. Several persons felt it was a very responsive way to coordinate attention to consumers' needs at the Departmental level; in fact, it was found to be "the most important part of the Program" in one comment. It was recommended that the Connection encompass representatives from all Commerce agencies. This is our

intent; as stated in the Draft Program, the Connection will now be expanded to include not only the representatives of the operating units' consumer staffs, but also the Consumer Contact Persons which all other units are required to designate.

2. Office of Consumer Affairs' Coordination Authority

Two comments indicated that the Office of Consumer Affairs should have authority over the consumer staffs in all DOC operating units. The Executive Order provides a policy coordination and oversight function for the Office to be carried out under the direction of the Secretary. The application of this provision to the operating units is through the Office of Consumer Affairs' chairing of the Connection and its review and oversight of the operating units' programs, policies and legislation in order to recommend actions to the Secretary. The Draft Program further mentioned the requirement for all operating units, including those with no consumer staff per se, to designate a high-level "Consumer Contact Person" as liaison to the Office of Consumer Affairs for implementation of the Order. Through these mechanisms, the Office of Consumer Affairs can recommend that the Secretary impose standards and deadlines on operating units for compliance with the Program. Also of major significance is the Office's role in overseeing the preparation of the Department's budget exhibit for consumer affairs as required by the Order. Through this means, the Office of Consumer Affairs has direct responsibility to apprise the Secretary and top management of the adequacy of the Department's resource commitment to consumer affairs activities. The Final Program has been amended to more fully explain the extent of the Office of Consumer Affairs' authority in this regard.

3. Advisory Committees

One respondent was puzzled by language in this section which indicates the Secretary's directive for consumer representatives to be included on all the Department's public advisory committees, except where there are statutory constraints. The comment cited the requirement of the Federal Advisory Committee Act (FACA) that all advisory committees be balanced. While it is true that the Act requires balanced membership, the charters of advisory committees usually allow such balance to be obtained through "public" members, who in our view, do not automatically coincide with representing the consumer interest, as defined by the Executive Order. In seeking consumer members for advisory committees, every effort is made to verify the person's interest, ability, and experience in representing the consumer perspective.

Along this same line, one person stated the belief that advisory committee members are often selected because of their professed "expertise," rather than their objectivity, and that such expertise does not always represent real-live consumers. It is true that due to the extremely technical nature of some of DOC's committees, we must seek "consumer experts" on a given subject, as opposed to "grassroots" consumers. However, we feel this is usually justified by the need for the consumer member to interact as effectively and efficiently as possible with the committee.

A recommendation was made that information be disseminated about the number and nature of advisory committees in the Department, openings available, and procedures for applying. We will seek a more systematic way to provide this information on a regular basis; in the meantime, we have indicated that inquiries and nominations for membership on advisory committees should be directed to the Office of Consumer Affairs.

It was suggested that the expense reimbursement policy for service on advisory committees be expanded to consumers will participate in other Department functions, such as consumer forums. At the present time, funding for other than advisory committee service is limited to the public participation programs of the National Oceanic and Atmospheric Administration (NOAA) and the National Telecommunications and Information Administration (NTIA), as described in the Final Program.

II. CONSUMER PARTICIPATION

How Consumer Participation Will Occur

One respondent felt that the Program would provide for consumer participation only for "consumer-related" policies, rules, programs and legislation, and that we should define how such determination would be made. It was suggested that "because nearly everything the Department does has a direct or indirect impact on consumers, it may be preferable to draft the definition in terms of standards for exempting specific policies, rules, or programs as not consumer-related." It should be noted that in both the Draft and Final Programs, we state that the Office of Consumer Affairs and consumer staffs of the operating units will participate in all agency rules, policies, programs and legislation. We further indicate that consumer participation shall occur "throughout the development and review of the Department's rules, policies and programs." We agree that there is virtually no action of the Department which does not ultimately have some impact on consumers; and we are proceeding on this basis to implement consumer participation procedures. Logically, we must make careful judgments as to the immediacy or extent of impact for a particular issue allocating or limited resources.

The majority of comments on this section of the Program stated that our proposed actions will make it easier for consumers to participate in DOC's policy and program development. One comment suggested that a toll-free number should be established to allow consumers a "free/low cost" means of contacting a government agency. The Office of Consumer Affairs is presently unable to provide a toll-free number because of the staff and resources which would be required to operate the phone lines. Currently, the ten Regional offices and the forty-seven District offices provide a nationwide network which allows consumers a local contact with the Department; however, we will explore the possibility of a toll-free line after the Consumer Program becomes effective.

We received a number of favorable comments on the monthly notices of upcoming regulatory activities which the Office of Consumer Affairs is now distributing to its mailing list. In response to one question we received, we hope that these notices will make it easier for an "individual" consumer, as well as consumer organizations, to be involved in our activities. (Contact the Office of Consumer Affairs to be added to the mailing list.) We welcome other suggestions as to how we can more effectively reach the "grassroot" consumer.

Two comments stated it was not enough for the Program to state that "funds will be made available wherever possible to enable consumer representatives to give in-depth advice on major policy or program initiatives. One comment suggested that a specific amount be obligated for this purpose, after which a list of potential candidate programs could be established and assigned priorities. This is the way in which the NOAA funding program for public participation is being administered; for each fiscal year, a budget is allocated to these funds, and decisions are made on its use as appropriate to the rulemaking proceedings that develop

within the agency. We are pursuing this approach, as well, with the PTFP funding program in NTIA, and with the possible establishment of funding programs within other DOC agencies. At the present time, we are unable to establish a separate funding activity in the Office of Consumer Affairs.

A number of comments endorsed the activity of arranging frequent meetings between DOC officials and consumer representatives to discuss problems and issues. The Office of Consumer Affairs has arranged such meetings in the past, and will continue to seek these opportunities. We hope to establish a systematic schedule for the meetings, although we were unable to fully develop this project at the time of writing the Final Program.

Similarly, we received several endorsements of the "Commerce Consumer Forums" concept for major issues. Two comments stated that adequate resources should be ensured to support this project. We have included in our budget request now under review a plan for conducting a major Forum in FY '81 on a significant DOC policy issue.

Operating Units' Plans

National Bureau of Standards

With regard to NBS' plans for consumer participation, two comments expressed concern that the Draft Program "in no way indicates how a substantial improvement in its consumer relations would occur" and that there should be "standing mechanisms within the Center for Consumer Product Technology (CCPT) to assure consumer input." We would point out that the Center for Consumer Product Technology is the established focal point for the full gamut of consumer related NBS activities, and therefore, is the logical unit to be assigned implementation responsibility for the Consumer Program. In addition to its coordination of a Consumer Sounding Board network, the CCPT meets frequently with consumer leaders to review its program plans. It seeks additional consumer input through the National Conference on Weights and Measures, which is comprised of state and local government officials responsible for consumer issues in their jurisdictions; and through the annual review of the Center's programs by a panel appointed by the National Academy of Sciences, on which there is a consumer representative. These activities are included in the Final Program.

Comments received at the Philadelphia meeting and in writing concerned the need for NBS to provide technical assistance to help consumers participate in standards development. One organization recommended that funds be provided to establish a training program for consumer and small business representatives on how to participate effectively in standards setting activities. (This comment was also discussed relative to the OMB Circular A-119 and the DOC Office of Product Standards.) NBS staff members actively participate in many of the voluntary standards organizations. Through these efforts NBS works with consumers on standards committees. As an example, in the case of the American Society for Testing and Materials Committee F-15 (Consumer Product Safety and Performance) the committee chairman has announced that members of the committee, including NBS representatives, will assist consumers as needed in a consultative and educational manner to aid them in their understanding of the technical issues associated with the development of a standard. Therefore, no additional technical assistance funds for consumers are planned for.

One comment noted that the CCPT depends for nearly 80% of its funding on outside agency contracts, and urged DOC to devote significantly more in-house resources to this important program. NBS is responsible under its enabling legislation to provide technical support to other agencies on a reimbursable basis. NBS' monies are received both from direct appropriations made by the congress and from other agencies. Since the responsibility for issuing standards and regulations on consumer products rests with such agencies as the Consumer Product Safety Commission and the Department of Energy, a majority of the Center for Consumer Product Technology's programs are funded on a reimbursable basis. NBS will continue the research necessary to support this program area.

National Marine Fisheries Service

With regard to NMFS' Consumer Affairs Branch involvement with the Regional Fishery Management Councils, one organization commented that, while "we have not participated in the Fishery Management Councils. . . . we are aware of press reports indicating that consumer representation on such Councils has not been complete or full. Thus it is important that the Office of Consumer Affairs be able to correct such situations when they occur." The Fishery Management Councils referred to were established by the Fishery Conservation and Management Act (FCMA) of 1976. Among other purposes, this Act provides for the conservation, management and development of the fisheries resources within the U.S. exclusive fishery zone from 3 to 200 nautical miles off the United States. Conditions for membership of the eight Councils established by the Act is prescribed in the Act; which among other things, includes the requirement that all members must have fisheries expertise. The majority of the members are recommended by the Governors of the Coastal States within the jurisdiction of each Council. In this context, consumer representatives are not only eligible to be Council members, but they can also participate and have input to the various advisory committees that have been established to assist the Councils in developing fishery management plans. The Consumer Affairs Branch of NMFS sponsored a consumer workshop for various consumer interest groups in the Washington, D.C. area in November, 1979, to explain the FCMA, the functions and membership of the Councils, and methods of providing consumer input. Similar workshops are being planned on a Regional basis in conjunction with the Councils to encourage and expand consumer participation.

Another comment questioned the composition of the Marine Fishery Advisory Committee (MAFAC) to determine whether consumers were included on the Committee. Presently, two of the twenty-five Committee members are consumer representatives. These two representatives also co-chair the Consumer Affairs Subcommittee of MAFAC. The MAFAC members serve three-year staggered terms so that make-up of the Committee is constantly under review. The Consumer Affairs Branch of NMFS recommends names of consumer representatives to be members of the MAFAC.

One comment stated that NMFS is a regulatory agency, and as such should be involving consumer organizations directly in rulemaking activities: " 'Maintaining contact' is not enough of a program when it comes to regulation. Again, this means a commitment of funds, as well as a determination to engage in an outreach program." Part II of the Program describes the general approach for assuring that timely and meaningful consumer participation will occur throughout the development and review of the Department's rules, policies, and programs. The NMFS program has been more fully explained in the Final Program to clarify this. In addition, the Consumer Affairs Branch of NMFS is actively engaged in an outreach effort to increase consumer input into fisheries programs at both the National and local levels. Regulations have been published to provide funding for

public participation in NMFS' rulemaking proceedings as discussed in the Consumer Program.

National Telecommunications and Information Administration

This portion of the Program has been updated to show the status, as of this writing, of NTIA's proposed public participation funding program and advisory committee associated with the Public Telecommunications Facilities Program.

One comment recommended that the "NTIA intervenor funding program be broadened to include consumers in policymaking as well as in the grant making process." The plan is question presently provides for funding of public participation in policy development.

Guidelines for Consumer Participation

It was recommended in one comment that the guidelines for consumer participation, to be developed jointly by the Office of Consumer Affairs and the Office of Regulatory Policy, be published in conjunction with the Final Program to assure that all operating units are in compliance with the Executive Order. While this would have been useful, it was physically impossible to accomplish at the same time; we will retain our goal of issuing them within 90 days of the effective date of the Program.

One comment felt this section needed clarification to show that the proposed guidelines will apply to all DOC agencies, including those which have separate consumer staffs. This clarification has been made in the Final Program.

Special Efforts To Notify Consumers

One of DOC's field staff recommended that this section be amended to include regular notices to the Federal Regional Councils and Federal Executive Boards of opportunities for consumer participation in DOC's activities, due to the multiplier effect of these groups. This has been added to the Final Program. As suggested, the Office of Consumer Affairs will also update and reissue its list of Consumer contacts in each region to the DOC field offices for their use.

Another comment suggested a variety of techniques for improving methods of receiving consumers' views, including a booklet, in plain English, on how to participate in Federal proceedings; use of trade journals and wire services, radio and television notices; and steps to simplify the process of participation. We feel that most of these recommendations are covered in the methods proposed in the Final Program, however, we will review the comments as the plan is implemented to see if other specific changes can be made.

Funding of Public Participation

Several comments recommended that an agency-wide reimbursement program is needed to cover expenses such as attorneys' and expert witnesses' fees, travel expenses, and lost wages associated with public participation in agency proceedings. While we agree that this may be desirable, the Department's organization and management systems currently provide for such funding programs only within the operating units rather than at the DOC level.

One comment requested that other operating units which intend to establish funding procedures be listed in the Final Program; this has been included.

III. INFORMATIONAL MATERIALS

The majority of comments received on this portion of the Draft Program, as recorded on the consumer response forms which were submitted to the Office of Consumer Affairs, showed the informational materials plan to be "adequate." Other specific comments and suggestions received are discussed below.

One comment questioned DOC's providing teacher kits and free film loan services as well as the future production of bilingual materials, in the belief that this was in conflict with existing Federal directives. Cited were two OMB Circulars concerning Federal reliance on the private sector for goods and services, and, policies and procedures for Federal audiovisual activities, both intended to prevent Federal duplication of private sector initiatives. The materials cited in the Draft Program are produced primarily by the National Marine Fisheries Service and the National Bureau of Standards. NMFS is required by the Agricultural Marketing Act of 1946, the Saltonstall-Kennedy Act of 1954, and the Fish and Wildlife Act of 1956 to provide consumer information and education on fish and fishery products. All educational materials produced by the Department are done in compliance with the directives cited. For example, the development of teacher kits was a cooperative effort between NMFS and the private sector, and the audiovisual aids were developed and produced by private sources. However, we will take into account existing private sector materials and reliance upon private sector expertise in our planned assessment of the adequacy of current informational materials as well as in determining materials needed.

Regarding this assessment, one comment suggested that a deadline for the Department-wide assessment should be determined, as well as a clarification of the role the Office of Consumer Affairs will play in this activity. The Final Program has been amended to state that the Office of Consumer Affairs will work with operating units to evaluate the adequacy of their current information materials and any new materials which are needed, within ninety days of the effective date of the Program. We will coordinate this effort through the consumer staffs and consumer contacts of the operating units.

One comment suggested that the Office of Consumer Affairs' top priority should be the development of a brochure in "clear, interesting English," describing the functions of the Department. We have stated in the Draft Program that a brochure depicting the consumer services of the Department is planned for development during 1981. (Due to resource limitations, we may not be able to develop the conference exhibit in FY 1981 which was also mentioned in the Draft Program.) The Draft Program also stated that the Office of Consumer Affairs and/or the Commerce Consumer Connection will review future publications for content and clarity.

One comment found this section inadequate because the Office of Consumer Affairs does not issue any "regular mailing or newsletter to fully cover Departmental activities." The Office of Consumer Affairs does not presently have the staff or resources to issue a regular newsletter; however, other operating units issue regular notices and publications on their activities; the Office issues the quarterly mailings on regulatory activities, and other issues; and information on Departmental programs is distributed to the media on a regular basis.

Another comment suggested that all informational materials should include an explanation about how and where consumers can contact the agency with questions and inquiries. The brochure which the Office of Consumer Affairs plans to develop to describe DOC's consumer services will include this information, as stated in the Draft and Final Programs.

Two comments requested the department to reassess its distribution of consumer publications through the Consumer Information Center (CIC) at Pueblo, Colorado, since some of the Commerce materials are no longer free to the public. At

the present time, this concerns primarily the informational materials produced by the National Bureau of Standards. NBS agrees that the Consumer Information Center is an effective way to reach a large consumer audience, but due to a recent OMB decision to shift the CIC's inventory costs from GSA to the agencies, NBS has decided to provide only its publications for which a price is charged through CIC. It will continue to distribute its "free" pamphlets through its own distribution channels and to the media. The Office of Consumer Affairs will monitor this situation throughout the Department to see if consumer informational materials are being made as accessible as possible to the public.

One comment urged the continued development and distribution of metric informational materials. The Department has issued a Departmental Administrative Order and guidelines on its planned conversion to the metric system, which state that metric units should be used as the primary measurement units in all publications and reports no later than October 1, 1982. The Office of Consumer Affairs has also reported in the Department's Metric Report for 1979 that we will assist operating units in the development of consumer-oriented informational materials to assure correct metric practice. However, it is expected that the primary source of metric informational materials will be the recently established U.S. Metric Board which includes public information programs in its mandate, and private sector organizations such as the American National Metric Council.

One comment requested that the consumer participation information include specific guidelines, in plain English showing: how to petition for rulemaking; how to participate in rulemaking; how to make a Freedom of Information (FOI) request; how to appeal denial of a FOI request; and, how to intervene in agency proceedings. The Office of Consumer Affairs has forwarded these recommendations to the Commerce offices that are responsible for administering the Department's rulemaking policies and FOI requests. The Final Program has been amended to state, "consumer staffs will assist in reviewing their agency's proposed rules, policies, procedures for consumer participation and notices of such actions, to assure the use of plain English." In addition, explanatory materials concerning meetings open to the public will include procedures for consumer participation.

Several comments suggested that the manner of distribution of the Department's informational materials is inadequate. Specifically cited were: the need to "target consumer audiences for various information areas to reach consumers with a special use for or expertise in such subject areas;" "the need for advertising/electronic messages in print media;" "a media blitz," public notices in newspapers; and, better articulation of specific vehicles and channels for distribution, including Department officials responsible for the Program. In response to these comments, the Final Program has been amended so that the Office of Consumer Affairs will assist consumer staffs and consumer contacts in the operating units to review their channels of information distribution at the time the informational materials are evaluated. Specific emphasis will be placed upon the identification of target constituencies with expertise in the subject matter of the materials. The Final Program has been amended to include the media discussion stating, "the Office of Consumer Affairs will consult with the Office of Public Affairs to develop Departmental consumer information activities, including expanded use of the media." Regarding public notices, the District Offices of the U.S. Commercial Service presently use the notices section of small and daily papers to announce conferences and seminars scheduled for that area.

Numerous comments endorsed the Office of Consumer Affairs plans to update and reissue the consumer affairs guidelines for business which were originally developed under the auspices of the Department. One comment requested more specific information on the timetable of this project. We have received funding and have begun implementing this project in cooperation with two national business and consumer organizations. The Final Program has been revised to document this implementation. Two other comments suggested that the Department should do more to assist business leaders on the development of corporate consumer affairs programs that would assist consumers in the marketplace. The Office of Consumer Affairs feels that the reissuance of the consumer affairs guidelines for business represents a significant program in this regard. Other efforts to work with the business community on consumer issues will be pursued as the Program develops, and recommendations along this line are welcomed.

The Office of Consumer Affairs also recognizes the need for specific directives for the Regional Representatives of the Secretary and the District offices in helping to disseminate materials. In this regard, these offices have recently assisted the Office of Consumer Affairs in distributing several thousand copies of the *Consumer's Resource Handbook*, developed by the White House Office of Consumer Affairs.

One final comment questioned whether the materials publicized and distributed in the *Information on Public Meetings* section referred to explanatory materials for the meetings or technical assistance. The Final Program has been corrected to show that the reference was to explanatory materials.

IV. EDUCATION AND TRAINING

The Office of Consumer Affairs received relatively few comments on its plan for education and training, since this section was not addressed on the consumer response form; however, several specific comments were submitted.

The Office of Consumer Affairs agrees with the recommendation that Regional Commerce Councils consisting of the heads of principal DOC regional agencies should receive special briefings on the Consumer Program, in addition to those for top management at the DOC headquarters. The Final Program includes the Regional Commerce Councils in its plans for management briefings.

One comment found the section on Commerce staff education and training insufficient, feeling it suggested that the Office of Consumer Affairs and consumer staffs of operating units would obtain specialized training only by attending consumer-related conferences and seminars. Since the Office of Consumer Affairs' staff as well as consumer staff members in other operating units already attend these programs regularly, and will continue to do so, the wording of that section has been revised to more accurately reflect that fact. Further, the background and experience of consumer staffs will remain a factor in determining the additional specialized training needed in the areas of complaint handling, consumer participation procedures, consumer education techniques, preparation of print and audio-visual materials, and mediation skills. As documented in the following section on complaint handling, specific training for arbitration skills has been deleted from the program due to the nature of DOC's authority in resolving consumer complaints.

One comment stated that the Program did not give a strong commitment to providing technical assistance to consumers because we did not specify dates on which it would be offered. The Office of Consumer Affairs believes that because of its authority to participate in rule, program, policy, and legislative development and review, the

procedures and types of technical assistance appropriate to current issues will be ensured. Since this will be done on a case by case basis, it is not possible to present a schedule for such technical assistance. We have included another example of proposed technical assistance from NMFS, in addition to that of NTIA which was cited in the Draft Program.

V. COMPLAINT HANDLING

The majority of comments received on the Department's complaint handling procedures found them to be "adequate" as reported on the consumer response forms. Two comments were "impressed" with the program, while one comment felt the staff is too small to handle the complaints within the time frames specified. The Office of Consumer Affairs has found the time schedules to be workable for several reasons. The Office generally does not receive a large volume of complaints, since the Department's authority is limited to the few specific responsibilities listed in the program. As reported in the Draft Program, the Office attempts resolution in the majority of cases, but also refers complaints to the proper government authority or to the business in question. In addition, if a complaint cannot be addressed within the stated time frame, the consumer is notified of that fact.

One comment suggested that the Department should not necessarily be involved in the mediation of disputes, while another questioned the Department's Program relative to the third-party arbitration provisions of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act. A typical complaint received at the Department of Commerce relates a problem which the consumer is having and requests assistance in resolving it. In many cases, the consumer has not received a satisfactory response from the business in question. The Office of Consumer Affairs will then contact the business to encourage attention to the complaint or to determine the status of the company's investigation. The Office feels that such "mediation" is an appropriate function of the Department, as is the referral of complaints to the proper source for resolution. The Office intercedes informally on behalf of the consumer but does not formally arbitrate disputes as specified in the Warranty Act. Since the words "agreeable to both parties" may be misconstrued to be arbitration, these words have been removed from the Final Program.

One comment suggested that a "Central Processing Program" for all complaints should be established. The Office of Consumer Affairs believes that due to the broad spectrum of programs and responsibilities which encompass the Department, specific complaints must be directed to the relevant operating unit which has authority to resolve them, while complaints of a general nature are handled by the Office. In addition, a comment received from the Department's Inspector General requested that the Consumer Program be corrected to reflect that complaints regarding the "programs, operations, or employees" of the Department are within the jurisdiction of and should be directed to the Commerce Office of Inspector General. The Final Program has been amended to state this fact. Further, the Program states that the Office of Consumer Affairs will develop a centralized reporting system to assure the consistent and effective resolution of consumer complaints. Effort on this has been initiated through the Commerce Consumer Connection.

One respondent representing business was uncertain how to coordinate his corporate consumer program with the Department's. The same comment pointed out that corporate and government complaint handling programs are currently in place, in the hope that the Department is not duplicating existing mechanisms or causing confusion for the consumer. In handling complaints and in other programs, such as the consumer dispute resolution conferences, the Office of Consumer Affairs encourages greater responsiveness to consumer concerns from the business community, and highlights successful business or government programs. The Office believes these activities complement existing programs rather than duplicate them. (The Office of Consumer Affairs has also apprised this respondent of its desire to work more closely with his company on consumer problems.)

Another comment requested more specific information on the Department's plans for heightening public awareness of its complaint handling programs. The Draft Program stated that future consumer information materials would address this question; however, the Final Program has been amended and clarified to state that "future consumer information materials, including the Departmental brochure which will outline Commerce services and responsibilities, developed by the Office of Consumer Affairs and the operating units, will include statements explaining the Department's procedures and authority in complaint handling and instructions for consumers' use in submitting complaints."

One comment requested a "more specific commitment" on the establishment of Department-wide standards and procedures for complaint handling. Since the Draft Program was issued, the Office of Consumer Affairs has requested quarterly reports on consumer correspondence from NBS, NMFS and NTIA. The Final Program has been amended to reflect this request and also states that "within ninety days of the effective date of the Program, the Office of Consumer Affairs will consider plans to establish a centralized reporting system" with other operating units. Another comment suggested that quarterly reports from the operating units may not be frequent enough. Our experience to date has shown that the relatively low volume of complaints received within the operating units does not warrant more frequent reports. However, this will be evaluated on a continuing basis.

One comment requested a "more definite commitment" to an evaluation of the complaint handling system, as the Draft Program had indicated that an evaluation would be made in the future, resources permitting. An evaluation of the system was recently initiated by student interns currently available to the Office of Consumer Affairs, however, the ability to make regular follow-up telephone calls will be dependent upon the presence of student interns until the proposed staffing expansion has been completed.

One comment suggested that copies of complaint reports and other proposals generated from the Office of Consumer Affairs should be sent to trade associations or corporate representatives of the affected industries. The Office does not send copies of complaint statistics to its consumer mailing list or other organizations. Since the volume of complaints is fairly low, extremely varied, and historically parallels the nationwide statistics compiled by the Council of Better Business Bureaus and state or local government consumer offices, the Office has not felt it necessary to circulate the reports. As mentioned earlier in this preamble, any interested person or organization which would like to be added to the mailing list to receive other notices, should write to the Office of Consumer Affairs. All persons who requested copies of the Draft Program and all persons who commented on the Draft have automatically been added to the mailing list.

Again, we thank you for your comments and suggestions which have helped us to prepare a stronger and more responsive Commerce Consumer Program. Our revised FINAL PROGRAM follows:

FINAL PROGRAM

Background

The major goal of the Department of Commerce is to encourage the economic progress of the United States and its citizens. Its mission encompasses a broad spectrum of programs designed to promote technological advancement, improve research and scientific development, manage and conserve the Nation's natural resources, provide the basis for the Nation's measurement standards, provide social and economic statistics and analyses, promote business and economic development, and strengthen the international and domestic trade position of the Nation.

Some programs and policies of the Department of Commerce have a direct impact on consumers: for example, the product standards work of the National Bureau of Standards, the seafood inspection program of the National Marine Fisheries Service, and the telecommunications activities of the National Telecommunications and Information Administration. Other actions have a more indirect, although no less significant, effect on consumers; these include activities of units such as the Census Bureau, the Patent and Trademark Office, the National Weather Service, and the Bureau of Economic Analysis, as well as the broad area of trade policy analysis of the International Trade Administration.

In carrying out its mission of promoting economic growth, the Department must be as responsible and accountable to the consumer as it is to business. This Final consumer Program describes a plan for assuring that consumer needs and interests are solicited and adequately considered in decisionmaking processes of the Department. The final Consumer Program will be implemented in the form of a Department Administrative Order.

I. CONSUMER AFFAIRS PERSPECTIVE

Office of Consumer Affairs

The Office of Consumer Affairs, as coordinator of the Consumer Program, is authorized to participate, in a manner not inconsistent with applicable statutes, in the development and review of all agency rules, policies, programs and legislation.

Staff Location

The Office of Consumer Affairs is located in the Office of the Secretary (see Appendix C, Organizational chart). The Director of Consumer Affairs reports directly to the Secretary, with administrative arrangements for the Office provided by the Associate Deputy Secretary. The Director is also a member of the Commerce Council, a top management committee which meets weekly with the Secretary.

Size and Resources

At present, there are three positions in the Office of Consumer Affairs: two professional and one secretarial. One professional position will be added to the staff in FY '81, and preliminary plans call for adding another professional and a clerical position in FY '82.

The Office's program budget will also be increased in FY '81 to develop an informational brochure on Commerce's consumer services and to conduct business-consumer forums. Further, use of the Secretary's Special Initiatives fund was approved for the Office to review and revise a series of consumer affairs guidelines for business in 1980.

The Office of Consumer Affairs staff is supplemented with college interns through semester-long work/study programs. A Commerce Management Information system is now under development, to be administered by the Associate Deputy Secretary's Office, which the Office can use to monitor consumer activities throughout the Department.

Responsibilities

The Director of Consumer Affairs presents consumer views to policy makers, facilitates consumer involvement in Department activities, and maintains contact with consumer-related organizations in the public and private sectors. The director serves as the Department's consumer advocate in reviewing rules, policies, programs and legislation which impact the consumer, and recommends actions that are responsive to consumer's needs.

The other major responsibility of the Office of Consumer Affairs is to encourage greater responsiveness to consumer concerns from the business community. In this regard, the Office works closely with corporate consumer affairs directors, other corporate executives, and trade associations to develop policies and programs which address consumer issues. The Office of Consumer Affairs' efforts currently include seminars for business, individual consultations and advice to corporate leaders, and the establishment of business-consumer "round-tables" on specific problem areas. In fiscal year 1980, a major new project is being initiated to reissue a series of consumer affairs guidelines for business which were previously developed under the auspices of the Department of Commerce. All of these responsibilities will be carried out under the direction of the Secretary of Commerce.

Relationship With Other Consumer Personnel and Agency Operating Units

The following operating units are regularly involved in major policies and programs that have direct or significant consumer impact: National Bureau of Standards (NBS), National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), National Telecommunications and Information Administration (NTIA).

These operating units have developed plans for implementing the Executive Order within their agencies, as follows:

National Bureau of Standards

NBS has designated the Director of the Center for Consumer Product Technology (CCPT) as the Bureau's representative for consumer matters. The Director will oversee implementation of the Consumer Program within the CCPT, and will act on behalf of the Director of the National Bureau of Standards on all consumer issues within the Bureau and in conjunction with the Commerce Consumer Connection (described below) and the Office of Consumer Affairs.

National Marine Fisheries Service (NMFS)

The National Marine Fisheries Service has a Consumer Affairs Branch located in the Seafood Research, Inspection and Consumer Services Division, Office of Utilization and Development. The Consumer Affairs Branch includes positions for 3 consumer affairs professionals, 1 economist, 1 home economist, and 1 clerk typist.

The National Marine Fisheries Service also has eleven home economists and marketing specialists who are engaged in consumer activities in the NMFS field offices. While these regional specialists do not report to the Consumer Affairs Branch at NMFS headquarters, there is continuing coordination and exchange of information between the field and the Branch staff.

The NMFS Consumer Affairs Branch provides the Assistant Administrator of Fisheries with current consumer

views relative to fishery policies and programs, coordinates the activities of the Marine Fisheries Advisory Committee's (MAFAC) Consumer Affairs Subcommittee; facilitates consumer involvement in fisheries activities; functions as the point of contact for consumer inquiries and complaints; and acts as the NMFS representative in consumer related councils and committees at the Departmental and interagency levels. The head of this Branch serves as the consumer advocate within NMFS in reviewing all proposed policies, regulations, programs and legislation which will impact on the consumer and recommends actions that are responsive to consumer needs. The head of the Branch is the NMFS member of the Commerce Consumer Connection. The Branch actively interacts with consumer and other public interest groups and solicits their input to all fisheries activities. The Consumer Affairs Branch is responsible for consumer education and information activities for consumers and will provide technical assistance to consumer groups where needed and appropriate.

National Telecommunications and Information Administration (NTIA)

The National Telecommunications and Information Administration (NTIA) was established on March 26, 1978, and does not have a consumer affairs staff at present. The Planning and Policy Coordination Staff (PPCS) has been designated as NTIA's consumer representative for purposes of compliance with the Executive Order. NTIA, however, will continue to explore the possibility of establishing a consumer office in fiscal year 1982, and of receiving budgetary approval to do so.

Other Operating Units

Other operating units of the Department which do not have consumer staffs will be directed to designate a "Consumer Contact Person" within their agency as liaison to the Office of Consumer Affairs (See Appendix B, Department of Commerce Offices and Operating Units). This "Consumer Contact" will be at the highest level possible to be aware of the unit's activities which impact consumers and to have access to the agency head. Contact Persons must be designated within 30 days of the effective date of the Program. These individuals will be kept apprised of the Department's Consumer Program through membership on the Commerce Consumer Connection as well as through informal communication with the Office of Consumer Affairs, and will regularly inform the Director about their units' policies and programs. They will be responsible for coordinating implementation of the Consumer Program within their agency.

Office of Product Standards (OPS)

The Office of Product Standards (OPS) reports to the Assistant Secretary for Productivity, Technology and Innovation, and is responsible for promoting and protecting the public interest in domestic and international product standardization activities, whether private or governmental. The major OPS activity relative to the Consumer Program is its authority for implementation of OMB Circular A-119, "Federal Participation in the Development and Use of Voluntary Standards." The Circular contains provisions which will increase the opportunities for recognized consumer interests to participate in and be represented on committees, boards, etc., of voluntary standards-developing organizations. OPS is currently drafting procedures for implementation of the Circular, and is seeking broad-based review of these procedures from representatives of voluntary standards organizations and consumer groups. The proposed procedures will also be published in the **Federal Register** for public comment. The Office of Consumer Affairs will advise and assist OPS in assuring consumer input to this activity.

International Trade Administration (ITA)

The International Trade Administration (previously called the Industry and Trade Administration) was formed in January, 1980 as a result of the President's Reorganization Plan Number 3, of 1979, which provided for the development and implementation of international trade policy. ITA will designate a "Consumer Contact Person" to work with the Office of Consumer Affairs in implementing the Consumer Program. Current avenues for consumer input to trade policy within ITA include a number of advisory committees, for which the Office of Consumer Affairs helps to locate consumer representatives. The Office of Consumer Affairs will continue to pursue new and expanded opportunities for consumer input to ITA's policies and programs, and we welcome additional suggestions in this regard.

U.S. Travel Service

The U.S. Travel Service is currently restricted by Congressional mandate to programs which encourage foreign travel to the U.S.; it has no funds for programs of assistance to the domestic traveler. However, USTS has recently asked the Office of Consumer Affairs to advise and assist in the development of consumer redress mechanisms, consumer information programs and other activities to aid the foreign traveler as a "consumer." Some of these projects may be recommended to the travel industry for voluntary action; others may be joint government/industry efforts. Such programs will have a "spillover" effect in aiding the U.S. traveler, as well. A consumer representative serves on the U.S. Travel Advisory Board, which advises USTS on the development of its policies and programs, including these new initiatives.

DOC Regional Office Network

The Office of Consumer Affairs does not have staff in any of DOC's field office network. However, the ten regional offices of the representatives of the Secretary will assist in performing regional liaison functions to the Office of Consumer Affairs, using their wide networks for outreach purposes. The Secretarial Representative offices will be a primary way in which public and private opinions on DOC policies, programs and legislation will be conveyed from the regions to the Office of Consumer Affairs. A listing of these offices is included in the Appendix. The Office of Consumer Affairs will also maintain contact with the 47 District offices of the U.S. Commercial Service, an agency of ITA, whose purpose is to assist in trade policy implementation at the local level.

Procedures for Consumer Policy Coordination

The Office of Consumer Affairs acts as the "umbrella" to coordinate all consumer participation and outreach activities in the Office of the Secretary, through the field office networks, and in the operating units. The Office of Consumer Affairs will assist consumer staffs and Consumer contacts within the operating units in the development of their policies and programs. All appropriate means of participation in policy and program development will be used by the Office, including membership on intradepartmental task forces; representation of the Department on interagency consumer projects; consultation with operating unit officials and staffs; written comments on legislative and other proposals; circulation of proposals to consumer representatives, the media, etc. consumer affairs staffs of operating units will carry out similar policy review functions within their agencies.

Specific procedures through which the Office of Consumer Affairs will participate in policy development and review include:

1. *Commerce Consumer Connection.* The director of Consumer Affairs chairs the Commerce Consumer Connection, an intradepartmental committee which meets at least monthly to review consumer-related policies and programs throughout the Department and develop recommendations for the Secretary and other officials on actions appropriate to consumers' interests. Through this mechanism, the Office of Consumer Affairs will also be made aware of emerging programs or problems of consumer staffs within the operating units.

Membership of the Connection consists of representatives of the operating units' consumer staffs and the designated Consumer Contact Persons from other operating units.

2. *Policy and Legislation Review.* The Office of Consumer Affairs will participate in the development and clearance of rules, policies, programs and legislation which have consumer implications through coordination with the Assistant Secretary for Policy and the Assistant General Counsel for Legislation. The Office of Consumer Affairs will review the Department's semi-annual regulatory agendas for consumer implications and disseminate quarterly notices of regulatory activities to consumer organizations and consumer media. Consumer staffs of the operating units will be involved in all stages of their agency review process. The Office of Consumer Affairs will participate directly with operating units and consumer staffs on the development of proposed and final rules.

3. *Advisory Committees.* The Secretary has directed that one or more qualified consumer representatives be included in the membership of the Department's public advisory committees, except where there are statutory constraints. It is also the Department's policy to reimburse, upon request, advisory committee members, which includes consumer representatives, for travel and expenses associated with membership on advisory committees. The Office of Consumer Affairs serves as a clearinghouse for locating consumer candidates for membership, and will be included in the clearance of proposed committee members to assure that adequate consumer representation occurs. The Office will conduct a survey within 30 days of the effective date of this program, and at least annually thereafter, to determine the status of consumer representation on advisory committees. Inquiries and nominations for membership consideration on DOC's advisory committees should be directed to the Office of Consumer Affairs.

II. CONSUMER PARTICIPATION

Where Consumer Participation Will Occur

The Office of Consumer Affairs and consumer staffs and Contact Persons in the operating units will be responsible for assuring that timely and meaningful consumer participation occurs throughout the development and review of the Department's rules, policies and programs, including the initial formative stages of the process. To provide participation at the appropriate stages of policy development, the following actions, and others as needed, will be taken:

1. Notices of proposed and final rules, programs, and policies will appear in the **Federal Register.**

2. Quarterly notices of upcoming rulemaking activities will be disseminated to consumer representatives and consumer media by the Office of Consumer Affairs.

3. Funds will be made available whenever possible to enable consumer representatives to give in-depth advice and assistance on major policy or program initiatives. (Recent examples include the Department's development of recommendations on the problem of product liability, where a series of Consumer Forums was funded; and a pilot project on voluntary consumer product information labeling, for which a national consumer organization was a consultant to the Department.)

4. Informal meetings will be arranged between Commerce officials and consumer leaders to discuss emerging or on-going problems and issues.

How Consumer Participation Will Occur

All appropriate avenues of participation in policy development and review will be made available to consumers, including, for example:

1. Written comments and oral testimony in rulemaking procedures and public hearings (Washington and regional)

2. Membership on Commerce Advisory Committees, task forces and similar working groups

3. Special briefings by Commerce personnel for consumer representatives on policy and program developments

4. Regional Forums on Regulatory Agenda (to be coordinated by the Office of Regulatory Policy)

5. Commerce Consumer Forums on major issues (A proposed format has been approved and utilized for recent Consumer Forums on product liability. Future locations, frequency and level of participating Commerce officials will be determined by the nature of issues involved and the availability of resources.)

6. Mailings from the Office of Consumer Affairs and/or relevant operating units to consumer groups and media to solicit specific feedback

7. Meetings between consumer and Commerce leaders to discuss specific trends or programs.

Specific consumer participation activities on-going or planned during the coming year within the operating units include:

National Bureau of Standards

The NBS Center for Consumer Product Technology, in conjunction with Underwriters Laboratories, the American Society for Testing and Materials, the National Fire Protection Association, and the American National Standards Institute sponsors and maintains a Consumer Sounding Board network to insure that consumer input on program activity is obtained. The Consumer Sounding Boards are composed of a demographic cross section of consumers convened for the purpose of providing standard-making organizations with direct consumer involvement in their programs. The Center is the focal point for NBS activities with the 4 Metropolitan Washington-area Sounding Boards. In addition, the Center's programs are reviewed annually by a panel appointed by the National Academy of Sciences. This panel is composed of individuals from industry, academia, government, and consumer interest groups. The Center has also contracted with consumer interest groups to review its program plans in major activities such as the DOE-supported "Energy Appliance Program" and the DOC "Consumer Product Information Labeling Program." The Center also works with the National Conference on Weights and Measures comprised of state and local government representatives who have responsibility for consumer issues in their jurisdictions. These representatives are able to provide input on consumer issues relevant to the mission of NBS and the Center. The Center will continue to seek consumer input to its program from all these sources in the future.

National Marine Fisheries Service

In addition to the seven steps outlined above (How Consumer Participation Will Occur), the following groups will be used:

Marine Fishery Advisory Committee (MAFAC)—This committee of approximately 25 representatives from industry, academia, and consumer groups, advises NMFS on fishery activities. MAFAC also includes a subcommittee on consumer affairs which is chaired by consumer representatives on the Committee. The NMFS Consumer Affairs Branch functions as the Executive Secretary for the subcommittee.

Fishery Management Councils—Eight Fishery Management Councils were established by the Fishery Management Conservation Act of 1976. The membership of the Council is prescribed by the Act, including the requirement that all members must have fisheries expertise. The majority of the members are appointed by the Governors of the Coastal States; which includes consumer members. NMFS Consumer Affairs personnel are actively pursuing consumer representation on these Councils. In addition, workshops are being planned on a regional basis in conjunction with the Councils to encourage and expand consumer participation.

Funding for public participation in rule-making proceedings is available through the regulations issued by the National Oceanic and Atmospheric Administration, of which NMFS is a part.

Through the availability of the Saltonstall-Kennedy funds, NMFS conducts a grants program under its Fisheries Financial Assistance Program to further the utilization and development of the fisheries of the U.S. Proposals are encouraged in areas such as determining the consumer's attitudes toward seafood and seafood consumption patterns, studies to determine education and information materials needed for consumers and the best methods of disseminating them, and activities to educate consumers on the nutritional value, economy, handling and preparation of fish and fish products.

National Telecommunications and Information Administration

Public Participation Funding Program—To expand public participation in its programs, NTIA is currently developing a plan to reimburse participants in its rulemaking proceedings and policy development activities, as budgetary constraints allow. The plan in its final form will appear in the Federal Register in the near future. This public participation effort is primarily related to the rulemaking proceedings of NTIA's Public Telecommunications Facilities Program (PTFP). In this program, NTIA distributes grants—most of them matching grants—for the planning and construction of public telecommunications facilities. In fiscal year 1981, the program will distribute $23.705 million to diverse noncommercial telecommunications entities, including nonbroadcast entities as well as public radio and public television stations.

Public Telecommunications Facilities Advisory Committee—The Public Telecommunications Facilities Program is in the process of establishing an advisory committee that will offer advice on the Program's grant applications and on the development of policy in public telecommunications. As it is being proposed, the advisory committee will have 20 members; one seat will be reserved for a representative of a public interest or consumer organization.

Analysis of Consumer Views

In order to ensure that consumer views are adequately analyzed and considered in policy development, operating units will be directed by the Secretary to document to the Office of Consumer Affairs, or to their consumer staffs or Contact Persons, consumer comments received in the rulemaking process or on policy or program proposals, and the response provided to such comments. When substantive minority opinions exist, these should be addressed as optional considerations in recommendations to policy officials. The Office of Consumer Affairs and consumer staffs of the operating units will participate in efforts to reconcile major disparities in policy recommendations, through the formal mechanism of the Commerce Consumer Connection or other informal channels. The Office of Consumer Affairs will participate in the final clearance of consumer-related policies, rules, programs, and legislation.

Staff Responsibilities

The Office of Consumer Affairs will coordinate consumer participation responsibilities throughout the Department, in conjunction with the Office of Regulatory Policy (ORP) which oversees public participation activities under Executive Order 12044. Within 90 days of the effective date of the Program, these offices will develop general guidelines for consumer participation for use throughout the Department.

Special Efforts to Notify Consumers

The Office of Consumer Affairs and consumer staffs in the operating units, in conjunction with public affairs staffs, will conduct special efforts to notify consumers and their representatives of opportunities to participate in the Department's policy development process. Several current efforts in this regard will be continued and expanded, where possible, including:

1. Mailings of policy and program proposals to the Office of Consumer Affairs' list of over 1,000 national, state and local consumer organizations, consumer media, and state and local government consumer agencies, as well as to the mailing lists of the operating units. Recipients will be requested to conduct further outreach efforts to reach their constituent groups.
2. Use of electronic media (Commerce radio tapes, appearances of consumer staffs on radio and TV programs) and print media interviews.
3. Public speaking appearances by consumer staffs.
4. For the PTFP program, NTIA prepares special informational materials concerning the grant process by which it makes funds available for telecommunications facilities. This information is distributed to individuals, public interest groups, the trade press, publishers, journals, and other media.

In addition, a major new effort to notify the public of Commerce regulatory activities began in November, 1979. This effort consists of monthly notices derived from the Department's "Semi-Annual Agenda of Regulations," which the Office of Consumer Affairs sends to consumer organizations, agencies and media. These notices will also be sent to DOC's Secretarial representatives, the Federal Regional Councils and the Federal Executive Boards. The monthly notices provide information about upcoming activities from the Agenda of Regulations, including the agency contact person.

Funding of Consumer Participation

Special attention will be given to developing new procedures and funding sources to finance consumer participation in the Department's proceedings, where

appropriate, in addition to the funding programs of two major operating units. The National Oceanic and Atmospheric Administration, of which NMFS is a part, issued regulations in 1978 for funding public participation in its rulemaking proceedings (see 43 FR 17806–17812, Wednesday, April 26, 1978). As noted above, the National Telecommunications and Information Administration is establishing funding procedures for public participation related primarily to the Public Telecommunications Facilities Program (PTFP), which awards matching grants yearly for the development and expansion of public telecommunications services. The agency's final rules will appear in the **Federal Register** in the near future. Other operating units such as the International Trade Administration and the Minority Business Development Administration are exploring similar funding procedures.

III. INFORMATIONAL MATERIALS

Agency Information Services

Operating units of the Department of Commerce produce a vast array of informational materials. According to the function of the unit, some materials are oriented to the general public or consumer interest, while others serve business or statistical purposes. In reviewing the materials presently available, the Office of Consumer Affairs has identified new efforts to be developed which are highlighted in each area required by the Executive Order. Operating units will be directed within 90 days of the effective date of the Program to evaluate the adequacy of their current information materials, make a determination as to new materials which are needed and review their channels of distribution to reach special target audiences. We will continue to pay special attention to materials currently available from the private sector to avoid duplication.

1. Department of Commerce Responsibilities and Services

Informational materials concerning responsibilities and services of the Department are produced by all major operating units in the form of agency newsletters, press releases, and other publications and are distributed on a national basis or to operating units' constituencies. Some units also provide conference exhibits, teacher kits, posters, radio and television spots, free film loans and tours of facilities; including the National Marine Fisheries Service and the weights and measures laboratories, Center for Consumer Product Technology, Center for Fire Research and other facilities and testing laboratories of the National Bureau of Standards. NBS snd NMFS also conduct community outreach programs; for example, NBS sponsors career days for secondary school students and presentations to local schools by scientists from the Science and Technology Enrichment Program (STEP).

The Office of Consumer Affairs maintains a current *Inventory of Consumer Affairs Activities* which outlines the consumer-related functions of Commerce operating units. The *Inventory* will be available upon request. During FY 1981, the Office also plans to develop a Departmental brochure depicting commerce consumer services. A preliminary assessment of the Department's informational activities has determined that this publication is needed to apprise consumers of the variety of Commerce services available, of the correct agency to contact regarding its services, and of the opportunities to participate in agency proceedings. The booklet will also detail the nature of consumer complaints for which the Department is responsible.

2. Marketplace Information

Due to the diverse activities of Commerce operating units, a wide variety of marketplace information is available to the public. Of broad general interest are the monthly economic trend reports; metric, energy conservation and fire safety publications and free film loans on varied subjects from the National Bureau of Standards; fishery supply and "best buy" data which is supplied to the "National Consumer Buying Alert" and other publications, seafood recipes, and Truth-in-Menuing guidelines from the National Marine Fisheries Service; and a series of Consumer Affairs Guidelines for business produced by a former advisory council to the Secretary of Commerce. NMFS is also providing nutritional research to Nutribank, a computer service program which provides nutritional values for recipes. Some Commerce publications are available at a nominal charge through the GSA Consumer Information Center at Pueblo, Colorado. Operating units will be encouraged to expand their use of the Pueblo facility. Proceedings of a Consumer Dispute Resolution Conference co-sponsored by the Department and the Chamber of Commerce of the United States are available from the Office of Consumer Affairs.

The Department also has extensive media liaison, distributing monthly NBS radio interviews to 500 radio stations, circulating monthly NBS reports to consumer writers and broadcast stations; NMFS issues news text, black and white photographs and color transparencies on fishery products to 900 food editors and local media representatives. We will continue to seek the most effective media outlets for distribution of information relative to DOC's consumer activities.

Marketplace information on operating unit programs such as the economic data, dietary and nutritional information, energy, and product standards and testing will continue to be developed in accordance with relevant issues. Funds have been authorized to the Office of Consumer Affairs to update a series of Consumer Affairs Guidelines for business for reissuance during 1980. This will be done in conjunction with two national business and consumer organizations. The Office also plans to co-sponsor additional consumer dispute resolution conferences in fiscal year 1980. Operating units will be directed to produce bi- or multi-lingual versions of key consumer informational materials wherever possible.

3. Consumer Participation Information

Consumer information materials which outline general procedures for consumer participation in policy development in the Department will be made available to consumers as they are developed. Public comment will be solicited on the proposed procedures. As cited previously, the National Oceanic and Atmospheric Administration issued regulations for funding consumer participation in its proceedings in the **Federal Register** of April 26, 1978. Similar regulations are expected to be issued by the National Telecommunications and Information Administration in the near future. Also mentioned previously, the Office of Consumer Affairs issues monthly notices of Commerce regulatory activities to consumer organizations and the media. Consumer staffs will assist in reviewing their agency's proposed rules, policies, and procedures for consumer participation and notices of such actions, to assure the use of "plain English."

Manner of Distribution

The selection of specific distribution channels for informational materials produced by the Department will be determined by the nature of the material, target audience(s), time constraints, and resource availability. In general, distrubition channels will include: the Office of Consumer

Affairs' mailing list of state and local consumer offices, private consumer organizations, professional consumer societies, etc., Secretarial Representatives in the ten Federal Regions; the 47 District offices of the International Trade Administration and other field offices networks; mailing lists of news and public affairs offices and operating units; public speaking engagements of consumer staffs; media events such as the monthly NBS radio spots and NMFS quarterly mailings to food editors; and direct mail in response to requests. The information disseminated through these channels will include instructions for additional outreach efforts to the constituent groups of each recipient.

Officials Responsible for Consumer Information Program

Special responsibility for planning and carrying out the consumer information function resides with the consumer staffs within the operating units, with assistance as appropriate from public information and program staffs. The Office of Consumer Affairs will consult with the Office of Public Affairs to develop Departmental consumer information activities including possible expanded use of the media. The Office and/or the Commerce Consumer Connection will review all future consumer publications in draft stage for content, clarity and correct metric practice.

Regional Secretarial Representatives, and the District and field offices of appropriate operating units will assist in disseminating informational materials through their facilities.

Information on Agenda of Public Meetings

Explanatory materials for open meetings will be prepared by the Office of Consumer Affairs, the Office of Regulatory Policy and/or the consumer staffs of operating units, as appropriate to the meeting. Such materials will include a summary of the background and issues to be discussed, key word categories, an agency contact person, and procedures for consumer participation.

These materials will be publicized and distributed through such channels as **Federal Register** notices, the "Calendar of Federal Regulations," the Secretarial Representatives, District and field offices, the Office of Consumer Affairs and operating units' consumer mailing lists, advisory committees, and the consumer media.

IV. EDUCATION AND TRAINING

Responsibilities for Educating Staff Members About Consumer Program

In order to effectively implement the Consumer Program, efforts must be made to apprise all Commerce managers and employees of the components of the Federal consumer policy and actions to be taken in the Department to comply with that policy. The Associate Deputy Secretary issued a memorandum to the Department's Secretarial Officers and Heads of Operating Units, conveying the Executive Order and the Draft and Final Consumer Programs, directing them to make their staffs and employees aware of them. The Office of Consumer Affairs will work with the heads of the agencies, the Secretarial Representatives, and the District and field office networks to disseminate information about the Consumer Program and to solicit their recommendations on its implementation. Consumer staffs in the operating units will conduct similar employee education efforts within their agencies.

The Office of Consumer Affairs further plans to conduct briefings on the Consumer Program for top Commerce management, through the Commerce Council, a weekly meeting of Department officials, and on an individual basis with appropriate Assistant Secretaries, Administrators, and Regional Commerce Councils, consisting of heads of the principal DOC regional agencies. The Office will work with public affairs and personnel staffs of the operating units to develop news articles on the Program for inclusion in employee and public newsletters. Other activities designed to heighten employee awareness of the Department's consumer programs will also be developed.

Specialized Training for Consumer Affairs Personnel

The Office of Consumer Affairs and consumer staffs of the operating units will continue to increase professional development through regular attendance at consumer-related conferences and seminars as a supplement to their formal education and consumer affairs experience. The Office will also work with the Employee Development Division of the Department's Personnel Office to identify in-house or outside sources of training, as needed, including the possibility of university credits in specialized areas of concern. Specific areas in which additional training could be desirable include complaint handling, consumer participation procedures, consumer education techniques, preparation of print and audio visual consumer information materials, and mediation skills. College interns receive on-the-job training and counsel in complaint handling from the Director and the Consumer Affairs Specialist. Interns' research assignments and other projects are conducted under the direct supervision of the Director. Future staffing selections will be based upon expertise in the areas mentioned above to supplement previously acquired skills. NMFS has established a part-time permanent position (Consumer Information Assistant) which will be used as a training position, providing both time and financial support for career development in the consumer affairs area.

Technical Assistance for Consumers

Operating units, with advice from the Office of Consumer Affairs, will determine the staff responsibilities, procedures and types of technical assistance for consumers which are appropriate to their programs. For example, NTIA's Public Telecommunications Facilities Program provides technical assistance upon request to potential applicants and to other groups interested in public telecommunications. Also, NTIA prepares special informational materials explaining the process of obtaining matching grants for the telecommunications facilities; NTIA distributes this information to individuals, public interest groups, the trade press, publishers, journals, and other media. The NMFS plans to hold individual consultations and workshops for consumer-interest groups to provide technical assistance in preparing proposals for funding under the Fisheries Financial Assistance Program, which contains a cost-sharing clause.

V. COMPLAINT HANDLING

The Department's authority in the area of consumer protection is limited to a few specific responsibilities of some of its operating units, for example, the seafood inspection program administered by the National Marine Fisheries Service, and portions of the Fair Packaging and Labeling Act administered by the National Bureau of Standards. The Department has no authority to force business or industry to resolve consumer problems of a more general nature; however, the Office of Consumer Affairs may be of assistance in directing the complaint to the appropriate source for resolution or assisting in the mediation of disputes when other efforts have failed. Future consumer information materials, including the Departmental brochure which will outline Commerce services and responsibilities, developed by the Office of Consumer Affairs and the operating units, will include statements explaining the Department's

procedures and authority in complaint handling and instructions for consumers' use in submitting complaints.

Complaints relating to the programs, operations, or employees of the Commerce Department itself are within the jurisdiction of and should be directed to the Office of Inspector General, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The following procedures for handling consumer complaints about business or industry were developed and are practiced by the Office of Consumer Affairs. Operating units follow these basic procedures with modifications in some areas, as appropriate to that unit.

Format for Logging Complaints

The Office of Consumer Affairs receives consumer complaints and requests for information through direct consumer contact, Congressional and White House referrals, assignment of miscellaneous correspondence from the Department's Executive Secretariat, or from other government agencies.

The Office secretary logs in communications by name and date as it is recieved, whether by mail or telephone, assigning a reference number based on the fiscal year and a running tally; a subject matter category; the nature of the complaint; and the consumer's state of residence. The Director or the Consumer Affairs Specialist reviews each communication to determine if it will be retained for action within OCA or assigned to other Commerce operating units for investigation.

Investigation, Analysis and Response Procedures

In the majority of cases, Office of Consumer Affairs' staff contacts the business in question directly to encourage action and seek resolution. Some complaints requiring more extensive investigation are also referred in writing to the business, in question. The consumer is notified by letter or telephone of the resolution or referral of the complaint.

Many consumer inquiries involve issues which are under the jurisdiction of another Federal, state or local agency. Wherever possible, the Office of Consumer Affairs contacts that agency to request referral of the complaint to a specific individual or office, and then notifies the consumer of the referral being made. On all referrals, the Office requests a report on action taken by the agency or business to which it was referred. Variations of this process within the operating units will occur, as NBS directs its complaints for follow-up to cognizant officials from state and local weights and measures and consumer protection offices. NMFS also has established procedures for assignment of complaints, which apply for inspected versus uninspected fishery products. For example, in uninspected product complaint cases, the consumer is advised to contact the appropriate regulatory agency when applicable, the processor of the product, as well as the place of purchase. For inspected product complaints requiring investigation, the NMFS Consumer and Trade Education Specialist will forward the complaint letter, reference codes and/or a sample (e.g., the product in question) through the inspection program coordinator to the appropriate field office or National Inspection Laboratory. NMFS also contacts the appropriate regulatory agency and processor directly.

It is the policy of the Office of Consumer Affairs to respond to the consumer within 10 business days after receipt of his or her correspondence. If resolution or refereal cannot be achieved within that time, the consumer will receive an interim acknowledgment within 5 business days identifying the staff person assigned to the investigation and the expected date of completion. Requests for information and materials are also subject to the same time frame. Upon resolution or referral, complaints are filed according to subject matter. Cross-reference index cards which summarize the complaint are also filed separately for easy retrieval, by consumer's name, business or agency concerned, and subject matter.

The Office of Consumer Affairs compiles monthly, quarterly and yearly complaint statistics by subject category, nature, state, etc. A narrative section which lists the nature of the complaint (i.e., unsatisfactory repair or service) crosses subject categories and identifies the "root" cause of the complaint. These reports are submitted on a regular basis to the Secretary of Commerce, other Department officials, and the Secretarial Representatives for use in policy and program development. The data may be used to initiate new policies or programs in response to problem trends and for use in development of new consumer information and education materials. At NBS, recurring problem areas are noted and recommendations made to the National Conference on Weights and Measures (sponsored by NBS) for joint corrective action. Similar methods are utilized for regional problems through the four major regional associations of enforcement officials. The Office of Consumer Affairs has recently requested the first of quarterly reports on consumer correspondence to be submitted by NBS, NMFS and NTIA. Within ninety days of the effective date of the program, the Office plans to establish a centralized reporting system, on at least a quarterly basis, to monitor consumer correspondence received by other operating units and to assure consistent and effective resolution of consumer problems. Reports from these operating units will better enable the Office to provide policy and program recommendations.

Evaluation of Complaint-Handling System

The Office of Consumer Affairs has begun a new activity whereby random follow-up telephone calls are made to consumers who have contacted the Department for assistance, to determine the status of the complaint resolution, particularly where complaints were referred. Consumers are queried as to the timeliness of response, their satisfaction with the resolution and other follow-up actions which the Department can take on their behalf.

VI. OVERSIGHT

The Director of the Office of Consumer Affairs reports to the Secretary, with administrative arrangements from the Associate Deputy Secretary. The responsibilities of the Director are discussed in Section I.

Philip M. Klutznick,

Secretary of Commerce.

APPENDIX A—DEPARTMENT OF COMMERCE CONSUMER AFFAIRS CONTACTS AND REGIONAL OFFICES OF SECRETARIAL REPRESENTATIVES

For information on the Department of Commerce Consumer Program in the areas on (1) general consumer affairs issues and programs; (2) informational materials; (3) complaint handling; (4) technical assistance to consumers; and (5) consumer participation contact the following:

Ms. Meredith M. Fernstrom, Director of Consumer Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 5889, Washington, D.C. 20230, Telephone: (202) 377–5001.

Regional Offices of Secretarial Representatives

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island. Ms. Helen Keyes, Secretarial Representative, Department of Commerce, 441 Stuart Street, 7th Floor, Boston, MA 02116 (617) 223–0695.

Region II: New York, New Jersey, Virgin Islands, Puerto Rico. Mr. Bernard Jackson, Secretarial Representative, Department of

Commerce, Federal Building, Room 3722, 26 Federal Plaza, New York, NY 10007, (212) 264–5647.

Region III: Pennsylvania, Delaware, Maryland, West Virginia, District of Columbia, Virginia. Ms. Dianne Semingson, Secretarial Representative, Department of Commerce, Wm. J. Green Federal Building, 600 Arch Street, Room 10414, Philadelphia, PA 19106, (215) 597–7527.

Region IV: Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina. Mr. Paul Hemmann, Secretarial Representative, Department of Commerce, 1365 Peachtree Street, Suite 300, Atlanta, GA 30309, (404) 881–3165.

Region V: Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota. Mr. Loren Wittner, Secretarial Representative, Department of Commerce, CNA Building, Room 1402, 55 East Jackson Boulevard, Chicago, IL 60604, (312) 353–4609.

Region VI: Louisiana, Arkansas, Oklahoma, New Mexico, Texas. Mr. Edward L. Coker, Secretarial Representative, Department of Commerce, Federal Building, Room 9C40, 1100 Commerce Street, Dallas, TX 75242, (214) 767–8097.

Region VII: Missouri, Iowa, Nebraska, Kansas. Mr. Louis G. Bickel, Secretarial Representative, Department of Commerce, Federal Building, Room 1844, 601 East 12th Street, Kansas City, MO 64106, (816) 374–3961.

Region VIII: Colorado, Utah, Wyoming, Montana, North Dakota, South Dakota. Mr. Stephen L. R. McNichols, Secretarial Representative, Department of Commerce, Title Building, Room 515, 909 17th Street, Denver, CO 80202, (303) 837–4285.

Region IX: Arizona, Nevada, California, Hawaii. Mr. Allen C. Haile, Secretarial Representative, Department of Commerce, Federal Building, Box 36135, 450 Golden Gate Avenue, San Francisco, CA 94102, (415) 556–5145.

Region X: Idaho, Washington, Oregon, Alaska. Mr. Leonard W. Saari, Secretarial Representative, Department of Commerce, 915 Second Avenue, Federal Building, Room 3206, Seattle, WA 98174, (206) 442–5780.

APPENDIX B—DEPARTMENT OF COMMERCE OFFICES AND OPERATING UNITS

Office of the Secretary

Deputy Secretary,
Associate Deputy Secretary,
Director of Consumer Affairs,
Regional Representatives of the Secretary,
General Counsel,
Assistant Secretary for Policy,
Assistant Secretary for Administration,
Assistant Secretary for Congressional Affairs,
Office of Public Affairs,
Inspector General.

Federal Co-Chairmen of Regional Commissions

International Trade Administration

National Oceanic and Atmospheric Administration

National Marine Fisheries Service,
Office of Coastal Zone Management,
National Weather Service,
Office of Sea Grant.

United States Travel Service

National Telecommunications and Information Administration

Maritime Administration

Economic Development Administration

Office of Assistant Secretary for Productivity, Technology and Innovation

National Bureau of Standards,
Patent and Trademark Office,
Office of Product Standards,
National Technical Information Service.

Minority Business Development Agency,

Office of Chief Economist

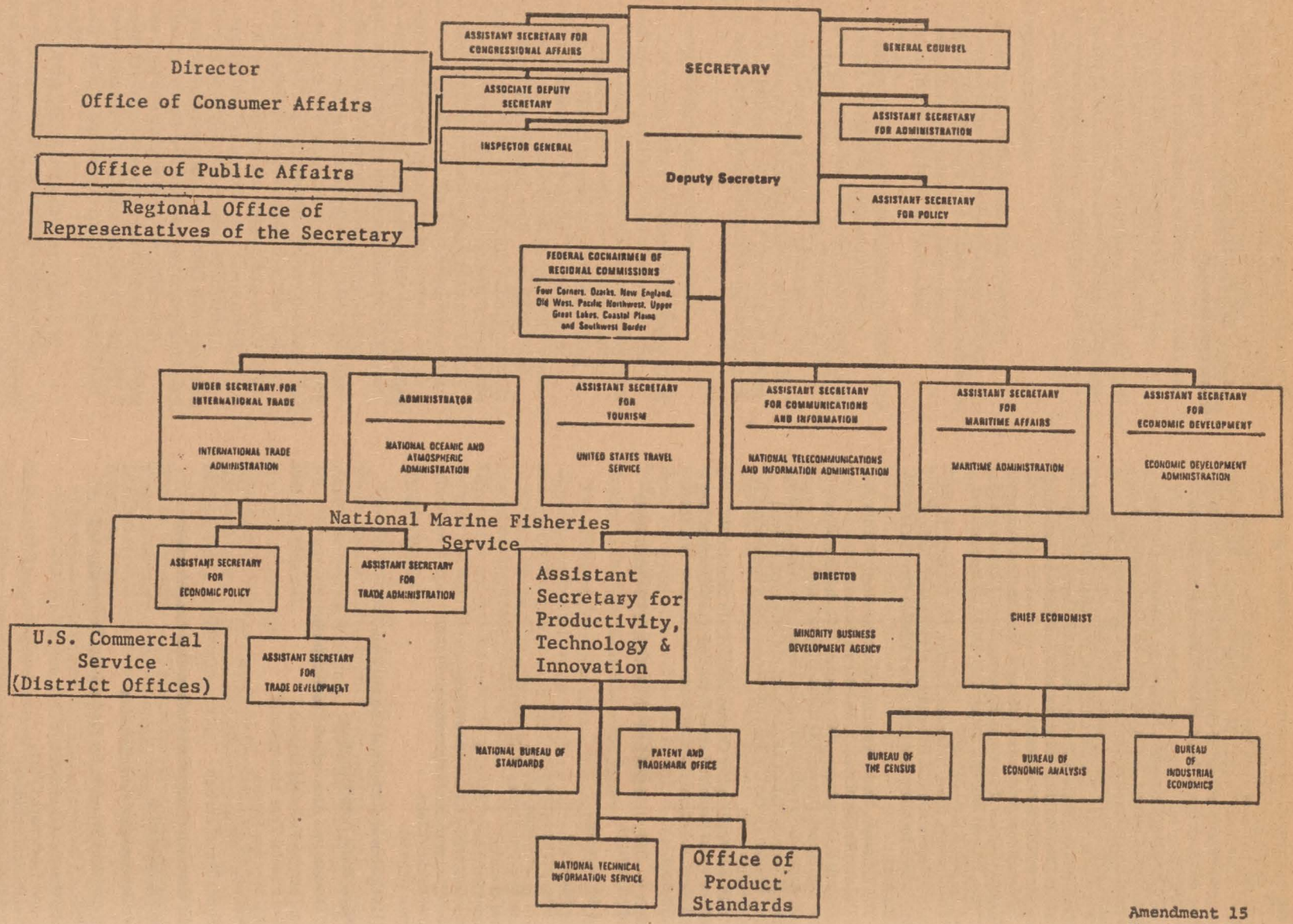
Bureau of the Census,
Bureau of Economic Analysis,
Office of Economic Affairs,
Office of Federal Statistical Policy and Standards,
Office of Industrial Economics.

BILLING CODE 3510-19-M

APPENDIX C
ORGANIZATIONAL CHART

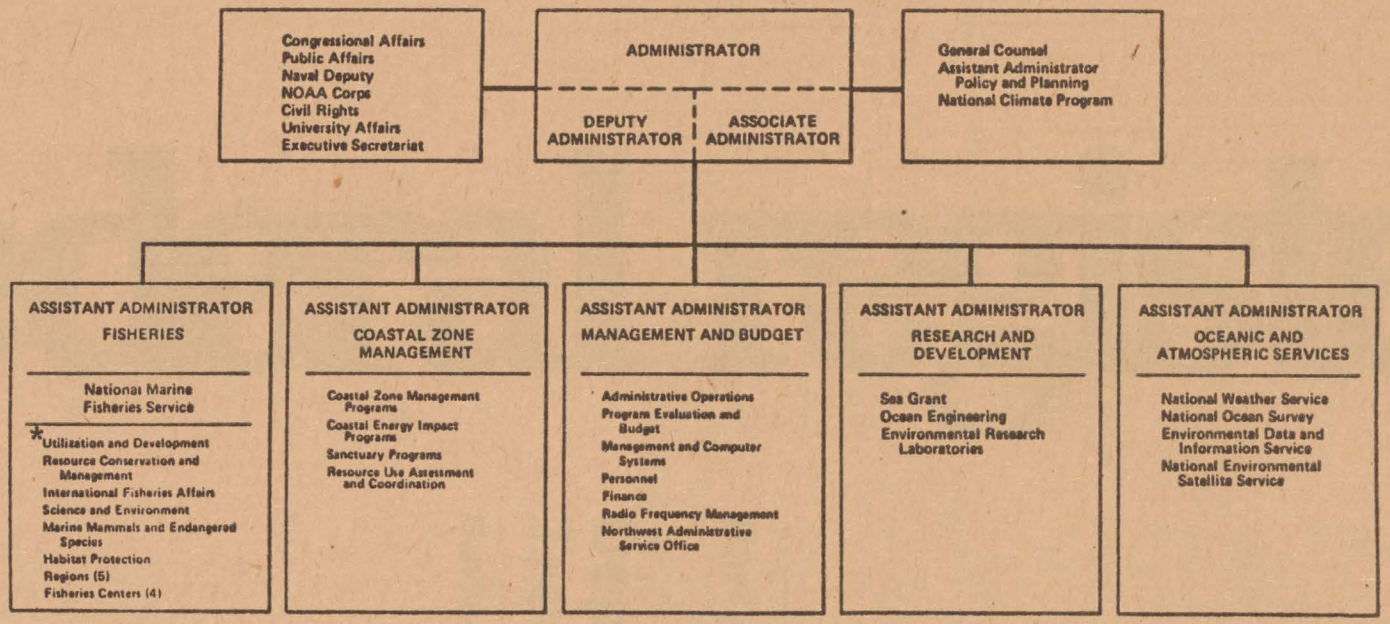
Attachment to DOO 1-1

U.S. DEPARTMENT OF COMMERCE



Amendment 15
March 4, 1980

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration



* Seafood Research, Inspection and Consumer Services Division
- Consumer Affairs Branch
- Seafood Standards Specifications and Labeling Branch
- Inspection Services Branch

BILLING CODE 3510-19-C

[FR Doc. 80-16912 Filed 6-6-80; 8:45 am]

federal register

Monday
June 9, 1980

Part V—Section F

Department of the Treasury

Consumer Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Secretary Miller:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve the Department of Treasury's consumer program established under Executive Order 12160. The Department's program will play a vital role in assuring that consumer interests will be an integral part of agency decision-making.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Ms. Sally Vogel and Mr. Joseph Maty of your staff have been particularly helpful. The fact that Ms. Vogel will be reporting to you and participating in Departmental staff meetings should provide her with the opportunity to review rules, policies, programs, and legislation to assess their impact on consumers. The Department's program is further strengthened by establishing a Consumer Affairs Council to assist in coordinating the Department's consumer activities.

It is clear from the program, however, that it will continue to be critical for Ms. Vogel to receive strong support from the Assistant Secretary for Administration, the General Counsel, the Assistant Secretary for Public Affairs, and the Department's bureau directors. I also urge you to consider carefully over the next year whether the objectives of the program could be furthered by assigning staff directly to Ms. Vogel.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Department's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the Department. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable G. William Miller
Secretary of Treasury
Washington, D. C. 20220

BILLING CODE 4810-25-C

TREASURY DEPARTMENT

AGENCY: Department of the Treasury.

ACTION: Revised Treasury Consumer Program Plan required by Executive Order 12160.

SUMMARY: This revised Consumer Program Plan, as required by EO 12160, provides information relating to Treasury's consumer program, and activities. The plan contains revisions resulting from public comments received on the draft consumer program plan published on December 10, 1979.

EFFECTIVE DATE: June 9, 1980.

FOR FURTHER INFORMATION CONTACT:
Ms. Sally Vogel, Special Assistant to the Secretary (Consumer Affairs), U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220, 202–566–2335.

SUPPLEMENTARY INFORMATION: On December 10, 1979, the Department of the Treasury published for comment a draft consumer program plan indicating the Department's general approach to the implementation of EO 12160. Besides publication in the **Federal Register**, copies of Treasury's consumer plan were sent to Treasury's bureaus and offices for comment and distribution and several mailing lists were used to mail consumer program plans to the general public.

During the comment period, the Department received comments from ten (10) associations (3 trade, 6 consumer, 1 industry), two government working groups, one Congressional staff office, two educators, four private citizens, and consumer offices within the Treasury. The Department's consumer staff reviewed and analyzed these comments. The consumer staff consulted with policy officials on their findings and incorporated the results of their deliberations into this revised consumer program plan.

The following paragraphs provide a summary of the responses Treasury received to its publication of the consumer program plan and an explanation of how the comments contributed to the revision of the plan.

A. Consumer Affairs Perspective

Treasury's consumer response network begins with bureau operations in the field, extends to bureau headquarters operations, and eventually leads to the Office of the Secretary and the Special Assistant to the Secretary (Consumer Affairs). Several respondents observed that Treasury's proposed Consumer Program plan did not provide an adequate description of this consumer network, especially the composition, location, and responsibilities of the Treasury consumer staff.

That deficiency is remedied in the revised plan by providing consumers with the names, titles, and locations of the principal consmer representatives for each of Treasury's bureaus. Additionally, the offices which provide technical information and assistance to the Special Assistant to the Secretary (Consumer Affairs) are also identified.

Bureau consumer program plans, scheduled for publication in the near future, will also include listings of the titles and addresses of Treasury bureau consumer officials.

In response to comments regarding the functions of the Special Assistant to the Secretary (Consumer Affairs), the revised program plan spells out, in some detail, the consumer policy, coordinating, and monitoring functions of the Special Assistant to the Secretary (Consumer Affairs).

B. Consumer Participation

Several of the respondents wanted a detailed explanation of the avenues open to consumers for participating in agency decisionmaking. The revised plan explains the special role of the Special Assistant as consumer advocate and describes the systems for notifying consumers of opportunities for participation in agency decisionmaking.

C. Information Materials

One of the Federal government study groups recommended that Treasury examine some of its more technical publications and press releases and convert them into language more comprehensible to the general consumer. Other respondents urged the Department to establish additional information outlets and expand its contact with the consumer audience.

The consumer program plan makes clear that the Special Assistant and the Special Assistant's counterparts in the bureaus shall analyze and seek improvement in informational materials and develop targeted approaches to addressing specific consumer information needs.

D. Education and Training

The Consumer and trade associations recommended that Treasury and other Federal departments devote sufficient resources to training consumer specialists and also to sensitizing program managers to the special needs of consumers.

The education and training of Treasury employees who have direct contact with the public has been and continues to be a high Treasury priority. It takes many forms and depends upon the class of consumers being served.

The Special Assistant, working with Departmental and bureau training officials and consumer representatives, will survey and analyze the types of education and training programs available for consumer specialists and program managers within the Department. The study will determine the extent to which Treasury's training programs meet generally accepted standards for such programs. Where Treasury's programs are deficient, the study team will propose remedies for their improvement.

E. Complaint Handling

A few of the respondents were concerned that Treasury did not have a Departmentwide consumer complaints processing system. The absence of a centralized complaints system, however, does not prevent Treasury from answering complaints or resolving problems.

The Special Assistant to the Secretary (Consumer Affairs) is responsible for coordinating responses to consumer complaints in the Office of the Secretary. Treasury's bureaus are responsible for handling consumer complaints in areas under their supervision.

The bureaus use various approaches to resolving complaints and several of them were described in the previously published consumer program plan. Bureau consumer program plans, scheduled for publication soon, will describe these processes in greater detail.

The Special Assistant to the Secretary (Consumer Affairs) will survey and assess the adequacy of bureau complaints handling systems and develop policies to guide bureau operations.

F. Oversight

Some of the comments were concerned with strengthening the oversight functions of the Special Assistant to the Secretary (Consumer Affairs) and urged that a strong "program evaluaiton" component be included in the Special Assistant's functional responsibilities.

The revised program plan describes the Special Assistant's oversight responsibilities, including the incumbent's responsibilities for monitoring and evaluating

bureau plans, programs, and activities. Additionally, the Special Assistant's role in analyzing bureau and office consumer program budgets is also stressed in the revised plan.

G. Miscellaneous Comments

Those commenting on Treasury's consumer program plan addressed a variety of issues and most of them are specifically dealt with in the revised program plan. Some issues are not. Included among those issues are suggestions for the public financing of consumer representatives in agency rulemaking and lawyer's fees.

These issues, however, will be addressed by the Special Assistant to the Secretary (Consumer Affairs) and the Special Assistant's counterparts in the bureau at meetings of Treasury's Consumer Affairs Council.

TREASURY CONSUMER PROGRAM PLAN

Summary

This Consumer Affairs Plan is issued by the Department of the Treasury to implement Executive Order 12160 providing for enhancement and coordination of Federal Consumer Programs. 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, provisions for technical assistance to consumers and their organizations; and

(5) Systematic procedures for complaint handling.

Statement of Purpose

The purpose of the Department of the Treasury's Consumer program is to insure that persons who are affected by any Treasury-sponsored regulations, or program decision have the opportunity to present their views on the subject, and that these views are duly considered in the Department's decisionmaking processes. Treasury intends to more actively solicit consumer opinion, to make Treasury bureaus and offices more responsive to the consumer, and to assure that the machinery and the techniques of consumer representation within Treasury are regularly and effectively applied.

I. CONSUMER AFFAIRS PERSPECTIVE

A. 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.

The head of each agency shall designate a senior-level official within that agency to exercise, as the official's sole responsibility, policy direction for, and coordination and oversight of, the agency's consumer activities. The designated official shall report directly to the head of the agency and shall apprise the agency head of the potential impact on consumers of particular policy initiatives under development or review within the agency. (E.O. 12160)

B. Responsibilities and Staffing

1. *Office of the Special Assistant (Consumer Affairs)*

(a) *Responsibilities*—The Secretary of the Treasury has appointed a Special Assistant (Consumer Affairs) who reports to the Secretary through the Duty Secretary. (See Organization Chart at Appendix A.) The Special Assistant's sole reponsibility is to exercise policy direction for, and coordination and oversight of, the agencies' consumer activities. the Special Assistant is a senior official who attends and participates in secretarial level staff meetings.

The Special Assistant to the Secretary (Consumer Affairs) coordinates the Department of the Treasury's overall consumer program, develops consumer-related policies, oversees the implementation of EO 12160 within the Department, maintains contact and works with consumer organizations in the public and private sectors, facilitates consumer involvement in Treasury activities, reviews rules, policies, programs and legislation impacting upon consumers, apprises the Secretary and senior policy officials of the potential impact on consumers of policy initiatives under development and review within the Department and serves as Treasury's consumer advocate.

The Special Assistant to the Secretary prepares reports to the Secretary and Treasury policy officials and conducts studies of selected aspects of Treasury's Consumer Program including periodic evaluations of bureau adherence to EO 12160 and Treasury directives implementing EO 12160.

(b) *Staffing*—The Special Assistant to the Secretary (Consumer Affairs) represents the Secretary on the President's Consumer Affairs Council, and chairs Treasury's Consumer Affairs Council. The Treasury Consumer Affairs Council is composed of consumer affairs representatives from each of the Treasury bureaus.

The Office of the Special Assistant to the Secretary (Consumer Affairs) consists of the Special Assistant to the Secretary (Consumer Affairs) and one secretarial position. The Special Assistant to the Secretary (Consumer Affairs) is serviced and supported by the existing Treasury organization and staff. For example:

Offices under the supervision of the Assistant Secretary (Administration), including the Office of Management and Organization, the Office of Computer Science, the Office of Administrative Program, the Office of Personnel, and the Office of Budget and Program Analysis provide administrative management services to the Office of the Special Assistant (Consumer Affairs).

The Legal Division provides legal counsel and assistance to the Office of the Special Assistant to the Secretary (Consumer Affairs) including reviewing, editing, and approving policy directives, and rules and regulations. The Division also provides legal counsel with regard to processing consumer complaints.

The Assistant Secretary (Public Affairs) provides public information services to the Special Assistant, acts as a conduit of Secretarial level information to the general public, and maintains mailing lists for use by the Special Assistant in the consumer outreach activities of the Treasury.

2. *Responsibilities of Treasury Bureaus*

The Treasury Department is composed of a number of bureaus and offices, in addition to the Office of the Secretary. These bureaus include the Internal Revenue Service, the Comptroller of the Currency, the Bureau of Alcohol, Tobacco and Firearms, the U.S. Customs Service, the Bureau of Engraving and Printing, the Bureau of the Mint, the Bureau of Government Financial Operations, the U.S. Savings Bonds Division, the U.S. Secret Service, and the Federal Law Enforcement Training Center.

Treasury's diverse activities preclude the establishment of a single consumer office or a single set of operating procedures to handle requests for information from consumers, to handle consumer complaints, or to involve consumers in Treasury's decisionmaking processes. The

Department, therefore, intends to continue using its existing procedures and follow current lines of authority to fulfill the requirements of Executive Order 12160.

This means Treasury's bureaus are also charged with the responsibility of insuring that their organizations comply with the spirit and the requirements of EO 12160. The Treasury bureaus will publish consumer program plans in the **Federal Register** by July 1, 1980. The plans will carry out the provisions of EO 12160 within the bureaus, reflecting bureau operating procedures and information outlets.

3. *Consumer Contact With the Treasury*

The Office of the Special Assistant to the Secretary (Consumer Affairs) is Treasury's primary consumer affairs office. The Special Assistant to the Secretary (Consumer Affairs) should be contacted for general information, including information on such topics as the availability of informational materials, complaints handling processes, consumer technical assistance programs, and for information about consumer participation in the agency decision process.

The Special Assistant also handles consumer complaints lodged against officials or offices with the Office of the Secretary.

CONTACT: Special Assistant to the Secretary (Consumer Affairs), Office of the Secretary, Department of the Treasury, 15th Street and Pennsylvania Avenue NW., Washington, DC 20220, (202) 566–2335.

As noted above, Treasury bureaus are also responsible for publishing consumer program plans in the **Federal Register.** These plans will provide information concerning bureaus operating procedures and information outlets. The following addresses may be contacted for information about bureau programs.

John C. Dooher, Assistant Director, Federal Law Enforcement Training Center, Room 701, WA Bldg., c/o Main Treasury Mail Room, Washington, DC 20220, (202) 376–0764.

Carolyn M. Johnston, Director of Public Affairs, U.S. Savings Bonds Division, Room 257, Washington, DC 10110, (202) 634–5377.

James Pasco, Chief of the Procedures Branch, Alcohol, Tobacco and Firearms, Room 6211, 1200 Pennsylvania Avenue, Washington, DC 20226, (202) 566–7947.

John W. Warner, Jr., Assistant to the Director (Public Affairs), U.S. Secret Service, 1800 G. Street NW, Suite 805, Washington, DC 20023, (202) 535–5708.

Harold M. Browning, Taxpayer Ombudsman, Internal Revenue Service, Room 3331, IRS, 1111 Constitution Avenue, Washington, DC 20224, (202) 566–6475.

Michael Ingrisano, Public Affairs Staff, U.S. Customs Service, Room 6311CS, 1301 Constitution Avenue, NW, Washington, DC 20229, (202) 566–2475.

Thomas M. Williams, Jr., Executive Staff, Government Financial Operations, Room 600–G, Annex, Pennsylvania Ave. & Madison Place, NW, Washington, DC 20226, (202) 566–2016.

Francis B. Frere, Assistant Director for Marketing, Mint, Room 1006 Warner Building, 501 13th Street, NW, Washington, DC, (202) 376–0588.

William Saunders, Office of Financing, Public Debt, Room 310 WA, 1435 G Street NW, Washington, DC 20226, (202) 376–0271.

Ms. Jo Ann Barefoot, Deputy Director Comptroller, (Customer and Community Programs), Comptroller of the Currency, 490 L'Enfant Plaza East, SW, Washington, DC 20219, (202) 447–0934.

4. *Treasury Consumer Affairs Council*

The Special Assistant to the Secretary (Consumer Affairs) and the bureau consumer representatives make up Treasury's Consumer Affairs Council. The council, chaired by the Special Assistant, will meet regularly for the purposes of coordinating Treasurywide efforts to accomplish the President's consumer initiatives.

The Council provides leadership and direction for the Department's consumer program, promotes economy, efficiency, and cooperation in the execution of consumer programs and activities, and seeks to reduce or eliminate duplication and inconsistency in the administration of Treasury consumer programs. Council members are responsible for advising the Special Assistant of the potential impact on consumers of policy initiatives under development and review within the bureaus.

The Council will develop recommendations for the Secretary and other senior policy officials on a wide range of consumer-related issues including substantive program issues and issues related to the administrtion of the consumer program within the Treasury. Among the latter are: consumer "outreach" efforts including consumer forums; the development of education and training programs for consumer specialists and program managers; the handling of consumer complaints, consumer representation; and the effectiveness of Treasury informational materials.

5. *Bureau Monitoring Systems*

Treasury bureau heads are responsible for assuring the underlying philosophy and specific requirements of EO 12160 are carried out by consumer representatives and program managers under their supervision.

Each bureau has a consumer representative who is familiar with the structure and detail of the consumer effort within that organization. The consumer representative represents the bureau at meetings of the Treasury Consumer Affairs Council.

Treasury bureaus have prepared bureau consumer program plans which will be reviewed by the Special Assistant to ensure conformity with EO 12160 and Treasury Consumer directives, prior to publication. The program plans conform to EO 12160 and Treasury consumer guidelines. The plans will be updated by the bureaus, when appropriate.

6. *Short Term and Long Range Planning*

Treasury's Financial Resource Management System and Zero-Base Budget Objectives Tracking System require program managers including the Special Assistant to the Secretary (Consumer Affairs) to prepare short term and long term program objectives. The objectives are formulated during the budget process and are included in bureau and office budget submissions. These budget submissions are forwarded to the Office of Management and Budget and the Congress.

After the budget is approved, the budget objectives are tracked on a quarterly basis usually at meetings conducted by the Deputy Secretary and bureau and office heads. At these meetings bureau and office heads report on their success in meeting their objectives, the barriers to successful attainment of their objectives, and the remedies adopted to remove barriers. During the last meeting of the year, a final assessment of the bureau and office progress is made and plans are made for the following year's objectives.

The Special Assistant to the Secretary (Consumer Affairs) is required to prepare an consumer program budget objectives and assess the adequacy of current staffing levels for operations within the Office of the Secretary. The incumbent will also advise and assist bureau consumer representatives and policy officials in setting their consumer program objectives. These consumer program objectives will be tracked with the other Treasury program objectives at the quarterly meetings held by the Deputy Secretary with bureau and office heads.

The Zero-Base Budget process and the ZBB tracking system provide the Special Assistant to the Secretary (Consumer Affairs) with a unique opportunity for effective planning and objectives setting, budgeting, and operational decisionmaking. It leads to the elimination of duplication of effort among organizational units and provides for revisions in program priorities during the budget year. The final result means improved consumer plans and budgets and the development of a strong consumer management team.

II. CONSUMER PARTICIPATION

A. 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 decisionmaking. In addition, agencies shall make affirmative efforts to inform consumers of pending proceedings and of the opportunities available for participation therein. (E.O. 12160)

B. Impact Upon Consumers

Consumers of Treasury Department services and products fall into many categories: taxpayers, travelers, bondholders, welfare recipients, and many others.

Treasury bureaus and offices fall into three categories according to the frequency of contact with, and the impact these activities have upon, consumers. These bureaus and offices are categorized by their end-user contact frequency, not by contact with intermediaries. During the implementation of EO 12160, additional data will be collected and analyzed to further refine these categories, but for the present Treasury's bureaus and offices may be considered as falling into three categories: High Consumer Impact; Moderate Consumer Impact; and Low Consumer Impact. Treasury bureaus and offices, regardless of which category they may be located in, are subject to the provisions of EO 12160 and the Treasury Consumer Program.

Treasury bureaus have consumer impact as follows:

1. *High Consumer Impact*

(a) Internal Revenue Service; (b) Bureau of Alcohol, Tobacco and Firearms; (c) U.S. Customs Service; (d) Comptroller of the Currency; (e) U.S. Savings Bonds Division; (f) Bureau of Government Financial Operations; and (g) Bureau of the Public Debt.

2. *Moderate Consumer Impact*

(a) Bureau of the Mint; (b) Bureau of Engraving and Printing.

3. *Low Consumer Impact*

(a) U.S. Secretary Service; and (b) Federal Law Enforcement Training Center.

Units of the Office of the Secretary (See Appendix A) fall into each of these categories. Examples range from the Assistant Secretary (Tax Policy) and the Assistant Secretary (Public Affairs), who have high consumer impact, to the Special Assistant to the Secretary (National Security), who has almost no public contact or direct effect on consumers. The Special Assistant to the Secretary (Consumer Affairs) is responsible for contacting these and other offices within the Office of the Secretary to assure their compliance with EO 12160.

C. Avenues of Participation

The Special Assistant to the Secretary (Consumer Affairs) and the consumer affairs representatives of the bureaus are responsible for developing policies that assure consumer participation in the development and review of Treasury's Policies, programs, and services.

The Special Assistant to the Secretary (Consumer Affairs) and the Treasury bureaus provide for the participation of consumers in the various stages of policy development. Various means are used to achieve their objectives. These include but are not limited to the following procedures and actions:

—Publication of notices of proposed or final regulations, programs, and policies.

—Use of Office of the Secretary and bureau mailing lists to disseminate consumer-related information to consumers and consumer organizations. Such information includes notices of upcoming rulemaking, notices of significant new Treasury programs, policy directives and changes to programs.

—Conducting formal public hearings on issues vital to the interest of consumer e.g., alcohol labeling and changes in tax regulations.

—Developing "consumer forums," arranging informal meetings, or providing special briefings for consumers, and their representatives.

—Active solicitation of written comments and oral testimony from consumers and their representatives on sensitive consumer issues, especially at public hearings.

—Arranging meetings between Treasury officials and the media to explain new Treasury program and policy initiatives.

—Participation by consumer staffs at meetings of public and private consumer organizations including public speaking appearances.

—Reviewing the membership of Treasury Advisory Committees with the objective of securing consumer representation, where appropriate.

—Encouraging the use of evening hearings and regional meetings away from Washington to obtain a full range of opinion on the issues.

—Screening of agency publications to ensure vitality and readability.

—Expanding the "consumer awareness" of Treasury program managers by the preparation of training programs, orientation sessions, and seminars.

III. INFORMATIONAL MATERIALS

A. 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 comprehensibe to them. (E.O. 12160)

B. General Information Services

The Department of the Treasury issues millions of pieces of information annually to the general public in the form of brochures, books, pamphlets, news releases, magazines, and so on. Bureaus provide visual aids and supply special exhibits for conferences, supply teaching aids to teachers and study aids to students, use posters and other advertising material for special campaigns, develop spot news tapes and distribute them to radio and television stations, and conduct hundreds of special education and information classes throughout the country.

Information in the form of handouts is made available to the participants at public hearings.

Economic data and reports are supplied to researchers, private and public sector officials, students and consumers at little or no cost to the recipients.

Treasury facilities are open to the public and many provide special tours of these facilities to the visiting public. For example, the facilities of the Bureau of Engraving and Printing and the Bureau of the Mint and major tourist attractions. Brochures, pamphlets, and other information is available to the public at these locations.

Freedom of Information reading centers are open to the public and are located in Treasury facilities around the country.

C. Responsibilities

The Special Assistant to the Secretary is responsible for overseeing and evaluating Treasury consumer information programs to see that they meet the needs of consumers. The primary responsibility for planning and executing consumer information programs resides with the public affairs and consumer staffs in the bureaus.

The Special Assistant to the Secretary (Consumer Affairs) is responsible for conducting and maintaining an active inventory of Treasury consumer affairs activities and information programs. A partial description of consumer activities is included in the "Consumer Affairs Handbook" but a more detailed Treasury inventory is scheduled for release by the Department later this year.

D. Distribution of Information Material

Treasury headquarters and field operations distribute informational materials to the public. Mailing lists are maintained in the Office of the Secretary and each of Treasury's bureaus. Persons and organizations on the lists receive special mailings of informational materials.

The Special Assistant to the Secretary (Consumer Affairs) maintains mailing lists of State and local consumer offices, consumers, and private consumer organizations. Consumers and their representatives are urged to contact the Special Assistant or the bureau consumer representative to have their names and the names of their organizations placed on these mailing lists.

Local telephone directories carry the names and addresses of Treasury field offices, personnel and informational outlets. Consumers and their representatives may contact the closest field location for information.

Other organizations, for example, the U.S. Postal Service, maintain specialized inventories of Treasury publications, for example, tax forms, which are made available to the public.

Informational material bearing on the administration of EO 12160 may be obtained from the Special Assistant to the Secretary (Consumer Affairs). The staff attempts to fill all reasonably forseeable requests for information through normal channels such as mailing lists but consumers may contact the Special Assistant directly if the routine Treasury channels fail to make information available to them.

E. Open Meetings

Treasury will make the purposes for and the proceedings of open meetings comprehensible to consumer attendees by preparing and issuing beforehand suitable explanatory materials for the use of consumers. The materials may include summaries of the issues to be discussed at the meeting, background information, and insight into the policy considerations involved in the resolution of the issues.

IV. EDUCATION AND TRAINING

A. 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. (E.O. 12160)

B. General Activities

Treasury's bureaus have training programs to sensitize front-line managers and employees to the special needs and interest of Treasury consumers. Many of these training programs embody the consumer policies found in EO 12160.

The present task is to ensure the continuation of these programs and to embark upon a more vigorous program of training and education for those employees who have not experienced such training. As a first step to achieve these goals, a copy of the Treasury Directive and consumer plan will be distributed to program managers within the Department.

Because consumer education begins at the top, the Special Assistant to the Secretary (Consumer Affairs) has been granted direct access to the Secretary and the Deputy Secretary with respect to the administration of the Department's consumer program. In addition, the Special Assistant attends and participates in Secretarial level staff meetings.

The Treasury Consumer Affairs Council and the individual bureau consumer officials contribute to the education and training of Treasury employees by developing consumer training and education policies and by securing commitments from the bureaus to specialized training for consumer affairs specialists and others whose labors impact upon consumers.

One of the key responsibilities of the Special Assistant to the Secretary (Consumer Affairs) is to study the various education and training programs within the Department, assess their worth and effectiveness, and make recommendations to the Secretary and bureau policy officials regarding improving, expanding, or replacing existing programs with new approaches to consumer education and training. Bureau and office training units will be enlisted in this effort and assure that the training programs are tailored to the particular needs of the bureaus.

The Special Assistant is expected to have frequent contact with other Federal government consumer representatives and work on special task forces dedicated to consumer concerns. The interchange of ideas and information derived from these activities should enhance the abilities of the Special Assistant to deal with problems with may arise in carrying out the provisions of E.O. 12160.

C. Bureau Education and Training

Because the impact upon consumers is greatest at the field level of bureau operations, bureaus are required to give special emphasis to educating and training persons to become more appreciative of consumer needs and interests. Bureau education and training programs are monitored by the Special Assistant to the Secretary (Consumer Affairs) to ensure that the education and training policies embodied in Executive Order 12160 are carried out by the Bureaus.

V. COMPLAINT HANDLING

A. 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. (E.O. 12160)

B. Treasury Consumer Complaints Handling System

The Treasury Consumer Complaints Handling System consists of the Office of the Secretary Complaints Handling System and Bureau Complaints Handling Systems.

The Special Assistant compiles quarterly and annual complaint statistics by category of complaint. These reports are submitted to Treasury policy officials for use in policy and program development.

C. Office of the Secretary Complaints Handling System

The Special Assistant to the Secretary (Consumer Affairs) is the officer in the Office of the Secretary responsible for coordinating the resolution of complaints received from consumers against officials within the Office of the Secretary.

Complaints are logged in, assigned reference numbers, and routed to the appropriate Treasury officials for action.

The policy of the Office of the Secretary is to respond to consumers within ten (10) business days after the receipt of the consumer correspondence. If resolution or referral cannot be achieved within this time, the consumer receives an interim acknowledgement that his complaint is being handled by a Treasury official.

Consumer complaints which are received by the Special Assistant but whose subject matter is more appropriately that of a Treasury bureau are referred to the bureau. The Special Assistant, however, monitors the disposition of the complaint by the bureau.

Complaints misdirected to a Treasury bureau and intended for another Treasury bureau are sent to the Special Assistant for routing. These complaints are also monitored by the Special Assistant.

D. Bureau Complaints Handling System

Treasury bureaus have procedures for systematically logging in, investigating, and responding to complaints from consumers and their representatives. Most complaints are answered in writing, or when appropriate, by telephone. Freedom of Information requests are handled by the bureaus according to published FOI regulations.

Analyses of complaints by the bureaus lead to policy changes and subsequently to improvements in program operations.

Example. The Internal Revenue Service's (IRS) Problem Resolution Program serves as an effective complaint handling system. During FY 79, 72,000 individual taxpayer problems were resolved through PRP. Each problem is systematically logged in, investigated and responded to by IRS employees. If a case cannot be resolved within five (5) workdays, the taxpayer is contacted, advised of the status of the case and provided the name and telephone number of the IRS employee responsible for resolution of the case. A PRP case is not closed until all actions have been taken to resolve the problem. Analyses is also conducted of the underlying causes of taxpayer problems and if an organizational, procedural, or systematic problem is identified, it is corrected.

The Special Assistant to the Secretary is responsible for periodically assessing the effectiveness of the bureau complaints handling systems and making recommendations with regard to improving operations.

VI. CONSUMER PROGRAM OPERATING PROCEDURES

The provisions of EO 12160 are incorporated into Treasury's operating procedures by Treasury Directive 90–23.A and bureau directives. These directives outline the duties and responsibilities of participants in Treasury's consumer affairs program.

VII. JUDICIAL REVIEW

Nothing in this Program is intended to provide new grounds for judicial review or be interpreted as superseding any existing statutory obligation regarding rulemaking.

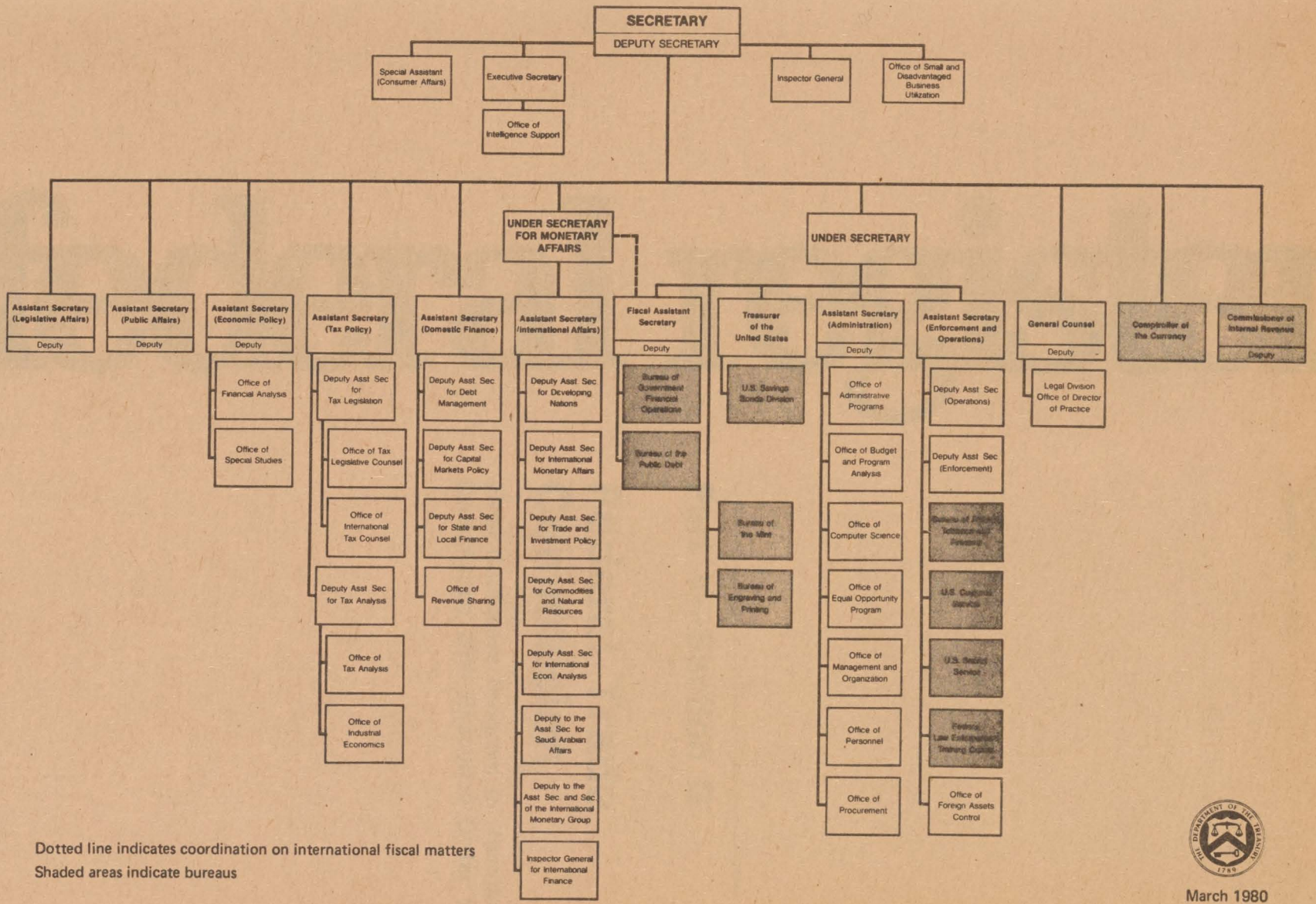
Signed the 19th day of May 1980.

G. William Miller,

Secretary of the Treasury.

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ORGANIZATION OF THE DEPARTMENT OF THE TREASURY



Dotted line indicates coordination on international fiscal matters

Shaded areas indicate bureaus

March 1980

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federal register

Monday
June 9, 1980

Part V—Section G

Federal Trade Commission

Final Consumer Program in Voluntary Compliance With Executive Order 12160

FEDERAL TRADE COMMISSION

AGENCY: Federal Trade Commission.

ACTION: Final Consumer Program in Voluntary Compliance with Executive Order No. 12160 Providing for Enhancement and Coordination of Federal Consumer Programs.

SUMMARY: On September 26, 1979, the President issued an Executive Order designed to improve the management, coordination, and effectiveness of agency consumer programs. Although the Federal Trade Commission is an independent regulatory agency not subject to this Executive Order, it has determined to comply voluntarily with the Order.

EFFECTIVE DATE: July 9, 1980.

ADDRESS: Office of the Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue, N.W., Room 136, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Chuck Shepherd, Associate Director for Consumer Education, Bureau of Consumer Protection, (202) 724–1870.

SUPPLEMENTARY INFORMATION: Since its publication in the Federal Register on December 10, 1979, the FTC's draft consumer program has undergone internal review by key staff members and the Chairman of the agency, and the final program was approved by the Commissioners.

Public comment on the program was helpful, but few comments were received. The FTC received one comment from a consumer group on the agency's specific program, two comments from consumer organizations on consumer programs in general, three comments from companies on the specific FTC program, and four comments from consumers who are apparently unaffiliated with any organization.

The strengths of the program are the agency's public participation program for rulemakings, the consumer information program, the agency's internal complaint-handling procedures, and, most obviously, the overall mission of the FTC in assuring that consumers get the benefit of fair play from the marketplace.

The major weakness of the draft program was outreach on matters other than rulemaking. That area has been considerably strengthened in the final program.

As to the individual comments, one company suggested the agency do more industry education and criticized the language in news releases and education materials as being too lawyerly.

Another company comment suggested the agency use newspapers for publication of consumer notices.

Two consumer groups submitted general comments which took the form of position papers on the requirements of the Executive Order, giving it depth and breadth, rather than specific review of the FTC's program.

A consumer organization suggested that the agency develop consumer materials specifically with the elderly in mind.

The four comments received from consumers contained only encouragement for the agency for specific components of its consumer program.

The only oral comments pertinent to the draft FTC program concerned the need for specific consumer education programs targeted to consumers for whom English is not the primary language.

In modifying the draft program to produce the final program, FTC staff considered all the formal comments, comments and criticisms from officials in the Bureau of Consumer Protection, and especially comments and criticisms from staff members of the Consumer Affairs Council.

The FTC decided to upgrade its outreach program on matters other than rulemaking and to state explicitly that copies of the consumer program will be distributed to all employees and that periodic management reviews will include questions on the implementation of the consumer program.

In response to specific comments, the FTC has produced and will continue to produce education materials directed to audience segments that need them, including the elderly and Spanish-speaking people. For example, FTC radio campaigns routinely include Spanish-language spots.

I. CONSUMER AFFAIRS PERSPECTIVE

Unlike other federal agencies which have the responsibility of policing a particular segment for the economy, such as communications or interstate transportation, the Federal Trade Commission has a responsibility of ensuring that businesses across the entire range of the economy are dealing fairly with consumers. The Commission is statutorily charged with prohibiting "unfair methods of competition" and "unfair or deceptive practices" in or affecting commerce. Accordingly, the Commission does not have one indentifiable office handling consumer affairs. Rather, the entire agency is devoted actively to furthering the interests of consumers and ensuring that the consumer affairs perspective is considered fully in the development and review of all agency rules, policies, and programs. Indeed, staff members are hired and promoted in large part on their ability to detect and remedy unfairness and deception to consumers in the marketplace.

II. CONSUMER PARTICIPATION

Established procedures at the Federal Trade Commission ensure the early and meaningful participation by consumers, small businesses, and other interested parties in their development and review of agency law enforcement initiatives, rules, policies, and other programs. The Bureau of Consumer Protection's Office of Consumer Education publishes a quarterly brochure describing in detail each consumer protection program and listing the name and phone number of a contact person. The brochure is mailed to over 5,000 consumer organizations, consumer reporters, opinion leaders, government offices, and business organizations to encourage their participation in FTC activities.

The Bureau of Consumer Protection's Office of Planning has developed a kit to solicit the views and suggestions of a variety of national and local organizations about the subject areas in which consumers are most interested. Those results will be tabulated and become a part of the policy planning process at FTC.

Commission investigations often are initiated as a result of consumer inquiries. These investigations sometimes lead to adjudicative orders. In any matter where a consent order is negotiated, that order, after it is accepted by the Commission, is placed on the public record for sixty days for the receipt and consideration by the Commission of comments by interested individuals. After receipt and consideration of these comments, the Commission may decide to withdraw its acceptance of the consent order, seek a modification to it or insure it as accepted. Information concerning these consent orders is distributed through the agency's Office of Public Information and Office of the Secretary. Comments on accepted consent orders are received in the Office of the Secretary.

In trade regulation rulemaking proceedings, consumer participation is available through several procedures. Trade regulation rules may be commenced by the Commission upon its own initiative or pursuant to a written petition from

any interested person. If a petition is not deemed sufficient to warrant beginning a rulemaking, the petitioner is expressly notified of the Commission's decision and given the opportunity to submit additional information. If a rulemaking is commenced, initial notice of proposed rulemaking is published in the **Federal Register** and made available to all interested individuals. The notice includes, among other things, the substance of the proposed rule or a description of the issues involved, the reasons for the rule, and the request for comments. The rulemaking proceedings provides several opportunities for interested individuals to submit written comments on the issues and to participate in the rulemaking proceeding. Public notice of these proceedings is made through the Office of Public Information, as well as in the **Federal Register.**

Since 1975, the Commission has had a public participation program designed to provide compensation for certain costs incurred by individuals representing an interest in a rulemaking that otherwise would not be represented adequately in the proceeding. Recipients must represent a point of view which is necessary for a fair determination of the rulemaking issues, and be unable to bear the full costs of such representation. This program is directed by the Special Assistant for Public Participation, Office of the General Counsel. A major outreach effort involves conducting seminars or workshops to explain the rule proposal and to encourage participation in the rulemaking proceeding and applications for reimbursement from qualified persons or groups. The Commission, through its Office of Federal-State and Consumer Relations, has conducted several one-day seminars concerning specific rulemaking proceedings. Additionally, the agency has published and distributed widely two booklets designed to inform all individuals of the rulemaking and public participation programs. "Rulemaking and Public Participation Under the FTC Improvement Act" and "Applying for Reimbursement for FTC Rulemaking Participation" are available from the Office of the Secretary of the Federal Trade Commission.

Consumers attending open sessions of the FTC (open meetings, oral arguments on cases in litigation, and oral presentations to the commissioners on trade regulation rulemakings) are given an orientation brochure on the meetings process as well as any specific papers that can be provided relating to the subject matter of the meeting.

III. INFORMATIONAL MATERIALS

Through its consumer education program, the Federal Trade Commission produces and distributes materials to consumers on three broad topics. Information about the agency's responsibilities and services, including descriptions of FTC law enforcement programs and the identification of program directors; semiannual publications listing investigations and reports upon which action is scheduled; and publications explaining the FTC's role in the marketplace, are updated regularly and are available from the Office of the Secretary. Additionally, the Office of Consumer Education, Bureau of Consumer Protection, makes regular mailings of these informational materials to consumer organizations and to any requesters. Procedures for consumer participation also are published and cover specific programs such as public participation in rulemaking.

The Federal Trade Commission provides information on consumer rights and remedies through an assortment of publications available from the Office of the Secretary, public service announcements distributed to radio and television stations, and public service notices made available to print media. The Office of Consumer Education, Bureau of Consumer Protection, is responsible for planning and carrying out the agency's consumer information program and assessing its currency, completeness, and utility of current materials. In 1979, the Commission distributed television public service announcements on the Equal Credit Opportunity Act and the Commission's Mail Order Trade Regulation Rule. One additional television PSA will be prepared and distributed in Fiscal 1980. Radio PSA's on warranties laws, the cooling off rule for door-to-door sales, and the Equal Credit Opportunity Act were distributed in 1979. 1980 plans call for radio PSA's on shopping for bargains in eyeglasses, debt collection, mail order rule, and two other areas. These radio PSA's also include Spanish language versions. The Commission plans to produce four print media public service notices per year. 1980 plans include notices on the mail order rule and generic drugs.

The Commission provides two types of written informational materials for consumers. These include "Facts for Consumers," which are plain language fact sheets of the law on various topics of FTC jurisdiction. Seventeen topics, such as vocational schools, gasoline saving devices, and various credit statutes, are covered. Second, the Commission produces approximately six brochures per year on trade regulation rules, statutes, or other areas of FTC jurisdiction. These brochures generally are four to six pages in length and have been issued on subjects such as care labeling, equal credit opportunity, and warranties law. A complete list of the titles of these fact sheets and brochures, as well as copies of individual fact sheets and brochures, are available from the Office of the Secretary. Additionally, some of the Commission's brochures are distributed through the Consumer Information Center of the General Services Administration.

The consumer information program is wholly separate from, and in addition to, the regular services to the media (press releases, fact sheets) provided by the Office of Public Information.

IV. EDUCATION AND TRAINING

Because the Federal Trade Commission works wholly to serve the right of consumers to fair play in the marketplace, each staff member is evaluated for retention and advancement in part on his or her ability to serve consumers. Service to consumers refers to the agency's helpfulness to consumers requesting assistance as well as development of consumer policy.

The agency will distribute the final consumer program to each employee at the FTC. Requirements of the consumer program will be built into management review sessions at the agency so that a periodic reattentiveness to the consumer program is ensured.

The Federal Trade Commission provides direct services to consumers in several areas, including processing of information requests and consumer complaints, public participation in the rulemaking program and the consumer education program. Specialized training has been provided to the individuals staffing the information and complaints sections of the Office of the Secretary to ensure that consumer inquiries and complaints are answered properly and expeditiously.

V. COMPLAINT HANDLING

The Office of the Secretary generally oversees the complaint handling procedures of the agency. To ensure a complete and timely response, specific complaints may be answered by staff within the Secretary's Office or may be referred to staff within the bureaus or to staff in regional offices. Paralegals with expertise in specific subject areas answer consumer inquiries in the Office of the Secretary. While the Commission does not act to resolve private

controversies between consumers and businesses, the Commission does use consumer complaints in determining how to allocate the Commission's resources toward fulfilling its statutory responsibilities. In responding to or investigating complaints, staff may provide information concerning steps that are necessary to ensure compliance with existing law or provide consumers with information that will assist them in the marketplace. Information about each consumer complaint, including company name, product, and alleged violation, is captured by computer for management reports and for future policy planning. The Secretary of the Commission produces a quarterly report on the categories of the complaints received. This report lists the types of violations, the percentage of all complaints that the particular violation commanded, the rank among all types of violations, and the rank for the previous quarter.

Consumers may make inquiries or file complaints at any of the following places:

Federal Trade Commission,
Public Reference Branch,
6th & Pennsylvania Avenue, N.W.,
Room 130,
Washington, DC 20580,
(202) 523–3598.

Federal Trade Commission, 150 Causeway Street, Boston, Massachusetts 02114, (617) 223–6621.

Federal Trade Commission, 26 Federal Plaza, New York, New York 10007, (212) 264–1207.

Federal Trade Commission, 118 St. Clair Avenue, Cleveland, Ohio 44114, (216) 522–4207.

Federal Trade Commission, 1718 Peachtree Street NW, Atlanta, Georgia 30309, (404) 881–4836.

Federal Trade Commission, 55 East Monroe Street, Chicago, Illinois 60603, (312) 353–4423.

Federal Trade Commission, 1405 Curtis Street, Denver, Colorado 80202, (303) 837–2271.

Federal Trade Commission, 2001 Bryan Street, Dallas, Texas 75201, (214) 767–0032.

Federal Trade Commission, 11000 Wilshire Boulevard, Los Angeles, California 90024, (213) 824–7575.

Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102, (415) 556–1270.

Federal Trade Commission, 915 Second Avenue, Seattle, Washington 98174, (206) 442–4655.

None of the telephone numbers is toll-free.

VI. OVERSIGHT

Because the mission of the Federal Trade Commission actively furthers the interest of all consumers, it is inappropriate for the agency to have a single indentifiable official whose sole responsibility is to provide direction, coordination, and oversight of the agency's consumer activities. For the purpose of voluntary compliance with the Executive Order, the following individuals are designated to report directly to the Commission on the potential impact of consumers of policy and law enforcement initiatives: Executive Director (primary responsibility for overall agency policy implementation and coordination of consumer education activities); Director, Bureau of Consumer Protection (for the Consumer Protection Mission); Director, Bureau of Competition (Competition Mission); General Counsel (Public Participation in Rulemaking Programs).

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-16997 Filed 6-06-80; 8:45 am]

BILLING CODE 6759-01-M

federal register

Monday
June 9, 1980

Part V—Section H

Commodity Futures Trading Commission

Final Consumer Program

COMMODITY FUTURES TRADING COMMISSION

AGENCY: Commodity Futures Trading Commission.

ACTION: Final Consumer Program.

EFFECTIVE DATE: July 9, 1980.

ADDRESS: 2033 K Street, N.W., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Barbara Lucas, 202/254–7574.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission (CFTC), an independent regulatory agency, was established by Congress in 1974. It is responsible, among other things, for regulating futures trading and the activities of commodity exchanges, futures commission merchants, futures industry salespeople, commodity trading advisors and commodity pool operators. In accordance with the objectives contained in the Commodity Exchange Act as amended, the Commission's regulatory and enforcement programs are designed to prevent market distortions and manipulation; insure fair trade practices; protect the financial integrity of the marketplace; and assure the rights of customers while providing a forum for redress of their legitimate grievances. The Commission's activities have a direct impact on members of the public who buy and sell futures contracts, and farmers and other producers of commodities which are trading in the futures markets. The Commission's actions also indirectly affect consumers of goods whose prices may be influenced by prices in the futures markets. The Commission is required by statute to consider the public interest prior to taking certain regulatory actions.

Consistent with its public responsibilities and in voluntary compliance with the spirit of Executive Order 12160, on December 10, 1979, the Commission published for comment a draft Consumer Program. 44 FR 71282. This program was described in a press release issued on that date and distributed by mail to about 1,000 persons on the Commission's mailing list. Special efforts were also made to disseminate copies of the draft program to farmer and producer groups, in order to obtain their input. The draft program designated two senior level officials reporting directly to the Chairman to coordinate and oversee the Commission's consumer activities. It also outlined the Commission's effort to obtain consumer participation in the development and review of rules, policies and programs, and described the Commission's informational services and materials. Additionally, the draft contained a discussion of the Commission's complaint handling system.

In response to publication of the draft consumer program, the Commission received eight comment letters, six of which were directed to all agencies and departments and discussed consumer programs generally, and only two of which referred specifically to the Commission's draft program. Of the six general letters, five were submitted by public interest or consumer organizations. These organizations unanimously advocated agency funding of consumer participation in the regulatory process. Several also supported the establishment of independent advocacy offices within each department and agency, the provision of technical assistance to consumers wishing to participate, dissemination of meaningful information about agency policies and procedures, prompt complaint handling, thorough training of consumer affairs staff, and more consumer representation on advisory committees. The sixth general comment, submitted by a trade association of newspaper publishers, recommended publishing notices in newspapers whenever consumer interest or participation is sought.

Of the two comment letters addressed specifically to the Commission's draft consumer program, both were submitted by commodity exchanges regulated by the Commission. One exchange suggested that the Commission demonstrate its appreciation to people who have cooperated with it by testifying in enforcement proceedings by assisting them in redressing their grievances through the Commission's reparations system. The other exchange took the position that, in areas within its self-regulatory jurisdiction, adequate consumer protection already exists and that a Commission consumer program should be directed only toward areas over which exchanges have no authority. Neither letter specifically addressed any of the items included in the Commission's draft program.

Based on staff analysis of the comments received, discussions with representatives of the Consumer Affairs Council, and review of Executive Order No. 12160, the following consumer program has been adopted by the Commission.

I. CONSUMER AFFAIRS PERSPECTIVE

As the Commission indicated in its draft consumer program, it believes there is merit to the suggestion contained in Executive Order 12160 that agencies have identifiable, accessible personnel, with responsibility for coordination and oversight of the agency's consumer activities. Although the agency is too small and its resources are too limited to warrant the establishment of a separate full-time Office of Consumer Affairs, two senior level officials, reporting directly to the Chairman, have been designated to perform these functions in addition to their other duties. Randell Moore, Director of the Office of Public Information, is responsible for coordination of contact with and dissemination of information to consumers. Barbara Lucas, Director of Policy Review, is responsible for considering the impact on consumers of the Commission's rules and programs, throughout their development.

II. CONSUMER PARTICIPATION IN DEVELOPMENT AND REVIEW OF RULES, POLICIES AND PROGRAMS

As described in the Commission's draft consumer program, despite the use of a number of outreach techniques, the Commission traditionally has not attracted extensive consumer participation in the development and review of its rules, practices and programs. In part this is believed to be due to the complexities of futures markets and the regulatory issues they raise, as well as the relative lack of familiarity of many persons with these markets. In order to raise the level of public participation in Commission proceedings, Charles Conrad, a member of the staff of the Commission's Divison of Economics and Education, has recently been appointed liaison with farm and producer groups. Mr. Conrad (202/254–7446) works directly with farm groups in order to establish a better understanding of the needs of farmers with respect to the regulation of futures trading. The views of producer groups are solicited concerning newly proposed futures contracts and proposed amendments to the contracts which are already being traded. Mr. Conrad and his staff prepare and disseminate educational materials, write articles for various journals, attend meetings of producer groups and hold seminars to acquaint the public with the Commission's activities. Mr. Conrad's office also provides assistance to members of the public who wish to obtain information about the procedures which must be followed by persons wishing to participate in Commission proceedings.

III. Informational Materials

As noted in the Commission's draft report program, in addition to the educational materials available from Mr.

Conrad's office, which are described above, the Office of Public Information prepares and disseminates a wide variety of informational materials. Each year, more than 600 press releases and advisories are distributed free of charge to everyone on the Commission's general mailing list. Several informational publications are also available on request, and new publications are being prepared. Information concerning these materials can be obtained from the Office of Public Information (202/254–8630).

Another means of providing information to the public is the Commission's Consumer Hotline. Members of the public are encouraged to call the hotline, toll free (800/424–9839 from the Continental United States, 800/424–9707 from Alaska and Hawaii, and 254–7837 from Washington, D.C.) or the Complaints Section at 202/254–3814 for information about companies selling commodity futures and to make complaints about possible violations of law. Subsequent to publication of the draft program, responsibility for operating the hotline was placed in a newly created Complaints Section which is discussed below.

IV. COMPLAINT HANDLING

In its draft program the Commission described the reparations system it administers for the benefit of customers and commodity professionals and indicated that it would soon consider possible means of streamlining and expediting its reparations and complaint handling systems. Since publication of the draft program the Commission has taken several significant steps to improve these systems.

First, the Commission has established a Complaints Section (202/254–3814) which is the initial agency contact point for customer complaints and which also administers the reparations systems and consumer hotline. The Complaints Section obtains brief preliminary factual information from complainants, either orally or in writing, and mails extensive questionnaires to customers who have already provided preliminary information. Persons who believe that they have been aggrieved by violations of the Commodity Exchange Act and who indicate that they are interested in filing a reparations complaint are also provided a package of explanatory materials.

Next, the questionnaires are reviewed by the newly created Customer Protection Section of the Division of Enforcement. That unit is responsible for combatting cheating, fraud and other abusive practices in connection with the sale of commodity futures, options and other illegal off-exchange instruments, and protecting customers from illegal and unethical practices. A newly developed system for filing these complaints enables the Division of Enforcement to identify firms and types of transactions which are causing enforcement problems. This information is used by the division in developing enforcement programs and determining how best to use its limited resources.

Finally, the Commission has reorganized its reparations system in an effort to reduce existing backlogs and more fully achieve the statutory goal of providing a quick and inexpensive means of dispute resolution which members of the public can use as an alternative to exchange arbitration or time-consuming and costly litigation. Establishment and operation of the reparations program has been assigned to the new Complaints Section; additional staffing has been authorized; and new procedures, designed to expedite the process, have been adopted.

V. Conclusion

The Commission wishes to reiterate its support for the principles embodied in Executive Order 12160. The consumer program described above is intended to comply with the spirit of that Order in a manner consistent with the size, structure and status as an independent agency.

Issued in Washington, D.C. on May 30, 1980 by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-17040 Filed 6-06-80; 8:45 am]

BILLING CODE 6351-01-M

federal register

Monday
June 9, 1980

Part V—Section I

Federal Deposit Insurance Corporation

Final Consumer, Civil Rights, and Community Relations Program

FEDERAL DEPOSIT INSURANCE CORPORATION

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final Notice of Consumer, Civil Rights, and Community Relations Program.

SUMMARY: The goal of the FDIC's Program is to promote the consumer and civil rights of customers of State nonmember banks and to promote the objectives of the Community Reinvestment Act.

DATE: Effective June 9, 1980.

FOR FURTHER INFORMATION CONTACT:
Henry S. Newport, Director (202–389–4512), Thomas C. O'Nell, Chief of Consumer Affairs Section (202–389–4767), Robert E. Cook, Chief of Civil Rights Section (202–389–4341), or William G. Hrindac, Chief of Compliance Examination Section (202–389–4512), Office of Consumer and Compliance Programs, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

PUBLIC COMMENTS: In mid-February 1980, the Office mailed out approximately 1,400 copies of the FDIC's proposed program to organizations and individuals on the Office's mailing list. Out of this mailing, the Office received a total of 17 comments from the sources listed below:

Individual consumers, 7; consumer organizations, 2; business and trade organizations, 6; State and local governments, 2; total, 17.

Staff of the Office reviewed and analyzed the suggestions received and considered various methods for implementing these suggestions. Suggestions and comments received by the Office included: providing FDIC consumer complaint forms in banks, educating bank employees about FDIC's consumer affairs program, addressing the needs of the elderly in FDIC's educational material and programs, providing an organizational chart of the Office, motivating insured State non-member banks to develop their own consumer programs, maintaining a centralized or regional listing of all bank compliance officers, and considering a college intern program.

One of the suggestions required no new action on FDIC's part (FDIC consumer complaint forms are already available to banks for display). In response to the other suggestions, we have included an organizational chart in this final program, and the Office will be hiring several college interns to work in our Office. In addition, we have recently introduced a program of compliance seminars for bankers located in all of our 14 Regions. This has significance to the consumer in that it provides instruction to the banking industry on consumer laws and emphasizes the importance of banks adhering to these laws and regulations.

Based on our experience with the banking seminars, we will consider conducting pilot consumer seminars in one or two of our Regions. The concerns of the elderly and minorities would be a part of any proposed agenda for these seminars.

I. CONSUMER AFFAIRS PERSPECTIVE

The Office of Consumer and Compliance Programs (Office of Bank Customer Affairs) was established by the Board of Directors in April 1975 to serve as a focal point within the Corporation for protecting the interests of customers of nonmember banks supervised and examined by the FDIC.

Staff Location

In January 1980 the Board of Directors approved an organizational change which merged the Office of Consumer Affairs and Civil Rights and the Division of Bank Supervision's Consumer Affairs Section. This new Office was named the Office of Compliance Programs and is under the Division of Bank Supervision for supervisory purposes. However, the Director of the Office continues to serve as the Chairman's Chief advisor in consumer and civil rights matters. The office title is now the Office of Consumer and Compliance Programs.

The Office is responsible for protecting the statutory rights of customers of insured State nonmember banks; conveying the public's viewpoint to the Board of Directors in consumer protection/civil rights matters; encouraging bank customers, through an effective education program, to become aware of their rights and to participate in policy formulation and execution of our consumer protection/civil rights enforcement program; and identifying areas for further study or research to determine the extent of consumer awareness or the need for additional protection measures. Matters involving the civil rights of FDIC employees, Equal Employment Opportunity, Labor Relations, Upward Mobility and Women's Programs are handled by other offices within the FDIC.

Size and Resources

The Director of the Office of Consumer and Compliance Programs serves in a dual capacity as Deputy Director of the Division of Bank Supervision and also as primary advisor to the Board of Directors for policy development in the areas of consumer protection and civil rights. The Director is assisted by a Staff Attorney, two other professionals and two clerical support personnel. The Office has three sections: Consumer Affairs, Civil Rights and Compliance Examination. These three sections were established to promote greater specialization and expertise in consumer and civil rights matters. The entire Office has a staff of 20 professionals and 10 administrative support personnel.

Statutory Responsibilities

The Office of Consumer and Compliance Programs is involved with eleven pieces of Federal consumer and civil rights legislation over which the FDIC has supervisory and enforcement jurisdiction. These laws include the Truth in Lending Act, Fair Credit Billing Act, Consumer Leasing Act, Equal Credit Opportunity Act, Home Mortgage Disclosure Act, Community Reinvestment Act, Federal Trade Commission Improvement Act, Fair Housing Act, Fair Credit Reporting Act, Fair Debt Collection Practices Act, and the Electronic Fund Transfer Act. In addition, there are other laws, regulations, and policy statements affecting consumers which the Office regularly handles in its complaint processing and other functions.

Participation in Development and Review of Agency Rules, Policies, Programs, and Legislation

One of the major responsibilities of the Office is to participate in the review and development of all agency regulations, rules, policies, programs and legislation having a consumer impact. This input from the Office is requested by senior officials, including the Board of Directors. Staff members of the Office provide input through membership on various task forces and other working groups, by commenting on current issues and proposals, and by direct consultation with key officials of the FDIC. The processing procedures for bank applications and other bank customer impact actions have been amended to insure the input of consumer interests. This includes consideration of protests under the Community Reinvestment Act.

Other Responsibilities

In carrying out its mission of protecting and promoting the interests of bank customers, the Office of Consumer and Compliance Programs, in addition to the input function

discussed above, is involved in a number of other programs. The Office coordinates and monitors the receipt and appropriate disposition of consumer complaints and inquiries directed to the FDIC. The Office processes bank customer complaints and inquiries received directly in the Washington Office and reviews and coordinates the activities of the Regional Offices in responding to consumer complaints and inquiries. This service to the bank customer has recently been expanded by installation of a toll-free telephone number in the Washington Office for consumers' use in contacting the Office. The Office has also developed a Consumer Information pamphlet which is distributed to banks and consumer offices. This pamphlet summarizes the consumer and civil rights laws and provides a preprinted form for customers to use in mailing their complaints, questions, or comments to the FDIC.

For monitoring the complaint handling function, the Office has developed a sophisticated tracking system. The computer tracking system provides detailed information on complaints which is made available to field examiners for follow-up activities in individual banks. No less important, the system provides information to the various management levels of the FDIC for both operational purposes and policy determination.

The FDIC conducts specialized examinations of banks under its jurisdiction for compliance with consumer protection and civil rights laws and regulations. The Compliance Reports are reviewed by the Regional Offices and by the Compliance Examination section of the Office in Washington. Based on these reviews, the Office may recommend formal enforcement actions and provide other input to the examination function.

In order to promote the expertise of the field examiners who conduct complaint investigations and compliance examinations, the Office is active in their training. Staff members of the Office serve as instructors at the FDIC Training Center and develop both instructional material and case problems. Staff members also serve as speakers at Regional Conferences, special seminars, and other training sessions. The Office has promoted special training in Fair Housing and Community Reinvestment and conducted workshops for the 14 Regional Office Review Examiners (Consumer Affairs/Civil Rights).

The Office is also active in the education of bankers. Staff members have developed materials to facilitate compliance by banks and have participated in numerous seminars, conferences, and other educational forums for bankers.

Relationship With Other Consumer Personnel

Within the FDIC, the Office of Consumer and Compliance Programs takes the leadership role in matters involving consumer protection and civil rights. The Office coordinates consumer and civil rights activities with the Legal Division and other divisions to ensure a uniform agency approach.

In carrying out its function, the Office maintains a close working relationship with the Office of the Comptroller of the Currency, the Federal Reserve Board, the Federal Home Loan Bank Board and the National Credit Union Administration as well as the staffs of the Department of Housing and Urban Development and the Department of Justice.

II. CONSUMER PARTICIPATION

Stages of Agency Decision-making (When Public Participation Begins)

Public participation usually takes place when a rule or regulation has been proposed for public comment. However, because of the direct contact by the Office with the public, ideas or suggestions for policies, programs and regulations which originate from private citizens are routinely considered in recommendations for policy changes which the Office makes to the FDIC Board of Directors.

Avenues of Participation

In order to promote the opportunity for public participation in the rulemaking process, the Board of Directors has established procedures in a Statement of Policy. The opportunity for public participation is announced in the **Federal Register** and in FDIC news release both of which include the name and telephone number of the staff member handling the proposal. The public is generally given 60 days to comment on proposed regulations. For regulations that will have a significant effect on consumers, the Office will send this type of proposal to appropriate groups on our mailing lists in order to increase public participation.

When the Board of Directors determines it to be appropriate, hearings on proposals are held. These hearings are announced in the **Federal Register** and by news release and the public is invited to testify or present written comment. Transcripts of the public hearings are part of the public record and are used by staff and the Board of Directors to formulate policy.

Certain of the meetings of the Board of Directors are open to the public under the Government in the Sunshine Act. The public is invited to attend these meetings.

In order to enlarge the contact with consumers and encourage their participation in activities of the FDIC, the Office of Consumer and Compliance Programs maintains liaison with both consumer and civil rights organizations. The Office maintains eight mailing lists: Fair Housing and community groups; consumer educators; consumer media; consumer and public interest research groups; Hispanic groups; State, county and municipal consumer protection offices; Federal consumer protection offices; and private industry and bank compliance offices. These lists include approximately 2,800 organizations. In addition, the Corporation's Information Office maintains a separate press release distribution list with 2,700 organizations and a separate list of approximately 15,000 insured commerical and mutual savings banks.

The Office also receives regular input from consumers through its complaint and inquiry system. The addition of the toll-free telephone number has greatly expanded the contacts with consumers throughout the country.

Special Programs of Citizen Participation

The Office has budgeted a Minority Consumer Outreach program. Under this program the Office will contract with an outside firm to design a market penetration program specifically tailored to the information needs of Blacks and Hispanics. This program is expected to improve communication with the Black and Hispanic populations and increase their participation in agency decision-making. The program will also support the minority business set-aside program of Public Law 95–507.

The Office has added a Consumer Affairs Specialist (Hispanic Liaison) staff member. This staff person is improving contacts with Hispanic groups and individuals and is implementing an educational program to ensure the dissemination of information on consumer matters to these groups and individuals.

The Office is recruiting for a Media Liaison staff member. With the addition of this staff person, the Office will be able to consolidate current programs and concentrate on improving the level and effectiveness of the overall citizen participation program.

The FDIC's commitment to active liaison with the public at large and community groups in particular is reflected in the Office's new Community Group Interaction Program. Under this program, the Office provides staff to meet with and speak before community groups to more fully carry out the FDIC's role under the Community Reinvestment Act. Office staff members also serve as advisors to the Regional Directors in their public meetings with community and civil rights activists.

III. INFORMATIONAL MATERIALS

The FDIC publishes the following seven pamphlets describing basic areas of consumer protection for bank customers (these pamphlets will be issued in bilingual format, English/Spanish, in the near future):

Truth in Lending—explains what disclosures must be made in connection with credit finance charges and annual percentage rates; protections against unauthorized credit card use; advertisement of credit terms; and cancellation rights when a credit transaction is secured by a home.

Fair Credit Billing—describes how to deal with billing errors and defective merchandise or services, and how to protect one's credit rating.

Fair Credit Reporting Act—sets forth an individual's right to obtain information compiled by a Consumer Reporting Agency (credit bureau) and to have inaccurate information corrected or deleted from his or her file; outlines steps to take if credit, insurance or employment is denied because of an inaccurate or unfair Consumer Report.

Equal Credit Opportunity and Age—explains the extent to which a creditor can consider an applicant's age in granting or continuing credit.

Equal Credit Opportunity and Women—details how the law ensures equal treatment in determining a credit applicant's "creditworthiness" and prohibits discrimination based on sex or marital status.

Consumer Information—cites six consumer protection statutes of importance to bank customers and briefly explains the laws' requirements; contains a detachable form for a consumer's use in submitting a complaint, question or suggestion to the FDIC. (This pamphlet is currently being revised.)

Your Insured Depost—provides examples, in question and answer form, of insurance coverage under the FDIC's regulations. (This pamphlet is currently being revised.)

The FDIC makes these free publications available in quantity to banks for display in their lobby/reception areas. The availability of these pamphlets has been announced by news releases and by special mailings to consumer groups and offices. The FDIC has distributed over 32,000,000 of these pamphlets. Staff is currently working on a pamphlet related to the Community Reinvestment Act. This pamphlet will briefly explain the Act and how citizen and community groups can benefit from the Act. Pamphlets may be ordered in quantity, without charge, from: FDIC, Services Section, Washington, D.C. 20429.

In addition, the FDIC provides a number of other publications regarding the FDIC's operations and financial statistics on commerical and savings banks in the United States. Consumers having an interest in these publications should contact the FDIC's Information Office, Washington, D.C. 20429, (202–389–4221).

Public meetings are announced in the **Federal Register** and by news release. Information on how the public can participate at these meetings is contained in these announcements. The Executive Secretary of the FDIC may be contacted for specific information on hearings and on attendance at open Board meetings. That address is Executive Secretary, FDIC, Washington, D.C. 20429, (202–389–4425).

IV. EDUCATION AND TRAINING

Information on Executive Order 12160 has been disseminated to staff of the Office, and specific aspects of the Executive Order have been discussed with the staff. The Executive Order was one of the agenda items covered at a recent seminar for the Review Examiners (Consumer Affairs/Civil Rights) who manage the consumer and civil rights activities in the 14 Regional Offices.

Staff training in the Office of Consumer and Compliance Programs includes all aspects of consumer protection: complaint handling, consumer participation, consumer education and consumer and civil rights laws and regulations.

The Director of the Office is responsible for staff training. He is assisted by the staff training coordinator whose job it is to review training needs and select appropriate training to fill these needs.

The type of training selected is based on the individual's position in the Office and on any special educational needs. New employees are assigned a senior staff member who orients the new person in all aspects of the new job. While the training is individualized, staff members generally receive four basic types of training: (1) on-the-job training; (2) required reading and attendance at staff training meetings; (3) attendance at formal FDIC training sessions, e.g., Consumer and Civil Rights Compliance Schools; and (4) formal educational courses offered outside the FDIC including university courses.

In addition, senior staff members participate in consumer compliance examinations and investigations in the field. Staff personnel are also members of various consumer professional organizations which help them to stay abreast of current issues and provide opportunities to associate with other professional in the field.

V. COMPLAINT HANDING

Since 1975 the Office of Compliance Programs has had a complaint-handling system for logging in and investigating, complaints, responding to consumers, and integrating the results into the development of policy.

Public Awareness

In order to increase public awareness of the FDIC's complaint handling service, the FDIC has published and disseminated the pamphlet "Consumer Information" which, in revised version, cites ten Federal consumer and civil rights laws and provides a preprinted form for submitting complaints or other comments. This pamphlet is being revised and will be issued in bilingual format in the near future. To provide even better service to consumers, a toll-free telephone system was recently established in the Office. This service has been announced by news release and by special mailings to consumer groups and others. The toll-free number is 800–424–5488.

Format for Logging Complaints

The Office has a standardized system for logging complaints, inquiries, and comments from consumers whether received by telephone or lettter or delivered in person. This standardized data collection method permits easy tracking of cases and great flexibility in analyzing results for management purposes.

Investigation and Analysis

Office procedures ensure proper referrals and set guidelines for complaint investigation, types of responses,

and appropriate follow-up action. The tracking system indicates the status of cases and any unusual delays in processing.

Statistical reports are generated which highlight patterns, indicate exceptions, and provide input for agency policymaking. Reports are provided to the 14 Regional Offices for use in their administration of complaint handling and for use in individual investigations of banks. Reports are also furnished to key agency officials for policy formulation.

Evaluation of Complaint-Handling System

The complaint-handling system is constantly monitored by the Office to ensure the resolution of individual cases. Summary data is evaluated quarterly to determine the operating efficiency of the system and to look for patterns which suggest management action.

The Office has recently conducted a survey of complainants to determine their satisfaction with the FDIC's resolution of their requests. These responses have been coded into a computerized data base for analysis and identification of those areas that need improvement.

OVERSIGHT

In May 1979, the Board of Directors appointed Henry S. Newport as the Director of the Office of Consumer and Compliance Programs. Mr. Newport has sole responsibility for policy direction and coordination of the FDIC's consumer and civil rights activities. He is the Chairman's chief advisor in consumer and civil rights matters.

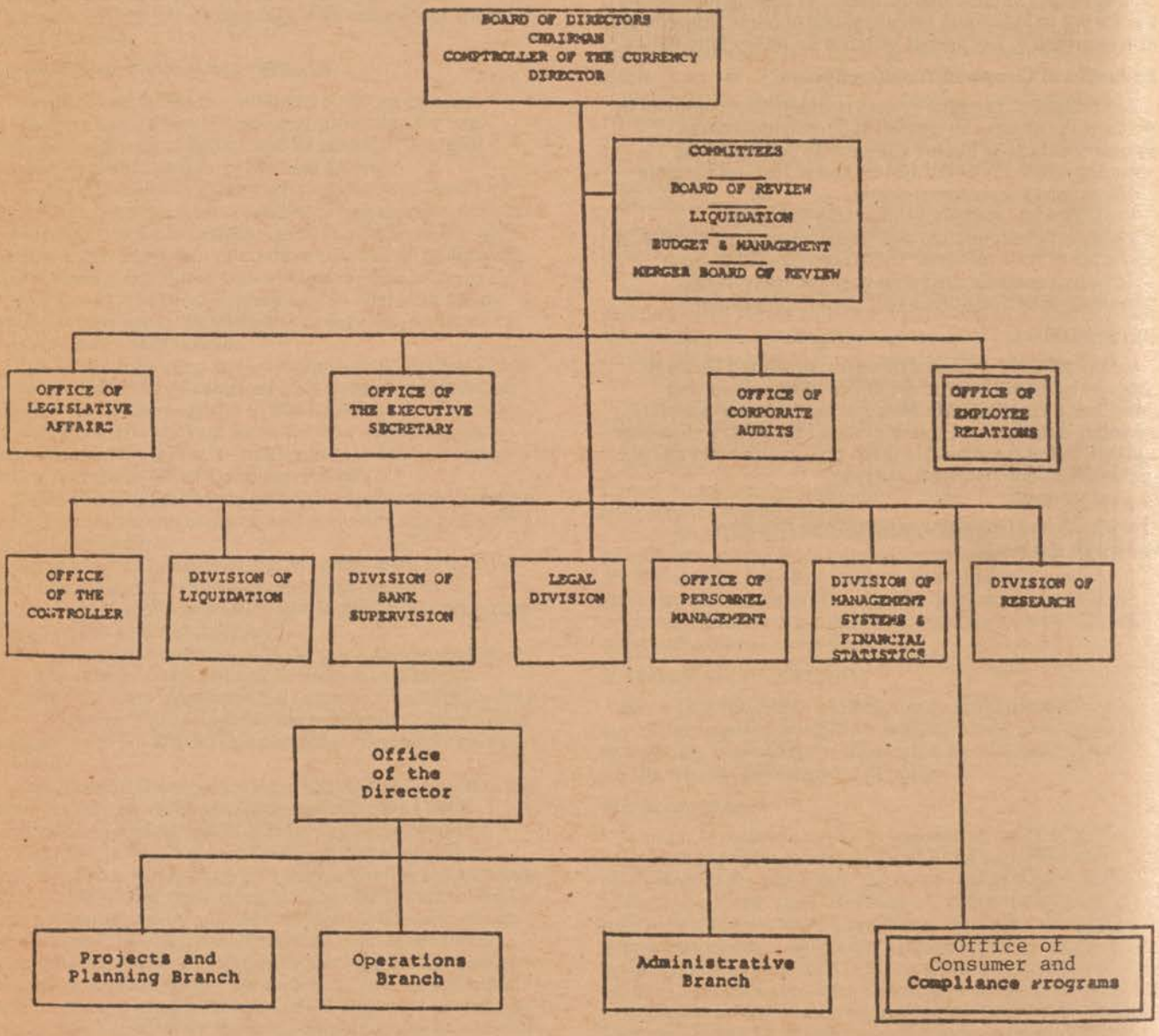
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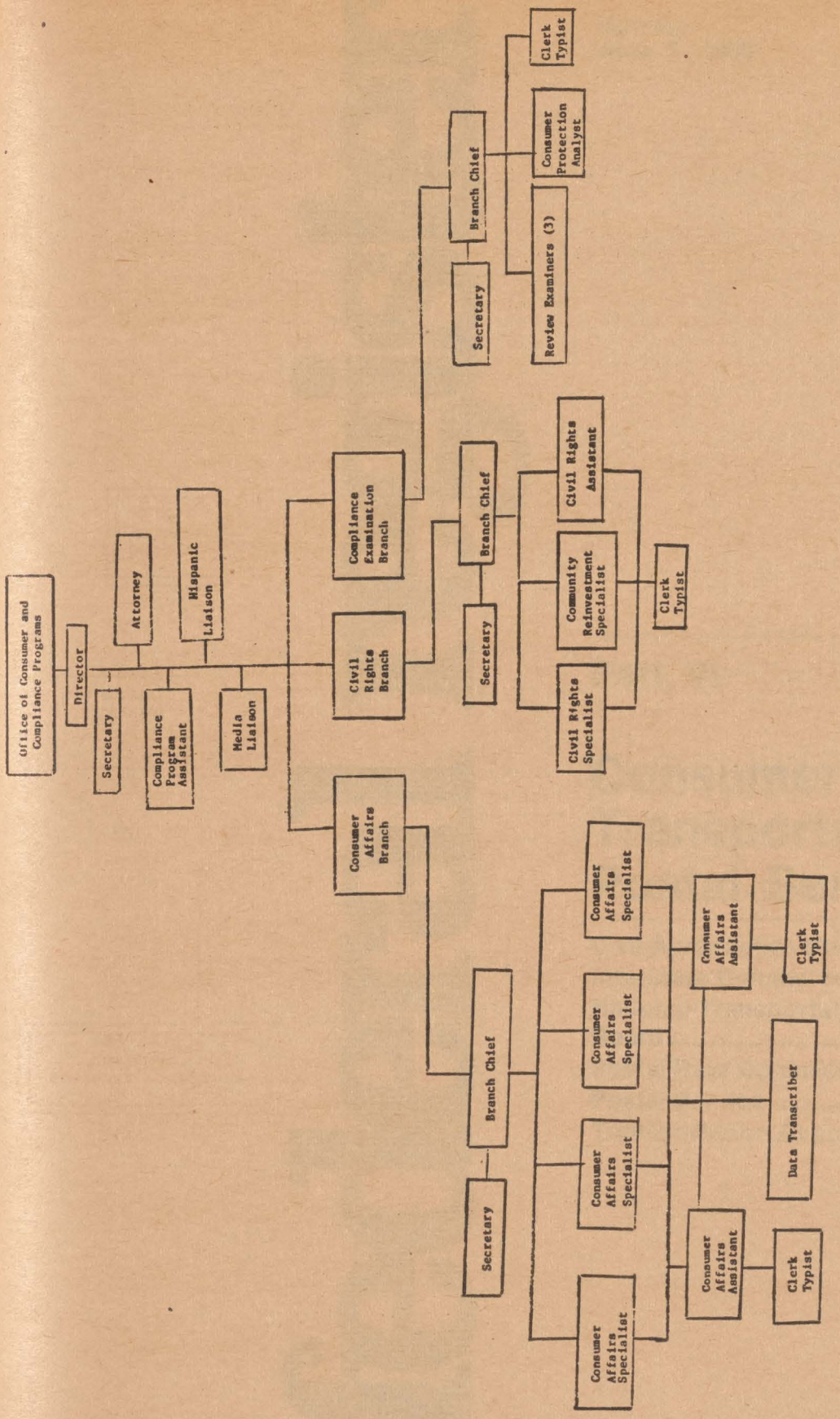
Director, Office of Consumer and Compliance Programs.

BILLING CODE 6714-01-M

CHART I

WASHINGTON OFFICES
(MAJOR BREAKDOWN)





[FR Doc. 80-17066 Filed 6-6-80; 8:45 am]
BILLING CODE 6714-01-C

federal register

Monday
June 9, 1980

Part VI

Consumer Programs: Transportation and Postal Service

Civil Aeronautics Board 39100
Interstate Commerce Commission 39116
National Transportation Safety Board 39128
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Postal Service 39136
Transportation Department 39144

federal register

Monday
June 9, 1980

Part VI—Section A

Civil Aeronautics Board

Final Consumer Program

CIVIL AERONAUTICS BOARD

[Docket 37145]

Consumer Program

AGENCY: Civil Aeronautics Board.

ACTION: Publication of consumer program.

SUMMARY: The CAB adopts its final consumer program statement in volumtary compliance with Executive Order 12160.

DATES: Adopted: May 23, 1980. Effective: May 23, 1980.

FOR FURTHER INFORMATION CONTACT: Desta McDowell, Bureau of Consumer Protection, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202–673–5482.

SUPPLEMENTARY INFORMATION: On December 10, 1979, the Civil Aeronautics Board published its draft consumer program in the **Federal Register**, in voluntary compliance with Executive Order 12160. All Board members reviewed and approved the draft program statement, which the Bureau of Consumer protection prepared.

We received eight comments on the program. Three comments were submitted by individual consumers, four by consumer organizations, and one by a trade organization.

Comments were very favorable to the program and the clarity and readability of the presentation. One consumer group stated that "We regard the CAB plan, now largely in place, as a model we hope other agencies will emulate." Two commenters expressed concern about the future of consumer protection as the plans for phasing out the CAB under the Airline Deregulation Act are implemented, and they recommended that specific plans be developed to protect the consumer's interest. The National Consumers League noted that "The critical question is not the effectiveness of the present consumer program in the CAB but the future of consumer protection when the Board no longer exists." The Board is concerned about the future of consumer protection actively involved in planning for continuation of consumer protection after the Board sunsets.

The following comments were made on specific sections of the program:

Consumer Affairs Perspective. Commenters generally found the explanation in this section very clear and believed that the system described is effective in representing consumer interests.

Consumer Participation. Commenters urged that funding for public participation in Board proceedings be restored. Procedures for consumer participation were understood by the commenters and the Board's decision to simplify the requirement for filing comments was commended.

Informational Materials. The Board's consumer booklet, "Fly-Rights" has been found helpful and clearly written by the commenters. The National Consumers League recommended a re-evaluation of agency publications and additonal outreach efforts. We have reviewed our publications and decided that a single publication and decided that a single publication covering both domestic and international travel will be the most economical and useful form of distributing information to consumers. Our staff recently revised our consumer mailing list to enable us to disseminate information about Board proceedings to a wider audience. The Airline Passengers Association recommended wider distribution of the notices of Board meetings. The Board distributes notices of meetings to the general press through our information office and to all parties participating in the cases to be discussed at public meetings. We also publish them in the **Federal Register**. We do not maintain a mailing list for the general public because of budgetary constraints.

Education and Training. Only two commenters covered this section, and they approved of the Board's handling of education and training.

Complaint Handling. One consumer indicated that he did not understand which office in the Board to contact about complaints, and we have included that information in the final statement. Equal Justice Foundation advocated installation of toll-free hot lines for increased access to complaint handling services. The Board considered installing toll-free lines in 1975 and at that time we conducted a complete analysis of the costs and staff time that would be required. We found that the costs of such a service would be greater than the benefits that consumers would derive from it.

National Consumers League recommended transferring complaint handling to the Department of Tranportation when the CAB is abolished. As noted above, we are planning for the future of complaint handling as well as our other consumer protection activities.

Oversight. Commenters understood and approved of the placement and functions of the Director of BCP.

We have made some changes in the program in response to the comments from the public and the U.S. Office of Consumer Affairs. On page 3, we updated staffing figures to reflect our current situation. In the section on Consumer Participation, page 6, we added a sentence describing staff responsibility for analyzing and reporting on consumer comments in informal proceedings. We also added the mailing address for comments and filings. On pages 8–10, we updated the information on Board publications. We included the mailing addresses for consumer complaints on page 12. Current organization charts, staffing plan and acknowledgment letters replace the attachments published in the draft program.

The commenters strongly recommended the restoration of public participation funding, but the decision to terminate that program was made by Congress in considering CAB's appropriations and we have little hope of restoring it during the limited existence of the Board.

Accordingly, the Board adopts the following final statement of its consumer program:

CONSUMER PROGRAM OF THE CIVIL AERONAUTICS BOARD

INTRODUCTION

The Civil Aeronautics Board, with a staff of approximately 760 employees, regulates the economic aspects of air transportation. The Airline Deregulation Act of 1978 phases out regulation of domestic airline routes at the end of 1981, air fares at the beginning of 1983, and the CAB itself in 1985. The guiding principle in air travel is free competition, with the Board's main job being to assure that market forces and consumer choices determine the fares and services airlines offer. At the same time, the Board continues to put a strong emphasis on educating the public and on consumer protection activities in areas where market forces have not proved adequate.

The commitment to serve the traveling public comes from the Chairman and Members of the Board, and is transmitted from them through the entire agency. Every person who helps form agency policies must pay careful attention to what effect any decision will have on the general public, and in a very real sense the entire agency is involved in consumer affairs and consumer protection activities. Staff members who prepare the Board's rulemaking proposals,

orders, and regulations are encouraged to use language that ordinary people can understand.

The Bureau of Consumer Protection, a major operating bureau of the Board, was created in mid-1978. The main reasons for this reorganization were to increase the Board's ability to inform, assist and protect consumers in their dealings with the air transportation industry, to underscore the commitment to have consumer interests adequately considered in matters that come before the Board, to increase the Board's capability in the antitrust enforcement area, and to help consumers and airlines resolve their disputes in a fair, effective and timely manner.

The Airline Deregulation Act guarantees essential air service to small communities. Under this program, the Board's Office of Community and Congressional Relations (OCCR) assists communities in seeking replacement carriers when air service dislocations occur. Regional representatives of OCCR serve as a link between the Board and state and local governments.

Given the decision made by Congress for the agency to go out of business on December 31, 1984, we will be continually reassessing our programs and priorities over the next four and a half years. During this period, we will be studying our consumer protection role to determine what assistance consumers will need after the sunset of the Board and the best way to provide that assistance. This may involve transferring functions to other federal agencies or to state and local governments. The following program, which we are publishing at this time in voluntary compliance with Executive Order 12160, is already in place and will be revised as the needs of the public change, and as the CAB phases out its activities.

1. CONSUMER AFFAIRS PERSPECTIVE

Staff Location

The consumer affairs staff of the CAB is located in the Bureau of Consumer Protection (BCP). This Bureau is responsible for assuring adequate evaluation and representation of consumer interests in matters that come before the Board. The Director of BCP, who reports to the Chairman of the agency, directs the Board's programs to provide consumers with information and assistance, advises the Board on the consumer interest aspects of current and proposed policies, programs and decisions, and develops and proposes to the Board positions it should take on consumer issues.

Organization chart #1 shows the placement of the Bureau of Consumer Protection within the Board. Organization chart #2 shows the structure of the Bureau.

The office of the Director of the Bureau of Consumer Protection is in the principal office of the Bureau of Consumer Protection, located on the fifth floor of the Universal Building, 1825 Connecticut Avenue, N.W., in Washington, D.C. BCP regional offices are located in Chicago, Fort Worth, Miami, New York, Los Angeles, and Seattle.

Size and Resources

The Bureau of Consumer Protection is currently staffed with 70 professional and 32 clerical employees, including temporary and part-time personnel. Ninety-six of these are permanent positions, of which 12 are assigned to antitrust enforcement on a full-time basis, 25 are involved in legal analysis and litigation activities to enforce the Federal Aviation Act and CAB regulations, 12 are involved in investigation and audit functions, and 15 are assigned to BCP regional assistance activities. The Bureau employs 12 professional consumer protection analysts who deal directly with air travellers and airlines in providing information and assistance in resolving complaints. The distribution of positions in BCP is shown in the attached staffing plan. We expect that BCP's staffing level will decrease gradually as the agency prepares for sunset.

Responsibilities

In addition to providing a consumer affairs perspective, as described in Subsection 1–401(a) of Executive Order 12160, the Bureau of Consumer Protection works to educate, assist and protect consumers in their dealings with the airline and air travel industries. It also has responsibility for monitoring and promoting observance of the federal antitrust laws by companies under the Board's jurisdiction, and for enforcing the economic provisions of the Federal Aviation Act, and the Board's orders, regulations and other requirements.

Relationship With Other Consumer Personnel and Agency Operating Units

BCP cooperates and works with other federal, state and local government agencies in connection with a broad spectrum of antitrust and consumer issues. It also assists Congressional offices in handling and responding to individual consumer problems encountered by constituents. The Bureau is currently developing a program to transfer consumer affairs functions that may still be required after 1985 to state and local authorities and to other federal agencies.

Participation in Development and Review of Agency Rules, Policies, Programs and Legislation

BCP participates at all levels of the Board's decision-making process and is on an equal footing with other principal operating components of the agency. The Bureau is actively involved in reviewing and proposing rules, policies and programs of the agency, including recommended legislative changes. It is responsible, under delegated authority, for instituting legal actions in court and before the agency to enforce consumer protection regulations and to prevent unfair or deceptive practices in air transportation. BCP has access to and frequently calls on the expertise of other staff elements to assist in developing programs and policies for the Board.

BCP is kept fully informed of all proceedings that come before the Board through internal communications and public dockets. The staff of the Bureau receives copies of all Board orders, regulations and other publications, and has access to comments filed in the dockets.

Because the CAB is a relatively small agency, the Bureau's staff is in daily contact with the policy-making components of other bureaus and offices on a routine basis. BCP has excellent communication with other key staff components.

Through formal internal coordination procedures, BCP is consulted on policy and regulatory matters significantly affecting consumers, before submission of staff recommendations for Board action. It is also represented on and takes active part in agency-wide task forces working on specific policy issues and programs affecting consumers. Documents prepared for Board action are routinely circulated to BCP for review and comment. The Director and professional staff members attend Board sunshine meetings in which members discuss and vote on proposals, and they participate actively in the discussion before the Board makes its final decision.

BCP has the opportunity to participate fully in all phases of the Board's decision-making process from the initial state of policy development at the staff level, through drafting of regulations and orders, and in making recommendations to the Board for adoption of final orders and rules. However,

when the Bureau intervenes or participates as a party in a formal hearing matter, its staff communicates with the Board only through briefs and other filings in the docket and does not advise the Board in a staff capacity.

BCP has the authority to propose rulemaking, institute enforcement cases, seek assessments of civil penalties for violations, and participate in other proceedings before the Board.

II. CONSUMER PARTICIPATION

When Consumer Participation in Agency Decisionmaking Begins

Part 302 of the Board's Economic Regulations (14 CFR 302) provides for broad public participation in Board proceedings. In addition to informal complaints, individuals or consumer groups may petition for rulemaking, comment on show cause orders or proposed regulations, file formal third-party enforcement complaints, and initiate other proceedings. They may also participate as a party in other docketed matters, and file written comments and testify in public hearings. If consumers disagree with a Board decision, they may file petitions asking for reconsideration.

The Board has simplified procedures for consumer participation. In rulemaking cases, individual members of the public may submit a single copy of comments or other filings in the docket, rather than the 19 usually required. The Board liberally applies the criteria for formal intervention in its proceedings to facilitate and encourage effective participation by members of the public. Comments and filings should be addressed to: Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. The staff member who is assigned primary responsibility for a formal proceeding is responsible for reviewing all comments filed by consumers, and summarizes the comments in memorandums to the Board members and other staff components.

In order to insure a balanced record in proceedings directly affecting the consumer interest, the Board adopted a regulation (14 CFR 304) in 1978 to provide funding for public participation. A committee made up of the Managing Director, the Director of the Office of Economic Analysis, and the General Counsel, was set up to evaluate applications and made selections for funding. The purpose of providing public participation funds is to attract points of view that otherwise would not be represented.

Information about how to apply for public participation funding was included in several Notices of Proposed Rulemaking issued by the CAB. The Board has also published a booklet detailing the application procedure.

The Board has provided funding under this program to promote participation by public interest organizations in this field of consumer protection and the rights of the handicapped. However, the program was terminated as of September 30, 1979, due to budgetary constraints.

Avenues of Participation

Consumers and consumer groups may communicate informally with BCP and other staff elements on any matter of concern to them through correspondence, telephone or personal conferences. Informal contacts of this nature relating to a specific case are generally not allowed once a formal hearing has been instituted, under the Board's "ex parte" rules.

The Board and its Office of Community and Congressional Relations have held regional public hearings to allow consumers to provide input into decisions about essential air service and to assist with air service problems. BCP's regional consumer representatives frequently communicate with consumers through the media and participate in meetings and other public functions of consumer groups. In formal proceedings, public hearings may be conducted by administrative law judges in communities significantly affected by the matters to be decided.

When consumers become parties to formal proceedings, they may file written comments and answers to comments filed by other parties, submit evidence, and take part in hearings before an Administrative Law Judge. The Board's rules also allow limited particiation by interested persons without formal intervention.

The Board publishes notices of most of its proceedings in the **Federal Register.** In addition, the Bureau of Consumer Protection has a special mailing list including state and local consumer offices, public interest organizations, consumer reporters, travel writers, and other interested individuals, to alert them to Board actions and proposals that may significantly affect air travelers. On specific subjects, the Board's staff obtains mailing lists of groups and individuals who would be likely to have a particular interest in the proceeding. In our contacts with the press, such as the attached press release on proposed rulemaking to simplify the language and format of required airline ticket notices and counter signs, we provide information about current proceedings, and interested consumers may send their views and comments for consideration.

III. INFORMATION MATERIALS

Agency Publications

The Board publishes a consumer guide to domestic air travel, entitled "Fly-Rights", which is intended to inform and to educate the traveling public about their rights and air carrier responsibilities. The Board completely revised this booklet in 1979 and updates it periodically to reflect changes. A consumer fact sheet on charter flights was issued in May 1980.

"Fly-Rights" is available to the public free of charge through the Consumer Information Center in Pueblo, Colorado and the Board's Publication Section. Regional offices distribute copies of publications to individuals and state and local consumer groups in their respective regions. Plates are made available to any organization that wishes to reprint the booklets in quantity.

In addition, the Board publishes a monthly statistical report of consumer complaints, listing the airlines and subject matter. Other statistical reports of interest to consumers provide data about airline on-time performance and bumping records. The Board issues Consumer Alerts and other press releases from time to time dealing with specific topics of interest to travelers, proposed airline fare increases, travel during the holiday season, and service reductions or changes that may affect travel plans.

The Board publishes its orders and regulations on a current basis. Single copies of these are available without charge to individual members of the public and consumer organizations on request, or on a subscription basis.

Required Airline Notices to Consumers

The Board requires airlines to give consumers certain information and warnings with each ticket, and to post notices in airports and ticket offices. These notices cover bumping rules and procedures, the limits imposed by carriers on their liability for lost, damaged or delayed baggage, and limitations on liability for personal injury or death in international air travel. We are also considering including required statements about passengers' rights to no-smoking seats and airline check-in rules.

Usefulness of Current Material

"Fly-Rights" gives air travelers comprehensive information about air travel in plain English. Since its publication in July 1979, it has been a best-seller at GSA's Consumer Information Center. We think "Fly-Rights" is a very useful publication, and we are adding information about international air travel in the next edition.

Consumer Alert press releases are useful and timely because they provide a quick way to get information out to the public on specific current problems.

Monthly consumer complaint statistics are somewhat less useful to individuals, since the information is presented in a summary, tabular format that requires some expertise to understand and is not designed for the general public. However, newspapers frequently publish articles based on the monthly complaint summary, and the Board's staff provides detailed background information to reporters calling for assistance in interpreting the statistics.

Although the Board has a policy of applying "plain English" standards to the orders and regulations it issues, most of these documents are probably not immediately useful to many individual consumers because of their legal nature and the complexity of the material. Individuals with particular problems or disputes involving an airline, however, may find particular orders or regulations extremely helpful in obtaining resolution, and the Board's staff attempts to provide copies of the relevant documents to consumers who have made complaints or requested information from us.

Tariffs and current airport and ticket notices are not very useful because of the legalistic phrasing used. Tariffs also are lengthy, complex, and poorly indexed, which makes it difficult to locate specific information about air fares or the rules governing passenger transportation.

Plans for Improvement

"Fly-Rights" is being revised to include information and advice about special features of international travel. We will revise "Fly-Rights" as necessary in the future to reflect changes in Board regulations and airline practices.

A new computer system for compiling consumer complaint information has been developed and put in place in January 1980. The monthly complaint reports are being reformatted to include topics which should be more informative and helpful to the public.

We have conducted a comprehensive review of all the notices given to passengers through required airport counter signs and material printed on ticket notices. In April of 1980, the Board issued a Notice of Proposed Rulemaking to revise these notices, making them easier for the public to read and understand.

BCP's staff is also drafting a Notice of Proposed Rulemaking soliciting comments from the industry and the public on how a plain English approach might be applied to airline-passenger contracts to replace or supplement the tariff system.

Officials Responsible for Consumer Information Program

The Bureau of Consumer Protection, under the supervision of its Director, has primary responsibility for the Board's consumer information program. Within BCP, the Policy Development and Consumer Action Divisions share the job of developing materials for publication, as assigned by the Director.

Information on Agenda of Public Meetings

The Secretary of the Board publishes a meeting announcement one week before every scheduled Board meeting. On the morning of the Board meeting, a revised agenda is made available to everyone attending the meeting. Notices are printed in the **Federal Register** and distributed to the press through the Board's Office of Information.

Each meeting announcement contains the time, date, and place of the meeting, and an agenda of each item scheduled for discussion or decision at the meeting. Each matter is identified by the title of the proceeding or other caption, the docket number, if any, and an indication of what action is to be considered by the Board in the meeting.

IV. EDUCATION AND TRAINING

The Director of BCP or his designated representative is responsible for informing the Board and staff about the Order and the agency's activities under it. Executive Order 12160, together with a memorandum summarizing it, has been circulated to the Chairman, Members, and all other senior officials of the Board. Copies of the draft consumer program were circulated to the Board and appropriate staff for review and comment, before adoption by the Board.

No significant changes in structure are planned at the present time, since our consumer program has been in operation for more than a year. If any changes occur in the future, the staff will be notified by desk-to-desk distribution of staff notices.

BCP management provides in-house training for consumer affairs personnel, as part of its ongoing program of staff training. All BCP staff members have received a copy of the Executive Order and the description of the Board's consumer program.

V. COMPLAINT HANDLING

During the past year, the Board has made intensive efforts to heighten public awareness about the agency's receptiveness to complaints. Our field representatives sent mailings throughout their region to notify the public of the presence of a CAB office in the area and our willingness to assist consumers with air transportation problems. Field representatives made numerous contacts with the press which resulted in articles and broadcasts publicizing the regional offices. With the diminishing of CAB's activities over the next few years, we will concentrate on working with state and local agencies to educate them in the handling of air transportation complaints and to teach consumers to be their own consumer advocates.

All consumer publications and Consumer Alert press releases contain the statement that consumers may write to BCP for assistance with air transportation problems. Our staff is interviewed regularly by the press, and we make it a practice to ask reporters to include the mailing address for complaints in each article.

Complaints may be addressed to the Board's headquarters or to any of the regional offices. Addresses and telephone numbers are listed below:

Civil Aeronautics Board, Consumer Action Division, Bureau of Consumer Protection, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–6047.

Civil Aeronautics Board, O'Hare Lake Office Plaza, Room 254, 2300 East Devon Avenue, Des Plaines, Illinois 60018, (312) 694–2686.

Civil Aeronautics Board, P.O. Box 92007, Los Angeles, California 90009, (213) 536–6297.

Civil Aeronautics Board, Airport Plaza Building, 19415 Pacific Highway South, Seattle, Washington, 98188, (206) 764–3587.

Civil Aeronautics Board, 90 Church Street, Room 1316, New York, New York 10007, (212) 264–1700.

Civil Aeronautics Board, P.O. Box 1689, Forth Worth, Texas 76101, (817) 429–0951.

Civil Aeronautics Board, Box 592626, Miami, Florida 33159, (305) 526–2525.

Civil Aeronautics Board, 701–C Street, Box 27, Anchorage, Alaska 99513, (907) 271–5146.

Format for Logging Complaints

All complaints received by BCP (written and telephoned) are analyzed and coded in standard topical categories. Information is entered into a computerized system.

Consumer complaints received by the Board's Washington office are routinely directed to BCP by the mail room staff, with the exception of essential air service problems which are handled by the Office of Community and Congressional Relations. Complaints directed to regional offices are handled in the field. Consumer analysts and field representatives bring to the attention of BCP management any problems which they believe warrant field investigation.

Response Procedure

A computerized complaint-handling system keeps track of complaints from date they are received until they are closed. Complaints involving airlines, travel agents, and tour operators are referred to the company involved with a request that they respond directly to the complainant and provide a copy of their response to BCP. Samples of our standard computer-generated acknowledgments are attached. The standard for sending routine acknowledgment letters is 15 working days from date of receipt of the complaint. Individual responses are prepared to answer requests for information and complaints about the Board's activities.

If the complaint involves an apparent violation of the Board's consumer protection regulations, we send a letter to the airline pointing out the violation and asking it to pay a negotiated civil penalty to resolve the matter without formal enforcement litigation. The airlines are generally given 20 to 30 days to respond to these civil penalty letters, but the staff may allow them more time if needed to investigate and respond to the allegations. If the airline agrees to pay the negotiated penalty to resolve the case, the Director of the Bureau of Consumer Protection may accept the settlement on behalf of the Board. If the airline refuses to make the payment and disputes the facts provided by the consumer, the Bureau staff must then decide whether to close the case or pursue the complaint through formal enforcement proceedings.

Monthly statistical reports are produced which tabulate the number of complaints by airline and subject category. These reports are issued as press releases.

Consumer analysts and field representatives prepare weekly narrative reports for the Director of BCP, highlighting significant consumer problems handled.

OVERSIGHT

The Chairman of the CAB has designated the Director of the Bureau of Consumer Protection as the senior-level official to exercise policy direction for, and coordination and oversight of the Board's consumer activities. The Director of BCP is specifically responsible for the following:

—Plans, develops and directs programs to carry out the Bureau's mission.

—Advises the Board on the effects of proposed policies, programs and decisions on consumers.

—Proposes to the Board positions it should take on consumer issues.

—Approves and supervises BCP participation in Board proceedings; proceedings before other Federal, State and local agencies; and litigation on behalf of BCP of the Board in Federal, State or local courts as a party or intervenor.

—Maintains liaison with other Federal, State and local government agencies in connection with antitrust and consumer issues.

—Represents the Board with outside groups in consumer matters. Serves as liaison with the President's Special Assistant for Consumer Affairs. Works with the Bureau of Pricing and Domestic Aviation and the Office of Community and Congressional Relations to resolve specific community or congressional problems involving consumer interest issues.

—Provides technical and administrative direction to the organizational components of the Bureau of Consumer Protection.

—Exercises authority delegated by the Board in Part 302 and 285 of its regulations.

—Supervises BCP's program to encourage competition among entities under the Board's jurisdiction.

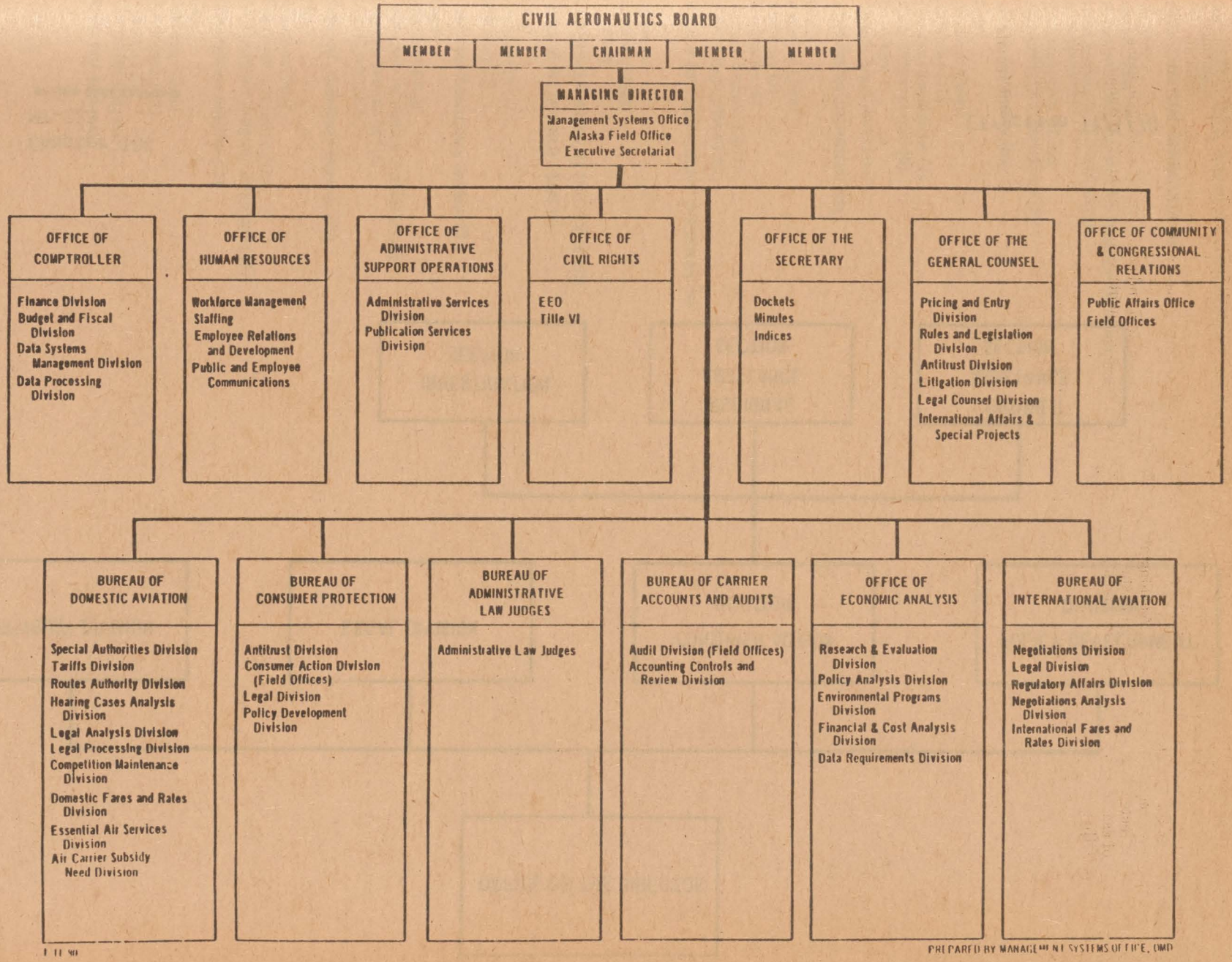
—Provides the Board, its staff and the public with reports of the Bureau's activities.

By the Civil Aeronautics Board:

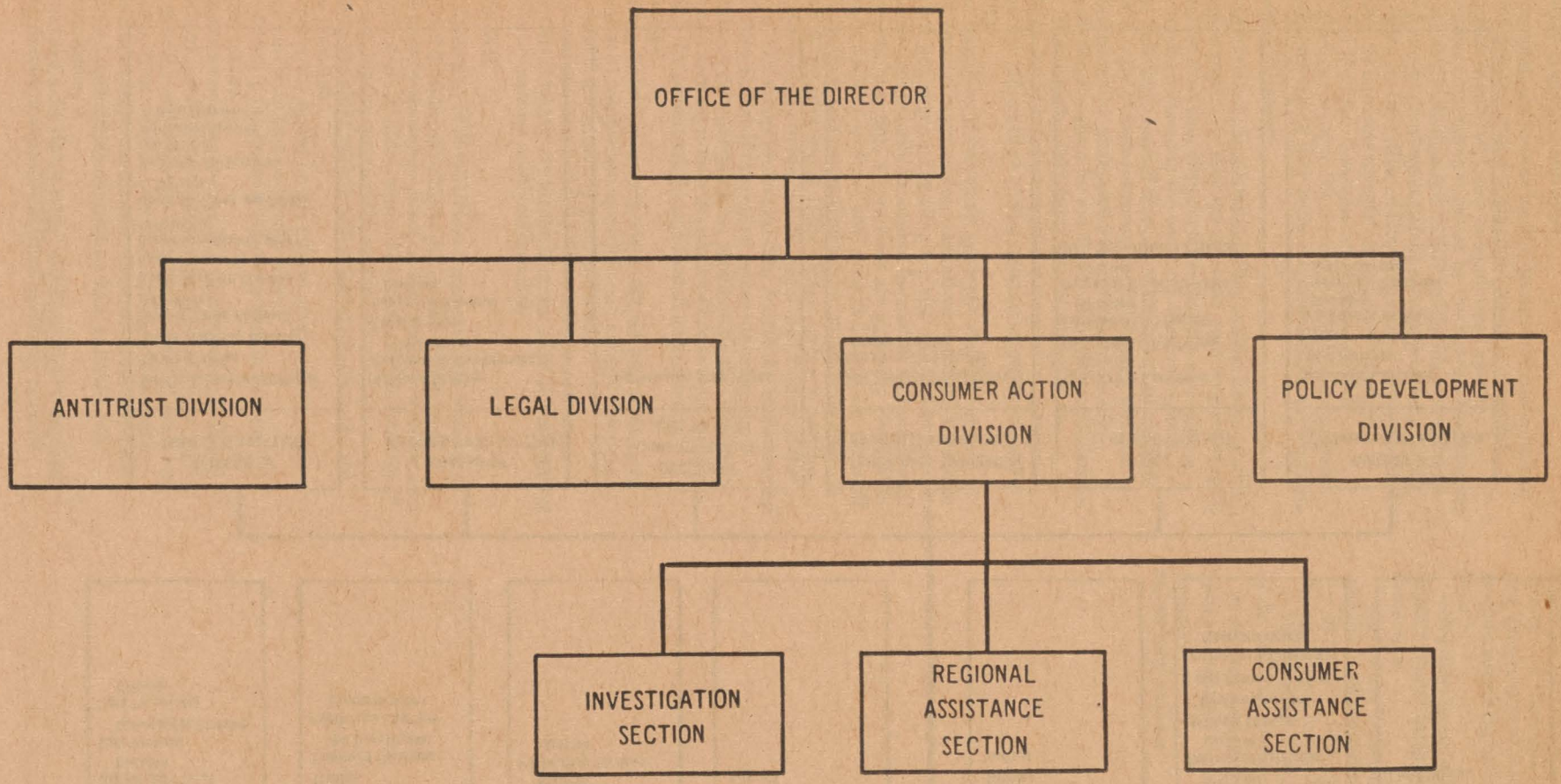
Phyllis T. Kaylor,

Secretary.

BILLING CODE 6320-01-M


CIVIL AERONAUTICS BOARD
MEMBER
MEMBER
CHAIRMAN
MEMBER
MEMBER
MANAGING DIRECTOR
Management Systems Office
Alaska Field Office
Executive Secretariat
OFFICE OF COMPTROLLER
Finance Division
Budget and Fiscal Division
Data Systems Management Division
Data Processing Division
OFFICE OF HUMAN RESOURCES
Workforce Management
Staffing
Employee Relations and Development
Public and Employee Communications
OFFICE OF ADMINISTRATIVE SUPPORT OPERATIONS
Administrative Services Division
Publication Services Division
OFFICE OF CIVIL RIGHTS
EEO
Title VI
OFFICE OF THE SECRETARY
Dockets
Minutes
Indices
OFFICE OF THE GENERAL COUNSEL
Pricing and Entry Division
Rules and Legislation Division
Antitrust Division
Litigation Division
Legal Counsel Division
International Affairs & Special Projects
OFFICE OF COMMUNITY & CONGRESSIONAL RELATIONS
Public Affairs Office
Field Offices
BUREAU OF DOMESTIC AVIATION
Special Authorities Division
Tariffs Division
Routes Authority Division
Hearing Cases Analysis Division
Legal Analysis Division
Legal Processing Division
Competition Maintenance Division
Domestic Fares and Rates Division
Essential Air Services Division
Air Carrier Subsidy Need Division
BUREAU OF CONSUMER PROTECTION
Antitrust Division
Consumer Action Division (Field Offices)
Legal Division
Policy Development Division
BUREAU OF ADMINISTRATIVE LAW JUDGES
Administrative Law Judges
BUREAU OF CARRIER ACCOUNTS AND AUDITS
Audit Division (Field Offices)
Accounting Controls and Review Division
OFFICE OF ECONOMIC ANALYSIS
Research & Evaluation Division
Policy Analysis Division
Environmental Programs Division
Financial & Cost Analysis Division
Data Requirements Division
BUREAU OF INTERNATIONAL AVIATION
Negotiations Division
Legal Division
Regulatory Affairs Division
Negotiations Analysis Division
International Fares and Rates Division
PREPARED BY MANAGEMENT SYSTEMS OFFICE, OMD

BUREAU of CONSUMER PROTECTION



Chapter 185
MT-323

Effective 11/1/78

BILLING CODE 6320-01-C

Staffing Plan, CAB, Bureau of Consumer Protection as of May 16, 1980.

OFFICE OF THE DIRECTOR (9)

Director
Deputy Director
Assistant to the Director for Program Development
Legal Assistant to the Director
Secretaries (2)
Administrative Officer
Administrative Assistants (2)

LEGAL DIVISION (25)

Chief
Assistant Chief
Attorneys (13)
Paralegal Specialists (2)
Clerical/Secretarial (6)
Law Clerk
Student Legal Assistant

ANTITRUST DIVISION (12)

Chief
Assistant Chief
Attorneys (5)
Economists (2)
Clerical/Secretarial (2)
Student Legal Assistant

POLICY DEVELOPMENT DIVISION (5)

Chief
Attorney
Economists (2)
Secretary

CONSUMER ACTION DIVISION (51)

Office of the Division Chief (3)

Chief
Assistant Chief
Secretary (1)

Consumer Assistance Section (21)

Chief
Assistant Chief
Consumer Protection Analysts (10)
Clerical/Secretarial (6)
Data Control (3)

Regional Assistance Section (15)

Chief
Assistant Chief
Field Representatives (7)
Air Transport Program Assistants (6)

Investigation Section (12)

Chief
Assistant Chief
Investigators (7)
Auditors (2)
Clerical/Secretarial (1)

BILLING CODE 6320-01-M

CIVIL AERONAUTICS BOARD
WASHINGTON, D.C. 20428

IN REPLY REFER TO
W80-00000

May 20, 1980

Mr. John Doe
1 Main Street
Anywhere, U.S.A.

Dear Mr. Doe:

We have received your letter about the difficulty you've had with Etcetera Airlines. We regret the delay in writing to you.

We will contact the company and ask them to review the matter promptly. I have asked Glenn Wienhoff, the Chief of our Consumer Action Division, to make sure you receive a response from them. If you have any questions, please let us hear from you. We're enclosing our consumer brochure "Fly-Rights" which may be helpful in answering some of the questions you may have about air transportation.

If you write us about this again, please refer to the number at the top of this page so that we can locate the case in our files as quickly as possible.

Sincerely yours,

Reuben B. Robertson
Director
Bureau of Consumer Protection

Enclosure

CIVIL AERONAUTICS BOARD
WASHINGTON, D.C. 20428

IN REPLY REFER TO
W80-00000

May 20, 1980

Mr. Jonn Doe
I Main Street
Anywhere, U.S.A.

Dear Mr. Doe:

We have received your letter about the problem you had with Etcetera Airlines. We are writing the company's customer relations department on your behalf, asking that tney review your correspondence and respond directly to you.

We appreciate receiving information from consumers about their experience with air transportation, because it helps us to identify possible problem areas and trends in the industry. We also analyze and publish complaint statistics each month to inform the public about problems that occur. Passenger comments, such as yours, perform a valuable function in letting an airline know the extent to which they are or are not meeting the public's needs. We have found that improvements in airline services are often prompted by passenger complaints.

The Civil Aeronautics Board has never had the authority or resources to govern the quality of service provided by an airline, and our major responsibility under the Airline Deregulation Act is overseeing the transition to a freely competitive airline industry in the near future. We believe that competition is the fundamental cure for the kind of service problems you experienced. The Board is authorizing new carriers to serve as many markets as possible, so that travellers will be able to use the airline of their choice and competition will encourage the airlines to be more responsive to their customers.

If you write us about this again, please refer to the number at the top of this page so that we can locate the case in our files as quickly as possible. I hope your future travel plans are free of complications, and that you will find the enclosed consumer guide helpful.

Sincerely yours,

Glenn W. Wienhoff
Chief, Consumer Action Division
Bureau of Consumer Protection

Enclosure

CIVIL AERONAUTICS BOARD
WASHINGTON, D.C. 20428

IN REPLY REFER TO
W80-00000

May 20, 1980

Mr. John Doe
1 Main Street
Anywhere, U.S.A.

Dear Mr. Doe:

We have received your letter about the difficulty you've had with Etcetera Airlines. We regret the delay in writing to you.

In the Cargo Deregulation Act of 1977, and again in the Airline Deregulation Act of 1978, Congress has clearly indicated that the Board should not control, as it has in the past, the cargo services airlines provide their customers. Until recently, we required the airlines to file their charges and rules for acceptance of and carriage of cargo in documents called tariffs. Because the Board could no longer reject carrier rules regarding cargo on the grounds that such rules were unreasonable, we have eliminated cargo tariff filings entirely.

With respect to cargo, airlines remain subject to their common-law obligations. At common law, once a carrier holds itself out as carrying a particular kind of goods, it is bound to accept such goods upon reasonable request. Only the courts can redress violations, if established, of an airline's common-law obligation.

Nevertheless, we have written to the carrier and asked them to review your complaint and reply directly to you. We hope that the carrier will resolve this matter satisfactorily.

Sincerely yours,

Reuben B. Robertson
Director
Bureau of Consumer Protection

CIVIL AERONAUTICS BOARD

WASHINGTON, D.C. 20428

FOR RELEASE
ON OR AFTER
Tuesday
April 15, 1980
CAB 80-76

Contact: Alan M. Pollock
(202) 673-5990

CAB PROPOSES SIMPLIFICATION OF AIRPORT TICKET COUNTER SIGNS

WASHINGTON, D. C. (April 15)--The Civil Aeronautics Board has asked for public comment on its proposal to simplify the airline ticket counter signs that explain passenger rights and responsibilities, consolidating them into one, uncluttered, easy-to-read sign.

The Board proposed to eliminate at least one of the messages and add others that are of more pertinent concern to most passengers. Notices attached to airline tickets also would be modified under the plan. Not affected by the proposal are signs required by other agencies, such as the Federal Aviation Administration.

Currently, airlines must display at their airport ticket counters a series of signs disclosing rights and responsibilities of passengers involving overbooking and denied boarding compensation, baggage liability limits, limits on liability for death or personal injury under the Warsaw Convention and other international agreements, and the availability for inspection of airline tariffs. Similar notices must accompany airline tickets.

MORE

The Board said today that many of the notices are not well designed to communicate the essential information to passengers quickly and easily. "Long and awkwardly phrased," the CAB said, "they often provide more information than a passenger really needs, or provide it in the wrong order, so that important facts are buried in less significant words and phrases." In addition, the signs create a cluttered appearance at airline counters that tends to confuse passengers.

The CAB proposal would simplify the language used in the notices, would add counter and ticket notices on two important consumer items, and would eliminate one or possibly two of the existing counter notices.

Under the proposal:

--The Board would add notices on two subjects not currently covered in the counter signs or ticket notices: passenger rights to seating in the no-smoking section and notification of airline check-in deadlines. The Board noted that many of the consumer complaints it receives concern problems in obtaining seats in the no-smoking section. As to check-in deadlines, the CAB said, "Many passengers are unaware that carriers impose check-in deadlines on their flights" and that passengers who don't meet the deadlines may lose their reservations or their right to denied boarding compensation if they are bumped.

--The counter notice explaining rules on liability limits for death or injury in international travel will be greatly simplified or, in the alternative, eliminated altogether. The Board said that it wonders whether a counter notice on this subject is even necessary, whether a passenger at a busy ticket counter "will really focus on this issue or take any action in response to the counter notice." The Board plans, however, to continue to require a ticket notice on this subject.

--The counter notice explaining that tariffs are on file at all ticket counters would be eliminated. Though the requirement that the tariffs be available for inspection would remain, the Board said that almost nobody asks to see tariffs--containing thousands of pages of rules in complicated form--nor would the average consumer understand a tariff when he reads one.

--The notice on overbooking and denied boarding compensation would be shortened to highlight the most important aspects of the rule to passengers confronted with an oversale situation: the fact that they may not be "bumped" before the airline solicits volunteers and the fact that they probably are entitled to monetary compensation.

--The notice on baggage liability would be changed considerably. First, the information most often of concern to passengers, that on baggage liability on domestic flights, would be displayed first, instead of buried beneath the international liability rules that concern only a small percentage of passengers. Second, the language of the notice will be cleansed of what the Board called "abstract, legalistic" language that "may discourage many people from reading them and may confuse those who do."

The ticket notices on overbooking and baggage liability would also be rewritten in simpler English. They would contain more information than the counter notices, however, since they can be read at the passenger's leisure, rather than in the hurried atmosphere that often accompanies checking in for a flight.

MORE

The Board proposed that the following single sign be posted at all airline ticket counters, replacing the numerous signs that appear currently:

IMPORTANT INFORMATION FOR PASSENGERS

SMOKING — On U.S. airlines, you have the right to sit in the no-smoking section on your flight, and this section will be expanded if necessary to accommodate you.

OVERBOOKING — On scheduled flights, airlines must offer a specific payment to most passengers with confirmed reservations who are not let on the plane because their flight is oversold. You may not be bumped before the airline has asked for volunteers to give up their seats for a bargained-for payment. Ask any airline agent for a free summary of the complete rules. NOTE: Different rules apply on some international flights.

To protect your reservation and these rights, you must meet an airline's deadline for arriving at the boarding gate.

BAGGAGE — Airlines usually do not pay more than $750 for loss, delay, or damage to your checked baggage. Limits may be different on international trips. You can increase the limit by buying "excess valuation" insurance from the airline when you check in. Special rules apply to jewelry and other valuable, fragile or perishable items.

ACCIDENTS — For international trips, airlines limit their responsibility for most cases of death or injury to passengers to $75,000.

READ YOUR TICKET OR ASK FOR MORE INFORMATION

Interested parties may comment on the Board's proposal by writing CAB, Docket Section, Docket 38021, Washington, D.C. 20428, by June 16.

- 30 -

EDR-396

[FR Doc. 80-16414 Filed 6-6-80; 8:45 am]

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federal register

Monday
June 9, 1980

Part VI—Section B

Interstate Commerce Commission

Final Consumer Affairs Program

INTERSTATE COMMERCE COMMISSION

AGENCY: Interstate Commerce Commission.

ACTION: Final Consumer Affairs Program.

SUMMARY: This document publishes the Final Consumer Affairs Program of the Interstate Commerce Commission. Our Program reflects this Commission's voluntary compliance with the President's Executive Order No. 12160 and establishes the procedures by which the Commission will improve the effectiveness, management, and coordination of its consumer affairs activities.

EFFECTIVE DATE: July 9, 1980.

ADDRESS: 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Mr. Joel E. Burns, Director of the Office of Consumer Protection, Interstate Commerce Commission, telephone 202–275–7849.

SUPPLEMENTARY INFORMATION: The Interstate Commerce Commission published in the December 10, 1979, issue of the **Federal Register** (44 FR 71341) a draft of its Consumer Affairs Program. This draft reflected the Commission's voluntary compliance with the President's Executive Order No. 12160 which provides for the enhancement and coordination of Federal Consumer Programs.

In order to improve our consumer protection role, and to make our services more responsive to the needs of the consumer, comments and suggestions were invited from interested parties. During the 90-day comment period which ended March 10, 1980, nine (9) public comments were received which contained a number of recommendations and/or suggestions. Of these nine (9) comments, two (2) were from individual consumers, Mrs. Virginia Means and Mrs. Veronica Barclay; two (2) were from trade associations, the American Movers Conference and the Association of Media Producers; three (3) were from consumer organizations, the Transportation Consumer Action Project, the National Consumer League and the Delaware Valley Coalition for Consumer Education and Cooperation; and two (2) were from public interest organizations, the Equal Justice Foundation and the Public Interest Economics Center.

We appreciated receiving comments and recommendations from the public concerning ways that the Commission can improve its protection of the traveling and shipping public. The ICC's consumer affairs staff has reviewed and carefully considered all comments received and has included many of these suggestions in our final consumer program. Comments made as a result of an ICC internal staff review and those provided as a result of a review by the staff of the Interagency Consumer Affairs Council have also been incorporated.

Since we received comments on each of the sections of the draft program, we will address these issues in the order in which they appear in Executive Order No. 12160. The comments are as follows:

CONSUMER AFFAIRS PERSPECTIVE

Three of the comments received indicated that this Commission's consumer protection activities as defined in the draft program are characterized by diffused structures, small staffs, and the absence of real power. It was suggested that the Commission's consumer program would be more effective if the Commission would establish a centralized structure, headed by a senior level employee who has an experienced staff large enough not only to handle complaints, but to take an active role in creating and implementing ICC policy.

We believe that we have more than adequately addressed these issues in our Final Consumer Program. As a result of a recent reorganization of this Commission, the Bureau of Operations and the Bureau of Investigations and Enforcement have been consolidated into a single Office of Consumer Protection (OCP). Mr. Joel E. Burns, who was the Director of the former Bureau of Operations, one of the two Bureaus to be merged, has been appointed Director of the new Office. The new Director is a senior level employee and has leadership responsibility for policy direction, coordination and oversight of the Commission's consumer-oriented activities.

The Office of Consumer Protection currently has a staff of 484 professional and technical employees and 166 support persons. This new Office is the largest single office or bureau in the Commission and is responsible for the Commission's consumer, compliance and enforcement programs.

We believe that by creating the new Office of Consumer Protection and expanding our role in consumer services and protection, we can more effectively represent the consumer. The Final Consumer Program has been revised to reflect the creation of this new Office and the duties delegated to its staff.

CONSUMER PARTICIPATION

Four (4) of the comments received suggested that funding be provided for consumer participation in the development and review of agency rules, policies and programs.

The Commission does not have the budgetary resources to establish a public participation funding program at the present time. This Commission has, however, allocated funds and staffing to the Office of the Special Counsel to ensure that the public's interest is fully represented in all ICC proceedings.

The Special Counsel conducts outreach activities to encourage and facilitate direct public participation in the administrative process. In cases where consumers are unfamiliar with ICC proceedings, the Special Counsel locates, notifies, and helps consumers with administrative procedures and the merits of the proceeding so that the consumer can make his views known.

Consumer complaints and suggestions are used by the Special Counsel to formulate a position reflecting the public interest in a proceeding. The staff of the Office of Special Counsel is available at Commission conferences, administrative law judge hearings, and informal staff conferences throughout the Nation to help consumers understand the purpose of the meeting, how they may participate, and the administrative procedures under which the Commission must operate.

In view of the foregoing, no revision will be made in our Final Consumer Program to reflect funding for consumer participation.

INFORMATIONAL MATERIALS

Comments were received which stated that the ICC should develop more pamphlets and brochures that are of interest to the consumer, and that our informational materials should cover a wider range of areas (not just the moving industry).

The Office of Consumer Protection will make an assessment of the information needs of consumers to determine in which areas our informational program should be expanded. Brochures, pamphlets and press releases will be issued to rectify any inadequacies that exist. Steps will also be taken to assure that these publications are broadly disseminated to interested consumers and consumer groups. This information has been incorporated into our Final Consumer Program.

The comment received from the Association of Media Producers (AMP), the national trade association which represents producers and distributors of educational audiovisual materials, informed the Commission that if it intends to make use of audiovisual materials, it should do so in accordance with OMB Circulars A–76 and A–114. OMB Circular A–76 establishes the Federal government's policy to rely on the private sector for needed goods and services and OMB Circular A–114 prescribes policies and procedures for improving the management of Federal audiovisual activities.

Any audiovisual materials and/or equipment of any type used in connection with the Commission's consumer program will be acquired in accordance with all applicable Federal requirements. This information will not be included in our Final Consumer Program.

EDUCATION AND TRAINING

The Interagency Consumer Affairs Council suggested that the Commission's non-consumer personnel receive training regarding the ICC's consumer affairs activities.

The Director of the Office of Consumer Protection will take the necessary steps to inform the Heads of all ICC Bureaus and Offices as to the requirements of the President's Executive Order No. 12160 and about the functions the new Office will perform to comply with this order. This will be done by use of Newsletters, brief memoranda, etc.

In an effort to make ICC managers more sensitive to the needs and interests of consumers, the Director of OCP, in coordination with the National Training Center, will assure that pertinent information concerning E.O. 12160, and the Commission's consumer activities, are covered in all on-going and future management courses. The Final Consumer Program has been revised to reflect this information.

One comment was received which stated that the training requirements for the Headquarters consumer staff are well-met, but that there was no mention in the draft program as to what training, if any, is provided to the Regional staff. Actually, the draft consumer program included the nature of the training that is provided personnel of the Regional Complaint Centers. In fact, the complaint handlers at our regional and sub-regional offices receive the same training and attend the same classes as the Headquarters complaint handling staff. This is done to ensure uniformity, consistency and quality in our complaint handling system.

The draft consumer program made reference to a 3-day training course which is provided for the consumer assistance staff in Washington. This training is especially designed for our consumer representatives who staff the Commission's nationwide toll-free hotline which is located at our ICC Headquarters in Washington. The course consists of very specialized training and covers such areas as answering inquiries that are of a general nature, identifying specialized consumer assistance responsibilities of personnel of OCP, computer operations, public relations, telephone effectiveness, and other areas that are common only to the hotline operators. This area has been clarified in the Final Consumer Program.

COMPLAINT HANDLING

Comments were received which stated that our draft consumer program provides for receiving, logging, referral and retention of complaints, but does not provide for handling complaints or responding to inquiries.

The Commission's current procedures for handling complaints provide for the systematic logging, handling and responding to consumer complaints and/or inquiries, and for integrating the analyses of complaint data into the development of Commission policy.

One interested party inquired as to what constitutes an "emergency hardship" complaint and/or inquiry, and expressed concern relative to the timeliness of responses to consumers. The party also inquired as to how non-emergency complaints and/or inquiries are handled.

An "emergency hardship" complaint or inquiry relates to a situation which, if the matter is not resolved within 96 working hours, the complainant will suffer irreparable harm by a delay in handling. These callers generally receive callbacks from qualified complaint handlers within two (2) working hours from receipt of complaint or inquiry.

Many non-emergency complaints and/or inquiries relate to claim matters, loss and damage, inconvenience, overcharge, etc. These calls are generally handled in the order of receipt.

The American Movers Conference stated that our draft program indicated that immediate responses are provided to tariff interpretation questions which are received from the unsophisticated consumer. However, the Commission has advised AMC that these inquiries must be put in writing. Our consumer hotline is staffed with trained Consumer Representatives who, in many cases, help the caller without referral to a specialist in complaint handling. Many general questions, including inquiries concerning tariff rules, are immediately answered by these Consumer Representatives. However, where there is a need for the charges to be audited, callers are advised to forward all shipping documents to the Commission for thorough review. In instances where the examination of shipping documents or an authoritative interpretation is required, callers are requested to provide sufficient information, in writing, to enable a tariff specialist to render an informal opinion on the tariff question.

The American Movers Conference questioned the accuracy of the statistical data gathered through our consumer activities program. Our statistical compilations are based upon complaints received by this Commission and not on the number of times Commission personnel call the carrier. An example of this would be where a consumer complains to the Commission about a substantial increase in the actual charges of a household goods shipment over the estimated charges. While estimates are not binding, and the Commission may not contact the carrier with respect to the matter, the call is entered into our computer system and is included in our data base as a complaint against the carrier. These statistics are also used to determine in what areas revisions in the regulations are needed. This information has not been included in our Final Consumer Program.

In addition to the aforementioned specific comments, several miscellaneous comments were received which were either contained in general statements that were sent to all Federal agencies and refer to matters that have been adequately addressed in our draft program, or refer to matters that are not applicable to this Commission.

Summarily, the ICC's Final Consumer Program contains many additions, clarifications and changes which were suggested in the comments we received on our draft program. These changes include: a complete revision of our consumer affairs perspective to reflect the creation and functions of the new Office of Consumer Protection; expansion of our present informational program to cover broader areas of the transportation marketplace; a description of the steps that the Director of the Office of Consumer Protection will take to inform all Commission personnel regarding the President's Executive Order No. 12160 and the Commission's consumer activities; and clarifications of several areas of our complaint handling procedure.

Some suggestions that were received which were not incorporated into the Final Consumer Program are funding

for travel and miscellaneous expenses incurred by consumer and consumer groups for participation in ICC policy decisions and the use of audiovisual equipment in accordance with OMB Circulars A–76 and A–114.

SECTION I. CONSUMER AFFAIRS PERSPECTIVE

Staff Location

The Interstate Commerce Commission's consumer affairs personnel are located in the Office of Consumer Protection (OCP), a first level unit in the Commission's organization. However, because of the recent reorganization and consolidation of Commission functions, and the creation of the new Office of Consumer Protection, an organizational chart which shows OCP's placement within the Commission has not been completed. The attached organizational chart, Attachment A, reflects the structuring of the new Office of Consumer Protection.

The Director of the Office of Consumer Protection and his Headquarters staff are located on the 7th Floor of the Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C. 20423. OCP also has field offices in 48 States, including six (6) regional complaint centers which are located in Boston, MA; Philadelphia, PA; Atlanta, GA; Chicago, IL; Fort Worth, TX; and San Francisco, CA; and three (3) subregional complaint centers which are located in New York, NY; Los Angeles, CA; and Seattle, WA.

Size and Resources

The Office of Consumer Protection currently has a staff of 650 people, 484 of whom are professional and technical employees and 166 are administrative and clerical support persons, including temporary and part-time personnel. This new Office is the largest single office or bureau in the Commission and is responsible for the Commission's consumer, compliance and enforcement programs.

The staff of OCP is comprised of Attorneys, Economists, District Supervisors, Transportation Specialists, Special Agents, Investigators, Program Analysts, Auditors, Railroad Service Agents, Transportation Industry Analysts, Research Assistants, Consumer Representatives, Transportation Consumer Specialists, and Transportation Assistants who have expertise in various areas and modes of surface transportation. The Office of Consumer Protection consists of the following components:

- Office of the Director which implements and monitors training, budgetary, personnel, and administrative management;
- Section of Policy Development and Coordination which develops and evaluates the nationwide consumer protection, compliance, and service programs;
- Section of Consumer Assistance which operates the national complaint system and formulates a national compliance program;
- Section of Enforcement which implements the ICC's consumer protection program, with concentration on transportation industry practices which harm the transportation system, the marketplace, or users of transportation services.
- Regional and field offices in 48 states.

Responsibilities and Functions

The Director of the Office of Consumer Protection has been designated by the Chairman as the senior level employee who will provide leadership, coordination, policy direction, and oversight for the Commission's consumer affairs activities. The Director of OCP, who reports directly to the Chairman, will be responsible for implementing provisions of the President's Executive Order No. 12160, which provides for the enhancement and coordination of Federal Consumer Programs, and for eliminating inconsistencies in this Commission's consumer affairs activities.

The Office of Consumer Protection's responsibilities and functions include, but are not limited to:

- Apprising the Chairman of the potential impact on consumers of policy initiatives under development or review by the Commission;
- Advising the President's Office of Consumer Affairs on the Commission's consumer programs, policies and initiatives;
- Initiating proposals to revise, update, and amend Commission policies, rules, and programs which affect consumers;
- Taking part in ICC proceedings, to assist in the development of facts and issues on behalf of consumers;
- Providing for systematic loggings, referring, handling and responding to consumer complaints and/or inquiries, and for integrating the analyses of these complaint data into the development of Commission policy;
- Developing and implementing, in coordination with the Office of Communications, a comprehensive consumer informational program which is designed to keep the public informed of Commission actions which affect individual consumers;
- Ensuring that carriers are properly responsible to the shipping and traveling public in case of loss or damage;
- Requiring common carriers to fullfill their common carrier obligation to everyone who wishes to purchase transportation, thereby ensuring that small towns and communities receive adequate services;
- Maintaining close liaison with the activities of railroads, trucking companies, bus lines, water carriers, freight forwarders, and rate bureaus to insure that these industries operate in compliance with ICC policies;
- Investigating all aspects of the surface transportation industry and, where appropriate, institutes civil injunctive actions, administrative proceedings, or refers the matter to a United States Attorney or to the Department of Justice for criminal prosecution.

Relationship With Other Consumer Personnel

The Director of the Office of Consumer Protection has the leadership role in matters relating to consumer protection and serves as the Chairman's coordinator and focal point for all Commission consumer affairs activities. The Director of OCP and his staff work and maintain a close liaison with personnel of the Office of Special Counsel and the Small Business Assistance Office in an effort to ensure that individual consumers, consumer groups, small shippers, owner-operators, new entrants and minority truckers are represented in the administrative process.

The Office of Consumer Protection also assists Congressional staff members in handling consumer complaints, answering consumer inquiries, and providing informational materials to their constituents.

Participation in Development and Review of Agency Rules, Policies, Programs and Legislation

The Office of Consumer Protection initiates many proposals to revise, update and change Commission policies, rules, and programs which affect consumers. In order to keep apprised of those actions not initiated by this Office, the Director of OCP participates in weekly management meetings chaired by the Commission's Chairman which are designed to ensure that ICC officials are aware of plans to change, initiate, or review rules, programs and policies.

The Office of Consumer Protection reviews all drafts of policy statements and notices of proposed rulemaking to respond to the decisionmaking process. OCP also reviews and comments upon proposed legislation that is being formulated by the Commission and that has been introduced and on which the Commission has been asked to testify in Congressional hearings. In both cases, the Director of OCP has an opportunity to comment prior to completion of the Commission's legislative package and testimony and, whenever necessary, appears before Congressional committees to answer or assist in answering technical questions.

The Office of Consumer Protection also has the authority to institute enforcement cases, to seek assessments of civil penalties for violations, and participate in other proceedings before the Commission.

SECTION II. CONSUMER PARTICIPATION

Responsible Staff, Its Purpose and Functions

To ensure that the public's interest will be fully represented in ICC proceedings, this Commission, in November 1978, established the Office of Special Counsel. The Office is staffed with professionals and paralegals which have particular expertise in administrative law procedures and consumer issues related to various areas of the transportation marketplace, especially those regulated by the ICC.

When the Office of Special Counsel was created in 1978, to work exclusively on non-rail matters, eight (8) positions were authorized. However, with the recent abolition by Congress of the Office of Rail Public Counsel, the Special Counsel will be involved in rail proceedings, and its staff will increase to 12 positions.

The Special Counsel's principal responsibility is to aid in determining the public's interest in proceedings before the Commission, including formulation of agency rules, policies, programs, and legislation. This Office formulates a complete record by developing evidence on the public's interest, generating public participation in cases before the ICC, and counseling consumers and public representatives on transportation issues and the administrative process.

The Office of the Special Counsel will work closely with Commission personnel who perform consumer-oriented functions. For example, when the Office of Consumer Protection schedules informal public conferences to explore possible changes in the Commission's consumer regulations, the Special Counsel will assist consumers, individuals, or groups, in presenting their views.

The Bureau of Traffic, which reviews rates and charges of interstate transportation companies, will furnish the Special Counsel with information on certain proposed transportation rate and rule changes that have possible adverse consumer impact, in order to give the Special Counsel an opportunity to provide appropriate input to the decisionmaking process on rate and other matters which affect consumers.

The Special Counsel's primary mission is to assist both the Commission and the public by ensuring that the Commission has a complete record before it, complete from the public's viewpoint, so that it will be able to make a fully-informed decision. The Special Counsel will perform its mission primarily by:

- participating in appropriate Commission proceedings;
- petitioning the Commission to institute rulemakings and other proceedings in matters of public interest;
- counselling and assisting members of the public in obtaining information, dealing with the Commission and its complex regulatory procedures, and complying with the Commission's rules and regulations;
- assisting the Commission in ascertaining the public's viewpoint to incorporate consumer concerns in the preparation of Congressional testimony, policy formulations, and proposed legislative packages;
- acting as a "suggestion box" where members of the public can easily channel ideas relating to the public's interest; and
- representing consumers, individuals, and groups, or other parties who may have been unjustly treated by an ICC-regulated company or industry.

In its efforts to generate a balanced record in Commission proceedings, the Special Counsel will act either in an outreach capacity, as a participant or a combination of both. The "outreach" function includes locating, notifying, and assisting consumers, small businessmen, and other persons not familiar with Commission procedures, to enable them to make their views known effectively, either in formal written comments, or orally at hearings. The "participatory" role places the Special Counsel in the posture of a party to a formal Commission administrative proceeding. Frequently, the Office will be a party at the same time it performs an outeach service. For example, it will obtain testimony (either oral or written) from individual consumers and incorporate that testimony into the Office's case to be presented to the Commission.

The most significant criterion for the Special Counsel's involvement in cases before the Commission is whether important public viewpoints will be represented without participation by the Special Counsel. The Office's goal is to ensure that the interests of parties who have a very real stake in the outcome of the proceeding are adequately represented. For example, in proceedings involving the household goods moving industry, which the ICC regulates, many individuals move only once or twice in a lifetime and have neither the expertise nor the incentive to intervene formally in an ICC proceeding. However, their moving experiences, taken as a group, can provide the Commission decisionmakers with valuable guidance in making necessary changes to the rules and regulations governing the interstate moving industry. Also, passengers of the intercity bus industry are generally the young, the old, and the poor, and are not usually capable of represetning themselves in cases such as major rate changes.

The general consuming public is greatly affected by the trucking and railroad industries because the cost of transportation is a factor in the retail price of many goods. Since no effective consumer group regularly participates in major motor or rail carrier proceedings before the Commission, the Special Counsel is charged with ensuring that the public's interest is represented.

Participation in Development and Review of Agency Rules, Policies and Programs

The Special Counsel will have input at all stages of the decisionmaking process to Commission rules, policies, and programs. In order to keep apprised of all opportunities to participate in agency proceedings, the Special Counsel will attend weekly management meetings chaired by the Commission's Chairman which are designed to ensure the ICC officials are aware of plans to change, initiate, or review rules, programs, and policies.

The Special Counsel will review all draft notices of proposed rulemaking. The Office may also petition the Commission to institute rulemakings or other proceedings in matters of public interest. Policy statements will be reviewed in draft, and the Special Counsel may comment on the draft. The Special Counsel also will review and comment upon proposed legislation which is being formulated by the Commission and that has been introduced, and on which the

Commission has been asked to testify in Congressional hearings. In both cases, the Special Counsel will comment from a consumer and public interest point of view prior to completion of the Commission's proposed legislative package and testimony.

Avenues of Participation

The Special Counsel, in coordination with the Commission's Office of Communications, will take affirmative action to ensure that consumers are notified of opportunities to participate in agency decisionmaking. Press releases will be targeted to consumer reporters nationwide, or to specific locales if the particular Commission action has a regional rather than nationwide impact. Television and radio public service announcements will be used to encourage consumer contacts with the Special Counsel when that Office is attempting to obtain evidence in particular rulemakings or cases.

Consumers who have written or telephoned the Commission with complaints or suggestions will be individually contacted by the Office or Special Counsel through letter or telephone campaigns when their contributions could be valuable to the record in a particular proceeding. Similarly, consumer representives known to be interested in transportation issues will be notified by the Office of Special Counsel concerning appropriate proceedings. Also, the Special Counsel will have staff available at many Commission conferences, Administrative Law Judges' hearings, and informal staff conferences throughout the Nation to assist individual consumers and groups in understanding the purpose of the meeting or hearing, how they may participate or have their views included, and the administrative procedures under which the Commission must operate.

Notification of these conferences, hearings, and meetings will be made through the Office of Communications which prepares press releases or media announcements for nationwide dissemination, and which makes available to consumers who request to be placed on the mailing list a weekly calendar of Commission events. Also for each Commission conference, oral argument before the Commission, and informal staff conference, the Office of Communications will prepare a complete public information kit which describes the agenda items, options available to the Commission, background information on specific cases which will be discussed, and general ICC information.

Staff-conducted informal conferences is another avenue which the Commission provides to consumers who wish to participate in the formulation of ICC programs, policies and rules. These conferences will be scheduled upon recommendations by senior program officials on subjects that have a direct consumer impact.

For example, the Office of Consumer Protection has specific oversight responsibility for the Commission's regulation of the interstate moving industry. To initiate a review of the regulations through which the ICC supervises the moving industry, the Commission recently scheduled a series of informal conferences in five cities across the Nation. The conferences were designed to provide a forum in which consumers and industry representatives could address necessary changes to the way in which the ICC regulates the moving industry.

All informal conferences will be publicized by the Office of Communications, using press releases with nationwide dissemination, radio and television public service announcements, and wire service reports. The Office of Special Counsel will also contact public and consumer representatives to interest them in participating in such events.

Administrative Procedures for Consumer Comment

All major policy and rule changes are made available to the public for comment in the form of draft policy statements or notices of proposed rulemaking. These are published in the **Federal Register.** Press releases will continue to be issued announcing the proposals and encouraging all interested persons to submit written comments, in accordance with the Administrative Procedures Act. The Office of Special Counsel will also notify consumer representatives of proceedings with public impact.

SECTION III. INFORMATIONAL MATERIALS

This section outlines the current proposed procedures for production and distribution of materials to inform consumers about: (1) the ICC's responsibilities and services, (2) procedures for consumer participation in ICC proceedings, and (3) the transportation marketplace.

Needs Assessment and Information Plans

The Office of Consumer Protection will study the need for consumer information about the agency's responsibilities and services, procedures for consumer participation, and the transportation marketplace. The Director will report directly to the ICC chairman on consumer informational needs, identifiable constituent groups, current materials assessment, information dissemination strategies, and new methods of outreach. Other issues to be considered include methods for determining goals and priorities; coordination of actions with the Consumer Affairs Council; coordination with other Federal agencies with similar missions; mechanisms for monitoring progress; budget and staff resources; timeliness for producing informational materials; and methods of evaluating adequacy of plans.

Constituent Groups

The Commission's present consumer program considers various constituent groups and their informational needs when planning dissemination of consumer materials.

The Commission will continue to identify the specific constituent groups which should be reached with consumer information.

Some of the constituent groups that have been identified to date are:

- the general public;
- consumers and public/consumer representatives;
- small truckers, small shippers, independent owner-operators, minority truckers, new entrants in the transportation business;
- consumers moving their household goods interstate;
- interstate bus and train travelers; and
- users of rail freight transportation.

Outreach Methods

The Office of Consumer Protection will work with the Office of Communications to ensure that outreach and communications programs are effectively planned and implemented. The ICC will continue to produce brochures, press releases, video tape presentations, press conferences, articles for publication in periodicals and journals, fact sheets, and consumer briefings.

Radio and television public service announcements have been produced to inform consumers of assistance available from the ICC. Television and radio public service announcements currently in circulation deal with the household goods industry and encourage consumers to contact the Commission's toll-free "hotline" if they encounter a problem with an interstate move. These announcements, which have a five-year shelf life, have been disseminated to the major media markets in the country.

have been targeted to areas where moves are concentrated, and are redisseminated each year just prior to the spring/summer peak moving season.

Efforts are also made by the agency to place the Chairman, Commissioners and staff on public affairs media programs often in conjunction with a speaking engagment outside Washington, D.C.

A consumer toll-free "hotline" which is in operation seven (7) days a week, 24 hours a day, is a critical component of the ICC's complaint handling system. The "hotline" is staffed by qualified Consumer Representatives during regular working hours and connected to a sophisticated code-a-phone system during non-working hours.

Small Business Assistance Workshops designed to help small businesses in their dealings with the ICC and the transportation industry have been held in six major cities and informal conferences have been conducted nationwide to review railroad freight car shortages and ICC regulations of the moving industry. Opportunities for other consumer-oriented workshops, educational forums and town meetings will be considered.

The Office of Special Counsel consistently informs public and consumer representatives, as well as individual consumers, of Commission proceedings and programs that are of interest or assistance to consumers.

Assessment of Current Materials

The Commission has available a publication—In the Public Interest—which outlines the responsibilities of the ICC. It serves as a historical document and lists some of the services that are provided by the ICC but not extensively. The brochure will be republished by the close of the fiscal year, with a concentrated emphasis on available services.

The Commission's Annual Report to Congress, published each April, includes actions taken during the preceding fiscal year to assist and protect consumers.

A series of Public Advisories has been published to advise the consumer on various aspects of the transportation marketplace. These advisories cover a wide range of subjects including: transportation of small shipments; filing of loss and damage claims; how to enter the trucking business; and rights, responsibilities, and remedies of the independent truck driver.

The ICC also widely distributes an informational booklet dealing with consumers' rights when moving their household goods interstate. This publication, which the agency requires movers to give to their prospective customers, also contains a consumer questionnaire which assists the ICC in resolving problems in household goods moving. This booklet is presently being updated.

Each year, the ICC publishes two performance reports on the 20 largest interstate moving companies. These reports are designed to assist consumers in selecting a moving company. Information in these reports is derived from: (1) the performance reports filed by moving companies with the ICC; and (2) complaint data information received through the ICC's consumer assistance program.

The Commission also publishes a weekly calender of upcoming events—public hearings and speeches—and a biweekly review of major ICC actions. These publications are disseminated to consumers who request to be on the mailing list.

The Office of Consumer Protection will analyze the effectiveness of current consumer information materials and develop a coordinated information program, with production schedules for new and revised materials and dissemination plans. Our informational program will be expanded to include a wide range of areas over which this Commission has jurisdiction.

All agency reports and publications will be reviewed to ensure that they are written in plain, easy-to-understand English rather than technical, legalistic language.

Public Materials for Open Meetings

For each public meeting of the ICC Commissioners, the Office of Communications issues a notice one week prior to the meeting announcing the day, time, location, agenda items, and staff information sources on the subject of the meeting. The notice is posted and distributed to the public and is run on the wire services and delivered to major media.

Additionally, a background information kit is prepared for public dissemination at the meeting. The kit includes the meeting agenda, a summary of the issues and options to be discussed by the Commission, related Commission decisions and/or reports, a listing of Commissioners who will participate in the meeting, and any other relevant information.

Staff from the Office of Communications, Office of Special Counsel and the legal and program offices are generally available at public meetings to answer questions or explain items discussed by the Commission.

For informal meetings conducted by ICC staff, similar background information packages are prepared whenever appropriate. Generally, press releases, rather than public notices, are issued to announce these informal meetings, and if the subject matter of the meeting has particular consumer impact, the Office of Special Counsel will initiate letter and telephone campaigns to solicit consumer and public representation at the meeting.

SECTION IV. EDUCATION AND TRAINING

Educating ICC Staff about Executive Order No. 12160

The Director of the Office of Consumer Protection will inform Heads of all Bureaus and Offices regarding the requirements of the President's Executive Order No. 12160, and about the functions OCP will perform to comply with the Order. This will be done by use of Newsletters, brief memoranda, etc.

To make ICC managers more sensitive to the needs and interests of consumers the Director of OCP, in coordination with the National Training Center, will assure that pertinent information concerning E.O. 12160 and the Commission's consumer activities are covered in all on-going and future management courses.

Specialized Training for ICC Consumer Personnel

The Office of Consumer Protection, in coordination with the National Training Center, will provide training to its consumer affairs personnel. Future training will also cover the policies embodied in Executive Order No. 12160.

Two (2) courses, which are to be conducted periodically have been designed to ensure effective consumer assistance. They are:

- *Consumer Assistance Center Training:* This 3-day course is designed for Consumer Representatives who staff the Commission's nationwide toll-free hotline which is located at our ICC headquarters in Washington, D.C. The course consists of very specialized training and covers such areas as answering inquiries that are of a general nature, identifying specialized consumer assistance responsibilities of personnel of the Office of Consumer Protection, computer operations, public relations, telephone effectiveness, and other areas that are common to hotline operators.
- *School for Transportation Consumer Specialists:* This training, consisting of two 1-week sessions, is designed for all personnel of the Office of Consumer Protection, both at Headquarters and our regional and subregional offices who

handle complaints and respond to technical inquiries. The purposes of the training are to better qualify recently appointed employees to handle ICC-related consumer complaints and inquiries; to upgrade the performance of experienced employees in dealing with consumers; to provide for uniform interpretation of ICC rules and regulations; and to ensure uniformity, consistency, and quality in complaint handling system.

Because effective communications play a vital role in ensuring that consumers understand ICC rules, policies, programs, and legislation, the ICC conducts two communications training programs for Commission employees:

• *Public Information Training Seminars:* These 1-day seminars are designed to introduce Washington and regional employees to methods of effectively disseminating clear, concise information on ICC activities. The seminars focus on dealing with the media, including consumer reports.

• *Effective Writing Workshop:* These 1-day workshops are held monthly for all ICC employees to improve the format, style, and clarity of Commission documents. The intent is to encourage substitution of plain English for the archaic, legalistic language too often used by Government.

Technical Assistance

The Office of Consumer Protection will respond to written and telephonic technical inquires on various areas of the transportation marketplace. Assistance from OCP includes informational materials on technical issues and direct communication with consumers through the nationwide toll-free hotline system.

The Office of Special Counsel will answer procedural and legal questions which relate to ICC proceedings, and will assist consumer groups in the preparation of formal documents, e.g., complaints, interventions, comments, to be filed in cases before the Commission. All consumers, individuals or groups, will be assisted upon request.

The Small Business Assistance Office (SBAO) will provide technical and legal assistance to a specific constituency of consumers—small businesses, minority truckers, new entrants, small shippers, and small carriers. SBAO's technical assistance includes production of brochures explaining ICC procedures; direct communication, both in person and via telephone, with persons needing assistance; and help in preparing applications and other formal documents to be filed with the ICC. Additionally, this Office will analyze the changing problems and concerns of small business and will plan and design recommended programs, both inhouse projects and public outreach forums, to meet identified needs. Any person or organization which considers itself a small business will be assisted.

SECTION V. COMPLAINT HANDLING

The Interstate Commerce Commission's procedures for handling complaint provide for systematic logging, investigating, and responding to consumer complaint and/or inquires and for integrating the analyses of these data into the development of Commission policy.

SUMMARY OF COMPLAINT HANDLING PROCEDURES

A fully automated complaint handling system became effective at the Interstate Commerce Commission on October 1, 1979, and provides for the following:

• Establishment of a National Consumer Assistance Center (Section of Consumer Assistance, Office of Consumer Protection) with expanded toll-free "hotline" telephone capabilities which has services available to the public seven (7) days a week, 24-hours a day; (The "hotline" is staffed by qualified Consumer Representatives during regular working hours and connected to a sophisticated code-a-phone system during non-working hours.)

• Establishment of six Regional Consumer Assistance Centers and three subregional centers;

• Complaint and inquiry information to be placed in a computerized system upon receipt;

• Computer capability, for both national and regional centers, for input referral, and updating complaint data;

• "Emergency hardship" complaints and inquiries to be immediately handled by the National Complaint Center;

• Non-emergency complaints and inquiries other than those of a routine nature, to be handled by the regional or subregional office which has supervision over the area in which the regulated transportation carrier is domiciled.

• A random sampling procedure to contact complainants in order to evaluate system, and to determine the level of consumer satisfaction.

PUBLIC AWARENESS OF COMPLAINT HANDLING PROCEDURES

The Office of Consumer Protection will be responsible for heightening public awareness of the ICC's receptivity to consumer complaints and inquiries.

This Office, in coordination with the Office of Communications, will initiate public awareness programs to educate the consumer of the Commission's mission and the assistance that is available to the public. This program will include, but will not be limited to, the issuance of pamphlets, press releases, and radio and television public service announcements which "advertise" the services provided by the Commission and the means to contact the agency. The Office will also contact consumer groups to ensure their awareness of the role the Commission plays in handling consumer complaints.

All "educational" material will advise consumers to contact the Commission's toll-free "hotline", which is 800–424–9312 when they have complaints or inquiries. This "hotline" is maintained by the Section of Consumer Assistance, Office of Consumer Protection. The consumer who wishes to write relative to his/her complaint will be advised to write to the Section of Consumer Assistance, Office of Consumer Protection, Room 7310, Interstate Commerce Commission, Washington, D.C. 20423.

Complaint Receiving, Logging, Handling and Referral

A. *Complaints or inquiries received on the "hotline."* The initial telephone contact and referral action is an essential element to the overall success of the complaint handling system. Immediately upon receipt, pertinent and specific information on the complainant and the complaint will be captured and entered into a sophisticated computer program to ensure timely and accurate referral, handling and response.

If the complaint and/or inquiry is of an "emergency hardship" nature, it receives immediate action, and is handled by the National Complaint Center. An "emergency hardship" complaint or inquiry relates to a situation which, if the matter is not resolved within 96 working hours, the complainant will suffer irreparable harm by a delay in handling. These complaints and inquiries include, but are not limited to, the following examples:

• Complainant at origin residence is unable to obtain pickup information from a household goods carrier.

• Complainant at destination residence is unable to obtain delivery information from a household goods carrier.

• Complaint received by telephone that household goods carrier is refusing to unload at residence without full payment of freight charges in lieu of 110 percent of estimated charges, and shipper inquires about his or her rights.

• Passenger carrier is refusing to provide assistance to handicapped passenger.

• Telephone complaint from shipper that he or she is unable to obtain motor carrier service for a specific shipment which requires immediate movement and which has been refused by a carrier.

• Complaint from shipper that driver is refusing to allow consignee to note obvious damage on delivery receipt.

• Complaint from owner-operator where he or she is not permitted to load or unload shipment unless he or she uses and pays a "lumper."

• A situation in which a shipment is "captive" or delayed because of a dispute between a driver and carrier.

• Carrier is failing to promptly provide switch service to industry or branch line.

• Rail cars delayed in transit and complainant is unable to obtain information regarding status of shipment.

Non-emergency complaints and inquiries that are of a highly technical nature will be referred to the regional or subregional office which has jurisdiction over the area in which the carrier is domiciled. Routine inquiries, however, will be answered by consumer representatives who staff our toll-free consumer hotline.

B. *Complaints or inquiries received by telephone in the regional centers.* There are six (6) regional complaint centers: Boston, MA; Philadelphia, PA; Atlanta, GA; Chicago, IL; Fort Worth, TX; and San Francisco, CA., and three (3) Subregional centers: New York, NY; Los Angeles, CA; and Seattle, WA.

When "emergency hardship" complaints or inquiries are received in one of these offices, consumers will be encouraged to call the toll-free consumer hotline in the National Complaint Center so that the matter will be given immediate attention by a complaint handler who has expertise in this area. If a consumer objects to calling the hotline, a staff member will develop pertinent data, input the data into the computer system and refer the complaint via computer to the National Complaint Center in Washington for immediate handling. On occasion, "emergency hardship" complaints will be pursued locally if the complaint center supervisor considers this to be the best course of action.

When non-emergency complaints or inquiries are received which involve carriers domiciled in the region or sub-region receiving the call, the receiving office will handle the matter to conclusion. If the call is of a non-emergency nature and involves a carrier outside the receiving region or sub-region, the matter will be referred by computer to the appropriate center.

C. *Written complaints or inquiries received in Washington.* Written complaints and inquiries which are received in the Office of Consumer Protection will be referred and responded to by staff members who have expertise in the subject matter.

D. *Written complaints or inquiries received in regional or subregional centers.* All written complaints or inquiries that are received in regional or subregional complaint centers which involve carriers domiciled in the region or sub-region receiving the correspondence, will be handled to conclusion by the receiving office. If complaints or inquiries are received which involve carriers that are domiciled outside the receiving region or sub-region, the correspondence will be acknowledged by the receiving office and the file forwarded to the appropriate complaint center for handling and response.

Tracking of Complaints

A tracking process will be used to ensure that complaints are handled and responded to expeditiously, and to prevent errors from occurring in our automated complaint handling system. To accomplish this, a computerized "Complaint Assistance Report" will be prepared for each complaint received which includes such information as a control number; the date and time the complaint was received; the name, address and telephone number of the complainant; the name and address of the carrier; a statement regarding the nature of the complaint; whether the complaint is an "emergency hardship" or non-emergency; etc.

When the complaint has been resolved, the computerized "Complaint Assistance Report" will be updated to reflect the type of violations discovered; the name of the complaint handler who closed the complaint; the date the complaint was closed; and the time it took the complaint handler to handle the complaint. These reports will be used to provide the Office of Consumer Protection with such data as the number, types and patterns of complaints received; the status of pending complaints; how complaints were handled to a conclusion; and the number of complaints received against particular carriers. The computer program has been designed so that these data can be retrieved in any of the aforementioned categories.

Responding to Complaints

A. Written complaints and inquiries which are received from the general public will be acknowledged within two (2) working days after receipt unless the complaint handling can be concluded earlier.

B. Telephone "emergency hardship" complaints or inquiries will receive immediate handling and the caller will generally receive a call back from a qualified complaint handler within two (2) working hours from the time of receipt of the complaint or inquiry.

Non-emergency telephone complaints and inquiries generally will be disposed of by callbacks to callers in the order calls are received.

Statistical Reporting and Analysis of Complaints

The implementation of the Commission's new computerized complaint handling system provides for the logging, referral, handling, responding to, and the analyzing of consumer complaints. The analyses of these compliant data will be used by the Office of Consumer Protection as a basis for the development of Commission policy.

Evaluation of the Complaint Handling System

Complainants, through a computerized random sampling procedure, will be periodically contacted by personnel of the Office of Consumer Protection for purposes of evaluating the Commission's complaint handling system and to determine the level of complainant satisfaction with the Commission's responsiveness.

SECTION VI. OVERSIGHT

The Commission's Chairman has designated the Director of the Office of Consumer Protection as the senior level official who will provide leadership, coordination, policy direction, and oversight for the Commission's consumer affairs activities. The Director of OCP will be responsible for ensuring that the Commission's consumer program is effectively implemented and for eliminating duplication and inconsistency in our consumer activities.

The Director of the Office of Consumer Protection will report directly to the Chairman of the Commission and will appraise him of the potential impact on consumers of policy initiatives under development of review by the Commisison.

SECTION VII. AGENCY CONTACTS

The top level designee for the Commission's consumer affairs program is Mr. Joel E. Burns, Director of the Office of

Consumer Protection (OCP), Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C. 20423. Director Burns may be reached by telephone on (202) 275–7849.

Director Burns is in a position to answer questions and/or provide information relative to all matters which relate to the President's Executive Order No. 12160, this Commission's consumer affairs activities, and the functions and responsibilities of the Office of Consumer Protection. However, it is suggested that questions concerning the Commission's consumer informational program, our computerized complaint handling system, the furnishing of technical and legal assistance to consumers, and general questions concerning the transportation marketplace, be directed to OCP's Section of Consumer Assistance, which is located in Room 7310 of the ICC Building. This Section operates OCP's nationwide toll-free "hotline" system, and provides a number of consumer services to the public. The toll-free telephone number is 800–424–9312.

Questions concerning consumer participation in specific proceedings before the Commission, including the formulation of agency rules, policies, programs, and legislation, should be directed to the Office of the Special Counsel, Room 2118 of the ICC Building. Personnel of the Office of Special Counsel may be reached by telephone on (202) 275–7411.

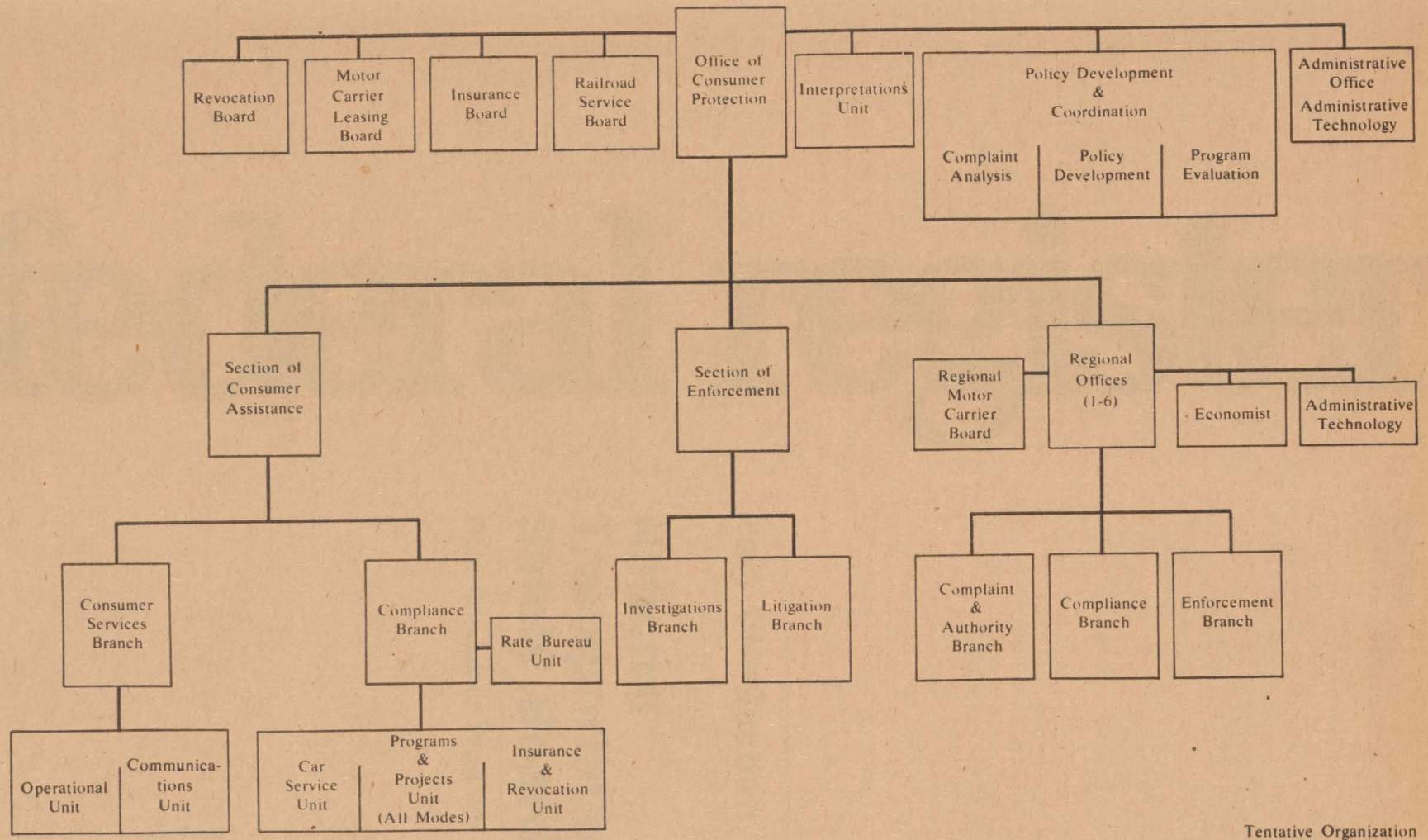
Dated: May 16, 1980.

Agatha L. Mergenovich,

Secretary.

BILLING CODE 7035-01-M

OFFICE OF CONSUMER PROTECTION ORGANIZATION



Tentative Organization
April 15, 1980

[FR Doc. 80-16418 Filed 6-06-80; 8:45 am]
BILLING CODE 7035-01-C

federal register

Monday
June 9, 1980

Part VI—Section C

National Transportation Safety Board

Final Consumer Program

NATIONAL TRANSPORTATION SAFETY BOARD

Final Consumer Program

AGENCY: National Transportation Safety Board.

ACTION: Final Consumer Program.

SUMMARY: This Final Consumer Program is being published by the National Transportation Safety Board (NTSB) in support of the objectives of Executive Order 12160, Providing for Enhancement and Coordination of Federal Consumer Programs. The NTSB is exempt from the provisions of Executive Order 12160. However, to assure that information about the NTSB is included in the body of published information on Government consumer programs, the NTSB is publishing the elements of the NTSB program that fall within the scope of the Executive Order.

EFFECTIVE DATE: July 9, 1980.

ADDRESS: National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

FOR FURTHER INFORMATION CONTACT: Director, Office of Public and Government Affairs, Room 808, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594, telephone (202) 472-6100. Office hours are from 8:30 a.m. to 5: 00 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: The primary area of concern with respect to the NTSB's draft Consumer Program as published at 44 FR 71352, December 10, 1979, was an inability to fully understand the operation of the NTSB Program. This Final Consumer Program, therefore, incorporates the several meaningful submissions of individual consumers and consumer groups concerning the initial notice, and outlines more specifically how the NTSB will consider carrying out its consumer concerns in functions.

INTRODUCTION

The NTSB is an independent agency with responsibility for the investigation of transportation accidents and other safety problems in five modes of transportation which are regulated by other agencies of the Federal Government. In accomplishing this function, the NTSB:

1. Investigates and determines the facts, conditions circumstances, and the cause or probable cause of:

(a) All civil aviation accidents and certain incidents which involve previously identified safety issues (certain accidents are investigaged by the Federal Aviation Administration for the NTSB—see 49 CFR Part 800, Appendix);

(b) All railroad accidents involving a fatality, property damage in excess of $150,000, or a passenger train, and other selected accidents which involve previously identified safety issues or problems;

(c) Highway accidents involving five or more fatalities, schoolbus accidents involving three or more fatalitites in the schoolbus, catastrophic highway accidents which have high regional or national interest, including railroad grade crossing accidents, and other selected highway accidents involving previously identified safety issues or problems;

(d) Marine casualties involving a public vessel and a nonpublic vessel; also, major marine casualties occurring in the navigable waters of the United States or involving a vessel of the United States, that result in the loss of six or more lives, the loss of a mechanically propelled vessel of 100 or more gross tons, property damage initially estimated at $500,000 or more, or serious threat, as determined by the Commandant of the United States Coast Guard and concurred in by the Chairman of the NTSB, to life, property, or the environment by hazardous materials (certain accidents are investigated by the United States Coast Guard for the NTSB); and

(e) All pipeline accidents in which there is a fatality or property damage in excess of $100,000 and other pipeline accidents which involve previously identified safety issues or problems.

2. Initiates and conducts special studies, special investigations, and safety effectiveness evaluations on matters pertaining to safety in transportation.

3. Makes transportation safety recommendations to Federal, State, and local agencies and interested persons to reduce the likelihood of recurrence of transportation accidents.

4. Reviews airmen and seamen appeals resulting from certificate denials, suspensions, or revocations.

CONSUMER AFFAIRS

The NTSB Consumer Program is administered by the Office of Public and Government Affairs. The Director of this office reports to the Chairman of the NTSB. It is not feasible to establish a separate office to handle consumer affairs because of the small size of the NTSB; however, the objectives of the Executive Order can be met by assigning responsibility for consumer affairs to an office having direct access to the Chairman.

CONSUMER PARTICIPATION

The NTSB provides information on all of its program activities to the public and encourages comments and suggestions from consumers concerning NTSB program activities. The five-member board of the NTSB conducts meetings which are open to the public, and are announced in the **Federal Register**, to discuss the work of the NTSB, such as major accident investigations, safety effectiveness evaluations, and safety reports. In addition, the NTSB conducts public hearings on selected accidents which are open to the public and are announced in the **Federal Register**. The NTSB also publicizes all significant accident investigations, accident hearings, and recommendations through press releases. To assist in the further dissemination of NTSB program information, the NTSB advises persons at the scene of major NTSB accident investigations how they can obtain notice of applicable public hearings and meetings on the subject investigation. Other persons and organizations interested in receiving notice of specific public meetings and hearings concerning NTSB program activities may contact the Office of Public and Government Affairs at the above cited address or telephone number. In addition, consumer forums may be held regarding NTSB program activities which affect consumers.

INFORMATIONAL MATERIALS

Notices concerning the availability of major NTSB public documents, including safety recommendations and the responses thereto by the parties to whom they are addressed, are published in the **Federal Register**.

The results of the NTSB program activities are also made available to the public in the form of the following documents in either report form or files for inspection and copying, except that release of documents (or more usually parts thereof) which the NTSB specifically determines must not be disclosed in the national interest, for the protection of individual rights, or for the efficient conduct of public business is subject to the restrictions in the Freedom of Information Act:

1. Factual reports, including public hearing transcripts and exhibits, if applicable, and the determination of probable

cause in aviation, railroad, highway, marine, and pipeline accident investigations.

2. Safety recommendations issued by the NTSB, and responses thereto.

3. Special studies, special investigations, safety effectiveness evaluations, and safety reports.

4. Press releases.

5. The NTSB's rules as published in the Code of Federal Regulations, Title 49, Parts 800–899.

6. Quarterly indices and copies of the initial decisions of the Administrative Law Judges.

7. Quarterly indices and copies of the Board's Opinions and Orders in aviation and maritime enforcement cases.

8. Staff manuals.

9. Annual Reports to Congress.

This information is available from the Public Inquiries Section, National Transportation Safety Board, Room 808G, 800 Independence Avenue SW., Washington, D.C. 20594, telephone (202) 472–6180. In requesting records concerning particular accidents, it is necessary to identify the mode of transportation and the date and location of the occurrence.

Any other consumer information concerning the programs of the NTSB should be requested from the Office of Public and Government Affairs, National Transportation Safety Board, Room 808, 800 Independence Avenue SW., Washington, D.C. 20594, telephone (202) 472–6100.

EDUCATION AND TRAINING

The Office of Public and Government Affairs is responsible for providing training for Board employees concerning Executive Order 12160 and the operation of the NTSB Consumer Program. This training is accomplished through staff meetings, orientation sessions, and the distribution of consumer information.

COMPLAINTS

The NTSB welcomes suggestions on how its programs might be improved. Complaints to the NTSB should be directed to the Office of Public and Government Affairs. The Office of Public and Government Affairs will review and analyze all complaints received and will advise the Chairman of the NTSB of any corrective action which should be taken by the Board as a result of complaint. All complaints requiring a response will be answered within 30 days of receipt by the Board. The response will identify any corrective action proposed or taken as a result of the complaint. A record of all complaints will be maintained for a period of two years to assist the Board in improving its operations.

NTSB POLICY ON CONSUMER AFFAIRS

The National Transportation Safety Board supports the principles outlined in Executive Order 12160 and intends to comply with the spirit of that Order in a manner consistent with its size, structure, and status as an independent agency.

James B. King,

Chairman.

May 23, 1980.

[FR Doc. 80–16585 Filed 6–6–80 8:45 am]

BILLING CODE 4910–58–M

federal register

Monday
June 9, 1980

Part VI—Section D

Postal Rate Commission

Final Consumer Programs

POSTAL RATE COMMISSION

AGENCY: Postal Rate Commission.

ACTION: Consumer Program.

SUMMARY OF PROGRAM: This statement describes the consumer program implemented by the Postal Rate Commission to assure that consumer needs and interests are adequately considered and addressed.

EFFECTIVE DATE: July 9, 1980.

ADDRESS: Postal Rate Commission, 2000 L Street, N.W., Washington, D.C. 20268.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, Officer of the Commission, (202) 254–3840.

Executive Order No. 12160, "Program for Enhancement and Coordination of Federal Consumer Programs," was issued on September 26, 1979. Under Section 1–902 of that Order, independent regulatory agencies are exempt from mandatory compliance, but Section 1–804 invites these agencies to participate. Pursuant to Section 1–804, the Postal Rate Commission, an independent regulatory agency responsible for recommending postal rates and service classifications; for considering formal complaints about postal rates and service schedules; for advising on changes in the nature of postal service; and for reviewing appeals of Postal Service determinations to close post offices; voluntarily presents this program for implementing Executive Order No. 12160.

Publication of the Commission's draft consumer program on December 10, 1979, was followed by a ninety-day comment period. Twelve comments were received during that period. The comments were generally favorable, and there were no suggestions concerning the material content of the program. Minor changes designed to improve clarity and provide additional detail have been added.

I. CONSUMER AFFAIRS PERSPECTIVE

A. Establishment of the Office of the Officer of the Commission

Section 3624(a) of Title 39 of the United States Code provides that in every postal rate and classification proceeding an "officer of the Commission" shall be appointed "who shall be required to represent the interests of the general public." The duties and responsibilities of the Officer of the Commission have been expanded by the establishment of a permanent, separate Office of the Officer of the Commission. This office is responsible for representing the needs and interests of consumers in the development and review of all agency rules, policies, programs and legislation. The Office of the Officer of the Commission is the point of contact for consumer inquiries. Written inquiries can be mailed to Office of the Officer of the Commission, Postal Rate Commission, 2000 L Street, N.W., Washington, D.C. 20268. Telephone inquiries can be made by calling (202) 254–3840.

Previously, an Officer of the Commission appeared in formal Commission proceedings supported by employees assigned from various Commission divisions. Establishment of a permanent office with continuing responsibility for considering and addressing consumer needs and interests provides informed, expert representation of consumer interests during the development and review of all Commission actions.

The Office of the Officer of the Commission is managed by the Officer of the Commission who reports directly to the Commission itself. The Office of the Officer of the Commission employs a multi-disciplined staff including attorneys, economists, accountants, statisticians, industrial engineers and rate analysts. This staff comprises approximately one-third of the professional staff of the Commission.

B. Participation in Formal Commission Proceedings

Substantive Commission policies are established during consideration of proposals to change postal rates and/or services. Section 3624 of Title 39 requires that such decisions be made on the basis of an evidentiary record developed in conformance with 5 U.S.C. §§ 556 and 557. These standards, and the formal procedural requirements applicable to Commission proceedings, insure consumer access to the decisionmaking process and that fair consideration is given to consumer needs and interests raised during these proceedings.

Whenever a formal proceeding has been initiated under 39 U.S.C. § 3624, an Officer of the Commission is appointed immediately to represent the interests of the general public. As a party to all formal proceedings, the Officer of the Officer of the Commission is able to utilize continuing analyses to evaluate proposals, present evidence relating to the public interest, and to rebut other participants when necessary to present consumer viewpoints adequately.

During the course of a formal proceeding, the Office of the Officer of the Commission is provided sufficient resources to insure complete representation of the interests of the general public. This representation includes explication and presentation of public policy positions, development of a complete evidentiary record on matters at issue, and provision of assistance to interested members of the public who wish to present their concerns to the Commission individually.

Consumers who wish to present their views to the Commission have several options available to them. Commission rules allow formal intervention by any interested person or group. This enables individual consumers and consumer groups to present their positions directly. The Office of the officer of the Commission provides procedural assistance to consumers presenting their own views. Additionally, the Officer of the Commission's own presentation may develop a particular consumer's position more comprehensively.

The Commission also provides for participation in its proceedings through a "commenter" process. Members of the public may present their views to the Commission in writing at any stage in a proceeding as commenters. Commenters' views are made a part of the Commission file in every case and are available for review by the Officer of the Commission, other parties, Commissioners and the Commission staff. Parties, or the Commission itself, can act to make a comment part of the decisional record, and the Officer of the Commission may incorporate the views expressed in comments in its presentation to the Commission, or may assist commenters who wish to appear before the Commission to present their views personally.

Another type of formal proceeding is one initiated to enact rules for use in formal Commission proceedings. Pursuant to Executive Order 12044, dated March 24, 1978, the Commission undertakes an annual review of its rules. In all rulemaking the Officer of the Commission is a party and presents the views of the Office of the Officer of the Commission to the Commission. The position of the Office of the Officer of the Commission reflects both the experience gained in previous litigation on behalf of the public, and the complaints, suggestions and requests of individuals or groups received by the Office during the previous year.

C. Participation in Informal Commission Proceedings

The Officer of the Commission is responsible for insuring that consumer needs and interests are considered in the informal development and review of agency rules, policies, programs and legislation. Internal Commission procedures insure the participation of the Officer of the Commission. Staff proposals to change, initiate, develop or review agency rules, policies, programs and legislation not at issue in formal proceedings must be circulated to the Officer of the Commission for comment. Each office, including the Office of the Officer of the Commission, suggests legislative and substantive programs to the Commission on an ongoing basis, and the Officer of the Commission is charged with suggesting Commission programs relevant to the needs and interests of consumers.

Pursuant to its general authority to recommend postal rates and services in the public interest, the Commission initiates a broad range of fact-finding programs to ascertain trends in utility regulation applicable to postal matters. The Office of the Officer of the Commission, under the overall direction of the Chairman, is responsible for initiating and implementing programs aimed at identifying areas of consumer needs and public interests related to postal services.

Additionally, it is Commission policy for Officer of the Commission personnel to attend public meetings which will expand Commission awareness of consumer attitudes and desires, and responsible Commission employees are available to participate in such programs.

II. CONSUMER PARTICIPATION

The primary policy and rulemaking duties of the Commission are discharged in quasi-judicial proceedings, subject to the provisions of the Administrative Procedures Act. Consumers are able to participate on an equal footing with other parties and have available all of the alternatives described in Section I. The Office of the Officer of the Commission provides procedural assistance to consumers at every stage of formal Commission proceedings.

Consumer participation in the development of non-case-related Commission activities is also quite extensive. These programs are designed to investigate areas of identified concern, and consumer input is often a major factor leading to the establishment of a fact-finding effort. Comments and suggestions the Commission receives from the public are reviewed by the Office of the Officer of the Commission, which has direct access to the Commission and is responsible for recommending subjects for Commission inquiries which reflect consumer needs and interests.

It is Commission policy to seek consumer input, and both Commissioners and responsible Commission officials participate in consumer-oriented programs, particularly at locations where postal matters are likely to be discussed. At such appearances the procedures applicable to participation in Commission proceedings are emphasized.

Notice of Commission proceedings is provided through extensive media publicity, as well as through formal notice procedures. An extensive mailing list of interested persons and groups is maintained and those listed are notified of each new Commission proceeding.

Members of the public who are interested in receiving documents filed or issued during the course of a formal proceeding have two options available. The Commission maintains a "Formal Documents" mailing list. Persons entered on this mailing list receive, free of charge, all decisions, orders, notices and rules issued by the Postal Rate Commission. Interested persons may have their names added by writing to the Dockets Section of the Commission at the address given in the preamble.

Members of the public also may receive information about Commission activities presented in a non-technical format. Details for receipt of this information are given in Section III which follows.

III. INFORMATIONAL MATERIALS

Commission policy is to disseminate to consumers a broad range of materials which describe Commission activities and responsibilities. A Public Information Office has been established [(202) 254–5614] which is responsible for performing this function.

Several documents of interest to consumers are available by contacting the Public Information Office. First, the Information Office publishes and distributes a biweekly docket review which decribes all pending Commission proceedings and notes important events in each proceeding. Second, the Information Office publishes and distributes a pamphlet which includes a general description of Commission operations and activities. A third pamphlet is available which outlines procedures followed in formal proceedings, and interested members of the public may also obtain, free of charge, copies of the Commission rules of practice and procedure, which detail the steps to be followed to participate in formal proceedings. Finally, the Information Office will commence publication and distribution of a comprehensive annual report in 1980 which will describe important activities and events that occurred in the previous year. Any member of the public who wishes to be added to the mailing list for receipt of these materials should telephone the Information Office at the number given in the first paragraph in this section or write to the Information Office at the address given in the preamble.

The Information Office is available to answer general questions concerning Commission responsibilities and services, and the Office of the Officer of the Commission will provide technical assistance to any consumer seeking information on the scope of Commission authority, or on the subject matter of current or past Commission proceedings.

Commission meetings are open to the public, in accordance with provisions of the Sunshine Act, with notice, including an agenda, published in the **Federal Register.** Copies of agendas of scheduled Commission meetings also may be obtained from the Information Office. Personal assistance from either the Public Information Office or the Office of the Officer of the Commission will be provided to members of the public attending Commission meetings. All documents filed in formal Commission proceedings are available in a public dockets room and may be examined during Commission office hours.

IV. EDUCATION AND TRAINING

Materials shall be prepared which describe and explain Executive Order 12160 and the Commission Consumer Affairs Program as herein described. These materials shall be distributed throughout the Commission.

Employees in the Office of the Officer of the Commission are required to have educational and professional experience and training which will prepare them to recognize and represent consumer interests. The Commission employee improvement program provides funds to assist employees to further their education in relevant fields such as economics, marketing and law.

Members of the public who require technical information concerning postal matters may contact the Office of the Officer of the Commission at the address and telephone number included in the preamble.

V. COMPLAINT HANDLING

An important Commission function is to hear formal complaints from persons who believe that the Postal Service is charging rates or providing postal services not in accordance with the policies of Title 39 of the United States Code. Such complaints are considered in formal proceedings, and the Office of the Officer of the Commission participates, representing the interests of the general public. In addition, formal protests may be lodged to challenge a Postal Service decision to close a post office.

Persons seeking less formal recourse may lodge an informal complaint with the Commission orally or in writing. Complaints of this nature are normally received by the Secretary of the Commission or by the Public Information Office at the address given in the preamble. Those wishing to telephone may call the Public Information Office at (202) 254–5614. It is Commission policy to investigate and respond promptly to informal consumer complaints. When investigation reveals that a serious problem remains unresolved, the Commission will take appropriate action to resolve the difficulty. This may involve initiation of a formal proceeding, as described in the preceding paragraph, in which case an Officer of the Commission shall be appointed to represent the interests of the general public.

It should be noted that many complaints and inquiries about postal services are routinely handled by the Consumer Advocate of the United States Postal Service. His address is Consumer Advocate, Headquarters, U.S. Postal Service, Room 5806, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260. His telephone number is (202) 245–4550. The consumer program of the Postal Service is also found in this issue of the **Federal Register.**

Complaints concerning Postal Rate Commission practices or procedures should be addressed to the Commission directly. Every such complaint will be investigated on an expedited basis and any necessary remedial steps will be promptly implemented. All complaints will receive initial acknowledgement and a written explanation of the results of the Commission's investigation.

David F. Harris,

Secretary.

[FR Doc. 80-16586 Filed 6-6-80; 8:45 am]

BILLING CODE 7715-01-M

federal register

Monday
June 9, 1980

Part VI—Section E

Postal Service

Final Consumer Program

POSTAL SERVICE

Final Consumer Program; Report on Implementation of Executive Order 12160

AGENCY: Postal Service.

ACTION: Final Consumer Program.

SUMMARY: This notice responds to section 1–502 of Executive Order 12160, Providing for Enhancement and Coordination of Federal Consumer Programs (the Order). Section 1–502 of the Order requires that each executive agency publish in the **Federal Register** its final consumer programs, including the following five elements: (1) Consumer Affairs Perspective, (2) Consumer Participation, (3) Informational Materials, (4) Education and Training, and (5) Complaint Handling. Although the Postal Service is not subject to the Order, it has chosen to participate to the extent practical and feasible consistent with the public interest and fulfillment of the primary mission of the Postal Service.

EFFECTIVE DATE: July 9, 1980.

ADDRESS: Consumer Advocate, Headquarters, U.S. Postal Service, Room 5806, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Chadwick, (202) 245–4550.

SUPPLEMENTARY INFORMATION: The President issued Executive Order 12160 entitled "Providing for Enhancement and Coordination of Federal Consumer Programs" on September 26, 1979. The Order establishes a Consumer Affairs Council consisting of representatives of 12 named Federal departments, plus such other officers or employees as the President may designate.

The Chairperson of the Council, assisted by the Council, is required to ensure that agencies review and revise their operating procedures so that consumer needs and interests are adequately considered and addressed. To this end, agency consumer programs are to be reviewed and revised, as necessary, to meet the five elements outlined in the Summary above. Since the Order is not based on statutory authority made applicable to the Postal Service, the Order does not cover the Postal Service as a matter of law. Nevertheless, the consumer program of the Postal Service has been tailored to meet the five elements specified in the Order.

On December 10, 1979, the Postal Service published its draft consumer program for comment in the **Federal Register.** 44 FR 71361. Interested persons were invited to submit comments concerning the consumer program before March 10, 1980. Copies of the Order and our draft consumer program were also sent to more than 400 senior field managers and an article appeared in Postal Leader, a newsletter for our 70,000 supervisors and managers. Copies of the documents were also sent to more than 300 postal customer councils.

Written comments were received from 16 individuals and organizations. Thirteen individuals and organizations used the questionnaire printed in the **Federal Register** and made specific comments on the Postal Service's draft consumer program. Three consumer organizations submitted letters or papers with general comments on Executive Order 12160.

Ten commenters are individual consumers; eight represent consumer organizations; two represent private companies or organizations; and one represents a county consumer affairs office. The numbers add up to more than 16 because some commenters claim to represent more than one category.

Analysis of consumer comments on the draft consumer program indicates we need to do more to inform customers concerning our consumer program and to continue to explore methods for increasing citizen participation.

Twelve commenters stated they understood all or most of our consumer program. None reported difficulty in understanding the program. However, some comments indicated the need for additional information.

One commenter requested an explanation of what the Consumer Service Card is and how it is incorporated into the program. Part (d) under Consumer Affairs Perspective has been expanded in response to this request.

One commenter requested an explanation of the functions of Assistant Postmasters General and Regional Postmasters General so it will be understood who the policymaking personnel are. Part (b) of the Education and Training text has been revised in response to this request.

Eight commenters said our program makes it easier for them to participate in the decisionmaking process. Five commenters disagreed. Seven commenters stated that our plan to get information out to consumers seems adequate. Five commenters disagreed. Commenters' perception of the adequacy of our citizen participation efforts is linked to their opinion of our plan to get information to consumers. In four cases, commenters who were unsatisfied with our citizen participation program expressed dissatisfaction with our plan to get information to consumers.

Only one specific suggestion was made on these points. A commenter recommended that we survey the public to obtain opinions on major issues. Although this was not mentioned in the draft consumer program, the Postal Service has performed market research for years. The Postal Service has committed itself to the careful and objective study of nonbusiness mailer attitudes toward major issues which affect them. Examples of such issues include: five-day (no Saturday) delivery; citizens' rate postage; tradeoffs between maintenance of service level and rate increases; general attitudes toward the Postal Service; awareness and use of the Consumer Service Card; and current customer attitudes toward Express Mail services. To the extent that time and resources permit, the Postal Service will conduct household-attitude surveys, on a nationally projectable basis, to identify and analyze household-mailer reactions to such issues. The results of these studies will be used as one means of evaluating various policy options related to such issues. This program is mentioned in paragraph 2(c) under Consumer Participation in the final document.

Ten commenters stated that our complaint-handling program is adequate. Three commenters disagreed. Of the three who disagreed, only one made a comment directly related to our complaint-handling program. That commenter stated that "response is good; followup seems inadequate." While we disagree that this is a problem, there is always room for improvement in implementating a complaint-handling system. The other two commenters raised different issues. One commenter stated that one consumer office should handle complaints for all government agencies. We believe it is better for complaints to be handled by the agency which can do something about them. The other commenter recommended establishment of regional advisory boards. The latter was one of the four commenters who considered that our citizen participation and consumer information plans were inadequate. As noted in paragraph 2(a)(5) of the section of the final document dealing with Consumer Participation, the Postal Service has chartered local postal customer councils and encourages the participation of consumers. For most people, however, it is more convenient to take their complants to their local postal facility.

The final document includes certain clarifying changes, such as examples of how the Consumer Advocate

participates in decisions. It also includes a discussion of the responsibility for citizen participation in public rulemaking proceedings, post office closings, and proceedings before the Postal Rate Commission; and the use and effectiveness of complaint analysis reports.

After careful consideration of all the comments, the final Postal Service Consumer Program, as amended, reads as follows:

FINAL POSTAL SERVICE CONSUMER PROGRAM

1. CONSUMER AFFAIRS PERSPECTIVE

(a) Consumer Advocate

In 1971, the position of Consumer Advocate was created to provide a direct channel of communication between postal customers and the Postal Service. The Consumer Advocate is the personal representative of the Postmaster General on consumer matters and is the spokesman for the individual mail user. He provides an independent evaluation of mail service to the individual customer. He also expedites action on customer inquiries and complaints and is responsible for seeing that the appropriate office takes corrective action. He makes recommendations for policy changes to improve the individual user's mail service and acts as liaison with consumer groups.

The Consumer Advocate is an officer of the Postal Service with authority to cut red tape and enter anywhere in the Postal Service to obtain solutions to consumer problems. The Consumer Advocate manages the Office of Consumer Affairs. The Office of Consumer Affairs is organized into two divisions: the Consumer Response Division and the Consumer Support Division. Responsibility for investigating, resolving, and responding to consumer complaints and inquiries rests with the Consumer Response Division, which also recommends policy changes affecting services in top management deliberations and decisionmaking.

The Consumer Support Division has the responsibility for analyzing consumer complaints received at post offices and national Headquarters. This division also is charged with administering the National Consumer Service Card Program.

(b) Location of Consumer Affairs

The Office of Consumer Affairs is located in the Customer Services Department at Postal Service Headquarters. 39 CFR 224.1(c)(3)(iv). The Consumer Advocate reports to the Assistant Postmaster General, Customer Services but, as an officer, maintains a dotted-line relationship to the Postmaster General and other officers, which entitles him to direct access to each of them. 39 CFR 221.7. An organization chart is attached.

(c) Consumer Affairs Staffing

The consumer affairs staff includes project and program managers, complaints analysts, clerk-typists and secretaries. The immediate Headquarters staff has an authorized complement of twenty-seven positions. It should be noted that several other organizations at Postal Service Headquarters perform some consumer affairs functions, and thousands of field employees handle consumer affairs matters as part of their jobs, in part, at the direction of the Office of Consumer Affairs.

(d) Other Consumer Affairs Staff Responsibilities

The Office of Consumer Affairs has associates who investigate, resolve and respond to consumer complaints, inquiries and suggestions received at Postal Service Headquarters. Consumer Affairs also administers the national Consumer Service Card Program for recording and analyzing consumer complaints received at post offices. A detached unit with an authorized complement of ten positions supports the card program.

The basic objectives of the Consumer Service Card Program are:

(1) To provide individual customers with an easy means by which to register complaints, compliments, and suggestions.

(2) To provide management at all levels with information with which to improve services and products, and to provide information for congressional and media inquiries.

(3) To provide a means by which individual customer contacts will be handled at the local level with dispatch.

The Consumer Service Card is completed either by a postal employee or by the individual customer. When customers contact the Postal Service, whether by telephone, in person, or by mail regarding complaints, suggestions, or compliments, employees complete the card and mail one copy immediately to Consumer Affairs in Washington for data processing. Another copy is retained by the post office until the customer has received a resolution, explanation, apology, etc. That copy is then forwarded to Consumer Affairs for data processing.

The cards are processed in Washington and analysis reports are distributed to regional, district, and management sectional center management. In addition, reports are produced for top management at Headquarters. Cards are available to customers in post office lobby display units and from letter carriers (city and rural).

(e) Relationship to Other Staffs

The Office of Consumer Affairs, Customer Services Department, acts in conjunction with the Public and Employee Communications Department to educate consumers concerning postal services and products. Consumer Affairs also cooperates with the Postal Inspection Service and the Consumer Protection Division of the Law Department in solving mail-order problems and in protecting consumers from mail fraud and misrepresentation. Consumer Affairs works with market research specialists to develop information on consumer awareness of and satisfaction with postal consumer programs. Complaints analysis reports prepared by Consumer Affairs are used by operations managers in their efforts to improve services.

(f) Review of Policies and Programs

The Office of Consumer Affairs participates in the formulation of Postal Service rules, policies, programs, and proposed legislation directly affecting consumers.

(g) Stages of Participation in the Decisionmaking Process

Consumer Affairs staff participates in the decisionmaking process by serving on task forces, performing independent studies of services and policies, meeting with top agency officials, and submitting written comments on proposals.

In responding to consumer problems, the Consumer Advocate may recognize the need for a change in postal policy that would enhance service. His primary function is to bring these problems to the attention of top management, along with his recommended changes. For example, his office has been successful in changing the anniversary date for submission of claims for lost or damaged merchandise, achieved improvements in the adhesive quality of stamps, improved the procedure for returning currency found loose in the mail, improved return receipt procedures and contributed to the decision to maintain community postmark identity.

The staff of the Office of Consumer Affairs includes individuals having special expertise in various aspects of postal policies, operations, and services. These individuals monitor the latest developments in their specialized fields,

thereby keeping the Office of Consumer Affairs abreast of all new procedures that affect mail service. As a result, the Office is able to advise and educate customers on the most up-to-date service changes, which benefits both the Postal Service and the mailing public.

2. CONSUMER PARTICIPATION

(a) Stages of Consumer Participation

(1) The Postal Service takes steps to provide for early and effective public participation in the rulemaking process. While a regulation is in the early stages of development, the Postal Service ordinarily calls it to the attention of parties known to have an interest in it. For example, the Postal Service, prior to the publication of its packaging regulations in proposed rule form, conducted an intensive packaging task force study with the cooperation of major mailers' associations. The packaging regulations thus were able to reflect commercial standards identified during the study.

When the Postal Service determines that the general public would be interested to comment on a proposed new or amended regulation, the Service publishes the proposed regulation in the **Federal Register**, generally with 30 days allowed for comment. At or about the same time, if it is believed the rule has or might have a wide effect on the general public, the Postal Service issues a press release informing the public of the proposal and inviting their comments.

(2) Consumers can participate in proceedings before the Postal Rate Commission. The Commission is an independent agency established by the Postal Reorganization Act (39 U.S.C. 3601–04). The Commission conducts formal hearings on proposed changes in postal rates, fees, and mail classification and issues recommended decisions to the Governors of the Postal Service. The Commission also holds formal hearings on proposed changes in the nature of postal service on a nationwide or substantially nationwide basis. An officer of the Commission is designated to represent the interests of the general public in these proceedings.

(3) Before making a determination as to the necessity for closing or consolidating any post office, the Postal Service must notify the persons served by such post office, at least 60 days before the proposed date of closing or consolidation, to ensure that they will have an opportunity to present their views. Persons served may appeal a decision by the Postal Service to close or consolidate a post office to the Postal Rate Commission.

(4) The Postmaster General considers the views of the Citizens Stamp Advisory Committee before selecting the subjects and artwork for stamps designed for philatelic purposes. Members of the Committee include experts in the fields of art, printing, history, and philately.

(5) The Postal Service recently started a program to expand postal customer councils to involve consumers. Consumer Affairs also experimented with the town hall meeting concept but this has not been fully tested.

(b) Avenues of Participation

(1) Users of postal services participate in the development of postal regulations by commenting in writing or orally on proposed regulations published by the Postal Service in the **Federal Register.**

(2) Consumers may participate in Postal Rate Commission proceedings in accordance with Commission rules, and may appeal decisions of the Governors of the Postal Service to any U.S. court of appeals.

(3) Persons served by a post office being considered for closing or consolidation may comment in writing on the proposal, and may file a written appeal to the Postal Rate Commission of any determination to close or consolidate a post office.

(4) Postal customers may make written recommendations to the Citizens Stamp Advisory Committee concerning their choices for new stamps.

(5) The Postal Service welcomes suggestions and comments from postal customers. In many communities, the Postal Service sponsors postal customer councils, which provide an opportunity for discussion with customers about service problems and suggestions and to help the public better understand the Postal Service. The councils conduct mailing clinics, discussion panels, seminars, and tours of postal facilities. Local postal officials are encouraged to meet with consumer representatives to discuss plans for changes in local policies and services.

(c) Analysis and Consideration of Consumer Concerns

A variety of research is done to determine consumer concerns. Customer-attitude surveys are prepared by market research specialists. Complaint analysis reports are circulated to management. Surveys are made to determine consumer satisfaction with consumer affairs programs.

(d) Responsibility for Citizen Participation

Except for public rulemaking proceedings, post office closings, and proceedings before the Postal Rate Commission, the Consumer Advocate will be responsible for implementing agency consumer participation responsibilities under the Order. Responsibility for citizen participation in public rulemaking proceedings and post office closings rests on the staff of the operating division that initiates the rules.

For example, many rules originate in the Office of Rates and Classification. The Consumer Advocate is included in the review process. Citizen participation in proceedings before the Postal Rate Commission is governed by the rules of the Commission.

(e) Consumer Participation Forums

Details concerning the format, level of participating agency officials, geographical dispersion, and approximate number per year of forums to facilitate consumer interaction with agency officials are not available at this time. This information will be available when tests of various methods for citizen participation have been completed.

(f) Publicity for Consumer Participation

As noted above, the Postal Service publishes a notice in the **Federal Register** and issues press releases requesting public comment when a rule is proposed that the Service believes might have a wide effect on the public. In addition, major mailers are frequently notified orally or by mail of such proposed rule changes. As to post office closings, the Postal Service posts a notice on the bulletin board of the post office affected. We are also developing a communications program as part of our tests of citizen participation methods.

3. INFORMATIONAL MATERIALS

(a) Current Informational Materials

The Postal Service produces and distributes to post offices several booklets and pamphlets to inform consumers about the various classes of mail and mail services in general and about specific areas of interest, such as packaging and mail fraud.

There are also major informational efforts each year to promote an awareness to "Shop Early—Mail Early" at Christman, and a Postal Consumer Protection Week (held last year from Sept. 24–29, 1979) to warn the public about mail fraud and false representation through the mail. The latter program has done much to increase the public's

knowledge of these problem areas, and how the work of the Postal Service's Inspection Service, Consumer Protection Division, Consumer Advocate, and the Judicial Officer protects the public.

A basic publication available at post offices that contains much useful and general information about postal services is the *Mailers Guide* (Publication 19). It has information about each class of mail, service standards, and background on special services. A shorter, more concise pamphlet containing much of the same material is *A Consumer's Directory to Postal Services and Products* (Publication 201). Also available at post offices, it touches on such subjects of interest to consumers as claims for lost or damaged mail; passport applications; mail forwarding; self-service postal centers, and stamps-by-mail.

There are several pamphlets on specialized areas such as parcel post, packaging, mail fraud, and services like Express Mail that contain information of interest to consumers. These various publications are available at post offices where copies can be obtained free of charge.

These various publications are updated periodically, but some of the information is subject to change and will not always be current. The new *Domestic Mail Manual* and the weekly *Postal Bulletin,* maintained at all post offices and available to the public for reference, are the primary sources for current postal rates and regulations. Subscription to these publications can be purchased by writing the Government Printing Office, Washington, D.C. 20402. *The National ZIP Code and Post Office Directory* combines ZIP Code information for every mailing address in the Nation, with listings of post offices arranged in several convenient ways. It also can be ordered by writing the Government Printing Office.

Business consumers may find *Memo to Mailers,* a monthly publication that advises on rate and classification changes as well as other postal news, quite helpful. It can be ordered free of charge by writing to:
Memo to Mailers, P.O. Box 1, Linwood, NJ 08221.

(b) Plans for Additional or Revised Informational Materials

Plans this year for revised informational materials center on the new Consumers Service Card, scheduled for introduction in calendar year 1980. These materials will be developed at Headquarters and distributed to post offices through the postal supply system. The promotion effort will be carried out by Headquarters, regional communication staff, and public information officers at various postal facilities in cooperation with regional consumer service card coordinators.

The communication efforts to promote the revised card and increase the public's perception of the existence of a way to make complaints and suggestions about service will likely include the following elements: television and radio public service announcements; localized news releases; newspaper advertisements; speeches and press conferences by postmasters; briefings and a possible slide show for postal employees; and possible media tours by the Consumer Advocate. There are also likely to be lobby displays and a redesigned card holder to increase public awareness of the Consumer Service Card when visiting the post office.

(c) Timetable for New Informational Materials

The materials mentioned in the previous section will be produced during 1980.

(d) Distribution of Informational Materials

A variety of methods are employed to distribute informational materials. Some publications are available free in post office lobbies; others are available by subscription. Television and radio public service announcements, newspaper advertisements, press releases, and speeches are other methods currently used to inform consumers.

(e) Responsibility for Consumer Information Program

The Public and Employee Communications Department and the Office of Consumer Affairs, Customer Services Department, are responsible for the planning and the performance of the consumer information program. The Office of Consumer Affairs publishes *A Consumer's Directory to Postal Services and Products* (Publication 201) and advises and assists the Public and Employee Communications Department on consumer information matters. As noted above, responsibility for informing consumers of public rule-making proceedings and post office closings rests upon the staff of the operating division proposing the change.

(f) Informational Materials Regarding Meetings Open to the Puplic

With respect to providing material about Postal Service meetings open to the public, the Law Department prepares and publishes in the **Federal Register** the Government in the Sunshine Act notice announcing the time, location, and agenda of the monthly meeting of the Board of Governors. Based on this information, the Public and Employee Communications Department prepares news releases concerning the Board of Governors' meetings. These releases are distributed to the national press in Washingon, D.C., posted in the lobby of the postal facility at the site of the meeting, and made available at the start of each meeting. Public and Employee Communications Department personnel and other postal employees are present at each meeting to explain the order of business and agenda items.

(g) Additional Sources of Information

(1) Top-level designee: The Consumer Advocate, Headquarters, U.S. Postal Service, Room 5806, 475 L'Enfant Plaza, SW., Washington, D.C. 20260. (202) 245–4550.

(2) Agency-level consumer affairs office: Office of Consumer Affairs, Headquarters, U.S. Postal Service, Room 5806, 475 L'Enfant Plaza, SW., Washington, D.C. 20260. (202) 245–4514.

(3) Office for information about agency informational materials: see (2).

(4) Office for information about complaint-handling: see (2).

(5) Office for information about consumer technical assistance: see (2).

(6) Offices for information about consumer participation in the agency decision process: The Consumer Advocate, Office of Consumer Affairs—see (2); Associate General Counsel, Office of General Law and Administration, Headquarters, U.S. Postal Service, Room 9011, 475 L'Enfant Plaza, SW., Washington, D.C. 20260. (202) 245–4635.

4. EDUCATION AND TRAINING

(a) Education Responsibility

The Office of Consumer Affairs will be responsible for educating the USPS staff about the Order and related activities.

(b) Information Dissemination

Policymaking personnel (Assistant Postmasters General and above) will receive briefings. These officers of the agency direct major departments at Postal Service Headquarters. Regional Postmasters General have received copies of the Order and consumer program. These officers of

the agency direct the five postal regions. The Order and the consumer program have been discussed in postal publications.

(c) Communication of Significant Changes

Significant changes in the consumer program as a result of the Order will be communicated through the use of a Headquarters circular.

(d) Specialized Training

The Consumer Advocate will be responsible for providing specialized training to Consumer Affairs personnel.

(e) Areas of Training

Training has been provided and will continue to be provided as follows:

(1) Consumer Affairs associates—will provide training in complaint-handling, administrative management, Postal Service operations, telephone techniques, communicating through writing, and post office procedures.

(2) Technical staff members—will provide training in statistical techniques, computer technology, administrative management, and systems analysis.

(f) Technical Assistance Responsibility

Technical assistance is provided to all large companies and organizations through customer service representatives at the local level. It is provided for individual customers at the local post office.

(g) Type of Technical Assistance

The assistance relates to mail preparation, the availability and applicability of products and services, cost saving techniques, and customer-needs analysis.

(h) Who Receives Technical Assistance

All customers receive technical assistance from their local post offices upon request. The Office of Consumer Affairs also provides technical assistance, when appropriate, from the national level to consumers and major customers.

5. COMPLAINT-HANDLING

An independent contractor recently completed a four-year study of complaint-handling procedures in twenty-two Federal agencies. The Postal Service received the highest available ratings in each category reviewed. While pleased with progress to date, the Postal Service continues to improve complaint-handling through testing and implementation of the latest developments in systems and equipment.

(a) Public Awareness

The Office of Consumer Affairs, Customer Services Department, works with the Public and Employee Communications Department to increase public awareness of postal complaint-handling programs. Consumer Service Cards are placed in display units located in prominent positions in every post office lobby. *A Consumer's Directory to Postal Services and Products* (Publication 201) is available free at all post offices and explains how customers may register complaints locally and with the Consumer Advocate. Every year, as part of Consumer Protection Week, the Consumer Service Card Program is promoted through press releases.

(b) Logging Complaints

All complaints received by the Office of Consumer Affairs at Postal Service Headquarters in Washington are logged in, coded by complaint category and coded for routing to the proper complaint-handling group.

Copies of all Consumer Service Cards completed by postal personnel from customer phone calls, letters, or in-person visits, as well as those cards completed by customers, are received in Washington. These are coded for complaint type and date.

(c) Routing to Proper Office

Complaints received at the Office of Consumer Affairs needing specialized attention are routed to the proper office within Postal Service Headquarters or a field office for investigation and a report on which the Office of Consumer Affairs can base a response.

Mail-order problems, fraud, etc., are referred to the Inspection Service for referral to field inspectors.

(d) Tracking Complaints

All complaints, other than those referred to the Inspection Service, received by the Office of Consumer Affairs are tracked through use of a weekly computer report. This ensures timely response.

All complaints registered on Consumer Service Cards by USPS employees or customers are tracked through the use of a computer report. Complaints appearing on this report are followed up directly with the post office involved.

(e) Responding to Complaints

All customer complaints received at the Office of Consumer Affairs which must be referred to field offices receive an interim response. This response notifies the customers of the referral to the post office and the person who may be contacted for further information. The Post Office is instructed to contact the customer within seven days.

(f) Statistical Reporting

Statistical reports are provided quarterly for all complaints received at the Office of Consumer Affairs. National profile and trend analysis by complaint type are included in the reports. The reports are forwarded to decision-making management levels at USPS Headquarters.

Analytical, follow-up, and maintenance reports are produced each accounting period from Consumer Service Card data. Profile and trend analysis for each level of management, including postmasters, is produced and distributed.

Complaint analysis reports frequently lead to further investigation of service deficiencies and recommendations for changes in policies and procedures. One recent example involved misdelivery complaints. A study of misdelivery problems and a national program to correct those problems were initiated as a result of a complaint-analysis report.

(g) Evaluation

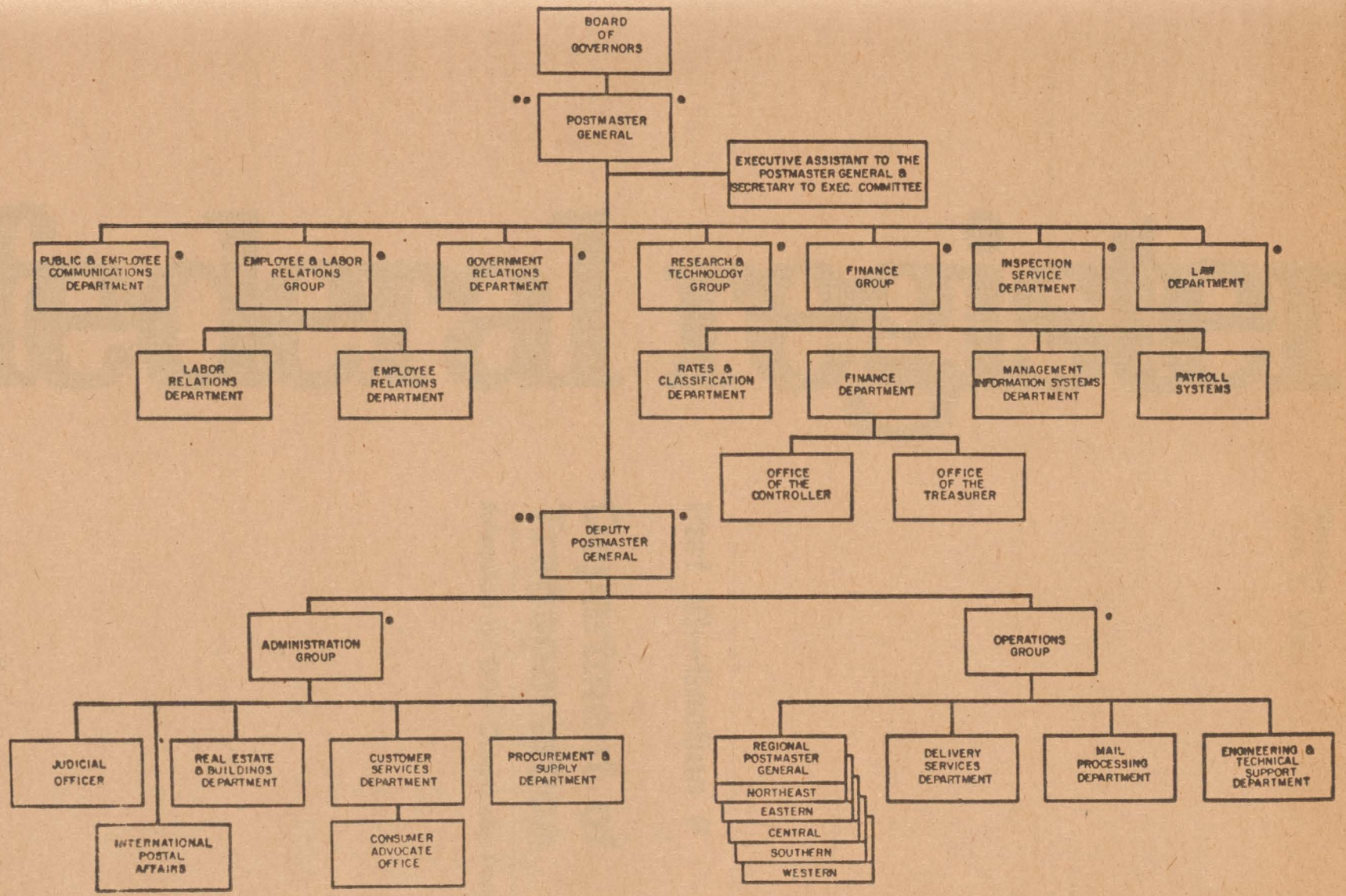
Periodic national consumer satisfaction surveys are conducted. These surveys deal with complaints handled exclusively by the Office of Consumer Affairs and those referred to field offices for resolution. Major areas covered include timeliness of response, effectiveness of the resolution, and recurring problems.

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

BILLING CODE 7710-12-M

UNITED STATES POSTAL SERVICE ORGANIZATION STRUCTURE



[FR Doc. 80-16417 Filed 6-06-80; 8:45 am]
BILLING CODE 7710-12-C

federal register

Monday
June 9, 1980

Part VI—Section F

Department of Transportation

Adoption of DOT Consumer Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Secretary Goldschmidt:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve the Department of Transportation's consumer program established under Executive Order 12160. The Department's program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Ms. Lee Gray and Ms. Judy Stone of your staff have been particularly helpful. The fact that as chairperson of the DOT Consumer Policy Coordinating Council, Ms. Stone will be reporting directly to you -- together with the Council's authority to review Departmental policies -- should provide Ms. Stone with the opportunity she needs to review rules, policies, programs, and legislation to assess their potential impact on consumers. Your program is further strengthened by the development of a consumer program by each DOT administration, and it is notable that the Department is establishing standard procedures and criteria for citizen participation.

During the coming months, I will be especially interested to observe the work of the Coordinating Council in dealing with policy issues and in supporting the Council chairperson's direct reporting relationship with you. We are all operating under stringent budgetary conditions, but I urge you to assess over the coming months whether additional project funding could be allocated to the Department's consumer office.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Department's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the Department. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Neill Goldschmidt
Secretary
Department of Transportation
Washington, D. C. 20590

BILLING CODE 4910-62-C

AGENCY: Department of Transportation.

ACTION: Adoption of DOT Consumer Program as Required by Executive Order 12160.

SUMMARY: The Department of Transportation's final Consumer Program has been developed in response to Executive Order 12160 and addresses the five consumer functions identified in the Order. In this final Consumer Program, DOT places increased stress on working with citizen/consumer groups. The DOT Consumer Program also establishes a Standard Procedure for Public Participation to ensure that consumers have meaningful opportunities to participate in the development of DOT policies and programs.

Also included here for review and comment are the draft consumer programs of DOT's operating administrations; the deadline for comments on these draft programs is August 8, 1980.

EFFECTIVE DATE: July 9, 1980.

ADDRESS: Office of Consumer Liaison, I–50, U.S. Department of Transportation, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Judie Stone, Director, Office of Consumer Liaison, 202/426–4518, at the above address. Use above address and telephone number for inquiries about DOT consumer informational materials, complaint-handling procedures, technical assistance for consumers, and consumer participation in the decisionmaking process.

SUPPLEMENTARY INFORMATION: On December 10, 1979, the Department of Transportation (DOT) published its draft consumer program for public review and comment. The draft program was developed in response to Executive Order 12160 which requires Federal agencies to be responsible for five consumer functions: providing for a consumer perspective within the agency; providing for consumer participation; developing consumer information materials; educating and training agency staff about consumer policy; and establishing systematic procedures for complaint handling. In addition, each agency must provide oversight for its consumer programs.

DOT's final Consumer Program is presented here. It reflects many of the public comments as well as suggestions received from the staff of the U.S. Office of Consumer Affairs. This document contains several items:

- Summary of public comments.
- DOT program package, which includes:

—DOT's final Consumer Program
—OST Organizational Charts (Charts A and B)
—The Department's new Standard Procedure for Public Participation in Policy and Program Development (Appendix A)
—Guidelines issued by the Secretary for consumer programs of DOT's operating administrations (Appendix B)
—The Draft Consumer Programs of DOT's operating administrations (Appendix C)

DOT's Consumer Program will take effect on July 9, 1980, through the issuance of a DOT Order on the Management of Consumer Programs. The Draft Consumer Programs of DOT's operating administrations will be open for public comments through August 8, 1980. After a review of public comments, the operating administrations will revise their draft program, with publication of their final programs scheduled for October 30, 1980, and implementation planned for December 1, 1980.

SUMMARY OF PUBLIC COMMENTS

This section provides a summary of public comments received on the DOT consumer program and how DOT considered these comments in developing its consumer program. After a few general comments, the section follows the major headings used in both the draft and final consumer programs.

DOT received 59 written comments, two comments via telephone, and several comments at two workshops in which consumers critiqued the draft consumer programs of various Federal agencies. The following table illustrates the number of written comments received from various individuals and organizations.

Citizen/Consumer Groups	22
State/Local Agencies	12
Individuals	12
Community Action Agencies	6
Business/Trade Organizations	5
Other	2
Total	59

In addition, the staff at the U.S. Office of Consumer Affairs made several suggestions for improving the program.

The Office of Consumer Liaison analyzed the public comments and studied which suggestions were possible and desirable within current budget and staffing limitations. OCL developed responses to the public comments and made revisions to its draft consumer program in coordination with other DOT offices, such as the Office of Public Affairs and the Office of General Counsel. OCL also provided more detail on some of the planned activities. The program was reviewed by each Assistant Secretary, other Secretarial offices, and the Department's operating administrations. The Secretary then sent DOT's consumer program to the President's Special Assistant for Consumer Affairs for final approval.

Form Responses

Eight people used the compliance checklist provided with the **Federal Register** informational packets on the draft consumer program. DOT received nearly all positive ratings, the major exceptions being in the areas of complaint-handling and the distribution of informational materials. These and other negative responses are covered with other comments received under respective headings in this document.

Seven people used the consumer response form also contained in the information packet. DOT received nearly all positive responses on this checklist. The few negative comments are treated in other parts of this summary.

I. Consumer Affairs Perspective

Two people expressed support for the increase in status and responsibilities of the Office of Consumer Liaison (OCL).

Three commenters were confused by the description of how the consumer liaison staff fit into the organizational structure of DOT. One commenter had a misundertanding about the Consumer Affairs Coordinating Council (now called Consumer Policy Coordinating Council), believing that it would include public members.

The description of the Office of Consumer Liaison and its placement within DOT has been revised and simplified, and an organizational chart has been added. (See Chart A in the DOT Consumer Program.) The final program also describes the functions and membership of the Consumer Policy Coordinating Council. (Also see Section II, Oversight for Consumer Affairs.)

The Aviation Consumer Action Project questioned whether current staff could handle the increased responsibilities described in the draft program. Two other commenters addressed this issue in a general way. DOT is also concerned about the staffing level and plans to seek approval for additional personnel. However, it is unlikely

that there would be any increase in staffing in the near future due to the President's directive for overall cutbacks in Federal staffing.

One commenter believed that consumer affairs specialists in DOT should have actual working experience with a consumer activist or complaint handling organization. This is certainly one of the elements DOT looks at in hiring new consumer staff.

Three organizations encouraged DOT to include consumer advocacy as a primary responsibility of OCL. The OCL has the authority to represent the consumer perspective in DOT decisionmaking on proposed rules, policies, and programs. Consumer advocacy per se is not required by the Executive Order.

Three organizations recommended that the consumer units of all Federal agencies be independent, with one of the commenters stating that the consumer unit should be able to make independent reports to the Presendent and seek judicial remedies. DOT does not concure with this recommendation because it believes that OCL can be more effective working within the Department on a cooperative basis, while taking responsibility for leadership on consumer issues, rather than from the outside in a purely adversarial role.

One commenter supported DOT efforts to work with outside groups, but five people believed that DOT's draft plan did not place enough stress on communication and cooperation with outside groups. DOT believes that cooperation, communication, and information exchange is implicit throughout the entire program, but certain references have been added to the program to make these relationships more explicit.

One individual expressed fear that having a highly visible consumer unit in DOT might tend to inhibit local decisionmaking by encouraging individuals to complain directly to OCL rather than first trying to see solutions with local government agencies. This is certianly not the intent of DOT. The OCL will publish materials to help people to identify the appropriate points of contact for assistance and will held to resolve problems only if they have not been otherwise resolve satisfactorily.

The American Association of Retired Persons stated that the Office of Consumer Liaison should be insulated from political changes so that its actions are on-going and not subject to political upheavals every four years. Four out of the five OCL staff positions are civil service positions; this provides for a large degree of program continuity.

Two commenters favored DOT's definition of "consumer"—the final user of any transportation goods or services, as well as those people who are directly affected by a transportation mode. However, one commenter urged DOT to broaden its definition to include shipping firms. The Department does not agree; the DOT definition of consumer is already broader than that required by the Executive Order. DOT believes that the concerns of this commenter are outside the scope of E.O. 12160 and more appropriately addressed by other elements of the Department.

One commenter stated that there was a need to have a consumer officer in every element of DOT and another commenter stated that there should be a consumer officer in the Research and Special Programs Administration (RSPA). DOT's final plan now provides for a senior level consumer officer in each operating administration, including RSPA and the St. Lawrence Seaway Development Corporation, which previously did not have consumer officers.

The Center for Auto Safety recommended that DOT present the guidelines it developed for the consumer programs of its operating administrations for public comment. These guidelines are appended to DOT's program (see Appendix B). In addition, the draft consumer programs of the operating administrations are included in other portions of this document for public review and comment.

Staff of the U.S. Office of Consumer Affairs asked DOT to provide a specific illustration on how the Director of OCL will participate in policy development at the earliest stage and to describe how this is different from past procedures. In the past, the consumer affairs staff participated only sporadically in the development of policy and that role in general had been limited to enhancing consumer participation rather than commenting on substantive issues. In the past year, the consumer affairs staff began to take a more active role in policy development, especially in the DOT Work Group on Citizen Participation in Local Transportation Planning (see DOT's Consumer Program: Section III, Consumer Participation). Under the new consumer plan, each Secretarial office will be required to notify the Director of the Office of Consumer Liaison of emerging policy issues before an actual policy has been proposed (see Appendix A, Standard Procedure for Consumer/Citizen Participation). This will permit OCL to become involved in the actual development of a policy as well as in the identification of mechanisms for citizen participation. In addition, consumer officers in the operating administrations will be advised of emerging policy issues under their own procedures.

One commenter questioned whether OCL would review transportation rules proposed by other Federal agencies, such as the Interstate Commerce Commission. The Interstate Commerce Commission, Civil Aeronautics Board, and other independent agencies which deal with transportation matters generally have their own consumer affairs staff equipped to represent consumers in transportation issues.

Citizens for Better Driver Records stated that DOT orders should be fully developed to explain the manner in which DOT and its individual units should cooperate with individual citizens and public interest organizations. This will be done in DOT's Order on Management of Consumer Programs.

II. Oversight for Consumer Affairs

The U.S. Office of Consumer Affairs staff and three commenters expressed concern that DOT's draft plan did not make provisions for the Director of OCL to report directly to the Secretary of Transportation as required by the Executive Order. One other commenter questioned who would decide which issues would require consultation with the Secretary.

In the final plan, DOT has expanded the role of the Consumer Affairs Coordinating Council (now called the Consumer Policy Coordinating Council) to emphasize policy development. The Director of OCL, in his/her capacity as Chairperson of the Coordinating Council, will report directly to the Secretary of Transportation. In addition, the Director will have direct access to the Secretary on significant issues of concern to consumers which may not be considered by the Council. The Director, the Secretary, and the Assistant Secretary for Governmental Affairs will reach a mutual decision on which issues require direct consultation.

Two organizations had specific concerns related to OCL's oversight and monitoring functions. Citizens for Better Driver Records specifically recommended that the consumer units in DOT's operating administrations report directly to the Director of OCL. The Center for Auto Safety criticized the draft plan because it did not detail the machinery to be used for oversight and left too much to agency discretion. The Center recommended some type of appeal mechanism for consumers who disagree with a policy of an operating administration. In the same vein, the Center questioned whether the director will be able to stop/modify/curtail a

policy or practice if she/he is convinced it will prove detrimental to consumers.

The OCL will monitor and oversee the consumer programs of the operating administrations, but it cannot exercise direct control over these units. Such direction would be rightly considered an effort to circumvent the authority of the heads of the operating administrations. The consumer units of the operating administrations will report regularly to the Office of Consumer Liaison, notifying OCL of significant problems. When necessary, OCL will assist individual consumer units in resolving problems. OCL encourages individuals and consumer organizations to consult with OCL if they are unable to work out problems with a specific operating administration. When serious problems cannot be resolved in this informal fashion, the OCL will seek a decision of the appropriate administrator or, in rare cases, the Secretary.

In form responses, two individuals indicated that DOT did not specify the grade level of the senior consumer official. The Director of OCL is a member of the Senior Executive Service. (The Senior Executive Service replaced the previous personnel classification system for most senior level employees GS–16 and above.)

III. Consumer Participation

Several commenters addressed the issue of consumer participation offering suggestions on how participation channels and mechanisms might be improved.

Regulatory Process

One organization was supportive of DOT's regulatory procedures.

The Air Transport Association (ATA) had several suggestions. ATA stated that DOT should not discourage participation by requiring multiple copies of comments or filing fees. DOT does sometimes request extra copies of written comments on rulemaking proposals to reduce the need for xeroxing and thereby speed the analysis process, but the Department does not generally require extra copies; nor does it charge filing fees.

ATA encouraged DOT to acknowledge immediately petitions for rulemaking, to notify a petitioner of DOT's intention to proceed with or deny a rulemaking petition within 180 days, and to inform the public about where it can view public comments on a specific rulemaking petition.

It is standard practice for DOT to acknowledge rulemaking petitions. Although DOT does respond to many petitions within the recommended time frame, the response to a particular petition is dependent upon regulatory priorities within the Department, staffing limitations, and the complexity of the issues raised. Since these factors vary, a time limitation such as the one proposed would not be beneficial and in fact might, in some cases, result in the premature denial of a petition. However, DOT believes that it is reasonable and desirable to keep the petitioner informed about the status of a petition and the Consumer Policy Coordinating Council will consider procedures to make this happen. A listing of the locations and hours of operation of the rules dockets (where public comments on rulemaking petitions are open for public viewing) is now set forth in the Department's Regulations Agenda; that information is also specified whenever the Department publicizes a petition for rulemaking.

One commenter suggested that DOT provide written commentary on both sides of rulemaking issues in order to minimize public misunderstanding of technicalities. To a large extent this is already done. OCL will make increased efforts in its review of rulemaking actions to make sure that the implications of a rulemaking action are clear to the public.

The Air Transport Association (ATA) suggested that DOT hold briefings for wire services and trade journals on DOT proposals and that it might institute something like a dial-a-regulation program to inform the press of significant happenings.

DOT does hold press conferences and briefings on major issues, and the Department issues press releases on all significant proposals, rules, and decisions. DOT's Office of Public Affairs is in regular contact with transportation reporters often advising them personally of scheduled press briefings. The Office of the Federal Register now operates Dial-a-Regulation telephone lines in Washington, D.C., Chicago, Ill., and Los Angeles, Calif., which alert the public and reporters to significant items that will be published the next day in the **Federal Register**. Transportation items are often covered by this line.

Also see Informational Materials section of this summary regarding suggestions for information booklets on rulemaking.

Consumer Participation in Decisionmaking on Policies and Programs

The U.S. Office of Consumer Affairs staff asked that DOT include a timetable for the development of its Standard Procedure for Consumer/Citizen Participation in significant policy and program development. The Center for Auto Safety asked that each operating administration include at least an outline of its Standard Procedure for participation in their draft consumer programs.

DOT's Standard Procedure is included in Appendix A of its final program, and the draft of each operating administration includes a copy of its proposed Standard Procedure.

Local Transportation Planning

Several people addressing local transportation planning issues calling for increased citizen participation and expressing interest in DOT's Work Group on Citizen Participation in local transportation planning.

Two commenters called for a revision of the whole local transportation planning process in light of changing transportation needs and priorities and to give citizens a more equitable role in the process. One commenter called for serious efforts to monitor and enforce citizen participation rules at the local level.

Two commenters recommended that there be better citizen representation on local planning and advisory boards and commissions. One of these commenters stated that these citizen representatives could serve as part of a network that DOT could use to involve grass roots organizations in its activities.

One commenter stated DOT should be notified automatically of any project which draws a majority of citizen opposition and that DOT should treat such notice as a valid complaint and take steps to find a workable solution.

The DOT work group on citizen participation is considering these types of issues in the development of options for the Secretary's consideration.

Funding

Several commenters addressed the issue of funding for public participation in DOT rulemaking and policy development as well as in local transportation planning. One commenter stated that such funding might be administered in the Office of General Counsel. Another commenter asked that DOT and its National Highway Traffic Safety Administration (NHTSA) take steps to ensure that its public participation funding program be resumed in the next fiscal year.

In January 1977, DOT established a one-year demonstration program to test the concept of providing financial assistance to certain participants in rulemaking proceedings of NHTSA. At that time, DOT also issued an Advance Notice of Proposed Rulemaking, inviting public comments on the feasibility, wisdom, and scope of establishing a Departmentwide program of financial assistance. In 1978, based on a positive evaluation of the demonstration program, the NHTSA program was extended pending the Secretary's decision on whether or not to issue a Notice of Proposed Rulemaking to make the program Departmentwide. However, the Department is not in a position at this time to proceed with such a proposal in view of the action taken by Congress, on the Fiscal Year 1980 appropriations, to eliminate funding for the DOT-NHTSA demonstration program. The Department continues to support the principle of funding for public participation in rulemaking.

The issue of DOT funding for public participation in local transportation planning is being addressed by the DOT Work Group on Citizen Participation which expects to make recommendations to the Secretary late in Summer 1980.

Citizens for Better Driver Records recommended that DOT provide support for citizen groups through contracts and grants. The organization said that this could be done for technical studies as well as for public information efforts which can be done more effectively in some instances by citizen groups. This is done to some extent; for example, some of the funds that DOT grants to State governments can be transmitted to citizen groups for highway safety purposes. Citizen groups can apply for such funds through their local governments to their Governor's Representative for Highway Safety.

The Consumer Policy Coordinating Council will review other possible sources of funding, and OLC will publicize such sources.

Citizens for Better Driver Records suggested that public interest groups, because of their generally limited budgets, should be permitted to make reasonable use of government facilities, such as WATS lines, xeroxing equipment, etc. Such services are generally available only for official government business by government employees.

Consumer Conferences and Forums

Three commenters viewed DOT's Transportation and the Consumer Conference in May 1979 as a significant step forward; two commenters criticized this effort. Several commenters supported the concept of consumer forums and conferences, with most commenters favoring regional efforts in addition to or instead of Washington meetings. In expressing support for both national and regional conferences, one individual stated that national conferences gave people across the country the chance to share ideas and innovative approaches and should be continued. The U.S. Office of Consumer Affairs asked DOT to provide more specific information on its plan for consumer forums.

DOT's final consumer program provides more details on planning efforts in this area and solicits suggestions for two planned regional conferences and three planned national forums. (See DOT's Consumer Program: Section III, Consumer Participation).

The Automobile Owners' Action Council (AOAC) recommended that DOT conduct a series of local forums or town meetings using radio or television to reach a wider audience. The media producers would invite diverse and representative groups from the community to be in the studio audience and ask questions to DOT officials. The organization recommended that DOT assist in setting up a model program in the Washington, D.C., area and issue a report on the effectiveness of the project with recommendations for future efforts.

DOT officials have participated in a number of television and radio talk shows and will continue to do so in the future. DOT would be happy to cooperate with a producer in the format described by AOAC.

Notifying Consumers

Several people stated that the **Federal Register** was an ineffective means of communicating with consumers and suggested that DOT broaden and enlarge its list of consumers, consumer press and citizen groups. This is a specific goal and on-going effort of the Office of Consumer Liaison and other consumer units in DOT.

Other Citizen Participation Recommendations

Two commenters recommended that DOT establish a citizens advisory committee; one of these commenters suggested that DOT might contract with a citizen group to manage the activities of this committee.

DOT did sponsor a Citizens Advisory Committee on Transportation Quality from 1968 to 1977. This committee was abolished as part of a governmentwide effort to reduce the number of separate units. In the management of this committee, there were several problems with representation, continuity, and overall effectiveness. While the OCL would agree that these problems are not insurmountable, it does consider that there may be more effective and representative means of working with citizens informally and through consumer forums.

Two commenters recommended that DOT provide for at least 50% consumer representation on all appropriate advisory committees and boards. Many of the Department's 18 advisory boards are quite technical in nature and would not call for equal citizen representation. However, the Consumer Policy Coordinating Council will look into the composition of advisory committees, consider whether representation is adequate, and make recommendations to the Secretary.

One commenter stated that Adminstrators of each DOT unit should meet with citizen group representatives at least twice a year, on request; and when this cannot be done there should be an explanation. The planned consumer forums which will involve high level DOT officials address this issue in part. OCL has also asked the operating administrations to include provisions for such meetings in their draft consumer programs.

The same commenter recommended that the OCL director review the plan of the consumer liaison office annually with consumer leaders DOT agrees with this suggestion and has expanded the concept to include the Consumer Policy Coordinating council and the consumer plans of all elements of DOT in such meetings with consumer groups. The OCL will publish a synopsis of such meetings in its newsletter and on request consult by telephone with groups who may be unable to attend such an annual meeting.

Two commenters suggested that DOT make better and more frequent use of surveys. DOT does collect survey data on transportation trends and views. One element of DOT's Standard Procedure for citizen participation in decisionmaking includes surveys as a mechanism for obtaining citizen views. However, it should be pointed out that the U.S. Office of Management and Budget does place restrictions on surveys in order to prevent duplication and overburdening of individuals, businesses, and State and local governments.

IV. Informational Materials

One commenter stated that she couldn't assess current DOT publications because she didn't know what was available. Five commenters who utilized a form response indicated that publicity and distribution of DOT publications was not adequate. Another commenter suggested that DOT compile a listing of publications indicating where they are available and the cost.

Two commenters stated that DOT should make wider use of the private sector (e.g., newspapers, magazines, and broadcast media) to reach a larger audience. This is done to some extent with public service announcements (short clips prepared for TV and radio to inform the public on important issues). Currently public service announcements are being used to focus attention on problems of drunk driving; voluntary enforcement of 55 mph speed limit; and ridesharing.

It should be pointed out that DOT's most popular consumer publications are distributed through the Consumer Information Center which uses print and media extensively to advertise available consumer publications. The Center distributed a total of 1.5 million copies of 17 DOT publications during 1979.

However, it is clear from these comments that DOT must make stronger efforts to publicize and distribute its publications. As a first step, DOT Consumer Policy Coordinating Council, in cooperation With DOT's Information Center, is planning to issue a listing of general interest publications. This list would be circulated wisely and updated annually.

A few commenters urged DOT to continue publishing its consumer newsletter and regulations agenda. This will be done.

The Air Transport Association suggested that DOT publish an information pamphlet in plain English on: how to petition for rulemaking; how to participate in rulemaking proceedings; how to make a Freedom of Information request; how to appeal a denial of a Freedom of Information request; and how to intervene in agency proceedings.

DOT plans to propose certain revisions in its regulations governing Freedom of Information requests. After DOT completes this revision, taking into acount public comment, DOT's Office of Public Affairs plans to publish a booklet on the Freedom of Information request process. The Federal Highway Administration now has such a booklet (available through the FHWA Office of Public Affairs, HPA–1, Washington, DC 20590, or call 202/425–0660).

Other topics suggested will be referred to the Consumer Policy Coordinating Council. (Also see draft program of DOT's National Highway Traffic Safety Administration for plans it has to produce a booklet on how to participate in its decisionmaking processes.)

Several people had suggestions for information booklets, including:

- more materials on mass transportation, carpooling and how groups can organize such efforts on the local level
- conserving transportation energy (directed to teenagers)
- making citizens aware how they can direct transportation demand
- cost and operational problems of public transit providers (to increase public understanding of problems and to avoid unrealistic public expectations and demands)
- safety and performance information on new cars (addressed in NHTSA draft)
- how to influence the local transportation planning process

DOT currently has a number of booklets dealing with carpooling, including: *Rideshare and Save: A Cost Comparison*; *How Ridesharing Can Help Your Company*; and *Community Ridesharing: A Leadership Role*. These are available from DOT's Office of Public Affairs, Washington, DC 20590. In addition, DOT recently established a National Ridesharing Information Center with a toll-free hotline (800/424–9184; Washington, DC, residents call 426–2943) to assist companies and organizations in setting up carpool or vanpool programs.

Other publication ideas have been forwarded to the appropriate operating administration. Those ideas dealing with more than one operating administration will be explored by the Consumer Policy Coordinating Council.

One commenter suggested that DOT produce materials (cassettes and filmstrips) for school systems and actively court the school systems to use such materials.

The OCL developed printed materials in consumer education a few years ago. However, the material is extensive, and DOT cannot afford to distribute it either free or at a reasonable enough price for school systems to purchase it. Further, DOT does not have broad enough contacts with schools to develop educators' interest in inserting transportation data into the schools' curricula. Educational material may be planned as part of our audiovisual effort projected for FY–82. In the meantime, OCL does distribute existing materials to schools that are receptive to devoting classtime to transportation consumer education.

The U.S. Office of Consumer Affairs and one commenter asked DOT to be more specific about its information materials on open meetings. OCL will work with the Consumer Policy Coordinating Council to identify all meetings which are currently open to the public and prepare informational materials on the nature and timing of those meetings. Such meetings would naturally include advisory committee meetings and public hearings. These materials will include background information on the meeting, meeting agenda, and how the public can participate during the meeting. Their availability of these materials will be announced at the same time a meeting is announced. DOT will start to publicize such meetings and information materials in its consumer newsletter.

One commenter recommended that there be regional reports highlighting local approaches to transportation problems. Another commenter stated that regional offices should be responsible for more public information and awareness efforts. DOT's Consumer Policy Coordinating Council will look at ways to make other regional offices more effective resources for consumers.

One organization stated that DOT should revise its consumer plan to take into account Federal Government directives governing the development of audiovisual materials. If OCL begins development of audiovisual materials, it will work with the Office of Public Affairs which is familiar with government regulations in this area. Such revisions are not deemed necessary to the information plan.

One commenter stated that target groups should be determined before materials are developed and the target audience should be consulted in the development of materials. OCL is exploring the possibility of establishing a consumer evaluation board for its consumer publications (see DOT's Consumer Program: Section IV, Informational Materials).

V. Education and Training

Four people expressed support for DOT's proposed training efforts for agency staff, state and local officials, and citizens. One commenter felt that the training plan was too vague.

The Center for Auto Safety and Citizens for Better Driver Records believed that the role of public interest groups should be included in training for agency staff, suggesting that such training can only be accomplished through recurrent, systematic consultation with public interest organizations. Training for agency staff on DOT's consumer program will include discussion on the role of public interest groups. OCL will consult with these two commenters on how these issues can best be addressed in training of agency staff.

Commenter suggested that state and local transportation officials be included in DOT training efforts (such as FHWA training), and DOT's Work Group on Citizen Participation is looking at ways to improve and expand such efforts.

Three people expressed support for employing consumer interns in the Office of Consumer Liaison, although one of the commenters believed that it would have limited impact.

One commenter recommended that DOT begin to train grass roots citizens now in procedures regarding the transfer of interstate highway funds to other transportation projects.

At this time, DOT does not plan any special training sessions on this topic. However, DOT does have an information booklet which explains the procedures for withdrawing an urban segment from the Interstate System and substituting an alternate transportation project. For a copy of the booklet, *Interstate Transfer Provisions*, write FHWA, HPA–1, Washington, DC 20590, or call 202/426–0660.

A state DOT recommended providing seminars and workshops, audiovisual presentations, and a speaker's bureau to enhance DOT's insight and effectively relay to consumers some of the pressing needs of transportation systems throughout the country.

DOT describes plans for conferences and forums under the Consumer Participation section in its consumer program. DOT's Office of Public Affairs handles requests for DOT speakers at a national level and DOT's Regional Representatives of the Secretary often speak at regional meetings. DOT is receptive to the idea of increasing its efforts, and the idea of a speakers bureau will be explored by the Consumer Policy Coordinating Council and DOT's Office of Public Affairs.

The U.S. Office of Consumer Affairs asked DOT to be more specific on what types of technical assistance might be provided to consumers. DOT's Consumer Program contains more specific information in this area.

The Automobile Owners' Action Council (AOAC) suggested that DOT encourage a local institution, such as a college or university, to develop a series of consumer education broadcasts. Program might be presented by academic expert with audiovisual aids to be supplied by the Department. AOAC suggested that this might include call-ins by radio or TV listeners. The organization recommended that DOT serve as a facilitator for setting up a model project, and disseminating information to other areas.

This suggestion is a good one, and DOT would be happy to cooperate with a producer on such an effort. In addition, DOT's National Highway Traffic Safety Administration is in the process of producing mini-features on automobile safety and consumer issues for use by television reporters (see NHTSA draft program).

VI. Complaint Handling

A few people liked the publication *Finding Your Way in DOT* and supported DOT's plans to make wider distribution of a revised booklet.

Several people addressed the importance of tracking complaints and using complaints to influence Department decisions. A few were critical of DOT's current complaint-handling procedures, and several people believed that DOT's plan for a study of its complaint-handling system did not meet the requirements of the Executive Order. One commenter criticized the plan as too vague.

Two people recommended some type of reporting to the public, e.g., the ten most asked questions or complaints.

The U.S. Office of Consumer Affairs asked DOT to develop a timetable for its study of complaint handling and implementation of any new procedures which may be required.

DOT's final plan does provide a timetable for study and implementation of complaint-handling procedures. In addition, each operating administration describes in its draft plan how complaints are currently handled.

One commenter recommended the establishment of a toll-free telephone line on which consumers could register complaints.

DOT's National Highway Traffic Safety Administration now operates a toll-free hotline for consumers to report auto-safety defects (800/424–9393; Washington, DC, residents call 426–0123). It agrees that a Departmentwide hotline would be a valuable tool for consumers and for DOT. However, the Department does not have the funds or staffing to set up such a system in the near future. OCL will look into the possibility of seeking additional funds to set up such a line in the future.

Miscellaneous Suggestions

One commenter recommended that DOT recognize the efforts of public interest organizations through awards or some other type of recognition. DOT believes that this suggestion has merit and will refer the suggestion to the Consumer Policy Coordinating Council. Because this suggestion is not as substantive as some of the other items on the Council's agenda, this suggestion is likely to receive lower priority.

The same commenter suggested that an employee's personnel evaluation include the manner in which he/she interacts with citizen groups. The manner in which a Federal Government employee deals with the public is an intrinsic part of an employee's job, and a factor in an employee's performance evaluation, particularly for those employees who deal with the public on a regular basis. Individuals and organizations can assist in the evaluation of an employee by letting supervisors know how well or how poorly an employee deals with the public.

Five people stated that DOT's draft program was understandable; five people said that the program was not clear. OCL recognizes that certain parts of the draft plan were confusing to citizens who are not familiar with the Department's organization and procedures. OCL has attempted to clarify these aspects in the final version.

One person criticized DOT for allowing insufficient time for public response. The official comment period on the draft plan was 90 days. DOT did not distribute the draft program to its consumer related mailing list until the middle of January. OCL apologizes for the tardiness. There were unanticipated administrative and printing delays during the holiday season. However, OCL has reviewed and responded to all comments received through April 1.

A few local agencies were confused about how the program affected them. Although DOT would encourage all state and local transportation elements to abide at least by the spirit of DOT's consumer plan and the Executive Order, DOT's consumer program applies only to the U.S. Department of Transportation and its operating administrations.

Comments on Specific DOT Programs

Commenters on DOT's draft consumer program also had specific criticism of and suggestions for the consumer efforts of certain operating administrations in DOT. These comments are summarized here for public information purposes. OCL has asked the operating administrations to respond to these comments in their draft consumer programs which are part of this package. OCL will examine the final programs of the operating administrations to be sure that they have responded to the comments.

Federal Aviation Administration (FAA): The Airline Passengers Association would like FAA to expand its citizen participation training efforts for those involved in airport decisions. The Association would like the course to include rulemaking for changes with respect to operations and certification of aircraft including airworthiness directives.

National Highway Traffic Safety Administration (NHTSA): The Automobile Owners' Action Council (AOAC) recommended a magazine under a title such as "You and Your Car," or "Auto Consumer" to provide a source of consumer-oriented information, as differentiated from current periodicals which concentrate on auto-industry information. A model format might be the *Energy Consumer*, published by the Department of Energy.

One individual recommended that DOT provide ratings of repair shops; require repair shops and parts manufacturers to post a bond so consumer could recover money if businesses do not live up to their guarantees; test products for quality, safety, and integrity. The commenter stated that there should be full public disclosure on legislative amendments which would change the intent of a law, such as the Magnuson-Moss Warranty Act.

The Center for Auto Safety recommended that NHTSA:

—develop information materials on safety and performance of new cars

—accelerate its efforts to provide workable consumer information rating systems

—improve its auto-safety hotline in the areas of availability, courtesy, and accuracy

—make its technical documents more accessible and easier to find

—improve the timeliness of its recall process and recall reports

—publish a calendar of meetings between NHTSA staffers and outside parties

—routinely notify consumers on NHTSA activity or inactivity on areas of interest to consumer groups

—provide for a balance in NHTSA technical studies and reports by requiring consultation with consumer groups.

—establish complaint-handling procedures for acknowledgement and response.

Federal Highway Administration (FHWA): The Center for Auto Safety criticized FHWA for its perceived disregard of consumer input in highway policy decisions and for its lack of action on a rulemaking petition submitted by the Center on FHWA rulemaking procedures in September 1979.

DOT'S CONSUMER PROGRAM

Overview

This introductory section highlights significant changes that are being made in DOT's operating procedures, as a result of this new Consumer Program.

DOT, since its establishment in 1968, has developed extensive programs for transportation consumers, focusing largely on consumer information/education, consumer outreach, and citizen participation in transportation decisionmaking. These efforts will be strengthened under DOT's Consumer Program.

DOT has nine major units:

Office of the Secretary (OST)
Federal Aviation Administration (FAA)
Federal Highway Administration (FHWA)
Federal Railroad Administration (FRA)
National Highway Traffic Safety Administration (NHTSA)
Research and Special Programs Administration (RSPA)
St. Lawrence Seaway Development Corporation (SLSDC)
United States Coast Guard (USCG)
Urban Mass Transportation Administration (UMTA)

- RSPA and SLSDC have each added a senior-level consumer officer, which means that all the major elements of DOT now have at least one consumer officer. In addition, the responsibilities of all DOT consumer units have increased to provide additional consumer orientation and perspective in DOT, particularly in the development of DOT rules, policies, and programs and in providing opportunities for the public to participate in these decisionmaking activities.
- A Consumer Policy Coordinating Council now provides an in-house mechanism for coordinating consumer policies and programs and for advising the Secretary on consumer initiatives. Since the Council has the authority to make policy recommendations, it is considerably stronger than the consumer coordinating committee that existed in the past.
- DOT is increasing its working contacts with consumer/citizen groups. During the next year, DOT will hold two regional conferences and three Washington-based forums in which citizens can meet with high-level DOT officials to exchange viewpoints on key issues. Consumer groups will be included in consultations when DOT briefs interest groups on proposed DOT rules, policies, programs, and legislation. And the Consumer Liaison Director and the Consumer Policy Coordinating Committee will meet this summer with consumer leaders to discuss DOT's consumer plans for the coming year.
- The Office of Consumer Liaison (OCL) in the Office of the Secretary now has authority to review and recommend changes in proposed significant rules, policies, programs, and legislation. (Previously, OCL reviewed only regulatory proposals and documents.) In addition, the consumer units in the operating administrations will become part of the internal review process in their respective operating administrations in the development of significant rules, policies, and programs. By learning about planned activities formally and early, consumer units throughout DOT will be in a better position to recommend changes that will benefit consumers.
- DOT has establishment a Standard Procedure for Public Participation in development of DOT policies and programs. This procedure assures that consumer/citizen groups will be informed and consulted about proposals for new policies and programs, and that their viewpoints will be considered by key DOT officials. The Office of Consumer Liaison has responsibility for this new procedure.
- OCL is also responsible for monitoring opportunities that the Department provides for the public to be informed and to comment on proposed DOT rules. If members of the public consider these opportunities inadequate, they may contact OCL for help in providing improved opportunities.
- DOT is strengthening its consumer information program through better coordination and planning, and by widening its distribution channels for information materials. One goal is to use the Department's technical data as a basis for consumer information publications. In this way, the public can be better informed of transportation issues and problems and better prepared to influence decisions regarding those issues. DOT also plans to provide more complete information about its public participation channels and how the public can participate more effectively.

• All DOT employees will be informed of the requirements of DOT's consumer program, and training sessions will be conducted to improve the consumer orientation and skills of agency staff which deal with the public.

• A management study on DOT's existing complaint-handling mechanisms will begin next month. If improvements are necessary, they will be implemented within the next year to meet the requirements of the Executive Order.

• DOT's operating administrations have developed their own draft consumer programs which are included here for your review and comment. These plans provide more specific information on the activities and plans of each operating administration.

The text of the complete Consumer Program gives details on these and other consumer activities at DOT. They should serve to increase the consumer orientation of DOT staff and allow for more and better public participation in DOT decisions.

I. CONSUMER AFFAIRS PERSPECTIVE

This section focuses mainly on how the consumer staff in the Office of the Secretary works within the Department to provide DOT decisionmakers with consumers' viewpoints when regulations, policies, programs, and legislation are being developed. For background on how DOT's consumer staff works outside the Department with individual consumers and consumer/citizen organizations, see Section III, Consumer Participation.

DOT considers its consumers to be final users or purchasers of transportation goods and services as well as those who are directly affected by a transportation activity.

Consumer Staff Functions

DOT's consumer staff, located in the Office of the Secretary, is the Office of Consumer Liaison (OCL). The staff can be reached by writing to OCL, Office of the Secretary, I–50, Department of Transportation, 400 7th Street, SW, Washington, DC 20590; or by telephoning 202/426–4518 (or 426–4520).

In addition, DOT has a senior-level consumer officer in each of its eight operating administrations. The Draft Consumer Programs of these operating administrations are printed on the pages following this DOT Consumer Program and provide further details on DOT consumer activities. The administrations' consumer officers and the representatives of each Secretarial office serve on the Consumer Policy Coordinating Council which is responsible for coordinating DOT consumer policy and advising the Secretary on consumer initiatives (see Section II, Oversight for Consumer Affairs).

The Office of Consumer Liaison is headed by a Director who is DOT's senior-level consumer official. The Director is also chairperson of the DOT Consumer Policy Coordinating Council.

The Office of Consumer Liaison at present consists of the Director, three other professional consumer affairs specialists, and one secretary. The consumer staff has expertise in transportation issues; consumer/citizen participation; analysis of regulations, policies, programs, and legislation; liaison work with consumer groups; editorial skills; and management functions.

The Director of Consumer Liaison's responsibilities for policy direction, coordination, and oversight of DOT's consumer activities are described in Section II (Oversight for Consumer Affairs) of this Consumer Program.

The Director and staff of OCL are responsible for the five consumer functions enumerated in Executive Order 12160.

The Director and staff of OCL have additional responsibilities relating to consumers' specific transportation concerns. These responsibilities include:

• working closely with consumer affairs officers in DOT operating administrations on all aspects of transportation planning and decisionmaking;

• developing and maintaining liaison with national, state, and local consumer/citizen organizations that have special interests in transportation problems;

• developing and maintaining contacts with state and local consumer protection agencies dealing with consumers' transportation problems;

• providing for necessary research on consumer-oriented aspects of transportation issues, in order to improve DOT programs.

Consumer Staff Review of Rules, Policies, Programs, and Legislation

The following subsections describe how the Director and staff members of OCL participate in the development of DOT's rules, policies, programs, and legislation from the consumer's perspective. In addition to providing the consumer perspective in these activities, OCL identifies the names of individuals and groups outside of DOT who should be involved in briefings and consultations early in the decisionmaking process and also initiates such sessions with consumer groups.

Rules. OCL has the authority and responsibility to review and comment on all proposed significant regulations drafted within the Department. (The Department uses specific criteria for determining whether a proposed regulation or final regulation is "significant". For example: Does the regulation have a major effect on the general economy or consumer prices? Does it concern a matter in which there is substantial public interest or controversy? Does it have a substantial effect on state and local governments? Does it have a substantial impact on a major transportation safety problems?)

(1) The Department uses the following procedure for in-house review of proposed significant regulations are submitted to DOT's General Counsel, which distributes these proposals to every appropriate office in the Office of the Secretary, asking for approval or dissenting comments. Since OCL has the authority and responsibility to review all proposed significant regulations and to comment on them from consumers' perspectives, it receives copies of proposed significant regulations distributed by the Assistant General Counsel for Regulation and Enforcement. OCL'S comments on the substantive issues which affect consumers, the clarity of the regulatory document, and on opportunities that the public will have to participate in a decision are submitted to the General Counsel. Any dissenting comments from OCL must be examined and given careful consideration by the General Counsel. Any disagreements must be resolved before the proposed regulation is issued and sent to the **Federal Register** for publication.

(2) The Department follows the same procedure for review and comment of final significant regulations, which are also distributed to OCL.

(3) In addition, the Director of OCL attends each meeting of the DOT Regulations Council, which is convened when there is a need to discuss and resolve controversy within the Department about any proposed significant regulation.

Policies: OCL has several avenues for representing consumers in development of DOT policies:

(1) The head of each Secretarial office must notify the Director of OCL through the Assistant Secretary for Governmental Affairs of emerging policy issues. This notification is required by the Department's Standard

Procedure for Consumer/Citizen Participation (see Section III, Consumer Participation); and it assures that OCL will be involved in policy development and will provide opportunities for consumers to participate in policy development.

(2) The Director and staff take part in Departmental work groups, task forces, and committees which develop policy recommendations for the Secretary and other key officials. One example of this involvement is that OCL is managing and providing staff support for the activities of the DOT Work Group on Citizen Participation which is developing recommendations for the Secretary concerning a Departmental policy statement on citizen participation in local transportation planning (see Section III, Consumer Participation).

(3) The Director is chairperson of the Department's Consumer Policy Coordinating Council which is responsible for analysis of all DOT policies affecting consumers (see Section II, Oversight for Consumer Affairs).

(4) The Director is authorized to make policy recommendations to the Secretary on significant issues of concern to consumers (see Section II, Oversight for Consumer Affairs).

Programs: OCL Director and staff have varied opportunities for being involved in program development:

(1) The head of each Secretarial office must notify the Director of OCL through the Assistant Secretary for Governmental Affairs about emerging program issues. This notification is required by the Department's Standard Procedure for Consumer/Citizen Participation (see Section III, Consumer Participation); and it assures that OCL will be involved in program development and will provide opportunities for consumers to participate in program development.

(2) The Director and staff take part in Departmental or interagency work groups, task forces, and committees which are planning or evaluating programs that directly and significantly affect consumers. An example of this involvement:

In 1978, staff of OCL worked on a DOT task force that helped develop the Department's new program to fund public transportation in rural areas (authorized by Congress in the Surface Transportation Assistance Act, October 1978). The task force was organized to consult with state and local officials; but OCL strongly urged that the group also consult with rural residents who used existing rural public transportation or who needed impoved public transportation. As a result, the task force interviewed low-income, handicapped, and elderly consumers, as well as community leaders working to improve public transportation.

(3) In order to improve DOT programs, the OCL funds and manages contracts for research necessary to gather data about the consumer aspects of transportation issues. An example of this involvement:

In 1979, OCL managed a research contract designed to determine the extent of consumer's problems with auto-repair problems. A followup contract is now being managed by OCL, in cooperation with DOT's National Highway Traffic Safety Administration, to find out which are the most effective elements of various state consumer protection programs which have been established to solve auto-repair problems.

Legislation: OCL has the authority and responsibility to review and comment on proposed legislation that is drafted within the Department. OCL receives copies of proposed legislation distributed by the Assistant General Counsel for legislation; when proposed legislation is reviewed by offices within the Department, OCL has the opportunity to review the proposed law, comment on how it would affect consumers, and recommend changes that would be helpful to consumers.

Budget

To implement fully the requirements mandated by the Executive Order, the OCL will need additional funding. OCL does not currently have a program budget. In light of budget priorities to be set in its next budget submission to the Office of Management and Budget (Fiscal Year 1982, to be submitted in summer 1980), and in succeeding budgets, DOT will consider additional funding and staffing to implement the required consumer program.

The FY–82 budget submission, and each succeeding budget, will include a separate consumer program exhibit, as required by Executive Order 12160.

Until FY–82 budget provisions can be put into place for OCL, DOT will attempt to fund high-priority consumer initiatives through other existing sources within the Department.

II. OVERSIGHT FOR CONSUMER AFFAIRS

This section describes the responsibilities, authority, and duties of the Director of Consumer Liaison, the Department's senior-level official whose sole responsibility is to oversee consumer activities. It explains how the Director of Consumer Liaison works within the Department to participate in policy development and how the Director informs consumer/citizen organizations outside the Department about policy issues being discussed within DOT. It describes how the Director coordinates consumer programs throughout the Department by acting as chairperson of the DOT Consumer Policy Coordinating Council, and it outlines the Council's duties.

The Director of Consumer Liaison heads an office which is one of five offices responsible to the Assistant Secretary for Governmental Affairs (see Chart A). The Director reports directly to the Assistant Secretary for Governmental Affairs; on significant issues of concern to consumers, the Director has direct access to the Secretary. Decisions concerning which issues are "significant" will be made jointly in discussions among the Secretary, the Assistant Secretary, and the Director.

The Director is appointed by the Secretary, is a member of the Senior Executive Service, and is the Secretary's representative to the Federal Consumer Affairs Council. This interagency Council was established by Executive Order 12160 to provide leadership and coordination to Federal consumer efforts, and includes the senior-level consumer official of each Cabinet department.

The Director is responsible for consumer programs in the Office of the Secretary and oversees and monitors consumer programs in the operating administrations. The Director ensures that activities related to the Department's consumer programs are conducted in compliance with pertinent laws and regulations. The consumer units in the operating administrations report regularly to the Director of OCL, noting any special problems. The Director assists the consumer units in resolving difficult problems. Individuals and consumer organizations are encouraged to contact the Director if they are unable to work out a problem with a specific operating administration. When serious problems cannot be resolved in this informal fashion, the OCL will seek a decision from the appropriate administrator or, in rare cases, the Secretary.

The Director is chairperson of the Department's Consumer Policy Coordinating Council (CPCC). In this capacity, the Director reports regularly to the Secretary in writing concerning policy and program issues discussed by the CPCC; the reports include the Council's and the Director's

recommendations to the Secretary on these policy and program issues.

The Director has a variety of sources for keeping informed of policy and program developments throughout the Department:

(1) by receiving notification of emerging policy and program issues from the head of each Secretarial office;

(2) through regular meetings with the Consumer Policy Coordinating Council;

(3) through continuing contacts with key officials in the Office of the Secretary and in the operating administrations; and

(4) during the course of everyday business, such as staff and intradepartmental meetings, review and comment process on Department decisions, and other consultative processes.

Informing Consumers

The Director is responsible for informing consumer/citizen organizations about policy and program issues being discussed within the Department, and also for getting consumers' reactions to these issues and for assuring that the Secretary and other key officials are informed about consumers' reactions. The Director uses at least three formal systems for passing along this information and for getting consumers' reactions.

The Director:

(1) assures that new policy and program issues are placed on the agendas for the consumer forums that will be held regularly in Washington by DOT (see Section III. Consumer Participation);

(2) assures that articles about these policy and program issues are included in *Transportation Consumer*, the Department's bimonthly newsletter;

(3) is responsible for informing the Department's ten Regional Representatives about these policies and programs so that they, in turn, can inform individuals and consumer/citizen organizations in their regions;

(4) uses other appropriate channels for informing consumers, such as: setting up briefing sessions on specific policy issues for Washington-based organizations; holding informal consultations with individuals and organizations throughout the country, when traveling outside Washington; and working with the Office of Public Affairs to provide wide distribution of news releases on significant policy issues of concern to consumers.

Consumer Policy Coordinating Council

The DOT Consumer Policy Coordinating Council is an intradepartmental working group which is responsible for analysis of DOT policies which affect consumers and also for assisting in implementation of DOT's Consumer Program. The Council is made up of consumer representatives from DOT operating administrations and appointed delegates from appropriate Secretarial offices.

Membership: The Council's membership (see Chart B) consists of:

(1) the senior consumer officer from each operating administration (Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, National Highway Traffic Safety Administration, Urban Mass Transportation Administration, St. Lawrence Seaway Development Corporation, Research and Special Programs Administration, United States Coast Guard);

(2) one appointed delegate from each of the following Secretarial offices: Assistant Secretary for Policy and International Affairs, Assistant Secretary for Budget and Programs, Assistant Secretary for Administration, the Offices of General Counsel, Inspector General, Civil Rights, Public Affairs, and Small and Disadvantaged Business Utilization. The delegate from each Secretarial office is the official or staff member who is responsible for coordinating that office's Consumer/Citizen Participation Plans (see Section III. Consumer Participation);

(3) the Director of DOT's Office of Consumer Liaison, who is chairperson of the Council;

(4) consumer officers in DOT's Office of Consumer Liaison.

The chairperson may also call upon other DOT officials and staff members to attend Council meetings and provide assistance on specific Council projects.

The Council meets regularly every month; the chairperson may also call additional meetings as needed. OCL provides staffing for Council operations.

Duties: The Council's primary functions are:

(1) to advise the Secretary about consumers' interests in emerging policies and programs, and other matters of concern to consumers;

(2) to provide the chairperson (who is also Director of OCL) with a resource for coordinating, monitoring, and overseeing the Department's consumer activities, as well as for reviewing emerging policies and programs which are being developed within the Department and which will significantly affect consumers;

(3) to act as a clearinghouse where all DOT consumer personnel can exchange information about emerging policies and programs of interest to consumers;

(4) to act as a forum for discussing and analyzing these emerging policies and programs;

(5) to provide a systematic information network among the Office of the Secretary and the operating administrations for staff members to communicate on issues of concern to consumers;

(6) to provide a practical forum for discussing and making decisions on consumer issues that cross-cut several operating administrations;

(7) to implement all aspects of the DOT Consumer Program.

Other assignments: Certain specific tasks have already been assigned to the Council, as a result of public comments submitted on DOT's draft consumer program (see Summary of Public Comments, preceding this DOT Consumer Program). These tasks include the following:

(1) The Council will meet once each year with consumer leaders to review the following year's plans for all DOT consumer staffs;

(2) The Council will review and distribute any available information about possible sources of DOT funding (through grants and contracts) for citizen groups equipped to handle specific projects such as technical studies or public information efforts;

(3) The Council will look into the composition of DOT advisory committees, will consider whether consumer representation is adequate, and will make recommendations to the Secretary;

(4) The Council will prepare a listing of DOT's general interest publications. The list will be circulated widely to consumer-oriented mailing lists, and will be updated annually;

(5) As part of its Consumer Information plan, the Council will consider publication topics suggested in public comments on the draft consumer program;

(6) The Council will consult with appropriate offices, including the Office of Public Affairs, to identify all DOT meetings open to the public and to prepare a listing for consumers telling when and why these meetings are held. Announcements will be made of particular meetings, including agenda items and background information for the meeting;

(7) The Council will explore ways to make the Department's regional offices more effective resources for consumers;

(8) The Council will work with the Office of Public Affairs to explore the possibility of providing a speakers bureau of DOT officials and experts for meetings of citizen/consumer groups;

(9) The Council will consider the possibility of developing an awards program to recognize special efforts of public interest groups and consumer/citizen organizations;

(10) The Council will consider procedures to keep people who file rulemaking petitions informed on the status of the petitions at regular intervals.

III. CONSUMER PARTICIPATION

It is DOT policy to encourage effective citizen participation early in and throughout the Department's decisionmaking processes. This section explains how DOT's Office of Consumer Liaison (OCL) works with consumer/citizen organizations and with individuals to tell the consumer community about the Department's plans and policies, and to get citizens' reactions and comments while plans are being developed. This section also summarizes some of the operating procedures used by DOT to provide for public participation in DOT rulemaking and in policy and program development.

Working With Citizen/Consumer Groups

OCL is increasing its efforts to keep citizen/consumer groups informed about emerging policy and rulemaking issues to encourage their active participation. OCL will coordinate with the Office of Civil Rights on a special outreach effort to increase DOT's working contacts with low-income and minority consumers and their organizations. OCL will also coordinate with the Regional Representatives of the Secretary of Transportation to assure that DOT's outreach efforts on emerging policy and rulemaking issues increase the Department's networking contacts with grassroots, minority, and low-income organizations having special concerns about transportation issues.

DOT's current consumer mailing lists provide the nucleus of a network for involving grassroots organizations; and planned regional conferences and national forums will hekp to expand DOT's consumer network (see below). But DOT will also need the help of national, state, and local organizations in identifying others who should be part of this network. Write Office of Consumer Liaison, I–50, U.S. Department of Transportation, Washington, DC 20590, or call 202/426–4518 to suggest individuals or groups who should be on DOT consumer mailing list.

DOT currently has extensive consultative and informational contacts with interest groups representing state and local governments; these groups are regularly contacted when significant transportation proposals are being developed within the Department.

OCL will apply many of these consultative techniques in its contact work with citizen/consumer organizations. for instance, consumer/citizen groups known to have an interest in a specific area will be consulted during development of DOT policy or legislative proposals.

OCL will introduce briefing sessions for consumer/citizen groups on important and timely rulemaking, policy, legislative, and program activities. The sessions might consist of a digest of a policy, the reason for the action, how the process will operate, and a question-and-answer period. It is likely that these sessions will sometimes be called on short notice because certain transportation policy issues and legislative strategy plans frequently occur within an urgent time frame. But OCL will make every effort to give consumer/citizen groups as much advance notice as possible about briefing sessions.

OCL is developing a mailing list of consumer/citizen organizations that have a broad range of transportation concerns and that wish to be involved in consultation with DOT. As an initial step in this direction, DOT recently sent its draft Agenda for the 1980s to a number of broad-scope consumer and environmental groups.

The Director of OCL and the Consumer Policy Coordinating Council will meet at least once each year with consumer/citizen leaders to discuss the Department's consumer plans for the coming year. OCL will publish a synopsis of the meetings in its consumer newsletter and on request will discuss the yearly plans of the office with consumers who are unable to attend the annual meeting.

When the Director of OCL and staff members travel outside of Washington, they will try to arrange informal consultations with local consumer/citizen groups to gather first-hand opinions from consumers throughout the country.

Consumer Conferences

National Conference: In May 1979, DOT's Office of Consumer Liaison hosted the Department's first national conference on Transportation and the Consumer in order to give consumers/citizens opportunities to become better informed on transportation issues, to develop increased consumer access to DOT decisionmaking, and to make suggestions for future DOT actions. The major concern expressed by conference participants was for DOT to give increased support to citizen participation in the local transportation planning and decisionmaking process. The Department responded by establishing the DOT Work Group on Citizen Participation, which prepared the Advance Notice of Proposed Policy described in the subsection on local transportation planning (see below).

Participants at the conference and commenters on DOT's draft consumer program encouraged DOT to hold similar conferences in the regions so that more people could attend and regional issues could be addressed.

OCL also recognizes that there is value to national conferences in which citizens throughout the country can exchange ideas and views. As a result, DOT does plan to have some type of national conference for transportation consumers periodically.

Regional Conferences: In the Fall of 1980, DOT will hold two regional conferences—one on the eastern seaboard and the other in the mountain plains region of the West. These conferences will be coordinated by the Regional Representatives of the Secretary of Transportation, in consultation with DOT's Office of Consumer Liaison, and will serve as a model for future conferences in other parts of the country. The Regional Representatives will work with both citizens and transportation officials in the development of the conference program.

OCL recognizes that some participants may require funding to attend a conference in a regional center and hopes to accommodate such needs. People who wish to attend one of these conferences or to participate in conference planning should contact: Sally Cooper, Regional Representative of the Secretary, Suite 1000, 424 Walnut Street, Philadelphia, PA 19106 (215/597–9430) or Pete Mirelez, Regional Representative of the Secretary, Prudential Plaza, Suite 1822, 1050—17th Street, Denver, CO 80202 (303/837–4048).

Consumer forums

Consumer conferences are often too large and cover too many topics to provide a real opportunity for citizens/consumers to interact with high-level DOT officials. DOT

believes that such interaction is important. As a result, OCL plans to use the setting of smaller consumer forums to make it easier for citizens and government officials to communicate their respective views and concerns.

OCL plans to hold three consumer forums in Washington during the next year—October, 1980, February and May, 1981. During the next several months, DOT will solicit ideas from individuals and consumer citizen groups on topics to be discussed in the forums and the high-level officials who should participate. The Director of OCL will assure that new policy issues and programs are included on the agenda. DOT recognizes that individuals and groups from outside the Washington, DC, area may require financial assistance to attend these forums and hopes to be able to accommodate those needs.

Consumer/Citizen Participation in Local Transportation Planning

An intradepartmental work group is currently preparing options for the Secretary's consideration on ways to improve citizen participation in the local transportation planning process. This effort was initiated as a result of comments made by participants at the Transportation and the Consumer Conference in May 1979. The work group's efforts began with an Advance Notice of Proposed Policy and has involved extensive public comment and consultation.

The Work Group plans to submit recommendations to the Secretary this summer. Should the Secretary decide that there is a need to develop a DOT policy on this area, DOT will issue a Notice of Proposed Policy asking for public comments.

The Work Group is chaired by the Assistant Secretary for Governmental Affairs. Management of the Work Group is the responsibility of the Office of Consumer Liaison. The Work Group will continue to provide the mechanism for Departmental coordination of issues bearing on consumer/citizen participation in local transportation planning.

Consumer/Citizen Participation in Rulemaking

DOT's Regulatory Policies and Procedures, issued in compliance with Executive Order 12044, Improving Government Regulations, detail the procedures to be followed in the development of all DOT rules. Several of the public participation features of these procedures are summarized below. For a complete copy of the procedures, write DOT, Office of General Counsel, C–50, Washington, DC 20590.

DOT's rulemaking procedures are designed to increase public awareness of planned regulatory activity and to enhance opportunities for public participation. For example, DOT provides the public with advance notice of planned rulemaking actions through its semiannual Regulations Agenda. The Agenda gives a brief description of planned rulemaking actions, dates when decisions are expected, and whom to contact for more information about a specific rule. The Agenda also contains a list of those regulations that will be reviewed during the next year and information on how to get on a special mailing list to receive rulemaking proposals when they are issued. To receive the Regulations Agenda on a regular basis, contact DOT's Office of General Counsel, C–50, Washington, DC 20590.

Under DOT procedures, the office that initiates a significant rulemaking proposal must develop a work plan that includes a tentative plan for how and when the Congress, interest groups, other agencies, and the general public will have opportunities to participate in the regulatory process.

DOT's regulatory policies also provide for: a 60-day comment period on significant regulations, where possible (45 days are generally provided for non-significant rules); the use of Advance Notices of Proposed Rulemaking, where appropriate; and, in appropriate circumstances, the notification of publications likely to be read by those affected by a rulemaking proposal.

The Office of Consumer Liaison monitors compliance for public participation requirements by reviewing and commenting on opportunities for public participation provided for in rulemaking notices. If members of the public believe that public participation opportunities on a specific rulemaking action should be enhanced, they are encouraged to contact the office initiating the rulemaking action or the Office of Consumer Liaison to request additional participation opportunities. OCL will work with the initiating office to explore additional participation channels.

On significant rulemaking proceedings, DOT frequently holds public hearings in Washington and in affected regions. In addition, the Office of the Secretary and the operating administrations on a continuing basis provide additional opportunities for the public to participate in DOT decisions on transportation policies, rules, and programs. Workshops, consultative planning sessions, and conferences have been conducted on such topics as auto safety, airport noise, and public transportation.

When a DOT office prepares a significant final rule, it must provide a summary of the meaningful public comments received and a response to those public suggestions. This summary informs the public about how DOT is responding to their comments and it also aids DOT decisionmakers in determining how responsive the rule has been to public comment.

Consumer Participation in Decisionmaking in Policies and Programs

The Office of Consumer Liaison will play a significant role in ensuring meaningful opportunities for consumer/citizen participation in the development and review of key DOT policies and programs. To provide consumers with an adequate opportunity to influence policy and program development, the Office of the Secretary has adopted a Standard Procedure for Consumer/Citizen Participation.

The Standard Procedure for the Office of the Secretary is included in Appendix A. Bascially, the procedure requires each Assistant Secretary and the head of each Secretarial office to identify key emerging issues which might eventually lead to the development of a major policy or program involving a decision by the Secretary and to notify the Assistant Secretary for Governmental Affairs of all such issues. Each Secretarial Office is additionally responsible for designating a key staff member for each emerging issue to assist the Offices of Consumer Liaison and Intergovernmental Affairs in developing an outreach plan which includes opportunities for consumer/citizen participation. The Office of Intergovernmental Affairs is responsible for outreach efforts with state and local officials, and other interest groups and consults continuously with these sectors on development of key DOT policies and programs. This consultative process is now being broadened to ensure that the views and interests of consumers are received and adequately considered.

As further required by the Standard Procedure, the outreach plan must incorporate at least one of several techniques to inform citizens/consumers of the developing policy or program and must set forth a timetable for public participation during the consultative process. The Office of Consumer Liaison will play an active part in identifying appropriate participatory techniques and encouraging and working with consumers and organizations to respond to the proposal. In addition, the Office of Consumer Liaison is

responsible for ensuring that consumer/citizen comments are analyzed, for making appropriate recommendations, for submitting the prepared analysis to the appropriate Secretarial Officer, and for ensuring that adequate consideration is given to the analysis. The Office of Consumer Liaison will make every effort to inform consumer/citizen commenters of signficant decisons concerning the policy or program being developed.

Each operating administration is developing its own Standard Procedure for Consumer/Citizen Participation, using the Office of the Secretary procedures as a model. The Office of Consumer Liaison will, on request, provide technical assistance to operating administrations in the development of their Standard Procedures and outreach plans. The Consumer Policy Coordinating Council will also serve as a forum for discussion emerging policy and program issues and will provide appropriate assistance to the operating administrations.

Notifying Consumers

The Office of Consumer Liaison publishes a newsletter (*Transportation Consumer*) which describes opportunities for participation on proposed DOT rules, policies, and programs. Twice each year the newsletter includes a fact sheet summarizing those items on the Department's Regulations Agenda of most interest to consumers. The Office sometimes sends DOT press releases on proposed actions to its consumer mailing list to keep the public informed of proposals occurring in between newsletters. OST's consumer mailing list totals about 4,000 and includes consumer press, state and local consumer offices, consumer/citizen groups, and individuals. In addition, operating administrations in DOT are expanding their own specialized consumer mailing lists and have regular procedures to notify their publics about specific rulemaking plans (see draft plans of the operating administrations which follow). DOT's Office of General Counsel also maintains a mailing list for the Regulations Agenda.

IV. INFORMATIONAL MATERIALS

This section describes DOT procedures to provide better coordination to its consumer information efforts and to publicize and distribute its consumer information materials.

The Office of the Secretary (OST) and the operating administrations now have many publications and fact sheets of interest to consumers on such topics as no-fault insurance, auto repair and safety, boating safety, and the accessibility of airports to handicapped consumers. DOT regularly issues consumer advisories in the form of news releases on matters of consumer safety and opportunities for public participation. In addition, the OST consumer liaison staff publishes a consumer newsletter on a bimonthly basis to inform consumers of current happenings in transportation. (To be placed on the mailing list write to DOT, Office of Consumer Liaison, I–50, Washington, DC 20590.)

However, the Department recognizes that its consumer information efforts can be enhanced by better planning and coordination among the operating administrations and the Office of the Secretary. This is particularly true in the preparation of easy-to-read material on technical matters. The Department produces a wealth of technical data which can be used to develop consumer publications; and the Department has already begun planning a program to achieve that purpose.

DOT's Consumer Information Program and Timetable

The goal of this program is to develop and produce more publications that will help consumers better understand transportation issues and problems and make better decisions in the marketplace.

These publications will be written in clear and simple language that will make them accessible and useful to the general public, and efforts will be made to initiate consumer evaluation of DOT consumer materials (see *Evaluation* heading in this section).

The Consumer Policy Coordinating Council (CPCC) has the responsibility for coordinating DOT's Consumer Information program, working with appropriate offices throughout the Department. The Council will work particularly closely with all public affairs offices in the Department. Each consumer officer in an operating administration is responsible for coordinating consumer publications plans with his/her public affairs office; and the Council will coordinate the overall consumer publications plan with the DOT Office of Public Affairs.

The CPCC is now assessing DOT's consumer publications. As a first step, the Council, in cooperation with DOT's Information Center, is collecting and preparing a list of all DOT publications of interest to consumers. DOT will publish this listing, along with information on how the publications can be obtained, in simple fact sheet form which can be updated annually and which will be distributed widely through mailings and at public meetings.

The process of developing this list helps the Council to identify possible duplications and note areas of consumer interest which may not be covered by existing publications. Based on this assessment, the consumer units in DOT are preparing a publications plan for the next year. These plans are discussed by the Consumer Policy Coordinating Council and priorities established. The process for selecting new consumer publications will be repeated each year, prior to the beginning of the fiscal year.

The timetable for the first year is:

Set priorities for consumer, publications to be produced during the next year.
Aug. 15, 1980, and every year thereafter.
Prepare and print bibliography of DOT consumer publications.
Oct. 30, 1980, and every year thereafter.

The CPCC also keeps track of technical reports issued by DOT and publicizes those which may be of interest to consumers. Some of these technical publications may also become the source for new DOT consumer publications.

Each operating administration and the Office of the Secretary is responsible for preparing, publishing, and distributing the consumer publications that focus on its own area of responsibility and expertise. The CPCC is responsible for stimulating the development of needed materials and for tasks that require Departmentwide coordinating efforts, such as: (1) The Departmentwide listing of publications described above; and (2) efforts to combine all appropriate DOT consumer mailing lists in order to publicize new consumer publications and notify consumers of citizen participation opportunities.

Audiovisuals

The CPCC will do an inventory of DOT consumer audiovisual materials and will examine, with the Office of Public Affairs, the feasibility of initiating a more extensive audiovisual program directed to consumers. The development of audiovisual materials requires a fairly long lead time in terms of budget planning and production. Therefore, if DOT plans to pursue a more ambitious audiovisual program, it probably will not begin until late 1982. The development of audiovisual and print materials

will be coordinated so that both types of materials complement and reinforce each other.

Evaluation

OCL will work with the Consumer Information Center of the General Services Administration (GSA) to build a consumer evaluation system into its publication program. Such a system might include sending an evaluation form to people who have ordered DOT publications. The Office of Consumer Liaison will serve as a clearinghouse for public comments on the adequacy of existing DOT publications and recommended topics for new publications.

OCL will also explore with consumer groups and state and local consumer protection agencies the possibility of establishing a review board for DOT publications before they are printed. DOT might provide bulk copies of the publication to the people who review a publication in exchange for their services. Persons who have suggestions on how much a review board might be formed and those interested in serving on such a review board should contract OCL.

Distribution of Materials

DOT will make use of existing resources to publicize and distribute its publications. Publicity and distribution efforts will include:

—each DOT consumer publication will be introduced with a DOT news release to the general media as well as the consumer press. Publications carried by the Consumer Information Center will receive additional publicity through the Center's media and print networks.

—DOT will send notices (in the form of press releases and/or notes in its consumer newsletter) on new publications and how to obtain them to its consumer mailing lists.

—OCL will send publications of wide consumer interest directly to consumers on its mailing list with a letter from the Director of OCL.

—DOT will utilize the facilities of GSA's Consumer Information Center, to the extent that funding exists for such GSA distribution.

—DOT will make special efforts to keep the following groups informed of what publications are available: DOT regional offices, Federal Information Centers, other Federal agencies that affect transportation consumers; state and local consumer protection agencies; state and local transportation agencies, national, state, and local consumer groups, and consumer press.

—DOT employees will be informed of all new publications and encouraged to carry copies of consumer publications when attending meetings where consumers are present.

Whenever possible, single copies of DOT consumer publications will be available free, on request.

When funds permit, DOT will provide for free bulk mailings to consumer constituencies and to schools, for all DOT consumer publications. Such bulk distribution will include consumer-oriented meetings, forums, conferences, and appropriate public hearings.

On large publication orders, OST's consumer liaison staff will make negatives of its publications available for printing by state and local governments or consumer groups.

Information Materials for Open Meetings

OCL will work with the Consumer Policy Coordinating Council to identify all DOT meetings which are regularly scheduled and open to the public, for example Advisory Committee meetings. The Coordinating Council will also keep track of other open meetings which occur on a somewhat irregular basis according to issues, for example, public hearings. The DOT office responsible for an open meeting will be required to prepare informational materials on the nature and timing of such meetings. OCL will provide technical assistance to DOT offices in developing such materials. The informational materials will include background information on the meeting, meeting agenda, and how the public can participate during the meeting. The materials shall be available at the time the meeting is announced and at the entrance to the meeting. OCL will announce open meetings in its newsletter.

V. EDUCATION AND TRAINING

This section describes how OCL will familiarize all DOT staff with its new consumer policies, the training opportunities for those involved in consumer affairs and public participation, and training and technical assistance possibilities for individuals, citizens groups, and other public interest organizations.

Responsibility for Notification and Education Concerning E.O. 12160

The Secretary will notify DOT officials concerning Departmental actions that will be taken to comply with E.O. 12160.

DOT's final Consumer Program will take effect in July 1980; it will be supported by the DOT Order on Management of Consumer Programs, which will make necessary changes in the Department's operating procedures. The Department's Consumer Program and the DOT Order will be circulated to all DOT staff members.

The Director for Consumer Liaison will be responsible for briefing OST officials and operating administration officials on the DOT Order and will discuss the role of public interest groups in participating in DOT policies and programs. The DOT Consumer Policy Coordinating Council (CPCC) will assist in these briefing sessions.

The Council will be responsible for developing an ongoing education program to inform DOT staff concerning new procedures and activities that will be required under the DOT Order.

Training Agency Personnel

The Director for Consumer Liaison will consult with the OST Office of Personnel and Training to institute plans for training consumer personnel in the general area of consumer affairs responsibilities, with specific focus on citizen participation, preparation of consumer information materials, and handling of consumer complaints. To the extent that interagency training courses or contractors' courses are available on these topics, arrangements will be made for DOT staff to enroll in such courses. The Director for Consumer Liaison and the DOT Consumer Policy Coordinating Council will make joint decisions concerning which training courses will be mandatory for consumer personnel and which will be made available to consumer personnel on an optional basis.

The Federal Highway Administration now provides public participation training for regional, state, and local transportation officials; and the Federal Aviation Administration has a public participation training program for those involved in various aspects of aviation decisionmaking. It is expected that such training opportunities will be expanded and enhanced under the Executive Order. In addition, DOT's Work Group on Citizen Participation in Local Transportation Planning is looking at ways that training opportunities could be improved.

Public Education and Training

DOT's Office of Consumer Liaison plans to develop an ongoing program of consumer internships, designed to offer training opportunities in transportation consumerism for college students, for members of disadvantaged or minority communities, and for members of grass-roots citizen organizations.

DOT's Work Group on Citizen Participation in the local transportation planning process is also looking at the possibility of providing training in transportation issues and citizen participation opportunities for citizen, consumer, environmental, and other public interest groups.

The CPCC will cooperate with the Work Group on Citizen Participation to develop information pamphlets explaining how citizens can participate more effectively, and DOT's planned regional conferences and consumer forums will also provide useful information on transportation issues.

Technical Assistance

All DOT consumer staff members are responsible for helping consumers to find and understand technical information published by the Department. Specifically, consumer officers:

(a) answer consumers' mail or phone inquiries concerning technical publications that will provide data needed;

(b) assist consumers by answering their questions about DOT technical publications, explaining the data in simple terms, or referring the consumer to a program specialist who can provide a clear explanation.

VI. COMPLAINT HANDLING

DOT is launching two specific projects that will: (a) improve the Department's complaint-handling procedures; and (b) tell the public how to file complaints with DOT and how such complaints will be handled.

Improving Complaint-Handling Procedures

At present, DOT handles consumer mail in a variety of ways.

Priority mail addressed to the Secretary is logged into an automated system which is managed by DOT's Executive Secretariat. The Executive Secretariat staff assigns each letter to an appropriate office, with a deadline for response. The Executive Secretariat monitors each assigned letter, calling any office which does not meet its deadline.

Operating administrations in DOT have similar systems for handling their priority correspondence; each operating administration's system is described in the administration's draft consumer program, published in this issue of the Federal Register.

A general inquiry or complaint on a consumer-oriented topic, addressed to the Department of Transportation, is delivered to the Office of Consumer Liaison; this Office answers the letter directly whenever possible. If the letter concerns technical information which can better be handled by another agency within the Department, the letter is forwarded to that agency for an answer.

In addition, many consumers mail their comments or complaints directly to the office responsible for a particular program area; for example, a person with a complaint on an environmental impact statement might write directly to DOT's Office of Environment and Safety. Such a letter would go directly to the office and not through the central mail system.

Because there are so many varying procedures within the Department for handling consumer mail, there is a need to assess these various procedures and then to develop a uniform Departmentwide system.

The Assistant Secretary for Governmental Affairs has therefore asked the Assistant Secretary for Administration to undertake a study that will result in an improved Departmentwide system for complaint handling. This improved system will be designed to meet two goals: (1) to provide helpful and timely answers to consumers' inquiries and complaints; and (2) to assure that key Department officials are informed about consumers' problems and opinions so these can be considered during policy discussions. The Assistant Secretary for Administration will coordinate the complaint-handling study will all affected elements in the Department.

The timetable for this project follows:

Task and Dates

Staff of Assistant Secretary for Administration plans and completes study that will:

- Assess how consumer inquiries and complaints are now handled in headquarters and regional offices of all elements of the Department;
- Recommend options for setting up an improved Departmentwide system for handling consumer mail.

July 1–Dec. 1, 1980.

Assistant Secretary for Administration delivers study and recommendations to Deputy Secretary who consults with Assistant Secretary for Governmental Affairs. Dec. 2, 1980.

Assistant Secretary for Governmental Affairs and Director of Office of Consumer Liaison assess recommendations and consult with Assistant Secretary for Administrations and Assistant Secretary for Budget and Programs concerning management of, and resources for, an improved Departmentwide system for consumer mail. Dec. 3, 1980 to Jan. 30, 1981.

Assistant Secretary for Governmental Affairs and Director of Consumer Liaison notify Assistant Secretary for Administration about their decision concerning new Departmentwide system. Feb. 2, 1981.

Staff of Assistant Secretary for Administration makes necessary arrangements for implementing new Departmentwide system. Feb. 3 to Apr. 30, 1981.

New Departmentwide system begins. May 1, 1981.

In assessing present procedures and in planning the new system, DOT will give attention to all significant complaint-handling functions identified in Executive Order 12160 and in White House Guidelines for Implementing the Executive Order, such as logging in, routing, tracking, and responding to complaints, as well as developing statistical reports of complaints and preparing regular reports to key agency officials.

In developing the recommended options, staff of the Assistant Secretary for Administration will assure that each option provides for:

- a single responsible office in each operating administration that will: (1) receive reports from all headquarters and regional units within the operating administration; and (2) coordinate these reports into summary report that will be delivered regularly to the Office of the Secretary; and
- an office in the Office of the Secretary that will be responsible for: (1) coordinating the reports from all operating administrations and from all Secretarial offices; and (2) delivering a summary report for the Department to the Secretary, the Administrators, and other key Departmental officials.

The range of options developed by staff of the Assistant Secretary for Administration should extend from improved utilization of existing methods, systems, and procedures to an up-to-date, totally automated Departmentwide system. As

time and resources allow, options which fall between these limits will be developed.

Informing the Public about Complaint-Handling Procedures

At present, DOT uses a booklet titled *Finding Your Way in DOT*, published March 1978, to tell consumers how to reach the right office in DOT for answers to their questions and complaints. The booklet explains how DOT is organized and includes phone numbers for consumer affairs officers throughout the Department. It also gives an index of "most frequently asked questions," providing an office name and a phone number for each topic so that consumers can easily contact the right office.

Updating of *Finding Your Way in DOT* will begin after the DOT Order on Consumer Programs goes into effect in July 1980. The revised publication will not be sent to the printer, however, until final decisions are made on the new Departmentwide complaint-handling system (see above). This slight delay will enable DOT to include in the revised edition a brief explanation of new complaint-handling procedures.

The updated edition should be printed by the time the new consumer mail system goes into effect, on May 1, 1981. The new booklet will be distributed widely by mail, using all DOT consumer lists and media lists. In addition, the booklet will be distributed at DOT open meetings and conferences; and DOT officials and staff members will be asked to refer to the booklet in speeches and public comments, and to stress DOT's intention to respond promptly and clearly to consumers' inquiries and complaints.

Anyone wanting a copy of *Finding Your Way in DOT*—or wishing to be put on the mailing list for the 1981 updated version—may write to Office of Consumer Liaison, Department of Transportation, Washington, DC 20590.

Issued in Washington, D.C., on May 14, 1980.

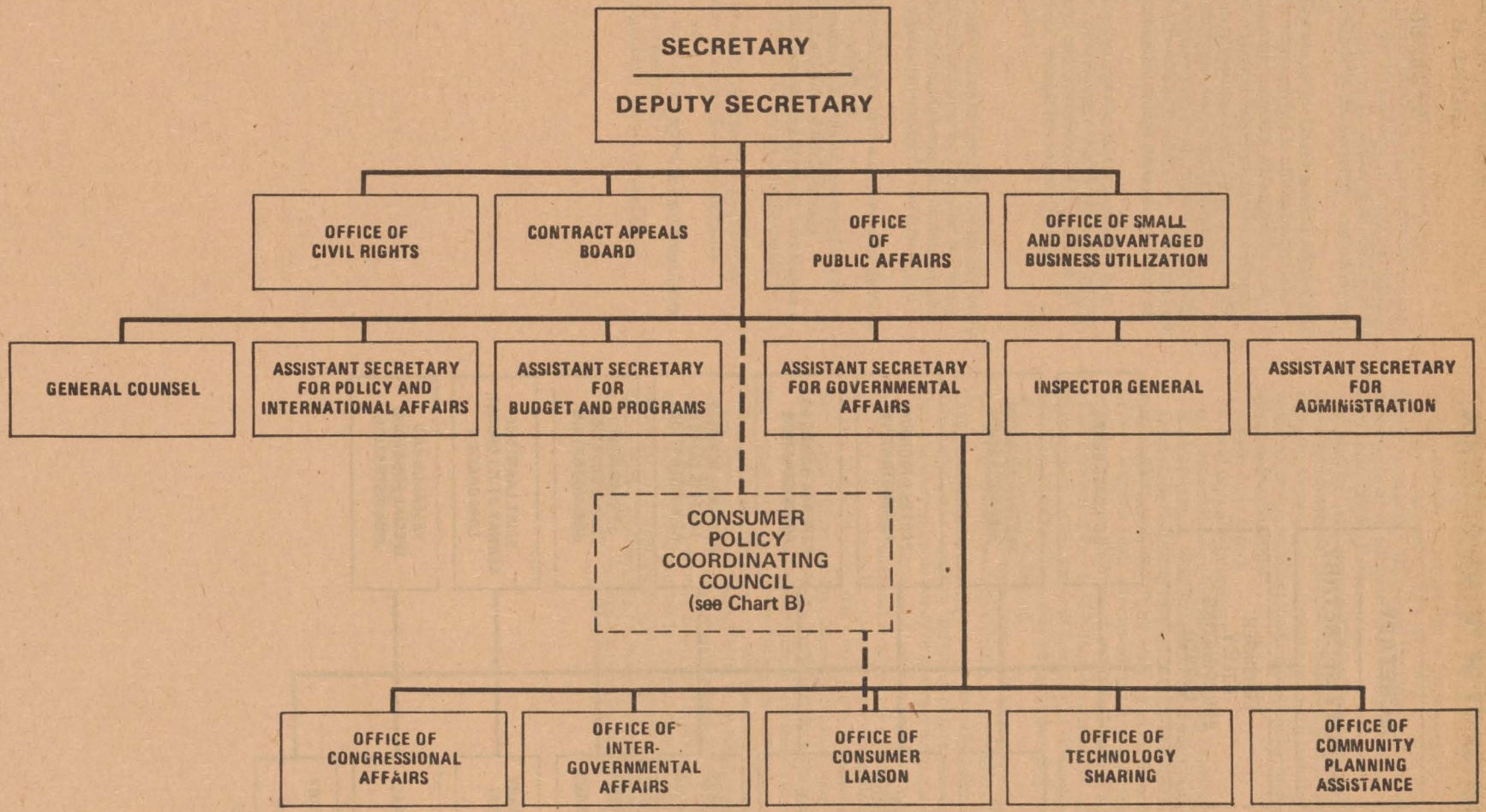
Neil E. Goldschmidt,

Secretary of Transportation.

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U.S. DEPARTMENT OF TRANSPORTATION

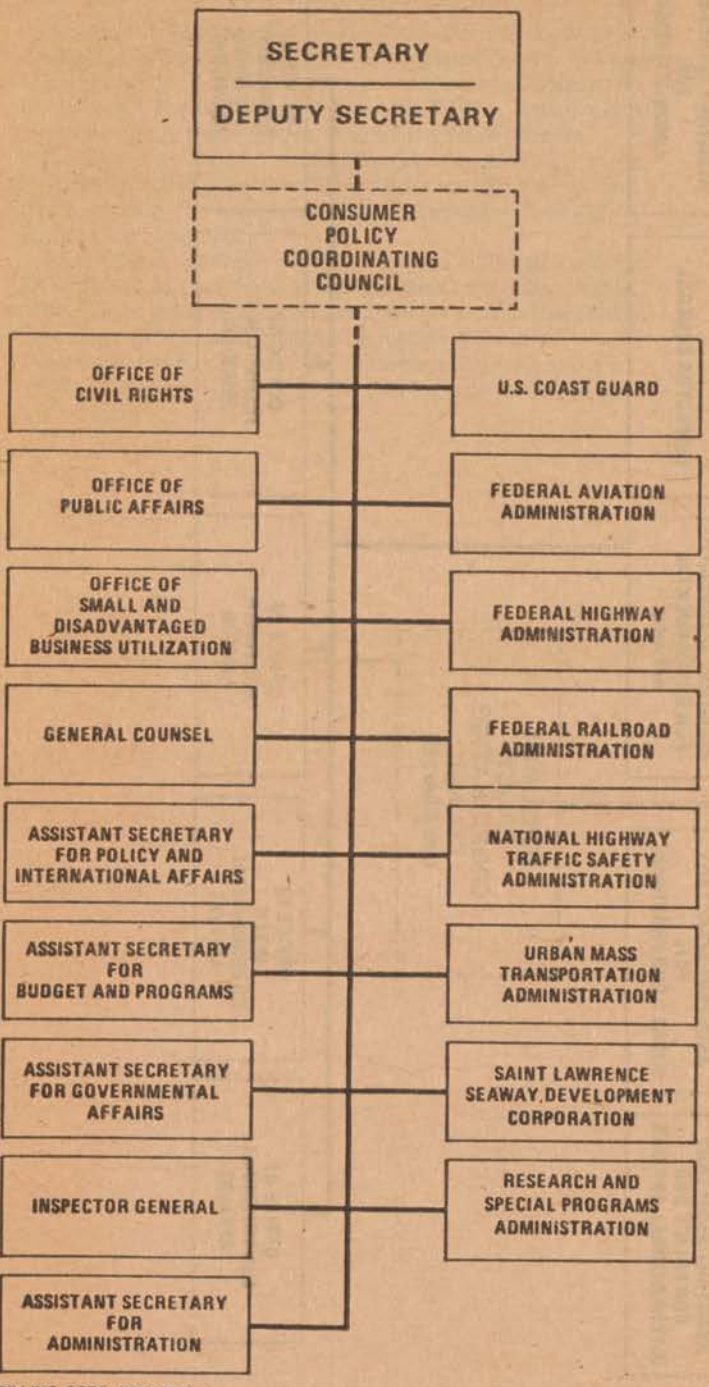
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CHART B

5/28/80



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APPENDIX A—OST/DOT STANDARD PROCEDURE FOR CONSUMER/CITIZEN PARTICIPATION; 5/28/80

Introduction

The OST/DOT Standard Procedure for Consumer/Citizen Participation is designed to ensure that consumers have meaningful opportunities to participate in the development of major Secretarial policies and programs which are being developed in the Office of the Secretary, which involve decisions by the Secretary, and which are of significance to consumers.

As part of the Assistant Secretariat for Governmental Affairs, the Office of Consumer Liaison's responsibility to inform and involve consumers/citizens is being meshed with the outreach efforts of other offices reporting to the Assistant Secretary for Governmental Affairs. The Assistant Secretary has responsibility for many of the Department's key outreach programs, including liaison with Members of Congress and with Congressional committees (through the Office of Congressional Affairs) and consultation with state and local officials and with other interest groups (through the Office of Intergovernmental Affairs).

The Office of Consumer Liaison's particular responsibility is to ensure that the Department's development of programs and policies is effectively communicated to and coordinated with consumers/citizens and their organizations, through the use of Plans for Consumer/Citizen Participation.

Requirements

1. The head of each Secretarial office in the Office of the Secretary is responsible for identifying and notifying the Assistant Secretary for Governmental Affairs about emerging issues being developed in his/her office which have a significant impact on consumers and which:

(a) involve matters of policy which require a major policy decision or major involvement by the Secretary; or

(b) have the potential for leading to the development of major programs or initiatives within the Office of the Secretary.

In identifying key Secretarial-level emerging issues which have a significant impact on consumers, the following criteria should be considered:

(1) Does the issue involve a matter of interest or controversy among consumers or otherwise directly affect final users or purchasers of transportation services?

(2) Does the issue have a potential for imposing significant costs or other economic burdens on consumers?

(3) Does the issue have a significant impact on matters of transportation safety?

2. The head of each Secretarial office shall designate the key staff member responsible for developing the emerging issue to report to the Office of Intergovernmental Affairs and the Office of Consumer Liaison as early as practicable in the development process.

3. The designated staff member shall work with the Office of Intergovernmental Affairs and the Office of Consumer Liaison in the preparation of an outreach effort which includes a specific Plan for Consumer/Citizen Participation.

4. The Plan for Consumer/Citizen Participation shall include at least one substantial outreach technique, such as those listed below, as well as appropriate supportive outreach techniques, to inform citizens/consumers about the proposed policy or program and to elicit public comments:

a. polls and surveys

b. field trips and interviews

c. direct notification by telephone or use of mailing lists

d. consultations, briefing sessions, and open conferences

e. Advance Notices of Proposed Policy (ANPPs) and Notices of Proposed Policy (NPPs) (Publication of an ANPP or NPP in the Federal Register shall, after an adequate period for public comment, be followed by publication of an NPP, a Notice of Policy, or a Notice of Withdrawal of Proposed Policy, whichever the case may be, and shall include an analysis and summary of comments received along with stated justifications and rationales for accepting or rejecting submitted recommendations.)

5. The Office of Intergovernmental Affairs and the Office of Consumer Liaison working with the designated staff member will develop a timetable listing probable dates for initiating each substantial and supportive consumer/citizen participation technique that will be sued in the policy or program development process.

6. The Office of Consumer Liaison is responsible for ensuring that consumer/citizen comments received are summarized and analyzed. The OCL shall also make appropriate recommendations and ensure that the prepared analysis is submitted to the appropriate Secretarial Officer and that adequate consideration is given to the analysis in the Department's decisionmaking process.

7. The Office of Consumer Liaison will make every effort to ensure that commenters are informed of significant decisions concerning policies or programs subject to this Standard Procedure.

The Secretary has discussed with the Administrators the issue of operating administrations' responsibilities for consumer staffing. The Secretary's decision in this regard is that each operating administration shall provide for at least one fulltime senior consumer affairs specialist (GS–14 and above) whose sole responsibility shall be for coordinating the administration's performance of the five consumer functions required by E.O. 12160.

APPENDIX B—GUIDELINES, Feb. 21, 1980

From: Office of the Secretary, Department of Transportation.
To: DOT Operating Administrations.
Subject: Development of Operating Administrations' Draft Consumer Programs Required by Executive Order 12160.

General Guidelines

(1) In developing the operating administration's draft consumer program refer to these four documents:

(a) E.O. 12160

(b) White House Guidelines for Development of Consumer Programs (Memorandum from Esther Peterson to Heads of Executive Departments and Agencies, October 4, 1979)

(c) Department of Transportation Draft Consumer Program (**Federal Register**, December 10, 1979, page 71370)

(d) OST/DOT Guidelines for operating administrations' draft consumer programs.

(2) Each operating administration's draft consumer program should be written as simply and directly as possible, so that it will be clear to members of the general public who may not necessarily be familiar with Departmental and operating administrations' organization and procedures. A useful model for clear, direct style is the **Federal Register** notice from the Consumer Affairs Council, which served as an introduction to the draft consumer programs of all agencies (**Federal Register**, December 10, 1979, page 71103).

(3) Each operating administration's draft consumer program should make these points clear to the general public: (a) How does the operating administration now handle each of the five required consumer functions? (b) How will the draft consumer program change and improve the handling of each consumer function? DOT's draft consumer program may serve as a useful model in this regard.

(4) Each operating administration's draft consumer program should indicate what mechanism the administration will use to accomplish the changes described in the draft program. The DOT draft program, for instance, specifies that the Department's final consumer program will be put into force under a DOT Order on Management of Consumer Programs.

Specific Guidelines

I. Consumer Perspective

All programs with potentially significant consumer impact should (1) include consumer affairs personnel in the administration's review-and-comment procedures for proposed rules, policies, programs, and legislation and (2) assure that review and comment by the consumer staff person is seen by the Admininstrator at the time he or she makes the decisions to which comment is directed:

II. Consumer Oversight

(Note.—In E.O. 12160, this item is covered in Paragraph 1–402. In the White House Guidelines, it appears as the *final* entry. In DOT's Consumer Program, it is covered, as here, in Section II.)

III. *Consumer Participation*

(1) Each operating administration's draft consumer program should include brief descriptions of existing programs within the specific administration which provide opportunities for consumer/citizen participation.

(2) Each operating administration's draft consumer program should include an outline of the administration's proposed Standard procedure for Consumer/Citizen Participation, which is called for in the DOT Draft Consumer Program (under the subheading "Consumer Participation in Decisionmaking on Policies and Programs," in Section III).

IV. *Informational Materials*

(1) Each operating administration's draft consumer program should include any details about the administration's present publication program which are pertinent to Section IV in the DOT Draft Consumer Program.

(2) Operating administrations may, in addition, which to utilize their draft consumer programs to inform the public of particular fact sheets, brochures, or newsletters of special consumer interest.

V. *Education and Training*

(1) Each operating administration's draft consumer program should refer specifically to any existing training in public participation which the administration now provides. Explain whether the training is designed for staff members, non-Federal transportation officials, members of consumer organizations, or others.

(2) Each operating administration's draft consumer program should indicate what plans the administration may be considering for new approaches to education and training for staff and others in public participation and consumer affairs, as well as to training and technical assistance for consumers.

VI. *Complaint Handling*

(1) Each operating administration's draft consumer program should describe how the administration handles and responds to complaints.

(2) If the administration is revising or planning to revise its complaint-handling process, this revision should be described.

APPENDIX C: DOT OPERATING ADMINISTRATIONS' DRAFT CONSUMER PROGRAMS

Billing Code 4910-62-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AGENCY: Federal Aviation Administration, Department of Transportation.

ACTION: Request for public comment on Federal Aviation Administration's draft consumer program.

SUMMARY: The Federal Aviation Administration (FAA) has traditionally utilized various means to involve users of the aviation system in developing its regulations and policies. The following draft program includes provisions for furnishing a consumer perspective within the agency, providing consumer oversight, consumer participation, the devleopment of informational materials for consumers, education and training for agency staff, systematic procedures for complaint handling.

DATES: Comments must be received by August 8, 1980.

ADDRESS: Comments should be addressed to: Community and Consumer Liaison Division, APA-400, Room 906-A, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Fred Pelzman, Chief, Community and Consumer Liaison Division; 202/426-1960.

SUPPLEMENTARY INFORMATION: Executive Order 12160 requires Federal agencies to review and revise their operating procedures to ensure that consumer needs and interest are adequately addressed. in response, the Department of Transportation (DOT) Draft Consumer Program was published in the **Federal Register** December 10, 1979.

In a memorandum dated February 21, 1980, Secretary of Transportation Neil Goldschmidt directed DOT's Operating Administrations to develop their own consumer programs to comply with (1) the Department's program, (2) Executive Order 12160 and (3) a set of Guidelines prepared by the Department. The following Federal Aviation Administration (FAA) Draft Consumer Program complies with these requirements and, following approval, will be put into force under an FAA Order on Management of FAA Consumer Programs.

Definition of Aviation Consumer. In following the definition of "consumer" published in the DOT Draft Consumer Program, the FAA considers its consumers to be final users or purchasers of aviation goods and/or services as well as those people who are directly affected by a transportation mode. Under the Federal Aviation Act, the FAA is concerned with the safety of these consumers; the economic aspects of air transportation (overbooking, delayed and cancelled flights, misplaced baggage, etc.) come under the purview of the Civil Aeronautics Board.

I. CONSUMER AFFAIRS PERSPECTIVE

The Community and Consumer Liaison Division in the Office of Public Affairs will be the element within Federal Aviation Administration (FAA) headquarters concerned with consumer needs and interests.

The Division will consist of at least two professional positions, and one secretarial position. The staff will have special expertise in aviation issues affecting consumers, citizen participation, and in the processing of public inquiries.

The Division will represent the consumer perspective within FAA. It will encourage consumer participation in the development of FAA rules, policies and programs. The Division will assist in the development of training programs designed to make FAA employees more sensitive to consumer needs, and to facilitate the consideration of consumers' viewpoints in the development of FAA policies.

FAA rules, policies, programs and legislation with potentially significant consumer impact, as determined by the Assistant Administrator for Public Affairs, in conjunction with the Chief of the Community and Consumer Liaison Division, will be reviewed by the Division. An opportunity will be provided for the Assistant Administrator for Public Affairs to forward the Division's written comments to the office or service concerned and to the Administrator during the development of such rules, policies, programs and legislation. To facilitate such review and comment, the Community and Consumer Liaison Division will be placed on all distribution lists to receive and comment on all proposed rules, policies, programs and legislation.

II. CONSUMER OVERSIGHT

The Chief of the Community and Consumer Liaison Division reports to the Assistant Administrator for Public Affairs, a senior-level official who, in turn, reports directly to the Administrator.

The Division Chief, a Community Relations Officer, whose sole responsibility shall be for coordinating FAA's performance of the five consumer functions identified in Executive Order 12160, will serve as FAA's member on the DOT Consumer Affairs Policy Council.

III. CONSUMER PARTICIPATION

It is FAA policy to encourage effective consumer participation early in and throughout the decisionmaking processes involving those rules, policies and programs concerning consumers—whether they be pilots, aircraft owners, passengers, or other individuals directly affected by aviation. Such participation may be by individual consumers, or by consumer/citizen organizations.

Consumer/Citizen Participation in Rulemaking

The majority of the nation's civil aircraft are owned and operated by private pilots—who qualify as consumers in the fullest sense—and FAA encourages their participation in agency rulemaking. Such participation is presently facilitated through the use of Advance Notices of Proposed Rulemaking, Notices of Proposed Rulemaking, pilot listening sessions, public hearings, news releases, direct mail, and a variety of publications.

The extent of consumer participation in FAA rulemaking is governed by DOT's Regulatory Policies and Procedures, issued in compliance with Executive Order 12044. (These policies were published in the **Federal Register**, February 26, 1979.) These policies are designed to increase public awareness of planned regulatory activity and to enhance opportunities for public participation.

These policies also require the Department to provide the public with advance notice of planned regulatory activity through publication of its semi-annual Regulations Agenda, which includes decision dates and officials to contact for more information about specific rulemaking actions. Aviation consumers can receive the Regulations Agenda on a regular basis by contacting the DOT Office of General Counsel, C-50, Washington, D.C. 20590. The Regulations Agenda also describes how consumers can be placed on special mailing lists to receive specific rulemaking proposals.

Under these DOT procedures, an FAA office initiating a significant rulemaking proposal must develop a work plan that includes a tentative plan for how and when the general public and interests groups—including consumer organizations—will have opportunities to participate in the regulatory process. By reviewing these work plans, FAA's

Community and Consumer Liaison Division will have an opportunity to comment on their compliance with the Department's public participation requirements.

In those instances where a rule is not considered "significant" within the meaning of E.O. 12044, the Community and Consumer Liaison Division will, if appropriate, offer assistance to the initiating office to foster adequate consumer participation in the rulemaking process.

In addition, when FAA publishes Notices and Advance Notices of Proposed Rulemaking in the **Federal Register**, the public can also comment on the adequacy of the opportunities for participation. They may request enhanced opportunities for participation on specific rulemaking proposals (whether the rule is deemed "significant" or not under DOT's Regulatory Policies and Procedures) by contacting the initiating office or FAA's Community and Consumer Liaison Division.

Under DOT's Regulatory Policies and Procedures, when a significant final rule is prepared, the initiating office must provide a summary of public comment received. This aids DOT decisionmakers in determining how responsive the rule has been to public comment.

Consumer Participation in Decisionmaking on Policies and Programs

To help assure that consumers have early and continuing opportunities to learn about significant consumer-oriented policies and programs, FAA has developed a Standard Procedure for Consumer/Citizen Participation. This will require that:

1. The head of each FAA Office and Service in FAA Headquarters will notify the Assistant Administrator for Public Affairs about emerging issues being developed in his/her office which may have a significant impact on consumers, which involve a matter of interest or potential controversy among aviation consumers or which otherwise directly affect final users or purchasers of transportation services.

2. The head of each FAA organizational element shall designate the key staff member responsible for developing the emerging issue to advise the Assistant Administrator for Public Affairs and the Community and Consumer Liaison Division as early as practicable in the development process.

3. Should the Assistant Administrator for Public Affairs, in consultation with the Chief of the Community and Consumer Liaison Division, concur that the issue is likely to have a significant impact on consumers, the Division will prepare a Consumer/Citizen Participation Plan and coordinate the plan with the designated staff member and organizational element head. This plan shall include at least one substantial outreach technique, such as those listed below, to inform citizens/consumers about the proposed policy or program and to elicit public comments:

a. Polls and surveys.
b. Field trips and interviews.
c. Direct notification by telephone or use of mailing lists.
d. Consultations, briefing sessions, and open conferences.
e. Publication of appropriate Notices in the **Federal Register.**

4. With the concurrence of the designated staff member, the Chief of the Community and Consumer Liaison Division will assist the initiating office in developing a timetable listing probable dates for initiating each consumer/citizen participation technique to be employed in the policy or program development process. The designated staff member in the initiating office will then be responsible for adhering to the timetable, and utilizing the appropriate outreach techniques.

5. Working with the designated staff member, the Community and Consumer Liaison Division will help assure that consumer/citizen comments received on non-regulatory issues are summarized and analyzed, as appropriate. The Division and the initiating Office will work together to ensure that the prepared analysis is given adequate consideration in the agency's decisionmaking process.

6. The Chief of the Community and Consumer Liaison Division will make every feasible effort to inform commenters of those non-regulatory decisions made concerning policies or programs subject to this standard procedure.

In those instances where an emerging issue is not deemed "significant" the Community and Consumer Liaison Division will, on request, provide guidance to initiating offices concerning ways to improve their contacts with consumer/citizen constituencies.

Consumer Forums and Symposia

The FAA has a record of initiating open conferences and discussions with various segments of the aviation public at local, regional and national levels. Washington Headquarters has conducted dozens of meetings to which users of the aviation system are invited to comment on FAA policies, programs and future planning. As recently as January, 1980, the Office of Aviation Safety initiated the First Commuter Air Carrier Safety Symposium, open to the public. For two days, more than 250 individuals—in addition to FAA representatives—attended in-depth discussions of commuter airlines and air taxi operations. Representatives from two consumer organizations attended, one presenting a paper "Consumer and the Commuter Air Carrier" during the "User/Government Panel Discussion on Concerns of the Consumer." FAA is not considering conducting this Symposium on an annual basis. If feasible, similar symposia on consumer-related aviation issues will be considered.

In any case, the Chief of the Community and Consumer Liaison Division will advise and assist the cognizant offices and services in informing consumers of these proceedings, and of their opportunities to participate.

IV. INFORMATIONAL MATERIALS

FAA now produces publications pertaining to aviation safety. Most are of a highly technical nature, dealing with the design, maintenance and operation of aircraft or aviation facilities. A number are designed for the general public, however, and are devoted to such topics as the agency's mission, an explanation of air traffic control, how to become a pilot, and a series on aviation careers. (A *Guide to Federal Aviation Administration Publications* is available, free of charge, by writing to the Community and Consumer Liaison Division, APA–400, Federal Aviation Administration, Washington, D.C. 20591.) In complying with the DOT Consumer Publication Program for FY–81, and to identify additional consumer needs, FAA is assessing its current publications. Comments and suggestions from the public are welcome.

FAA's most widespread information program, of course, utilizes the mass media. More than a hundred news releases are issued each year by FAA's Office of Public Affairs, and those deemed of special interest to consumers are (1) conspicuously labeled—near the masthead—either CONSUMER ADVISORY or CONSUMER ADVISORY—REQUEST FOR PUBLIC COMMENT, and (2) mailed to a special FAA Consumer Mailing list. (To get on this Consumer Mailing list, send name and address to Community and Consumer Liaison Division, APA–400, Federal Aviation Administration, Washington, D.C. 20591.)

The Community and Consumer Liaison Division will work with the DOT Consumer Policy Coordinating Council and appropriate FAA offices to identify, in advance, FAA meetings open to the public. A calendar of such meetings

will be submitted to DOT's Office of Consumer Liaison for dissemination to the public. The FAA office responsible for conducting each public meeting will be required to provide, in an easy-to-understand and non-technical format, an advance agenda of the meeting, pertinent background data, and information concerning how the public can participate. The Community and Consumer Liaison Division will provide technical assistance to the FAA office preparing such materials.

V. EDUCATION AND TRAINING

In 1979, FAA's Office of Environment and Energy contracted for a series of 3½-day training workshops on "Community Involvement in Aviation Decisionmaking." Conducted in seven of the agency's none continental regions, these workshops were developed to provide FAA staff members the best current information about how to design and conduct effective community involvement programs. The agency is now reviewing this project, to determine if it can be repeated and whether it should be expanded and made available to non-Federal aviation officials, as well. The feasibility of making such training available to other DOT consumer officers, to members of consumer organizations and to individual consumers is being investigated.

Since 1976, the Office of Environment and Energy has also conducted a two-week training program, "Environmental Assessment and Procedures Requirements," which includes a one-day course on community involvement. Such training is available to other DOT consumer officers, to members of consumer organizations and to individual consumers, as well.

The Community and Consumer Liaison Division provides consumers ready access to technical publications and information available within FAA. Its Public Inquiry facility annually processes more than ten thousand written inquiries, referring those of a technical nature to the appropriate program specialist for reply. Consumers seeking information should write: FAA Public Inquiry Center, APA–430, Federal Aviation Administration, Washington, D.C. 20591. For an excellent introduction to available FAA publications, request a free copy of *Guide to Federal Aviation Administration Publications*. The Public Inquiry Center annually receives more than twenty thousand telephone calls; the telephone number is (202) 426–8058.

CONSUMER COMPLAINTS

Consumer complaints received in Washington Headquarters, unless addressed to a specific FAA office or person, are forwarded to the Community and consumer Liaison Division for processing. The Division is responsible for advising and assisting the monitoring of the FAA responses to these consumer complaints.

Each consumer complaint letter is logged in, evaluated, and forwarded to an Office of Primary Responsibility (OPR) for direct response. Simultaneously, the consumer is sent a form (1) acknowledging receipt of the letter and (2) providing the mailing address of the OPR.

FAA's Community and Consumer Liaison Division will work with DOT's Office of Consumer Liaison in assessing current complaint handling procedures, and the long-range program they have proposed to (1) study and improve the Department's complaint handling procedures, and (2) more effectively utilize complaint data in developing DOT policy.

Issued in Washington, D.C. on May 22, 1980.

Langhorne Bond,

Administrator.

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. 80-12]

FHWA Draft Consumer Affairs Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This notice describes the FHWA's Draft Consumer Affairs Program which has been developed to comply with the requirements of Executive Order (E.O.) 12160 directing Federal agencies to develop programs to ensure consumer/citizen involvement in agency policy and decisionmaking. The notice discusses each of the five major components of the Executive Order, describing FHWA consumer-related programs already in operation, as well as those activities planned by FHWA to comply with the Executive Order.

DATES: Comments must be received on or before August 8, 1980.

ADDRESS: Submit written comments to FHWA Docket No. 80–12, Federal Highway Administration, Room 4205, HCC–10, 400 7th Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Werner Siems, Community Relations Specialist, 703–557–8269, Federal Highway Administration, 1000 N. Glebe Rd., Arlington, Virginia 22201; or Thomas P. Holian, Office of the Chief Counsel, 202–426–0761, Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA was established to administer the Federal-aid highway program of financial assistance to the States for highway construction and improvement of efficiency in highway and traffic operations. This program has provided for the construction of the 42,500-mile Interstate Highway System and the improvement of other Federal-aid primary, secondary, and urban roads, with most of the Federal share of funding coming from the Highway Trust Fund. The FHWA also administers an emergency program to assist in the repair or reconstruction of Federal-aid highways and Federal roads which have suffered damage as a result of natural disasters. Current emphasis within the FHWA is on a number of special areas, including improving highway systems in urban areas, improving safety design of highways, replacing deficient bridges, facilitating the flow of traffic, highlighting energy considerations in transportation planning, providing relocation assistance to those displaced by highway construction, and preserving along highways the natural beauty of the environment. The FHWA also administers a major direct Federal design and construction program for meeting the highway needs of other Federal agencies. These programs affect and should be of interest to most individuals.

In response to E.O. 12160, Providing for Enhancement and Coordination of Federal Consumer Programs, the DOT Consumer Program, and guidelines provided by the Secretary of Transportation, the FHWA has developed a proposed plan to provide for a consumer affairs structure and mechanism to improve the effectiveness of consumer input to FHWA programs. The FHWA solicits comment on this proposal and seeks recommendations on additional ways that the FHWA might improve its consumer and citizen participation efforts. Careful consideration will be given to public comment in developing the FHWA Consumer Affairs Program.

The FHWA program operations are currently structured to

assure that consumers have a voice in policy and a program development. However, through its Consumer Affairs Program, the FHWA is initiating efforts to develop and implement changes to assist the consumer in the FHWA decisionmaking process. Following is a discussion of FHWA's Draft Consumer Affairs Program plan keyed to the specific areas covered by E.O. 12160. These areas are:

(1) Consumer Affairs Perspective,
(2) Oversight for Consumer Affairs,
(3) Consumer Participation
(4) Informational Materials,
(5) Education and Training, and
(6) Complaint Handling.

1. CONSUMER AFFAIRS PERSPECTIVE

This section focuses on how FHWA's Consumer Affairs Staff Office ensures FHWA decisionmakers are provided the consumer viewpoint when rules, policies, programs, and legislation are being developed.

a. Current Program

At present, all FHWA program and staff offices have the responsibility to serve the consumer in the most efficient and effective manner possible. This will continue, but responsibility for an overall consumer perspective will now rest with the Associate Administrator for Administration, assisted by a Consumer Affairs Staff Office.

Most program and field offices already have mechanisms for assisting and responding to the consumer. These include, among others (1) public hearings for discussing a wide variety of highway issues, (2) location and design hearings at project locations around the country, and (3) issuing publications explaining the Federal highway program. The Consumer Affairs Staff Office will rely on these mechanisms to administer the Consumer Affairs Program.

Consumer correspondence directed to the Federal Highway Administrator is reviewed by the Executive Secretariat and routed to appropriate program offices for response. Complaints are handled in a similar manner and most often require the input of several program and staff offices. (See paragraph 6a, Complaint Handling).

b. Planned Program

To increase the input of the consumer during the development of rules, policies, programs, and legislation, the FHWA organizational structure will be revised and a management process developed to more fully respond to the needs of the consumer. These revisions will include:

(1) establishing a Consumer Affairs Staff Office reporting directly to the Associate Administrator for Administration. This office will be headed by a GS–15 Consumer Affairs Program Director. The staff will have expertise in FHWA programs and procedures, community involvement programs, and management and editorial skills.

(2) designating the FHWA Consumer Affairs Program Director to serve as consumer focal point in FHWA and to develop and implement the Consumer Affairs Program.

(3) integrating the FHWA Consumer Affairs Program into the FHWA regulations review process. This includes placing the Consumer Affairs Staff Office on all agency distribution lists to receive and comment on all significant proposed rules, policies, programs, and legislation.

(4) ensuring that the Consumer Affairs Staff Office's comments on proposals will be included in the package which is provided the Administrator/decisionmaker for action. (See paragraph 2c(3) Coordination of Consumer Affairs Program.)

As indicated earlier, the primary contact for FHWA's Consumer Affairs Program will be the Consumer Affairs Program Director. This individual will have regular contact with the public and have a thorough knowledge of the provisions of E.O. 12160 and the DOT Consumer Program.

The Consumer Affairs Program Director will be responsible for general coordination of the activities of FHWA's Consumer Affairs Program. This includes those functions enumerated in the oversight section of this proposal. The Consumer Affairs Staff Office will assist in the preparation of certain FHWA distribution lists and publications. The Staff Office will participate in the rulemaking process and other agency activities that may directly affect the consumer (see Paragraph 2c, Coordination of Consumer Affairs Program).

2. OVERSIGHT FOR CONSUMER AFFAIRS

a. Policy Direction

The Associate Administrator for Administration will be responsible for the overall policy direction for the FHWA Consumer Affairs Program. A Consumer Affairs Staff Office will be responsible for the development, implementation, and coordination of the FHWA Consumer Affairs Program. The Associate Administrator for Administration will provide the consumer perspective in FHWA assisted by a Consumer Affairs Program Director who, as appropriate, will have direct access to the Administrator on significant consumer affairs matters. The Consumer Affairs Program Director will serve as the FHWA liaison with the Department on all consumer-related activities and will serve on the Department's Consumer Affairs Coordinating Council. In addition to specific responsibilities outlined in this Consumer Affairs Program, the Consumer Affairs Staff Office will maintain information on available agency consumer publications, will assist in planning for open meetings, if necessary, and will provide general information and assistance to FHWA personnel and consumers on consumer programs and responsibilities relating to the agency.

b. Resources

At the direction of the Associate Administrator for Administration, the Consumer Affairs Staff Office will be responsible for carrying out the requirements of the E.O. 12160, the DOT Consumer Program, and the FHWA Consumer Affairs Program. In addition to a Consumer Affairs Staff Office, all agency personnel will be expected to be aware of consumer impacts in the development of FHWA policies and procedures and in the overall conduct of agency business. In particular, the FHWA will rely heavily on its regional and division offices to provide information on consumer concerns to the Consumer Affairs Staff Office.

c. Coordination of Consumer Affairs Program

The FHWA Consumer Affairs Staff Office will be responsible for developing and coordinating a consumer affairs program that ensures that consumers are kept informed of agency actions and that they are given maximum opportunity to become involved in the rulemaking/decisionmaking process. Specifically this will include:

(1) reviewing all proposed significant rulemaking actions, policies, and programs affecting the consumer to ensure they:

(a) adequately consider the consumer;

(b) clearly and simply explain the impact of proposed actions;

(c) clearly advise the consumer of what is required in a response; and

(d) give consumers sufficient opportunity to respond;

(2) reviewing the distribution of significant rulemaking actions to ensure that the mailing/distribution lists utilized reach potentially interested individuals or consumer groups;

(3) reviewing final decision packages developed from the rulemaking and policy and program development process to ensure the consumer viewpoint is highlighted;

(4) developing, implementing, and monitoring a program to ensure consumer inquiries/complaints, receive prompt, understandable and complete responses; and

(5) receiving and reviewing, where practicable, all incoming consumer correspondence and reviewing all agency responses that relate to major policy issues or significantly impact the consumer prior to their distribution.

So that the Consumer Affairs Staff Office may fully meet its responsibilities, throughout the process contact will be made with appropriate program and technical personnel to provide the expertise necessary for preparation of comments to the Administrator.

3. CONSUMER PARTICIPATION

Consumer participation in agency decisionmaking has been provided for in E.O. 12160 through the requirement that "* * * agencies shall establish procedures for the early and meaningful participation by consumers in the development and review of all agency rules, policies, and programs."

a. Current Program

Since 1979, the FHWA has been operating in accordance with the DOT Regulatory Policies and Procedures which govern consumer/citizen participation in DOT rulemaking. (See DOT Consumer Program, Consumer/Citizen Participation in Rulemaking.) The policies will continue in effect to allow for early and effective consumer involvement in agency rulemaking and policy and program development actions.

Specific measures developed to increase citizen participation in the rulemaking and policy and program development process include:

(1) *FHWA Mailing/Distribution Lists*

These lists were developed to reach a greater number of interested individuals and groups and provide immediate access to agency rulemaking proposals, policy changes, and other developments that may impact the consumer. A brochure, *You and the Rulemaking Process*, has been prepared and distributed to 10,000 individuals and groups with a history of interest and involvement in the Federal highway program. It invites recipients of the brochure to be included on the agency mailing lists for copies of various proposed and final rules. Of the initial mailing, 2,000 responses were received and new mailing lists established. Other interested individuals and groups wishing to receive a copy of the brochure should write the Federal Highway Administration, Office of Public Affairs (HPA–1), Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590. Other mailing lists are also maintained to disseminate information on subjects ranging from highway beautification to highway safety.

(2) *Public Meetings*

Public meetings have proven effective as a means to hearing consumer concerns first-hand. Most of the program offices have held public meetings on a variety of issues. These meetings are announced in the **Federal Register** and are open to the general public as well as special interest groups. The FHWA currently conducts a course entitled "Improving the Effectiveness of Public Meetings and Hearings," designed to help State personnel improve their community involvement programs.

The use of public meetings will be encouraged to generate a quicker and more accurate response to consumer concerns, as well as to help better explain the FHWA's position on a wide variety of issues. The FHWA will continue to explore the feasibility of such meetings for a broader range of topics.

(3) *Local Involvement*

At the local level, the FHWA works with State highway agencies (SHA's) to encourage consumer involvement in the highway process through such efforts as citizens review of environmental impact statements and participation in community meetings for discussion of a variety of highway projects. Through the FHWA's State Action Plan regulations, SHA's are required to develop and implement community involvement programs.

The provisions of FHWA's Consumer Affairs Program are also intended to enhance a good relationship between FHWA and State and local governments and their citizens. The FHWA Consumer Affairs Program will serve to supplement existing consumer related programs and to make such programs more visible.

In addition to these activities, the FHWA is currently updating its Directives System Handbook to outline citizen participation in the rulemaking process. The FHWA is also developing a Notice for publication in the **Federal Register** which will solicit comments on our existing rulemaking procedures.

b. Planned Program

To ensure more consumer input into the development of agency rules, programs, policies and legislation, FHWA will develop a Standard Procedure for Consumer/Citizen Participation as outlined in the DOT Consumer Program. The Standard Procedure for Consumer/Citizen Participation will include the following:

(1) Each Associate Administrator, Regional Administator, and Staff Office Director will designate one individual to act as coordinator for all significant consumer matters or issues arising within his or her respective organizational areas. The names of these individuals will be provided to the Consumer Affairs Staff Office. This Staff Office will brief these individuals on their responsibilities and will consider these individuals the primary consumer contact point in their respective offices.

(2) Individuals designated in paragraph (1) above and other appropriate agency staff members (with assistance from Consumer Affairs Staff Office) will prepare a plan to determinate what members of the public may be affected by these consumer matters or issues, how they can best be made aware of the issues, and how the citizen/consumer can participate in the decisionmaking process. This notification process will include as appropriate:

(a) publication of the proposal in the **Federal Register,**

(b) use of agency mailing lists,

(c) public meetings,

(d) regional consumer meetings, and

(e) other feasible methods to solicit comments.

The initiating office for the proposal under review will develop a Consumer-Citizen Participation Plan to indicate where, when, and how consumers can become involved in the development of the proposed policy or program.

(3) The listing of affected individuals of groups and method(s) of consumer notification will be coordinated through the Consumer Affairs Staff Office before any action is taken.

(4) A summary of consumer comments will be included along with the final proposal to the Administrator.

c. Consumer Forums

Because of the FHWA's obvious interface with governments and consumers at the local level, the FHWA is interested in improving the representation of appropriate consumer viewpoints at the level. For planning purposes, it is expected that the FHWA will hold one national consumer forum a year in Washington, D.C., which will be open to the public, announced in advance in the **Federal Register**, and with FHWA representation to include the Administrator, the Associate Administrator for Administration, the Director of

Public Affairs, the Consumer Affairs Program Director, and other key agency officials as appropriate.

In addition the FHWA expects to hold one such consumer forum per year in each region. These meetings will be chaired by the Associate Administrator for Administration, or the FHWA Consumer Affairs Program Director, with attendance by the Administrator, if possible, or his/her designee. Regional Administrators, Regional consumer representatives, and other key agency officials will be in attendance. State and local highway officials will be invited and encouraged to attend these meetings. These forums will be open meetings with an agenda of items for discussion as well as open time for discussion of any other items. Agency officials will provide a brief introduction to the forums with discussion of recent developments in the highway program.

4. INFORMATIONAL MATERIALS

a. Current Program

The FHWA periodically publishes informational magazines, brochures, and pamphlets used to describe in general terms the overall Federal highway program or to detail some of the specific programs or elements. Many are designed primarily for the consumer. These are currently distributed to a wide variety of individuals and groups and are also available upon request from the Office of Public Affairs. The current newsletters and brochures currently available to the public and specifically designed for the consumer include the following:

(1) *Ridesharing: An Easy Way to Save Gas and Money;*
(2) *Safety Rest Area—The Traveler's Haven;*
(3) *America on the Move—The Story of the Federal Aid Highway Program;*
(4) *Cost of Owning and Operating an Automobile;*
(5) *Your Guide to the Freedom of Information Act;* and
(6) *Interstate Transfer Provisions.*

For specific information or for inclusion on the agency's mailing list please contact the FHWA Office of Public Affairs. (See paragraph 3a(1) for address.)

b. Planned Program

The FHWA will develop a timetable for the preparation and distribution of new informational materials. To assist in this effort, public comment is solicited on what type and format of information would be most helpful. Also planned is an index of agency publications, highlighting those publications of special interest to the consumer.

The FHWA is also exploring how to best provide better advance and handout materials for open meetings. To better prepare the consumer for participation in these meetings, the FHWA will provide agendas and other informational materials to those who request them in advance of the meetings. These materials will be reviewed on a periodic basis by the Consumer Affairs Staff Office to ensure that they are presented in a non-technical manner. The Office of Chief Counsel, the Associate Administrator for Administration, or the appropriate program office will be listed in **Federal Register** notices to enable interested parties to obtain specific information regarding scheduled meetings. Inventories of open meetings for the entire Department will be developed by the operating administrations in conjunction with the DOT Consumer Policy Coordinating Council. The office in charge of the meeting will provide the Consumer Affairs Staff Office with a copy of the meeting agenda and any supporting materials likely to be of interest to a prospective attendee at the meeting. Those interested individuals or groups who have not received advance materials may request them from the initiating office or the Consumer Affairs Staff Office.

To the extent possible, notice of all open meetings will be published and meeting informational materials prepared in advance.

5. EDUCATION AND TRAINING

a. Current Program

The FHWA National Highway Institute currently sponsors training courses on citizen involvement in the highway precess. These courses are primarily intended for State and local highway officials. For instance, as previously mentioned in this draft (paragraph 3a[2]), the FHWA currently conducts a training course to improve community involvement programs for highway projects. These programs will be made available to consumer officials within the Department who might benefit from information on citizen involvement programs or procedures that have been successful elsewhere.

The FHWA Regulations Officer currently assists consumers in their involvement in the development of FHWA policies and procedures. The Office of the Chief Counsel can also provide information to the consumer on the FHWA rulemaking process.

b. Planned Program

The Consumer Affairs Staff Office will assist in consumer education by:

(1) coordinating consumer requests for information on FHWA policies and programs with appropriate program offices;

(2) participating with the Office of the Chief Counsel in meetings with consumers to discuss the rulemaking process;

(3) preparing any materials necessary to explain the citizen participation process in agency policy and program development and rulemaking; and

(4) discussing the citizen participation process at regional meetings and consumer forums as discussed above.

All FHWA personnel will be kept informed of individual responsibilities relating to citizen involvement in agency decisionmaking. Education of agency personnel may take the form of briefings by the Consumer Affairs Staff Office and by distribution of materials explaining various agency consumer-related programs. The FHWA Consumer Affairs Staff Office will attend available interagency, training courses on consumer participation and will become familiar with successful consumer programs within and outside government.

6. COMPLAINT HANDLING

a. Current Program

Consumer complaints currently received by the FHWA are handled under normal correspondence procedures. Correspondence is forwarded to the appropriate office for response. Responses to complaints relating to significant policy or program issues are coordinated among offices with related responsibilities for their input. Letters responding to significant policy or program issues are prepared for the Administrator's signature. The FHWA believes this procedure works well.

b. Planned Program

The FHWA is awaiting the results of a DOT-wide study on the complaint handling process, before taking any actions to revise its current procedures.

7. IMPLEMENTATION

The changes described in this draft program and in FHWA's final version of its Consumer Affairs Program will be implemented by an FHWA Order and incorporated, as

appropriate, into other FHWA directives, regulations, manuals, etc. The FHWA's final consumer Affairs Program will be published in the **Federal Register.**

Issued on: May 27, 1980.

John S. Hassell, Jr.,

Deputy Administrator.

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION (DOT)

Consumer Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation.

ACTION: Request for public comment on FRA's draft consumer program.

SUMMARY: This notice describes the proposed FRA program to comply with the requirements of Executive Order 12160, which directs Federal agencies to develop programs to ensure consumer/citizen involvement in agency policy and decisionmaking. The notice also discusses the five major components of the Executive Order as well as existing FRA programs that fall within the areas addressed by that Executive Order. Activities planned by the agency to achieve compliance with the Executive Order also are included.

DATES: Comments must be received by August 8, 1980, and the final program will be published in the **Federal Register** by October 30, 1980. The FRA program will take effect concurrently with the programs of the other DOT operating administrations by December 1, 1980.

ADDRESS: Comments should be addressed to the Consumer Affairs Officer, ROA–30, Federal Railroad Administration, Room 5418, 400 Seventh St., S.W., Washington, D.C. 20590 or telephone (202) 426–9781.

FOR FURTHER INFORMATION CONTACT: Eric H. Hanson, FRA Consumer Affairs Officer, at (202) 426–9781.

SUPPLEMENTARY INFORMATION:

FRA—WHAT IT IS AND DOES

The Federal Railroad Administration (FRA) is one of seven operating administrations of the U.S. Department of Transportation. It is charged with assuring that the country is provided with a safe, efficient, and progressive railroad network capable of meeting its diverse present and future transportation needs and overseeing operations of the federally-owned Alaska Railroad.

In pursuit of these objectives, FRA conducts a broad program of research, development and demonstrations to enhance railroad safety and advance the capability of intercity transportation systems. Fostering growth of an efficient and economically viable system for movement of freight throughout the country is another prime concern.

The agency also provides major policy guidance on legislative matters affecting rail transportation. FRA's concern with safety helped shape the Federal Railroad Safety Act of 1970. Rail passenger service is being maintained through legislation establishing the quasi-public corporation, Amtrak, to manage and operate the service. FRA also participated in enactment of the Regional Rail Reorganization Act of 1973 to form a streamlined viable rail freight system—Conrail—from the six bankrupt railroads in the northeastern and midwestern regions of the country, and in the Railroad Revitalization and Regulatory Reform Act of 1976.

FRA is a key agency in Federal policy development and implementation on such vital issues as freight car supply, rail service reliability, financial assistance, surface transportation regulation, and the identification of the proper role of railroads within a balanced, coordinated, national transportation system.

Organization

The Federal Railroad Administration is organized into six operating segments: Office of Safety, Office of Federal Assistance, Office of Policy and Program Development, Office of Research and Development, Northeast Corridor Project and the federally-owned Alaska Railroad. These, plus the staff offices of Planning and Budget Development, Chief Counsel, Administration, Minority Business Resource Center and Office of Civil Rights work under the direction of the Federal Railroad Administrator.

In addition, the Administrator oversees the Transportation Test Center in Pueblo, Colorado. It is the major Department of Transportation laboratory for research efforts in improving the safety and efficiency of ground transportation.

Office of Safety

The Office of Safety has long exercised jurisdiction over such areas as locomotives, signals, safety appliances, power brakes, hours of service, transportation of explosives and other dangerous articles, and the reporting and investigation of railroad accidents. With passage of the Rail Safety Act of 1970, the safety jurisdiction was expanded to include all areas of safety including track, equipment and human factors in rail operations. Federal inspectors monitor compliance with requlations from offices throughout the country.

Office of Federal Assistance

The Office of Federal Assistance contains three segments: an Office of National Freight Assistance Programs, responsible for administering the $1.6 billion loan and loan-guarantee programs for rehabilitation of financially troubled railroads; an Office of State Assistance Programs, to handle the state rail planning and local rail services continuation subsidy programs; and the Office of Special Programs, responsible for urban programs, labor/management projects and providing staff support to the Administrator and the Secretary on matters involving Conrail.

Northeast Corridor Improvement Project

The Railroad Revitalization and Regulatory Reform Act of 1976 gave the FRA responsibility for a major upgrading of the Northeast Corridor between Washington, D.C. and Boston, Mass. The project, which is being managed in cooperation with Amtrak, includes track improvements, curve realignments, bridge and tunnel work and completion of electrification of the Corridor. When completed, passengers will have reliable, smooth and quiet 120 mph rail service between the two cities.

Office of Policy and Program Development

The Office of Policy and Program Development has as its goal the fostering of an improved national rail system, as well as its economic efficiency and viability. Its responsibilities include the development of new legislation and joint industry/government programs to meet the objectives. This segment has an Office of Economics and Operations Policy, an Office of Systems Analysis and Information and an Office of Capital Policy and Planning.

Office of Research and Development

The Office of Research and Development is charged with the planning, coordination and conduct of research and development on all aspects of intercity ground transportation and safety. Research and development is being conducted in areas such as development of improved track and track bed

structures; work to reduce the effects of accidents involving tank cars carrying hazardous materials; efforts to gain a better understanding of and, thereby, reduce equipment failures; development of lower cost and more effective grade crossing techniques; and research in human factors in train operation.

Alaska Railroad

The Alaska Railroad operates 478 miles of single mainline track from Seward and Whittier to the interior of central Alaska through Anchorage to Fairbanks. The Railroad is under a mandate from the Congress to operate within its revenues and has not required a Congressional appropriation for operating expenses since 1939. The government-owned railroad began operation in 1923 under the jurisidiction of the Department of Interior and was transferred to the FRA in 1967.

The FRA currently has approximately 1,550 employees at its headquarters and field operations throughtout the country and on the Alaska Railroad.

IMPLEMENTATION

A DOT order specific implementation of the program will be followed by a supplemental FRA order interpreting application to FRA elements, setting forth any additional FRA requirements for fulfilling the five consumer functions enumerated in the Executive Order, and detailed authority, accountability for performance, and any other functional or administrative requirements necessary for implementation of the Executive Order, the DOT Order and this FRA program.

REFERENCES

(a) Executive Order 12160 Providing for Enhancement and Coordination of Federal Counsumer Programs.

(b) White House Guidelines for Development of Consumer Program, October 4, 1979.

(c) Department of Transportation Draft Consumer Program (Federal Register, December 10, 1979, page 71370).

(d) OST/DOT Guidelines for Development of Operating Administration's Consumer Programs required by Executive Order 12160.

I. CONSUMER AFFAIRS PERSPECTIVE

This section focuses mainly on how the consumer staff works within the Administration to provide FRA decisionmakers with consumer/citizen viewpoints when regulations, policies, programs, and legislation are being developed. Information on how FRA's consumer staff works with individuals and their organizations may be found in the section on consumer participation.

FRA considers its consumers to be final users or purchasers of transportation goods and services as well as those who are directly affected by railroad transportation activities.

CONSUMER STAFF

FRA's consumer staff, located in the Office of Public Affairs, will be headed by the Consumer Affairs Officer (CAO), FRA's senior-level consumer official. The CAO can call upon expertise within FRA on transportation issues; consumer/citizen participation; analysis of regulations, policies, programs, and legislation affecting consumer/citizen interests; liaison work with consumer groups; editorial skills; and management functions. The consumer staff can be reached by writing to the Consumer Affairs Officer, Public Affairs, ROA–30, 400 7th Street, S.W., Washington, D.C. 20590; or by telephoning 202/426–9781 (or 202/246–0881).

The CAO's responsibilities for policy direction, coordination, and oversight of FRA's consumer activities are described in Section II (Oversight) of this Consumer Program.

STAFF FUNCTION

The CAO, in fulfilling responsibility for the five consumer functions in Executive Order 12160, will:

1. Inform and advise the Administrator through the PAO concerning emerging issues bearing on the five consumer functions identified in E.O. 12160.

2. Represent the consumer perspective in the development and review of agency rules, policies, programs, and legislation and provide staff support on FRA work groups, task forces, committees, field trips, public meetings and other forums, and other FRA activities in which consumers have an identifiable interest.

3. Maintain close liaison with the DOT Office of Consumer Liaison (OCL) and other modal consumer offices in DOT and with those of other Federal agencies have an effect upon rail transportation.

4. Develop and maintain continuing liaison with national, state and local consumer and citizen organizations having a concern with railroad transportation or its identifiable effects.

5. Develop and maintain liaison with national, state, and local consumer protection agencies in relation to their concerns about railroad transportation.

6. Encourage necessary research on consumer-oriented aspects of railroad transportation issues in order to improve FRA programs.

7. Produce and distribute materials to inform consumers of the agency's responsibilities, services, and procedures for consumer/citizen participation.

8. Work with the passenger-concerned elements of FRA and with the appropriate elements of Amtrak to encourage an Amtrak passenger service program that is in support of and responsive the the Executive, DOT and FRA Consumer Program orders. Similar efforts may be extended to other rail passenger services within the country.

9. When ever the right, property, environment or other interests of consumers/citizens may be affected adversely by possible, proposed or anticipated legislative, regulatory, policy, program or funding actions, alert those directly or indirectly affected and invite and arrange for their participation in the planning of such actions in accordance with policies set forth by the Secretary of Transportation and the Federal Railroad Administrator.

STAFF Participation

FRA operating elements will work to ensure that the consumer affairs staff is apprised of any opportunities to participate in the development and review of proposed rules, policies, programs, fundings, and legislation affecting consumer/citizen interests and is involved in the administrations's review-and-comment process. Comment by the CAO will be provided to the Administrator for his review at the time of decisionmaking on any proposal to which such comment is addressed.

II. CONSUMER OVERSIGHT

The anticipated FRA Order to implement the Consumer Program will include the following provisions:

1. The requirements of the Executive Order and the DOT Program will be incorporated by reference and explained in whatever detail is necessary.

2. The consumer function will be identified within the FRA mission statement.

3. The Consumer Affairs Officer (CAO) will be placed under the Public Affairs Officer (PAO) within the Office of the Administrator and will be held accountable for implementation of the FRA Consumer Program. The CAO will be responsible for coordinating the Administration's performance of the five consumer functions required be E.O. 12160.

4. All elements of FRA—including field offices, the Alaska Railroad, and the Transportation Test Center—will participate in the Consumer Program. The CAO will coordinate and support the efforts of the operating elements and assure that the FRA supplemental order is kept current and reflects any changes in the Executive and DOT orders.

5. Additional capability for control of correspondence will be developed to assist the CAO in identifying, classifying and reporting on complaint correspondence.

6. The CAO will report through the PAO to the Administrator on significant consumer issues, will participate in executive-level staff meetings by invitation when the agenda includes matters of consumer concern, and will participate by invitation in other FRA meetings concerned with actions likely to affect the interests of consumer.

7. The CAO will serve as the FRA representative to the DOT Consumer Policy Coordinating Council established by the DOT Consumer Program and to other interagency consumer/citizen organizations as required.

INFORMING CONSUMERS

The CAO is responsible for insuring that consumer/citizen organizations are informed about policy and program issues being discussed within FRA, for getting consumer/citizen reactions to those issues, and for assuring that the Administrator and other key officials are informed about those reactions. To fulfill these responsibilities, the CAO will:

(1) Assure that new policy and program issues are placed on the agendas for the consumer forums (see page 11 under Consumer Participation);

(2) Develop or solicit articles about policy and program issues to be included in *Tranportation Consumer*, the Department's bimonthly newsletter;

(3) Inform officials in FRA's eight regional offices, The Alaska Railroad and the Transportation Test Center about policies and program so that they, in turn, can inform individuals and consumer/citizen organizations in their regions;

(4) Use other appropriate channels for informing consumers, such as holding informal consultations with individuals and organizations and working with the PAO to provide wide distribution of news releases on significant policy issues of concern to consumers.

III. CONSUMER PARTICIPATION

By statutes, regulations and orders, FRA is committed to consumer/citizen participation in many areas of policymaking, program development, rulemaking and legislation. In June 1979 these requirements were summarized and tabulated for the DOT Working Group on Citizen Participation which is developing recommendations concerning a Departmental policy pertaining to increased DOT support for citizen participation in local transportation planning. They are still applicable and are included as Appendix A.

In addition, Congress has tended to include citizen participation requirements in special studies assigned to FRA such as the recent Amtrak route restructuring. Citizens were encouraged to submit written comments or suggestions which were taken into consideration by the study task force. Citizen views on rail policy are generally acknowledged and passed on to policy development staff for consideration.

In carrying out the requirements of the Executive Order and the DOT Consumer Program, FRA will expand its opportunities for participation. For example, committees and task forces created for policy or program purposes may have effective consumer/citizen members to present the consumer perspective when such participation is appropriate to the mission of the committee or task force. Grant or loan recipients will be required to demonstrate that consumers/citizens have had full opportunity to be involved throughout the application process and that they will have similar opportunity to review spending commitments that establish policy or might result in adverse effects upon consumers/citizens.

Consumer/Citizen Participation in Rulemaking

DOT's Regulatory Policies and Procedures, issued in compliance with Executive Order 12044, Improving Government Regulations, detail the procedures followed by FRA in the development of all FRA rules. Public participation features of these procedures have been summarized in the DOT Consumer Program. For a complete copy of the procedures, write DOT, Office of General Counsel, C–50, Washington, D.C. 20590.

The CAO will monitor compliance for public participation requirements by reviewing and commenting on opportunities for public participation provided for in rulemaking notices. If consumers and citizens believe that public participation opportunities on a specific rulemaking action should be enhanced, they are encouraged to contact the CAO to request additional participation opportunities. The CAO will work with the initiating office to explore additional participation channels.

On significant rulemaking proceedings, FRA holds public hearings in Washington and in affected regions. In addition, the Administrator and the heads of FRA operating elements provide on a continuing basis additional opportunities for the public to participate in FRA decisions on transportation policies, rules, and programs.

When FRA prepares a significant final rule, it must provide a summary of the public comments received and the response to them. FRA decisionmakers can, from the comment and response, determine how responsive the rule has been to public comment.

Consumer Participation in Decisionmaking in Policies and Programs

For each significant policy or program development action within FRA, the initiating element or office should develop a timetable based on a Standard Procedure for Consumer/Citizen Participation (see Appendix B) which indicates when and how consumers and citizens will be involved in the policy or program development process. The CAO will provide technical assistance in implementing the Procedure, will assist the FRA elements in preparing their timetables which will enumerate the participatory techniques that will be used at each stage and which will become agency consumer/citizen participation plans to be monitored by the CAO.

Consumer Forums

The FRA periodically will conduct in each of its eight regions and in Washington consumer forums keyed to emerging policy issues at which consumers can meet with appropriate agency decisionmakers. An effort will be made to coordinate these forums with similar undertakings by other modal administrations and state, local and regional agencies in order to minimize the time demands upon

traveling citizens and officials and to bring into consideration a balanced approach to transportation policies and programs. Programs stressing a workshop approach will involve Washington-based decisionmakers, the CAO and regional office consumer representatives in addition to local consumers and citizens.

The Administrator or his representative will meet with concerned consumer/citizens who have made prior arrangements through the PAO and CAO to discuss emerging policy issues and programs.

IV. INFORMATIONAL MATERIALS

This section describes FRA procedures to provide better coordination of its consumer information efforts and to publicize and distribute its consumer information materials.

The FRA and its operating elements have occasional publications and fact sheets of interest to consumers on rail program activities which may be obtained without cost by writing to the CAO, (ROA–30) Room 5418–A, 400 Seventh St., S.W., Washington, D.C. 20590. FRA publications which are technical in nature may be purchased from the National Technical Information Service, Springfield, Virginia 22161.

FRA recognizes, however, that its consumer information efforts can be enhanced by better planning and coordination among the operating elements and the Office of the Administrator. This is particularly true in the preparation of easy-to-read material on technical matters. The FRA produces a wealth of technical data which can and will be used to develop more consumer publications.

DOT's Consumer Information Program and Timetable

The goal of the FRA Information Program is to develop and produce more publications that will help consumers better understand railroad transportation issues and problems and make better decisions in the marketplace. These publications will be written in clear language to make them useful to the general public.

Audiovisuals

FRA will take an inventory of its consumer audiovisual materials and examine the feasibility of initiating a more extensive audiovisual program directed to consumers.

Distribution of Materials

FRA will make use of existing resources to publicize and distribute its publications of interest to consumers. Publicity and distribution efforts may include the following activities where appropriate:

1. Each FRA consumer publication will be introduced with a news release to the general media as well as the consumer-oriented press.

2. FRA will send notices (in the form of press releases and/or notes in the DOT consumer newsletter) on new publications and how to obtain them.

3. FRA will make use of the facilities of the General Services Administration's (GSA) Consumer Information Center to the extent that funding exists for such GSA distribution.

4. FRA will make special efforts to keep the following groups informed as to available publications: FRA regional offices; the Alaska Railroad; the Transportation Test Center; Federal Information Centers; other Federal agencies that affect railroad transportation consumers; state and local consumer protection agencies; state and local transportation agencies; national, state, and local consumer groups; and the consumer press.

5. FRA employees will be informed of all new FRA publications and will be encouraged to carry copies of consumer publications when attending meetings where consumers are present.

6. Whenever possible, FRA will, on request, make single copies of FRA consumer publications available free of charge.

7. When funds permit, FRA will provide for free bulk mailings of its consumer publications to consumer constituencies and to schools. Recipients of such bulk distribution will include consumer-oriented meetings, forums, conferences, and appropriate public hearings.

8. On large publication orders, FRA's consumer staff will make negatives of its publications available for printing by state and local governments or consumer groups.

Mailing Lists

While FRA has not maintained a separate consumer mailing list, consumers are invited to request inclusion on the FRA Public Affairs Mailing List which is used to distribute press releases, fact sheets, policy statements, study reports, testimony, speeches, technical reports, and other printed materials to the media. The operating elements and offices within FRA also make selected distribution on standard mailing lists of the materials prepared in relation to their respective program activities. Rulemaking follows standard government procedure with appropriate publication in the **Federal Register** and press releases. As resources become available, the CAO will develop a consumer mailing list for targeting information on rail issues of particular consumer/citizen concern.

Information Materials for Open Meetings

The CAO will identify any FRA meetings which are regularly scheduled and open to the public and will also monitor other open meetings which occur on a somewhat irregular basis according to issues; for example, public hearings. The FRA office responsible for an open meeting should prepare informational materials on the nature and timing of the meeting. The CAO will provide technical assistance to offices in developing those materials which will be in fact-sheet form and will include background information on the meeting and meeting agenda and on how the public can participate during the meeting. The materials shall be available at the time the meeting is announced and at the entrance to the meeting.

EDUCATION AND TRAINING

This section describes how FRA will familiarize all FRA staff with its new consumer policies, the training opportunities for those involved in consumer affairs and citizen participation, and the training and technical assistance possibilities for individuals, citizen groups, and other public interest organizations.

Responsibility for Notification and Education Concerning E.O. 12160

The Administrator will notify FRA officials concerning FRA actions that will be taken to comply with E.O. 12160.

FRA's Consumer Program will take effect by December 1, 1980; it will be supported by the DOT Order on Management of Consumer Programs and a supplemental FRA Order which will make necessary changes in DOT and FRA operating procedures respectively. The FRA Consumer Program and supplemental order along with the Department's Consumer Program and the DOT order will be circulated to all FRA staff members.

The CAO will be responsible both for briefing FRA officials and for developing continuing education programs for staff on the role of consumers/citizens in FRA policies and programs.

Training Agency Personnel

The CAO, with guidance and assistance from the FRA training officer, will be expected to offer training and guidance to the operating elements of FRA in order that they may carry out their responsibilities under the FRA Program. The CAO and assigned staff will take advantage of training opportunities offered or recommended by the OCL and will cooperate in the development of such opportunities. All FRA personnel with consumer affairs/citizen participation responsibilities will be encouraged to offer technical assistance and guidance to consumers/citizens seeking to participate in FRA policy and program development.

Public Education and Training

FRA's consumer staff plans to cooperate with OCL in its effort to develop a program of consumer internships, designed to offer training opportunities in transportation consumerism for college students, for members of disadvantaged or minority communities, and for members of grass-roots citizen organizations.

Technical Assistance

All FRA consumer staff members are responsible for helping consumers to find and understand technical information published by the Administration and, specifically, shall:

(a) answer consumers' mail or phone inquiries concerning technical publications;

(b) assist consumers by answering their questions about DOT technical publications or referring them to program specialists who can provide clear explanations.

V. COMPLAINT HANDLING

Complaints having to do with FRA's program responsibilities are handled by the operating element concerned and the Office of the Chief Counsel with response by the Administrator or Secretary if major policy considerations are involved. Consumer complaints about rail carriers or their services coming through Congressional offices receive similar treatment. Complaints to the Secretary or the Administrator about a railroad company or about facilities and services provided by Amtrak are handled by the CAO through negotiations with the carriers and, generally, by written response. Most complaints received by FRA are considered priority mail and are logged in by FRA's Executive Secretariat and routed to the appropriate offices with a deadline for response. The logging procedure utilizes a computer which assists in following routings and responses.

Periodically complaints have been analyzed by the CAO as to their nature and frequency. This type of information has been gathered by OCL from all the modes and forwarded to the Secretary of Transportation to call his attention to major problems. FRA expects to have an expanded capability for providing a more detailed analysis as a regular contribution to policymaking and program evaluation. Meanwhile, FRA will participate in a DOT study seeking an improved system for complaint handling which will be completed by December 1, 1980, and which is expected to be implemented by May 1, 1981.

VI. REVIEW AND UPDATE

Within six months after inception of the FRA's new consumer program, FRA and interested consumers/citizens will have an opportunity to review the program and suggest possible improvements. The CAO will coordinate the suggestions and submit them to the heads of the FRA elements and the DOT OCL for comment and will then prepare a revised order for FRA approval. A similar review and revision will take place annually thereafter.

Issued in Washington, D.C., on May 23, 1980.

John M. Sullivan,

Federal Railroad Administrator.

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APPENDIX A

Federal Railroad Administration
Requirements for Consumer/Citizen Participation--June 1979

CITATION	PROGRAM	FUNDING	MONITORING	LIMITATIONS
5 USC 553	Administrative Procedures Act	None	Analysis and evaluation	None
45 USC 9, 12	Safety Appliance Acts	"	in safety rulemaking	"
45 USC 431	Federal Railroad Safety Act	"	process. Attendance and transcripts of hearing testimony kept.	"
	implemented by:			
49 CFR 211	FRA's Rules of Practice	"	"	"
	according to guidelines in:			
44 CFR 11034	DOT Policies and Procedures Order (page 12)	"	"	"
FRA Order 1100.15A	FRA's internal procedural guidelines.	"	"	"
42 USC 4332 (2) (c)	National Environmental Policy Act	None	The program office involved, the Chief Counsel (FRA) and the FRA Office of Policy and Program Development as necessary or requested.	"
	implemented by:			
Order DOT 5610.1c	Proposed FRA Order pursuant thereto	"	"	"
	according to			
	Council on Environmental Quality Regulations	"	"	"
	FRA Order declares policy that citizen participation be encouraged at every stage of environmental assessments; consultation with all likely interests; written comments invited; public hearing on draft EIS, if desirable or necessary, 30 days after release for review.			

CITATION	PROGRAM	FUNDING	MONITORING	LIMITATIONS
P.L. 94-210 ss. 504 & 901	Capital Needs Study under Railroad Revitalization and Regulatory Reform Act of 1976 -- voluntary public hearings (not required).	None	None	None
45 USC 745	Regional Rail Reorganization Act--FRA voluntarily published Federal Register notices or proposed supplemental transactions and seeks public comment.	"	"	"
49 USC 1654 s. 5(j)(3)	Department of Transportation Act requires that, to be eligible for assistance, each State "...will maintain adequate programs of investigation, research, promotion, and development, with provisions for public participation,...."			
	implemented by			
49 CFR 266	FRA's "Procedures and Requirements Regarding Applications and Disbursements" indicate that public participation in state rail planning must be described within each state's rail plan. Since each state is entitled to a minimum of $100,000 per year for state rail planning, a portion of these funds may be used, at	Possible	Annual review and evaluation. Recommend improvements to process. Chapter in FRA's "Rail Planning Manual" on proper role of citizen participation in state rail planning.	Each state may set [illegible]n beyond FRA minimum requirement

CITATION	PROGRAM	FUNDING	MONITORING	LIMITATIONS
	the state's discretion, to support public participation activities at the state level. These activities may include state staff salaries, travel expenses, etc. for individuals involved in developing the Plan. They may not be used to support travel expenses, etc. of the private citizen or other interested parties.			
42 USC 4321-47	National Environmental Policy Act as applied to the Northeast Corridor Improvement Project.	None	The Northeast Corridor Project Program Office and the Chief Counsel (FRA) consider extent of public involvement in review process.	None
	implemented by:			
40 CFR Parts 1500-1508	Require notification of interested parties of decision to prepare an EIS, the possibility of interested party input into draft EIS process, circulation of draft EISs, and inclusion of interested party comments and agency responses in final EISs. Hold public hearings when desirable and take into consideration the public impact.	"	"	"
39 FR 35234 9/30/74		"	"	"
44 FR 16062 3/16/79		"	"	"

CITATION	PROGRAM	FUNDING	MONITORING	LIMITATIONS
P.L. 94-210 Title V	Federal Assistance under Railroad Revitalization and Regulatory Reform Act of 1976--voluntary publication of applications received for assistance and seeks public comment. No acknowledgement of comments received. Federal Register Notice soliciting project comments also invites environmental impact comments. If FRA determines EIS is necessary, interested parties invited to submit comments and notice of intent to prepare EIS is published in register, soliciting further comments. Public scoping meeting held if helpful in determining study areas. Information sought from some sources if not forthcoming.	None	The program office involved, Chief Counsel (FRA), and the Office of Policy and Program Development (FRA) as necessary or requested, consider extent of public involvement in review process.	None

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APPENDIX B—FRA STANDARD PROCEDURE FOR CONSUMER/CITIZEN PARTICIPATION

Introduction

The FRA Standard Procedure for Consumer/Citizen Participation is designed to ensure that consumers have meaningful opportunities to participate in the development of major policies and programs being developed in the Administration and which are of significance to consumers.

The CAO has particular responsibility to ensure that FRA's development of programs and policies is effectively communicated to and coordinated with consumers/citizens and their organizations, through the use of Plans for Consumer/Citizen Participation.

Requirements

1. The head of each operating element in FRA is responsible for working with the CAO on issues being developed in his/her office which have a significant impact on consumers and which:

(a) involve a major policy decision by the Administrator; or

(b) have the potential for leading to the development of major programs within FRA.

2. In identifying key operating-level emerging issues which have a signficant impact on consumers, the following criteria will be considered:

(a) Does the issue involve a matter of interest or controversy among consumers?

(b) Does the issue have a potential for imposing significant costs on consumers?

(c) Does the issue have a significant impact on matters of transportation safety?

3. The head of each operating element shall designate the key staff member responsible for developing an emerging issue to report on it to the PAO and CAO as early as practicable in the development process.

4. The designated staff member shall work with the CAO in the preparation of an outreach effort including a specific plan for consumer/citizen participation.

5. The plan for consumer/citizen participation shall include at least one substantial outreach technique, such as those listed below to inform citizens/consumer about the proposed policy or program and to elicit public comments:

(a) polls and surveys;

(b) field trips and interviews;

(c) direct notification by telephone or use of mailing lists;

(d) consultations, briefing sessions, and open conferences;

(e) Advance Notices of Proposed Policy (ANPPs) and Notices of Proposed Policy (NPPs). (Publication of an ANPP or NPP in the **Federal Register** shall, after an adequate period for public comment, be followed by publication of an NPP, Notice of Policy, or a Notice of Withdrawal of Proposed Policy, whichever the case may be, and shall include an analysis and summary of comments received along with stated justifications and rationales for accepting or rejecting submitted recommendations.)

6. The CAO working with the designated staff member will develop a timetable listing probable dates for initiating each technique that will be used in the policy or program development process.

7. The CAO is responsible for ensuring that consumer/citizen comments received are summarized and analyzed. The CAO will also make appropriate recommendations and ensure that the prepared analysis is submitted to the appropriate operating officer and that adequate consideration is given to the analysis in the Administration's decisionmaking process.

8. The CAO will make every effort to ensure that commenters are informed of significant decisions concerning policies or programs subject to this Standard Procedure.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 80-10; Notice 1]

Draft Consumer Program

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Request for public comment on NHTSA's draft consumer program as required by Executive Order 12160.

SUMMARY: This notice describes the plan the NHTSA proposes to implement to comply with the requirements of Executive Order 12160 directing Federal agencies to develop programs to ensure citizen involvement in agency policy and decisionmaking. The notice discusses each of the 5 major components of the Executive Order, describing NHTS programs already in operation that fall within the areas addressed by the Executive Order. Programs planned by the agency to accomplish full compliance with the Executive Order are also thoroughly described. Comments are requested on these planned programs.

DATES: Comments must be received by August 8, 1980.

ADDRESS: Comments should refer to the docket and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. (Docket Hours 8 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Karen K. Marcus, Chief, Consumer Participation, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-0670).

SUPPLEMENTARY INFORMATION: On September 26, 1979, the President signed into effect Executive Order 12160, directing all Federal agencies to develop and implement effective consumer programs designed to ensure citizen participation in agency policy and decisionmaking. On December 10, 1979, the Department of Transportation (DOT) issued its proposed draft consumer plan and requested public comment. Under the DOT proposal, each agency within the Department is to develop and implement consumer programs that satisfy the requirements of the Executive Order.

In compliance with Executive Order 12160, the NHTSA is assessing, modifying, and revising its consumer program to ensure full citizen involvement in the agency's policy and decisionmaking. The five requirements of the Executive Order are as follows:

(1) A consumer affairs staff that participates in the development and review of all agency rules, policies, programs and legislation.

(2) Agency procedures for early and meaningful participation by consumers in the development and review of all agency rules, policies and programs.

(3) Production and distribution of materials to inform consumers of the agency's responsibilities, services, and procedures for consumer participation.

(4) Education of staff members about the Federal consumer policy and the agency' plan for carrying out that policy.

(5) Procedures for systematically recording, investigating, and responding to consumer complaints, and for integrating analyses of complaints into the development of policy.

Given that the purpose and function of the NHTSA is to serve and protect the public by promulgating motor vehicle safety, damage resistance, and fuel economy standards, ensuring the recall of defective motor vehicles and equipment, developing and providing technical information for consumers, and managing a highway safety grant-in-aid program, integration of the Executive Order's components is both appropriate and desirable.

Under the authority and direction of the National Traffic and Motor Vehicle Safety Act, the Highway Safety Act, and the Motor Vehicle Information and Cost Savings Act, the agency has issued a variety of safety and fuel economy regulations, undertaken research to expand its knowledge and understanding of traffic accidents, assisted states with development and implementation of programs on driver education, vehicle inspection, alcohol enforcement, school bus safety, and emergency medical services, and worked to establish a rating system for motor vehicle damageability, repairability and crashworthiness. These broad consumer responsibilities are fulfilled by the provision of a variety of specific services and activities. In meeting the criteria of the Executive Order, these services and activities will be expanded.

NHTSA will develop an internal directive assigning specific responsibilities to all agency components in implementing the Executive Order. The directive will establish the NHTSA Consumer Participation Division as the agency's principal advisor on citizen involvement in programs and activities. Concurrence on agency policy and program development will also be a major responsibility of the Consumer Division. Given their physical proximity to citizens and communities, the role of NHTSA Regional Offices will be a key element in the implementation of the agency's consumer plan. The NHTSA will have a single consumer representative in each Regional office who is knowledgeable about state and local organizations, effective local communication networks, and current local consumer issues. Those representatives will maintain close contact with the NHTSA Consumer Participation Division. When the internal directive is issued, it will be announced in the **Federal Register.**

This notice proposes the NHTSA's initial plan for meeting the criteria of the Executive Order. It describes actions now being undertaken by the agency that meet the Executive Order's criteria (Current Programs) and plans for future program and administrative initiatives (Planned Programs). Each component of the Executive Order is addressed individually. Portions of the plan are still in their developmental stages and will be announced in the **Federal Register** as they are completed.

I. ADMINISTRATION OF CONSUMER PROGRAM

A. Current Program

NHTSA's Consumer Participation Division is located within the Office of Public Affairs and Consumer Participation and currently consists of five professional consumer affairs specialists, one secretary, and one clerical employee. The Chief of the Division has direct access to the Administrator and is a member of the senior policy and decisionmaking body of the agency. Other specific functions of the Consumer Participation Division which attempt to ensure internal and external representation of the consumer viewpoint on NHTSA issues, include:

(1) A Consumer office representative on NHTSA's Defect Panel Review Board. The Board determines whether formal defect investigations will be initiated by the agency. Serving on this Board enables the consumer office to move immediately to notify the public of the opening of safety defect investigations through Consumer Advisories issued to the press.

(2) The Chief of the Consumer Participation Division is Co-Chair of the Interagency Task Force on Auto Inspection, Repair and Maintenance established by NHTSA to coordinate plans of action with other Federal agencies in an effort to combat the problems associated with auto repair. Extensive public involvement is planned for the task force effort.

(3) The Chief and designated Consumer staff members represent the agency viewpoint on related consumer issues being considered by other DOT agencies, agencies outside the Department, and the public.

(4) The Consumer Participation Division has the responsibility for the development of, or concurrence on, all informational materials produced by the agency for consumer use.

(5) The Division maintains communication with the Regional Offices, keeping them abreast of consumer issues and also gaining their advice on actions that can be initiated to meet community needs or interests.

(6) The Division is alerted to all rulemaking actions and handles the administrative details necessary to ensure citizen participation in those regulatory proceedings.

B. Planned Program—Consumer Oversight

The Chief, Consumer Participation Division will be responsible for coordinating compliance within the NHTSA with the five consumer functions enumerated in Executive Order 12160.

The Chief, Consumer Participation Division will:

(1) Oversee and monitor consumer programs in the major program areas of the agency.

(2) Inform consumer/citizen organizations about policy and program issues being discussed within the agency; get consumers' reactions to these issues; and assure the Administrator and Associate Administrators are informed about consumers' reactions.

(3) Chair an NHTSA Consumer Coordinating Committee consisting of representatives from each of the major program areas of the agency. The Committee will meet monthly to coordinate citizen involvement in all agency programs, initiatives, and activities.

(4) Develop and implement a consumer participation training program for all NHTSA employees.

(5) Develop further contacts and maintain close liaison with state and local consumer protection agencies, national, state, and local consumer and citizen organizations, and all other individuals and organizations interested in or knowledgeable about the issues under the agency's jurisdiction.

(6) Represent the consumer perspective on NHTSA work groups, task forces, and committees, and at public meetings and forums.

(7) Inform and advise the Administrator and other senior agency officials concerning emerging issues bearing on the five components contained in Executive Order 12160.

(8) Attend senior level staff meetings held by the Administrator.

(9) Participate in the development and review of legislation as well as rules, programs, and policies; and ensure that any Consumer Participation Division comments will be brought directly to the attention of the Administrator.

(10) Review and comment on all rulemaking actions to ensure that they are drafted in a manner that is understandable to the average citizen; represent the consumer viewpoint; detail the type of information citizens might submit in comment on the action, describe the role citizens can play in the proceeding, and are disseminated

widely to organizations that will inform consumers of their existence.

(11) Serve as coordinator with the DOT Office of Consumer Liaison and as member of the Departmental Consumer Policy Coordinating Committee.

II. CONSUMER PARTICIPATION

A. Current Program

NHTSA has consistently been a strong advocate of citizen involvement in agency decisionmaking. For three years, it administered a highly successful public participation funding program which provided funding to citizens and organizations who could not otherwise afford to make contributions to the agency's rulemaking proceedings. Unfortunately, this funding program was not renewed by Congress for FY 80. However, the agency is committed to maintaining a continuing level of citizen involvement such as that achieved in its public meetings on heavy truck safety and child transportation safety.

In the heavy duty truck safety proceeding, the funding program enabled over 40 truck drivers to present effective, personal testimony and documentation on how truck safety can be improved. At the Child Transportation Safety public meeting, 57 funded participants representing almost every State and a wide variety of professional expertise, provided testimony based upon their knowledge and experience, contributing valuable information to assist the agency in attacking the number one killer of children—motor vehicle accidents.

Citizens have also played a significant role in assisting the agency with discovery of auto safety defects. Based upon citizen reports, the agency is able to determine where potential defects exist. Citizens communicate this valuable information by mail and by calling NHTSA's toll-free Auto Safety Hotline. Other procedures designed by the NHTSA to ensure effective participation by consumers in agency activities are as follows:

(1) Mailings concerning agency activities are made to various groups and organizations according to their areas of particular interest.

(2) Routine notification of agency activities through the **Federal Register**, news releases, and other means designed to inform potentially interested individuals and organizations of upcoming or pending actions in which they can participate. Methods of notification have included such steps as temporary installation of toll-free lines to permit easy citizen contact with agency consumer personnel, dissemination of posters and flyers announcing upcoming activities, and publication of agency activities in trade and special interest journals and magazines.

(3) Issuance of Consumer Advisories alerting the public to vehicle defects and describing the means for obtaining remedy. Public announcements of formal defect investigations ask that vehicle owners who have experienced the problem under consideration notify the agency. Quarterly reports on defect investigations are also issued.

(4) A toll-free Auto Safety Hotline gathers information from customers on auto safety problems and assists the agency in determining the existence of safety-related defects requiring recall and remedy. The Hotline will soon be equipped with terminals for responding to inquiries from the deaf.

(5) Development and dissemination of consumer literature to enhance public awareness and knowledge about agency programs.

(6) Consumer Focus Groups, to aid NHTSA in determining consumer acceptance of new concepts in safety, are occasionally used by the agency's Research and Development office to assess market trends and preferences. These groups function in a structured interview format and are comprised of citizens that have a common element among them, e.g. all purchased a new pickup truck within the past year.

B. Planned Program

(1) The NHTSA has adopted a Standard Procedure for Consumer/Citizen Participation to provide consumers with an adequate opportunity to influence policy and program development (Attachment).

(2) The NHTSA Consumer Coordinating Committee will identify and create techniques and procedures for citizen involvement in all of the agency's functions. It will also prepare a comprehensive brochure describing the activities of the agency's various offices, how their programs specifically affect citizens, and how citizens can participate in, or affect those programs. These programs will be in the areas of rulemaking, enforcement, traffic safety, research and development, and plans and programs.

(3) The Agency anticipates holding two consumer forums (one each on the east and west coast) a year. This will make it easier for citizens and government officials to communicate their respective views and concerns. In addition, various meetings between the Administrator and consumer/citizen group representatives will be considered.

(4) The agency anticipates holding regional meetings, conferences, seminars and workshops on a variety of issues of interest to the public. The purpose of these meetings will be to educate and inform various interest groups (e.g. truck drivers, disabled citizens) on issues under the agency's jurisdiction, and to obtain from these groups comments and ideas on NHTSA programs and undertakings. They will not be a substitute for usual Rulemaking Public Meetings, but will be held regionally in order to facilitate greater public involvement.

(5) All substantive consumer comments submitted to the agency under rulemaking proceedings will be thoroughly analyzed by the rulemaking staff in terms of completeness and general contribution to resolution of the issues under consideration. These analyses will be provided to the Consumer Participation Division, which will discuss them with the various commenters. By this means, the Consumer Division can assist citizen participants in improving the quality of their future contributions to agency decisionmaking.

(6) Every significant rulemaking notice that is prepared for the **Federal Register** will be reduced by the Consumer Participation Division to a simplified document that details the kinds of contributions the public can make to the agency on the issues involved. These public announcements will be disseminated to consumer mailing lists, Action Line columnists, consumer reporters, and generally made available at public request.

(7) An Automotive Inspection, Maintenance, and Repair (IMR) Task Force is being sponsored by NHTSA to foster the development of a coodinated plan to improve safety, reduce emissions, improve fuel economy, and reduce repair and maintenance costs. The Chief of Consumer Participation is Co-Chairperson of the Committee. The IMR task force will conduct inquires, workshops, seminars, and studies to review and recommend plans of action on IMR issues. The public will be invited to play an extensive, continuing role in the activities of the task force.

(8) A communication system through the mails will be established. The many interested groups and individuals

throughout the country of which the agency is aware, will be informed by letter when a particular project, activity, or effect is underway in the agency. Their participation and comments will be gathered by mail communication. Groups and individuals notified will be asked to contact others whom they know to be interested or have expertise in the subjects under the agency's jurisdiction. The agency's Regional offices will also be asked to seek out interested persons within their particular states.

(9) If funding is made available, the agency will consider making a toll-free line available for use by the Consumer Participation Division. This would permit more effective involvement by individuals and organizations throughout the country, since the inhibition posed by long distance phone fees will be eliminated.

(10) Although the NHTSA did not receive funding to administer a public participation program in FY 1980, it is seeking funds to reimplement such a program in the future. Should those funds be granted, the program will operate under the currently existing agency regulation applicable to public participation funding.

III. CONSUMER INFORMATION

A. Current Program

A large number of NHTSA informational materials are developed in the Consumer Participation Division. The NHTSA has an extensive public information program with over 30 brochures, pamphlets and fact sheets available for dissemination. Informational materials are continually revised and updated pursuant to NHTSA Order 132-21, Periodic Review of NHTSA Publications. As new issues arise, materials are developed to accommodate the public need for information. Examples of the agency's consumer information materials are as follows:

(1) Whenever an open meeting is conducted, the Consumer Participation Division will:

(a) provide technical assistance to the office responsible for an open meeting, on developing informational materials on the nature and timing of the meetings.

(b) ensure the materials include background information on the meeting, meeting agenda, and how the public can participate during the meeting.

(c) ensure that materials shall be available at the time the meeting is announced and at the entrance to the meeting.

(d) announce open meetings in NHTSA's newsletters, press releases, notices in the **Federal Register**, and special mailings to consumers. (Where possible, advance agendas and briefing papers in an easy-to-understand and nontechnical format will be developed and disseminated prior to meeting date).

(2) Press releases are issued by the agency on a wide variety of subjects and for many reasons. From time to time when the agency identifies new statistics or information which would be of interest to the public, a release is issued. In addition, initiation of rulemaking proceedings and issuance of new vehicle standards is announced in press releases and mailed to the public describing the impact of the particular agency action on the citizens.

(3) Whenever a rulemaking action is initiated, personal letters are mailed to ever organization and individual that the agency has identified as being potentially interested in participating in rulemaking proceedings. These letters describe the rulemaking proceeding and the kind of information participants could present to assist the agency in reaching a decision on the issues under consideration.

(4) Consumer Advisories are issued whenever the agency believes it important to alert consumers to a particular agency action or finding. Such advisories warn consumers of a particular unsafe condition in a motor vehicle or an item of motor vehicle equipment by describing the problem and instructing consumers on how to avoid the hazard it poses. Advisories also announce recalls of vehicles and vehicle equipment with safety-related defects and request consumer information which will assist the agency in its defect investigation program.

(5) A consumer support package is mailed monthly be the agency's Consumer Participation Division to organizations, individuals, and Action Lines around the country that have expressed an interest in staying abreast of all agency action directly affecting consumers. The package contains all press releases, new brochures or fact sheets, and descriptions of agency actions initiated or completed during the preceding month.

(6) The National Center for Statistics and Analysis in the agency's Research and Development Office collects data on all fatal motor vehicle traffic accidents occurring in the U.S. through its Fatal Accident Reporting System (FARS). The Center also collects data on traffic accidents and injuries through the National Crash Severity Study (NCSS) and the National Accident Sampling System (NASS). These data bases primarily provide information to NHTSA and the highway safety community on the traffic accident experience. However, the Center annually answers approximately 9,000 written and phone requests for information from Congress, special interest groups, vehicle manufacturers, and the general public. The Center's publication program also disseminates results and information from these data sources through the production of monthly fact sheets, annual reports, and a highway safety fact book, which are distributed to Congress, public health and safety officials, State departments of transportation, insurance agencies, highway safety researchers, vehicle manufacturers, special interest groups, and the general public.

(7) The agency publishes several newsletters for use by the highway safety community. In general, these newsletters have a limited circulation and are intended for specific audiences. One newsletter, for example, is a "monthly" for highway safety communications specialists. It describes the latest communications projects from NHTSA, and elesewhere, and it offers advice on how to make better use of communications resources. Another newsletter is a "quarterly" for truckers, trucking companies, suppliers, and truck drivers. It describes the latest in fuel-saving techniques for trucks.

(8) The agency routinely publishes various kinds of brochures which describe the agency's programs and/or attempt to persuade the public to adopt certain driving behavior. Subjects covered by these brochures include child safety seats, the 55 mph speed limit, motorcycle helmets, safety belts, automatic restraints, drunk driving, etc. Distribution systems for the pamphlets vary according to the audiences for which they are intended. In the past, the agency has distributed its materials through doctors, driver education teachers, police chiefs, supermarkets, and volunteer groups. Shelf stocks for most publications are also kept to answer requests for materials following initial distribution.

(9) The agency produces radio and television public service announcements (PSAs) for use in public education campaigns. These PSAs try to make the public (or segments thereof) more aware of particular highway safety problems and more willing to change their driving behavior to help solve problems. The PSAs are distributed to radio and TV stations around the country. Each TV spot is produced with a local tag which identifies the spot as coming from a particular state. This increases the

likelihood that it will be given substantial airplay by the stations.

(10) The agency is in the process of producing mini-features for use by television consumer reporters. These features are intended to acquaint the public with information about issues which affect their pocketbook and personal safety on the highway. When finished, these consumer TV packages will be sent to television stations in the top 100 television markets across the country.

(11) The agency conducts National Public Information Campaigns on priority issues such as occupant restraints, protection of children as passengers and pedestrians, drunk driving, and speed limit requirements to generate public interest and knowledge about critical safety issues.

B. Planned Program

(1) The NHTSA plans to continue its current efforts of assessing what information can and should be made available to the public, and how that information can best be conveyed for maximum public benefit. It has been determined that a highly effective method for informing the public is through "how to" style brochures. There are a number of publications which the agency plans to develop and issue within the next 6 months. They are designed to equip the consumer with sufficient knowledge and understanding of the issues described to enable them to undertake independent and effective action.

IV. CONSUMER TRAINING PROGRAM

A. Current Program

(1) The Office of Traffic Safety Programs consults from time to time with citizen groups and conducts training for these groups in how to run and participate in highway safety programs at the state and local level.

(2) The agency supports "first responder" training for the public. This is done through local agencies that educate people on proper actions to be taken when they are the first to arrive at the scene of an accident.

B. Planned Programs

(1) The Consumer Participation Division will be apprised of the availability of technical publications, prepared by NHTSA, through the NHTSA Consumer Coordinating Committee.

(2) NHTSA's consumer staff will provide assistance to consumers by answering scientific, technical, or procedural questions or by referring inquiries to a program specialist who can provide a clear explanation.

(3) Workshops will be conducted for all NHTSA employees on their role in implementing the Executive Order.

(4) All Regional personnel will be trained by the NHTSA consumer staff on how to implement the ideas and processes of the consumer plan.

(5) NHTSA will hold Regional workshops with various interest groups to inform them on agency programs and issues and educate them on how to effectively influence those programs and issues.

(6) A "How to" guide will be published this spring to assist citizens in carrying out volunteer projects relating to highway safety.

(7) A contract is underway to develop small demonstration projects of citizen participation techniques. Under the program, small grants will be made to enable education of local communities on how to carry out certain highway safety programs. These demonstrations will serve as the basis for implementing training workshops for Public Education Program Managers, at the state level, in public communications for citizen participation programs in highway safety.

(8) The Rulemaking Office will analyze and critique all substantive comments submitted by consumers to agency rulemaking actions in terms of their completeness and overall contribution to the proceedings. These critiques will be supplied to the Consumer Participation Division which will discuss them with the particular commentors. The purpose will be to identify for consumer participants where their submissions are deficient and how they can be improved in the future.

V. CONSUMER COMPLAINTS

A. Current Program

Given the dramatic and direct impact NHTSA's programs have on consumers, the level of mail from the public is extensive. Citizens look to the NHTSA for assistance in resolving auto repair problems, for advice on whether a particular malfunction in their vehicle or tires is a safety-related defect, and for information on how to obtain defect remedies. In addition, they raise objections, offer suggestions, and ask questions about issues related to auto safety and fuel economy.

The only direct authority NHTSA has to ensure a resolution to a consumer vehicle problem is in the areas of auto safety defects and safety standard non-compliance. If a line of vehicles is determined to have a safety-related defect or does not comply with an applicable safety standard, the agency can ensure that the problem is remedied.

Citizens play a significant role in the agency's ability to determine the existence of defects since it is they who have the greatest experience with malfunctions. Through its toll-free Auto Safety Hotline and consumer letters, the agency receives extensive information on problems that may ultimately prove to exist in a number of vehicles or items of equipment, thereby necessitating a recall. Publicizing information on auto malfunctions which has been acquired from consumers has proven to be most effective in removing unsafe cars from the road. The internal processing of consumer complaints is as follows:

(1) All complaints of alleged safety-related defects (problems in the design or performance of vehicles or vehicle equipment that either do not adhere to existing safety regulations or endanger lives by failure without warning) are computerized by make, model and year of vehicle, and defective component. The immediate action taken by the agency on these individual complaints is to notify the manufacturer and ask that voluntary steps be taken to resolve the issue satisfactorily. At the same time, the complaint is analyzed for:

(a) involvement in an existing recall (whereby the agency has the authority to demand remedial action by the manufacturer),

(b) involvement in an on-going investigation (would be included in the case study), or

(c) indication of a potential problem area (would be monitored regularly for any other reports of the same type). The agency then notifies the consumer of the actions it is taking and gives any information on the problem that is available, including news releases, fact sheets, and consumer advisories.

(2) Complaints received on auto problems not under NHTSA's jurisdiction are referred to the proper agency for handling. It is a policy of the agency, however, to send a copy of these complaints to the manufacturer so they will be aware of the problem as quickly as possible.

(3) The agency provides guidance and information on how consumers can resolve problems for which the agency has no authority to order remedial action. These complaints are handled on an individual basis, with assistance often

given through telling consumers where and how to obtain remedies to auto problems.

B. Planned Program

The Consumer Participation Division plans to review the complaint handling system, in conjunction with agency program offices, to determine if there are alternative means of handling complaints and factoring them into the agency's program and policy development.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosured or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring the be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The principal author of this notice is Karen K. Marcus, Chief of Consumer Participation.

Issued on May 30, 1980.

Joan Claybrook,

Administrator.

NHTSA STANDARD PROCEDURE FOR CONSUMER/CITIZEN PARTICIPATION

Introduction

The NHTSA Standard Procedure for Consumer/Citizen Participation is designed to ensure that consumers have meaningful opportunities to participate in the development of major policies and programs which are being developed in NHTSA and which are of significance to consumers.

The Consumer Participation Division's responsibility to inform and involve consumers/citizens is being meshed with the outreach efforts of other offices reporting to the NHTSA Administrator. The Consumer Participation Division has responsibility for many of the agency's key outreach programs, including consultation with State and local officials, consumer organizations, and with other interest groups.

The Consumer Participation Division's particular responsibility is to ensure that the agency's development of programs and policies is effectively communicated to and coordinated with consumers/citizens and their organizations, through the use of Plans for Consumer/Citizen Participation.

Requirements

1. Each Associate Administrator is responsible for identifying and notifying the Chief of Consumer Participation about emerging issues being developed in his/her office which have a significant impact on consumers and which:

(a) involve matters of policy which have the potential for requiring a major policy decision or major involvement by the Administrator; or

(b) have the potential for leading to the development of major programs or initiatives within the Administration.

In identifying key Administrator-level emerging issues which have a significant impact on consumers, the following criteria should be considered:

(a) Does the issue involve a matter of interest or controversy among consumers or otherwise directly affect final users or purchasers of motor vehicles or motor vehicle equipment?

(b) Does the issue have a potential for imposing significant costs or other economic burdens on consumers?

(c) Does the issue have a significant impact on matters of motor vehicle safety?

2. Each Associate Administrator shall designate the key staff member responsible for developing the emerging issue to report to the Consumer Participation Division as early as practicable in the development process.

3. The designated staff member shall work with the Consumer Participation Division in the preparation of an outreach effort which includes a specific Plan for Consumer/Citizen Participation.

4. The Plan for Consumer/Citizen Participation shall include at least one substantial outreach technique, such as those listed below, as well as appropriate supportive outreach techniques, to inform consumers/citizens about the proposed policy or program and to elicit public comments.

(a) polls and surveys

(b) field trips and interviews

(c) direct notification by telephone or use of mailing lists

(d) consultations, briefing sessions, and open conferences

(e) Advance Notices of Proposed Rulemaking (ANPRM's) and Notices of Proposed Rulemaking (NPRM's) (Publication of an ANPRM or NPRM in the **Federal Register** shall, after an adequate period for public comment, be followed by publication of a final rule or a withdrawal of rulemaking action, whichever the case may be, and shall include an analysis and summary of comments received along with stated justifications and

rationales for accepting or rejecting submitted recommendations.)

5. The Consumer Participation Division working with the designated staff member will develop a timetable listing probable dates for initiating each substantial and supportive consumer/citizen participation technique that will be used in the policy or program development process.

6. The Consumer Participation Division is responsible for ensuring that consumer/citizen comments received are summarized and analyzed by the appropriate program office. The Consumer Participation Division shall also ensure that adequate consideration is given to the analysis in the agency's decisionmaking process.

7. The Consumer Participation Division will make every effort to ensure that commenters are informed of significant decisions concerning policies or programs subject to this Standard Procedure.

BILLING CODE 4910-59-M

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

AGENCY: Research and Special Programs Administration (RSPA) Department of Transportation.

ACTION: Request for Public Comment on RSPA's Draft Consumer Program.

SUMMARY: This notice describes the Consumer Plan that RSPA proposes to implement in compliance with Executive Order 12160. The proposed plan addresses the five consumer elements required by the Executive Order.

DATES: Comments must be received by August 8, 1980.

ADDRESS: Comments should be addressed to: Office of Consumer and Public Affairs, Room 8410, Research and Special Programs Administration, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: John G. Courlas, Telephone: (202) 426-4211.

SUPPLEMENTARY INFORMATION: The RSPA Consumer Program responds to Executive Order 12160 requiring Federal agencies to review and revise their operating procedures to ensure that consumer needs and interests are adequately addressed. Since its establishment in 1977, the Research and Special Programs Administration has developed programs for communicating with the transportation community, primarily through rulemaking procedures, program seminars, and publication of program studies and analyses. The Materials Transportation Bureau (MTB) of the Research and Special Programs Administration has had the major role of interacting with the pubilc consumer through its rulemaking activities involving pipeline safety and the transportation of hazardous materials. Other offices within the RSPA have developed programs for dealing with the public in varying degrees through meetings, seminars, and publication of program results to the interested public and consumers. In order to increase the consumer involvement, RSPA is proposing certain new organizational structures and procedures embodied in the following to comply with the intent of the Executive Order.

I. CONSUMER AFFAIRS PERSPECTIVE

The RSPA is establishing an independent Office of Consumers and Public Affairs, with a consumer affairs staff of two or three specialists, that will report directly to the Administrator to assure the maintenance of a strong consumer advocacy role. The RSPA consumer affairs staff will have training, experience, and expertise in analyzing regulations, policies, programs, and legislation; furthering communication with consumer organizations; and performing editorial assignments. The principal functions of the RSPA consumer affairs staff are to develop a strong relationship between the RSPA and its consumer constituencies, advise the RSPA staff on the opportunities for consumer involvement, and monitor consumer program participation on appropriate RSPA activities. The RSPA consumer affairs staff will be placed on all administration distribution lists to receive and comment on all proposed rules, policies, programs, and legislation. The views and comments of this office will be made available to the Administrator prior to the time that decisions will be rendered concerning these activities. Oversight by the RSPA consumer affairs staff also has the major responsibility for recommending, establishing, and maintaining systems and procedures for the direct interaction and liaison with national, state, and local consumer and citizen organizations to suitably respond to their concerns about transportation issues.

II. OVERSIGHT FOR CONSUMER AFFAIRS

The senior consumer affairs specialist, at a grade of GS-14 or above, has direct access to the Administrator on the conduct of consumer affairs within the RSPA. He is also responsible for: developing, coordinating, and implementing RSPA's consumer affairs program; for directing and managing consumer affairs staff; for working with all administration personnel and apprising them of consumer needs and their responsibilities to the consumer; and ensuring that consumer issues are considered in appropriate phases of administration decisionmaking. The senior consumer affairs specialist will be a permanent member of the Departmental Consumer Policy Coordinating Council (CPCC) and will maintain close and ongoing liaison with the other administrations to enhance departmental consumer program coordination and the free exchange of consumer perspectives and ideas. The RSPA consumer affairs program will be implemented through the mechanisms of management orders, operating instructions, and program reviews which delineate the process of involvement of the consumer with RSPA activities.

III. CONSUMER PARTICIPATION

It is the policy of RSPA Administrator to encourage effective consumer/citizen participation early in the development of appropriate rules, policies, and programs. Consumer/citizen participation will be encouraged and monitored by the RSPA consumer affairs staff. Funding will be made available to the RSPA consumer affairs staff to enable the development and maintenance of programs for the outreach and participation of the consumer in RSPA activities. Consumer/citizen participation in the development of appropriate RSPA rules, policies, and programs will be governed by DOT procedures for public and citizen participation, as well as by the following specific provisions:

a. Consumer/Citizen Participation in Rulemaking

The RSPA is involved with rulemaking in two fields: pipeline safety and the transportation of hazardous materials. Responsibility for both rests with the Materials Transportation Bureau (MTB), with legal assistance from the RSPA Office of the Chief Counsel. Under MTB, rulemaking is carried out in two fields, respectively, by the Office of Pipeline Safety Regulation (OPSR) and the Office of Hazardous Materials Regulation (OHMR). The procedures for rulemaking by RSPA follow the basic format for rulemaking by the Federal Government as embodied in 5 U.S.C. 551, et seq. (formerly the Administrative Procedure Act). In its most simplified form, the process begins with a

decision to take regulatory action. A Notice of Proposed Rulemaking (NPRM) is required to be published in the Federal Register, and public comments are solicited. Based on responses to the proposal, the proposed rule will either be promulgated with appropriate revisions as necessary or rescinded by the agency. The process requires meticulous recordkeeping to ensure that factfinding, time to comment, and public notice and comment are adequately accomplished.

The above process describes the formal and directed rulemaking procedures being followed by the program offices. The RSPA consumer affairs staff will complement these formal procedures by establishing additional procedures for providing early and meaningful opportunities for consumer/citizen participation in the development of and review of all agency rules. The consumer affairs staff, working with the program offices, will establish an events schedule which will plan for the interaction of the program offices and the consumer/citizen groups through forums, meetings, or consumer outreach communications. This scheduling of interactions will begin at the initiation stages and continue throughout the lifetime of all RSPA rulemaking. RSPA's rulemaking responsibilities are also governed by E.O. 12044 (Improving Government Regulations) and DOT's Regulatory Policies and Procedures (published in the February 26, 1979, Federal Register). Paragraph 12 of the latter document specifies appropriate steps to be taken to increase opportunities for public participation in rulemaking activities.

b. Consumer Participation in Decisionmaking on Policy and Program Activities

The RSPA consumer affairs staff will be responsible for assuring the opportunity for consumer/citizen participation in the development and review of appropriate RSPA policy and program activities. This office will encorage the use of standard procedures for consumer/citizen participation in the development of these activities. The purpose of these procedures will be to assure that consumers have early and continuing opportunities to learn and express their concerns about significant consumer-oriented activities which are under discussion and development. Attached is the format to be used by RSPA as its standard procedures for consumer/citizen participation.

The initiating office for each significant policy or program development action, with the support of the RSPA consumer affairs staff, will develop a timetable, based on a standard procedure for consumer/citizen participation, indicating when and how consumers/citizens can be involved in that policy or program development process. This timetable will become the consumer/citizen participation plan for that action and will be submitted to the Administrator for approval after review and coordination with the program offices. Each plan will enumerate the participatory techniques that will be used at each stage and will describe how consumer/citizen concerns will be analyzed and considered in decisionmaking. The RSPA consumer affairs staff will provide administrative assistance and guidance to the program offices concerning ways to improve their contacts with consumer/citizen constituencies.

c. Consumer Forums

The Research and Special Programs Administration will develop innovative and practical techniques for arranging ongoing contacts with consumer/citizens. The goal is to stimulate the broadest possible range of interactions between consumer/citizens and RSPA officials. An important technique is the use of regularly scheduled Washington based consumer forums, supplemented by regional forums coinciding with the geographical location of the DOT regional representatives of the Secretary, or other geographical locations as appropriate. These forums could be conducted annually during the spring preview cycle so as to be timely enough to provide inputs into the next year's budget development process.

IV. INFORMATIONAL MATERIALS

The RSPA has an extensive informational publication program with many transportation program reports, brochures, pamphlets, and fact sheets available for dissemination. The materials are diverse in topic and result from the programs of the Offices of: Transportation Security, DPB–10, for enhancing cargo security through the transportation network; Systems Engineering, DPB–20, for the development of key technologies appropriate to needs for multimodal research within the DOT; Emergency Transportation, DPB–30, for emergency planning associated with wartime or natural disaster to the transportation network; Transportation Facilitation, DPB–40, for developing procedures for improving the flow of passenger and freight through the transportation system; University Research, DPB–50, for utilizing the university community in proposing and conducting special research projects in transportation; the Transportation Safety Institute, DPB–60, in the conduct of transportation safety training programs in support of the improved safety of the transportation of freight and passengers through the transportation network; and the Materials Transportation Information Service Division, DMT–43, for hazardous material and pipeline safety information. The Transportation Systems Center, DTS, is a major resource for the Department of Transportation for the dissemination and exchange of transportation information to the public via conferences, technology sharing, and publications.

The RSPA will improve its consumer information program through better planning and enhanced government/consumer coordination. To this objective, the RSPA plans to assess its current publications program to identify changes to or additional consumer information requirements and to develop a better coordinated consumer information program. The first phase of this coordinated program will be the establishment of an RSPA Consumer Publications Program on October 1, 1980. This fiscal year 1981 program will test the mechanism for a long range RSPA Consumer Information Program. This program is designed to:

(1) Produce a limited number of RSPA consumer publications in fiscal year 1981;

(2) Move into an expanded production of RSPA consumer publications in fiscal year 1982; and

(3) Develop plans for starting production of RSPA consumer audiovisual materials in fiscal year 1983.

a. Assessment of Current Consumer Publications

The RSPA consumer affairs staff will be responsible for making an in-depth assessment of current RSPA consumer publications, newsletters, or mailing lists. This material will be evaluated against criteria suggested by requirement in DOT's Consumer Program. The RSPA consumer affairs staff will then develop two sets of recommendations: (1) suggestions for revising current consumer publications; and (2) suggestions for new publications. In each category, high priority items will be identified and scheduled for development during the pilot period of FY 1981. RSPA invites public comments on the adequacy of its current publications and solicits ideas on possible new publications.

b. Responsibility and Timetable for the RSPA Consumer Information Program

RSPA, along with the other administrations, will be responsible for preparing, publishing and distributing consumer publications that focus on its own area of responsibility and expertise. The DOT Consumer Policy Coordinating Council will be responsible for tasks that require Department-wide centralized coordination of efforts, such as: (a) preparing and publishing a bibligraphy of all DOT consumer publications and (b) combining all appropriate DOT consumer mailing lists in order to publicize new consumer publications.

c. Distribution of Consumer Publications

Each RSPA consumer publication will be introduced with an RSPA news release to the general media as well as the consumer press. Each RSPA consumer publication will be mailed, with a letter from the senior member of the Office of Consumer and Public Affairs, to the consumer mailing list of the RSPA element producing the publication, as well as to other appropriate DOT mailing lists. Distribution of RSPA consumer publications will utilize the facilities of GSA's Consumer Information Center, to the extent that funding exists for such GSA distribution.

Whenever possible, single copies of RSPA consumer publications will be available free, on request. When funds permit, RSPA will provide for free bulk mailings to consumer constituencies and to schools for all RSPA consumer publications. Such bulk distribution will include the results of consumer-oriented meetings, forums, conferences, and appropriate public hearing. On large publication orders, the Office of Consumer and Public Affairs staff will make negatives of its publications available for printing by State and local governments or consumers groups.

d. Informational Materials for RSPA Meetings

The RSPA consumer affairs staff will provide assistance to the RSPA offices in developing informational materials for dissemination of public meetings with special attention to their readability, format, and appropriateness for the meeting audience.

V. EDUCATION AND TRAINING

Under the proposed plan, the RSPA consumer affairs staff will develop education and training materials to familiarize the RSPA staff with the new DOT consumer policies.

a. Responsibility for Notification and Education Concerning E.O. 12160

The RSPA consumer affairs staff will be responsible for developing an ongoing education program to inform RSPA staff concerning new procedures and activities that will be required under the RSPA Order.

The RSPA consumer affairs staff will consult with the OST Office of Personnel and Training to institute plans for training consumer personnel in the general area of consumer affairs responsibilities, with specific focus on citizen participation, preparation of consumer information materials, and handling of consumer complaints. To the extent that interagency training courses or contractors' courses are available on these topics, arrangements will be made for RSPA staff to enroll in such courses.

b. Training Opportunities and Technical Assistance for Consumers

The RSPA consumer affairs staff will explore the possibility of providing training and expanded technical assistance in transportation consumerism for members of grassroots consumer organizations. Possible alternative forms for such activities may be: regional conferences, RSPA sponsored workshops; printed materials for distribution to consumer organizations; part-time or short-term internships with RSPA consumer affairs staff for members of grassroots consumer organizations.

VI. COMPLAINT HANDLING.

Under the Executive Order, RSPA will enhance its efforts in informing the public about RSPA programs and complaint mechanisms. The RSPA consumer affairs staff will also study ways to improve its handling and analysis of consumer complaints.

a. Heightening Public Awareness.

DOT has made broad distribution of a brochure entitled *Finding Your Own Way in DOT,* published in March 1978. This brochure describes complaint-handling procedures for the entire Department and includes phone numbers of administration consumer affairs officers and of sub-agencies that are responsible for answering consumers' complaints on specific topics. The RSPA consumer affairs staff will monitor this document to assure its relevancy and currency with respect to RSPA.

b. Logging, Routing, Responding to, Reporting on, and Evaluating Complaints

Priority mail addressed to the administration is logged in by RSPA's Correspondence Control Element and routed to the appropriate offices, with a deadline for response. The RSPA Correspondence Control Element monitors compliance with established deadlines. Consumer complaints addressed to RSPA will be delivered to the Office of Consumer and Public Affairs. They will be answered by consumer affairs staff based on information obtained from the appropriate program office.

There is a need for an assessment of current practices as well as an examination of options for developing an improved RSPA consumer complaint control system. In conjunction with the Department-wide management study, the RSPA consumer affairs staff will investigate the possible development of an improved information system for dealing with and utilizing consumer complaints in a responsive and timely fashion. An extensive lone-range program will be undertaken including:

a. RSPA wide study on how complaints are currently handled;

b. Recommended options for improved handling of consumer complaints received by the RSPA;

c. Recommended options for effective utilization of complaint data in development of RSPA policy;

d. Recommended options for evaluation of the RSPA's complaint-handling procedures.

Issued in Washington, D.C. on May 29, 1980.

Howard J. Dugoff,

Administrator.

RSPA STANDARD PROCEDURE FOR CONSUMER/ CITIZEN PARTICIPATION

Introduction

The RSPA Standard Procedure for Consumer/Citizen Participation is designed to ensure that consumers have meaningful opportunities to participate in the development of major policies and programs which are being developed in the RSPA and which are of significance to consumers. As part of the RSPA Office of Consumer and Public Affairs, the consumer affairs staffs responsibility is to ensure that RSPA's development of programs and policies is effectively communication to and coordinated with consumers/citizens

and their organizations, through the use of Plans for Consumer/Citizen Participation.

Requirements

1. The head of each major organizational element in the RSPA is responsible for identifying and notifying the RSPA consumer affairs staff about emerging issues being developed in his/her office which have a significant impact on consumers and which:

(a) involve matters of policy which require a major policy decision or major involvement by the Administrator; or

(b) have the potential for leading to the development of major programs or initiatives within the RSPA.

In identifying key RSPA emerging issues which have a significant impact on consumers, the following criteria should be considered:

(1) Does the issue involve a matter of interest or controversy among consumers or otherwise directly affect final users of purchasers of transportation services?

(2) Does the issue have a potential for imposing significant costs or other economic burdens on consumers?

(3) Does the issue have a significant impact on matters of transportation safety?

2. The head of the major organizational element in the RSPA shall designate the key staff member responsible for developing the emerging issue to report to the RSPA consumer affairs staff as early as practicable in the development process.

3. The designated staff member shall work with the RSPA consumer affairs staff in the preparation of an outreach effort which includes a specific Plan for Consumer/Citizen Participation.

4. The Plan for Consumer/Citizen Participation shall include at least one substantial outreach technique to be funded by the Office of Consumer and Public Affairs, as well as appropriate supportive outreach techniques, to inform citizens/consumers about the proposed policy or program and to elicit public comments. Such techniques may include:

a. Polls and surveys.

b. Field trips and interviews.

c. Direct notification by telephone or use of mailing lists.

d. Consultations, briefing sessions, and open conferences.

e. Advance Notices of Proposed Policy (ANPPs) and Notices of Proposed Policy (NPPs) (Publication of an ANPP or NPP in the **Federal Register** shall, after an adequate period for public comments, be followed by publication of an NPP, of Notice of Policy, or a Notice of Withdrawal of Proposed Policy, whichever the case may be, and shall include an analysis and summary of comments received along with stated justifications and rationals for accepting or rejecting submitted recommendations.)

5. The RSPA consumer affairs staff working with the designed staff member will develop a timetable listing probable dates for initiating each substantial and supportive consumer/citizen participation technique that will be used in the policy or program development process.

6. The RSPA consumer affairs staff is responsible for ensuring that consumer/citizen comments received are summarized and analyzed. The consumer affairs staff shall also make appropriate recommendations and ensure that the prepared analysis is submitted to the appropriate action officer and that adequate consideration is given to the analysis in the RSPA's decisionmaking process.

7. The RSPA consumer affairs staff will make every effort to ensure that commenters are infomed of significant decisions concerning policies or programs subject to this Standard Procedure.

BILLING CODE 4910-60-M

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

Draft Consumer Program

AGENCY: Saint Lawrence Seaway Development Corporation ("Corporation"), Department of Transportation.

ACTION: Request for public comments on the Corporation's Draft Consumer Program as required by the U.S. Department of Transportation's Consumer Program and Executive Order 12160.

SUMMARY: This draft program describes existing Corporation consumer activities and explains how the agency plans to further enhance these activities by implementing the U.S. Department of Transportation's Consumer Program and Executive Order 12160, "Providing for Enhancement and Coordination of Federal Consumer Programs."

DATES: Comments must be received by August 8, 1980.

ADDRESS: Comments should be addressed to: Office of Communications and Consumer Affairs, Saint Lawrence Seaway Development Corporation, Room 814, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Dennis E. Deuschl, Director of Communications and Consumer Affairs, 202/426-3574.

SUPPLEMENTARY INFORMATION: The objectives of this program are to further integrate consumer concerns into Corporation decisionmaking, to encourage effective consumer participation in the Corporation's decisionmaking processes, and to make the program responsive to the needs of St. Lawrence Seaway consumers insofar as it is consistent with the financial and operational responsibilities of the Corporation established by the Congress. The objectives will be actively pursued by the Corporation in the U.S., recognizing that many Seaway rules, policies and programs must be agreed to jointly by the Corporation and its counterpart, the St. Lawrence Seaway Authority, a Canadian Crown corporation.

I. DIRECTIVES

1. Executive Order 12044, "Improving Government Regulations," March 23, 1978.

2. Executive Order 12160, "Providing for Enhancement and Coordination of Federal Consumer Programs," September 26, 1979.

3. White House Memorandum to the Heads of Executive Departments and Agencies, "Guidance Regarding the Development of Consumer Programs Required by Executive Order No. 12160," October 4, 1979.

4. "Department of Transportation Draft Consumer Program," **Federal Register**, December 10, 1979, pages 71370-71375.

II. SCOPE

The consumer program of the Corporation will apply to significant consumer-oriented policies and practices which are under discussion and development other than those activities identified in Section 1-902(b) of Executive Order 12160 as being excepted from agency consumer programs. These activities deal with internal management, personnel and procurement matters of the Corporation, as well as activities which involve foreign affairs or are undertaken in response to an emergency or which must be completed within a short-term deadline imposed by statute or judicial order (Executive Order 12044, Section 6(b) (2), (3), (4), and (6)).

III. CORPORATION FUNCTIONAL STATEMENT

The Corporation is a wholly government-owned, self-sustaining enterprise responsible for the construction, development, operation and maintenance of the St. Lawrence Seaway jointly with the St. Lawrence Seaway Authority of Canada. Together with its Canadian counterpart agency, the Corporation operates locks and channels, provides traffic control assistance to vessels transiting between Montreal and Lake Erie, and maintains navigational aids in U.S. waters between Montreal and Lake Ontario. For these services, provided on demand, Seaway consumers are assessed tolls under a joint negotiated U.S.-Canada tariff; the U.S. share is used to pay for the Corporation's operating expenses and construction debt.

IV. DEFINITION OF SEAWAY "CONSUMER"

"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, including individuals who own or operate commercial vessels or pleasure craft in the Seaway, exporters, importers and those who ultimately purchase goods and services shipped via the Seaway.

V. OVERSIGHT FOR CONSUMER AFFAIRS

1. The Corporation has renamed its Office of Communications the "Office of Communications and Consumer Affairs" and a Director has been designated.

2. Consumer affairs duties of the Director include:

a. Under the direction of the Administrator, exercising coordination and oversight of the Corporation's consumer activities.

b. Representing the consumer perspective within the Corporation on the development and review of significant rules, policies, programs and legislation.

c. Advising and informing the Administrator concerning emerging issues bearing on the five consumer functions identified in Executive Order 12160.

d. Serving on the Department of Transportation's Consumer Policy Coordination Council.

e. Supervising the compilation and submission of required Corporation reports on consumer activities to the Director of the DOT Office of Consumer Liaison.

f. Monitoring of liaison of Corporation office heads with Seaway consumers.

VI. CONSUMER AFFAIRS PERSPECTIVE

1. The Director of Consumer Affairs shall report directly to the Administrator.

2. The Director shall apprise the Administrator of the potential impact on consumers of particular policy initiatives under development or review within the Corporation, and carry out the duties prescribed in Para V. 2. above.

3. Office heads shall be advised to include the Director in the early stages of the Corporation's internal review procedures for proposed rules, policies, programs and legislation, and assure that any comment by the Director is considered by the Administrator at the time he or she makes the decisions to which the comment is directed.

4. The Director shall be placed on all Corporation distribution lists to receive and comment on all proposed policies, programs and legislation within the scope of the consumer program.

5. When necessary, the Director shall be authorized by the Administrator to ask for assistance from the Corporation's Public Information Officer and Public Information Assistant, the Regulations Liaison Officer, the Director of Program Review and other office heads.

VII. CONSUMER PARTICIPATION

It is Corporation policy to encourage effective consumer participation early in and throughout its decisionmaking process.

1. Consumer Participation in Rulemaking:

a. Consumer participation in Corporation rulemaking is governed by the Department of Transportation's Regulatory Policies and Procedures, issued in compliance with Executive Order 12044, published in the **Federal Register** February 26, 1979, and effective March 1, 1979.

b. Under these policies and procedures, the Corporation provides the public with advance notice of planned rulemaking activity through the **Federal Register**, mailings to consumers and interest groups, briefings for members of the Congress and consumers, fact sheets, and press releases to publications most often read by Seaway consumers.

c. The views of Seaway consumers on proposed rulemaking, as well as policymaking, also are represented through the five members of the Corporation's Advisory Board which meets at least four times a year. They are appointed by the President. They review Corporation activities and advise the Administrator on these and possible future courses of action. The members are prominent private citizens who convey the views of a wide cross-section of the Seaway users.

d. The Director of Consumer Affairs shall have the responsibility for monitoring compliance with requirements for public participation by reviewing and commenting on opportunities for public participation provided for in Corporation Notices and Advance Notices of Proposed Rulemaking.

2. Consumer Participation in Decisionmaking on Policies and Programs:

a. When significant policies or programs are being developed by the Corporation, the Director shall identify emerging issues which may have a major impact on Seaway consumers, and which have the potential for becoming matters of policy or leading to the development of a program. The Director shall then adhere to the standard procedure for consumer participation described below.

b. In identifying key emerging issues, the following criteria shall be considered:

(1) Does the issue involve a matter of interest or controversy among consumers or otherwise directly affect final users or purchasers of transportation services?

(2) Does the issue have a potential for imposing significant costs or other economic burdens on consumers that are inconsistent with the Corporations's legislative mandate to recover its costs?

(3) Does the issue have a significant impact on matters of transportation safety?

c. As soon as practicable after a key emerging issue has been identified, the Director shall prepare a Plan for Consumer Participation that describes exactly what steps will be taken to:

(1) identify those consumers to be directly affected by the proposed policy or program;

(2) inform those consumers who will be affected that the policy or program is under consideration by the Administrator;

(3) provide opportunities for consumer participation in developing the policy or program under consideration by including at least one of the following substantial outreach techniques:

- Polls and surveys
- Field trips and interviews
- Direct notification by telephone or use of mailing lists
- Consultations, briefing sessions, and open conferences

• Advance Notices of Proposed Policy (ANPPs) and Notices of Proposed Policy (NPPs). (Publication of an ANPP or NPP in the **Federal Register** shall, after an adequate period for public comment, be followed by publication of a Notice of Policy, or a Notice of Withdrawal of Proposed Policy, whichever the case may be, and shall include an analysis and summary of comments received along with stated justification and rationales for accepting or rejecting submitted recommendations.)

d. The Director shall develop a timetable listing probable dates for initiating each substantial consumer participation technique that will be used in the policy or program development process. The timetable shall assure adequate time for the preparation and submission of consumer views.

e. Summaries and analyses of public comments shall be prepared by Corporation offices and be provided to the Director, as well as the Administrator, and adequate consideration shall be given to these comments in the course of decisionmaking.

f. Seaway consumers shall be informed of any final decision by the Corporation concerning a particular policy or program.

3. The Corporation shall host a minimum of four meetings/forums which shall be open to Seaway consumers of various levels representing a broad spectrum of Seaway consumer interests. These meetings/forums shall be held at approximately three-month intervals either in Washington, D.C., or in selected locations throughout the Great Lakes/St. Lawrence Seaway region. All such meetings shall be announced in the **Federal Register** at least 15 days in advance. These notices shall offer Seaway consumers the opportunity to present their views on agenda items either in person or in writing to the Corporation's highest level policy advisors. Formats for these meetings/forums shall consist of briefings followed by question-answer periods.

4. The Director of Consumer Affairs shall participate in DOT-sponsored consumer conferences and forums, as appropriate.

5. The Corporation maintains a Seaway consumer mailing list of names that are categorized according to individuals' and organizations' primary area(s) of interest.

VIII. INFORMATION MATERIAL

1. The Corporation contributes information to the bi-monthly DOT consumer newsletter.

2. Single copies of the following Corporation consumer brochures, reports and special publications are available free, on request, from the Corporation's Public Information Officer by calling 315/764–0271 or writing: Public Information Officer, Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662.

a. Brochures

• "2,342 Miles into the Heart of a Continent—St. Lawrence Seaway." A general information publication that includes historical and tolls data.

• "Sail the Seaway and Save." A publication aimed specifically at Seaway shippers that details economic data about Seaway ports transportation advantages and the new level of toll charges.

• "Welcome to the Seaway." Produced jointly by the Corporation and its Canadian counterpart agency. Text in English and French. Diagrams Seaway locks and points out viewing locations for tourists traveling by automobile.

• "Pleasure Craft Guide Book." Produced jointly by the Corporation and its Canadian counterpart agency. Text in English and French. Provides pleasure boat owners/operators with information on tolls, required equipment, lock transit procedures and mooring points.

b. Reports

• "Traffic Report on the St. Lawrence Seaway." Annual publication with calendar year statistics on cargoes and vessels using the Seaway facilities on the St. Lawrence River and Canadian Welland Canal.

• "Saint Lawrence Seaway Development Corporation Annual Report." Annual document require by law that details calendar year financial status and operations of the Corporation.

c. Special Publications

• "Seaway Regulations." Jointly produced by the Corporation and its Canadian counterpart agency. The regulations, including the Traiff of Tolls set forth therein, must be complied with by all vessels sailing the Seaway.

• "The Seaway Handbook." An operating manual for use by vessel operators that includes navigation rules and procedures, along with diagrams of each segment of the Seaway.

3. Throughout the Seaway navigation season (usually between April and mid-December), the Corporation and its Canadian counterpart agency jointly issue "Seaway Notices Affecting Navigation," "Seaway Bulletins," and "Seaway Radio Messages" to vessel operators/owners, and (as appropriate) to shippers and other Great Lakes maritime interests regarding opening dates and closing deadlines, navigation obstructions, special weather conditions, traffic congestion points, slowdowns or delays, etc. Those messages, notices and bulletins having a significant impact on Seaway traffic are often supplemented with news releases to publications most often read by Seaway consumers.

4. When a new consumer brochure, report or special publication is issued by the Corporation, news releases introducing the publication are sent to the general media as well as the consumer press. The Director of Consumer Affairs will work with the DOT Consumer Policy Coordinating Council and the Public Affairs Council to assess the effectiveness of existing Corporation consumer publications and audio-visual materials.

5. The Director shall develop an inventory of upcoming consumer meetings/forums, and announce opportunities for consumers to attend these scheduled sessions. Where possible and cost effective, advance agendas and non-technical briefing papers shall be developed and disseminated in advance.

IX. EDUCATION AND TRAINING

1. A Corporation directive on the management of its consumer programs shall be prepared.

2. The Director of Consumer Affairs shall brief Corporation officials on the new DOT Order and Corporation Directive.

3. The Director or his representative shall participate in specialized consumer training courses made available by the DOT Office of Consumer Liaison, and where appropriate and cost effective, DOT-sponsored conferences, work shops and other forums.

4. The Director shall be apprised by Corporation office heads of the availability of technical publications prepared by them.

5. When consumers contact the Corporation with technical, scientific or procedural questions, the Director shall provide assistance or refer the inquiries to the office head with the appropriate expertise in the matter.

X. COMPLAINT HANDLING

1. The Director shall assure that consumer complaints are considered in Corporation policymaking.

2. The Corporation already is included in the DOT brochure "Finding Your Way in DOT," dated March 1978, which describes complaint handling procedures to heighten public awareness.

3. The Corporation shall update its section in this DOT brochure when it is revised.

4. The preponderance of Seaway consumer complaints or problems are addressed to the Administrator or Associate Administrator. Their respective secretaries log in the written complaints. Every attempt is made to reply to these complaints promptly.

5. All office heads, the Executive Assistant to the Associate Administrator, and the Special Assistant to the Administrator shall be asked to submit to the Director of Consumer Affairs copies of consumer complaint correspondence received, and copies of replies sent.

6. The Director shall analyze the nature of complaints received and if they become concentrated on an ongoing concern that is not adequately covered in existing Corporation consumer materials, consideration shall be given to producing a new informational piece.

Issued at Washington, D.C., on May 22, 1980.

Saint Lawrence Seaway Development Corporation.

D. W. Oberlin,

Administrator.

BILLING CODE 4910-61-M

DEPARTMENT OF TRANSPORTATION
Coast Guard

[CGD 80-062]

AGENCY: United States Coast Guard, Department of Transportation.

ACTION: Request for public comment on Coast Guard Draft Consumer Affairs Program.

SUMMARY: The purpose of this notice is to describe a consumer affairs program that the Coast Guard proposes to implement to comply with Executive Order 12160 of September 26, 1979 (44 FR 55787–55790) and DOT's Draft Consumer Program published in the **Federal Register** on December 10, 1979 (44 FR 71370).

DATES: Comments must be received by August 8, 1980.

ADDRESS: Comments should be addressed to: Consumer Affairs Officer, United States Coast Guard Headquarters, 2100 2nd Street SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Frank O'Brien, Assistant Consumer Affairs Officer; 202/426–2290.

SUPPLEMENTARY INFORMATION: The U.S. Coast Guard is a multi-mission agency charged with primary responsibilities in the areas of maritime safety, law enforcement, and the facilitation of transportation in the marine mode. On April 1, 1967, after nearly 177 years in the Treasury Department the Coast Guard was transferred to the Department of Transportation. The transfer also meant the addition of new responsibilities for the Coast Guard. For example, certain duties of the Corps of Engineers dealing with the operations anchorages, and oil pollution were made Coast Guard responsibilities. The Great Lakes Pilotage Administration was made part of the Coast Guard. The Coast Guard distinctive identification marking of red and blue slash on its vessels, aircraft and stations, builds public recognition of the Coast Guard's diverse activities. In carrying out these functions, the Coast Guard becomes involved in areas of consumer interest. One of the specific programs most directly concerned with consumer involvement is that of Recreational Boating Safety. This program makes and enforces Federal standards for the manufacture and operation of recreational boats. Relatedly, the Coast Guard Auxiliary, an organization of 43,000 volunteers, is directly involved with consumers through its courtesy examination of boats for compliance with standards and requirements, courses in small boating, basic seamanship, and motorboat handling, and dissemination of general boating safety information. The Coast Guard also regulates other areas of marine transportation. Many of these have at least an indirect impact upon consumers, such as standards for the construction, operation, and maintenance of various types of merchant vessels. Among the areas where Coast Guard regulations have a more direct impact on consumers is standards for personal floatation devices, such as life preservers. The environmental protection program has at least a indirect impact on consumers through such activities as oil spill clean-up.

When published in the **Federal Register** on June 9, 1980, the Coast Guard Draft Consumer Program will be available for public comments through August 8, 1980. After review of public comments, the Coast Guard will review revise, as appropriate, its draft program so that a final program may be published in the **Federal Register** by October 31, 1980, with implementation planned for December 1, 1980. This publication will cover the five main functions identified in the Executive Order. They are: Consumer Affairs Perspective, Consumer Participation, Information Materials, Education and Training, and Complaint Handling.

The Coast Guard looks forward to receiving public comments on its proposed consumer program and seeks recommendations on additional ways that it might improve its consumer and citizen participation efforts. The Coast Guard will give careful consideration to public comment in developing its final consumer program, which will be put in force under the final DOT order on management of Consumer Affairs through a Commandant Instruction 5726, "U.S. Coast Guard Consumer Programs." When finalized, this program will implement a consumer policy throughout the Coast Guard after it has been reviewed and commented on by the public, and Coast Guard areas, districts, and headquarters offices.

I. CONSUMER AFFAIRS PERSPECTIVE

The Coast Guard considers its consumers to be users or purchasers of marine transportation and recreational goods and services as well as those who are directly affected by a marine transportation activity. This section explains how the Coast Guard plans to incorporate its consumer affairs program into development and review of its rules, policies, programs, and legislation. All Coast Guard Program Directors will be informed of this consumer program and will consider significant consumer activities in the early planning stage of projects under their purview. All Program Directors will place the Consumer Affairs Officer (CAO) on distribution lists to receive and to comment on all proposed rules, policies, programs, and legislation which may have consumer impact. Standard Operating procedures will provide for the CAO to discuss with the Commandant, and obtain his decision, on key consumer programs and policies. The CAO will ensure that the comments of the consumer affairs staff on proposed rules policies, programs, and legislation, are seen by the Commandant when the Commandant renders a decision.

The Marine Safety Council (MSC) has a key role in the Coast Guard's marine functions. This is a body of seven Program Directors who manage and direct Coast Guard rulemaking, support, and operational programs. The CAO is a member of the Coast Guard Marine Safety Council (MSC). As the CAO is a member of the MSC, the CAO, the Special Assistant Consumer Affairs Officer (SACAO) and their

consumer affairs staff have systematic and established means to participate from a consumer perspective in Coast Guard rulemaking that will affect the consumer. Regulatory projects begun in the Coast Guard are documented by a Work Plan submitted by the Program Director who develops the regulation. Substantive work in the regulatory project is not begun until the MSC approves the Work Plan. The Work Plan provides a comprehensive and systematic means to document all important aspects of a project such as the need and the objectives of the proposal, alternatives considered, impacts, and procedures to be used by the Program Director to ensure adequate public participation in its development. If the Council determines that the proposal will have a particular impact in any of these areas, it requires the project manager to provide a plan for contacting interested parties and so they can state their position. In the case of consumer involvement, the CAO, the SACAO and their staff will review the Work Plan for the proposal. The CAO then makes his recommendation to the Marine Safety Council on the adequacy of the Work Plan for involving the public in development of the proposal. Obviously, those projects that have a limited effect on consumers will not be required to have extensive plans for consumer involvement. If a proposal will have a significant impact on the consumer, however, the CAO will recommend a comprehensive plan of consumer involvement at the Work Plan stage. Since the CAO, SACAO and their staff will be involved in the project at its inception, they will be able to take an active part in its subsequent development. This approach allows the CAO and his staff substantially more input into the develoment of a proposal than mere review and comment opportunities would. Because the CAO, SACAO and their consumer affairs staff are alerted to every regulatory proposal at the planning stage, they can ensure that all available and appropriate out-reach steps are taken to contact interested parties.

As a Coast Guard Headquarters Program Director, the CAO works closely with other Program Directors in Headquarters on a daily basis. Together, the Program Directors form a program staff in Headquarters that work directly for the Commandant. The CAO is in a position to monitor emerging policy issues in the other programs that can affect consumers. He is able at an early stage to directly represent the consumer viewpoint on these issues, both to the responsible Program Director and to the Commandant. With regard to legislation, the CAO is also in position to represent the consumer's perspective. Legislative proposals originating with Coast Guard that can impact on consumers are referred to the CAO for his or her review and comments.

The Coast Guard has six Federal Advisory Committees which may from time-to-time, advise the Coast Guard on decision-making and rule-making that can affect consumer activities. They are the National Boating Safety Advisory Council, Rules of the Road Advisory Committee, Chemical Transportation Advisory Committee, Ship Structure Committee, New York Vessel Traffic Advisory Service, and Coast Guard Academy Advisory Committee. All committees have prescribed regulations and standards as required by the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App. 1). That law provides for committee meetings to be open to the public, for prior notice of the meeting to be published in the **Federal Register**, and for interested persons to be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as may be prescribed. Notices of meetings are published in the **Federal Register** at least 15 days prior to the meeting date.

Coast Guard Consumer Affairs staff consists of the SACAO and administrative support personnel from the Office of Public and International Affairs. The staff can be contacted by writing to: Office of Public and International Affairs (G–A), U.S. Coast Guard Headquarters, 2100 2nd Str., S.W., Washington, D.C. 20593; or by telephoning (202) 426–2290.

II. OVERSIGHT FOR CONSUMER AFFAIRS

This section describes the responsibilities, authority, and duties of the CAO and the SACAO. The SACAO is a fulltime senior consumer affairs specialist (GS–14 and above) whose sole responsibility is, under the supervision of the CAO, to provide policy direction for, and coordination and oversight of, the Coast Guard's consumers' activities. This section explains also how the SACAO works with DOT consumer affairs personnel and describes how the CAO and SACAO coordinate consumer policy throughout the Coast Guard.

The CAO is a member of the DOT Consumer Policy Coordinating Council. By attending Council meetings, the CAO obtains the latest information on Federal Consumer Affairs guidelines and policies. Through continuing contacts with key officials in OST and during the course of everyday business, such as staff and interdepartmental meetings, the review and comment process on departmental decisions, and other consultative process, the CAO is made familiar with all significant consumer issues and policies.

The CAO and SACAO are responsible for informing consumer/citizen organizations about policy and consumer issues being discussed within the Coast Guard, and for ensuring that the Commandant and other key officials are informed about consumer's viewpoints. The SACAO is responsible for keeping the Headquarters Program Directors, and District Commanders informed of consumer policies and programs so that they, in turn, can inform individuals and consumer/citizen organizations in their respective areas. The SACAO ensures that articles about these policies and programs are published in the Boating Safety Newsletter, Marine Safety and Port Safety Bulletins, in the Marine Safety Council Proceedings, Notice to Mariners, and through Public Affairs news releases.

III. CONSUMER PARTICIPATION

This section will discuss how the Coast Guard ensures: (1) Consumer participation in rulemaking; (2) Consumer participation in policy and program development; and (3) Opportunities for consumers attending public meetings to express their concerns to agency officials. The Coast Guard Consumer Affairs Staff will play a significant role in ensuring meaningful opportunities for consumer/citizen participation in the development and review of key Coast Guard Consumer policies and programs.

To provide consumers with an adequate opportunity to influence policy and program development, the Consumer Affairs Staff will adopt a Standard Procedure for consumer/citizen participation. Basically, the procedure will require each Program Director to identify key consumer issues emerging, which might eventually lead to the development of a major policy or program involving a decision by the Commandant and to notify the CAO and SACAO of all such issues. When such an issue is identified, the standard procedure will require the originator to develop a consumer involvement program that is specifically tailored to the issue. This case-by-case approach is essential because many Coast Guard policies and programs apply to a particular segment of the public or a strictly limited geographic area. Experience has shown that the only practical way to contact those who should be consulted is to consider the scope of each policy or programs.

When a policy affecting consumers is identified, an outreach program is developed for that program. The CAO and SACAO are responsible for outreach efforts with state and local government officials, and other interested groups and they consult continuously with these sections on development of key Coast Guard consumer policies and programs. The CAO and SACAO will ensure that this consultative process provides for receipt and adequate consideration of the views and interests of consumers.

As noted earlier, Coast Guard programs are often limited in scope to a geographic area or special segment of the public.

The outreach plans will incorporate at least one of the several techniques to inform citizens/consumers of the developing policy or program and will set forth a timetable for public participation during the consultative process. The CAO and SACAO will play an active part in identifying appropriate participatory techniques and encouraging and working with consumers and organizations to respond to the proposal. The CAO and the SACAO are responsible for ensuring that consumer/citizen comments are analyzed, for making appropriate recommendations, for submitting the prepared analysis to the appropriate office chief, and for ensuring that adequate consideration is given to the analysis. The CAO and SACAO will make every effort to inform consumer/citizen commentators of significant decisions concerning the policy or program being developed. The outreach plan for consumer/citizen participation will include the methods listed below, as well as appropriate supportive outreach techniques, to inform citizens/consumers about the proposed policy or program and to elicit public comments: (a) field trips and interviews; (b) direct notification by telephone or use of official mailing lists; (c) consultations, briefing sessions, open conferences, public meetings; and consumer forums, a program for which will be instituted that will provide an opportunity for consumers to meet with Coast Guard officials to openly express their views and concerns on Coast Guard programs and policies that affect them; and (d) Advance Notice of Proposed Policy (ANPP) and Notices of Proposed Policy (NPP). Publication of a ANPP or NPP in the **Federal Register** will, after an adequate period for public comment, be followed by publication of a Notice of Policy, or a Notice of Withdrawal of Proposed Policy, whichever the case may be, and shall include an analysis and summary of comments received along with stated justifications and rationales for accepting or rejecting submitted recommendations.

The CAO and the SACAO will develop a timetable listing probable dates for initiating each substantial and supportive consumer/citizen participation technique that will be used in the policy or program development process. CAO and the SACAO will be responsible for ensuring that consumer/citizen comments received are summarized and analyzed. CAO and the SACAO will also make appropriate recommendations and ensure that the prepared analysis is submitted to the appropriate Program Directors and that adequate consideration is given to the analysis in the Coast Guard decision making process. CAO and the SACAO will make every effort to ensure that those making comments are informed of significant decisions concerning policies or programs subject to this standard procedure.

To ensure greater consumer participation in Coast Guard rulemaking, where appropriate, the Marine Safety Council (MSC) will use Advance Notice of Proposed Rulemaking; (ANPRM). The ANPRM will be used in rulemaking projects that have significant consumer impact. The ANPRM is a means of solicit consumer views and participation at an early stage in the actual formulation of a proposed rule. For example, the Coast Guard will send copies of an ANPRM on boating safety to more than 3,000 boating media editors and writers. The comment periods will typically run between 90 and 120 days to give the media time to publicize the ANPRM.

The ANPRM is published in the **Federal Register.** In addition to media mailings, a mailing list of nearly 20,000 addresses are used to communicate directly with consumers/citizens and other individuals interested in Coast Guard rulemaking. This list will also be used to distribute copies of ANPRM, notices of proposed rulemaking, and final rules when they are published in the **Federal Register.**

One of the most important mediums of consumer participation in the Recreational Boating Safety Program is the National Boating Safety Advisory Council (NBSAC). The Council is a 21 member advisory committee established under the Federal Boat Safety Act of 1971. Members appointed to NBSAC are drawn equally from three sectors: the boating industry, state boating officials and members of the general public. The public members represent a wide cross section of the boating public. Public members of the council have included editors of prominent boating magazines and heads of national boating clubs and boat owner organizations. As such, the public members know and reflect the concerns and views of boaters who are affected by Coast Guard regulations and policies. The State Boating Law Administrators also have a consumer constituency. As appointees in an elected administration, they must be responsive to the views and concerns of the boating consumers in their state.

The National Boating Safety Advisory Council (NBSAC) serves as a deliberative body to advise the Commandant of the Coast Guard on policy concerning recreational boating safety. It has no operating authority or responsibility. In establishing a need for formulating and prescribing regulations establishing minimum safety standards for boats and associated equipment, the council shall advise and report to the Commandant on: (1) the need for and the extent to which the regulation or standard will contribute to boating safety (council advice is considered prior to any finding or need for or the extent to which the regulations or standards will contribute to boating safety; (2) relevant available boat safety standards, statistics and data, including public and private research, development, testing and evaluation; (3) any other major boat safety matters referred to it. In addition to the National Boating Safety Advisory Council, the five additional Coast Guard Federal Advisory Committees all have citizen participation by open public meetings. Notice of meetings are published in the **Federal Register** at least 15 days prior to the meeting date.

IV. INFORMATIONAL MATERIALS

Proceedings of the Marine Safety Council are published monthly by the Commandant in the interest of safety at sea. All inquiries and requests for subscriptions should be addressed to Commandant (G–CMC/TP24) U.S. Coast Guard, Washington, D.C.

The publication includes such items as, maritime sidelights, key marine roles, lessons from casualties, nautical queries, and merchant marine safety regulations. Distribution by separate mailing list accounts for almost 2,000 copies. This publication is programed to go to about 4,000 by the end of the year.

When the Coast Guard has an open meeting to discuss consumer affairs, copies of advance agendas will be sent to interested participants prior to holding such meetings. The **Federal Register** will also contain the advance agenda. At the time of the meeting, an easy-to-read briefing paper will be available for distribution to interested participants.

The Coast Guard currently publishes numerous pamphlets and films to boating consumers. The pamphlets and films

cover all aspects of boating safety and boating skills. These pamphlets and films are distributed and shown through the Coast Guard Auxiliary and Coast Guard district's Boating Safety Detachments (BOSDETs) that regularly visit boat shows, marinas, schools, and boat clubs. The Auxiliary flotillas also provide formal training courses for the public and conduct free safety inspections (known as Courtesy Marine Examinations) of consumer's boats: The Coast Guard also periodically publishes a newsletter entitled the Boating Safety Circular. The purpose of the circular is to explain safety regulations and policies. The circular is distributed by mail to yacht and boat clubs, U.S. Power Squadrons, Auxiliary Flotillas, and individual consumers. The circular also publishes up-to-date lists of boat models involved in manufacturer safety recall campaigns. The Coast Guard publishes another newsletter entitled the Boating Safety Newsletter. The Newsletter is published quarterly and distributed to more than 3,000 boating editors and writers. The Newsletter keeps the boating media informed of significant boating safety programs and policies. The Coast Guard publishes press releases to advise consumers of significant events and developments in boating safety. These consumer advisories include numerous descriptions of factors leading to boating accidents that were developed after detailed analysis of Boating Accident Reports. The consumer advisories also contain listings of manufacturers safety recall campaigns being supervised by the Coast Guard. The Coast Guard each year also produces television spots and radio spots. These educational spots are short T.V. films or radio announcements designed to present a particular boating safety message or to explain how to obtain boating safety courses or educational materials. The spots are aired as a public service with no charge to the Government by many of the country's top T.V. and radio stations.

In general, the methods that the Coast Guard will use for consumer out-reach are as follows: (1) publication of Advance Notices of proposed rulemaking in the **Federal Register**; (2) notice in Coast Guard publications of general interest such as the "Proceedings of the Marine Safety Concil" and "Boating Safety Newsletter"; (3) direct mailings to extensive mailing lists of interested parties; (4) news releases to special-interest publications likely to be read by interested parties; (5) open public meetings, held in the evenings or on weekends, if necessary, in those areas of the country that will be affected; and (6) consumer forums.

V. EDUCATION AND TRAINING

This section describes how the CAO and the SACAO will familiarize Coast Guard personnel with current and new consumer policies, the training opportunities for those involved in consumer affairs, and public participation and training, technical assistance possibilities for individuals, citizen groups and other public interest organizations.

Coast Guard consumer affairs personnel (Headquarters and Districts) will participate in DOT training courses and forums, as well as DOT regional conferences. The SACAO and each district planning officer will attend consumer forums. Since the Coast Guard Districts generally follow the Department regional offices geographically, the attendance would be according to the location of forums. At least annually, the District planning officers would attend a Washington, D.C. conference and at least once annually the Districts would cover regional or DOT forums throughout the country.

Technical assistance is available in each district to interested citizen groups and other public interest organizations. When a consumer contacts the Coast Guard requesting assistance on any consumer question, the consumer staff will reply directly, if appropriate, of if the problem concerns scientific, technical, or procedural questions, such questions will be referred to the appropriate staff with expertise in the matter.

A citizens group representatives meeting with the Commandant or his representative may be arranged upon written request.

In addition to publication in the Federal Register of planned Federal Advisory Committee meeting on all six Coast Guard Federal Advisory Committees, notice of such meeting would be announced in the Commandant's Bulletin, Boating Safety Newsletter, Marine Safety and Port Safety Bulletins, Marine Safety Council Proceedings, Notice to Mariners and through Public Affairs news releases inviting the public to attend and participate.

The Coast Guard plans to hold a District Planning Officers Conference annually in Washington.

DOT's final consumer program will take effect in July 1980. It will be supported by the DOT Order on Managment of Consumer Programs, which will make necessary changes in the Department's operating procedures. The Department's Consumer Program and the DOT Order will be circulated throughout the Coast Guard as an enclosure to Commandant Instruction 5726.

VI. COMPLAINT HANDLING

The Coast Guard principal consumer contacts are included in the DOT brochure "Finding Your Way in DOT", available from consumer affairs staff. This borchure lists telephone contacts within the Coast Guard. An update will be made by the Coast Guard when DOT revises this publication in June 1980.

District Commanders will be responsible for maintaining liaison with state and local consumer affair agencies. If appropriate, they will respond to consumer complaints directly or forward complaints to Headquarters for appropriate action.

The Coast Guard publishes local notices to mariners informing clients of impending actions, along with local newsletters on Marine Safety and Port Safety bulletins. Throughut the Coast Guard there are Marine Safety Offices (MSO), Captains of the Port (COTP) and District Offices. All of these are accessible to the public.

Most public complaints indicate dissatisfaction with a Coast Guard policy or requirement. When these complaints come in, they are logged by the Commandant's office and forwarded to the appropriate program official. A project manager is appointed to assess the substance of the complaint and, if necessary, what action the Coast Guard can take to relieve it. In those cases where the Coast Guard does have the authority and ability to act, and determines that corrective action is necessary, a project is started and developed in the same way as any other project.

Consumer correspondence which does not require a revision of policy, but does need a written reply is logged and followed up by the appropriate program official. The complaint correspondence is logged and assigned to a technical or subject matter specialist in the area mentioned in the complaint. All correspondence is answered. If it is not possible to reply to the complaint within a reasonable time an interim response is sent. An attempt is made to resolve the issues in the complaint and, if possible and appropriate, initiate, corrective action. Complaints received by Coast Guard districts will be handled in the same manner at district level.

Many of the consumer complaints received in the Recreational Boating Safety Program concern alleged defects with boats. If the alleged defect has any possible connection with safety,the complaint is carefully analyzed and, if

necessary, investigations may be conducted in the field. If the Coast Guard determines that a substantial risk of personal injury to the public exists, the boat manufacturer must, under the provisions of the Federal Boat Safety Act, send a notification to all first purchasers of that boat model and correct the safety defect at no cost to the owner.

L.L. Zumstein,

Chief, Office of Public and International Affairs.

BILILING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

[Docket No. 80-K]

Draft Consumer Program

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Request for public comment on UMTA's draft Consumer Program.

SUMMARY: The Urban Mass Transportation Administration is publishing its draft consumer program for comment. This action is being taken in response to Executive Order 12160, "Providing for enhancement and coordination of Federal Consumer Programs." The establishment of the consumer program is expected to result in a program that is responsive to the needs and wishes of the public concerning the Agency.

DATES: Comments must be received by August 8, 1980.

ADDRESS: Comments must be submitted to UMTA Docket No. 80–K, 400 Seventh Street, S.W., Washington, D.C. 20590. All comments and suggestions received will be available for examination in Room 9320 at the above address between 8:30 a.m. and 5:00 p.m., Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed, stamped postcard is included with the comment.

FOR FURTHER INFORMATION CONTACT: Mr. Irvin Chor, Consumer Affairs Specialist, Office of Public Affairs, Urban Mass Transportation Administration (202 426–4043).

SUPPLEMENTARY INFORMATION: As part of the U.S. Department of Tranportation, the Urban Mass Transportation Administration (UMTA) administers grant programs to improve public transit service, including grants to assist local governments and other public bodies in financing mass transit facilities, operations and equipment. The Administration's authority, responsibilities and programs are found in the Urban Mass Transportation Act of 1964, as amended.

Executive Order 12160 and the proposed DOT Consumer Program require the DOT operating administrations to review and revise their procedures to ensure that consumer needs and interests are adequately addressed. Following is a Draft UMTA Consumer Program which represents the required review and includes appropriate revisions designed to bring the UMTA Consumer Program into accord with Executive Order 12160 and Department standards. A final UMTA Consumer Program will be implemented by an UMTA Order.

The Executive Order requires that consumer programs address the following five program elements deemed significant to adequate consumer representation. The UMTA Consumer Affairs Division represents consumers by participating in the development and review of UMTA policies, rules, programs and legislation which significantly affect consumers. The Consumer Affairs Division is responsible for assuring that citizens have adequate opportunities to participate in the development of UMTA rules, policies, and programs and for encouraging citizen participation in local transit activities. The Consumer Affairs Division shares responsibility with the Public Affairs Office for developing informational materials for consumers and programs that improve the transit industry's ability to work with citizens. Finally, the Consumer Affairs Division is responsible for UMTA Consumer complaint handling.

The following draft Consumer Plan explains how these five program elements are addressed and describes several other functions of the UMTA Consumer Affairs Division that are also among its responsibilities.

CONSUMER AFFAIRS PERSPECTIVE

The UMTA Consumer Affairs Division (CAD) is located within the Office of Public Affairs, reporting to the Director of Public Affairs, and is responsible for working within the public transit industry to improve the relationship between transit operators and the public. The CAD is also responsible for assuring the public access to the policies and programs of the Urban Mass Transportation Administration.

This latter responsibility is performed by implementing the five program elements described in Executive Order 12160. Additionally, the CAD is authorized to make recommendations to the UMTA Administrator on proposed rules, policies, programs and legislation of significant consumer impact.

The CAD has authority and responsibility for reviewing and commenting on all proposed UMTA *regulations* having significant consumer impact (as defined in Appendix I). In order to accomplish this task, the CAD is on the UMTA Chief Counsel's distribution list for review and comment on proposed and final regulations. Comments from the CAD receive consideration from the Chief Counsel before a proposed or final rule is published in the **Federal Register.**

The CAD will be notified by the heads of UMTA offices when *policies* involving significant consumer impact are under consideration. The CAD is responsible for providing opportunities for citizens to participate in the development of those policies (see Standard Procedure for Citizen Participation).

The CAD will be notified by the heads of UMTA offices when a *program* is under consideration which involves significant consumer impact (see Standard Procedure for Citizen Participation). The CAD participates in Administration work groups, task forces and committees engaged in planning or evaluating programs containing elements of significant consumer impact.

Similarly, the CAD will be on the distribution list and have an opportunity to review and comment on proposed *legislation* developed by the Administration, when that legislation contains elements of significant consumer interest or concern.

The CAD represents an identifiable, accessible professional staff of consumer personnel, including at least one full time senior level Consumer Affairs Specialist. The CAD professional staff will have education, experience and training in transit issues, consumer affairs programs, writing and general administrative procedures.

The CAD participates in the Departmental Consumer Policy Coordinating Council which is responsible for coordinating DOT consumer policies and advising the Secretary on consumer issues.

The CAD is responsible for establishing and maintaining liaison with transit industry community relations professionals and assisting them in improving the relationship between local transit operators and the public. An example of this is the Working Group of Rail Transit Community Relations Directors formed at the initiative of the UMTA CAD. Meeting regularly to discuss problems, solutions, community involvement techniques and

experiences, that group has proven to be a valuable resource to the rail transit community. Participating in the activities of the American Public Transit Association Marketing Committee and Public Relations Subcommittee is another method of advancing the interests of transit community relations.

OVERSIGHT FOR CONSUMER AFFAIRS

Although reporting to the Director of Public Affairs, when issues involve significant consumer interest or concern, the Senior Consumer Affairs Specialist has direct access to the UMTA Administrator. The Senior Consumer Affairs Specialist is responsible for carrying out the review and comment functions described in the previous section, as well as monitoring and overseeing the Administration's consumer programs and citizen participation efforts. The Senior Consumer Affairs Specialist is responsible for developing and implementing the Administration's Standard Procedure for Citizen Participation (see Appendix I).

In addition to the functions and responsibilities previously described, the Senior Consumer Affairs Specialist reviews and evaluates applications (received by the Office of Policy Research) for UMTA university research grants when those applications focus on consumer issues. Also, the CAD proposes consumer subjects for consideration as research topics.

The Senior Consumer Affairs Specialist participates in the DOT Consumer Policy Coordinating Committee and the interagency programs and activities of the DOT Office of Consumer Liaison.

CITIZEN PARTICIPATION

In addition to exercising its responsibility to review and comment on proposed regulations, policies, programs and legislation, the CAD is similarly responsible for assuring that citizens have adequate opportunities to participate in the UMTA decisionmaking in these areas.

Citizen participation in UMTA rulemaking is the responsibility of the UMTA Chief Counsel and is governed by EO 12044 and the DOT Order on Improving Government Regulations. This responsibility applies to all proposed regulations.

The CAD is responsible for citizen participation in the development of UMTA programs and policies containing elements of substantial consumer interest. Employing techniques and devices outlined in the Standard Procedure for Citizen Participation, the CAD is responsible for timely public notification about the issues, opportunities to comment and an explanation of the processes to be employed in their development.

In addition to assuring citizen access to UMTA program and policy initiatives of significant consumer interest, the CAD is responsible for holding or participating in public forums on transporation issues. Examples of this involvement include the DOT Consumer Conference and the December, 1978, "Workshop on Consumer-Related Issues in Public Transit," co-sponsored by UMTA and the Transportation Research Board.

The UMTA Regional Offices continue to have responsibility for working with citizen and community groups to assist them in developing public transportation proposals. Meetings of this type occur almost continuously and provide an ongoing opportunity for citizens to learn about the federal transit program from high ranking transit officials located in their regions of the country.

It is intended that additional public forums, meetings or conferences will be held on consumer oriented issues. These will be scheduled in Washington, D.C. and around the country, will involve senior level UMTA staff, but will be called as relevant issues arise, rather than on a regularly scheduled basis. An example of this type of activity is the recent series of local briefings on the rail transit accessibility studies held in twelve cities around the country.

INFORMATIONAL MATERIALS

The CAD is responsible for working with the Office of Public Affairs in providing informational materials for citizens on the federal public transit program. This responsibility includes periodic review of existing materials to insure accuracy as well as proposing additional materials. A list of existing publications is attached (Appendix II). All informational materials can be obtained by writing the UMTA Office of Public Affairs; 400 Seventh Street, S.W., Washington, D.C. 20590. In addition, many general publications can be obtained from the UMTA regional offices and are available at UMTA or DOT sponsored meetings and conferences.

When new publications are introduced, the CAD is responsible for notifying the general media (usually via press release) and for utilizing the DOT consumer mailing list for wider distribution.

In cooperation with the lead offices within the Administration, the CAD is responsible for developing informational materials in advance of public meetings, hearings, briefing, etc., whenever an issue of substantial consumer interest is the subject. The summary document prepared to accompany the detailed studies of rail accessibility cost estimates is an example of this type of material. The CAD is responsible for informing the public about open meetings that UMTA holds. When the Administration schedules a series of meetings, the CAD will disseminate the schedule to the public.

EDUCATION AND TRAINING

The CAD is responsible for developing within UMTA and local transit agencies fundamental expertise in citizen participation techniques. In part, this will be accomplished by establishing training programs for UMTA headquarters and regional staff and local transit officials. The CAD will also work with transit industry groups and other UMTA offices in developing educational aids and programs. For example, the APTA Marketing Committee is developing a grade school transit educational kit. The Senior Consumer Affairs Specialist is a member of that Committee. Additionally, the CAD has worked with other UMTA offices, consultants and grantees in developing another information kit currently being used by the California DOT and schools in other jurisdictions.

The CAD will meet with and explain the DOT and UMTA Consumer Programs to UMTA program offices. Training opportunities in consumer affairs and citizen participation techniques will be explored and developed in cooperation with the UMTA Office of Personnel and Training as well as other program offices.

COMPLAINT HANDLING

Consumer complaints and other consumer correspondence are directed to the CAD for reply where it is either answered or referred to a more appropriate office. Frequently, consumer correspondence concerns a local transit authority rather than an element of the Federal transit program. In these instances, a referral is made to the local authority with a request that any assistance possible be provided to the complainant.

Correspondence related to UMTA projects or transit projects funded by UMTA is routed to the appropriate program office for reply. A majority of this correspondence is treated as controlled mail and, therefore, logged in and

monitored for timely reply. When correspondence on a specific subject suggests a widespread posistive or negative public attitude (for example, 20 or more letters on the same subject), the UMTA office receiving the letters is required to notify the Administrator of that interest.

On issues where public comments are requested or where the likelihood of public comments is great, a public docket is established so that the comments are considered when decisions are made on that issue.

Dated: May 22, 1980.

Theodore C. Lutz,

Administrator.

APPENDIX I—URBAN MASS TRANSPORTATION ADMINISTRATION STANDARD PROCEDURE FOR CITIZEN PARTICIPATION

This Standard Procedure for Citizen Participation indicates those actions and communications devices used to inform the public of developing programs and policies in the Administration and to stimulate public comments. The Standard Procedure is utilized whenever an issue of substantial consumer impact is being addressed and as a supplement to existing DOT public notification requirements for rulemaking actions.

Whenever a proposed program or policy contains elements of substantial consumer impact (as below), the head of the UMTA program office considering the proposal and the Office of Chief Counsel are responsible for notifying the CAD. The CAD and the program office will develop an outreach plan for citizen participation. The plan will include appropriate outreach devices such as the following:

a. polls and surveys,
b. field trips and interviews,
c. mailings,
d. briefing and open conferences,
e. advance notices,
f. press releases to general interest media,
g. direct notification to consumer, environmental and other special interest groups,
h. distribution of issue papers,
i. public meetings.

The program office and the CAD will develop a timetable for implementing the elements of the outreach plan. The plan and timetable will be included with other public information on the proposal. The CAD and the program office are responsible for ensuring that public comments are summarized and analyzed and that this information is utilized in the decisionmaking process.

The CAD will try to provide all commenters with information on developments significant to the policy or program they commented on.

In determining whether an issue contains elements of significant consumer impact, the following criteria should be used:

1. Does the issue involve a matter of interest or controversy among consumers or otherwise directly affect final users or purchasers of transportation services?
2. Does the issue have a potential for imposing significant costs or other economic burdens on consumers?
3. Does the issue have a significant impact on matters of transportation safety?

APPENDIX II—CONSUMER-ORIENTED PUBLICATIONS OF THE URBAN MASS TRANSPORTATION ADMINISTRATION

1. Federal Assistance for Urban Mass Transportation.
2. Innovative Transit Financing.
3. Transportation Programs for the Elderly and Handicapped.
4. This is Light Rail Transit.
5. Center City Environment and Transportation: Local Government Solutions:
6. Elderly and Handicapped Transportation: Local Government Approaches.
7. Transportation System Management—a bibliography.
8. Fact Sheets:

Paratransit,
Minority Business Enterprise,
Cities Are for Living,
Labor Policy,
Buy America,
Non-Discrimination,
Downtown People Mover Demonstration Program.

[FR Doc. 80-16919 Filed 6-6-80; 8:45 am]

BILLING CODE 4910-57-M

federal register

Monday
June 9, 1980

Part VII

Consumer Programs: Legal, Military, and International Affairs

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federal register

Monday
June 9, 1980

Part VII-Section A

Administrative Conference of the United States

Final Report on Implementation of Executive Order 12160

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Chair McKenna:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve conditionally the Administrative Conference's consumer program established under Executive Order 12160. The Conference's program will play a vital role in assuring that consumer interests will be an integral part of Federal agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Mr. Jeffrey Lubbers of your staff have been particularly helpful. The fact that Mr. Lubbers will be reporting directly to you on the consumer program should give him the opportunity to assess the impact on consumers of rules, policies, reports, and legislation. However, as Mr. Lubbers has other responsibilities besides consumer affairs, his position does not fully meet the requirements of the Executive Order. For this reason, my approval is conditioned upon my finding in the course of the coming year that this arrangement does not detract from the effectiveness of the Conference's consumer program. The program is strengthened by the Conference's plans to increase the opportunities available for public participation and to develop a mailing list of major consumer organizations. It is also notable that each staff member is responsible for ensuring that consumer concerns are adequately considered in the development and review of projects.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Conference's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the agency. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson
Special Assistant to the President
for Consumer Affairs

Honorable Margaret A. McKenna
Acting Chair
Administrative Conference of the
United States
2120 L Street, N.W., Suite 500
Washington, D. C. 20037

BILLING CODE 6110-01-C

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

AGENCY: Administrative Conference of the United States.

ACTION: Final Report on Implementation of Executive Order 12160.

EFFECTIVE DATE: June 9, 1980.

ADDRESS: Comments and inquiries should be addressed to Jeffrey S. Lubbers, Senior Staff Attorney, Administrative Conference of the United States, Suite 500, 2120 L Street, N.W., Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Mr. Lubbers (202–254–7065).

INTRODUCTION

This report has been proposed pursuant to Executive Order 12160, entitled "Providing for Enhancement and Coordination of Federal Consumer Programs." Section 1–4 of the order sets forth a number of requirements for agency consumer programs. Section 1–5 requires agencies to prepare draft and final reports setting forth its program for complying with the requirements of Section 1–4.

The Administrative Conference published its draft report for comment on December 10, 1979 (43 FR 71380). During the 60-day comment period, the agency received a total of five comments related to its draft report. Four of the comments were from national consumer organizations and public interest organizations. These comments were not addressed specifically to the Administrative Conference's draft report; rather they contained a number of generalized comments addressed to all participating agencies. They particularly stressed the need for funding of participants in administrative proceedings and for more effective notice of upcoming proceedings. Another commenter, a national newspaper association, urged agencies to publish notice in newspapers as well as the **Federal Register.** With respect to the funding suggestion, the Administrative Conference reimburses its large membership body for actual expenses incurred in participating in the agency's activities and, while participation by other members of the public is encouraged, funding of such participation in the essentially advisory activities of the Conference would be redundant. As to the need for newspaper notice, we have found the use of the **Federal Register** and occasional legal and trade publications to be sufficient, although we are also establishing a direct mailing list for this purpose.

Since we received no comments specifically addressed to the agency's draft report, we have determined to adopt, as the policy of the Office of the Chairman of the Administrative Conference, the draft report essentially as proposed. We have, however, added one technique which we hope will give consumers more effective notice of our upcoming meetings. We will develop a mailing list specifically for persons who wish to receive individualized notice of all upcoming meetings of the Conference and its committees.

BACKGROUND

The Administrative Conference of the United States was established as a permanent independent agency by the Administrative Conference Act, 5 U.S.C. § 571–576, enacted in 1964. It is an advisory agency, not a regulatory agency. Its mandate is to "study the efficiency, adequacy, and fairness of the administrative procedure used by administrative agencies" and to make recommendations for the improvement of those procedures to the agencies, Congress, the President and the courts. Many of these recommendations of the Conference prove to be of interest to consumers, and for that reason, the agency is participating, to the extent feasible, in implementing this order.

STRUCTURE AND ORGANIZATION OF ACUS

The Chairman of the Administrative Conference of the United States is appointed by the President, with the advice and consent of the Senate, for a 5-year term. The Council, which is the executive board, consists of the Chairman and 10 other members appointed by the President for 3-year terms. Federal officials named to the Council may constitute no more than one-half of the total Council membership. In addition to the Chairman and the other members of the Council, the membership of the Administrative Conference is composed of 44 high-level officials designated from 37 departments and agencies of the Federal Government (or their designees) and 36 private lawyers, university faculty members, and others specially informed in law and government. Members representing the private sector are appointed by the Chairman, with the approval of the Council, for 2-year terms. The Chairman is the only full-time compensated member, and he also heads a small full-time staff in the Office of the Chairman which serves the membership, manages the research program, and performs advisory, consultative and clearinghouse duties.

The entire membership of the Conference is divided into nine committees, each assigned a broad area of interest as follows: Agency Decisional Processes; Agency Organization and Personnel; Claims Adjudications; Compliance and Enforcement Proceedings; Grants, Benefits, and Contracts Programs; Informal Action; Judicial Review; Licenses and Authorizations; Ratemaking and Economic Regulation; and Rulemaking and Public Information. The membership meeting in plenary session is called the Assembly of the Administrative Conference, which by statute must meet at least once, and customarily meets twice, each year.

The Administrative Conference is unique within the Federal Government in its composition, in its quasi-legislative method of operation and in its standing to make recommendations directly to the agencies as well as the three coordinate branches of our government. This role as an advisory body, along with its relatively small full-time staff makes some of the specific requirements of E.O. 12160 inapposite to the Administrative Conference (as recognized by the chairperson of the Consumer Affairs Council). Nevertheless, the Office of the Chairman is pleased to heed the message of the E.O. 12160 by reporting to the public on the extent to which the operations of the agency are now in compliance with the President's order and on such additional actions it plans to take in order to improve its interaction with consumers.

REQUIREMENTS OF E.O. 12160

(A) Consumer Affairs Perspective

This section of the order requires agencies to maintain an identifiable professional staff of consumer affairs personnel authorized to participate in the development and review of all agency rules, policies, programs and legislation.

Since the Administrative Conference's Office of the Chairman employs only 11 full-time professional staff members, all of whom are located in the same office and already participate fully in the development and review of office policies and programs, no change is necessary or feasible in this regard.

(B) Consumer Participation

This section of the order requires agencies to establish procedures for early and meaningful consumer participation in the development and review of all agency rules, policies

and programs and to make affirmative efforts to inform consumers of pending proceedings.

The Administrative Conference has procedures in place designed to obtain consumer participation in its activities. The Conference's formal activity consists of the development of official statements and recommendations on matters of administrative procedure; the only rules issued pertain solely to organizational matters.

The Conference conducts its program in the following manner: subjects for inquiry are developed by the Chairman's Office, the Council, and the membership, either in committee or in plenary session. Suggestions are often received from members of the bar, agency personnel and members of the general public. The committees, through open publicized meetings and with the assistance of staff and consultants, conduct thorough studies of the subjects and develop proposed recommendations and supporting reports. These proposals are widely circulated for comment both inside and outside of government. The proposals and comments are evaluated by the Council and, if ready for Assembly consideration, are distributed to the membership with the supporting reports and placed on the agenda of the next plenary session. The Assembly has complete authority to approve, amend, remand, or reject recommendations presented by the committees. The meetings of the Assembly are publicized and open to the public.

The Office of the Chairman has recently begun to step up its effort to ensure that public participation (including consumer participation) in Conference activities is enhanced. We have more frequently published our tentative and proposed statements and recommendations in the **Federal Register** and other publications for comments. We have made (and will continue to make) a greater effort to affirmatively solicit the comments of persons and groups possibly interested in proposed recommendations. We have in the past often solicited the views of consumer organizations and will make it a regular practice in the future. (It should be noted at this point that the Conference's membership includes several officials of national, non-profit consumer organizations.) Finally, as an experiment, one of our committees has recently held our first public hearing on a proposed recommendation to hear the views of the interested public. We will consider using public hearings whenever there is a high degree of public interest in a proposed recommendation.

—The Conference will promote consumer participation at all stages of its recommendation-development process—from project initiation to committee consideration to full membership consideration to implementation of recommendations.

—The Conference will offer the following avenues for consumer participation: attendance at open meetings, written comments on proposals, and participation in public hearings where such hearings are feasible.

—The Conference will make sure that all concerns expressed or comments made by consumers are circulated to relevant staff, consultants and Conference members who are developing Conference positions.

—Each project or inquiry undertaken by the Conference is assigned to the direct supervision of one of the professional staff members in the Office of the Chairman. It is that staff member's duty to ensure that consumer concerns are adequately considered in the development and review of the project. In addition, the Research Director of the Conference has the responsibility for considering all suggestions for new projects or inquiries, including those made by consumers.

—The Conference will develop a listing of major consumer organizations so as to circulate draft reports and proposed recommendations and regularly solicit comments on proposals from such organizations. The Office of the Chairman staff will periodically meet with representatives of such organizations to solicit their views and brief them on Conference activities.

—The Office of the Chairman will develop a mailing list of persons who wish to receive individualized advance notice of meetings of the Conference and its committees. In addition, the Conference will continue to use the **Federal Register** and other publication services to publicize its open meetings, hearings and proposals.

(C) Informational Materials

This section of the order requires agencies to produce and distribute materials designed to adequately inform consumers about the agency's activities that may concern them.

The Administrative Conference, as an advisory and clearinghouse agency, regularly produces and distributes (normally free of charge) information about its activities. The Office of the Chairman maintains a mailing list for those who wish to receive its annual reports and occasional newsletters:

In addition the Conference has published the following materials:

1. Organizational regulations and bylaws, 1 CFR 301–304.
2. Recommendations and statements, 1 CFR 305, 310.
3. Selected bibliography of ACUS Reports (1968–1977). Reprints of the reports are available from the Administrative Conference librarian and, if supplies permit, are usually free of charge.
4. Manual for Administrative Law Judges (1974).
5. Federal Administrative Law Judge Hearings—Statistical Report for 1975 (1977).
6. An Interpretive Guide to the Government in the Sunshine Act (1978).
7. Guide to Agency Reports under Executive Order 12044 on Improving Government Regulations (1978).

In addition, the Conference will maintain a supply of this report as an additional information guide.

The Administrative Conference's publications are designed to purvey information about its activities and about administrative procedure generally.

With respect to the requirement that adequate explanatory materials be provided to those attending public meetings, we have made it a practice to circulate copies of proposals at those meetings. Our notices of meetings, as published in the **Federal Register**, explain how to obtain relevant materials. Staff attorneys will be regularly reminded of their duty in this regard. Where feasible we also circulate draft studies although we reserve the right to withhold tentative drafts until a revised draft is available.

We welcome any comments on improvements we might make in the above regards.

(D) Education and Training

This section of the order requires agencies to educate their staff members about the order and about the agency's program for implementing it. Appropriate specialized training is required for agency consumer affairs personnel and technical assistance is to be made available to consumers wishing to participate in agency programs.

The Office of the Chairman will see to it that a copy of this report will be distributed to all professional staff members.

Technical assistance to outside participants will be given if necessary to facilitate their participation in particular matters. Requests for such assistance can be made by telephone or writing to the Office of the Chairman.

(E) **Complaint Handling**

This section of the order requires agencies to establish procedures for systematically handling consumer complaints.

The Administrative Conference rarely receives complaints from consumers about its activities. When more generalized consumer complaints are received about the government's performance in some regard, such complaints are promptly answered by a staff member and, if appropriate, are referred to the applicable agency. Consumer suggestions about projects or inquiries are handled promptly by the Research Director.

The volume of such complaints in the past has not required the Office of the Chairman to institute specialized logging procedures for handling them. We will establish such a system whenever the volume so requires, and will seek assistance from the Consumer Affairs Council.

(F) **Oversight**

Jeffrey S. Lubbers, Senior Staff Attorney in the Office of the Chairman, has been designated to oversee the Administrative Conference's effort to implement Executive Order 12160. He will be responsible for putting into place the increased emphasis on obtaining consumer participation in Conference activities, and will report directly to the Chairman on the potential impact upon consumers of Conference activities.

Richard K. Berg,

Executive Secretary.

May 22, 1980.

[FR Doc. 80-16233 Filed 6-6-80; 8:45 am]

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federal register

Monday
June 9, 1980

Part VII—Section B

Department of Justice

Final Consumer Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Mr. Attorney General:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve conditionally the Department of Justice's consumer program established under Executive Order 12160. The Department's program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Mr. Guadalupe Salinas and Mr. Ron Lively of your staff have been particularly helpful. The fact that Mr. Salinas will be reporting directly to you and participating in Departmental policy development should provide him with the opportunity to review rules, policies, programs and legislation to assess their impact on consumers. However, as Mr. Salinas has other responsibilities besides consumer affairs, his position does not fully meet the requirements of the Executive Order. For this reason, my approval is conditioned upon my finding in the course of the coming year that this arrangement has not detracted from the effectiveness of the Department's program.

The program is strengthened by establishing a Consumer Affairs Council to assist in coordinating the Department's consumer activities, but it is clear that it will be critical for Mr. Salinas to receive strong support from other units of the Department. I also urge you to consider carefully over the next year whether the objectives of the program could be furthered by assigning consumer staff directly to Mr. Salinas.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Department's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the Department. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Benjamin R. Civiletti
Attorney General
Washington, D. C. 20530

DEPARTMENT OF JUSTICE

AGENCY: Department of Justice.

ACTION: Final Consumer Program.

SUMMARY: The purpose of the Department of Justice Consumer Program is to improve the management, coordination and effectiveness of the Department's activities which affect consumers, in compliance with Executive Order 12160. The Program describes the structure which has been established, assigns responsibilities, and establishes objectives.

EFFECTIVE DATE: July 9, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Lupe Salinas, Consumer Affairs Advisor, Office of the Attorney General, Department of Justice, 10th and Constitution Ave., N.W., Washington, D.C. 20530, (202) 633–2927.

SUPPLEMENTARY INFORMATION:

ANALYSIS OF COMMENTS ON DRAFT PROGRAM

1. Introduction

Section 1.502 of the Executive Order states that final programs "shall include a summary of public comments on the draft program and a discussion of how those comments are reflected in the final program(s)."

2. Distribution and Evaluation

The Attorney General issued a memorandum on November 23, 1979, to heads of all offices, boards, divisions and bureaus within the Justice Department, requesting internal comments on the draft program. Additionally, he received oral questions and comments at the first meeting of the Department's Consumer Affairs Committee. He also requested comments from within the Department through publication of articles in the Department's personnel newspaper, *Justice News*, and the *LEAA Newsletter*, which is distributed to law enforcement agencies throughout the country.

To obtain public comments, the Attorney General issued a press release on December 14, 1979, to over 1,000 news media contacts requesting responses to the draft program, a copy of which accompanied the release. Several thousand additional copies of the draft program were distributed by the Consumer Information Center at Pueblo, Colorado, in the Federal Register composite.

The Consumer Affairs Advisor and other Department personnel attended and participated in the White House Workshop on the Executive Order, February 6, 1980.

The Consumer Affairs Advisor also received comments from staff of the U.S. Office of Consumer Affairs.

3. Summary of Public Comments

Sixteen individuals commented on the draft program. Several others contacted the Department for copies of publications.

Seven consumer organizations commented in writing on the draft program. Additionally, the Department received comments emanating from a meeting at Philadelphia at which sixteen consumer organizations were represented.

One Legal Services entity, one State agency, and two trade associations commented.

Additionally, three corporations contacted the Department to provide information regarding technical services available for implementing the program.

Of the above, six organizations and three individuals provided oral comments at the White House Workshop. Major interest was expressed in the Dispute Resolution Act, the small claims brochure, and information regarding legal services.

4. Program Strengths and Weaknesses

Strengths: Public comments, and comments by the U.S. Office of Consumer Affairs, indicated the following strengths in the Department's draft program:

(a) The Consumer Affairs Advisor is in administrative proximity to the Attorney General, with direct access.

(b) The semi-annual forms are a constructive concept.

(c) The department-wide Consumer Affairs Committee provides a mechanism for extending the program's impact throughout the Department.

(d) The program provides for participation by the Advisor in development of all policies and programs and permits a wide degree of discretion, with jurisdictional appeals directly to the Attorney General.

(e) The program specifically lists the information currently available to consumers.

Weaknesses: Since the Department of Justice has not in the past had a departmental consumer program of the type envisioned by the Executive Order; since the Department's mission in regard to consumers is generally indirect rather than direct; and since the Department operates under stringent legal restraints in its day-to-day operations and program and policy development, the Department has experienced special difficulties in devising its program.

Internal comments from units of the Department revealed sincere and well-rounded concerns with issues such as who constitutes "consumers" of Department services; whether consumers and their organizations may legally "participate" in decisions of a litigative nature; whether the Advisor can reasonably be expected to participate in the development of "all" rules, policies, programs, and legislation; whether the Department can legally provide "technical assistance" to organizations while maintaining its constitutionally-mandated indepencence in litigative matters; whether a department as large as Justice, with many diverse functions and responsibilities, can hope to conduct a single, coordinated consumer program; and whether such an ambitious program can feasibly be accomplished without special appropriations of funds for this purpose.

Most of the individuals and organizations commenting on the program indicated general approval of an agreement with the basic provisions of the program. Several raised specific isues, which are discussed in subsection (5) below.

5. Miscellaneous Comments

Among the typical comments and suggestions received are:

(a) Increased attention to the needs of the handicapped (League for Adequate Welfare).

(b) Lack of specific remedy in program for aggrieved consumers (New Jersey Public Advocate).

(c) Institution of a merit selection process for choosing the Advisor (Philadelphia Consumers Pipeline).

(d) Inclusion of small businessmen and small farmers in definition of "consumers," as well as individuals whose "health and safety" are affected by provisions of goods and services (Equal Justice Foundation and National Consumers League).

(e) Increased protection of older persons from fraudulent and deceptive practices (National Retired Teachers Association/American Association of Retired Persons).

(f) Need for Advisory councils (Phoenix Senior Action Forum).

(g) Need for specificity on how mailing lists will be compiled (an individual from Stillwater, Oklahoma).

(h) Suggestions as to content of training program (National Consumer League).

(i) Establishment of a telephone "hot line" (National Consumers League).

(j) Public funding for costs of "participation" by individuals and organizations (Public Interest Economics Center, Equal Justice Foundation, National Consumers League).

(k) Use of paid advertisements in newspapers to inform consumers (National Newspaper Association).

(l) Use of Private media producers for preparation of public information (Association of Media Producers).

6. Changes in Final Program

The Department has found the comments, suggestions and inquiries regarding the draft program extremely helpful and enlightening. While the constraints of time, resources and the law make some of the suggestions impracticable at this time, the Department has taken cognizance of the suggestions and will attempt to incorporate into the program those which are the most relevant and desirable.

Following is a listing of changes in the final program which have been made since the close of the comment period and explanations for those changes:

I. CONSUMER AFFAIRS PERSPECTIVE

B. Size and Resources

1. The committee of five permanent designees has been renamed the Consumer Policy Unit to distinguish it from the larger Consumer Affairs Committee.

2. The Consumer Policy Unit membership originally assigned to the Office for Improvements in the Administration of Justice has been reassigned to the Civil Rights Division, which has greater operating responsibility in consumer affairs and greater capacity for fulfilling the Unit's assignments. The current plan is flexible with respect to permanent members of the Consumer Policy Unit.

3. A paragraph discussing the Consumer Policy Unit's responsibilities has been added to clarify the nature of the Unit.

4. In the interests of efficient management, the Advisor has been given authority to grant provisional exemptions from obligations imposed by the Program to any unit of the Department that he finds has only limited consumer impact.

C. Relationship With Other Consumer Personnel and Department Operating Units

A Department Consumer Impact chart has been appended to comply with a request by the Executive Director of the Consumer Affairs Council for an organization chart showing the relationship of the Program to other operations of the Department and to clarify the relative impact and involvement of the various units of the Department.

D. United States Attorneys' Offices

This is an entirely new subsection and was added to reflect the significance of U.S. Attorneys' offices to the Department's Program.

E. Participation in Development and Review of Department Rules, Policies, Programs and Legislation

1. The phrase "by the head of a unit" has been inserted into the first sentence at the suggestion of the Attorney General to clarify the responsibility of each unit head to notify the Advisor of matters being considered which would impact upon consumers.

2. A sentence regarding the Advisor's location near the top of the Department's policy structure has been added to illustrate his or her position in the decisionmaking process.

II. CONSUMER PARTICIPATION

A. Stage at Which Consumer Participation Begins

1. A clause has been inserted in the second sentence indicating that the Attorney General's statement regarding consumer participation will direct units to conduct "outreach" efforts when appropriate. This is to emphasize the affirmative responsibility of units to initiate contacts with consumers and to seek their views.

B. Avenues of Participation

1. Reference to a form which can be used for inclusion on the Department's consumer affairs mailing list has been inserted. The form is appended to the Program.

2. The unit through which consumers will be informed of matters pending for public comment has been renamed. The new name is the Office of Public Affairs.

3. Reference is made to publication of a Department newsletter by the Office of Public Affairs. This component of the Program was inserted to strengthen the Department's commitment to consumer participation and consumer information.

4. Primary responsibility for initiating the semiannual forums has been changed from the Attorney General to the Advisor, the Consumer Policy Unit, and Department officials, upon approval of the Attorney General, contingent upon the availability of funds. This change was made as an operational necessity.

C. Consumer Participation Contact Point

This listing was added to clarify the exact point within the Department for decisionmaking on questions of consumer participation.

III. INFORMATIONAL MATERIALS

Department Information Services

1. Several references to Department information available to consumers have been added, based upon facts secured in the Advisor's initial inventory of Department consumer affairs resources, discussed in more detail in the section on complaint handling. These references have been included to provide a more comprehensive presentation of current informational resources.

2. The listing of Department publications at the end of the Program has been updated, and specific sources have been identified from which the publications are available.

3. The Mail Referral Unit and Main Department Switchboard have been designated as the primary contact points for Department information, when consumers are unaware of the proper unit to contact.

4. A statement regarding Department policy on the release of information has been added.

5. Responsibility for reviewing Department informational materials has been expanded to specifically include the Consumer Affairs Committee and "such operating personnel and public information staff . . . as may be required." The objective here is to clarify that all units of the Department may be required to assist the Advisor in this regard.

6. A target date for completion of the review of the materials has been added.

7. Reference is made to a recent Department decision to participate in funding a new consumer publication on the Freedom of Information Act.

8. The status of Department consideration of a small claims publication has been revised. A targeted decision date is added.

9. Reference to a publication on the Dispute Resolution Act has been deleted for reasons discussed in "IV. Education and Training," below.

10. Mention has been made of the Department's distribution of the *Consumer's Resource Handbook.*

11. Responsibility for publishing a quarterly Department consumer affairs newsletter has been specified.

IV. EDUCATION AND TRAINING

A. Responsibility for Educating Staff Members About Consumer Program.

Responsibility for this function has been expanded to provide greater resources to the Advisor.

B. Methods of Education

1. A report on Department efforts in this field to date has been included.

2. Reference to a directory or "network" of Department consumer affairs officials has been inserted to provide a mechanism for communication between the Advisor and various points in the Department.

3. Mention has been made of the complaint and inquiry guide as an educational device.

C. Specialized Training for Consumer Affairs Personnel

1. This subsection of the Program has been redrafted to fix responsibility for specialized training and to reflect the progress made to date in the Department's consideration of training alternatives.

2. Reference has been included to expanded participation by Department personnel in interagency activities, as training mechanisms.

D. Consumer Affairs Specialist Position Series

A statement of the Department's current position on this matter has been added to the Program.

E. Technical Assistance to Consumers and Their Organizations and Contact Point

(1) A statement of Department policy on technical assistance has been added, and the Advisor has been specifically designated as the contact point for questions relating to this aspect of the program.

(2) Previous references to the Dispute Resolution Resource Center have been deleted, because it is not known at this time whether funds will be available for implementation of the Dispute Resolution Act.

V. COMPLAINT HANDLING

A. Statement of Department of Justice Policy

This subsection is entirely new. It was added to promote greater understanding of the Department's policy.

B. Heightening Public Awareness

References have been added to the Department's quarterly newsletter and to sending Department consumer affairs releases to consumer organizations.

C. Complaint Handling Practices and Procedures

1. The content of the Advisor's directives has been explicitly outlined to comply with the guidelines established by the Special Assistant to the President for Consumer Affairs in her memorandum dated October 4, 1979.

2. Responsibility for assisting the Advisor in his duties under this section has been clarified.

D. Timetable for Inventories

This subsection is new and is intended to provide more specifics of the Department's plans regarding complaints and inquiries.

E. Tentative Observations

1. This subsection is new and presents several observations based on the Department's inventory and deliberations to date. It is intended to provide information on the types of matters which the Department must consider as it reviews complaints and inquiry practices and procedures.

2. The subsection establishes a permanent Subcommittee on Complaints and Inquiries within the Consumer Affairs Committee. The subsection also establishes a target date for standards.

F. Complaint and Inquiry Contact Points

This is a new subsection referring to an appended list of major Department complaint and inquiry contact points. The purpose is to clarify the major areas within the Department in which complaint and inquiry responsibilities are focused. This should not be interpreted as a comprehensive listing of such points.

G. Consumer Complaint and Inquiry Guide

This is substantially a new subsection and is intended to provide more information as to the plans for the guide.

H. Evaluation of Complaint Handling Systems

This subsection has been rewritten to provide for assistance to the Advisor in evaluating the systems and to emphasize that evaluating the systems is an ongoing process rather than a singular occurrence.

I. Statistical Analysis

This subsection has been amended to provide that (a) the Advisor shall recommend improvements to the Attorney General and (b) Department decisionmakers shall consider patterns of complaints reported by the Advisor in conducting their policy analysis and planning.

CONCLUSION OF ANALYSIS

The changes indicated above reflect many of the comments received from consumers, consumer organizations, the U.S. Office of Consumer Affairs and persons within the Department. Other specific changes which were suggested were not instituted for various reasons, including insufficient resources or absence of statutory authority. The Department of Justice believes the Program which follows provides significant potential for improving the Department's services to consumers. The Department welcomes future participation by consumers in this continuing effort.

Accordingly, the following Consumer Program is adopted for the Department of Justice:

CONSUMER PROGRAM

Department of Justice

I. CONSUMER AFFAIRS PERSPECTIVE

A. Staff Location

In November 1979 the Department established the position of Consumer Affairs Advisor to the Attorney General. The Advisor is located in the Attorney General's office, as is reflected in the organization chart appended hereto, and reports directly to the Attorney General

B. Size and Resources

The advisor shall be assisted by a Department Consumer Policy Unit made up of permanent designees from four offices, currently the Executive Office of the United States Attorneys, the Justice Management Division, the Consumer Affairs Section of the Antitrust Division, and the Civil Right Division. In addition, the Advisor shall be given such

additional legal, paralegal, secretarial and other support from other boards, offices, divisions, and bureaus as needed to fulfill his/her functions under this Program.

The four permanent designees, and the advisor, shall devote approximately 50 percent of their time to implementing the Department's Consumer Program. This approach provides the Advisor and the designees the opportunity not only to coordinate the diverse consumer interests of the Department but also to perform other traditional consumer services. For example, the current Advisor's other responsibilities are in immigration and Hispanic affairs. In these areas much consumer participation has occurred and resulted in several significant decisions, including a temporary Immigration and Naturalization Service enforcement policy during the decennial census and the bilingual (English/Spanish) issuance of press releases of interest to the Hispanic community.

The Consumer Affairs Advisor's responsibilities shall include:

1. Assisting in the development, review and coordination of Departmental policies, procedures, programs, rules and legislation that affect consumers (to the extent that his/her participation is not inconsistent with the law);

2. Seeking to generate a public constituency for the enforcement of federal laws;

3. Serving as the representative of the Department of Justice on the Consumer Affairs Council and 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;

4. Providing support and advice to the Attorney General to insure proper consideration of the potential effect of Departmental activities on consumers;

5. Obtaining consumer views on Departmental operations, policies, procedures, programs, rules and legislation, as appropriate;

6. Establishing adequate Departmental procedures for prompt and complete response to consumer inquiries and complaints;

7. Coordinating, enhancing and clarifying information, disseminated to consumers by the Department, and determining which of the information shall be provided in more than one language; that information is currently disseminated in five principal ways: (a) response to consumer complaints; (b) general information supplied through the media about Departmental action; (c) speeches and policy statements by Department representatives; (d) consumer education programs; (e) publications;

8. Determining, upon consultation with the Consumer Policy Unit, which Departmental units should be provisionally exempted from the obligations imposed by the Program because of their limited consumer impact; and

9. Implementing, upon the advice of appropriate Department officals, an education and training program.

C. Relationship to Other Consumer Personnel and Department Operating Units

Policy development and program planning and evaluation in consumer-related matters are conducted primarily by the individual operating units of the Department. Such units shall continue to have primary responsibility for addressing consumer concerns related to the unit's activities. To implement this plan and to coordinate consumer-related activities in the Department, a Consumer Affairs Committee has been created within the Department. The Committee consists of one person designated by the head of each unit of the Department (division, board, bureau, or office). These designees are generally persons with responsibility for handling public inquiries and complaints and/or programs with significant public involvement and/or impact. The locations of the Advisor, the Consumer Policy Unit, and the Consumer Affairs Committee are shown on the appended organization chart.

D. United States Attorneys' Offices

The United States Attorneys are the chief law enforcement representatives of the Attorney General within the ninety-four judicial districts covering the United States and its possessions. They are the field units of the Department of Justice and range in size from one or two attorneys to over 150 attorneys. In a very real sense, they are the Department's eyes and ears, as well as its enforcement arm, throughout the country, and therefore they are a principal point of contact for the Department with consumers and the general public.

The Advisor spoke at the most recent annual U.S. Attorney's Conference, advising the U.S. Attorneys of the history and goals of the Department's Consumer Plan. He requested each U.S. Attorney to designate a consumer contact in his/her office. The EOUSA designee on the Consumer Policy Unit will supervise the completion of this and other efforts to make the various U.S. Attorney's Offices more responsive to consumers.

E. Participation in Development and Review of Department Rules, Policies, Programs and Legislation

1. *Notification procedure.* The Advisor shall be notified by the head of a unit whenever that unit is contemplating a new policy or program initiative that may have impact on consumers. He/she shall be advised by the Office of Legal Counsel on regulations under consideration and by the Office of Legislative Affairs on legislative matters. The Advisor, because of his/her position as Special Assistant to the Attorney General, has access to various reports and documents which advise of programs, policies, regulations and legislation which are under consideration by the Department.

The Advisor shall also initiate communications with appropriate officials at all levels of the Department to keep informed about rules, policies, programs and legislation under consideration and implementation.

2. *Stage at which participation begins.* The Advisor may participate at any stage of decisionmaking, to the extent permitted by law, to facilitate consideration of consumer concerns.

3. *Methods of participation.* The Advisor may participate in whatever manner he/she deems appropriate. If a unit head and the Advisor disagree on the proper role of the Advisor, the Attorney General will resolve the question.

II. CONSUMER PARTICIPATION

A. Stage at Which Consumer Participation Begins

The Attorney General will issue a statement supporting direct consumer participation in early policy and program development in appropriate matters. He will direct that each unit consider the viewpoint of consumers in matters of consumer concern and conduct "outreach" efforts when appropriate. To implement this goal, the Advisor shall consult with the head of each unit of the Department to consider matters appropriate for consumer participation. By the end of this calendar year, the Advisor and the head of each unit shall devise and implement a plan for early and meaningful consumer participation in such matters. Should the Advisor and the unit head disagree on the appropriateness of consumer participation in a given matter, the Attorney General will resolve the question. Consumer participation shall begin in designated matters at the policy development stage or at the rule or legislative drafting stage.

B. Avenues of Participation

The Attorney General will direct all units of the Department to give full consideration in the course of decisionmaking to concerns of consumers. In addition:

1. The Department will maintain a calendar of all matters issued for public comment with the appropriate closing date and, through its Office of Public Affairs, will inform interested consumer groups that such matters are pending for public comment. The Advisor shall compile a list of persons interested in notification and they shall be placed on the appropriate mailing list. Attached to this Program is a form which representatives of consumers and consumer/public interest organizations may fill out and mail to the Advisor, so that their names can be added to the mailing list.

2. The Office of Public Affairs will issue, on behalf of the Attorney General, a press release announcing the publication of this Plan and inviting consumer groups interested in the Department's activities to request their inclusion on the Department's consumer mailing list.

3. The Office of Public Affairs will prepare a Department newsletter for consumers on a quarterly basis.

4. If resources are available, the Department will conduct, on a semi-annual basis, forums for direct expression of consumer views on Departmental Programs and policies. The Advisor, in consultation with the Consumer Policy Unit and upon the approval of the Attorney General, will collaborate with the Departmental officials in the planning of these forums which will address a limited number of issues with which the Department is involved. Such forums shall be conducted as town meetings with a general statement of policies and issues followed by an opportunity for direct public comment and response. Such meetings shall be held in appropriate major cities, generally outside of Washington.

5. Consumer participation shall occur only in accordance with the plans devised jointly by the Advisor and units, as directed by the Attorney General, or as invited by the unit.

C. Consumer Participation Contact Point

Consumer Affairs Advisor, Office of the Attorney General, Department of Justice, Washington, D.C. 20530 (202) 633–2927

III. INFORMATIONAL MATERIALS

A. Department Information Services

1. Usefulness of Current Material

The Department has publications available that provide information about the Department or areas of public concern.

(a) A 24-page booklet entitled "Legal Activities" describes the legal activities of the Department by division and other operating unit.

(b) The Antitrust Division publishes a booklet entitled "Antitrust and the Consumer," which explains the purposes of the antitrust laws.

(c) The Immigration and Naturalization Service publishes booklets on immigration laws, naturalization requirements, and many other immigration matters.

(d) The Community Relations Service has published booklets on effective human relations commissions, minority problems in prisons, racial disputes in high schools, tips for educators and police in school disputes, and others.

(e) The Drug Enforcement Administration has available a coloring book on drugs and health, and other publications regarding drug abuse.

(f) The Office of Justice Assistance, Research, and Statistics, the Federal Bureau of Investigation, the Bureau of Prisons, the U.S. Marshals Service, and other units of the Department publish material about their responsibilities and about matters of general concern.

(g) The Civil Rights Division has published a booklet in Spanish describing the activities of that Division, "La Division de Derechos Civiles (Derechos Humanos)."

(h) The Office of Information Law and Policy publishes the "Freedom of Information Case List" which includes a list of law review articles and published court decisions relating to the Freedom of Information Act and the Privacy Act. This publication includes one secton which serves as a brief guide to information law. This Office also publishes the "FOIA Update," a quarterly summary of current developments in this field. These publications are available to individuals only through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, and through local GPO stores ("Case List" Stock No. :027–000–00779–1; "Update" Stock No. :027–000–80002–5). Consumers should consult the GPO for current prices. [Also see "Plans for Improvement" below].

(i) In an effort to acquaint the public with Departmental programs and activities, the Office of the Assistant Attorney General, Justice Management Division, recently assembled a slide presentation and narrative overview of the Department which will be given upon public request. Requests may be directed to:

Assistant Attorney General, Justice Management Division, Department of Justice, Washington, D.C., Tel. (202) 633–3101

Additionally, many units of the Department from time to time produce "special purpose" materials, usually in photocopy form, for use in responding to specific needs. For instance, the Criminal Division's Office of Economic Crime Enforcement produced a six-page description of that Office's mission and activities. Other offices regularly provide such information in response to requests.

A listing of current publications and information contact points is set forth at the end of this Program. Generally, if consumers need information from the Department which can legaly be provided, and if they are uncertain as to the proper unit to contact, written requests can be directed to :

Chief, Mail Referral Unit, Records Management Group, Justice Management Division, Department of Justice, Washington, D.C. 20530, or Telephone Main Switchboard: (202) 633–2000

It should be noted that professional ethical standards and law enforcement concerns make it inappropriate for the Department to provide information regarding ongoing investigations, matters, and cases; further, considerations of privacy and the protection of rights prevents the characterization of any individual or organization as to any matter not involving information of public record. No authorization or appropriation exists for the performance of legal research for private individuals or organizations; however, the National Criminal Justice Reference Service of OJARS provides bibliographic material on the criminal justice system. Also, as a Federal Depository, government publications are accessible for on-the-premises review in the main library in Washington. The remainder of the collection may be used on premises by serious researchers within the constraints necessitated by limitations of staff, facilities, and materials, which must first be available to Department personnel.

The Department believes the materials currently available are generally satisfactory and meet the needs for which they are intended; however, the Department recognizes that there is always room for improvement.

2. Plans for Improvement

The Advisor, in conjunction with the Consumer Affairs Committee, and such operating personnel and public information staff of the various offices, boards, divisions and bureaus as may be required shall form a task force to review

the Department's informational materials as to currency, completeness, and utility. The Advisor shall then make recommendations for improvement, including recommendations as to which materials should be translated into one or more foreign languages.

The above review shall be included and recommendations made prior to the conclusion of the current calendar year, December 31, 1980.

The Advisor shall consult appropriate governmental entities, including the General Services Administration Consumer Information Center/Federal Information Center, regarding methods for achieving optimum distribution of the Department's informational materials.

The Office of Information Law and Policy has assisted the Consumer Information Center of GSA in the preparation of a draft publication on the Freedom of Information Act and the Privacy Act. The draft publication is considered more appropriate for wide-scale distribution than existing publications. The Department has decided to participate in funding this brochure, and final arrangements are now being made. When the publication is available, it will be listed in the *Consumer Information Catalog* and will be distributed, in single copies, through:

Consumer Information Center, Pueblo, Colorado 81009

Additionally, the Department is continuing to review available literature on small claims court procedures and is exploring the availability of funds for publication of a brochure on this subject. A Departmental decision should be reached by the end of the calendar year, December 31, 1980.

As noted elsewhere, the Department has distributed 10,000 copies of the *Consumer's Resource Handbook* to Departmental personnel around the country, along with a memorandum from the Attorney General urging that the handbook be relied upon in providing information and referrals. Additionally, 44,000 copies of the handbook are being distributed to the public, in single copies by the Department.

As noted elsewhere, the Department will publish a quarterly newsletter containing information of consumer interest. Such a publication would be the responsibility of the Public Affairs Office in cooperation with the Advisor, the Consumer Policy Unit, the Consumer Affairs Committee, and the various operating units of the Department.

Information on Agendas of Public Meetings

1. Format of Materials

2. Manner of Notification and Distribution

Explanatory materials for consumer meetings in the Department shall be prepared by the unit involved with appropriate assistance from the Advisor. The materials shall describe general topics of concern as well as the date, time, place and format for the meeting. They shall invite suggestions for additional topics to be addressed at the meeting. These materials shall be made available through the Office of Public Affairs and shall be mailed to appropppriate organizations in the area in which the meeting is to take place.

IV. EDUCATION AND TRAINING

A. Responsibility for Educating Staff Members About Consumer Program

Education of Department personnel regarding the Order and the Department's Consumer Program shall be a continuing responsibility of the Advisor, the Consumer Policy Unit, the Consumer Affairs Committee, the heads of offices, boards, divisions and bureaus, the Office of Public Affairs in cooperation with the information offices of the bureaus, and the Personnel and Training Staff of the Justice Management Division.

B. Methods of Education

The education process began in November, 1979, with distribution of the draft program to heads of all units for comment. The Order and Program have been discussed in detail at subsequent meetings of the Consumer Policy Unit and the Consumer Affairs Committee, and the Advisor addressed the subject at a conference of U.S. Attorneys from around the country. Articles regarding the Order and Program have appeared in *Justice News*, the Department's employee newspaper, and other publications. Similar opportunities for publicizing the Program will arise in the future. Several unit heads have expressed their intention of issuing directives regarding aspects of the Program in addition to the planned directives of the Advisor. Distribution of the *Consumer's Resource Handbook*, with a cover memorandum from the Attorney General, has also been a valuable method of calling attention to the Program.

Additionally, numerous personnel throughout the Department have become aware of the Order, the Program, the recommendations of Technical Assistance Research Associates, Inc., and related materials, by preparing responses to the Advisor's inventory questionnaire, discussed in the section on complaint handling, below. As part of the inventory process, the Advisor shall compile and maintain a directory of officials and personnel throughout the Department with a high degree of responsibility in consumer-related matters. This directory shall constitute a network by which the Advisor may promptly and directly communicate with key personnel regarding this Program.

The complaint and inquiry guide, also discussed under the complaint handling section below, will assist in educating and training individuals throughout the Department. The guide will include elements of the Order and Program, the major consumer resources of this Department and others, suggestions on responding to consumers in a courteous and professional manner, guidelines as to the substance of responses, and disclosure policies regarding pending Departmental matters.

The Attorney General will advise each unit of the Department of the publication of the final version of the Consumer Program and of their responsibilities under the Program of circulating copies of the Program with a cover memorandum. The Advisor, the Consumer Policy Unit, and the Consumer Affairs Committee shall respond to inquires about the Program and shall help units in implementation of the Program.

C. Specialized Training for Consumer Affairs Personnel

Basic responsibility for determining the consumer affairs training requirements of the Department, including employees of the bureaus, shall rest with the various unit heads and the Career Management Group of the Justice Management Division, in consultation with the Advisor. Contacts thus far have indicated a preliminary willingness on the part of the unit heads to authorize appropriate training for over a hundred employees at various levels and in a wide range of positions. The Advisor, the Career Management Group, and the heads of the units shall further evaluate the desirability and feasibility of various alternative methods of providing such a training program. The Department's determination as to the specifics of such a program, however, shall be partly contingent upon training developments in other agencies, such as the General Services Administration, the U.S. Office of Consumer Affairs, the Office of Personnel Management, and the Federal Complaint Coordinating Center.

The Advisor, the Career Management Group, and the heads of units shall also encourage optimum participation by appropriate Department personnel in inter-agency consumer affairs workshops, programs, and meetings sponsored by the Consumer Education and Information Liaison, the U.S. Office of Consumer Affairs, and other organizations and agencies.

D. Consumer Affairs Specialist Position Series

The Advisor has consulted the heads of all Department units regarding their tentative assessment of the Department's possible need for personnel with specialized skills in dealing with public complaints and inquiries and other consumer-related functions. While the Department can make no commitment as to the desirability of a new position series at this time, at the request of the Advisor the Justice Management Division has assigned a member of the Personnel and Training Staff to monitor the ongoing efforts of the U.S. Office of Consumer Affairs, the U.S. Office of Personnel Management, and an inter-departmental committee examining this matter. At the appropriate time, the Advisor and the Justice Management Division shall formulate a Department position on this subject, consistent with the best interests of consumers.

E. Technical Assistance to Consumers and Their Organizations

Because of the unique nature of law enforcement activities, it is often not appropriate for the Department of Justice to extend direct technical assistance to individual consumers or to consumer organizations. In those few instances in which direct technical assistance may be provided, the means for doing so are usually specified by statute and are not adaptable to the purposes of this Consumer Program. The Department of Justice always welcomes the views and suggestions of consumers, however, and requests for such technical assistance shall be considered on a case-by-case basis. The contact point for this purpose is:

Consumer Affairs Advisor, Office of the Attorney General, Department of Justice, Washington, D.C. 20530

V. COMPLAINT HANDLING

A. Statement of Department of Justice Policy

It is the official policy of the Department of Justice to provide the public with the most authoritative information and the fairest possible decisions or referrals, in a professional manner. However, the Department may not provide private legal advice, perform private legal research, reveal restricted information concerning ongoing investigations or cases, or characterize individuals, organizations, or companies. This is a standard to which all Department employees are expected to adhere. The Advisor and the heads of all the major units will make a continuing effort to communicate this policy to Department employees and the public at large.

Nothing in this statement of policy or in this Consumer Program should be interpreted as creating new grounds for constitutional, legal or procedural appeals.

B. Heightening Public Awareness

The Department's Office of Public Affairs, after consultation with the Advisor, shall issue press releases containing information to educate consumers on the Department's mission, to invite information, comment and complaints, and to encourage the reporting of violations of law to federal law enforcement officials. The releases shall specify the offices within the Department to which written comments, reports and complaints should be directed.

Similar information shall regularly be included in the Department's consumer affairs newsletter, discussed elsewhere in this program.

Copies of the releases shall be regularly sent to consumer organizations for inclusion in their publications.

Departmental information publications shall be reviewed by the Advisor, in conjunction with a designated official in each unit, to consider whether revisions are appropriate, to indicate Departmental receptivity to comments and complaints, and to designate a point of contact within the Department.

C. Complaint Handling Practices and Procedures

The Advisor shall inventory all units of the Department periodically to determine the volume and types of consumer inquiries and complaints received and the procedures used in responding to these inquiries and complaints. The advisor shall also review mailroom, mail referral unit, and telephone switchboard procedures to ascertain whether inquiries and complaints are receiving appropriate internal handling. After considering current procedures, the Advisor shall issue directives establishing the performance standards to be met in each phase of the Department's various systems of complaint and inquiry handling. The directives shall seek to insure that complaints and inquiries receive timely, courteous and appropriate responses; that each office logs complaints in a topical format and in accordance with topical categories, including those received by telephone; that complaints are routed appropriately to Department units and offices for consideration; that, when necessary, inquiries and complaints are promptly and properly referred to other agenies and departments for attention; that systems are adequate for the tracking of complaints and for the identification of key bottlenecks in the process; that systems are adequate to facilitate statistical analysis for purposes of Department policymaking; and that reporting systems are adequate to advise Department officals of the patterns and policy implications of complaints received.

In regard to his/her responsibilities for complaint and inquiry practices and procedures, the Advisor shall be assisted on a regular basis by the Consumer Policy Unit and the Consumer Affairs Committee discussed in Section I above, and by the Records Management Group of the Justice Management Division.

D. Timetable for Inventories

The initial phase of an inventory of Department inquiry and complaint practices and procedures is currently underway. Conclusions regarding existing systems should be reached by June 30, 1980. The Advisor currently expects to issue directives based on the data gathered and other factors by the end of the calendar year, December 31, 1980.

The inventory seeks to obtain data regarding the scope of complaint and inquiry handling within the Department, to facilitate the coordination of information and resources, to assist in long-range planning, to stimulate immediate improvements, to provide the basis for the Advisor's directives, and to call attention to the importance of this function within the managerial structure.

E. Tentative Observations

Based on the inventory results received to date, some tentative observations may be made:

1. The responsibilities of the Department are diverse, complex and far-reaching; consequently, they do not lend themselves to a single, central system of inquiry and complaint processing, or to detailed guidelines. No data have been presented which substantiate a need for such a unified system. To the contrary, several Department managers have

indicated that imposition of a uniform system of tight controls could prove to be counter to the best interests of consumers of Department services.

2. A large number of the complaints and inquiries received by the Department, even those alleging violations of law, are erroneously directed to the Department by individuals, reflecting a general public misperception of the Department's role. This is a matter of concern throughout the Department and will be addressed on an ongoing basis by the Advisor. Many complaints received from consumers of marketplace goods and services do not come within the initial or primary jurisdiction of the Department. Consequently, these must be referred to the various appropriate federal or state agencies or private organizations for consideration, causing delays and inconvenience for consumers.

3. Complaint and inquiry practices vary greatly from one unit of the Department to another. Eight major overall systems for receiving mail and telephone calls exist: one for the officers, boards and divisions headquartered in Washington, one for each of the six bureaus, and the system of "direct contact" for field offices, regional offices, and United States Attorney offices around the country. Each of these systems is comprised of many different sub-systems at the level of the individual operating office, specializing in a specific subject area.

4. A common pattern in the systems is for mail and, in some instances telephone calls, to be routed from point of initial receipt to other points where they are screened and assigned to line personnel, usually specialists in a given area, for response with few systematic controls. Such specialists usually perform this function as only a small part of their regular duties. An advantage is that the responses are made by specialists rather than generalists. A disadvantage is that control of the response mechanism is more difficult than in a centralized system. There are major exceptions to this pattern with some units maintaining substantially more centralized and more technically sophisticated operations than others. In many of the units the Department which receive relatively few complaints and inquiries, systems requiring the major elements of a "model" system would probably not be cost efficient. Due to the size of the Department's mail and telephone processing operations, improvement of routing, logging, screening, filing and response mechanisms constitutes a major managerial challenge which is being addressed by several current initiatives. The Advisor, the Consumer Policy Unit, and the Consumer Affairs Committee will participate in these initiatives.

5. Complaints and inquiries to Departmental offices outside Washington are usually handled independently of headquarters, with a few major exceptions, most notably the bureaus which tend to exercise a greater degree of control over field practices and procedures.

6. There is ample evidence that Department personnel generally perform high quality work in the area of complaints and inquiries, in addition to their other duties. Heads of offices, boards, divisions and bureaus have expressed a high degree of confidence in the responsiveness of their units.

7. Few major expressions of dissatisfaction with existing complaint and inquiry systems have been indicated to the Advisor, with the exception of a general concern with the length of the processing time. However, high-level Department managers have thus far revealed considerable receptivity to practicable improvements in current systems.

8. Additional improvements in the Department's complaint and inquiry systems would require development of information not currently available. Other improvements will be considered by the Advisor, the Consumer Policy Unit, and a permanent subcommittee of the Consumer Affairs Committee to be called the Subcommittee on Complaints and Inquiries. The subcommittee currently consists of representatives of the following units:

Antitrust Division
Civil Division
Civil Rights Division
Criminal Division
Federal Bureau of Investigation
Immigration and Naturalization Service
Justice Management Division
Office of Information Law and Policy

The Advisor has requested the heads of offices, boards, divisions and bureaus to notify him of the improvements which feasibly and expeditiously can be instituted. Responses are currently being received. Compilation of the responses regarding immediate improvements will be followed by issuance of Departmental directives establishing performance standards by the end of the fiscal year, September 30, 1980.

G. Consumer Complaint and Inquiry Guide

The Advisor, Consumer Policy Unit, the Subcommittee on Complaints and Inquiries shall prepare an internal Departmental resource guide for use in responding to consumer complaints and inquiries. The guide shall include responses, information regarding functions of major units, information regarding other agencies and departments, and the performance standards established by the Advisor. Each employee with a high degree of involvement in the handling of public complaints and inquiries, including employee of U.S. Attorneys Offices and field offices, shall be provided a copy of the guide. This guide will supplement and complement the use of the *Consumer's Resource Handbook*, 10,000 copies of which have already been distributed to personnel.

The projected date for distribution of the internal guide within the Department is the end of the calendar year, December 31, 1980.

H. Evaluation of Complaint Handling Systems

After completing the initial inventory, accomplishing the immediately feasible improvements, issuing and implementing the peformance standards, and distributing the complaints and inquiry guide, the Advisor, assisted by the Consumer Policy Unit, the Subcommittee on Complaints and Inquiries, and the Records Management Group of the Justice Management Division, shall regularly evaluate, on an ongoing basis, the results of the various systems and the promptness and quality of the Departmental responses to consumer inquiries.

I. Statistical Analysis

The Advisor shall prepare an annual report to the Attorney General, to be circulated to all unit heads, analysing the complaints received by the Department and recommending improvements. The Attorney General and each unit head shall consider the patterns of complaints received and the concerns generally expressed regarding Departmental policies and practices. The patterns of complaints shall also be considered by Department decisionmakers in conducting policy analysis and in planning of budgeting, staffing, workload, priorities and performance standards.

VI. OVERSIGHT

The Department has established a position of Consumer Affairs Advisor to the Attorney General. (See Section I.) This position shall be filled at either the GS–15 or GS–14 level.

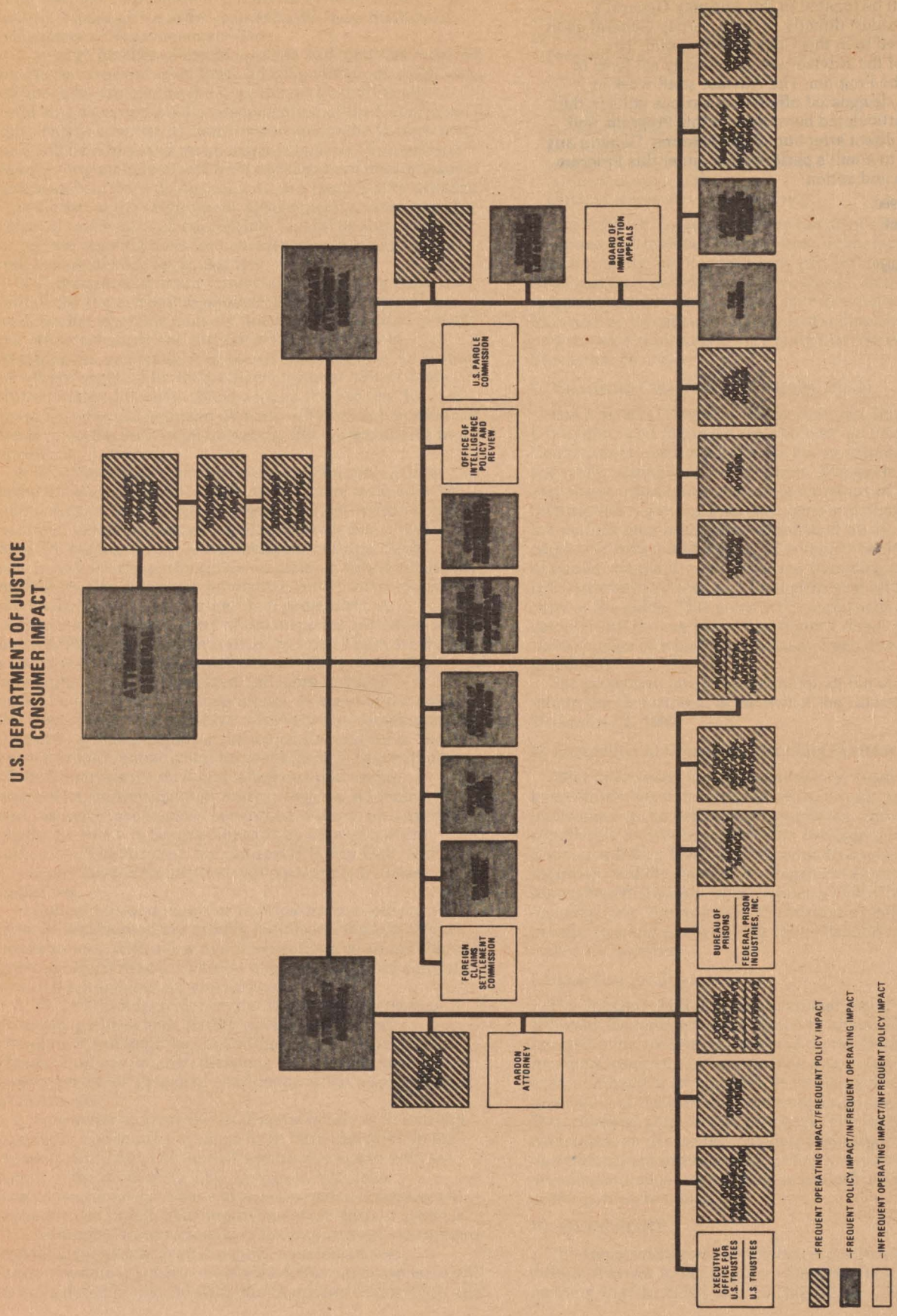
The Advisor shall be located in the Attorney General's office, and shall report directly to the Attorney General as to all matters referred to in this Consumer Program. The responsibilities of the Advisor are specifically set forth in Sections I–V of the Program. The Advisor shall work in conjunction with designated officials in various units in the Department, as articulated heretofore in this Program, and may bring to the direct attention of the Attorney General any matters relevant to a unit's performance under this Program for consideration and action.

Dated: May 23, 1980.

Benjamin R. Civiletti,

Attorney General.

BILLING CODE 4410-01-M



BILLING CODE 4410-01-C

LISTING OF CURRENT DEPARTMENT OF JUSTICE PUBLICATIONS OF INTEREST TO THE GENERAL PUBLIC

Single copies of the following publications may be obtained by contacting the office indicated:

General

Annual Report of the Attorney General of the United States.
Legal Activities.
Department of Justice Function and Organization.
Contact: Office of Public Affairs, Department of Justice, Washington, D.C. 20530, Tel. (202) 633–2007

Antitrust

Antitrust Enforcement and the Consumer
Contact: Consumer Affairs Section, Antitrust Division, Washington, D.C. 20530, Tel. (202) 724–6282
Or: Your nearest Antitrust Division field office.

Community Relations

Guidelines for Effective Human Relations Commissions.
Nobody would argue that prison administrators shouldn't control their institutions. But when minority group inmates feel their rights are violated, the result is predictable (Corrections Brochure).
Like they say experience teaches. And it has taught us something about racial disputes in high schools and colleges (Education Brochure).
Police use of Deadly Force.
School Security—Guidelines for Maintaining Safety in School Desegregation.
A Synopsis—the CRS
Viewpoints and Guidelines on Court-Appointed Citizens Monitoring Commissions in School Desegregation. CRS Annual Report.
It isn't easy for people caught up in a racial dispute to find a way out. Emotions run high. Issues may be complex. And a basic problem often prevents working out a solution * * * (General Brochure).
School Disruptions: Tips for Educators and Police.
Desegregation Without Turmoil: The role of the Multiracial Coalition in Preparing for Smooth Transitions.
Examples of CRS Aid to Communities.
Contact: Public Information Office, Community Relations Service, Department of Justice, Tel. (202) 724–7386
Or: Your nearest CRS field office.

Drug Enforcement

Drug Abuse and Misuse.
Soozie (a coloring and cut and paste book).
Drogas—Un Folleto De Bolsillo
Drugs of Abuse.
Controlled Substances: Uses and Effects (chart)
Drug Enforcement Administration (DEA) (Summary of functions).
DEA Fact Sheet (Variety of Subjects).
Contact: Office of Public Affairs, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20530, Tel. (202) 633–1249
Or: Your nearest DEA field office.

Federal Bureau of Investigation [1]

The FBI National Academy.
Cooperation: The Backbone of Effective Law Enforcement.
Search by Consent.
The FBI Laboratory.
FBI Law Enforcement Bulletin.
Fingerprint identification.
Crime Resistance.
The National Crime Information Center and You.
The Story of the FBI.
99 Facts About the FBI. Questions and Answers.
FBI—Career Opportunities.
Crime in the United States.
Profiles in Crime.
Contact: Publications Unit, Room 6236, Federal Bureau of Investigation, Washington, D.C. 20535, Tel. (202) 324–2835
Or: Your nearest FBI field office.

Immigration and Naturalization

United States Immigration Laws.
Naturalization Requirements and General Information.
Our Immigration—A Brief Account of Immigration to the U.S.
Contact: Information Unit, Immigration and Naturalization Service, Washington, D.C. 20536, Tel. (202) 633–4330
Or: Your nearest INS office.

Justice Assistance, Research, and Statistics

Improving Juvenile Justice.
Police and Public Safety.
This is NCJRS.[2]
The NCJRS Collection.
NCJRS Document Loan Program.
Home Security Starts at Your Door.
Sourcebook of Criminal Justice Statistics.
Justice Assistance News.
Contact: Office of Public Information, Office for Justice Assistance, Research, and Statistics, Washington, D.C. 20531.

Land Acquisition

How and Why the Government Acquires Property for Federal Public Purposes.
A Procedural Guide for the Acquisition of Real Property by Government Agencies.
Standards for the Preparation of Title Evidence in Land Acquisition by the United States.
Uniform Appraisal Standards for Federal Land Acquisitions.
Contact: Land Acquisition Section, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, Tel. (202) 633–4476

Land and Natural Resources

Land and Natural Resources Division Journal
Contact: Editor, Land and Natural Resources Division Journal, Department of Justice, Washington, D.C. 20530

Prisons

Federal Prison System
Education for Tomorrow
Development of the Federal Prison System Facilities 1978
Female Offenders in the Federal Prison System
Contact: Documents, Distribution and Control, Bureau of Prisons, Department of Justice, Washington, D.C. 20534, Tel. (202) 724–5998

Civil Rights

Various Civil Rights Acts
La Division de Derechos Civiles
(Derechos Humanos)
Contact: FOIA/PA Branch, Civil Rights Division, Department of Justice, Washington, D.C. 20530, Tel. (202) 633–3883

Criminal Division

Handbook for Federal/State Law Enforcement Committees
The United States Government Antiterrorism Program
Contact: General Litigation and Legal Advice Section, Criminal Division, Department of Justice, Washington, D.C. 20530, Tel. (202) 724–6948
Information Regarding the Gambling Devices Act of 1962
Contact: Gambling Devices Unit, Office of Legal Support Services, Criminal Division, Department of Justice, Washington, D.C. 20530, Tel. (202) 724–6657
Material Regarding the Office of Economic Crime Enforcement
Contact: Office of Economic Crime Enforcement, Criminal Division, Department of Justice, Washington, D.C. 20530, Tel. (202) 724–7021

[1] The FBI also maintains various reprints from the FBI Law Enforcement Bulletin which are available. Inasmuch as these change constantly, no list is being furnished. A correspondent needs only to state the field of his/her choice and the FBI Publications Unit will make an effort to fill the request.

[2] NCJRS—National Criminal Justice Reference Service. Established 1972. NCJRS collects materials and maintains a library of close to 40,000 documents on criminal justice subjects and a computerized data base of bibliographic descriptions and abstracts. OJARS has granted the NCJRS a contract to perform this work.

Information Booklet for U.S. Citizens Incarcerated in (Bolivian, Canadian or Mexican) Prisons . . .
Contact: Office of International Affairs, Criminal Division, Department of Justice, Washington, D.C. 20530, Tel. (202) 724–7600
Report to Congress on the Administration of the Foreign Agents Registration Act
Foreign Agents Registration Act in pamphlet form
Public Law 893 in pamphlet form
Voorhis Act in pamphlet form
Public filings of registrants under the statutes cited above.
Contact: Internal Security Section, Criminal Division, Department of Justice, Washington, D.C. 20530, Tel. (202) 724–6913

MAJOR DEPARTMENT COMPLAINT AND INQUIRY CONTACT POINTS

The following is a listing of points within the Department of Justice which receive substantial numbers of complaints and inquiries. This should not be interpreted as a comprehensive listing of all complaint and inquiry contact points.

When individuals are uncertain as to which office, board, division or bureau to contact, the following mailing address should be used:

Department of Justice, Washington, D.C. 20530

The main telephone number for the offices, boards, and divisions located in Washington is: (202) 633–2000.

Antitrust Division

Office of Operations, Antitrust Division, Room 3214, Main Justice Building, Washington, D.C. 20530 (202) 633–3543
Consumer Affairs Section, Antitrust Division, 604 Safeway Building, Department of Justice, Washington, D.C. 20530 (202) 724–6786
And: 8 field offices located in major cities around the country.

Civil Division

Communications Office, Civil Division, Room 1172–D, Safeway Building, Washington, D.C. 20530 (202) 724–6842

Civil Rights Division

Administrative Branch, Citizen Complaint and Response Unit, Civil Rights Division, Room 7601, Main Justice Building, Washington, D.C. 20530 (202) 633–3883

Community Relations Service

Deputy Director, Community Relations Service, Room 648, Todd Building, Washington, D.C. 20530, (202) 724–7373
And: 10 regional offices and 3 field offices, located in major cities around the country.

Criminal Division

Correspondence Unit, Office of Legal Support Services, Criminal Division, Room 300, Federal Triangle Building, Washington, D.C. 20530, (202) 724–6656
And: 14 field offices and strike force offices, located in major cities around the country.

Drug Enforcement Administration

Office of Public Affairs, Drug Enforcement Administration, Room 1103, Eye Building, Washington, D.C. 20537, (202) 633–1249
And: 5 domestic regional offices, 3 overseas regional offices, and 28 district offices, located in major cities.

Federal Bureau of Investigation

Public Affairs Office, Federal Bureau of Investigation, Room 6236, J. Edgar Hoover Building, Washington, D.C. 20535, (202) 324–3000
And: 496 field offices and resident agencies, located in major cities around the country.

Immigration and Naturalization Service

Records Administration and Information Branch, Immigration and Naturalization Service, Room 5122, Chester Arthur Building, Washington, D.C. 20536, (202) 633–4258
And: 4 regional offices, 35 domestic district offices, 3 foreign district offices, 21 border sector headquarters, and 386 field offices located in major cities.

Office for Improvements in the Administration of Justice

Office for Improvements in the Administration of Justice, Room 4234, Main Justice Building, Washington, D.C. 20530, (202) 633–3280

Office of Information Law and Policy

Office of Information Law and Policy, Room 5259, Main Justice Building, Washington, D.C. 20530, (202) 633–2674

Office of Justice Assistance, Research and Statistics

Correspondence Control, Office of Justice Assistance, Research and Statistics, Room 1386, Indiana Building, Washington, D.C. 20531, (202) 724–5974
Office of Public Information, Office of Justice Assistance, Research and Statistics, Room 1242, Indiana Building, Washington, D.C. 20531, (202) 724–7782

Justice Management Division

Records Management Group, Justice Management Division, B–118, Main Justice Building, Washington, D.C. 20530, (202) 633–1949

Land and Natural Resources Division

Policy, Legislation, Special Litigation Section, Land and Natural Resources Division, Room 2615, Main Justice Building, Washington, D.C. 20530, (202) 633–2847
And: 3 field offices in major cities.

Bureau of Prisons

Public Information Office, Bureau of Prisons, Room 554, HOLC Building, Washington, D.C. 20534, (202) 724–3199
And: 5 regional offices and 46 correctional facilities, located throughout the country.

Office of Professional Responsibility

Office of Professional Responsibility, Room 4313, Main Justice Building, Washington, D.C. 20530, (202) 633–3365

Office of Public Affairs

Office of Public Affairs, Room 5114, Main Justice Building, Washington, D.C. 20530 (202) 633–2028

United States Marshals Service

Public Affairs Office, United States Marshals Service, Room 209, Tysons Corner Center, McLean, Virginia 22102 (202) 285–1144
And: 95 district offices in major cities around the country.

United States Attorneys

Executive Office for United States Attorneys, Room 4117, Main Justice Building, Washington, D.C. 20530 (202) 633–2121
And: 94 United States Attorneys offices located in major cities around the country.

BILLING CODE 4410–01–M

DEPARTMENT OF JUSTICE

CONSUMER MAILING LIST

Please add my name, and the organization I represent, if any, to the list of consumers and consumer/public interest organizations who will be informed of consumer news, events, regulations, and publications sponsored by the Department of Justice.

_____
Signature

_____
(Please Print) Name

_____
Organization (if any)

_____
Number Street Apt.

_____
City, State Zip

_____
(area code) (number)
Telephone

NOTE: Mail this form to:

Consumer Affairs Advisor
Office of the Attorney General
Department of Justice
Washington, D.C. 20530

[FR Doc. 80-16860 Filed 6-06-80; 8:45 am]
BILLING CODE 4410-01-C

federal register

Monday
June 9, 1980

Part VII—Section C

Department of State

Consumer Affairs Program

THE WHITE HOUSE

WASHINGTON

June 2, 1980

Dear Secretary Muskie:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve the Department of State's consumer program established under Executive Order 12160. The Department's program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Mr. James Tarrant of your staff have been particularly helpful. The fact that as chairperson of the Departmental Consumer Coordinating Group, Mr. Tarrant will be reporting directly to you should provide him with the opportunity he needs to review rules, policies, programs, and legislation to assess their potential impact on consumers. Your program is further strengthened by new initiatives in publicizing the Department's consumer activities, helping consumers to prepare to take part in the work of trade delegations, and holding open meetings with consumer representatives. We are all operating under stringent budgetary conditions, so I appreciate the Department's interest in reviewing whether additional project staffing could be allocated to the Department's consumer activities.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Department's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the Department. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Edmund S. Muskie
Secretary of State
Washington, D. C. 20520

BILL CODE 4710-07-C

DEPARTMENT OF STATE

[Public Notice 714]

Consumer Affairs

AGENCY: Department of State.

ACTION: Consumer Affairs Program.

SUMMARY: This Notice contains the Consumer Affairs Program to be implemented by the Department of State in response to Executive Order 12160. It is preceded by a Preamble which summarizes the public comment procedure and how these comments were used to change the Department's proposed program which was originally published as Public Notice 695 in the **Federal Register** on December 10, 1979 (Vol. 44, No. 238).

EFFECTIVE DATE: July 1, 1980.

FOR FURTHER INFORMATION CONTACT: James R. Tarrant, Special Assistant for Consumer Affairs, Room 6822, Department of State, Washington, D.C. 20520. Telephone (202) 632–8836.

Preamble

(A) *Introduction.* The Department appreciates the comments it has received from individual consumers, consumer organizations and other interested individuals. As a result of the suggestions contained in these comments, a number of changes and additions have been made in the proposed program.

(B) *Program Evaluation Procedure.* A number of actions were taken to evaluate the Department's draft program. To give wide opportunity for public examination and comment, over 500 letters were sent to consumer leaders and representative consumers, most of which were individual letters to people specifically identified as having some interest or expertise in the consumer issues handled by the Department of State. We also held a meeting of consumer leaders in Washington, with the support of the President's Special Assistant for Consumer Affairs, to assess the Department's proposals in depth. Thirteen consumer representatives from across the country participated in this meeting at the Department's expense. Also, numerous telephone calls were made directly to individuals by the Department's Special Assistant for Consumer Affairs to seek comments from representative grassroots individuals and organizations. To reach broader audiences, press releases were sent out. Department representatives also participated in the public workshop held in February 1980, by the U.S Office of Consumer Affairs in Washington. The Special Assistant also spoke to groups in Wisconsin and Massachusetts about the program.

Within the federal government, the program was reviewed by Department of State officials as well as the President's Special Assistant for Consumer Affairs and her staff.

(C) *Statistical Summary.* The Department received 44 written comments. Most of these were in the form of letters, rather than the short questionnaire distributed with the proposed program, and dealt in detail with specific elements of the proposed program.

Individual Consumers	19
Consumer Organizations	18
Business and Trade Groups	5
State and Local Governments	0
Other (1 public interest law firm and 1 university)	2
Total	44

In addition, the Special Assistant for Consumer Affairs had approximately 30 conversations with representative consumers and consumer leaders from various parts of the country about the program. The results of these conversations have been incorporated in the following descriptions of the comments received from the public.

(D) *Summary reaction to Program.* Public reaction to the proposed program was essentially positive. Of those who made a general assessment in writing, eight groups or individuals considered it excellent, 27 indicated basic approval and one individual said the program was totally inadequate (although no specific criticism or suggestions for improvement were given by this individual). The greatest strengths of the program were considered to be the consumer participation features and the complaint handling process. The predominant criticism was to call for greater information about the Department's program to be made more generally available so that grassroots groups and individuals could express their views. Public reaction received by the Department through individual conversations on the telephone, at meetings outside of Washington and at the public Workshop in Washington largely paralleled the above pattern.

(E) *Specific Comments.* The pattern of specific comments received did not correspond directly to the five basic sections of the Department's proposed program and are therefore discussed below in groups into which they logically fall.

—By far the greatest number of suggested improvements was in the general area of increasing public awareness of the program. Thirteen individuals and ten groups commented on one aspect or another of this issue. Comments took the form of such remarks as: "keep us informed." "raise understanding among consumers." "speak to and listen to the grassroots," "visit us on our home ground," "more public relations needed," and "hold more meetings." Implicit in these comments was that better informed consumers would make increased efforts to make their views known to the Department.

—The second largest number of criticisms received was on the matter of adequately preparing the consumer advisers who serve on negotiating delegations in order to make them more effective representatives of the American consumer. Seven individuals and four groups asked that some form of better training and preparation be given to those individuals who actually travel abroad as members of U.S. delegations engaged in international negotiations. Specific suggestions were: make more information available, hold meetings of advisers in order to communicate and share experiences among them, choose representatives further in advance of negotiations, better define the consumer representatives' role and form small groups of expert consumer advisers to study and advise the Department on specific issues. Many of these recommendations came from individuals who had served as consumer representatives on delegations.

—Next in order of number of suggestions for improvements received was the area of consumer resources. Four consumer groups and two individuals recommended that greater staff resources be made available to the Department's consumer affairs program.

—Two individuals and one group suggested that some form of quality control be introduced in the selection of those relatively few individuals who actually serve on delegations. This would be to ensure that these representative consumers are fully qualified and the best available for that particular negotiation.

—Three individuals asked that the description of the Department's "Biden questionnaire" and several other elements of the program be stated in clearer terms.

—Two individuals recommend that in addition to travel and per diem expenses, salaries or fees should be paid to

private consumer advisers while preparing for and serving on Department delegations.

—The following suggestions were made by one individual or group: involve the Department in a wider range of issues, ensure the Special Assistant is "committed" to the consumer cause, conduct an assessment of the consumer program on a regular basis, and complaint handling should be given lower priority.

(F) *Miscellaneous Comments.* The following suggestions were made by one individual each: have one consumer office for the entire federal government and use national referendums to decide State Department consumer issues.

(G) *Program Changes.* The following is a checklist of the specific changes made in the draft program in response to both public and internal government comments and recommendations. These changes have been incorporated into the body of the revised program which is found later in this Public Notice. Also listed are recommendations for change which have not been accepted and the reasons for these decisions.

1. To increase awareness and participation, the Department will:

—more broadly publicize its programs and the opportunities for expressing consumer views by working with wide-circulation media and specialized consumer reporters (the first such explanatory article will appear in July in a mass-circulation national magazine aimed at the average American);

—more fully inform the public about the wide range of materials already available from the Department which include free single copies of publications on topics such as overseas travel tips for senior citizens, consular services available from the Department's Bureau of Consular Affairs in liaison with Consular Offices abroad, how American tourists should prepare for overseas trips, and suggestions and regulations for avoiding inconvenience while visiting certain countries and regions of the world;

—establish a regular mailing list to inform interested individuals and groups about consumer issues within the jurisdiction of the Department;

—hold open meetings with consumer groups and representatives a minimum of once each year and schedule *ad hoc* meetings at the request of consumer groups or representatives who wish to raise a particular problem or issue of concern with the Department, with senior officials participating in keeping with the nature of the issues to be discussed;

—make available the Special Assistant for Consumer Affairs or other officials to speak, discuss and hear views outside of Washington to the extent travel funds permit; and

—make clear that the Department and the Special Assistant are open to receiving views on the full range of Departmental consumer activities.

2. To strengthen the system of consumer advisers on negotiating delegations, the Department will:

—assist in the development of small groups of consumer experts which will focus on consumer-related issues in order to provide depth and continuity to consumer views so that consumers can make more effective contributions in the Department's decision-making process. Appropriate technical assistance and information on the issue under study will be provided upon request within the resources available.

—Seek to select consumer representatives further in advance of international negotiations;

—hold meetings of consumer advisers to U.S. delegations once a year, subject to funding being available.

3. To clarify and increase the resources available to the consumer affairs program:

—A Consumer Coordinating Group consisting of Bureau Representatives will be formed within the Department to assist the Special Assistant in monitoring and advising on consumer-related issues.

—The Department will add to the number of specifically identified individuals in various bureaus who have a consumer liaison function.

—As the Consumer Affiars Program develops the Department will review the possibility of adding additional staffing.

—The Department will note in its program that the Special Assistant for Consumer Affairs has formal Department-wide oversight responsibility and can initiate involvement in State Department programs and policies that impact on consumers.

—The Department will clarify in its program that there are a number of professional people within the Department who deal with or are available to deal with consumer issues as they arise in the context of their ongoing work. The Department will also clarify that Officers responsible for the Consumer Affairs Program have other resources available to them in the form of administrative support such as reproduction and mailing facilities, and the expertise and service of various technical experts such as travel specialists, etc.

4. To strengthen the procedures for selecting consumer advisers to serve on U.S. negotiating delegations, the Department will:

—establish criteria, taking into account consumer views, which will be utilized in selecting advisers.

5. To clarify references to Biden Questionnaires and several other terms and phrases, the Department will:

—elaborate the definition of Biden Questionnaires;

—rewrite the language in sections considered vague.

6. With regard to salaries and fees for consumer advisers, the Department does not have the legislative authority or funds to incur these expenses.

7. With regard to other issues raised:

—the Department will continue to examine issues before it for other consumer-related matters and will seek to ensure that Department officers are fully open to receiving and considering consumer views.

—The Department does not find sufficient justification to lower the priority given to complaint handling, recommend a single consumer office for the federal government or propose national referendums to decide Departmental consumer issues.

CONSUMER AFFAIRS PROGRAM

I. GENERAL

The central objective of the Department of State in consumer affairs is to ensure that the needs and interests of American consumers are adequately considered and addressed in the formulation of foreign economic policies. Participation by consumers in this process is fundamental to achieving this aim.

Since the Department is concerned with foreign rather than domestic policy and provides a relatively small range of direct citizen services, its consumer affairs program is somewhat different than those in other Federal Government Agencies. The Department's program deals principally with a number of international economic negotiations that tend to continue over a period of time. These subjects include international commodity stabilization agreements on such commodities as natural rubber, coffee, sugar, tin, coppper, cocoa and other products as well as trade, civil aviation and telecommunications matters. These issues are largely within

the jurisdiction of the Bureau of Economic and Business Affairs.

In addition, however, there are consumer-related issues that arise in at least two other areas of the Department. The Bureau of International Organization Affairs has coordinating responsibility for matters occurring in the United Nations system where consumer-related issues include restrictive business practices, a code of conduct for transnational corporations, and illicit payments as well as UN resolutions and programs in the area of consumer protection. The Bureau of Consular Affairs issues passports and provides other consular services directly to the public.

It should be noted, however, that the Department's Special Assistant for Consumer Affairs has been given formal oversight authority from the Secretary of State for all consumer-related issues arising in the Department. The Special Assistant can initiate involvement in issues that impact on consumers and will seek to ensure that all such issues before the Department are subject to the procedures outlined in this Notice.

II. CONSUMER AFFAIRS PERSPECTIVE

The primary consumer affairs staff of the Department of State will consist of two full-time individuals whose sole responsibility will be consumer affairs: a professional international economist who will be the Department's Special Assistant for Consumer Affairs and an assistant for handling administrative matters concerned with consumer affairs. The Special Assistant will be attached to the office of the Assistant Secretary for Economic and Business Affairs who has direct access and reporting responsibility to the Secretary of State as is shown on the organizational chart. In addition to the Special Assistant's responsibility to provide a consumer affairs perspective, this official will have responsibility for carrying out other consumer affairs work in the Department.

The Special Assistant has overall authority for coordinating consumer affairs issues arising within any component of the Department of State and is authorized to participate in the development and review of all departmental policies, programs, legislation and rules on consumer-related issues.

In carrying out these responsibilities this official will work directly with other Department officials and will regularly attend appropriate staff meetings including that of the Assistant Secretary for Economic and Business Affairs. The Special Assistant will participate throughout the policy formulation process on consumer-related issues, from initial discussions through the final decision. To ensure the Special Assistant is kept fully abreast of activities, the Bureau of International Organization Affairs and the Bureau of Consular Affairs will be responsible for keeping the Special Assistant informed on all consumer-related issues in their areas of authority and for systematically reporting to the Special Assistant each quarter on the status of these issues as well as issues of this type expected to arise in the future.

In addition, the Department will have Consumer Liaison Officers in various bureaus. A Consumer Coordinating Group will also be established within the Department to aid the Special Assistant in monitoring activities and advising on consumer-related issues. The Special Assistant will act as Chairman of the Consumer Coordinating Group and in that capacity may report directly to the Secretary, as needed.

Further, the Office of the Legal Adviser will inform the Special Assistant in all cases of proposed rulemaking by the Department in which there appears to be a consumer-related issue.

The Special Assistant will draw upon the assistance of other economists and officers as they deal with consumer-related issues in their work. The consumer affairs program will also have available to it the necessary administrative resources in the form of reproduction and mailing facilities, and the expertise and service and service of various technical experts such as travel specialists, etc.

III. CONSUMER PARTICIPATION

The Office of the Special Assistant for Consumer Affairs will be in charge of carrying out the Department of State's consumer participation responsibilities under the Executive Order.

As a matter of general policy, the Department will seek to exercise considerable flexibility in providing opportunities for consumer views to be heard in the course of its decision-making process. The Department will accept and consider consumer views submitted at any time in the policy formulation process on an issue. Views may be provided in writing, by telephone or personal visit to the Special Assistant.

The Department's primary method for ensuring direct consumer participation in its program is the following. First, the Department engages in an ongoing program of direct letter and telephone contacts with state and local consumer organizations as well as with consumer and public interest groups represented in Washington, D.C. This is a continuous outreach program designed to maintain contact and solicit views from consumer groups and individuals who have an interest or expertise in those particular consumer-related issues within the responsibilitity of the Department.

In addition to these activities, Department representatives attend various consumer meetings and publicize the Department's program in the media as part of a broader effort to make consumers aware of the opportunity for them to make their views known.

Second, the Department seeks out representative consumers, frequently affiliated with a consumer or public interest organization, for a more intensive form of briefing and exchange of views. This often involves bringing the individual to Washington, D.C. with travel and per diem expenses paid by the Department and is usually done in connection with preparing consumer representatives to serve on international conference delegations which are accredited officially by the Department's Office of International Conferences.

Third, the Department selects consumer representatives to act as advisers on U.S. delegations to international meetings that are negotiating or discussing issues with a significant impact on American consumers. Consumer representatives will be selected as far in advance of such international meetings as possible. Criteria will be established, taking into account consumer views, which will be utilized in selecting consumer advisors. Travel and per diem expenses are paid by the Department of State during the period of the meeting. Both the program of Washington consultations and participation on official delegations are subject to the availability of Department funds and the meeting of Congressional and Departmental criteria for the expending of these funds.

The Departments of State's regulations for selecting and funding consumer and public interest representatives, as well as guidelines covering the actual participation of private sector advisers on delegations, are described in more detail in **Federal Register** notices No. 624 of August 24, 1978, and No. 655 of March 23, 1979.

A number of consumer and public interest representatives also serve, along with other private sector individuals, on advisory committees to the Department of State. The Department will continue this program and its policy of

meeting the travel and per diem expenses of consumer representatives, as funding is available.

The Department will hold a meeting once each year of a group of consumer representatives who have served as advisers on U.S. Government delegations, as funds are available. This will be done to improve the effectiveness and usefulness of presented to the Department on consumer matters.

To further strengthen the capacity of consumers to provide advice, the Department will make available technical assistance where possible to consumer groups established to give consumer views to the Department.

In addition, the Special Assistant will hold at least one open meeting per year with consumer groups and representatives and will schedule *ad hoc* meetings at the request of consumer representatives who wish to raise a particular issue of concern with the Department, with senior officials participating in keeping with the nature of the issue to be discussed.

To further inform consumers of the opportunities available for participation in State Department policy formulation, the Department's program will be incorporated into a brochure which will be made widely available as part of its informational program.

The Special Assistant will also maintain a regular mailing list of interested consumer groups and individuals for the purpose of informing them of specific opportunities to make their views known on issues under consideration by the Department of State.

The Special Assistant will act within the Department of State to ensure consumer concerns are adequately considered. Where possible, the effects on consumers will be specified in position papers for international negotiations on issues having a significant impact on American consumers.

IV. INFORMATIONAL MATERIALS

The Office of the Special Assistant for Consumer Affairs will be responsible for planning and carrying out the Department's consumer information program. The Department's informational material is considered fully adequate for its past program, but will need to be expanded as consumer activities are increased under provisions of Executive Order 12160.

The Department will continue its policy of making available individually tailored written materials and providing specific oral briefings for consumer advisers on particular issues and for consumer representatives on U.S. delegations negotiating issues relevant to U.S. consumers.

The Department will broadly publicize its program and the opportunities for consumers to make their views known.

In addition, the Department of State will produce and distribute to broad consumer audiences a brochure to inform consumers about the Department's responsibilities and services in consumer affairs and its procedures for consumer participation in these matters. This material will be made available within six months of the publication in the **Federal Register** of the Department's final consumer affairs program. Distribution will be made to consumer organizations throughout the country for direct distribution to their membership and to the public at large.

For meetings open to the public on consumer-related issues, the specific office within the Department having responsibility for the meeting will ensure that clear, descriptive material is available to all participants on the issues to be discussed. Such materials will be available at the time of the meeting or may be obtained upon request from the Office of the Special Assistant for Consumer Affairs or the specific office having responsibility.

The Special Assistant or other officials will also be available to speak, discuss and hear views outside of Washington to the extent travel funds permit.

The Bureau of Consular Affairs will be responsible for the Department's information program on consular services that are available to the public. These include:

(A) Issuance of passports. Numerous publications and notices are used to inform the public about this service. Proposed changes in passport regulations are subject to established rule-making procedures and are published in the **Federal Register** for public comment prior to taking effect. Questions about passports should be directed to the Public Inquiries Section, Passport Office, Department of State, Washington, D.C.

(B) Overseas Citizens Services. These services include the overseas travel advisory program; emergency aid for Americans who are in serious legal, medical, or financial difficulty overseas; a welfare/whereabouts system for inquiring about U.S. citizens abroad; and assistance with such matters as loss of citizenship, federal agencies benefit programs abroad, judicial services, property and estates. These services are widely publicized through the Public Affairs Office of the Bureau of Consular Affairs. Inquiries may be made with the Office of Overseas Citizens Services, Department of State, Washington, D.C.

(C) Single copies of brochures and information are available free of charge on a wide range of subject matter of interest to Americans traveling abroad. Publications are available on such topics as overseas travel tips for senior citizens; consular services available from the Department's Bureau of Consular Affairs in liaison with consular officers abroad; and how American tourists should prepare for overseas trips. These may be requested from the Public Affairs Office, Bureau of Consular Affairs, Department of State, Washington, D.C.

Free single copies of publications on regulations and suggestions for avoiding inconveniences while visting certain countries and regions of the world may be obtained from the Passport Office, Department of State, Washington, D.C.

V. EDUCATION AND TRAINING

The Office of the Special Assistant for Consumer Affairs will be responsible for informing Department officials about the provisions of Executive Order No. 12160 and the specific elements of the Department's consumer affairs program. This will be accomplished by written briefings for senior, policymaking officials and by circulation of a Departmental notice. The final consumer affairs program will be circulated to all personnel who are expected to be involved in any facet of consumer activities. Any significant changes in the consumer program will be communicated within 30 days to Departmental personnel.

The Special Assisant will be responsible for ensuring that any specialized training in consumer affairs is provided and that Department officials are sensitized to consumer needs and perspectives. Highly specialized training would probably be requested from another department or agency having such facilities.

The Department will assist consumer representatives in the completion of "Biden questionnaires" (the application forms used by those seeking financial assistance from the Department) and in developing any additional substantive expertise to serve most effectively on U.S. negotiating delegations for which they have been accredited.

VI. COMPLAINT HANDLING

The central point of responsibility for handling complaints of a consumer nature will be the Office of the Special Assistant for Consumer Affairs.

Telephone, personal visit and mail complaints will be directed to this office for initial handling. The following procedures will be carried out:

(A) Screening. Complaints will be screened by the Special Assistant's office to determine their applicability to the Department of State. Those complaints falling within the responsibility of another agency will be forwarded to that agency for action.

(B) Logging and classifying. Telephone and personal visit complaints that cannot be resolved during the first contact will be logged. All mail complaints will be logged. Every consumer complaint communication will be entered into the Central Complaint Log with a numeric indicator assigned to it. The following topical categories will be used to classify complaints: commodities, energy, civil aviation, telecommunications, business and general. The date received, nature of the complaint, name of complainant, office assigned responsibility for replying, due date for responding and eventually the date reply sent will be noted in the log for each complaint.

(C) Routing. Consumer complaints will then be routed to the responsible office in the Department of State with instructions on how replies are to be handled.

(D) Responding. The office assigned responsibility will investigate the complaint and reply within ten working days or send an interim communication acknowledging receipt and indicating when a reply can be expected. All replies will be sent within twenty working days. Responses may take the form of telephone calls letters or other written communications, depending on the circumstances of the particular complaint. A "tickler" file will be maintained by the Office of the Special Assistant and Complaint responses will be monitored to ensure that timely replies are made. A copy will be sent to the Special Assistant's office where it will be maintined on file for a minimum period of two years.

(E) Analyzing and Reporting. An analysis of the consumer complaints received and the implications for the Department of State will be done by the Special Assistant at intervals not to exceed one year in duration. At the end of each calendar year a report will be sent to the Secretary of State, the Assistant Secretary for Economic and Business Affairs or other senior officials having responsibility for issues covered in that particular report. The report will describe the pattern of complaints received, their policy implications for the Department and any appropriate action that should be taken. This annual report will also include an evaluation of the Department of State's consumer complaint handling system.

The Bureau of Consular Affairs maintains a similar but separate complaint-handling system. Complaints concerning the Passport Office, the Visa Office or the Overseas Citizens Services Office may be sent directly to these offices, Department of State, Washington, D.C.

The Department of State's receptivity to complaints and its system for handling them will be made known to consumers and consumer groups. This will be done primarily by publicizing the programs in brochures to be sent to consumer organizations throughout the country for direct distribution to their membership and to the public at large.

VII. OVERSIGHT

The Department's Special Assistant for Consumer Affairs is designated by the Secretary of State to be the responsible official for policy guidance, coordination and oversight of consumer affairs activities.

The position of Special Assistant for Consumer Affairs will be filled by a senior-level Department of State officer. The Special Assistant will be attached to the office of the Assistant Secretary for Economic and Business Affairs, as shown on the organizational chart. In his capacity as Chairman of the Department's Consumer Coordinating Group the Special Assistant may report to the Secretary, as needed.

The Department's senior-level consumer official, the Special Assistant for Consumer Affairs, and the Consumer Affairs office may be reached at the following telephone number: (202) 632–8836. Requests for informational materials and inquiries about complaint handling may be directed to the following number: (202) 632–8837. For all inquiries concerning information and complaint handling in the area of consular and overseas citizens services call: (202) 632–3666 for non-emergency services and (202) 632–5225 for emergency services.

The final consumer affairs program will be incorporated into the Department's regulations by inclusion in the Foreign Affairs Manual.

Dated: May 23, 1980.

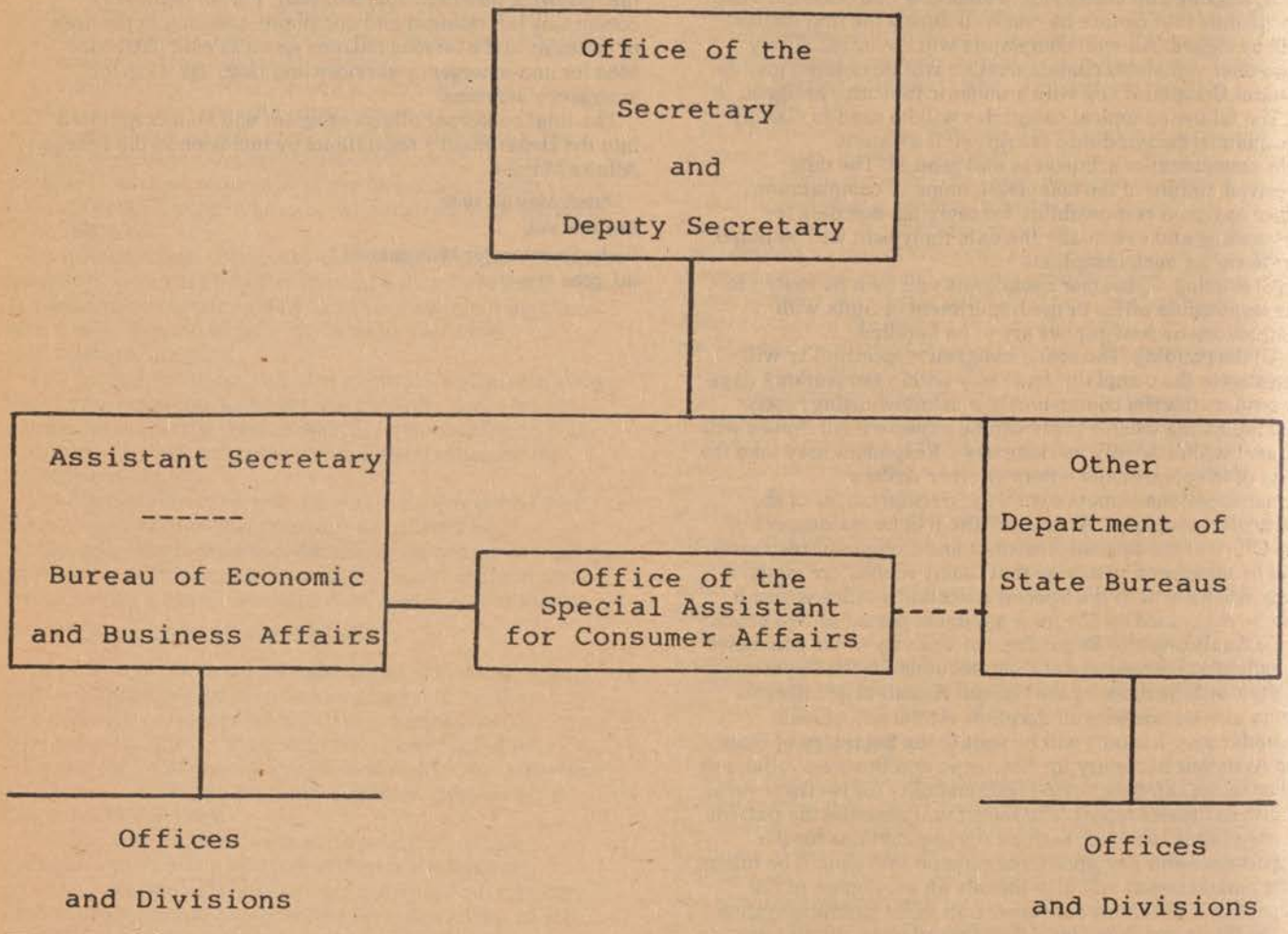
Ben H. Read,

Under Secretary for Management.

BILL CODE 4710-07-M

Department of State

Consumer Affairs Organizational Chart



[FR Doc. 80-16917 Filed 6-6-80; 8:45 am]
BILL CODE 4710-07-C

federal register

Monday
June 9, 1980

Part VII—Section D

Department of Defense

Final Consumer Program

THE WHITE HOUSE

WASHINGTON

2 JUN 1980

Dear Secretary Brown:

As Chairperson of the Consumer Affairs Council and on behalf of President Carter, I am pleased to approve the Department of Defense's consumer program established under Executive Order 12160. The Department's program will play a vital role in assuring that consumer interests will be an integral part of agency decisionmaking.

The publication of agency consumer programs on June 9 will mark the culmination of several years of work by many capable and dedicated people both within and outside the government. The contribution and assistance provided by Assistant Secretary Robert Pirie, Captain Richard Fleeson, Ms. Barbara Schoenberger, and others of your staff have been particularly helpful. Under the Department's program, Mr. Pirie will serve as your Consumer Affairs Advisor and will be assisted by Ms. Schoenberger as Special Assistant for Consumer Affairs. This arrangement should provide the necessary opportunity for the Department to assess the impact on consumers of rules, policies, programs and legislation. The program is further strengthened by the establishment of a Consumer Affairs Coordinating Committee with representatives from all military departments and Defense agencies. However, as Mr. Pirie has other responsibilities besides consumer affairs, his position does not fully meet the requirements of the Executive Order. For this reason, my approval is conditioned upon my finding in the course of the coming year that this arrangement does not detract from the effectiveness of the Department's consumer program.

With the publication of each agency's final program, a new phase of our work begins. This office will work closely with you in monitoring the effectiveness of the Department's consumer program in meeting the standards of the Order and in achieving the objectives you have set for the Department. During this time my staff and I will be available to help in any way we can. I will be reporting to the President at the end of each fiscal year on government-wide progress under the Order, and I am sure that these reports will reflect considerable success.

Thank you for doing your part in this effort. I am confident that implementing this Executive Order will make an important contribution to consumer welfare in the United States.

Sincerely,

Esther Peterson
Special Assistant to the President
for Consumer Affairs

The Honorable Harold Brown
Secretary of Defense
Washington, D. C. 20301

BILLING CODE 3810-70-C

DEPARTMENT OF DEFENSE

Office of the Secretary

DoD Consumer Affairs Program

AGENCY: Department of Defense.

ACTION: Final Consumer Program.

SUMMARY: This program is established to implement Executive Order 12160, "Providing for Enhancement and Coordination of Federal Consumer Programs." It is designed to ensure that persons who are affected by DoD-sponsored legislation, regulations, policy decisions, or program actions, have the opportunity to present their views, and that these views are considered in the decision-making process. It provides specific guidance to all Heads of DoD Components and DoD commanders on the types of DoD activities that are consumer-related.

EFFECTIVE DATE: July 9, 1980.

ADDRESS: Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), Room 3E808, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Schoenberger, 202–697–9525.

SUPPLEMENTARY INFORMATION: In FR Doc. 80–2597, appearing in the **Federal Register** on February 4, 1980 (45 FR 7742), the Office of the Secretary of Defense published a draft Consumer Program. As a result of comments received within the Department of Defense, other federal and executive agencies, and the public, the program was substantially recast. Five public comments were received which expressed general support of the program and encouraged increased consumer participation and appropriate words were incorporated into the program manuscript.

DOD CONSUMER AFFAIRS PROGRAM

A. Purpose

This Directive implements E.O. 12160 to improve consumer-related DoD consumer affairs programs and to ensure that persons who are affected by defense-sponsored legislation, regulations, policy decisions, or consumer affairs program actions have the opportunity to present their views.

B. Applicability

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter called "DoD Components").

C. Policy

1. It is the policy of the Department of Defense that the needs and interests of consumers shall be adequately considered and addressed in the formulation of DoD policies. Furthermore, it is fundamental to the Department of Defense that consumers participate in the policy-making process.

2. To encourage a two-way communication between the Department of Defense and the consumer on applicable defense products and services, existing DoD consumer affairs programs shall be improved to facilitate active consumer participation. The emphasis of this participation shall be focused on the interests of the individual citizen within the defense community, while complementing the efforts of organized state and local consumer protection groups. The improved consumer programs shall be designed to increase overall public awareness of planned Defense activities, changes in DoD policies, and other actions planned or being taken by the Department of Defense, provided that the interests of national security are safeguarded.

D. Responsibilities

1. The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L))* shall serve as the Consumer Affairs Advisor to the Secretary of Defense for consumer affairs. As Advisor, the ASD (MRA&L) shall:

a. Coordinate consumer affairs issues arising within DoD Components.

b. Participate in the development and review of departmental policies, programs, legislation, and rules on consumer-related issues.

c. Be assisted by the following officers, who shall keep the Consumer Affairs Advisor informed on all consumer-related issues in their areas of authority, and report semiannually to the Advisory on the status of present and future consumers issues:

(1) Under and Assistant Secretaries of Defense.

(2) Director of Economic Adjustment.

(3) Deputy Assistant Secretary of Defense (Energy, Environment and Safety).

(4) Deputy Assistant Secretary of Defense (Supply, Maintenance, Transportation, and Services).

(5) Deputy Assistant Secretary of Defense (Installations and Housing).

(6) Deputy Assistant Secretary of Defense (Program Management).

(7) Deputy Assistant Secretary of Defense (Requirements, Resources, and Analysis).

(8) Deputy Assistant Secretary of Defense (Equal Opportunity).

(9) Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

(10) Deputy Assistant Secretary of Defense (Military Personnel Policy).

(11) Deputy Assistant Secretary of Defense (Reserve Affairs).

(12) Chairs of the Reserve Forces Policy and Armed Forces Chaplains Boards.

d. Plans, program, and budget for program resources, and obtain actual costs incurred to compare against the program and the benefits anticipated.

e. Serve as the Secretary's representative on the Consumer Affairs Council established under E.O. 12160.

f. Appoint a Special Assistant who shall:

(1) Assist the Consumer Affairs Advisor in all aspects of the consumer program, including activities arising from participation in the Consumer Affairs Council.

(2) Chair a Department of Defense Consumer Affairs Coordinating Committee consisting of representatives from the Military Departments and Defense Agencies.

2. The *Secretaries of the Military Departments* and the *Directors of the Defense Agencies* shall:

a. Collect and evaluate data on consumer affairs, in accordance with the policies in DoD Directives 5000.19, "Policies for the Management and Control of Information Requirements," and 5000.11, "Data Elements and Data Codes Standardization Program."

b. Develop consumer affairs programs consistent with the policies of this Directive.

c. Address consumer concerns related to their activities.

d. Establish a Consumer Affairs Committee and designate one person to serve as Consumer Affairs Representative and to handle public inquiries and complaints on programs with significant public involvement or impact.

e. Notify their Consumer Affairs Representatives when a DoD Component is considering a new policy or program that may have an impact upon consumers.

3. *Heads of DoD Components* shall follow the guidelines contained in enclosure 1.

E. Exemption

DoD activities under Section 6(b) of E.O. 12044 are exempt from the provisions of this Directive.

ENCLOSURE 1—DOD CONSUMER AFFAIRS PROGRAMS GUIDELINES

A. Consumer Participation

1. *General.* These guidelines reflect the Secretary of Defense's support of consumer participation in early policy and program development in appropriate matters. Each Military Department, Defense Agency, and each OSD staff element shall consider the viewpoint of consumers in matters of consumer concern. To implement this goal, the Consumer Affairs Advisor shall consult with the Secretaries of the Military Departments, Directors of Defense Agencies, and OSD staff elements to consider matters appropriate for consumer participation. The Advisor and the Secretaries of the Military Departments and Directors of Defense Agencies shall devise and implement a plan for early and meaningful consumer participation in such matters. Should the Advisor and the Military Department or Defense Agency disagree on the appropriateness of consumer participation or on a particular form of consumer pariticipation in a given matter, the Secretary of Defense shall resolve the question. Consumer participation shall begin in designated matters at the policy development stage or at the rule or legislative drafting stage. Techniques to collect or solicit information from consumers that entail the use of report forms, questionnairs, surveys (either written, telephonic, or personal interview), or similar methods calling for answers to identical questions from 10 or more persons who are not employees from agencies or instrumentalities of the United States shall not be used unless clearances from the Office of the Assistant Secretary of Defense (Comptroller) and the Office of Management and Budget are obtained in accordance with DoD Directive 5000.19, "Policies for the Management and Control of Intermation Requirements."

2. *Avenues of Paricipation.* a. Each Military Department, Defense Agency, and OSD staff element shall give full consideration to consumer concerns in the course of decision making.

b. The Department shall, through its Public Affairs Office, release information to internal and external news media, as appropriate, giving notice of those matters significantly affecting consumers of DoD products and services.

c. Public forums are encouraged to be held on substantive proposals which affect a large number of consumers.

d. Unless specifically exempted in writing by the Secretary of Defense, the Secretary of a Military Department, or the Director of a Defense Agency, consumer input shall be obtained for each activity that interfaces with or provides service to military beneficiaries or the general public. Consumer representation shall be constituted to ensure that it is responsive to the needs of the personnel served. Subjects shall include, but not be limited to, advising management on product selection; adequacy of service; hours of operation; consumer education programs; responsiveness to patron requirements, suggestions, or complaints; and consumer oversight and evaluation. Any formal groups or committees created under the Consumer Affairs Program shall be established in accordance with Pub. L. 92–463 and DoD Directive 5105.18, "Department of Defense Committee Management Program."

e. Examples of the types of consumer products and services provided by the Department of Defense to the defense community and the general public at military installations follow:

(1) *DoD Products and Services Provided to the Defense Community.*

Post and Base Exchanges/Ships Stores
Commissaries/Navy Resale Stores
Concessionaires
Clubs/Messes
Restaurants/Cafeterias
Snack Bars/Convenience Stores
Gas Stations
Hobby Shops
Four Season Stores
Thrift Shops
Marinas
Clothing Sales Stores
Golf Courses
Day Care Centers
Kindergartens
Nurseries
Special Services
Red Cross
Travelers Aid
Navy Relief Society
Air Force Aid Society
Army Emergency Relief
Combined Federal Campaign
Chaplain Services
Housing Referral Service
Banks/Credit Unions
Bus and Taxi Service
Laundry and Dry Cleaning Services
Shoe Repair
Medical and Dental Services
Entomological Services
Refuse and Trash Collection
Educational Services
Social Counseling Services
Schools/Colleges
Adult/Continuing Education Programs
Vendor Services
—Life Insurance
—Automobiles
—Periodicals
—Other Direct Retail Sales

(2) *DoD Products/Services/Facilities Provided to the General Public.*

Surplus Property Sales
Timber and Timber Product Sales
Museums
Recreational Programs
Gymnasia
Parades/Ceremonies/Special Events
Open Houses
Emergency Use of Military Airfields
Joint Use Proposals of Military Airfields
Aeroclubs
Civil Air Patrol Programs
Scouting Programs
Young Adult Conservation Corps Programs
Youth Conservation Corps Programs
Job Corps
Other Youth Programs
Comprehensive Educational Training Act Programs
Use of Military Medical Facilities for Emergency Care
Military Assistance to Safety and Traffic Programs
Refugee Relocation Programs
Disaster Relief Assistance Programs
National Historic Properties and Landmark Programs
Sporting Events
Air Shows
Stock Car Racing Programs
Off-Road Vehicle Trails
Nature Trails

Public Hunting and Fishing
Water Recreational Facilities
Sale of Utility Services
Natural Resources Educational Programs
Change in Public Access to Military Installations, Properties, Facilities
Cemeteries/Interment Services
Agricultural Outleases
Grazing Leases
Nonmilitary Use of Ranges, Firing and Other
Public Transit of Military Danger Zones
Use of Material Recycling Centers
Use of Sanitary Landfills
Use of Public Picnic Areas
Activities in Buildings and Facilities to Which the General Public Has Access

f. The Advisor may recommend to the Military Departments and Defense Agencies or the Secretary of Defense other appropriate mechanisms and opportunities for consumer participation.

(1) *Inspector General (IG) System.* The Department of Defense provides opportunities for consumers to express their views in the field and at headquarters levels as well as at several points in the DoD decision making process through the IG System. The IG shall continue to function as the commander's primary means of ensuring responsiveness to consumer needs. The IG will also ensure that the various consumer advocacy agents fulfill their responsibilities for the success of the program.

(2) *Dissemination of Scientific and Technical Information.* The Department of Defense conducts a broad program of research, development, test, and evaluation. The results have potential for use by the private sector, other government agencies, and state and local governments in the solution of critical domestic problems. This unclassified information is made available to the public through the Department of Commerce clearing-house and the National Technical Information Service, which announce and disseminate this information to the general public.

3. *Consumers of Goods and Services Offered in DoD Activities.* (a) Inherent in the military establishment are numerous procedures at the installation level that permit individuals to initiate views regarding their interest as consumers of goods or services offered by DoD-sponsored activities. It is here, in the military community, that likes and dislikes are first made known, corrective action taken, or referral to higher levels accomplished. The accessibility of local assistance, however, does not preclude the use of other available channels of communications.

(b) Consumer suggestions and comments are analyzed and passed from advisory groups and staff elements to the appropriate decision level. These suggestions are received from a number of sources, as appropriate to the individual activity, including:

1. Written correspondence.
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.

(c) *Communications to Consumers on Issues and Decisions.* Consumers are made aware of issues and pending final decisions that affect them through publication in the **Federal Register**, internally disseminated information, service press, local press, and legislative releases. Policies are promulgated by such means as directives, instructions, and regulations.

(d) *Feedback to Consumers About Their Comments.* Written comments from consumers must receive a direct reply. Responsible local officials respond to individual or group consumer suggestions. Moreover, local commanders, or their representatives, must 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.

(e) *Consumer Education.* A continuing effort must be maintained to educate consumers. Examples include commanders' calls, telephone and installation newspapers, hotlines, books, pamphlets, fact sheets, films, and American Forces Radio and Television Service programs overseas where topics such as best buys, open dating, and unit pricing are discussed.

B. Informational Materials

1. *Publicizing Consumer Affairs Program.* DoD Components shall use existing Public Affairs Offices to publicize the departmental consumer program and related consumer activities.

2. *Usefulness of Current Material.* The following available publications provide information which may affect the consumer of DoD products or services:

a. DoD Directive 5100.54, "Homeowners Assistance Program," December 29, 1967.

b. DoD Directive 5400.9, "Publication of Proposed and Adopted Regulations Affecting the Public," December 23, 1974.

c. DoD Directive 5400.7, "DoD Freedom of Information Act Program," March 24, 1980.

d. DoD Directive 1344.7, "Personal Commercial Affairs," July 1, 1969 (governs the conduct of private solicitation on DoD installations and prescribes the intent of the Department of Defense to safeguard and promote the welfare and interests of its personnel as consumers).

e. DoD Directive 1344.1, "Solicitation and Sale of Insurance on Department of Defense Installations," August 31, 1977 (establishes standards of conduct in soliciting and selling insurance on DoD installations).

f. DoD Directive 1344.9, "Indebtedness of Military Personnel," May 7, 1979 (sets forth procedures for processing claims of indebtness against members of the Military Services).

g. DoD Directive 1330.9, "Armed Services Exchange Regulations," October 29, 1971 (establishes patron eligibility and prescribes authorized goods and services).

h. DoD Directive 1330.17, "Armed Services Commissary Store Regulations," May 4, 1978 (establishes patron eligibility and prescribes authorized goods and services).

3. *Plans for Improvement.* a. The Consumer Affairs Advisor shall review DoD's informational materials and make recommendations for improvement.

b. The Advisor shall consult appropriate governmental entities, including the General Services Administration Consumer Information Center/Federal Information Center, regarding methods for achieving optimum distribution of DoD's informational materials (E.O. 11566).

c. Distribution of the Consumer's Resource Handbook within the Department of Defense shall be considered to provide guidance on handling public inquiries and complaints.

4. *Officials Responsible for Consumer Information Program.* The Advisor, and designees, shall review current informational materials and provide advice regarding the preparation of new materials.

5. *Information on Agenda of Public Meetings.* Explanatory materials for consumer meetings of the Department of Defense shall be prepared by the unit involved with appropriate assistance from the Advisor. The materials shall describe general topics of concern as well as the date, time, place, and format for the meeting. They shall invite suggestions for additional topics to be addressed at the meeting. These materials shall be made available through the Public Affairs Office and shall be mailed to appropriate organizations in the area in which the meeting is to take place.

C. Education and Training

1. *Areas in Which Training Provided.* a. Training shall be provided in complaint handling and in other matters the Advisor concludes would help implement the plan.

b. The Advisor shall respond to inquiries about the plan and shall assist the Military Departments and Defense Agencies in their implementation.

2. *Specialized Training for Consumer Affairs Personnel.* a. Military Departments and Defense Agencies shall train individuals in complaint handling and other consumer affairs responsibilities. The training shall cover the major consumer resources of the Department of Defense and other government agencies, courtesy and attitude in responding to mail and telephoned inquiries, guidelines for appropriate responses to inquiries, and disclosure policies regarding pending departmental matters.

b. The Military Departments and Defense Agencies shall sponsor the attendance of Consumer Program Representative and others at training sessions provided by other agencies.

D. Complaint Handling

1. *Interest In and Methods for Filing.* a. The Assistant Secretary of Defense (Public Affairs), after consultation with the Advisor, shall issue press releases containing information to educate consumers on DoD's mission and to invite information, comment, and complaints. The releases shall specify the offices within the Department of Defense to which written comments, report, and complaints should be directed.

b. All DoD informational publications shall be reviewed by the Advisor to consider whether revisions are appropriate, to indicate departmental receptivity to comments and complaints, and to designate a point of contact within the Department of Defense.

2. *Format for Logging Complaints.* The Advisor shall survey the Military Departments, Defense Agencies, and staff elements of the Office of the Secretary of Defense to determine the volume and types of consumer inquiries received and the procedures used in handling inquiries. The Advisor shall also review mailroom and telephone switchboard procedures to ensure that compliants receive timely, courteous, and appropriate responses, and that the complaint procedures facilitate the gathering of statistical and summary information for analysis by departmental officials. The Advisor shall direct Consumer Program Representatives to establish a system, categorizing complaints for statistical analysis consistent with the provisions of DoD Directive 5000.19, "Policies for the Management and Control of Information Requirements," and 5000.11, "Data Elements and Data Codes Standardization Program."

3. *Investigation and Analysis.* Standards issued by the Advisor shall ensure that complaints are considered promptly and appropriately by officials of the Department of Defense.

4. *Response Procedure.* The Advisor shall prepare a Consumer Resource Handbook for departmental use in responding to consumer inquiries.

5. *Evaluation of Complaint Handling System.* After issuing and implementing standards, the Advisor shall regularly evaluate the results of the systems and the promptness and quality of the departmental responses to consumer inquiries.

6. *Statistical Analysis.* The Advisor shall prepare an annual report to the Secretary of Defense analyzing the complaints received by the Department of Defense. The Secretary of Defense, the Military Departments, and the Defense Agencies shall consider the patterns of complaints received and the concerns expressed regarding departmental policies and practices. Policy changes shall be made as needed.

E. Oversight

The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) is designated as the Consumer Affairs Advisor. The Advisor work in conjunction with designated officials throughout the Department of Defense, as articulated in this enclosure, and bring to the direct attention of the Secretary of Defense any matters relevant to a unit's performance under this enclosure for consideration and action. In addition to an annual report evaluating the status of this program, the Advisor may make ad hoc assessments to determine the effectiveness of various aspects of this program.

M. S. Healy,

OSD, Federal Register Liaison Officer, Department of Defense.

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