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Order

DOE 1210.1

MASTER

Department of Energy
**Citizen
Participation
Manual**

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Department of Energy
Washington, D.C. 20585

MEMORANDUM FOR ALL DOE EMPLOYEES

FROM: JOHN F. O'LEARY *O'Leary 7-25-79*
SUBJECT: Citizen Participation Manual

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

Public understanding of the complexities of energy issues and public involvement in the decision process addressing these issues are essential steps in achieving an effective national energy policy. Because of time and resource constraints in the past, many of our programs and activities have not been understood well by the general public, resulting in a lack of a basic understanding of the nature and objectives of such programs. We must improve our ability to effectively communicate with and respond to the energy concerns of the American people. Only through open and constructive communication can we work together to develop acceptable solutions to the energy problems facing the Nation.

The Office of Consumer Affairs (OCA) has the primary responsibility for managing and coordinating the public participation efforts of the Department, through public meetings, advisory committee participation and other outreach mechanisms aimed at assuring all citizens an opportunity to participate in the governmental process relating to energy decisions. However, DOE program areas are directly accountable for regular and substantive public participation programs. OCA and other IR offices, as well as Regional offices, can assist in this effort, but the obligation to meet our public participation mandate remains the responsibility of each program office.

The attached Citizen Participation Manual outlines the public participation policy that should be followed by all offices. All offices are directed to observe the guidance in the manual in shaping and conducting public participation activities, including the public participation efforts required by DOE Order 2030, Procedures for the Development and Analysis of Regulations, Standards, and Guidelines.

The next step will be the development of a DOE Consumer Representation Plan by OCA (to replace the plans initiated by FEA and ERDA) to establish guidelines which will assure consumer representation in major policy and program development.

I have asked OCA to conduct workshop sessions on use of the manual, the role and available support resources of IR, and planning effective citizen participation programs. Here is a list of the workshop sessions scheduled by OCA.

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
September 10	1:00-4:00 p.m.	Room 8E069 Forrestal
September 11	1:00-4:00 p.m.	Room 8E069 Forrestal
September 12	1:00-4:00 p.m.	Room 6E069 Forrestal
September 13	1:00-4:00 p.m.	Room GE045 Forrestal

Additional sessions will be scheduled as necessary.

All offices should assign appropriate personnel to participate. Contact Sandra Bregman (252-5141) or Liz Overstreet (252-5877) of OCA to reserve a convenient time.

OCA will prepare a report for me at the end of these workshops on the extent and quality of participation, future citizen participation objectives and results of the sessions. The final DOE Consumer Representation Plan will be developed from your comments and participation during these workshops.

Attachment

U.S. Department of Energy
Washington, D.C.

ORDER

DOE 1210.1

8-13-79

SUBJECT: CITIZEN PARTICIPATION MANUAL

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1. PURPOSE. This order provides guidance and procedures for program offices in making decisions on, planning, and conducting public participation activities.
2. REFERENCES.
  - a. DOE 1900.1, Federal Register Management, of 10-30-78, which defines the responsibilities for administrative management of "Federal Register" documents.
  - b. DOE 2030.1, Procedures for the Development and Analysis of Regulations, Standards, and Guidelines, of 12-28-78, which implements Executive Order 12044 for all Department of Energy (DOE) elements, except the Federal Energy Regulatory Commission (FERC).
  - c. DOE 1320.2, Reports and Forms Clearance Procedures (Public Use Forms), of 10-4-78, which provides general guidance and instructions for complying with the clearance provisions of the Federal Reports Act (44 USC, Chapter 35).
  - d. Office of Management and Budget (OMB) Circular No. A-95 (revised), which sets forth procedures for informing communities of Federal programs and projects having a significant impact on area and community development.
3. BACKGROUND. It is the policy of the Department of Energy to develop regulations in an open and accountable manner with extensive public participation early in the process. DOE also has a strong commitment to afford the public the opportunity to participate not only in the development of regulations, but also in the formulation of the basic policies and program plans that underlie regulatory programs. It is noted that there are some specific public participation requirements in the environmental impact statement process as specified by the National Environmental Policy Act (NEPA), which are not addressed in this order. The Council on Environmental Quality (CEQ) has issued regulations regarding NEPA implementation, to become effective 7-30-79

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(40 CFR 1500), which set forth these requirements. DOE is in the process of preparing a proposed plan of procedures for implementation of the CEQ regulations. DOE personnel should familiarize themselves with the CEQ regulations, and the DOE procedures for implementation when published.

4. DEFINITIONS.

- a. Citizen Participation. An organized process in which the Department, in an open manner, actively seeks and considers the views of the public prior to making decisions which affect the public interest.
- b. Public. All groups, organizations, and individuals likely to be affected by and/or interested in Departmental decisions.
- c. Administrative Processes. Activities involving regulation development, policy development, planning, and program operations (includes outlay programs involving research, development, demonstration, and commercialization).
- d. Lead Office. The Secretarial office responsible for administering a regulation and managing the regulatory development process.
- e. Program Managers. Assistant Secretaries and Office Directors.

FOR THE SECRETARY OF ENERGY:

William S. Heffelfinger
Director of Administration

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CHAPTER I

DETERMINING PUBLIC PARTICIPATION NEEDS

1. IMPORTANCE OF PUBLIC PARTICIPATION.

- a. Citizens have the right to participate in the administrative process. The Department of Energy Organization Act recognizes the importance of citizen participation by providing for the expression of oral views in significant rulemakings.
- b. Citizens now have the right to information. The Freedom of Information Act (FOIA), as amended in 1974 by P.L. 93-502, provides for citizen access to rules, opinions, policies, orders, records, proceedings, and other documents that affect the public, with the exception of information falling within the nine exemptions of that Act.
- c. The process of public participation is the mechanism for giving citizens the opportunity to express, discuss, and balance their values as they relate to administrative decisions which will affect them. The process of public participation can make the administrative process more responsive to the public interest.

2. ELEMENTS OF PUBLIC PARTICIPATION. Public participation involves:

- a. Public Information - giving people information on a timely basis which will stimulate and prepare them to participate.
- b. Interaction - dialogue between DOE personnel and the public.
- c. Action - DOE consideration and evaluation of the public comments expressed.

3. ADMINISTRATIVE PROCESSES. DOE should seek public participation in all administrative processes to the extent allowable whenever proposed actions are significant. (Public participation in certain matters may be limited by requirements to protect classified information, proprietary data, privacy data, and other information exempt from disclosure under the FOIA.) Generally, a proposed action is significant unless it is not expected to affect important policy concerns, or be a matter of major concern to the President, Congress, or the public, or require substantial DOE resources to implement. There are four categories of DOE administrative processes which call for public participation: regulation development, policy development, planning, and program operations.

- a. Regulation Development. DOE has divided the regulation development process into two parts: for significant regulations, and nonsignificant regulations. (Consult DOE 2030.1 for more detailed information on criteria for determinations of significant/nonsignificant regulations).
- (1) Significant Regulations. A regulation is always significant unless DOE determines that it is not expected to affect important policy concerns, or be a matter of major concern to the President, Congress, or the public, or require substantial DOE resources to enforce. The public participation requirements are:
- (a) The lead office (Secretarial Office) will work with the Office of Intergovernmental and Institutional Relations (IR) to develop a plan for including the public in the regulation development process.
  - (b) DOE will publish the proposed regulations in the "Federal Register" in accordance with DOE 1900.1.
  - (c) Except for very unusual circumstances, DOE will provide for a 60-day public comment period after the publication of the proposed regulation. Under no circumstances will the public comment period be less than 30 days.
  - (d) DOE must publish notification inviting comment in the "Federal Register" and through other effective means (e.g., direct notification of interested parties and news releases).
  - (e) DOE shall hold one or more public hearings, preceded by at least 14 days notification.
  - (f) DOE shall make a full, verbatim transcript of any oral presentation in a public hearing.
  - (g) DOE will summarize and evaluate the public comments, and consider them fully in revising the regulation. DOE should send a summary of the public comments to people testifying for their review and verification.
  - (h) DOE will include in the publication of the final regulation an explanation responding to the major comments, criticisms, and alternatives offered during the comment period.
  - (i) The lead office will establish and use appropriate procedures to control all documents associated with public participation in regulation development.

- (j) If the significant regulation is likely to have a major impact, DOE will prepare a regulatory analysis, publish a summary of it in the "Federal Register," give notice of its availability, and give the public the opportunity to comment on it. If DOE determines that the proposed regulation will not have a major impact, it will publish a statement to this effect, with justification and a description of the anticipated effects, in the "Federal Register."

(2) Nonsignificant Regulations. The requirements are:

- (a) DOE will publish the proposed regulation in the "Federal Register" together with an explanation as to why the regulation is not significant.
- (b) At least a 30-day public comment period will follow the publication of the proposed regulation.
- (c) DOE will publish notification inviting comment in the "Federal Register" and through other effective means.
- (d) If public comments contest the determination of nonsignificance, the lead offices will reconsider whether the regulation is significant and if so, will follow the public participation requirements for significant regulations.
- (e) DOE will summarize and evaluate the public comments, and consider them fully in revising the regulation.
- (f) DOE will include in the publication of the final regulation an explanation responding to the major comments, criticisms, and alternatives offered during the comment period.
- (g) The lead office will establish and use appropriate procedures to control all documents associated with public participation in regulation development.

- b. Policy Development. There are no requirements for public participation in policy development. However, it is DOE policy to seek public participation to the extent allowable in pending policy issues which are substantial and which can have major impacts on the public.
- c. Planning. Public Law (P.L.) 95-91 requires public participation in the biennial development of the National Energy Policy Plan. Specifically, Section 801 (a)(2) directs the President to:

"seek the active participation by regional, State, and local agencies and instrumentalities and the private sector through public hearings in cities and rural communities and other appropriate means to ensure that the views and proposals of all segments of the economy are taken into account in the formulation and review of... /the/ proposed Plan."

Most other plans developed by DOE are significant and, therefore, candidates for public participation.

- d. Program Operations. This label refers to the ongoing operations of DOE program offices: the outlay programs - research, development and commercialization. Individually, administrative actions may not appear significant and to require public consultation. But cumulatively, they may be highly significant, having major impacts on the public served and affected. For this reason, it may be desirable to conduct some level of ongoing public participation activities to make certain that actions and decisions are consistently responsive to the public.
4. OBJECTIVES. It is important to recognize that objectives are not static. It is possible that DOE might have one set of objectives at the outset, only to discover during the process that other objectives are more appropriate. The following suggested objectives are examples only. Moreover, they are not mutually exclusive.
  - a. To obtain help in identifying problems and issues that should be addressed.
  - b. To obtain help in identifying alternative solutions to those problems and issues.
  - c. To obtain help in identifying the importance of environmental, social, economic, and cultural conditions and values to be promoted and protected.
  - d. To obtain public reaction to DOE proposals.
  - e. To obtain public reaction to alternative solutions.
  - f. To listen to discussions among citizens on important issues.
  - g. To resolve conflicts among competing values.
  - h. To pursue consensus toward actions and decisions in the best overall public interest.
  - i. To increase public understanding of the complexity of energy problems and issues.
  - j. To seek comments and recommendations from the public.

5. DEVELOPMENT AND IMPLEMENTATION OF PUBLIC PARTICIPATION PROGRAMS.

- a. Public participation is a process for soliciting information which will enable DOE to reflect and make an evaluation of all opinions to achieve informed and responsive decisions. Public participation is not a decisionmaking model itself. DOE continues to make decisions in the administrative process. The point is important, because program managers frequently have the impression that they must act positively on all comments made. They do not, and they cannot. Public comments, frequently conflicting, are but one information source.
- b. Public participation does not involve seeking public support or lobbying for DOE positions or proposals.
- c. Public participation can be an integral part of the administrative process. While this manual describes it as an independent function, it must be integrated into the total process so that the topics discussed and the timing of public participation events are relevant to the decisions and schedules of the administrative process.
- d. Public participation takes time. Planning and implementation of any event or series of events can take as long as 7 months - and in no case less than 3 months.
- e. Public hearings by themselves are rarely adequate to achieve public participation objectives.
- f. The planning and implementation of public participation activities in DOE require a collaborative effort involving the lead program office, (IR) offices, and the regional and field offices.
- g. Public notices of proposed actions and forthcoming events published in the "Federal Register" are seldom adequate alone to inform people and encourage their participation. Whenever publication in the "Federal Register" is required by P.L. 95-91, specific mention is also made that DOE should also use "other effective means."

6. RESPONSIBILITIES OF PROGRAM MANAGERS. Program staffs (and supporting DOE offices) are responsible for planning and implementing public participation programs. Program managers are responsible for direction because they are accountable for the process and results of public participation.

- a. Setting Objectives. Program managers must decide early on what they want from the public. This is necessary because (1) the

program managers will ultimately act on the public comments, and (2) the program staffs must have the objectives in order to develop the most appropriate public participation plan.

- b. Approving Public Participation Plans. Program managers must approve the plan (the elements of which are presented in chapter II). They must focus particularly on the scope of the program (i.e., national, regional, and/or local), the budget, the schedule, and whether all necessary concurrences have been obtained.
- c. Participation. Program managers should participate in the program. There are two reasons. First, by actually sitting down with or listening to citizens, they will have first-hand knowledge of what citizens are saying and feeling, and what they consider important. No matter how well comment summaries are written, they never can convey the intensity or context of the public comments. Second, participation by high-ranking officials says to citizens that DOE considers what they have to say to be important.
- d. Acting on Public Comments. Program managers should consider substantive public comments relevant to the proposed actions and decisions on which they were given.
- e. Evaluation. Program managers must approve any changes to the public participation process which emerge from evaluation.

CHAPTER II

PUBLIC PARTICIPATION PLAN

1. PREPARING A PUBLIC PARTICIPATION PLAN.

- a. Every organized interaction with the public should begin with the preparation and approval of a plan. There are several reasons for this plan:
  - (1) To ensure that public participation operates effectively and occurs on time.
  - (2) To document the responsibilities of all DOE offices involved in its implementation.
  - (3) To permit everyone to see, before the plan is implemented, whether the allocated time and resources are sufficient.
  - (4) To permit the staff responsible for implementation to bring all the "pieces" together at the appropriate time.
  - (5) To provide some base for the evaluation of the public participation effort and making necessary changes for future efforts.
- b. When a decision has been made on the need for and the purposes of public participation, the first step in preparing the plan is to discuss your ideas with representatives of the DOE Offices of Consumer Affairs (IR-3), Education, Business and Labor Affairs (IR-4), Public Affairs (IR-6), and the General Counsel (GC-1). The primary reason for this early contact is that these offices can provide guidance and information in developing the plan and support in its implementation. If it is likely that plan implementation will require the involvement of one or more DOE regional or field offices, contact the staff in the appropriate regional or field offices at this time to discuss their ideas, capabilities, and constraints. Their comments may be particularly useful on the potential regional or local impacts of regulatory, policy, planning, or program issues and how the public participation activities might be designed to obtain citizen comments on those impacts.

2. COMPONENTS OF THE PUBLIC PARTICIPATION PLAN. The next steps in preparing the plan are to put together its components and to obtain the necessary concurrences.

- a. Objectives. Each plan should begin with a statement of objectives in relation to regulation development, policy development, plan development, or program operations.
- b. Assessment of the Public Environment. "Public environment" means the scope and nature of potential public interest in the issue or program requiring public participation.
  - (1) An assessment of the public environment is important in deciding:
    - (a) Whether a national, regional, and/or local effort is needed;
    - (b) What types of groups, organizations, and individuals are likely to want to participate;
    - (c) What involvement techniques are most likely to be effective;
    - (d) What kind of publicity effort is required;
    - (e) How to tailor public information to prepare the public to participate.
  - (2) Resources to assist in this assessment include: DOE personnel who have met with various groups; newspaper stories over the past few months; IR-3; IR-4; IR-6; and the regional and field offices. (If a DOE advisory committee covering the issue or program exists, the members are an excellent source.) Questions such as the following might be asked:
    - (a) What seems to be the public mood concerning the issue program?
    - (b) Who is likely to be affected by and/or interested?
    - (c) What specific concerns do they seem to have?
- c. Involvement Techniques. There are many ways to provide the public with the opportunity to express views. The task at the public participation planning stage is to select those techniques which are most appropriate to the public participation objectives. Five of the most common are identified and compared in this manual: public hearings and meetings, workshops, committees, surveys and questionnaires, and receiving written and oral comments (by means other than meetings). Paragraph 3 of this Chapter offers guidance in how to design and conduct each technique. Figure 1 on pages II-4

and II-5 summarizes the important characteristics of each technique, where their use is most appropriate, and their principal advantages and disadvantages.

d. Interesting and Alerting the Public to Participate.

- (1) Trying to stimulate broad public participation is a major task. The public will instantly perceive some topics and issues as so important that even minimal public information efforts will attract extensive participation. Topics and issues which may be as important to the public as the more visible ones, but which are not yet perceived as such may require greater public information efforts. Two principal efforts are necessary in interesting and alerting the public to participate: defining and identifying the target audiences; and developing and distributing information materials to stimulate their participation.
- (2) In every case, there are two types of target audiences: the general public, the great majority of energy consumers who are not readily identified with any special group or interest; and interest groups, people organized to promote and protect particular public interests and values. Since the general public includes everybody, all avenues of communication are suitable but the most logical approach for broad dissemination is through the mass electronic and print media. However, since the mass media controls the use of materials, exclusive reliance on this avenue may not be enough.
- (3) The Office of Consumer Affairs currently has (and is continuing to build) a mailing list of approximately 25,000 names and addresses which can be considered for general distribution. Also, to a limited extent, specific audiences can be reached by categorizing specialized mailing lists which can be extremely useful in targeting particular segments of the general public. The Technical Information Center (TIC) at Oak Ridge also has a mailing list for its "Energy Meetings" bulletin.
- (4) Mailing lists on virtually all categories of publics are available commercially. Costs begin at approximately \$40 per thousand names, with costs increasing depending on the requirement for special listings and mailing labels.

POTENTIAL PUBLIC PARTICIPATION TECHNIQUES
Figure 1

TECHNIQUE	CHARACTERISTICS	APPROPRIATENESS	ADVANTAGES	DISADVANTAGES
PUBLIC HEARINGS	Formal meeting providing people with the opportunity to "go-on-the-record" with definitive positions, orally and in writing. Guided by strict rules with respect to notice, meeting conduct, and testimony.	When required by law or regulation. Usually held at some point near the end of the decisionmaking process. In addition to being held when required, may be appropriate in the development of major policies and plans.	The oldest technique of public participation, it is generally accepted (if not expected) by the public. Assures citizens the opportunity to challenge or support DOE proposals.	Presentation of fixed positions only. No opportunity for discussion or negotiation. Formal rules can intimidate people not used to them. Can polarize groups inasmuch as testifiers cannot discuss issues among themselves.
PUBLIC MEETINGS	Large meeting, less formal than the public hearing. Considerably more flexibility in meeting formats. Participants not asked to take definitive positions; may be some "give-and-take."	Might be used prior to public hearings (or independently) to present information and/or permit participants to discuss issues. Might be held in several regions to obtain greater participation.	Can reach a large number of people at a single time. Can be held at any time in a process when information is to be presented and/or citizen comments are needed. Less intimidating than a public hearing.	Unless the meeting subject is highly important to the public, attendance may be sparse. Limited opportunity for interaction among participants because of size. May be dominated by vocal minorities.
WORKSHOPS	Any meeting (also called conferences or seminars) which emphasizes intense interaction among participants to get ideas (and their justification) out on the table. While workshops might have 50 to 60 people, interaction should be in smaller groups. Considerable flexibility in format	Useful in defining problems, developing and evaluating alternatives, discussing important issues, projecting future trends, negotiating positions. Require broad, balanced participation of interests.	Allow for intense interaction and concrete products (i.e., people can see what they accomplished). Relationships formed among participants and between them and DOE. Reduced chance of meeting dominance by vocal minorities.	Unless carefully planned and skillfully conducted, can be frustrating for all participants. May not be possible to get broad, balanced participation. Some groups may feel excluded.

TECHNIQUE	CHARACTERISTICS	APPROPRIATENESS	ADVANTAGES	DISADVANTAGES
COMMITTEES	A group of people selected by DOE to advise it on policy and/or technical matters connected with a program or set of issues. May also do evaluations, and interact with a broader public. Subject to the Federal Advisory Committee Act, its implementing regulations, and DOE policy. Authorities must be clearly defined and agreed to by members and DOE.	Appropriate when DOE desires, over a period of time, the outside perspective of people affected by a program or set of issues. Require broad, balanced participation of interests. May be established as a continuing body or for a limited period of time to deal with a set of issues.	Participation by the same people over a period of time can ensure informed comments. Good opportunity for interaction among competing interests. Good chance to resolve hostilities over time. Prestige to the people selected as members. A regular group for DOE to "bounce things off of" without having to set up meetings and workshops.	With size limitations (usually not more than 20-25), may be difficult to select a broadly representative group. Sometimes, committees tend to spend more time on rules than substance. Other people may resent the fact that they were not selected. May be difficult to obtain approval for creating the committee because of Administration policy to discourage committees.
SURVEYS & QUESTIONNAIRES	Questions asked of people to determine their attitudes, values, perceptions, sentiments, problems, and reactions. May be done by survey (usually a set of multiple-choice questions administered to a random or pre-selected sample of people), or by questionnaire (usually an open-ended set of questions asking for narrative responses). For most instances of data gathering (where more than 10 individuals are involved), prior clearance is required from OMB.	Particularly useful when public opinion is important to the decisions to be made, and no current public opinion surveys give the necessary information. Also useful in validating or refuting public comments heard in meetings and from committees.	When properly designed and conducted, supply the needed public opinion. Potentially broadens the comments heard.	The design and conduct of objective surveys requires great skill and time--and is costly. No possibility of interaction among participants. Possibility of "uninformed" public and therefore "uninformed" answers.
WRITTEN & ORAL COMMENTS	Opportunity for people to comment in connection with or independently of meetings. Various formats likely to stimulate comments.	When required by law or regulation (e.g., the comment period required in the development of any regulation, rule, or order). May also be appropriate to supplement other techniques to ensure that people can comment even when they cannot attend an event. In some cases, when the issues are not major, might be used independently.	Properly publicized, gives everyone the opportunity to participate. People may be "freer" to express themselves, uninhibited by group pressures.	No opportunity for interaction with DOE or other participants.

POTENTIAL PUBLIC PARTICIPATION TECHNIQUES
Figure 1

- (5) Clearly, not every type of interest group will be interested in every proposed DOE action. A first step in identifying interest groups is, therefore, to determine the likely impacts of the proposed action and the likely categories of interests to be affected. The IR offices including those in the field can assist in identifying interest groups as well as assist in identifying mailing lists of key individuals and groups in their spheres of interest.
- (6) Another source is organizational directories. Also, contacts with known organizations in that category will frequently lead to identification of others in that category to be included.
- (7) In preparing to involve the public in DOE actions, it should always be assumed that few people know what the proposed actions are and how they might make their views known to DOE. It should also be assumed that the public participation event (hearing, meeting, workshop, etc.) will always compete with other events for the public's attention. Publicity then, is essential to obtaining the broad, meaningful participation desired. The design and implementation of a public information program should be coordinated and implemented with a public affairs officer (PAO). The PAO in Headquarters, regional, and field offices will help to achieve the objectives for the event. The public participation plan should describe the publicity techniques to be used. Listed below are some possible techniques and principles to apply in selecting the most appropriate technique in coordination with the PAO.
  - (a) Personally Inviting Representatives of Key Interests. Having determined key interest groups, it would be advantageous to contact representatives of these interests; it cannot be assumed they will hear or read about it.
  - (b) News Releases. To be distributed to newspapers, appropriate trade publications and newsletters (including those of interested organizations), and electronic media. Visits to news media may be appropriate in cities where meetings are held. In considering news releases, remember the following facts:
    - 1 Daily newspapers reject about two out of three news releases. The average reader reads only a portion of a daily newspaper, typically in 30 minutes, reading only one-fifth to one-fourth of the editorial

content. This means that unless the story is noteworthy enough to make either page one or three of the main section, or page one of a special section, it is unlikely to be read.

- 2 The PAO can give advice and provide further information regarding issuing news releases. If news releases are to be used, contact the Office of Public Affairs (IR-6) 4 to 6 weeks before the event to discuss who should get the release, and when IR-6 needs the information to prepare and distribute the release. To help IR-6 prepare an effective release, provide some background information and highlight some issues likely to "grab" the attention of both editors and readers and listeners.
- (c) Public Service Announcements (PSAs). Free announcements aired by radio and television. The sponsoring organization has no control over the time PSAs are aired. If PSAs are to be used contact IR-6 at least 6 weeks before the placement deadline to discuss the type of radio and/or TV stations which should receive the PSAs and to set up a schedule for production and distribution.
- (d) Paid Advertisements. This method assures that the information will be used. In newspapers, there are two choices: display advertising (the most costly); and public notice advertising (at the beginning of the classified ad section). Carefully consider the value of paid advertising. It should be used only when other means are not sufficient and should be authorized by IR-6. Allow sufficient time for ad production and placement: at least 12 weeks for television advertising, 6 weeks for radio ads, and 4 weeks for newspapers. IR-6 will assist in preparing and placing the ads.
- (e) Speeches. Talks by DOE officials to organizations on the issues to be discussed at forthcoming meetings will stimulate interest. The Speakers Bureau at Headquarters or the coordinators at the field and regional offices can assist in locating forums and selecting speakers to promote interest in upcoming public meetings. Regional and field staff speakers can greatly increase DOE's outreach into smaller communities.
- (f) Appearances on Radio Talk Shows. Talk show hosts often welcome DOE officials to appear and talk with the listeners. IR-6, regional and field PAO's have or can obtain information on radio talk shows throughout the country. They can assist in determining whether an

appearance is advisable and if so will take care of the scheduling. If considering radio talk show appearances, contact IR-6 or the regional or the field PAO's at least 4 to 6 weeks before the desired appearance to discuss the types and locations of audiences to be reached.

- (g) Placing News Stories in Publications of Other Organizations. Most interest organizations have regular means of keeping in touch with their members: newsletters, bulletins, journals, and magazines. Such organizations may be receptive to news on forthcoming events which is (or should be) of interest to their members. IR-6 can assist in identifying appropriate publications, but the program manager's knowledge of, and contact with, outside organizations will be valuable. Some organizations will wish to assign a member of their own staff to conduct the interview and write the story. Others may welcome a text, subject to their editing to accommodate space requirements. In preparing stories for other publications:

- 1 Consider publication deadlines, guidelines with respect to article length, and the writing style in the publication.
- 2 Be objective, laying out factual information, issues, and nonbiased analysis - but never promoting a particular position or point of view.
- 3 Use anecdotes or examples to increase interest.
- 4 Request IR-6 to review and edit the articles prior to submission.

- (h) Generalized Mailings. At times, forthcoming events may justify mailings to a selection of people on DOE-wide or specialized mailing lists. A form letter, copy of a news release, fact sheets, a copy of regulations, etc., may be sent.

- (i) Notifying Congressmen. News releases, invitations to key groups, and/or generalized mailings can be used for this purpose - with a personal note attached as appropriate. The Office of Congressional Affairs must handle all such communications; enough lead time should be provided so that the information can be passed on to constituents.

- (j) Publishing in the "Consumer Briefing Summary." IR-3 periodically publishes and distributes this summary

to approximately 20,000 people interested in consumer-related energy issues. Contact IR-3 on publication deadlines, distribution, and any guidelines for text writing.

- (k) Publishing in "Energy Meetings." This is a monthly publication of DOE (by the Technical Information Center at Oak Ridge, Tennessee), which announces conferences, symposia, workshops, congresses, and other formal meetings. It is available free of charge to the general public. Contact TIC for publication deadlines and distribution dates.
  - (l) "Federal Register." This publication should not be considered the sole method for announcing a forthcoming event. At times, a law and/or regulation requires publication of notice of a public participation event in the "Federal Register" (e.g., an advisory committee meeting; a public hearing on a proposed rule, regulation or order). As a general rule it is appropriate to publicize forthcoming public participation events in this publication. But only rarely should it be used as a sole method of publicity.
- (8) In selecting from the above publicity techniques, or others, the following principles should be applied.
- (a) It is DOE policy to broaden the base of public participation as much as possible - extending beyond the "obvious interest groups" to other organizations and the general public. It is necessary, therefore, to use some techniques which offer the possibility of reaching this broader audience.
  - (b) It is equally important to ensure that all public participation events have involvement from representatives of what might be called the "key" publics or interests - those organizations representing people and institutions likely to be affected by forthcoming decisions. Some groups may need financial help to facilitate their participation - especially in traveling to hearings and workshops. Program offices should discuss with IR-3 whether invitational travel funds are appropriate and available.
  - (c) When using any of these techniques, it is important that the message:
    - 1 Describe the topics and issues under consideration (highlighting potential impacts);

- 2 State clearly what is desired from the public;
- 3 Clearly describe the logistical data of the event (time and place);
- 4 Describe how the event will be conducted;
- 5 Indicate how the public comment will be used;
- 6 Indicate where people can obtain and/or review preparatory materials;
- 7 List a personal DOE contact for obtaining more information.

- (d) Do not rely totally on one issuance, such as a press release. Consider "follow up" notification through the various avenues being used. Personal phone calls are highly effective with key persons or organizations.

- e. Preparing the Public to Participate. The more that people know about the subjects under consideration, the greater the likelihood that (1) DOE will find citizen comments useful, and (2) the citizens will contribute to the decisions that DOE will make. The public participation plan should describe the techniques that will be used to ensure that the public is prepared to participate. Listed below are possible techniques and some principles to apply in selecting and using these techniques.

(1) Preparation Techniques.

- (a) Full Decision Documents and Reports. These are policy and technical volumes used by DOE personnel in recommending and/or making decisions. Because of their volume and style, they are rarely adequate for increasing public understanding. But, to the extent possible, and consistent with protection under the Privacy Act and FOIA, sufficient copies should be made available and accessible to interested parties.
- (b) Summaries. These present highlights of the full decision documents. It is very important that summary materials be prepared and made available to the public - most people, while interested, do not have the time to review full documents.

- (c) Fact Sheets. These summarize the objective, non-value laden information on the subject. Fact sheets are most appropriate in presenting highly technical information supporting policy issues to be resolved.
  - (d) Issue Papers. They clearly and succinctly identify and analyze the elements of a decision facing DOE. Optimally, an issue paper for the public has the same content as the issue papers for DOE decisionmakers: they pose the problem, the circumstances which created the problem and environment for solving it, the alternative solutions, and the known effects and impacts of each.
  - (e) Background Papers. Most frequently used (and required) to precede proposed DOE rules, regulations, or orders (normally published as preambles to DOE proposals in the "Federal Register"). They explain the intent of the proposed rule, regulation, or order, and how DOE arrived at its tentative position.
- (2) Principles. The principles that follow will help in the development and use of the selected techniques.
- (a) First, it is essential to be objective. If the public's opinion is wanted, then the material must be presented so that it indicates that DOE, while perhaps favoring one option over another, is open to views which could change the decision.
  - (b) Second, brevity is important. While people with different levels of interest will read materials of different levels of detail, the great majority want preparation materials which can be understood in 10 to 15 minutes.
  - (c) Third, delivery is crucial. Much has been made of writing and speaking in popular or "lay" language - with validity. Strive for information delivery at not more than the 10th grade understanding level.
  - (d) Fourth, the full source materials from which summaries have been prepared should be made available and accessible to people who want them.
  - (e) Fifth, timing is fundamental. People need time to digest material, form their opinions, and comment. (One of the most frequent criticisms of government public participation activities is that agencies do not give citizens enough

time to comment. Citizens complain that agencies have substantial resources and time to develop proposals, and they should be sensitive to demands on citizens' time.) For major decisions, 60 days between the delivery of material and the need to comment is a must (some argue for even longer). Sixty days may be necessary for certain issues, 45 for others, and 30 for still others.

- (f) Summaries, fact sheets, issue papers, and background papers might accompany news releases, invitations, and generalized mailings. If materials are not distributed, all notices to interest and alert the public should contain information on where people can obtain these summary documents. Take advantage of depositories, DOE regional and field offices, and State and local office buildings. Make certain that people know about these locations. And finally, have sufficient copies of these materials at hearings, meetings, and workshops for all the participants.

- f. Using Public Comments. Providing the opportunity for public participation is only part of the required effort. The public participation plan should also describe how: public comments will be recorded and summarized for the appropriate decision-makers (feedback); the results will be reported back to the public who participated (follow-up).
- (1) Recording Public Comments. There are three choices: a full, verbatim transcript of proceedings; recording the proceedings; or summarizing what transpired. In choosing the technique to use, decide which technique will give the information needed to adequately brief the decisionmakers. DOE policy is to require full, verbatim transcripts for all public hearings and advisory committee meetings (and subcommittee meetings). Use transcripts in all other proceedings where citizens comment for the official record. Tape recordings and summaries are usually sufficient in informal sessions when the people are discussing issues rather than expressing definitive positions. It is suggested that whenever these more informal means of recording comments are considered: have experienced people take notes and summarize the proceedings; or combine tape recording with the note-taking and summary. Tape recording alone is rarely adequate because the tape machine seldom captures all comments. Tape recording and note-taking permits the summarizer to verify summary notes with actual statements.

- (2) Summarizing Public Comments. Public comments usually fall into three categories: questions, facts, and opinions. It is important to separate the comments, for the responses are different.
- (a) Questions are attempts by citizens to gain more information which will help them give facts and offer opinions. While these questions must be answered they are usually not a factor in decisionmaking.
  - (b) Facts are things known to be true by observation or experience. Because of their substantive knowledge or expertise, citizens can be a good source of factual information. Citizens may offer photographs; quantitative data; knowledge of environmental, cultural, economic, and social features that may have been overlooked; knowledge of reports and analyses that bear on the issues under consideration. Factual information can be validated according to professional standards and practices.
  - (c) Opinions are feelings about the issues at hand and comprise the majority of public comments and are the hardest to deal with.
- (3) Evaluating Opinions.
- (a) The first thing the program manager needs to know is the justification for the opinions expressed. Some people will explain why they feel the way they do. But other people will simply make the statement with no justification. Nevertheless, these unsubstantiated opinions may be just as important, for they are an expression of public attitudes and desires and can affect public support for the decisions to be made.
  - (b) The program manager has to know something about the citizens expressing opinions:
    - 1 Size of the Audience. Normally quantitative data will be available on people expressing opinions. It may come from counting letters, statements in meetings, or survey responses.
    - 2 Forum. Among the most influential forums are letters and hearings, special written recommendations, oral presentations accompanied by written statements, information from other agencies and organized groups most familiar with the subject, specific written statements including the author's background, factual and logical information, citizens who told why or what values were

important, and personal contact. Among the least influential are petitions and form letters, emotional statements, letters speaking in generalities, open meetings, and "for and against" opinions.

- 3 Standing. Program managers may be interested in knowing the residence, constituency, and expertise of the public participant. It is not always possible to obtain all this information about the public participants, but to the extent it is available, it will be useful to program managers.

(c) The program manager needs some analysis of his or her ability to respond to the opinions expressed:

- 1 Will the laws, regulations, and overriding policies permit DOE to do what citizens want? Constraints may prevent the program manager from satisfying some desires and concerns, and he or she needs to know what these are. The citizens need to hear the response.
- 2 What can be done to meet the concerns of one interest and not adversely affect other interests? Options need to be known.
- 3 What are people willing to give up in order to get what they want? If program managers are to make decisions which receive the greatest possible public support, they must make their policy decisions in the framework of tradeoffs among competing interests. Negotiation and compromise are necessary.

(4) Techniques for Feedback to DOE. A general principle underlying all techniques is that high-level DOE program officials, those actually involved in the forthcoming decisions, should attend the public participation events. While they will receive summaries of public comments, there is nothing like personal involvement to "capture the flavor" of the comments (and to demonstrate DOE's commitment to public participation). Techniques for feedback include:

- (a) Summary of Key Issues. For advisory committee meetings, the format for reporting is the "Secretary's Executive Summary." Key issues, resolutions, and recommendations; action items (requests made of DOE and commitments made by DOE); and dates when the requests and commitments will be satisfied are recorded. Such a format might be adapted to the other techniques of public participation.
- (b) Written Summary/Oral Presentation. The program staff working with regional and/or field staff, if appropriate,

reviews all comments, summarizes them, and prepares a narrative which highlights the key issues raised. More detailed than the summary of key issues, this technique permits the program staff to evaluate the comments received.

- (c) Listing all Comments. The program staff summarizes (in one or two sentences) and categorizes all comments--perhaps identifying them with the people speaking. Space is also provided for a response to each comment. While this might seem to be time-consuming and laborious, in fact it is usually manageable because most comments tend to be repeated and patterns emerge.
- (d) Providing the Full Record. For most major public participation events, there will be full, verbatim transcripts of the proceedings. In rare circumstances these transcripts might be given to the appropriate decisionmakers (as back-up to one of the above techniques).

(5) Techniques for Reporting Back to the Citizens (Follow-Up).

- (a) It is not enough to simply summarize citizen comments and the public participation program. People need help in connecting comments made with the changes made, and even with the decisions to reject the comments. It cannot be assumed that people will read the final decision documents and make their own connection with the public comments made. While in most cases, it may not be physically possible to respond to every comment made, this should be a goal. Deal not only with general themes of comments (which are highly important), but also with very specific comments. The more a citizen can see the influence (positively or negatively) of his or her comment, the greater the chance that the decision will be accepted, if not supported. If conflict remains after the program manager makes the decision, do not mask it. It is important to highlight where differences of opinion remain and why DOE made the decision it did. Techniques for reporting back include:

- 1. Distributing Final Rules, Regulations, or Orders. The preamble to final texts, published in the "Federal Register" must contain a summary of the public comments and how they affected the development of the final documents, which can be distributed to participants and other interested parties.

2 Independent Summaries. Following each event (or series of events), the program staff would prepare and distribute to participants a summary of public comments and DOE's response to them.

3 Using Newsletters. If they are available and go to most of the participants, they can be effective in reporting on at least key issues raised by participants and how they are being addressed. IR-3 can include information in its monthly "Consumer Briefing Summary." Regular publications can permit a "continuing story" to be told of the progress in dealing with public comments.

(b) Involve the regional and field offices in reporting back to the public. Regional and field offices, in more frequent contact with local constituencies, are the logical communication agents with these groups. At times, the public comment will not lead to any immediate decisions. It is important to keep people informed regularly about the progress in considering what they had to say. Keeping in contact will help ensure that when participation is requested again, the public will respond.

g. Evaluating Public Participation. Regardless of how well the public participation program is planned and implemented, situations will arise where some adjustments must be made - if not in the current program, then certainly for future efforts. If evaluation is built into the plan from the beginning, the greater the chance of being sensitive to the need for making changes. There are three basic types of evaluations - by the participants themselves, by the program staff, or by a third party.

(1) Participant Evaluation. Normally this is appropriate only for public meetings, workshops, and committee meetings.

(a) For oral evaluations, set aside some time at the end of the meeting to discuss the process. Comments might be requested on: the importance and relevance of the topic and questions; the relevance of and their interest in the information presented; their capability to deal with the questions in the time available; the format; and physical arrangements. The problem with oral discussion, in addition to taking up valuable meeting time, is that some people may hesitate to criticize in front of others.

(b) Written evaluations do not take up so much time. For this evaluation, a series of multiple-choice questions, or open-ended questions might be structured.

- (2) Program Staff Evaluation. Whether or not the participants evaluate the meeting, the organizers and leaders (including moderators and recorders) should conduct their own evaluation. Some possible questions are:
  - (a) Was the meeting successful?
  - (b) Were the participants prepared?
  - (c) What information did they appear to have difficulty with?
  - (d) Was there sufficient time to deal with the issues and questions?
  - (e) Was there any group hostility? Why?
  - (f) Did the format help or hinder participation?
  - (g) What changes should we make?
- (3) Third Party Evaluation. For major public outreach efforts it may be appropriate to contract with an independent evaluator. Often, recommendations from such an evaluation can lead to more effective programs in the future. If this method will be used, allow sufficient time for processing contracts through procurement.

h. The Public Participation Budget.

- (1) Public participation requires money for staff time, materials, equipment, room rental, travel, mailings, and so forth. Budget for these items in the public participation plan and determine arrangements for transfer of funds to regional and/or operations offices where necessary.
- (2) Public participation costs can vary substantially depending on:
  - (a) The extent to which contractors are used;
  - (b) The amount of travel involved - for both staff and citizen participants;
  - (c) The number of meetings;
  - (d) Whether facilities and/or equipment are rented;
  - (e) The sophistication of the presentations;

- (f) The scope of the publicity effort;
- (g) The scope of efforts to prepare the public to participate;
- (h) How public comments will be synopsized;
- (i) How results will be reported back to citizens;
- (j) How efforts will be evaluated.

(3) Figure 2 on pages II-19 through II-22 presents the range of possible costs for the major elements of a public participation program. The sources for this budget table are IR-3 estimates of the costs for public hearings or meetings held under the National Energy Act and "Public Involvement in Water Resources Planning," Course Information and Outline (Training Program for the U.S. Army Corps of Engineers), and SYNERGY Consultation Services. The budget estimates from the latter source have been adjusted to conform with DOE situations.

- i. Public Participation Scheduling. Realistic scheduling is essential to give citizens adequate time to prepare for participation, and staff time to consider public comments seriously in DOE decision-making. Depending on the issue or program and the techniques selected, the total time period, from planning through the DOE decision point, could be up to 7 months. The public participation plan must, therefore, include a schedule consistent with the schedule for regulation development, policy development, plan development, or program operations. Figure 3 on page II-23 displays average times for the planning and implementation of each public participation technique. It is also important to ensure that the various public participation activities of several program offices do not converge on regional offices at the same time. Coordination with regional offices in scheduling regional activities will help in avoiding conflicting activities.
- j. Implementation Responsibilities. The public participation plan should clearly indicate who is responsible for every element of implementation. DOE program office staffs have the major responsibility for planning, implementing, and evaluating public participation programs, with direction, assistance, consultation and/or support available from resources both within and outside DOE, including all IR offices, the regional and field offices, the Office of the General Counsel, and

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PUBLIC PARTICIPATION ELEMENTS	BUDGET ELEMENTS					
	STAFF*	TRAVEL	ROOM RENTAL	EQUIPMENT	MATERIALS	TOTALS***
<u>Participation Techniques</u>						
Public Hearings	\$2,000- \$5,000**	\$1,000- \$3,000	0 - \$500	0 - \$300	\$100- \$300	\$3,400- \$9,100
Public Meetings	\$2,000- \$5,000**	\$1,000- \$3,000	0 - \$500	0 - \$300	\$100- \$300	\$3,400 \$9,100
Workshops	\$1,000- \$2,500**	\$1,000- \$3,000	0 - \$300	0 - \$200	\$50-\$150	\$2,050- \$6,150
Committee Meetings	\$1,000- \$5,000	\$5,000- \$10,000	0 - \$300	0 - \$200	\$50-\$150	\$6,550- \$15,650
Surveys & Questionnaires	Costs vary widely depending on size of sample, type of sample, type of interview, length of interview, location of interview. Estimates per 20-minute interview: \$3-\$5 for mailed questionnaires, \$10-\$15 for telephone interviews, \$15-30 for personal interviews.					
Written & Oral Comments	\$2,000- \$5,000			\$2,000- \$5,000		\$4,000- \$10,000
* Professional and clerical; in-house and/or contract.						
** Staff costs reduced per meeting if several meetings held.						
***The estimates in this column are only the costs for setting up and operating the particular technique. Consult the charts of pages II-20 - II-22 for the costs associated with interesting and alerting the public, preparing the public to participate, synthesizing public comments, report- ing results to citizens, and evaluat- ing public participation.						

Figure 2
PUBLIC PARTICIPATION BUDGET ESTIMATES

PUBLIC PARTICIPATION ELEMENTS	BUDGET ELEMENTS					
	STAFF*	PRODUCTION	DISTRI- BUTION	ADVER- TISING	OTHER	TOTALS
<u>Interesting/Alerting the Public</u>						
"Piggyback" mailings	\$100-\$300	\$100-\$500				\$200-\$800
Notifying Congressmen	\$100-\$300	\$25-\$50				\$125-\$350
Consumer Briefing Summary	\$50-\$100					\$50-\$100
Publishing in "Energy Meetings"	nominal					nominal
Federal Register	\$50-\$100	\$321/page \$167/column	incl. in production			\$50-\$100
<u>Preparing the Public to Participate</u>						
Full decision documents/reports	nothing separate	\$3,000-\$5,000	\$500-\$1,000			\$3,500-\$6,000
Summaries	\$1,000-\$2,000	\$200-\$500	\$100-\$200			\$1,300-\$2,700
Fact sheets	\$500-\$1,000	\$200-\$500	\$50-\$100			\$750-\$1,600
Issue papers	\$500-\$5,000	\$500-\$1,000	\$100-\$200			\$1,100-\$6,200
Background papers	\$500-\$1,000	\$100-\$200	\$25-\$50			\$625-\$1,250
*professional and clerical; in-house and/or contract.						

Figure 2
PUBLIC PARTICIPATION BUDGET ESTIMATES

PUBLIC PARTICIPATION ELEMENTS	BUDGET ELEMENTS					
	STAFF*	PRODUCTION	DISTRI- BUTION	ADVER- TISING	OTHER	TOTALS
<u>Synthesizing Public Comments</u> Summary of key issues	\$500- \$1,000					\$500-\$1,000
Written summary/oral presentation	\$500- \$1,000					\$500-\$1,000
Listing all comments	\$500- \$2,000					\$500-\$2,000
Providing the full record (transcript)	\$500-\$1,600					\$500-\$1,600
<u>Reporting Results to Citizens</u> Preamble	\$500- \$1,000					\$500-\$1,000
Independent summaries	\$500- \$1,000	\$200-\$500	\$100-\$200			\$800-\$1,700
Newsletters	\$100-\$500					\$100-\$500
<u>Evaluating Public Participation</u> Participant evaluation	\$100-\$500	0-\$100				\$100-\$600**
Staff evaluation	\$200-\$500					\$200-\$500**
Third-party evaluation	\$5,000- \$25,000					\$5,000- \$25,000***
* professional and clerical; in-house and/or contract. ** per event. ***per public participation program.						

 Figure 2
 PUBLIC PARTICIPATION BUDGET ESTIMATES

PUBLIC PARTICIPATION RESPONSIBILITIES
Figure 3

RESPONSIBILITIES	AGENTS						
	PROGRAM MANAGERS	PROGRAM STAFF	IR-3	IR-6	REGIONAL OFFICES	OUTSIDE RESOURCES	OTHER
PLANNING	set objectives; approve plan	develop plan	consults on plan	concurs on plan	consult on plan if to be involved	potential support	GC concurs on plan
INTERESTING/ALERTING THE PUBLIC	may sign certain information	develops and distributes	consults; identifies public	develops and distributes certain information	distribute information if involved	potential support	IR offices identify publics; GC concurs re legal requirements
PREPARING THE PUBLIC	approve materials	develops and distributes	consults	reviews/edits	distribute if involved	potential support	
PUBLIC HEARINGS	preside	arranges and conducts	attends	attends re media	arrange and conduct regionally		attends; may participate
PUBLIC MEETINGS	preside	arranges and conducts	attends	attends re media	arrange and conduct regionally	may sponsor &/or potential support	
WORKSHOPS	may preside; participate	arranges and conducts	attends	may attend re media	arrange and conduct regionally	may sponsor and/or participate	
COMMITTEES	approve agenda; participate	arranges and participates	assists with arrangements; attends	prepares news release	arrange if held in field	potential support	
SURVEYS & QUESTIONNAIRES	approve	designs specifications; may conduct	consults			may design and conduct	AD prints and distributes for Headquarters
WRITTEN & ORAL COMMENTS	approve	develops and distributes					
USING PUBLIC COMMENTS	acts on comments	synthesizes, analyzes; reports	reviews	reviews	synthesize if involved	potential support	
EVALUATION	decides on changes	conducts and analyzes	consults	consults	conduct and analyze, if involved	may conduct	

outside resources (contractors, public interest groups, and individuals). The responsibilities of the program office staff and these others are summarized in Figure 3 on page II-23. The potential roles and responsibilities of Regional and Field Offices and outside resources require special mention.

- (1) Regional and Field Offices. Whenever public participation activities are conducted in the field, work closely with the Regional and Field Offices. Consider the following points in involving Regional and Field Offices:
  - (a) Consult with them early and frequently in planning and implementation on both the public participation process and the substantive issues addressed.
  - (b) Use the special knowledge and experiences of Regional and Field Office personnel in identifying key publics, explaining regional and local impacts of major issues and identifying parties of interest on those impacts, understanding what public participation techniques are most appropriate in the region, implementing publicity techniques, and identifying and working with necessary supporting outside resources.
  - (c) Use regional and field staff personnel and facilities to provide logistical support; responsibility for logistical tasks should be clearly delineated in the public participation plan.
- (2) Outside Resources.
  - (a) The planning, implementation, and evaluation of public participation programs are DOE responsibilities. By relying substantially and consistently on the support of outside resources, there is the risk of never being able to interact effectively with the public. Outside resources can become a crutch which keeps public participation at a distance from DOE processes. Still, there are times when use of outside resources can be effective. Criteria might include:
    - 1 When time pressures are such that DOE personnel resources are not available.
    - 2 When unique skills are not available (one of the outside resource tasks should be to help develop the internal capability).

3 When DOE credibility is increased through the engagement of outside resources such as in the sponsorship of meetings, expert participation in meetings, the writing of issue papers, and evaluation.

(b) If outside resources will be used for a fee, DOE contract and/or grant procedures must be followed, and procurement personnel should be contacted early in the planning. Begin to work with procurement personnel early to obtain the timely, effective support of outside resources.

k. Obtaining Concurrences. The public participation plan should include the appropriate concurrences by the program manager, the General Counsel, involved IR offices, the Regional Offices and the Field Offices (when involved). Office of Controller concurrence should be obtained before implementing any facet of the plan if sufficient funding is not available.

3. INVOLVEMENT TECHNIQUES - PLANNING AND IMPLEMENTATION. To some extent, planning for public hearings and public meetings is similar. Differences are mostly due to the greater flexibility of public meetings because they are not associated with the procedural requirements in developing rules, regulations, and orders. The planning and implementation steps are described separately below for public hearings and public meetings (although many of the steps are duplicative), and for workshops, committees, surveys and questionnaires, and written and oral comments. See Figure 4 on page II-26 for a summary of the time involved in scheduling public participation.

a. Public Hearings.

(1) Planning.

(a) Clearly State and Agree on the Purpose and Subjects for the Hearing. This statement might be as simple as: To hear public comments on proposed regulation_____. While this first step may seem "too obvious and elementary," it is important to keep the purpose constantly in mind as the hearing is planned.

(b) Decide on How Many Hearings Will Be Held. In some cases, one national hearing may be sufficient. In most cases, however, interest in the subject will be sufficiently strong to consider holding hearings in different parts of the country. If regional hearings are to be held, closely coordinate all subsequent planning and implementation steps with the appropriate Regional offices. Also, Field Offices should be involved in plans, as appropriate.

Figure 4
PUBLIC PARTICIPATION SCHEDULING

PARTICIPATION TECHNIQUE	MONTHS													
	1		2		3		4		5		6		7	
PUBLIC HEARINGS	Prepare Substantive Material & Public Relations Materials				Publish	Comment Period and Public Hearing				Synthesize Comments	Consider Public Comments			Publish Final Rule
PUBLIC MEETINGS	Plan Meetings	Prepare Publicity & Educational Materials	Write	Continue Publicity	Meeting #1	Synthesize Comments	Consider Comments	One Meeting						
						Mtg. #2	Mtg. #3	Synthesize Comments	Consider Comments	More than one meeting				
WORKSHOPS	Plan Workshops	Prepare Publicity & Educational Materials	Write	Continue Publicity	Workshop #1	Synthesize Comments	Consider Comments	One Workshop						
						Wks. #2	Wks. #3	Synthesize Comments	Consider Comments	More than one workshop				
COMMITTEE MEETINGS	Plan Meeting	Notify & In- vite Members	Prepare/ Forward Back- ground Materials	Meeting	Synthesize Comments	Consider Comments								
SURVEYS & QUESTIONNAIRES	Plan Survey	Develop Instruments and Techniques				Obtain OMB Approval				Conduct Survey		Synthesize Results	Consider Results	
WRITTEN & ORAL COMMENTS	Plan	Develop materials for comment	Publicize & Distribute	Comment Period				Synthesize Comments	Consider Comments					

- (c) Select the Date(s) for the Hearing. In selecting the dates allow sufficient time to
- 1 Publish official notice of the hearing at least 30 days prior to the hearing (recognizing that the notice must be sent to the "Federal Register" 5 working days prior to publication).
  - 2 Make available to the public all preparatory materials at least 30 days prior to the hearing.
  - 3 Summarize the public comments and consider them in decisionmaking (a minimum of 30 days following the hearing).
  - 4 If people will be informed of the hearing in periodicals (e.g., organization newsletters), set the dates far enough in advance to ensure that publication of the information occurs at least 2 weeks before the hearing.
- (d) Establish the Time of Day for the Hearing. The length of time depends primarily on the number of testifiers that are expected. The history of previous hearings, the subject matter, and the proposed publicity methods should help in deciding whether the hearing should be 4, 6, 8, or more hours in length over one or more days. To permit working people to attend, consider holding at least one session in the evening.
- (e) Locate the Hearing Site(s). Hearing sites should be secured through existing space facilities for which no rental fees are necessary whenever possible. Criteria include:
- 1 Space large enough to accomodate expected attendance, having no barriers to the movement of handicapped people, providing adequate restrooms and drinking fountains, and space for socializing;
  - 2 Good acoustics;
  - 3 Central to the majority of potential meeting participants; and
  - 4 Accessible to public transportation during hearing hours and which has suitable parking facilities.

(f) Establish the Hearing Agenda, Format, and Rules.

1 Normally, the public hearing agenda is devoted almost exclusively to hearing testimony from the public, although the presiding officer may open with some introductory comments. Three hearing formats to consider are:

- a A presiding officer who alone conducts the hearing;
- b A presiding officer and a panel of other officials to hear testimony, and
- c Two or more hearing sessions, each led by a presiding officer, conducted simultaneously in separate rooms to provide more people the opportunity to testify in a shorter period of time.

2 Establish public hearing rules with respect to:

- a The length of time given each person to present oral testimony.
- b Determining who will testify (usually a combination of honoring prior requests to testify received by a specified date, and if time permits, allowing testimony from others who sign a request card immediately prior to or during the hearing).
- c Determining the order of testimony (usually in random order without regard to the citizen's standing).
- d Deciding whether the presiding officer and panel (if used) may question the testifiers.
- e How many copies of the citizen's oral testimony he or she must submit in writing (to encourage the broadest participation, not more than two copies should be required, with 15 suggested).

(g) Obtain the General Counsel's Concurrence with Respect to Tasks Above. All public hearings must be conducted to ensure that they fulfill the legal requirements for public participation in the development of any rule, regulation, or order.

(2) Implementation.

(a) Make formal arrangements for meeting site(s). If the space involves a rental fee, initiate the necessary administrative and financial procedures to obtain the necessary funds.

- (b) Prepare necessary public hearing notice. The notice must contain information on the purpose of the hearings, the agenda, logistical data, and rules, including the dates (and places) for submission of requests to testify and written comments.
- (c) Inform and alert public to participate.
- (d) Prepare and distribute necessary materials for public participation.
- (e) Select the presiding officer and (if appropriate) panel members. It is highly important that these people be ranking program officials. Their active participation ensures that (1) they will have the opportunity to hear the testimony first-hand, and (2) the public will see the importance which DOE attaches to the hearing.
- (f) Prior to the hearing, send to all persons scheduled to testify a copy of the agenda with the scheduled times for each testifier.
- (g) Make arrangements with hearing hall management for necessary equipment and furniture, including audiovisual equipment as necessary.
- (h) Make arrangements for a court reporter to be present to make full, verbatim transcripts. Ensure adequate space and facilities for the reporter.
- (i) At least 2 hours before the beginning of the hearing, arrive at the hearing hall to ensure that all necessary arrangements are made.
- (j) Have DOE personnel present in the hearing hall foyer to assist the public (including news reporters), and register those interested in follow-up materials.

b. Public Meetings.

(1) Planning.

- (a) Clearly state and agree on the purpose and subjects for the meeting.
- (b) Decide on number of meetings to be held.
- (c) Select the date(s) for the meeting. While there are no specific rules about when to hold public meetings, how

soon to inform people of the meeting, and when to hold it in relation to issues under consideration by DOE, the following guidance is offered:

- 1 Try to interest and alert people at least 30 days prior to any public meeting.
  - 2 Have all preparatory materials available (or distributed) to participants at least 30 days prior to the meeting.
  - 3 If the meeting is planned in connection with forthcoming DOE decisions, hold it at least 30 days prior to the decision point to permit sufficient time for comment synthesis and consideration.
  - 4 If people will be informed of the meeting in periodicals (e.g., organization newsletters), set the meeting date(s) far enough in advance to ensure that publication of the information occurs at least 2 weeks prior to the meeting.
- (d) Establish the length and time of day for the meeting. Normally, 3 to 4 hours should be the maximum length of a public meeting (although, if the subject is of high interest, a day-long meeting might be appropriate). Evening hours are preferred to encourage maximum participation. For a day-long session, a Saturday might be appropriate.
- (e) Locate the meeting site(s). Criteria include:
- 1 Space large enough to accomodate expected attendance, having no barriers to the movement of handicapped people, providing adequate restrooms and drinking fountains, and space for socializing;
  - 2 Good acoustics;
  - 3 Central to the majority of potential participants; and
  - 4 Accessible to public transportation during meeting hours and which has suitable parking facilities.
- (f) Establish the meeting agenda and format. Unlike the public hearing, there is substantial flexibility in conducting the public meeting. It is important to make the agenda realistic - do not try to cover too many topics and thereby frustrate the participants. Normally, one or two topics are the most that can be covered realistically. If there are other topics, address them in subsequent meetings. Depending on the purpose, there are a variety of formats to interest participants and encourage their involvement:

- 1 Lecture/Discussion. A well-known person gives a speech intended to educate, explain, or influence, followed with questions and answers, or perhaps people breaking into smaller groups to discuss the speech and report back to the full group.
  - 2 Symposium/Discussion. This is a variation on the lecture. Four to six experts, representing different disciplines or points of view, speak on the topics, followed by questions and answers or the small group process described above.
  - 3 Panel/Discussion. Four to six experts, representing different disciplines or points of view, discuss the issues surrounding the topics before the audience, (there are no speeches), followed by questions and answers or the small group process described above.
  - 4 Films/Discussion. If available, pertinent films or a synchronized slide/tape recorder presentation can interest and stimulate discussion. Follow with participants breaking into smaller groups, discussing the presentation, and reporting back to the full group.
  - 5 Debate/Discussion. When issues and alternative positions on them are clear, a debate (according to classic debating rules) can be highly informative to the participants. The small group process described above can also be used following the debate.
  - 6 Inquiry. Selected representatives of various interests or points of view question, on behalf of others in the audience, key DOE officials about policy, regulatory, or planning proposals. The inquiry is not for people to present their own positions, but rather to ask questions to increase understanding.
  - 7 Colloquy. This format can replace the discussion portion of the lecture, symposium, panel or debate. Previously selected representatives of the audience ask questions, make points, and, in general, say things that others might express, in dialogue with DOE officials.
- (g) Select Speakers, Panelists, and other Experts. As with public hearings, active participation by high-level DOE officials in public meetings is important - to hear first-hand what people are saying, and to demonstrate commitment to public participation. But public meetings also permit greater flexibility in selecting outside experts - a selection

that is encouraged, as it adds credibility to the process and brings new perspectives to the issues at hand. Selection of these key meeting leaders is crucial. They should:

- 1 Have recognized topic expertise;
- 2 Be perceived by the public as speakers for a particular point of view;
- 3 Be able to adapt their remarks to the knowledge and experiences of the audience;
- 4 Be willing to limit their remarks to the meeting issues;
- 5 Be willing to discuss, defend, and debate their points of view with meeting participants.

(2) Implementation.

- (a) Make formal arrangements for the meeting site(s). If the space involves a rental fee, initiate the necessary administrative and financial procedures to obtain the necessary funds.
- (b) Inform and alert the public to participate.
- (c) Prepare and distribute necessary materials to enable the public to participate.
- (d) Communicate with all key meeting leaders (e.g., speakers, panelists) concerning their roles. It is important that these key people understand and accept their roles.
- (e) Make arrangements with meeting hall management for necessary equipment and furniture, including audiovisual equipment, as necessary. While there is usually flexibility with public hearings as to the seating arrangement for the audience and hearing leaders, there are more options with public meetings. Seating arrangements are critical. Figure 5 on page II-33 displays potential seating arrangements for the audience and meeting leaders. It is important to note that, in both theater- and classroom-style seating, the chairs are arranged in semi-circular patterns to bring people closer together.
- (f) Make arrangements for a recorder at the meeting. At times, it may be appropriate to have a court reporter provide a full, verbatim transcript, but in most cases, recorders to summarize the comments are sufficient, and they help convey the informal nature of the meeting.

Figure 5
SEATING ARRANGEMENTS

- (g) At least 2 hours before the beginning of the meeting, arrive at the meeting hall to ensure that all necessary arrangements are made.
- (h) Have DOE personnel in the meeting hall foyer present to assist the public (including news reporters), and register those interested in receiving follow-up materials.

c. Workshops. A workshop is any small group process where the intent is for participants to discuss among themselves topics and issues. Participants benefit in that they are free to state their own views, challenge others, and explore fully the justifications for views held by others. In workshops it is not unreasonable to expect that participants representing different interests may find that they hold several positions in common. DOE benefits in that its staff is able to hear the discussion among others and explore the basis for many different views. Moreover, workshops - through their focus on personal interaction - help establish working relationships which may continue long after the workshop is over.

(1) Planning. Detailed and thoughtful planning is key to a workshop's success. It is simply not enough to decide to hold a small meeting of people on a given topic and expect that they will freely interact to mutual benefit.

- (a) Clearly State and Agree on the Purpose and Subjects for the Workshop. At times, the purpose may be only to give people the opportunity to discuss fully a set of issues or topics. At other times, the purpose may be to pursue some level of consensus on a set of issues. Whatever purpose is chosen, workshops are to bring together people representing different points of view. One of the initial decisions is to decide whether the issues to be addressed - and the public positions on them - are ready for discussion among representatives of these different points of view. Often these conditions will exist, and a workshop can be organized where people will be able to discuss, argue, debate, and negotiate on the issues. At other times, either the issues will be so volatile, and/or interest group positions on them so unstable, that a workshop session among competing interest groups would be counterproductive. Under these circumstances, it is suggested that a series of workshops be considered.

1 The first series - separate workshop sessions for each discrete interest category to develop common positions; and

- 2 The second series - workshop sessions among representatives of interest categories to discuss areas of agreement and disagreement. (DOE developed and used this latter workshop scenario in discussing with the public the role which the Federal government should encourage public utilities to play with respect to solar energy.)
- (b) Decide How Many Workshops Will be Held. Rarely will one workshop be enough. Consider holding workshops in different parts of the country. If the topics are important and complicated, consider holding a series of workshops on the same topic. Here, Regional and Field Office participation in planning and implementing the workshops is essential.
- (c) Select the Date(s) for the Workshop. There are no specific rules about when to hold workshops, how soon to invite people, or the timing of sessions in relation to issues under consideration by DOE. However, the following guidance is offered.
  - 1 Inform people at least 30 days prior to the workshop.
  - 2 Have all preparatory materials available (or distributed) to participants at least 30 days prior to the workshop.
  - 3 If workshops are held in connection with DOE issues under consideration, schedule them at least 30 days prior to the decision point to permit sufficient time for comment synthesis and consideration.
  - 4 If people will be informed of the workshops in periodicals (e.g., organizational newsletters) set the date(s) far enough in advance to ensure that publication of the information occurs at least 2 weeks prior to the workshops.
- (d) Establish the Length and the Time of Day for the Workshops. Normally, 3 to 4 hours should be the maximum length of a workshop session, although if the subject is of high interest, a day-long workshop might be appropriate. Evening hours are best to encourage maximum participation. For a day-long session, consider a Saturday.
- (e) Locate the Workshop Site(s). Criteria include:
  - 1 Space large enough to accomodate expected attendance, providing adequate restrooms and drinking fountains, and space for socializing.

- 2 Sufficient space for participants to break into smaller groups, without being distracted by discussions in nearby groups (classrooms in public schools are good for this purpose).
- 3 Good acoustics.
- 4 Central to the majority of potential participants.
- 5 Accessible to public transportation during workshop hours and which has suitable parking facilities.

(f) Establish Workshop Agenda and Format.

- 1 This is a critical planning step. Make the agenda realistic. Do not expect a group of people, meeting only 3 to 4 hours to fully discuss the issues if too many topics are included on the agenda. One or two topics are normally the most that people can cover in any one workshop session. It is possible to cover more topics if different topics are assigned to small groups and each participant is willing to focus on one or two of those topics rather than on the complete agenda. The standard workshop format is divided into three phases: an opening session with all participants, to introduce the agenda, the purpose of the workshop, and how it will be conducted; small group session for interaction on the assigned topics; and a closing session in which speakers for each small group report to the full group the results of their discussion. Allow at least 75 percent of the time of the overall length of the workshop for the small group session. For example, in a 4 hour workshop, devote at least 3 hours to small group discussion.
- 2 These small group sessions can be organized in a variety of ways. Each small group can deal with the same topic in the same or different order. For example, if there are three topics for discussion, group one might discuss them in 1, 2, 3 order; group two in 2, 3, 1 order; and group three in 3, 1, 2 order. This ensures that each group will deal with each topic fully, and yet allows flexibility if the groups want to focus more deeply on one topic rather than another. Each small group can also be assigned discrete topics and questions. Generally, the smaller these discussion groups, the greater the interaction, and therefore the greater the understanding each participant will achieve. An alternative workshop format is to keep all participants together during the entire session, but to provide the opportunity for a smaller group of people to discuss issues among themselves in front of the total group,

rotating participants from the audience into the small group.

(g) Select the Small Group Moderators and Recorders.

- 1 This step is equal in importance to designing the agenda and format. The moderator for small group sessions is the key to their success. He or she should be experienced in leading group discussions, and should be:
  - a Neutral to the topics and issues, rarely (preferably never) injecting his or her views;
  - b Able to stimulate participation of all people in the group;
  - c Able to keep to the agenda and keep the discussion balanced;
  - d Able to clarify and summarize comments; and
  - e Able to deal with hostility and conflict.
- 2 Each moderator should commit time to participating with the program staff in an orientation session prior to the workshop to discuss and agree on how the sessions will be conducted. The reporter is also important. Ideally, the reporter should be a person who does not engage in the discussion. The reporter can maintain the record in two ways: first, by taking notes; or second, by summarizing comments on a large pad (on an easel) for the entire group to see and refer to. Experience has shown that the latter is preferable, for it helps the group to focus, gives people the opportunity to clarify statements, and limits repetitive statements. The reporters should also be willing to participate in an orientation session with the moderators.

(2) Implementation.

- (a) Make Formal Arrangements for the Workshop Site(s).
If a rental fee is involved, initiate the necessary administrative and financial procedures to obtain the necessary funds.
- (b) Inform and alert the public to participate.

- (c) Prepare and distribute necessary materials for the public to participate.
- (d) Make Arrangements with Workshop Hall Management for Necessary Equipment and Furniture, including audiovisual equipment as necessary. In designing seating arrangements for small group sessions, the overriding purpose is to bring people together. One method is, of course, the circle. The circle indicates that each person has equal standing. Some workshop organizers prefer a "horseshoe" or "U". Their argument is that if there is even any latent hostility in the room, people seated in a circle tend to focus their hostility on other members of the group. The horseshoe, with an open end, encourages the participants to focus their hostility on a blank wall rather than on other people.
- (e) Orient Workshop Moderators and Recorders. Preferably, this should be several days before the workshops so that people can digest what was said and discussed. This session can also be held the day of the workshop.
- (f) At least 2 hours before the workshop, arrive at the site to ensure that all necessary arrangements are made.
- (g) Have DOE personnel in the workshop hall foyer to assist the public (including news reporters), and to register those who want to receive any follow-up materials.

d. Committees.

- (1) The establishment and operation of advisory committees to DOE are governed by the Federal Advisory Committee Act (P.L. 92-463), the Department of Energy Organization Act (P.L. 95-91), Office of Management and Budget (OMB) Circular A-63 (Revised), and Executive Order 12024. An advisory committee is defined in Section 3(2) of the Federal Advisory Committee Act as:

"any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, which is-

(A) established by statute or reorganization plan, or

(B) established or utilized by the President, or

(C) established or utilized by one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) the Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government."

- (2) The Congress has recognized the need for advisory committees as an important part of agency interaction with the public. But it also recognized, and the Administration has reinforced, that such committees are appropriate only when Federal agencies have clearly justified their need. Emphasizing that the role of advisory committees is advisory only, Congress also warned (in its legislative reports) that committee purposes must not be to enlist public support for agency policies, programs, and regulations. Basic guidance for establishing and operating DOE advisory committees will be developed as a DOE directive which will contain guidance on establishing, renewing, and terminating committees; using interagency and non-DOE advisory committees; appointing members; operating meetings; documenting meeting deliberations; committee reports; and committee records.
  - (3) Consult and follow this directive, after its publication, when establishing and operating committees. Advisory committees are only part of a public program. They should never be considered the only means to interact with the public.
- e. Surveys and Questionnaires. Surveys and questionnaires can be used to attempt to determine public attitudes, values, perceptions, and sentiments. Consult with the Office of General Counsel and with the Survey and Statistical Design Division of EIA for guidance on when the use of surveys and questionnaires are appropriate and authorized, and as to whether OMB's approval is needed.
- (1) Surveys.
    - (a) Planning.
      - 1 Determine What is Expected from the Survey and How the Information will be Used. It is not necessary to be specific about the questions at this point.
      - 2 Determine Whether the Information Might be Obtained by Means Other than a New, Independent Survey. Surveys are costly and time-consuming, and there may be other, less expensive ways to obtain the information that is needed, even though it may not be in exactly the same form or in the same detail that is needed. For example, established opinion polls may be adequate. For polls conducted for an exclusive set of clients, it might be possible to become one of those clients. Across the country organizations conduct periodic surveys to which a set of questions might be added (for a cost). The advantage here is that these organizations are highly experienced in survey research and can, therefore, ensure valid results.

- 3 If an independent survey is pursued, draw up a set of specifications and send it to reputable survey research firms. The set of specifications should include what information is needed, from whom, when the information is needed, and how it will be used. (The specifications should also include a budget, although it should not be sent to the survey research firms.)
- 4 There are administrative problems and financial risks which must be accepted in contracting out survey research. The contracting process involving open solicitation of bids and the review and award of contracts takes time: a minimum of 3 months. Since OMB approval will be needed, it is possible that approval will be delayed to the point that the survey results will not be valuable to you, or that approval will be denied altogether (the survey research firm must still be compensated for its design work).

(b) Implementation.

- 1 Design the Survey. This is done by the survey research firm in close consultation with the program staff. The design must address:
  - a The sample to be interviewed (type, size, location);
  - b The questions to be asked and the multiple-choice responses;
  - c The type of interview (e.g., mail, telephone, in person);
  - d The length of the interview;
  - e The location of the interview;
  - f The degree of interviewer skill necessary;
  - g The analyses to be conducted and reported, and
  - h The requirement of OMB in reviewing the request for survey approval.
- 2 Obtain OMB Approval. A minimum of 2 months should be allowed.
- 3 Test and conduct the survey, analyze, and display results.

(2) Questionnaires.

(a) Planning.

- 1 Determine what is expected from the questionnaire and how the information will be used. It is important to have a clear picture of what information is needed, if not the precise questions that will be asked.
- 2 Determine whether the capability exists to give full consideration to the responses. This requires an estimate of the number of responses expected. Reviewing, synthesizing, and analyzing responses to open-ended questions is a laborious and time-consuming process, and it must be clearly established that it can be done.
- 3 Determine the specific questions. Most people do not have the time or inclination to respond to even the most provocative questions if they must spend more than half an hour in their response.
- 4 Determine who should be notified of and asked to respond to the questionnaire.
- 5 Establish the date for receipt of responses. Normally, this should not be less than 60 days from distribution of the questionnaire.

(b) Implementation.

- 1 Determine whether OMB approval is required, and if so, obtain it.
- 2 Inform and alert the public to participate.
- 3 Prepare and distribute the necessary materials for the public to participate. These can be part of the questionnaire itself. These materials are particularly important, for people will need necessary "stage-setting" information, and a meeting or workshop will not be held where they cannot obtain this information.

- f. Written and Oral Comments. For the majority of the public, written and oral comments are probably the only realistic way of participating given the time required to attend meetings, hearings, and workshops, and the associated costs. Therefore, the encouragement of written and oral comments is critical.

- (1) Written Comments. For proposed rules, regulations, and orders, the requirements for written comments are ordinarily set in the notice of the proposed rule. The important parts of the process are in interesting and alerting the greatest number of people to participate, and in preparing them to participate. Publication of notice in the "Federal Register" should not always be considered to be sufficient. Section 501(b)(1) of the Department of Energy Organization Act (P.L. 95-91) says that in addition to publishing notice of any proposed rule, regulation, or order in the "Federal Register":

"Other effective means of publicity shall be utilized as may be reasonably calculated to notify concerned or affected persons of the nature and probable effect of any such proposed rule, regulation, or order."

Similar considerations should apply with respect to soliciting comments on policies and plans.

- (2) Oral Comments. The Department of Energy Organization Act (P.L. 95-91) does not limit comments to those in writing. Many people do not have the time to write their comments. Many are intimidated by the implied requirement to do so. Hearings, meetings, and workshops are, of course, techniques which stress oral comments. Using the telephone is another way. Several government agencies have established toll-free (800 numbers) lines for people to present their comments. Conversations are recorded (with the citizen so advised), but an individual personally answers the phone--both to listen and answer questions. This person must, therefore, be a professional staff person. A regular schedule for staff to answer the lines must also be set up. As with written comments, publicize the opportunity for comments by telephone, and make preparatory materials readily available or accessible.