§ 205.153
no person shall be entitled to rely upon
the ruling.

§ 205.153 Comments.
A written comment on or objection
to a published ruling may be filed at
any time with the General Counsel at
the address specified in §205.12.

§ 205.154 Appeal.
There is no administrative appeal of
a ruling.

Subpart L [Reserved]

Subpart M—Conferences,
Hearings, and Public Hearings

§ 205.170 Purpose and scope.
This subpart establishes the proce-
dures for requesting and conducting a
DOE conference, hearing, or public
hearing. Such proceedings shall be con-
vened in the discretion of the DOE,
consistent with the requirements of
the FEAA.

§ 205.171 Conferences.
(a) The DOE in its discretion may di-
rect that a conference be convened, on
its own initiative or upon request by a
person, when it appears that such con-
ference will materially advance the
proceeding. The determination as to
who may attend a conference convened
under this subpart shall be in the dis-
ccretion of the DOE, but a conference
will usually not be open to the public.
(b) A conference may be requested in
connection with any proceeding of the
DOE by any person who might be ag-
grieved by that proceeding. The re-
quest may be made in writing or ver-
bally, but must include a specific show-
ing as to why such conference will ma-
terially advance the proceeding. The
request shall be addressed to the DOE
office that is conducting the pro-
ceeding.
(c) A conference may only be con-
vened after actual notice of the time,
place, and nature of the conference is
provided to the person who requested
the conference.
(d) When a conference is convened in
accordance with this section, each per-
son may present views as to the issue
or issues involved. Documentary evi-
dence may be presented at the con-
ference, but will be treated as if sub-
mitted in the regular course of the pro-
ceedings. A transcript of the con-
ference will not usually be prepared.
However, the DOE in its discretion
may have a verbatim transcript pre-
pared.
(e) Because a conference is solely for
the exchange of views incident to a
proceeding, there will be no formal re-
ports or findings unless the DOE in its
discretion determines that such would
be advisable.

§ 205.172 Hearings.
(a) The DOE in its discretion may di-
rect that a hearing be convened on its
own initiative or upon request by a
person, when it appears that such hear-
ing will materially advance the pro-
ceedings. The determination as to who
may attend a hearing convened under
this subpart shall be in the discretion
of DOE, but a hearing will usually not
be open to the public. Where the hear-
ing involves a matter arising under
part 213, the Director of Oil Imports
shall be notified as to its time and
place, in order that he or his represent-
avtive may present views as to the issue
or issues involved.
(b) A hearing may only be requested
in connection with an application for
an exception or an appeal. Such re-
quest may be by the applicant, appel-
lant, or any other person who might be
aggrieved by the DOE action sought.
The request shall be in writing and
shall include a specific showing as to
why such hearing will materially ad-
vance the proceeding. The request shall
be addressed to the DOE office that is
considering the application for an ex-
ception or the appeal.
(c) The DOE will designate an agency
official to conduct the hearing, and
will specify the time and place for the
hearing.
(d) A hearing may only be convened
after actual notice of the time, place,
and nature of the hearing is provided
both to the applicant or appellant and
to any other person readily identifiable
by the DOE as one who will be ag-
rieved by the DOE action involved.
The notice shall include, as appro-
piate:
(1) A statement that such person may participate in the hearing; or
(2) A statement that such person may request a separate conference or hearing regarding the application or appeal.

(e) When a hearing is convened in accordance with this section, each person may present views as to the issue or issues involved. Documentary evidence may be presented at the hearing, but will be treated as if submitted in the regular course of the proceedings. A transcript of the hearing will not usually be prepared. However, the DOE in its discretion may have a verbatim transcript prepared.

(f) The official conducting the hearing may administer oaths and affirmations, rule on the presentation of information, receive relevant information, dispose of procedural requests, determine the format of the hearing, and otherwise regulate the course of the hearing.

(g) Because a hearing is solely for the exchange of views incident to a proceeding, there will be no formal reports or findings unless the DOE in its discretion determines that such would be advisable.

[39 FR 35489, Oct. 1, 1974, as amended at 40 FR 36557, Aug. 21, 1975]

§ 205.173 Public hearings.

(a) A public hearing shall be convened incident to a rulemaking:
(1) When the proposed rule or regulation is likely to have a substantial impact on the Nation’s economy or large numbers of individuals or businesses; or
(2) When the DOE determines that a public hearing would materially advance the consideration of the issue. A public hearing may be requested by any interested person in connection with a rulemaking proceeding, but shall only be convened on the initiative of the DOE unless otherwise required by statute.

(b) A public hearing may be convened incident to any proceeding when the DOE in its discretion determines that such public hearing would materially advance the consideration of the issue.

(c) A public hearing may only be convened after publication of a notice in the FEDERAL REGISTER, which shall include a statement of the time, place, and nature of the public hearing.

(d) Interested persons may file a request to participate in the public hearing in accordance with the instructions in the notice published in the FEDERAL REGISTER. The request shall be in writing and signed by the person making the request. It shall include a description of the person’s interest in the issue or issues involved and of the anticipated content of the presentation. It shall also contain a statement explaining why the person would be an appropriate spokesperson for the particular view expressed.

(e) The DOE shall appoint a presiding officer to conduct the public hearing. An agenda shall be prepared that shall provide, to the extent practicable, for the presentation of all relevant views by competent spokespersons.

(f) A verbatim transcript shall be made of the hearing. The transcript, together with any written comments submitted in the course of the proceeding, shall be made available for public inspection and copying in the public docket room, as provided in §205.15.

(g) The information presented at the public hearing, together with the written comments submitted and other relevant information developed during the course of the proceeding, shall provide the basis for the DOE decision.

Subpart N [Reserved]