

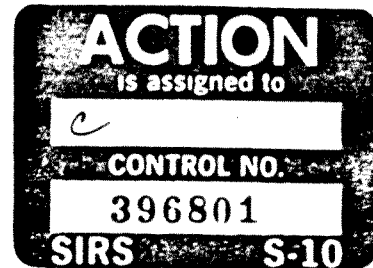
LEVIN  
MICHIGAN

United States Senate

WASHINGTON, D.C. 20510

October 14, 1981

The Honorable Andrew Lewis, Secretary  
Department of Transportation  
400 7th Street, S.W., Room 10200  
Washington, D.C. 20590



Dear Secretary Lewis:

Would you please answer the following questions in regard to the implementation of Executive Order 12291?

1) Does your agency/department either formally or informally place all written comments on a rulemaking in the rulemaking file? Does this include comments from OMB? Does your agency/department either formally or informally record or note all significant oral comments and place such comments or a summary of such comments in the rulemaking file? Does this include comments from OMB? If you do note all significant oral comments, what is the mechanism for deciding which is significant.

2) Under Executive Order 12291, does your agency view OMB's comments on a rule as advisory? If your agency disagreed with an OMB directive not to promulgate a rule but to subject it to further analysis, would your agency issue the rule over OMB's objection? If so, what do you project the consequence of that action to be? Has this in fact happened since the issuance of Executive Order 12291?

3) Has your response to this letter been cleared by OMB?

Your very prompt response is urgently requested because it may be relevant to pending legislation. If your staff should have any questions, please have them contact Linda Gustitus at 224-3682 for further information.

Sincerely,

A handwritten signature in cursive script that reads "Carl Levin".

Carl Levin

CL/ad