

INDEX OF TOZZI PAPERS VOLUME SEVEN

VOLUME SEVEN

Volume	<u>Document</u>	Page	Document
VII	1	1-2	Letter from G. William Frick, General Counsel, EPA to Addresses (see p. 2). Dated: 6/9/77. Subject: Home Box Office, Inc. v. FCC. D.C. Cir., No. 75-1280 (decided March 25, 1977; opinion concurring specially filed by Judge Mackinnon. May 20, 1977) 'deals with informal rulemaking by EPA.'
VII	2	1-4	Page 1 Letter from G. William Frick, Gen. Coun., EPA to Addresses (see p. 2). Dated: 4/18/77. Subject: Home Box Office, Inc. v. FCC D.C. Cir., No. 75-1280 (decided March 25, 1977) 'the court raised serious questions whether informal, unpublicized contacts with interested persons concerning pending rule-makings (post-proposal) will be considered proper by the courts.'
		2	Pages 2 Addresses.
		3	Page 3 Enclosure.
		4	Page 4 Enclosure
VII	3	1	Memorandum from G. William Frick, General Counsel, EPA to Regional Administrators. Dated: 4/21/77. Subject: "A recent case divided by the D.C. Circuit, Home Box Offices, Inc. vs. FCC, may have substantial implimenting for the way this agency conducts informal rulemaking." Enclosure cc: Regional Counsels.

Volume	<u>Document</u>	Page	Notes
VII	4	1-11	EPA Summary of proposed content of the Committee's report and significant statements, conclusions, and recommendations related to EPA. From M.C. Pilzys, Assoc. Dep. Asst. Administrator for Resources Management (PM 224) to Richard Redenius, Dep. Asst. Administrator for Resources Management (PM 224). Dated: 10/13/76. Subject: Moss Committee Report. Overall Report The report will be in five parts all related to nine regulatory agencies that were investigated over a period of two years. cc: (see p. 11)
VII	5	1-9	Natural Resources Defense Council, Inc. <u>OMB</u> and EPA: Who sets environmental policy? by J. Gustave Speth, Khristine L. Hall, J. Perrin Quarles, August 1976.
VII	6	1-6	Letter from Russell E. Train, Adm., EPA to James T. Lynn, Director, OMB. Dated: 5/27/76. Subject: This letter is in response to your questions raised at our meeting of May 12, 1976, regarding the need for our proposed Selective Enforcement Audit (SEA) regulations.

Volume	<u>Document</u>	<u>Page</u>	Notes
VII	7	1	Notice to the press from the Office of the White House Press Secretary. Dated: 7/2/76. Subject: President has directed the Secretary of the Army to defer for 60 days implementation of Phase II of the Corps of Engineers Section 404 program regulating dredge and fill operations in the waters of the nation.
VII	8	1-3	Memorandum from Clifford W. Graves, Dep. Assoc. Dir. for Evaluation and Program Implementation, OMB to the Director, OMB. Dated: 10/1/75. Subject: Applicability of the Decisionmaker's Checklist to OMB Regulations. cc: (see page 3).
VII	9	1-4	Memorandum from Mike McKensie, EPA through Patti Pride, EPA to Bob Ryan, EPA. Dated: 6/1/76. Subject: Hearings Before Committee on Rules on the Administrative Rulemaking Reform Act of 1976 (H.R. 12048). McKenzie reviews hearings, including summaries of the House Members remarks: Witnesses: Carlos J. Moorhead (RCal.) elliott H. Levitas (D-GA).
VII	10	1	OMB Form 38 From Stan Morris to Mr. Tozzi. Dated: 6/8/76. Subject: Attached. Copies of the message and the fact sheet on the agenda for Government Reform Act.

<u>Volume</u>	<u>Document</u>	<u>Page</u>	Notes
VII	11	1-6	From the Office of the White House Press Secretary. Fact Sheet. Agenda for Government Reform Act. Dated: 5/13/76. Flow Chart of Agenda for Government Reform.
VII	12	1-10	Page 1 Release from the Office of the White House Press Secretary to the Congress of the United States. Dated: 5/13/76. Subject: Proposed legislation to reform government regulatory process! Signed Gerald Ford.
		4-7	A bill to set agenda for government reform.
		8-10	Section by Section Analysis Agenda for Government Reform Act.
VII	13	1-2	Letter from Roger Strelow, Asst. Administrator for Air and Waste Management, EPA to Fred Meister, Assoc. Adm., for Policy & Development Review, FAA. Dated: 6/7/76. Subject: DOT soon will be submitting to OMB for interagency review a proposed comprehensive airport noise policy, reflecting much of the FAA's previous work. cc: Mr. Bliss, DOT; Mr. Tozzi, OMB.
VII	14	1	Memorandum for Agencies Impacted by Aviation Policy from Daniel P. Kearney, Asst. Dir., for Economics & Government, OMB. Subject: Proposed Aviation Noise Policy Statement.

<u>Volume</u>	Document	Page	Notes
VII	15	1	Table 1 Number of regulations on which agencies have commented (courtesy of NAS). No date given.
VII	16	1	Note from Jim Tozzi, OMB to Mr. Crabill, OMB. Dated 3/2/ Subject: EPA Litigation. OMB's responsibility to track EPA litigation.
VII	17	1-4	Statement of Honorable Robert V. Zener, General Counsel, EPA before the Subcommittee on Separation of Powers, Committee on the Judiciary, U.S. Senate. Dated: 7/23/75.
VII	18	1-3	Page 1 Letter from James T. Lynn, Director, OMB to John E. Moss, Chairman, Subcommittee on Oversight & Investigations, Committee on Interstate & Foreign Commerce. Dated: 5/18/76. Subject: Lynn thanks Moss for his letter of 4/30/76 inquiring about the status of EPA's Selective Enforcement Activity Regulation.
		2-3	Status report assembly line auditing regulations.
VII	19	1-3	Letter from Russell E. Train, Adm., EPA to Senator James D. Pearson. Dated: Subject: Train responds to Pearson's request for information concerning the relationship between the EPA & OMB.

<u>Volume</u>	Document	Page	<u>Notes</u>
VII	20	1-3	Making Government Obey. Washington Post, July 21, 1976? Subject: Activist judges and the NRDC & EPA Plutonium processing, clean air, coastal & inland wetlands, nuclear power, national forests, the Hudson river.
VII	21	1-8	Rules & Regulations. <u>Federal Register</u> , vol. 41, no. 84 Thursday, April 29, 1976. pp. 17898-17905. Title 40 Protection of Environment, Chapter 1 - Environmental Protection Agency (FRL 524-4). Part 104Public Hearings on Effluent Standards for toxic pollutants.
VII	22	1-5	Proposed Rules <u>Federal Register</u> , vol. 41, no. 7, Monday, Jan. 12, 1976, pp. 1705-1769. Environmental Protection Agency (FRL 477-5) 40 CFR, Part 104, Effluent Standards for Toxic Pollutants. Notice of Proposed Rulemaking.
VII	23	1-3	Rules & Regulations, <u>Federal Register</u> , vol. 39, no. 3, 1/4/74, pp. 1027-1029. Subchapter D Water Programs, Part 104 Public Hearings on Effluent Standards for Toxic Pollutants.

Volume	<u>Document</u>	Page	Notes
VII	24	1-7	Clean Air Act Amendments of 1976. Report by the Committee on Interstate & Foreign Commerce. May 15, 1976. (Additional, separate, opposing and minority views). General Provision Relating to Administrative Proceedings & Judicial Review, Sec. 307, pp. 396-401.
VII	25	1-15	Page 1 Excerpt from Natural Growth and Development. Prepared by the Domestic Council. December 1974.
		2-4	p. 94-96 Toward Guidelines for Federal Decisionmaking.
		5	Relationship of problem-solving model to "checklist" questions (chart)
		6	Updated draft on program evaluation in the Examiner's Handbook.
		7	Circular A-107 Evaluation of inflationary impact of major proposalls.
		8	Circular A-104 Comparative cost analysis.
		9	Circular A-95 Evaluation, review and coordination of federal programs.
		10	Circular A-76 Policies for acquiring commercial or industrial production.
		11	Circular A-71 Responsibilities for administration and management of automatic data processing activities.
		12	Circular A-63 Advisory committee management.

<u>Volume</u>	<u>Document</u>	<u>Page</u>	Notes
		13	Circular A-44 Management review and improvement program.
		14	Circular A-34 Instructions on budget execution.
		15	Circular A-11 Preparation and submission of budget estimates.
VII	26	1-3	Congressional Record Senate S. 7487-S.7489. May 19, 1976. Regulatory reform: conflicts of interest and ex parte contacts.
VII	27	1-4	The Yale Law Journal, vol. 85:30, Nov. 1975. Internal procedures: lead offices, working groups, steering committees and OMB. pp. 52-54 (bny William F. Pederson, Jr.)
VII	28	1-2	Air/water pollution report. May 24, 1976, p. 203-204 Ford submits regulatory reform bid; Congress considers several measures.
VII	29	1-2	Air/water pollution report. July 28, 1975, pp. 293-294. Subcommittee probe, EPA. rulemaking practice.

<u>Volume</u>	Document	<u>Page</u>	Notes
VII	30	1	Environmental health letter, Oct. 15, 1975. EPA amends standards for asbestos & mercury.
VII	31	1	Federal Environmental Law. re: Water Act, the language of Sec. 101(e) raises several interesting questions. It requires public participation in the development of regulations and standards.
VII	32	1	Federal Environmental Law. p. 1144. re: rulemaking subject to considerable uncertainties. Clean Air Act is mentioned.
VII	33	1	Environmental health letter. Oct. 15, 1975. House Subcommittee adopts sweeping amendments to restrict EPA's authority.
VII	34	1-2	Environmental Reporter. Dated: Current developments. Judge rejects toxics consent agreement; Third Circuit rules on air act filing time.
VII	35	1-2	Air/water pollution report, May 17, 1976, pp. 195-196, NRDC to seek judicial review of SEC rules on environmental disclosure. GAO report shows EPA stocks of little used scientific equipment; Alm Halls purchases.

<u>Volume</u>	Document	Page	$\underline{ ext{Notes}}$
		2	Train, Peterson endorse DOI strip mine rules; NCA, environmentalists object.
			IGCI Chief urges more cooperation toward achieving national air quality goals.
VII	36	1-9	Congressional Record House. May 4, 1976, p. H. 3888 to H. 3896, re: EPA. vote is recorded.
VII	37	1-5	Handwritten notes from Jim Tozzi (See Tozzi for details).