

# Center for Regulatory Effectiveness

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June 17, 2002

Hon. Spencer Abraham  
Secretary  
United States Department of Energy  
1000 Independence Ave., SW  
Washington, D.C. 20585

## **NOTICE OF INTENT TO SUE FOR FAILURE TO PUBLISH DATA QUALITY ACT GUIDELINES FOR PUBLIC COMMENT**

Dear Secretary Abraham,

On behalf of the Center for Regulatory Effectiveness (“CRE”), I am notifying you that CRE intends to sue you, in your official capacity as Secretary of the United States Department of Energy (“DOE”), for DOE’s failure to propose guidelines under the Data Quality Act amendments to the Paperwork Reduction Act, 44 U.S.C. § 3516 statutory and historical notes (“Act”), and under the Office of Management and Budget (“OMB”) guidelines implementing the Act. 67 FR 8452-60 (Feb. 22, 2002).

The Act imposes new standards on the quality of information disseminated by most federal executive branch agencies and departments, including DOE. The Act requires OMB to promulgate guidelines implementing the Act. OMB promulgated these final guidelines on February 22, 2002. 67 FR 8452. The Act and OMB’s guidelines require that DOE propose its own Data Quality guidelines by June 1, 2002; allow public comment on the guidelines; send the proposed guidelines to OMB for review by August 1, 2002; and publish final guidelines by October 1, 2002. 67 FR 8453, 8459. DOE is also required to designate its Chief Information Officer or another official to be responsible for compliance with the Act and OMB’s guidelines. 67 FR 8459.

As of the date of this letter, DOE has not proposed Data Quality guidelines for public comment. DOE is the only cabinet-level agency that has failed to propose Data Quality

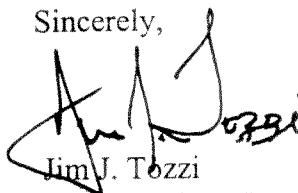
## Center for Regulatory Effectiveness

guidelines for public comment.

If DOE has not published Data Quality guidelines in the *Federal Register* for public comment by July 2, 2002, CRE will file a case in federal court seeking a court order requiring DOE to comply with its duties under the Act.

CRE has previously requested relief on this matter, as discussed in the attached letter to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim J. Tozzi". The signature is stylized with a large initial "J" and "T".

Jim J. Tozzi  
Member, CRE Board of Advisors

Attachment

cc w/attach:

Hon. John Ashcroft, U.S. Attorney General  
Hon. John Graham, Administrator, OIRA  
Lee Liberman Otis, GOE GC