

Bunk, Amy

From: Robert Rains [RainsR@asme.org]
Sent: Tuesday, February 28, 2012 8:31 AM
To: Bunk, Amy
Subject: Re: Question re: Federal Register notice on IBR and petitions

Okay, good to know, thanks again!

Rob

From: Bunk, Amy [mailto:abunk@gpo.gov]
Sent: Tuesday, February 28, 2012 08:10 AM
To: Robert Rains
Subject: RE: Question re: Federal Register notice on IBR and petitions

No, the petition isn't a petition for reconsideration. The ACUS recommendation adopting process is a separate process from an agency rulemaking.

Professor Strauss's amendment to the ACUS recommendation would have changed the ACUS recommendation so that ACUS would have recommended OFR revise its regulations. Since the amendment didn't pass, Professor Strauss decided to directly petition OFR to change its regulations.

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From: Robert Rains [mailto:RainsR@asme.org]
Sent: Monday, February 27, 2012 5:10 PM
To: Bunk, Amy
Subject: Re: Question re: Federal Register notice on IBR and petitions

Ms. Bunk,

Thank you for your prompt reply, this is very helpful. I do realize ACUS is advisory. Am I correct to assume that this is a petition for reconsideration for the OFR?

Rob

From: Bunk, Amy [mailto:abunk@gpo.gov]
Sent: Monday, February 27, 2012 05:02 PM
To: Robert Rains
Subject: RE: Question re: Federal Register notice on IBR and petitions

Mr. Rains,

Recommendations that ACUS makes in its role as a federal advisory committee neither require nor prohibit federal agencies or members of the public to taking action. Under the Administrative Procedure Act, individuals may petition agencies to change their regulations. Generally, agencies, including the Office of the Federal

2/28/2012

Register (OFR), publish announcements of such petitions in the *Federal Register*. Since Professor Strauss petitioned the OFR to revise our regulations regarding incorporation by reference (at 1 CFR part 51), we published it in today's edition of the *Federal Register*.

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From: Robert Rains [mailto:RainsR@asme.org]
Sent: Monday, February 27, 2012 2:07 PM
To: Bunk, Amy
Subject: Question re: Federal Register notice on IBR and petitions

Good afternoon Ms. Bunk,

My name is Robert Rains and I am with the American Society of Mechanical Engineers (ASME). Today I saw that a notice has been published in the Federal Register (OFR) regarding incorporation by reference, and that a petition led by Peter L. Strauss, and signed by others, has been printed. My question is, what is the process for getting petitions submitted, and recognized, that they can then be brought under consideration by the OFR? Can essentially anyone submit a petition and have it published by the OFR with a request for comments? Please let me know. If you recall, Strauss' petition is asking for consideration of something that was rejected last year in the Administrative Conference of the U.S. (ACUS) Plenary Assembly meeting, and was therefore not adopted as part of the final recommendation.

Thank you,

Rob

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