



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Avenue, SE
Washington, DC 20590

July 24, 2008

The Honorable Edward J. Markey
Chairman, Select Committee on
Energy Independence and Global Warming
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Markey:

This letter follows Acting Undersecretary Tyler Duvall's June 26, 2008 correspondence to you in response to your June 17, 2008 letter requesting information on the Department of Transportation's on-going rulemaking process to set fuel economy standards for passenger cars and light trucks.

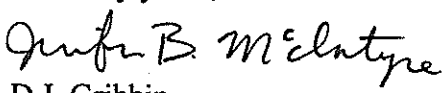
The June 26 letter noted that the Department was continuing to analyze questions 4.b., 4.c., 4.e., and 6, which requested documents and information related to the interagency consultation conducted during the development of the fuel economy rulemaking. Such consultation, as you know, occurs routinely in accordance with Executive Orders 12866 and 13432 and long-standing practice in agency rulemaking. After careful review, the Department has concluded that the documents requested in questions 4.b., 4.c., 4.e., and 6 of your June 17, 2008 letter implicate the confidentiality interests of the Executive Branch because they are pre-decisional and deliberative in nature and are part of an ongoing rulemaking.

As you may know, the comment period for the subject fuel economy rulemaking just closed this past July 1, and the Department is working diligently to produce a final rule to meet Congress's goals set forth in the Energy Independence and Security Act of 2007. The integrity of the administrative rulemaking process is vital to producing a sustainable final regulation.

Thank you for your interest in the Department's rulemaking to set fuel economy standards for passenger cars and light trucks. We look forward to finalizing by the end of this year the regulations to make these important improvements. These increases are needed more than ever to achieve energy independence and security and reduce carbon dioxide emissions.

If you have any questions, please contact me at (202) 366-4702.

Sincerely yours,


for D.J. Gribbin
General Counsel