NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 30-106 ***NOVEMBER 21, 1995***
Administration and Operations
PROVIDING FEEDBACK ON REGULATORY DOCUMENTS
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SUMMARY OF REVISIONS:

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, Maryland 20910

NOV 21 1995

MEMORANDUM FOR: F/CM2 Plan Reviewers
F/CM2 - Doris Tucker

FROM: George H. Darcy
Chief, Plans and Regulations Division

SUBJECT: Policy and Procedures for Providing Feedback on Regulatory Documents

Based on recommendations of the Regulatory Effectiveness Charter Team, which were approved by the NMFS Transition Board in June 1995, the following policy and procedures should be followed in providing feedback to regulatory drafters regarding their documents.

POLICY

Timely, constructive feedback should be provided to drafters of regulatory documents regarding any failure to comply with available guidelines, so that corrections can be made and documents can be improved in the future. In addition, the cause of such failure in compliance (i.e., lack of understanding, or unawareness or unavailability of guidelines) should be determined so that appropriate corrective action can be initiated. Corrective action may include clarification of the guidelines, training, or improved access to the guidelines.

The intent of this policy is that continuing, constructive feedback will improve the quality of documents and will identify problem areas that need to be addressed through better guidance, training, or other means.

PROCEDURES/RESPONSIBILITIES

All regulatory reviewers are responsible for providing constructive comments on regulatory documents to the originators of those documents. Such feedback should indicate not only what changes need to be made to the documents, but why the changes are necessary or suggested; comments should be specific enough to allow the drafter to understand the problem identified, or question asked. Reference to specific sections of guidelines or relevant policy should be included whenever possible. When

appropriate, document drafters should be sent copies of their marked-up documents to convey the comments made by Washington reviewers (e.g., Regs Unit, GCF, Plan Reviewer, etc.).

The Regulations Unit should be notified of specific areas of noncompliance with guidance (i.e., areas that are continuing problems), such that the problems can be addressed and avoided in the future. The Regulations Unit is responsible for clarifying or drafting regulatory guidelines, scheduling training, or making guidelines available, as necessary, to address the problems.

A complete set of the documents in each regulatory package sent to NOAA and/or the Department of Commerce (DOC) should be sent to the document originator (e.g., Regional Plan Coordinator) at the same time the package is sent to NOAA or DOC, including any memos or notes from GCF or F/CM that are part of that package. The intent is to make sure that the document originators know what issues have been raised, what revisions have been made to the documents, and what the Headquarters concerns are, if any.

In addition, an electronic copy of each document sent to the Office of the Federal Register should be e-mailed to the originator (e.g., Regional Plan Reviewer) at the same time it is sent to the Office of the Federal Register. The intent is to ensure that the originator is aware of exactly what is expected to appear in the Federal Register.