

## Google Groups

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**Re: Comment in response to IBR proposed rule**

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**Federal Register Legal** <fedreg.legal@nara.gov>

Nov 6, 2013 4:56 PM

Posted in group: **Federal Register Legal**

Mr. Croston,

There are no substantive differences between the draft we sent to OIRA and the document we published in the Federal Register.

Legal Affairs and Policy Staff  
Office of the Federal Register  
National Archives and Records Administration

On Wed, Nov 6, 2013 at 2:04 PM, Sean Croston <seandcroston@gmail.com> wrote:

Thank you. I understand that you will not provide OMB/OIRA staff comments. I should have clarified that I am looking for the information specified in section 6(a)(3)(E) of Executive Order 12866:

(E) After the regulatory action [which includes notices of proposed rulemaking] has been published in the Federal Register or otherwise issued to the public, the agency shall:

- (i) Make available to the public the information set forth in subsections (a)(3)(B) and (C);
- (ii) Identify for the public, in a complete, clear, and simple manner, the substantive changes between the draft submitted to OIRA for review and the action subsequently announced; and
- (iii) Identify for the public those changes in the regulatory action that were made at the suggestion or recommendation of OIRA.

In other words, the "agency" (NARA/OFR) is responsible for making available to the public information indicating the changes between the draft submitted to OIRA for review and the final proposed rulemaking published in the Federal Register, and identifying the changes made at the suggestion or recommendation of OIRA. That's what I'd like to see.

Thanks!

On Wed, Nov 6, 2013 at 1:36 PM, Federal Register Legal <fedreg.legal@nara.gov> wrote:

Mr. Croston,

NARA does not include in its rulemaking dockets OMB staff-level comments that were provided during OMB's review of draft regulations. However, OIRA will provide certain documents exchanged between OIRA and the rulemaking agency during its review of regulations that have been published in the Federal Register. You may contact OIRA directly at via their docket librarian at Mabel\_E.\_Echols@omb.eop.gov.

Legal Affairs and Policy Staff  
Office of the Federal Register  
National Archives and Records Administration

On Mon, Oct 21, 2013 at 1:30 PM, Sean Croston <seandcroston@gmail.com> wrote:

Thanks. Will you be posting OMB/OIRA's comments on your Federal Register Notice (<http://www.reginfo.gov/public/do/eoDetails?rrid=122956> reports that your published notice was "consistent with change" suggested by OMB), as required by section 6(a)(3)(E) of Executive Order 12866 (<http://www.archives.gov/federal-register/executive-orders/pdf/12866.pdf>) ?

I could not find those OIRA comments anywhere on the [www.ofr.gov](http://www.ofr.gov) website or in the rulemaking docket on [www.regulations.gov](http://www.regulations.gov).

On Thu, Oct 17, 2013 at 1:55 PM, Federal Register Legal <fedreg.legal@nara.gov> wrote:

Mr. Croston,

Due to technical issues that couldn't be resolved before the government shutdown on October 1, 2013, the NPRM published in the October 2, 2013 issue of the Federal Register did not upload to the proper docket on Regulations.gov. The docket is OFR-2013-0001 and is now available for viewing. We added your comment to the docket, so you don't have to resend it, but you do have a new tracking number: 1jx-887s-dkgh.

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