



January 6, 2014

Request for Comments on Notice of Proposed Rulemaking, Incorporation by Reference 1 CFR Part 51 [OFR-13-0001] Office of the Federal Register

NCPDP Response

The National Council for Prescription Drug Programs (NCPDP) is a not for profit ANSI-accredited Standards Development Organization consisting of more than 1,600 members who represent chain and independent pharmacies, drug wholesalers, insurers, mail order prescription drug companies, pharmaceutical claims processors, physician services organizations, prescription drug providers, software vendors, telecommunication vendors, service organizations, government agencies, drug manufacturers and other parties interested in electronic standardization within the pharmacy services sector of the health care industry. To learn more about NCPDP visit [www.ncpdp.org](http://www.ncpdp.org)

NCPDP commented on the Partial Grant of Petition and Notice of Proposed Rulemaking (Notice) posted by the Office of the Federal Register (OFR) in response to a petition which sought the “free” availability of material incorporated by reference (IBR) in the Code of Federal Regulations. NCPDP opposed that petition and supports the OFR’s discussion of comments posted on October 2, 2013. Thank you for the OFR’s responses to the points in response to the original petition. There is not “one solution to the access issue. NCPDP agrees with the OFR’s decision to “leave the burden on the agencies and their subject matter experts to work with the [standards developing organizations] SDOs to provide access to the standards these subject matter experts believe need to be IBR-ed.” OFR’s suggested “requirement that agencies provide an explanation in the preambles of both their proposed and final rules that discusses how the IBR materials were made reasonably available” is appropriate. As the OFR notes, this approach provides the agencies with the necessary “flexibility to come up with the best solution for a particular situation.”

The U.S. government’s participation in and support of standards development activities are very important to NCPDP. The standardization community highly values the expert input that government employees provide and the reliance that agencies demonstrate by adopting and relying on voluntary consensus standards and compliance programs. NCPDP and its members work with government agencies at the federal, state and local levels to achieve optimum compatibility between government laws and regulations and the voluntary standards of industry and commerce, as well as ensuring that voluntary consensus standards provide for government requirements in their procurement of goods and services.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee Ann C. Stember".

Lee Ann C. Stember  
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