



TELECOMMUNICATIONS
INDUSTRY ASSOCIATION

1320 N. Courthouse Rd., Suite 200
Arlington, VA 22201 USA
www.tiaonline.org

Tel: +1.703.907.7700
Fax: +1.703.907.7727

Submitted via www.regulations.gov

January 31, 2014

The Office of the Federal Register (NF)
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD

Re: *Incorporation by Reference, 1 CFR Part 51 (OFR-13-0001)*

To the Office of the Federal Register, National Archives and Records Administration:

The Telecommunications Industry Association (TIA) thanks the Office of the Federal Register, National Archives and Records Administration (OFR) in response to its partial grant of petition and notice of proposed rulemaking.¹ TIA submitted a detailed response to the OFR's questions in this matter² and we appreciate the exhaustively responsive analysis provided by OFR.

TIA supports OFR's proposals to alter 1 CFR 51 so that (1) agencies seeking approval of their incorporation by reference (IBR) requests include further information regarding the materials to be incorporated into the preambles of their rulemaking documents; and (2) these agencies set out in the preambles "a discussion of the actions they took to ensure the materials are reasonably available to interested parties or summarize the contents of the materials they wish to incorporate by reference.

¹ *Incorporation By Reference*, Office of the Federal Register, National Archives and Records Administration, 78 Fed. Reg. 60784 (October 2, 2013) ("Proposed Rules").

² *See* <http://www.tiaonline.org/sites/default/files/pages/TIA%20SIPC%20Response%20to%20OFR%20on%20Incorporation%20By%20Reference%20%28IBR%29%20Petition%20053112.pdf>.

Furthermore, we agree with OFR's conclusions that:

- "Transparency does not automatically mean free access."³
- OFR does not have the subject matter expertise (technical or legal) nor the authority to tell another agency how they can best reach a rulemaking decision.⁴
- It is most appropriate to leave the burden on the agencies and their subject matter experts to work with the SDOs to provide access to the standards these subject matter experts believe need to be IBR'd.⁵

In conclusion, TIA is supportive of the OFR's analysis and proposal in its Proposed Rules. We urge OFR to move forward to resolve this matter, and urge for OFR's outreach to TIA should any questions or concerns arise related to our positions.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

By: /s/ Brian Scarpelli

Brian Scarpelli
Senior Manager, Government Affairs

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

1320 Court House Road
Suite 200
Arlington, VA 22201
(703) 907-7700

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³ Proposed Rules at 60788.

⁴ *Id.* at 60788.

⁵ *Id.* at 60789.