

e-Rulemaking

What is e-Rulemaking?

E-Rulemaking entails the application of web-based information technologies to the agency's regulatory activities, including the rulemaking process, the maintenance of administrative records or dockets supporting rulemakings, and rule-related communications between the agency and stakeholders and the general public.

NMFS e-Rulemaking Vision - Components

There would be 5 basic components to NMFS e-Rulemaking:

- **Rulemaking portal** - a single web access point for all publically available NMFS regulatory information and for public comments on proposed rules and supporting documents (e.g., dovetail with DOT/OMB Online Rulemaking Initiative via "FirstGov.gov")
- **Online public administrative record** - The e-Docket representing agency's official and complete administrative record for its rulemakings that replaces a paper-based docket (e.g., organized by rule, fishery, region; full text search; search engine; etc.)
- **Electronic internal processing, analysis, and response to public comments** (e.g., electronic aided processing of comments and discussions; database queries and reports; spreadsheets analysis; scanning and text generation of mail and faxes; metrics analysis and reports)
- **Online collaboration** - e-Dialogue with stakeholders and public (e.g., threaded discussions, facilitated discussions, chat rooms, etc.)
- **Rulemaking cultural changes** (e.g., fully integrated RPS and e-Rulemaking; newly defined business processes and associated

ownership issues; management support for staffing and funding; e-Docket accepted as agency's official admin. record; external constituents regular use of portal for all rulemaking phases (e.g. FOIAs and discoveries without NMFS help); increasingly large proportion of online comments)

General Benefits of e-Rulemaking

e-Rulemaking should:

- Expand constituent participation in the rulemaking process
- Improve the quality of rules promulgated and improve the agency's rule-related decisionmaking
- Achieve considerable long-term cost savings and increased efficiencies in the agency's internal rulemaking procedures
- Help the agency meet the requirements of Government Paperwork Reduction Act

e-Rulemaking and NMFS' Regulatory Streamlining Project

e-Rulemaking should directly support the RSP through :

- Facilitating information dissemination to constituents
- Encouraging a more transparent decisionmaking in rulemaking
- Fostering better collaboration with stakeholders and other agencies
- Contributing to problem solving early in the rulemaking process
- Helping to modernize fisheries management

Current NMFS Actions

- e-Comments Pilot:
 - NMFS pilot project to receive and post public comments online for a proposed rule and to use related information technology to aid in assessing and responding to the comments received in preparing the final rule

- HMS Fishing Vessel Permits; Charter Boat Operations (April-May 2002)
- Lessons learned; system upgrade; additional rules (summer 2002)
- Alaska Region's e-Records Administration System:
 - Deployed spring 2002
 - Multiple features; documents scanned; electronic document storage; search features
 - Initial in-house use only
 - Online accessibility added later
- Development of complete NMFS e-Rulemaking System - Next Steps:
 - Requirements definition
 - Councils' involvement
 - DOT dovetail (see below)
 - Pilots' phases TBD

Government-Wide Activities

- Other Federal agencies have been using Internet and associated information technologies for several years to facilitate their rulemaking activities (e.g., DOT, EPA, HHS, and USDA)
- President's Online Rulemaking Initiative:
 - e-Rulemaking is one of 24 major OMB-directed e-Government initiatives
 - Vision: Citizens can easily access and participate in a high quality, efficient, and open rulemaking process
 - Goals: Increased amount, breadth, and ease of citizen and intergovernmental access and participation in rulemaking; improved regulatory policies and outcomes through greater quality, management efficiency, and transparency of the rulemaking process; and enhanced public understanding of the rulemaking process.

– DOT managing partner; all major Federal regulatory agencies participating

– Initiative objectives include:

1. Create government-wide, centralized online capability to access and search all publicly available regulatory material;
2. Provide an easy and consistent way for public to find and comment on proposed rules; and
3. Build a unified, cost-effective “back room” regulatory management system to ensure efficiency, economies of scale, and consistency for public customers and government.

– Objectives 1 and 2 to be met through creation of FedDocket, a government-wide docket system providing a single Internet portal (web address) to all Federal regulatory material and offering public a centralized portal (FirstGov) to search all Federal dockets and to comment on proposed rulemakings and related material. DOC/OGC, along with NOAA/NMFS (OMI and SF), are working with DOT to assist in development of FedDocket.

– Objective 3 may be met by development of DOC-wide electronic regulatory and information collection system serving as management tool, information resource, and interface with OMB’s new regulatory information tracking system under development. DOC/OGC has lead.

– Time lines for objectives 1-3 are not fully defined; OMB suggests all objectives be completed by end of 2003.