

NATIONAL MARINE FISHERIES SERVICE POLICY DIRECTIVE 30-102-11
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Administration and Operations
Regulatory Guidance

Guidance for the Preparation and Clearance of Issues Advisories

NOTICE: This publication is available at: <http://www.nmfs.noaa.gov/op/pds/index.html>

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SUMMARY OF REVISIONS: This guidance supersedes the August 17, 1998 guidance.

Signed ____/S/____12/27/2007_____
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Background

This document is intended to provide guidance on the type of information contained in an Issues Advisory (IA) and the proper submission and clearance of an IA. The IA was developed based on a recommendation from the Regulatory Effectiveness Board as noted in the August 17, 1998, memo from Rolland A. Schmitten. The purpose of this memo was to provide pertinent information regarding a regulation to Headquarters prior to the clearance of the action.

Introduction

An IA provides NOAA Fisheries Service leadership advance notice of upcoming regulatory actions. This allows NOAA Fisheries Service leadership to review actions to ensure they are compatible with current national policy and to become aware of any issues the upcoming action highlights. It also allows NOAA Fisheries Service leadership the opportunity to discuss any outstanding issues with the originating office prior to any final decisions being made regarding the action. Finally, the IA is shared with NOAA leadership to give them advanced notice of upcoming actions.

Content¹

Regional or Headquarters Offices submitting an IA should ensure that it:

- Identifies significant policy, legal, and/or science issues;
- Identifies proposed solutions to any budgetary concerns raised;
- Identifies the preferred alternative (may include additional alternatives);
- Contains no final recommendations or determinations of legal compliance in document;
- Identifies whether or not the action is controversial; and
- Identifies litigation risks, etc., that the NOAA Fisheries Service leadership should be aware of prior to formal submission.

Submission and Clearance

The originating Regional or Headquarters Office should submit an IA to the Correspondence Unit (F/CU) or the appropriate Headquarters Office for clearance as other procedures provide (e.g., SF Clearance Unit procedures). The originating office should submit the IA sufficiently in advance of the action to be taken to provide NOAA Fisheries Service leadership the opportunity to discuss any outstanding issues with the originating office and provide sufficient time to submit and clear the decision memorandum on the action. At headquarters, IAs should be routed for clearance through the Headquarters Office that has responsibility for the issue the IA addresses, F/CU, and the office of the Assistant Administrator for Fisheries (AA). This Office will acknowledge receipt of the IA by initialing the routing slip, or other means. It is the responsibility of F/CU or the appropriate Headquarters Office to ensure the originating office has been advised that the IA has been cleared. Please note that 'clearance' of the IA does not indicate concurrence of the AA's office with the preferred alternative identified but only acknowledges that the IA has been received.

¹ For example template go to http://home.nmfs.noaa.gov/sf/regstream/Examples/Examples_Checklists.htm