

#3125

Kathy Cooper

From: David Sumner
Sent: Wednesday, December 23, 2015 12:46 PM
To: irrusers
Subject: Comments Regarding Proposed Regulation 70-9

From: Blynn, Norina <nblynn@pa.gov>
Sent: Wednesday, December 23, 2015 11:17 AM
To: Leslie Johnson
Subject: Comments Regarding Proposed Regulation 70-9

2015 DEC 23 PM 2:24

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IRRC

Dear Chief Counsel Lewis-Johnson:

I would like to submit the following comments with regard to Proposed Regulation 70-9.

1. The definition of "preamble," as set forth in section 301.1, states that this document should include **"details regarding the public comment period."** However, the structure of the proposed amendment to section 305.1(b) implies that such information should be set forth in a separate document:

(4) The preamble, which shall include all information as described in § 301.1.

(5) Instructions for submitting public comments to the agency.

Listing the instructions for submitting public comments as a separate item in section 305.1(b) implies that this information should be set forth in a separate document. If that is the intent behind this language, then you may wish to revise the definition of "preamble" by omitting the requirement that the preamble include details regarding the public comment period. If, however, you wish the public comment details to be included in the preamble, it is suggested that incorporating the language of 305.1(b)(5) into 305.1(b)(4) would reduce the potential for confusion.

2. Section 307.2(c)(6) is proposed to be amended as follows: "The names and addresses of commentators who requested additional information on the final-form regulation **or a statement that no commentator requested additional information.**" It is possible for an agency to receive comments that do not include addresses, e-mails, or telephone numbers, making it impossible for the agency to inform these commenters of the possibility of receiving additional information, as required by section 305.2(d). Under such circumstances, while the agency could truthfully state that "no commentator requested additional information," that statement implies that the commentator had been advised of the possibility of receiving additional information.

I would like to suggest that the public be advised as soon as possible of the opportunity to receive additional information. This will create a more informed public and also eliminate the bureaucratic back-and-forth between the agency and the public commenters that is currently required. The preamble is the ideal vehicle for this information.

Therefore, it is suggested that the definition of "preamble" in section 301.1 could be amended further:

Preamble – a document that provides information about a regulation and includes the effective date, statutory authority, purpose and explanation of the regulation, a description of any amendments thereto, fiscal impact, contact person, and details regarding the public comment period, including the right to request further information as set forth in section 305.2(d).

Thank you for your consideration of the above. I would like to receive notification as to when the final-form regulation has been posted on IRRC's website. Please send such notification to me via e-mail at nblynn@pa.gov.

Very truly yours,

Norina K. Blynn