

0031426

From: [Mike Murray](#)
To: [AJ North](#)
Cc: [Doug Wetmore](#); russ_wilson@nps.gov
Subject: Fw: Good Cause Exception
Date: 10/27/2011 09:50 AM

AJ,

Whether or not we decide to request the good cause exception, I think it would be a good idea for me to come to DC to brief OMB about the final rule (preferably around the time they receive the final rule package). I would appreciate it if you or Russ could coordinate scheduling the briefing (and attend it with me). Ideally, I would appreciate a week's notice (or at least a few days notice) for the meeting in order to rearrange my schedule, make travel plans, etc., but I will do whatever is necessary to make it work.

Mike Murray
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----- Forwarded by Mike Murray/CAHA/NPS on 10/27/2011 11:41 AM -----

**Doug
Wetmore/DENVER/NPS**

To: Mike Murray/CAHA/NPS@NPS
cc

10/27/2011 11:28 AM

Subject: Re: Fw: Good Cause Exception 

Mike. Just an fyi.

I spoke with AJ yesterday and he thought that briefing OMB might be helpful in expediting their review. If you decide to initiate and attend a briefing, I'm available for any support that you need.

He also said that the "listening sessions" that OMB had with user groups for the proposed rule could happen for the final, but they must be requested by a particular organization. He indicated that OMB does not solicit these meetings.

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0031427

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**Mike
Murray/CAHA/NPS**

To: Doug Wetmore/DENVER/NPS@NPS

cc: AJ North/WASO/NPS@NPS

10/26/2011 01:26 PM

Subject: Re: Fw: Good Cause Exception 

Doug,

If these examples are the kinds of situations that warrant an immediate effective date, then I don't think it is worth pursuing. The first case seems to be a minor procedural change in address for obtaining permits. The second case involves issuing an "interim final rule" with an immediate effective date, while accepting public comments with the expectation that the "final rule" will be issued later. I wonder if there are any examples more similar to our situation (i.e., a fairly controversial issue with a court imposed deadline), or if "immediate effective date" really is not a viable option in our case. I doubt that the "operational convenience of the government because the busy season is approaching" is a valid reason for an immediate effective date. I also wonder if requesting an "immediate effective date" inherently includes allowing additional public comment. If that were the case, going with an immediate effective date would actually cost us more time and work (to analyze comments and re-issue the final rule later) than it would actually save. We might be better off just sticking to the 30 days delay and dealing with the operational issues related to it.

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▼ [Doug Wetmore/DENVER/NPS](#)

**Doug
Wetmore/DENVER/NPS**

To: Mike Murray/CAHA/NPS@NPS

0031428

cc

10/26/2011 02:38 PM Subject Fw: Good Cause Exception

I spoke with AJ. We'll need to draft something up to put in the rule if we want to go the "good cause exemption route".

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----- Forwarded by Doug Wetmore/DENVER/NPS on 10/26/2011 12:38 PM -----

AJ North/WASO/NPS

To Doug Wetmore/DENVER/NPS@NPS
cc
10/26/2011 10:45 AM
Subject Good Cause Exception

Doug:

Attached are a couple of examples as we discussed. These are not limited to immediate effective date, but you'll see how it was managed for other rules.

If you want to take a look, the APA cite is 5 U.S.C. 553(d)(3).

Questions or if I can help you in any other way, please let me know.

A.J. North
NPS Regulations - WASO
202-208-5268 (o)
202-365-2008 (c)[attachment "NCR-NOPC-Effective Date.doc" deleted by Doug Wetmore/DENVER/NPS] [attachment "NAGPRA Immediate Effective Date.doc" deleted by Doug Wetmore/DENVER/NPS]