



NATIONAL COMMISSION ON FORENSIC SCIENCE

NIST
National Institute of
Standards and Technology
U.S. Department of Commerce

Guidance for the Adjudication of Public Comments

PURPOSE: Provide guidance to Subcommittees of the National Commission on Forensic Science regarding the recommended process for adjudication of public comments.

Public comments may be submitted to the Commission in three ways:

- 1) Members of the public and Commissioners, may submit public comments through www.regulations.gov.
- 2) The public may make oral comments during pre-scheduled public comment periods at Commission meetings.
- 3) The public may submit written public comments to the Designated Federal Officer (DFO) via email.

Commission leadership has established regulations.gov as the primary mechanism by which written public comments will be received.

- Designated public comment periods will be announced in the Federal Register.
- Designated public comment periods will commence for a minimum of 30 days; opening 15 days in advance of a meeting where an initial draft work product is to be introduced and extending an additional 15 days beyond the meeting when an initial draft work product was introduced at a Commission meeting.
- Public comments received outside of a designated public comment period will be collectively posted to regulations.gov during the next available designated public comment period.
- Public comments received through regulations.gov will be assembled, by draft work product, and provided to the appropriate Subcommittee Co-Chairs for adjudication.

Comments received via oral public comment periods at Commission meetings shall be considered by Subcommittee Co-Chairs and included in the adjudication process.

Adjudication Guidance:

All public comments shall be considered as part of the development process for draft work products. The following guidance is meant to ensure that a uniform process is undertaken to consider and implement public comment, as appropriate.

- Subcommittee Co-Chairs, or their designee(s) are primarily responsible for leading the adjudication process in consultation with Subcommittee members.
- Public comments received through regulations.gov will be assembled by work product and delivered to the appropriate Subcommittee.
- Subcommittee Co-Chairs or their designee(s) will consider public comments and attempt to organize the comments by theme/subject.
- Subcommittee Co-Chairs should convene a meeting to adjudicate public comments, either individually or by theme (if practicable), and the Subcommittee should reach consensus on how the comment might amend the draft work product under development.
- A record of how public comments were adjudicated should be retained, to include how the draft work product was amended; and justification for why, if the case may be, no amendments were made.
- A summary document shall be produced by the Subcommittee and made available to the public on the Commission's website which describes, in general terms, comments that were received, how they were adjudicated, and the results of the adjudication (see adjudication template).
- Should significant changes to a draft work product result from the adjudication of public comments, notification will be made by the Subcommittee Co-Chairs to the Commission Vice-Chairs and the draft work product will be considered for re-introduction as a draft work product to the Commission. A new 30-day public comment period will also be required.
- Should minor changes to a draft work product result from the adjudication of public comments, Subcommittee Co-Chairs will submit the final draft work product to Commission staff for vote at the next Commission meeting.