A.   Justification

1.   <u>Necessity of Information Collection</u>

On January 21, 2009, President Obama signed a memorandum on Transparency and Open Government. The memorandum directed Departments and Agencies to promote transparency by using new technologies, by increasing opportunities to participate in policymaking, and by expanding collaboration among Agencies, across governments, and with external groups and individuals.

The eRulemaking Program, an inter-agency program led by the Environmental Protection Agency and authorized under Section 206 of the Electronic Government Act of 2002, operates *www.regulations.gov* . *Regulations.gov* is a citizen-focused website that provides the public the ability to find, view, download, bookmark, receive email alerts, establish RSS feeds, and submit comments on proposed rulemakings and other federal actions that solicit public comment. *Regulations.gov* currently provides access to nearly 3.5 million documents, supports 39 partner departments and agencies which promulgate more than 90% of the federal government's annual rulemakings, and receives millions of hits and tens of thousands of comments each month. Since September 2005, *Regulations.gov* has received more than 340 million hits and received more than 2.5 million public comments.

In response to the Presidential memorandum, the eRulemaking Program launched the *Regulations.gov* 'feedback exchange' Web site in May 2009. This interactive Web site showcases new technologies being considered for the *Regulations.gov* 'feedback exchange' and *Regulations.gov*, as well as other agency-specific initiatives and rulemaking activities. The 'feedback exchange' serves as a learning laboratory for open government, enabling the public to provide input on the *Regulations.gov* interface, build a community of practice on the federal regulatory development process, and ensure that the eRulemaking Program can efficiently manage federal resources by testing new tools before they are launched.

What will it do?   The *Regulations.gov* 'feedback exchange' website provides the public with a preview of new technologies being considered for the *Regulations.gov* 'feedback exchange' and *Regulations.gov*. These new technologies include: User Profiles; Comment Threads and Wikis; Ratings, Polls, and Tagging; an interactive Educational Tool; and Information Export and Sharing capabilities, such as application programming interfaces (or APIs). These technologies have been deployed iteratively, with some components deployed upon the site's original release in May 2009, and others deployed during updates throughout the last three years. Other components are still being considered and will be released during subsequent upgrades to the Regulations.gov 'feedback exchange' and Regulations.gov. User profiles enable the public to register on the site and pre-load submitter information for later use as well as save their own personalized searches, RSS feeds, and e-mail alerts without the use of persistent cookies. Comment Threads allow the public to enter into virtual conversations with one another about a topic. Wikis enable the public to collaboratively develop and modify narrative

descriptions about a topic. Ratings and Polls allow the public to indicate a preference for a topic or issue via the selection of stars or thumbs up/thumbs down icons which graphically provide an at-a-glance indication of public sentiment and can simplify navigation. Tagging provides the public with the ability to tag or label information they or someone else has posted to the site to ease navigation and to promote the formation of common interest categories. The Educational Tool informs the public about the federal rulemaking process through interactive text and images. The Data Export capability and APIs enable the public to download and review the contents of a rulemaking docket as well as mix and match such information with other information in new and innovative ways. The Regulations.gov ''feedback exchange'' relies on feedback from Government, Industry, Academia and Citizenry to improve Regulations.gov as time goes on..

What are the Benefits? As part of the president's pledge to make the government more open and transparent, the *Regulations.gov* "feedback exchange**"** web site is the citizen's back stage pass to shape and drive the evolution of the federal government's premier public access rulemaking web site. Citizens are able to participate in an open dialogue on the design, format, and functionality of *Regulations.gov, Regulations.gov* 'feedback exchange', *Regulations.gov* and other agency-specific initiatives and rulemaking activities..

The 'feedback exchange' also serves as a laboratory to explore the statutory and policy impacts of emerging Internet technologies on the federal rulemaking process, fostering innovative approaches to involve citizens in federal decision-making.   Enhancing access to rulemaking information through new forms of communication and collaboration can help transform government and realize the vision of and open and transparent government by "democratizing" regulatory decisions. The site will be continuously operated and maintained to freely interact and solicit feedback with the Public to promote innovation through engagement.

Finally, the *Regulations.gov* 'feedback exchange' conserves taxpayer resources through a low-cost, controlled approach to pilot and evaluate new technologies before they are deployed.

What information collections are needed? This information collection request is being submitted in order to fulfill the citizen engagement and feedback aspects of this important initiative. The end users are provided opportunities to provide information feedback and ratings in fulfillment of the President's open government and transparency agenda. This information collection request enables these capabilities to be included on the *Regulations.gov* 'feedback exchange'. The four elements addressed in this information collection request are a five star rating system, a request for user email and URL address on the registration section, support for the ability of users to tag or label content on the site, and support/oppose functionalities that are proposed by the federal government for *Regulations.gov*.

Rating The rating system seeks to give visitors the ability to identify which topics or functionalities and user comments visitors found most useful and interesting. The ability to provide ratings on Internet sites is commonplace and routine for web sites that provide information, allow public browsing, support public interaction, and enable categorization. Ratings provided by users would not be in response to specific questions, but rather would solicit the users' reaction to a topic or specific functionality. A rating of 1 star indicates a low priority or preference for a topic or functionality while a rating of 5 stars indicates a high priority or preference for a topic or functionality.   Site visitors can then view the top rated topics or system functionalities ranked by other users (for example, a visitor could view the top five highest rated functionalities or the top five highest rated visitor comments).

Registration The web site registration capability seeks to give visitors the ability to establish 'profiles' on the site to support user-defined tailoring of information and features to meet his or her needs. Registration is common and routine for web sites that provide information, allow public browsing, support public interaction, and enable categorization. For the *Regulations.gov* 'feedback exchange', visitors voluntarily register on the site by providing their email address, user name, and relative URLs.

Tagging The tagging or labeling capability seeks to give visitors the ability to self-identify information about themselves (e.g., Professional Category, such as 'Academic / Professor") or to label or categorize information they provided or others provided. Tagging is common and routine for web sites that provide information, allow public browsing, support public interaction, and enable categorization. For the *Regulations.gov* 'feedback exchange', visitors voluntarily select tags or labels about themselves and create tags about information they have submitted or others have submitted.

Support or Oppose Comment Form The 'support or oppose' comment form seeks to give visitors the ability to enter comments that are categorized as 'support' or 'oppose'. These fields enable categorization of comments. For the *Regulations.gov* 'feedback exchange', visitors voluntarily enter text in comment fields labeled 'support', 'oppose' or 'general' and which are viewable by other visitors as such.

2. <u>Needs and Uses</u>

The ratings information collected from the public will help the eRulemaking Program, the Office of Management and Budget, and the Program's partner Agencies understand how potential features presented on the *Regulations.gov* 'feedback exchange' are valued by respondents. It is the intention of the eRulemaking Program team to leverage the rating responses to provide feedback to the public as to how the possible new functionalities and tools are collectively viewed by those choosing to rate them. The information will not be used to generalize to all users or potential users.

The email address collection on the Registration section is part of the registration process

to enable site visitors to provide comments, rate content, or tag information. The email address field is required for registration. During the system registration and user profile set-up process, to satisfy security requirements, users receive a dynamic, temporary URL to link back to the system and complete the user profile registration. This security feature is required in order to log-in to the system and use the user profile, due to the fact that federal government websites cannot utilize persistent cookies. Users have the option to sign up for e-mail notifications. The e-mail address required for system registration is used for e-mail notifications only if the user chooses to receive e-mail notifications. Topic discussions and comments can still be viewed by those users who choose not to register. The URL collection on the Registration section is also part of the registration process to enable site visitors to provide access to supplemental or related information. The URL address field is optional for registration.

The information collected for tagging or the support / oppose comments will be used by registered users to further categorize comments when viewing information in the system. When users self-identify themselves, it enables the eRulemaking Program to stratify and better understand the needs of different user groups. This is a common method to gauge and understand customer feedback, for example, the American Customer Satisfaction Index.

3.   Efforts to Minimize Burden

To limit respondent burden, the rating questions are short, require only a response of one star through five stars or a thumbs up / thumbs down, and are purely voluntary. The public is not required to provide its ratings. For those in the public who decide to participate, the abbreviated list of questions and potential responses simplifies their participation.

To limit the public's burden on the site, users only need to provide their email address to be able to submit comments, rate content, and tag information and receive e-mail notifications. The public is not required to provide relative URL addresses.

Participation on the 'favor or oppose' comment form is not required and can be completed on a voluntary basis. Additionally, the form is defined as a single field brief and makes use of selection boxes to minimize the amount of text required to be entered for submission.

Participation on the tagging or labeling functionality is not required and can be completed on a voluntary basis. Additionally, the form makes use of selection boxes to minimize the amount of text required to be entered for submission.

4.   Efforts to Identify Duplication

Ratings relate specifically to possible new functionalities and tools considered for

www.regulations.gov and do not duplicate what other agencies are doing. This is a new capability that does not exist within any other inter-agency rulemaking and public notice and comment portals. The email and URL address fields on the Registration section enabling users to create a user account is a new capability that does not exist within any other rulemaking and public notice and comment portals.   Similarly, the tagging or labeling functionality and the 'favor or opposed' comment form are new capabilities that do not exist within any other inter-agency rulemaking and public notice and comment portals.

5.   <u>Minimizing Burden on Small Businesses</u>

Small businesses are not specific targets of the *Regulations.gov* 'feedback exchange' rating efforts or information collection efforts. However, if they visit the *Regulations.gov* 'feedback exchange' website they have the opportunity to provide ratings, register on the site, submit narrative statement feedback in favor of or opposed to a topic, and tag or label information about themselves or a topic. We ensure that rating questions and icons, registration form, and tagging and labeling capabilities are not redundant and include only requests for information relevant to the specific data sets on the 'feedback exchange'.

6.   <u>Consequences of Less Frequent Collection</u>

This clearance involves establishing a single type of rating to be used for possible functionalities and tools on *Regulations.gov*, email and URL address fields on the Registration section, fields allowing the public to submit feedback in favor or opposed to a topic, and fields enabling the public to tag or label information about themselves or a topic. The voluntary responses to these information collection opportunities determine the frequency of the information collection.

7.   <u>Consistency with OMB Guidelines</u>

The Environmental Protection Agency, as managing partner of the inter-agency eRulemaking Program, collects the information in a manner that complies with OMB guidelines.

8.   <u>Consultation Outside the Agency</u>

The inter-agency eRulemaking Program has conferred with OMB, its 39 partner departments and agencies, including the Program's managing partner, to determine that the ratings approach is desired, within scope of the *Regulations.gov* 'feedback exchange' project, and in alignment with the Administration's transparency and open government memorandum.

The eRulemaking Program also has conferred with OMB and its 39 partner departments

and agencies to determine that the email/URL address fields on the Registration section, fields allowing the public to submit feedback in favor or opposed to a topic, and fields enabling the public to tag or label information about themselves or a topic are all desired, within scope of the *Regulations.gov* 'feedback exchange', and provide value to the public.

9.   Paying Respondents

The federal government does not provide payment or other forms of remuneration to respondents to its *Regulations.gov* 'feedback exchange' information collections.

10.   Assurance of Confidentiality

The *Regulations.gov* 'feedback exchange' website does not provide visitors with any assurance of confidentiality.

11.   Justification for Sensitive Questions

Questions are carefully composed and structured to avoid being sensitive in nature to respondents.

12.   Estimate of Hour Burden

For the ratings, it is estimated that 65,000 ratings will be submitted, on an annualized basis. Each of the ratings is estimated to take 5 seconds and therefore it is anticipated that 90 annual burden hours will be required to submit the data set ratings.   Based upon similar ratings methods, we believe that this is an accurate estimate.

For the email and URL address fields on the Registration form, it is estimated that 13,000 user profiles will be created each year. It is estimated that completing the email address field on the contact form will take 10 seconds and therefore it is anticipated that 36 annual burden hours will be required to submit the email address field on the contact form.   Based upon similar contact form methods, we believe that this is an accurate estimate.

For the tagging of content, it is estimated that 13,000 tags will be submitted each year. It is estimated that completing the tag will take 30 seconds and therefore it is anticipated that 108 annual burden hours will be required to submit the nomination form.   Based upon similar form methods, we believe that this is an accurate estimate.

For the submission of support or oppose comments, it is estimated that 13,000 support or oppose comments will be submitted each year. It is estimated that completing the nomination form will take 1 minute and therefore it is anticipated that 217 annual burden hours will be required to submit the nomination form.   Based upon similar form

methods, we believe that this is an accurate estimate.

Therefore the total burden for this ICR is 451 hours (90 hours for ratings, 36 hours for email address, 108 hours for tagging content, and 217 hours for completing support or oppose comments). The total number of respondents is 13,000 and the total number of responses is 91,000.

13.   <u>Estimate of Cost Burden</u>

We do not expect respondents to incur any costs other than that of their time expended. The information requested is of the type and scope normally provided online and without additional research time required. Therefore, respondents are not expected to incur any costs or burden for responding to this voluntary rating procedure.

14.   <u>Cost to Federal Government</u>

Electronic surveys are virtually cost-free. The Environmental Protection Agency is incurring no additional costs for hosting the information collection forms and will incur no additional costs for storing the anticipated responses. It is estimated that two federal staff persons will spend five hours a week to initiate discussions and review and monitor the comments posted on the site or total of 520 hours a year. The system automatically categorizes comments and users. This information will be integrated into the existing framework that the eRulemaking Program utilizes to analyze public feedback. The average annual Agency cost is estimated to be $30,000. This is based on the average hourly labor rate for a GS-13, step 5 of $48.35. (This rate is from the Office of Personnel Management "2012 General Schedule (Rates Frozen at 2010 levels)" which excludes locality rates of pay).

15.   <u>Reason for Change in Burden</u>

There is only minor mathematical adjustment decrease of 4 burden hours from 455 to 451.

16.   <u>Project Schedule</u>

The Environmental Protection Agency released the *Regulations.gov* 'feedback exchange' to the public in May 2009 and has deployed new technologies iteratively. Some components were deployed upon the site's original release in May 2009, and others were deployed during updates throughout the last three years. Other components are still being considered and will be released during subsequent upgrades to the Regulations.gov 'feedback exchange' and Regulations.gov.

17.   <u>Request to Not Display Expiration Date</u>

The *Regulations.gov* 'feedback exchange' requests not displaying the expiration date since this will be an on-going website.

18.   <u>Exceptions to the Certification</u>

There are no exceptions.