Improving Electronic Dockets on Regulations.gov and the Federal Docket Management System

Best Practices for Federal Agencies

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eRulemaking

eRulemaking Program
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Acknowledgements

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Executive Summary

Federal regulations issued by government agencies affect countless aspects of daily life: food, environment, safety, finances, health, energy, national security, and education, to name a few. But the Federal regulatory process is often perceived as complex, forbidding, and comprehensible only to "Inside-the-Beltway" organizations. The goals of Open Government are to promote transparency, public participation and collaboration throughout the Federal Government's programs and activities[1]:

- Transparency – Promotes accountability by providing the public with information about what the Government is doing.

- Public Participation – Allows members of the public to contribute ideas and expertise so that their government can make policies with the benefit of information that is widely dispersed in society.

- Collaboration – Improves the effectiveness of Government by encouraging partnerships and cooperation within the Federal Government, across levels of Government, and between the Government and private institutions.

It is especially important to promote these goals in the context of federal rulemaking, in order to ensure that rules and their supporting rationales are comprehensible and are designed with the benefit of the dispersed knowledge of the American people. The notice-and-comment process, recognized and required by the Administrative Procedure Act[2], is designed to promote access to that dispersed knowledge and to reduce the risk that rules will be inadequately informed. Executive Order 12866[3], with its emphasis on both careful analysis and public participation, is similarly designed to ensure that rules are developed with close attention to the perspective, information, and concerns of diverse stakeholders.

This document represents the combined efforts of the eRulemaking Program, its partner agencies, and stakeholders to support the Office of Management and Budget's (OMB) Memorandum for the President's Management Council, "Increasing Openness in the Rulemaking Process – Improving Electronic Dockets" (May 28, 2010)[4]. The document develops strategic goals and best practices for using the eRulemaking Federal Docket Management System (FDMS) and the *Regulations.gov* website to allow agencies and the public to review regulatory content and to participate in the regulatory process.

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[1] http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf
[2] http://www.archives.gov/federal-register/laws/administrative-procedure/
[3] http://www.whitehouse.gov/sites/default/files/omb/inforeg/eo12866.pdf
[4] Available at http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/edocket_final_5-28-2010.pdf

The eRulemaking approach to promoting openness in the federal regulatory process includes:

- Increasing the public's access to regulatory content.
- Building a common taxonomy and protocols for managing dockets and regulatory documents.
- Compiling comprehensive electronic dockets and increasing agency efficiency.

The eRulemaking partner agencies will meet these goals by following the best practices outlined below in order to provide public access to the full lifecycle of regulatory actions (e.g., agency initiatives, proposed notice-and-comment, and final rule) and to compile and maintain consistent and comprehensive electronic regulatory dockets on *Regulations.gov*:

- Increase access to the full lifecycle of federal regulatory content.
- Use one docket to manage a single regulatory action.
- Use social media tools to engage the public early in the regulatory process.
- Use plain writing in regulatory content.
- Establish naming conventions for documents to increase and maintain consistency of use.
- Use standard FDMS field names for dockets and documents.
- Restructure rulemaking and non-rulemaking dockets and regulatory documents.
- Include all relevant documents to represent the full lifecycle of the regulatory action in the electronic docket.
- Enhance data exchange between federal regulatory information systems.

Over the next year, the eRulemaking Program will actively change the *Regulations.gov* website and FDMS to support the best practices outlined in this document. Partner federal agencies will be encouraged to use FDMS in a consistent manner, which improves both the public understanding of the regulatory process as well as the efficiency of agency regulatory processes.

1 Introduction

This document was created by the eRulemaking Program in support of the following Office of Management and Budget (OMB) Memoranda:

- Memorandum for the Heads of Executive Departments and Agencies, "Open Government Directive" (December 8, 2009; M-10-06)[5].

- Memorandum for the President's Management Council, "Increasing Openness in the Rulemaking Process – Improving Electronic Dockets" (May 28, 2010)[6].

- Memorandum for the President's Management Council, "Increasing Openness in the Rulemaking Process – Use of the Regulation Identifier Number (RIN)" (April 7, 2010)[7].

These memoranda require several measures to promote transparency, participation, and collaboration in the regulatory process:

- Facilitate the process by which the public finds and views regulatory information.
- Provide agencies with guidance in compiling and maintaining comprehensive regulatory dockets on *Regulations.gov* (improving public access to information).
- Establish a common taxonomy (considering existing Administrative Procedure Act[8] and Executive Order 12866[9] taxonomies).
- Adopt data protocols for the various document types.
- Create interfaces between existing regulatory systems to provide more complete electronic regulatory dockets.

1.1 Purpose of the Best Practices Document

The best practices outlined in this document are intended to improve the way agencies use the Federal Docket Management System (FDMS) and therefore improve public access to regulatory information and encourage public participation through the *Regulations.gov* website. The strategic goals set forth in this guidance support the President's commitment to transparency, participation and collaboration within the federal regulatory process. The strategic goals include:

- **Strategic Goal 1:** Increase public access to federal regulatory content on *Regulations.gov.*
- **Strategic Goal 2:** Build a common taxonomy and establish protocols for managing dockets and regulatory documents.
- **Strategic Goal 3:** Compile comprehensive electronic dockets and increase agency efficiency.

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[5] Available at http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-06.pdf

[6] Available at http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/edocket_final_5-28-2010.pdf

[7] Available at http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/IncreasingOpenness_04072010.pdf

[8] http://www.archives.gov/federal-register/laws/administrative-procedure/

[9] http://www.whitehouse.gov/sites/default/files/omb/inforeg/eo12866.pdf

The eRulemaking Program envisions the federal agencies implementing the best practices and strategic goals to meet the tenets of the aforementioned Presidential directives and memoranda. These best practices include:

- Increase access to the full lifecycle of federal regulatory content.
- Use one docket to manage a regulatory action.
- Use social media tools to engage the public early in the regulatory process.
- Use plain writing in regulatory content.
- Establish naming conventions for documents to increase and maintain consistency of use.
- Use standard FDMS field names for dockets and documents.
- Restructure rulemaking and non-rulemaking dockets and regulatory documents.
- Include all relevant documents to represent the full lifecycle of the regulatory action in the electronic docket.
- Enhance data exchange between federal regulatory information systems.

These best practices are described in sections 2 through 4 of this document. The descriptions are followed by ways to implement the best practices in support of the three strategic goals.

The eRulemaking Program and its partner agencies fully support the best practices outlined in this document. The eRulemaking Program and partner agencies are expected to implement these best practices over the next 18 months, starting immediately, to further support open access to the federal regulatory process.

1.2 Terminology

There are common terms used throughout this document. These common terms are defined below.

- **Docket:** A collection or repository of documents related to a rulemaking or other action.
- **Document:** An item that is housed in a docket; there may be multiple documents in a docket.
  - *Document Type:* In FDMS and Regulations.gov, documents are classified into six primary categories (e.g., Rules, Proposed Rules, Notices, Public Submissions, Supporting and Related Materials, Other)
  - *Document Subtype:* A secondary document classification for each document type (e.g., Interim Final, Advance Notice of Proposed Rulemaking, Impact Statements, Legislation, Environmental Assessment) which further characterizes an agency document.
- **Metadata:** Any information about a docket or document provided by an agency (e.g., Title, Federal Register Number).
- **Regulation Identifier Number (RIN):** The RIN is a unique alphanumeric identifier assigned by OMB to track the lifecycle of a rulemaking action.
- **Taxonomy:** The classification and hierarchy of dockets and documents within FDMS and *Regulations.gov*.

A full Glossary of terms used in this document is available in Appendix B.

1.3 Stakeholders

The stakeholders[10] for the eRulemaking Best Practices Document include:

- **Public Users:** General public using *Regulations.gov* to participate in the regulatory process.
- **Agency Users:** Federal agency docket managers and rulewriters using FDMS and *Regulations.gov* to manage dockets, post documents to the public and receive comments from the public. There are nearly 4,000 active agency users and nearly 300 agencies whose rules and regulations are posted to *Regulations.gov*.
- **eRulemaking Program:** The eRulemaking Program was established as an E-Gov initiative in October 2002 and is based within the U.S. Environmental Protection Agency. The eRulemaking Program Management Office (PMO) leads the eRulemaking Program and is responsible for the development and implementation of FDMS, the corresponding agency website, *FDMS.gov*, and the public website *Regulations.gov*. The vision of the eRulemaking Program is to enable the public to easily access and participate in a high quality, efficient and open rulemaking process. The primary goals of the Program are to increase public access, increase participation in and understanding of the rulemaking process and to improve agency efficiency and effectiveness in rulemaking development. Additional background on the eRulemaking Program is provided in Appendix D.
- **Electronic Docket Working Group (EWG):** The Electronic Docket Working (EWG) group assists with assessing the feasibility of proposed data protocols intended for this Best Practices Document pursuant to the cited OMB memos and helps to identify potential challenges which could adversely impact agency business cases and/or their rulemaking processes.
- **Office of Management and Budget (OMB):** The core mission of the Office of Management and Budget (OMB) is to serve the President of the United States in implementing his vision across the Executive Branch. OMB is the largest component of the Executive Office of the President. It reports directly to the President and helps a wide range of executive departments and agencies across the Federal Government to implement the commitments and priorities of the President.[11]
- **Office of Information and Regulatory Affairs (OIRA):** The Office of Information and Regulatory Affairs (OIRA) is located within the Office of Management and Budget and was created by Congress with the enactment of the Paperwork Reduction Act of 1980 (PRA). OIRA carries out several important functions, including reviewing federal regulations, reducing paperwork burdens, and overseeing policies relating to privacy, information quality, and statistical programs[12].

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[10] A stakeholder is any person or organization actively involved in the project or whose interests are affected by the project.
[11] http://www.whitehouse.gov/omb/
[12] http://www.whitehouse.gov/omb/inforeg_default

- **Government Printing Office (GPO):** The U.S. Government Printing Office (GPO) provides publishing and dissemination services for the official and authentic government publications to Congress, federal agencies, federal depository libraries, and the public.[13]
- **Office of Federal Register (OFR):** The Office of the Federal Register (OFR) of the National Archives and Records Administration (NARA), informs citizens of their rights and obligations, documents the actions of federal agencies, and provides a forum for public participation in the democratic process. The OFR and the GPO jointly administer the *FederalRegister.gov* website and the official edition of the Federal Register on *FDsys.gov*.[14]
- **Regulatory Information Service Center (RISC):** The Regulatory Information Service Center (RISC) is located within the GSA and undertakes projects that will facilitate development of and access to information about federal regulatory and deregulatory activities. The Center accomplishes this by gathering and publishing information on federal regulations and their effects on society. The Center provides this information to the President, Congress, agency officials, and the general public to help them better understand and manage the regulatory process. The Center's principal publication is the Unified Agenda of Regulatory and Deregulatory Actions (UA), which is published in the spring and fall of each year. Since 1978, federal agencies have been required by Executive orders to publish agendas of regulatory and deregulatory activities. The Regulatory Plan, which is published as part of the fall edition of the Agenda, identifies regulatory priorities and contains additional detail about the most important significant regulatory actions that agencies expect to take in the coming year[15].

1.4　Systems

This Best Practices Document discusses multiple information systems and websites that contain data and support the federal regulatory process. The major systems include:

Federal Docket Management System (FDMS): A federal-wide document management system structured by dockets (or file folders) which offer an adaptable solution to service a wide range of regulatory activities routinely performed by federal agencies. Agency users access the system at www.FDMS.gov. The publicly facing website of FDMS is *Regulations.gov* (www.regulations.gov). Many of the eRulemaking partner agencies rely on FDMS and *Regulations.gov* to support a number of activities beyond rulemaking for public viewing and/or to solicit public comment such as publication of guidance documents, agency directives and policy interpretations. Additional background on FDMS is provided in Appendix D.

Regulations.gov: Regulations.gov (www.regulations.gov) is an interactive public website providing the general public with the opportunity to access federal regulatory information and make comments on regulatory documents published in the Federal Register. The public may

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[13] http://www.gpo.gov/
[14] http://www.archives.gov/federal-register/
[15] http://www.reginfo.gov/public/do/eAgendaMain

review and make more informed comments by having the ability to see other public submissions posted to the website.

Regulations.gov/Exchange: *Regulations.gov/Exchange* (http://www.regulations.gov/exchange/) is an on-line forum that enables public users to provide feedback on *Regulations.gov* and learn about various agency initiatives early in the lifecycle of their regulatory actions. *Regulations.gov/Exchange* features threaded discussions and social media tools for users to post their ideas and comment on the opinions of others. With *Regulations.gov/Exchange*, federal agencies and programs foster transparency with open dialogue between all users including: the public, industry, public interest groups, trade associations, other special interest groups and state and local governmental entities.

Federal Digital System (FDsys): FDMS receives all Federal Register Proposed Rules, Rules, and Notice documents each business day from the FDsys system (http://www.gpo.gov/fdsys/search/home.action). GPO manages the FDsys system and posts electronic versions of these regulatory documents formatted with extensible markup language (xml), hypertext markup language (html) and portable document format (pdf) files.

*RegInfo.gov***:** *RegInfo.gov* (www.reginfo.gov) is operated by GSA/RISC and OMB/OIRA and contains real-time data on significant rulemakings under review. The eRulemaking Program will utilize XML data available on a daily basis from *RegInfo.gov* to include in FDMS and *Regulations.gov*.

*FederalRegister.gov***:** *FederalRegister.gov* (www.federalregister.gov) is operated by OFR and the GPO, and contains information published in the daily Federal Register, including Rules, Proposed Rules, Notices, and Presidential Documents.

RISC/OIRA Consolidated Information System (ROCIS): ROCIS provides agencies with a uniform reporting of data on regulatory and deregulatory actions under development throughout the Federal Government, and supports GSA's RISC in the management and publishing of the UA[16] and Regulatory Plan. ROCIS is accessible only to federal agency users.

A diagram of the current system interface between FDMS, *Regulations.gov* and FDsys is included in Appendix E, along with a diagram of proposed changes that aim to increase the exchange of data between FDMS, *Regulations.gov*, FDsys and additional regulatory systems.

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[16] **UA:** The Regulatory Information Service Center (RISC) within the General Services Administration (GSA) compiles the UA for the Office of Information and Regulatory Affairs (OIRA). OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866. Two times a year, the eRulemaking technical team incorporates XML data received from GSA's RISC to create the UA information found on *Regulations.gov*.

2 Strategic Goal 1: Increase Public Access to Federal Regulatory Content on Regulations.gov

R*egulations.gov* currently provides public access to federal regulatory information and a means for the public to submit comments on proposed rulemakings. *Regulations.gov* lists Federal Register documents (e.g. proposed rules and final rules), public comments related to those documents, and other background material or agency documents for public access. To further the Open Government Directive's principles of transparency, public participation and collaboration, the eRulemaking Program seeks to improve public access to regulatory information by educating the public on the entire lifecycle of a regulatory action and by utilizing social media tools to promote awareness of agency actions.

> ### Regulations.gov
>
> *Regulations.gov* is used by millions of people every year, including[17]:
>
> - Members of the public (39%)
> - Regulated industry (21%)
> - Federal Government (12%)
> - Small business (9%)
> - Local and state government (9%)
> - Law firms (6%)
> - Academic community (5%)
>
> The website also supports more than 180 federal agencies and provides the public with access to more than 3 million documents.

2.1 Issues

The federal regulatory process has been characterized as difficult to understand, especially for the general public, business communities and regulated industries. In a 2008 publication titled *Achieving the Potential: The Future of Federal e-Rulemaking,* regulatory experts reported that "...despite the central role of rulemaking in executing public policy, both regulated entities (especially small businesses) and the general public find it extremely difficult to follow the regulatory process; actively participating in it is even harder."[18]

There are several issues that hinder public access and participation in the regulatory process, including:

Searching for specific regulatory information on *Regulations.gov* is difficult for some users. Data that is publicly available on *Regulations.gov* varies by agency. Due to this lack of consistency across agencies, some search features, such as the ability to perform a targeted search by various document subtypes, do not currently exist on the website. Other search features, such as the ability to search for information specific to regulatory categories, are also not available. The lack of comprehensive search capabilities reduces public access to regulatory information and therefore decreases overall participation.

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[17] The listed percentages of Regulations.gov users are based on survey information gathered from January 1, 2008 to November 1, 2010. These percentages are rounded to the nearest whole number. Approximately 12,000 visitors selected their user category while completing the American Customer Satisfaction Index (ACSI) survey tool.

[18] *Achieving the Potential: The Future of Federal e-Rulemaking*, A Report to Congress and the President, was authored by the Committee on the Status and Future of Federal e-Rulemaking in 2008. The Report was produced under the auspices of the Section of Administrative Law & Regulatory Practice of the American Bar Association.

Some federal agencies manage published documents describing the intent and details of their regulations in more than one docket. Throughout the entire lifecycle of each regulatory action, federal agencies publish documents to describe the intention and details of their regulations and related guidance. Federal agencies manage these documents in a docket, and sometimes more than one docket.

Lack of plain writing in regulatory content and *Regulations.gov*. Plain writing is clear, simple, and meaningful; it avoids unnecessary complexity and specialized terms, and is jargon-free. The Plain Writing Act of 2010[19] requires writing "that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended language." Executive Order 12866 states that "Each agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty." It is important to recognize that writing that is plain to one set of readers may not be plain to others. Using plain writing ensures that:

- Key messages will be comprehensible and digestible in the shortest time possible.
- People will be able to understand regulatory requirements and thus comply with them.
- People will be able to understand how to qualify for important programs and benefits, thus promoting regulatory goals.
- Less time will be spent explaining regulatory information and related content to members of the public, including affected stakeholders.

In the world of federal regulations, writing used to describe agency initiatives and proposed actions is sometimes unclear or incomprehensible, unduly specialized, and even unreadable. The resulting confusion for members of the public can produce significant problems for agencies, undermining regulatory goals.

2.2   Best Practices

2.2.1   Increase access to the full lifecycle of federal regulatory content

In light of the sheer number of documents posted by agencies to *Regulations.gov* each day, it is essential that the website help educate the public and increase access to all federal regulatory content. The eRulemaking Program can support this effort by providing access to the full lifecycle of regulatory actions.

Most rulemaking actions include the UA defined Agenda Stages of Rulemaking: pre-rule, proposed rule, final rule, complete, and long-term. *Regulations.gov* will display a timeline, which aligns with the UA Agenda Stages of

> **UA Agenda Stages of Rulemaking**
>
> There are five UA Agenda stages of rulemaking:
>
> 1. Prerule
> 2. Proposed Rule
> 3. Final Rule
> 4. Long-Term Actions*
> 5. Completed Actions

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[19] http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h946enr.txt.pdf

Rulemaking. This timeline allows users to better track actions, prepare for ways to participate, and become more involved. Agencies should ensure that any changes in the UA are reflected in the timeline displayed on *Regulations.gov*.

2.2.2 Use one docket to manage a single regulatory action

During the lifecycle of a regulatory action, the federal agencies publish documents describing the intent and details of their regulations and related guidance. Federal agencies manage these documents in a docket, and in some cases there are multiple dockets created in FDMS for a single regulatory action. Agencies should use only one docket to manage a regulatory action and display a single identifier for this docket to enable users to track the action on *Regulations.gov*.

In cases where the federal agencies initiate a rulemaking action, they should use the Regulatory Identifier Number (RIN) issued from OMB.

When considering related documents, federal agencies should ensure dockets include all documents related to a particular rulemaking, regardless of the stage in which they are produced. These documents should be published on *Regulations.gov* for public access as soon as possible. Federal agencies produce some of these documents in the early stages of a regulatory action and they may include research and analyses, collection of information, invitations to public meetings, and other background material. Even after a regulation is finalized, federal agencies may continue to produce documents describing their implementation and enforcement of the action as well as any further analyses.

> **Regulatory Identifier Number (RIN)**
>
> The RIN is a unique alphanumeric identifier assigned by OMB to track the lifecycle of a rulemaking action.
>
> In the Unified Agenda of Federal Regulatory and Non-regulatory Actions, each rulemaking action is identified by a RIN.
>
> Whenever a RIN is assigned to a rulemaking action, FDMS agency user should include the RIN upon creating the rulemaking docket.
>
> With the consistent use of the RIN as an identifier, additional changes can be explored (e.g. leveraging the RIN to automatically create relationships between dockets)

Providing access to these early- and late-stage documents in one comprehensible and consistent docket, while using the RIN as a key identifier, will help educate users and allow them to discover related regulatory information quickly and efficiently.

2.2.3 Use social media tools to engage the public early in the regulatory process

Explore the use of the latest technologies, to the extent feasible and permitted by law, to engage the public in improving federal decision-making and help illustrate the impact of emerging Internet technologies on the federal regulatory process. New tools (such as blogs, wikis, user-generated feedback and ratings, social bookmarks, videos, and links to share information in social media networks) serve to promote and facilitate transparency, public engagement, and collaboration. When federal agencies use these tools in the regulatory process, stakeholders have the time to take advantage of information sharing and knowledge transfer. This added form of communication is likely to increase formal and informal stakeholder contributions, thus increasing their participation in the federal decision-making and regulatory process.

2.2.4 Use plain writing in regulatory content

As noted, Executive Order 12866 requires agencies to write its regulations to be "simple and easy to understand, with the goal of minimizing the potential for uncertainly and litigation arising from such uncertainty." Federal agencies should use plain writing when producing regulatory documents, descriptions, and content, to ensure that all stakeholders have a clear understanding of the agency's requirements and intentions. General summaries, abstracts, background materials, preambles, and documents related to public meetings

> *Plain Writing Act of 2010*
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> On October 13, 2010, President Obama signed the Plain Writing Act of 2010. This Act requires the federal government to write new publications, forms and publicly distributed documents in a clear, concise and well-organized manner that follows the best practices of plain writing

are a few specific areas of documentation where the use of plain writing is likely to benefit various stakeholders.

With many rulemaking actions, Federal agencies also rely on detailed analyses and comparisons of alternative solutions to address specific issues with a new proposal or change to existing rules and policies. When conducting these analyses and comparisons, as well as creating supporting documentation, agencies should use plain writing to increase understanding and reduce uncertainty. In its 2009 Report to Congress on the Costs and Benefits of Federal Regulation[20], OMB wrote, "Indeed, careful regulatory analysis, if transparent in its assumptions and subject to public scrutiny, should be seen as part and parcel of open government. It helps to ensure that policies are not based on speculation and guesswork, but instead on a sense of the likely consequences of alternative courses of action. It helps to reduce the risk of insufficiently justified regulation, imposing serious burdens and costs for inadequate reason. It also helps to reduce the risk of insufficiently protective regulation, failing to go as far as proper analysis suggests. We believe that regulatory analysis should be developed and designed in a way that fits with the commitment to open government."

2.3 How to Implement

2.3.1 Promote existing *Regulations.gov* features and upcoming innovative tools to increase public user access to federal regulatory content

Regulations.gov should continue to improve on features designed to help users find and discover regulatory materials and comments easily and efficiently. Examples include interactive icons and links to common user tasks, simplified navigation, pre-populated search results, A-Z index of regulatory topics, and social bookmarking. For users familiar with specific regulations, the website should also continue to provide advanced searches, views of comprehensive dockets, and tracking tools such as email notification and RSS.

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[20] http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/2009_final_BC_Report_01272010.pdf

2.3.2 Use satisfaction measures, survey tool and usability analyses to enhance website and user-centered design

Satisfaction Measures and Survey Tool

The eRulemaking Program measures customer satisfaction using the American Customer Satisfaction Index (ACSI), a methodology used to learn about the website's user community, user needs and experiences. The *Regulations.gov* survey allows the eRulemaking Program to learn about the customer experience and satisfaction by asking users about a range of website features and functions, frequency of use, suggestions for improvements and user experience with other sites and social media. Survey responses generate a satisfaction score and are further analyzed when planning improvements to *Regulations.gov*.

Regulations.gov Improvements

In order to continue to enhance and improve user experience, we must continue to ask:
Are the existing website features enough?
Do they help users search and discover regulatory information?

Usability Analyses

Along with the benefit of using the ASCI methodology, the eRulemaking Program works with third-party experts to complete usability assessments of the website. These assessments focus on specific user areas, such as search, navigation, and comment submission, to rate typical user functions against industry best practices. Usability testing is a technique used to evaluate a product by testing it with representative users.[21] Usability tests require one-on-one input from the general public, business, academic and legal communities, as well as regulated industries, and therefore are completed less frequently than other methodologies. The resulting information should be used by the eRulemaking program to emphasize user-centered designs when adding or modifying features and functions to educate users and increase public access to federal regulatory content on *Regulations.gov*.

2.3.3 Improve search filters and tools

Regulations.gov offers a full-text search of its regulatory metadata[22] and content. Users can begin searches from the website's home page, as well as many other pages in the website, including Search Results, Docket Folder Summary, and Advanced Search. On the home page, users can use short-cuts to search for rules and comments, submit comments, and access an index of topics related to regulations. Users can view newly posted regulations, regulations with open comment periods, and entries in the latest UA.

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[21] Definition of <u>usability testing</u> is captured from *Usability.gov*. The website assists Web managers, designers, usability specialists, and others in creating Websites that are highly responsive, easy-to-use, and useful, and is managed by the U.S. Department of Health and Human Services.

[22] Metadata: Any information about a docket or document provided by an agency (e.g., Title, Federal Register Number).

Once users view actual search results, they can narrow their results by specifying federal agencies, docket types (rulemaking and non-rulemaking), document types (rule, proposed rule, notice, public submission, supporting and related materials, and other) and dates when a federal agency posted a regulation or opened/closed its comment period. Within the website's advanced search, users can also specify docket subtypes (varies by federal agency) and dates when a federal agency created a regulation or received a document related to the regulation.

Search by Category

Examples of regulatory categories include regulations affecting a specific industry; regulations with small business or environmental impacts; and regulations that are economically significant. Users would benefit from the ability to use more logical keywords and search parameters when searching by category. The website's search functionality will include this capability by incorporating data (e.g. Stage, RIN, Title, etc.) from other regulatory applications, such as *RegInfo.gov*.

Search by Subtype

The website does not yet offer an easy way to search by various document subtypes, such as Advance Notice of Proposed Rulemaking or Notice of Public Meeting. These subtypes often vary by federal agency, but nonetheless, are helpful to users as they may wish to discover information by specific subtypes or track published documents or events during any stage of a regulatory action. The website will use improved data from agencies and allow users to search for documents by document subtype.

2.3.4 Emphasize the lifecycle of the regulatory action on the docket folder summary page

Timeline of Regulatory Action

The website's Docket Folder Summary page will include the display of a Timeline of Regulatory Action that will align the UA Agenda Stages of Rulemaking to dockets in FDMS and *Regulations.gov*. The timeline will highlight the docket's current stage and indicate the date the docket entered each stage. With a timeline feature, users can better track actions, prepare for ways to participate, and become more involved in the regulatory process.

Track Dockets and Documents by RIN

Changes will be made to FDMS and *Regulations.gov* to assist agencies in meeting the Best Practice that an agency should use one docket for one regulatory action with the RIN as the identifier. These changes, which include the ability for the system to automatically complete the RIN field on each document in a docket in order to minimize agency burden, are discussed in more detail in sections 3.3 and 4.3.

Other Features of the Docket Folder

The Docket Folder Summary page on *Regulations.gov* includes a full-text search, filters to view the documents in the docket by document type, a feature to export the docket metadata, and

highlights of important docket identifiers, including the Docket ID, RIN and the federal agency responsible for the regulatory action. Users may also submit comments on documents directly from the Docket Folder.

Users may also want to understand how the regulation is categorized, either by specific industry, or whether or not it has small business or environmental impacts, or whether the regulation is economically significant. The website's Docket Folder Summary page will display these categories and allow users to access further details.

2.3.5 Incorporate plain writing descriptions of regulatory content on *Regulations.gov*

Regulations.gov displays terms and metadata specific to the regulatory process. It is essential to use these terms because they are accurate and explicitly describe the available information. While most users are not intimately familiar with the regulatory process, a thorough understanding is not needed in order to participate in the regulatory process.

Plain Writing in Regulatory Content

The eRulemaking program will identify resources to assist federal agencies with the effort to use plain writing when producing regulatory content that is presented to the public on *Regulations.gov*. Such sources include the Federal Register Document Drafting Handbook[24] and *PlainLanguage.gov*. These resources will be made available to agency users in a centralized location in FDMS.

Plain Writing on Regulations.gov

Regulations.gov should incorporate plain writing descriptions for docket and document

> **Example of Plain Writing Improvements at National Marine Fisheries Service[23]**
>
> *Before:* "After notification of NMFS, this final rule requires all CA/OR DGN vessel operators to have attended one Skipper Education Workshop after all workshops have been convened by NMFS in September 1997. CA/OR DGN vessel operators are required to attend Skipper Education Workshops at annual intervals thereafter, unless that requirement is waived by NMFS. NMFS will provide sufficient advance notice to vessel operators by mail prior to convening workshops."
>
> *After:* "After notification from NMFS, vessel operators must attend a skipper education workshop before commencing fishing each fishing season."

metadata in order to address the difficulty many public users face when searching for regulatory information. Additionally, regulatory terms that are often difficult for the public to understand should be explained with brief, user-friendly definitions. With innovative features such as mouse-overs and interactive links, the website can provide users with helpful tools to find these easy-to-understand descriptions of docket and document metadata.

2.3.6 MyRegs user profile

MyRegs is a planned feature that will enable public users to create a user profile to customize areas of the *Regulations.gov* website. Capabilities include saving draft comments before final

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[23] Available at: http://www.plainlanguage.gov/examples/before_after/regfisheries.cfm
[24] http://www.archives.gov/federal-register/write/handbook/

submission, storing relevant contact information to pre-populate web forms, and tracking of regulatory actions of interest. Through new tracking features such as watch lists and favorites, MyRegs will allow public users to save searches and quickly find regulatory actions. By selecting specific federal agencies, topics, or key identifiers (such as RIN or Docket ID), users will be able to learn about updates to those specific actions. With MyRegs, public users will also have the opportunity to share comments with others, encouraging a collaborative approach to the commenting process. MyRegs will require that public users establish a user profile in order to access these features. Clearly defined privacy settings ensure users' identities are protected and privacy rights are upheld.

2.3.7   Use the *Regulations.gov/Exchange* online forum to engage the public

All federal agencies managing their electronic dockets and regulatory documents in *FDMS.gov* should use *Regulations.gov/Exchange* to engage their user community and stakeholders early in the lifecycle of their regulatory actions. *Regulations.gov/Exchange* is an on-line forum that enables public users to provide feedback on *Regulations.gov* and features threaded discussions and social media tools for users to post their ideas and comment on the opinions of others. With *Regulations.gov/Exchange*, public users can also learn about various agency initiatives early in the lifecycle of their regulatory actions, and federal agencies can foster transparency with open dialogue between all users including: the public, industry, public interest groups, trade associations, other special interest groups and state and local governmental entities.

3 Strategic Goal 2: Build a Common Taxonomy and Establish Protocols for Managing Dockets and Regulatory Documents

To improve the public's ability to find and search for information within a docket and from one docket to the next on *Regulations.gov*, the eRulemaking Program is building a common taxonomy and establishing data protocols for the various regulatory documents that are frequently used in the federal regulatory process.

To build this common taxonomy, the eRulemaking Program is establishing a naming convention for documents in FDMS, restructuring FDMS dockets and documents, and using standard field names in FDMS and on *Regulations.gov*. Additionally, the RIN will be used as a key identifier that enables the public to track the entire lifecycle of a rulemaking action.

This effort will make it easier for the public to engage in the federal agencies' regulatory process, align and simplify the naming of documents among the federal partner agencies, and promote transparency in the federal agency decision-making process.

3.1 Issues

Lack of a common taxonomy leads to inefficiencies within FDMS and on *Regulations.gov*. Currently, each federal partner agency can choose what to call each field name for any metadata fields on *FDMS.gov* and *Regulations.gov*. Each agency may also choose which fields to display on *Regulations.gov* for dockets, documents and public comments. These practices have created inconsistencies in the docket and document pages in *Regulations.gov*.

Furthermore, the various naming conventions for regulatory data maintained by different federal agencies add unnecessary complexity for the agency user. For example, the document subtype is used by agencies to further classify document types. The large, non-standardized list of document subtypes presents users with values that are duplicative, obsolete, and lack meaning, which has created uncertainty for users when classifying documents.

> *FDMS Document Types Description*
>
> Currently FDMS contains over 60 document subtypes for "proposed rule." Not all of these terms are used by all agencies, but in most cases they are very similar with little rationale for why they are different. In other cases unique terms are used by specific agencies.

Additional challenges for agency users include uncertainty related to the document metadata that will be displayed to the public. Once a document is uploaded in FDMS, it may be unclear whether the document data is also displayed on *Regulations.gov* or is only viewable within FDMS.

Lack of common taxonomy results in inconsistency for the public user when searching for information on *Regulations.gov*. For instance, if a public user wants to search for an "Advance Notice of Proposed Rulemaking" the search results may not be complete because many agencies use a different term for this document subtype (e.g. Advanced Notice, Advanced Notice of

Proposed Rulemaking, Advance Notice of Proposed Rulemaking - ANPRM, etc.). *Regulations.gov* does not currently provide a search function by document subtype because of the vast list of subtype values used by agencies.

There are currently no restrictions on the types of documents that an agency can add to a non-rulemaking docket. This results in non-rulemaking dockets that contain rulemaking documents (i.e. Rules and Proposed Rules in a non-rulemaking docket). A RIN may also be assigned to a non-rulemaking docket even though a RIN should only be assigned to rulemaking activities in most instances. Therefore, there is often no clear distinction between rulemaking and non-rulemaking dockets and this further impacts data quality.

3.2   Best Practices

3.2.1 Establish naming conventions for documents to increase and maintain consistency of use

Establishing a consistent naming convention as part of a common taxonomy for agency documents will enable FDMS agency users to manage dockets with far greater ease and consistency of use. The eRulemaking Program's effort to build a common taxonomy seeks to simplify and standardize abbreviations, terms, and remove obsolete values (e.g., docket phases, document types, and document subtypes).

A common naming convention will benefit both agency and public users by:

- Supporting streamlined document management / agency user tagging to more readily classify uploaded documents.
- Improving the overall performance of both FDMS and *Regulations.gov* by minimizing the unnecessary duplication of data (e.g., faster data searching, and reduced storage capacity and maintenance related with backup costs).
- Enabling public users to conduct more extensive and reliable searches of regulatory materials.
- Aligning *FDMS.gov* and *Regulations.gov* taxonomy (e.g., field labels, document types, and document subtypes) with well established terms used in other federal regulatory systems.

> *Document Classification*
>
> **Document Type**: Primary document classification
>
> 1. Rule
> 2. Proposed Rule
> 3. Notice
> 4. Public Submission
> 5. Supporting and Related Materials
> 6. Other
>
> **Document Subtype**[25]: Secondary document classification. Some examples include:
>
> 1. Public Notice
> 2. Economic Analysis
> 3. Advance Notice of Proposed Rulemaking (ANPRM)
> 4. Final Rule

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[25] Appendix G provides a detailed list of document subtypes

These efforts will allow the eRulemaking Program to further explore streamlining the docket management processes and leveraging other systems to pre-populate data in FDMS once the common naming convention has been established.

3.2.2 Use standard FDMS field names for dockets and documents

To improve consistency, the partner agencies' publicly viewable field names on *Regulations.gov* must observe standardized configurations (e.g., on the Docket Details and Document Details pages) to the extent feasible, so the public user is presented with the most relevant regulatory information in a uniform manner. This practice will also improve the logical flow of information on FDMS and *Regulations.gov*.

> **How Users Benefit from Standard Field Labels**
>
> This FDMS best practice aims to provide *Regulations.gov* users with consistent and reliably organized regulatory dockets and documents.
>
> For example, the United States Department of Agriculture *Nutrition Labeling Act of 1990* standardized manufacturer labels to provide the public and stakeholder communities with consistent nutrition labeling for product packaging. This effort was intended to provide uniform nutrition labeling that was both familiar and easy-to-understand.

3.2.3 Restructure rulemaking and non-rulemaking dockets and regulatory documents

The eRulemaking Program will implement automated system distinctions to support the intended functionality of rulemaking and non-rulemaking docket types to ensure the federal partner agencies' regulatory processes are consistently structured by a common taxonomy.

3.2.3.1 Rulemaking Dockets

In FDMS, the rulemaking docket serves as the federal partner agencies' electronic equivalent to their paper-based file for a regulatory action and is intended for the federal agencies' rulemaking actions[26].

This best practice requires the rulemaking docket type be used for any regulatory action that would normally conclude with an agency rule. Additionally, each rulemaking docket should be assigned a RIN. Moreover, FDMS' procedural framework of a regulatory action should follow a set process (commonly referred to as the "notice and comment" rulemaking process):

- Proposed Rules published in the Federal Register of the proposed regulatory action by the originating regulatory agency.
- Provide the public an opportunity to participate in the rulemaking through submission of a comment via *Regulations.gov.*
- Final rule published in the Federal Register by the agency.

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[26] Definition of rulemaking from the Administrative Procedure Act (APA) (5 U.S.C Section 551 Definitions): agency process for formulating, amending, or repealing a rule

3.2.3.2 Non-rulemaking Dockets

The non-rulemaking docket in FDMS is intended for the federal agencies' non-rulemaking actions. Examples of non-rulemaking actions as defined by the Administrative Procedure Act include: order, adjudication, license, licensing, sanction, relief. [27]

For non-rulemaking dockets, agency users will leverage the appropriate workflow that supports an agency's non-rulemaking process. Non-rulemaking dockets are not intended for Federal Register rules or proposed rules, as these document types are only associated with regulatory actions. Therefore, the non-rulemaking docket type will no longer contain the document type "Proposed Rule" or "Rule". Additionally, non-rulemaking dockets should not be assigned a RIN.

Establishing a clear distinction between the rulemaking and non-rulemaking docket will enhance the user's experience by facilitating the search of regulatory documents by the public and simplifying the process of managing dockets by agency users.

3.3 How to Implement

3.3.1 Standardize FDMS field names and require docket and document fields

Changes will be made to the system to require that agencies:

Use consistent metadata field labels on FDMS and Regulations.gov. To the extent feasible, some agency FDMS document fields whose labels were once configurable by agencies will now assume standardized labels based on consistent data used by agencies in production. Additionally, these document field labels will be aligned to those commonly used on other federal regulatory information systems (e.g., *Reginfo.gov, FDsys.gov*).

Display certain document and docket fields on Regulations.gov. Some FDMS documents and docket data fields will automatically be displayed to the public on *Regulations.gov* (e.g., RIN, Subject, Summary, Document Subtype, CFR Citation, FR Volume Number) if the data is entered in FDMS.

Proposed Standard Fields

Examples of fields that agencies may be required to use, display to the public, and complete for dockets and documents include:

Docket
- Title
- Summary
- RIN

Document*
- Title
- RIN
- Summary
- Document Type
- Document Subtype
- CFR Citation
- Date Posted
- Subject
- FR Volume Number
- Comment Start Date
- Comments Due

* Please note: The required entry of data for each field will be based on the applicable Document Type(s).

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[27] Definitions for the examples of non-rulemaking actions are available in the APA (5 U.S.C Section 551 Definitions): http://www.archives.gov/federal-register/laws/administrative-procedure/551.html

Automatically displaying certain data fields on *Regulations.gov* increases transparency and reduces the burden on agency users.

Provide certain information for Rulemaking dockets and documents in FDMS. Agencies may be required to complete a minimum number of fields for Rulemaking documents and dockets.

A list of currently-available FDMS data fields on the docket details, document details, and the public submission form can be found in Appendix F.

3.3.2 Organize rulemaking and non-rulemaking dockets based on key identifiers

3.3.2.1 Regulatory Identification Number (RIN)

To further promote the distinction between rulemaking and non-rulemaking dockets, a change will be made to the system so a user can no longer assign a RIN to a non-rulemaking docket.

3.3.2.2 Align rulemaking dockets with UA agenda stages of rulemaking

As discussed in Strategic Goal 1, FDMS rulemaking dockets will be aligned with the Agenda Stages of Rulemaking used in the UA. This alignment will provide the agency user with an enhanced FDMS workflow and provides FDMS and *Regulations.gov* the ability to leverage the naming conventions aligned with the UA and the wealth of related regulatory information publicly available on *RegInfo.gov*. Alignment with the stages of rulemaking will help educate the public on the federal regulatory process.

Changes will be made in FDMS to leverage the Agenda Stages of Rulemaking and display these stages to the public on *Regulations.gov*. Until adequate data elements are identified for FDMS, the UA "Long Term Action" stage will not be observed on *Regulations.gov*.

3.3.3 Standardize rulemaking and non-rulemaking document subtypes

To support the best practices described in section 3.2.3, changes will be made to FDMS which will limit the document types that can be associated with non-rulemaking dockets. All document types can be associated with rulemaking dockets; however, a change will be made to the system so when a user creates a non-rulemaking docket they will no longer be able to add a Rule or a Proposed Rule to the non-rulemaking docket. Additionally, agency users will only be able to select from relevant document subtype values that pertain to a particular document type for a rulemaking or non-rulemaking docket.

New Alignment of Documents to Docket Types

Rulemaking Document Types

1. Rule
2. Proposed Rule
3. Notice
4. Public Submissions
5. Supporting and Related Materials
6. Other

Non-Rulemaking Document Types

1. Notice
2. Other
3. Supporting and Related Materials
4. Public Submissions

The list of document subtypes in FDMS will also be refined as part of the effort to establish a common

taxonomy across agencies. The eRulemaking Program will refine document subtypes in FDMS by:

- Deleting non-descriptive values.
- Consolidating values with similar meaning.
- Applying list of subtypes to all agencies.
- Adopting common naming conventions observed by other federal regulatory information systems (e.g., *Reginfo.gov, FDsys.gov*, and *FederalRegister.gov).*

FDMS will provide a list of available document subtypes. Agencies will not be able to revise or add values to the list. Agencies will follow a process where they can request new document subtype values that are important to their business process. The eRulemaking Program will review these requests and, if approved, the new document subtype can be added to FDMS.

This effort will also help create a clear distinction between rulemaking and non-rulemaking dockets and improve data quality. When agency users add a document to a rulemaking or non-rulemaking docket, the document subtypes will align with the document types for rulemaking or non-rulemaking dockets. This approach will standardize the partner Agencies' practices, increase predictability, and support the management of rulemaking and non-rulemaking electronic dockets.

Once refinements for document subtype values are finalized in FDMS, the public will be able to search by document subtype values on *Regulations.gov*. The document subtype will also be displayed prominently to the user on the Document and Docket Folder pages on *Regulations.gov*.

4   Strategic Goal 3: Compile Comprehensive Electronic Dockets and Increase Agency Efficiency

Agencies should compile and maintain comprehensive electronic regulatory dockets on *Regulations.gov*. The main focus of this goal is to give the public improved access to information on which agencies rely when making decisions relevant to rulemakings.

4.1   Issues

The OMB Memo *Increasing Openness in the Rulemaking Process – Improving Electronic Dockets*, states:

- *"The current online regulatory environment includes several federal websites (e.g., Regulations.gov, RegInfo.gov, federalregister.gov, along with various agency websites) that contain important and sometimes diverse elements of the regulatory docket. While the various websites offer transparency, the federal regulatory agencies should make better use of technology to provide more complete electronic regulatory dockets, which will increase access, accountability, and participation in the rulemaking process."*

This diversity in content has led to challenges in managing complete electronic dockets, including:

- Some electronic dockets on FDMS and *Regulations.gov* are incomplete because they do not match their paper-based dockets.
- Relevant materials may not be posted to the electronic docket in a timely manner on *Regulations.gov.*
- The public may not have a clear understanding of the entire lifecycle of a rulemaking action.
- There is a lack of integration between federal regulatory websites.
- The public is confused when docket materials are inconsistent from agency to agency, and in some cases even from bureau to bureau within the same agency.

4.2   Best Practices

4.2.1 Include all relevant documents to represent the full lifecycle of the regulatory action in the electronic docket

Agencies can compile complete dockets in FDMS by including all relevant documents to represent the full lifecycle of a rulemaking action. Agencies should implement the use of RINs and maintain the electronic docket in 'real-time'; uploading additional information in a timely manner. These changes will not only improve agency docket organization and public use of these dockets, but are also required tenets of the OMB Memo: *Increasing Openness in the Rulemaking Process – Use of the Regulation Identifier Number (RIN)*, (April 7, 2010.)

In order to compile and maintain comprehensive electronic dockets, agencies should:

- **Create each regulatory docket based on the RIN.** A Docket can be created in FDMS anytime by the agency FDMS user. Agencies should create a docket in FDMS as soon as a RIN is issued for a regulatory action and utilize the RIN to identify all documents associated with a regulatory action. In FDMS, agency users can associate a RIN to any document relevant to a regulatory action, including public submissions.
- **Manage regulatory documents and public submissions within each state of the rulemaking lifecycle.** Upload all publicly-available regulatory documents relevant to a rulemaking action on *Regulations.gov*, including public comments, notices of public hearings, Information Collection Requests, Environmental Impact Statements, significant guidance and regulatory impact analyses. These documents will be contained in one rulemaking docket, or can be easily searched for by the public using a common identifier, such as the RIN. Public comments must be posted on *Regulations.gov* prior to the next stage of the regulatory action.

4.2.2 Enhance data exchange between federal regulatory information systems

The eRulemaking Program is working with the federal partner agencies to streamline docket management processes to further reduce the burden on agency users and improve public access to regulatory materials. As the eRulemaking Program establishes a common taxonomy in FDMS and *Regulations.gov*, the collaborative efforts presently underway with other federal regulatory sites, such as *Reginfo.gov* and *FederalRegister.gov*, will provide a more comprehensive, up-to-date view of the available regulatory data (e.g., data elements from the semi-annual UA, and an abstract that is exclusive to *FDsys.gov*).

4.3 How to Implement

4.3.1 Utilize existing FDMS features to assist in federal agency management of dockets

FDMS currently offers the following features to support the above best practices:

- **RIN field on agency configurable pages.** A metadata field for the RIN is available on both the Docket Details and Document Details pages in FDMS. The RIN is currently publicly viewable on the Docket Folder Summary page on *Regulations.gov*. A change will be made to the system so the RIN is automatically displayed on the Document Details page on *Regulations.gov*.
- **Automatic feed of Federal Register Notices.** All FR Proposed Rule and Rules are automatically posted and publicly available on *Regulations.gov*. FDMS agencies can choose to not have their agency's Federal Register Notices posted on *Regulations.gov*, thus preventing the public from viewing, downloading, book-marking, receiving email notifications on the agency's Federal Register Notice documents. The eRulemaking PMO encourages agencies to include the automatic feed of Federal Register Notices on *Regulations.gov*, making it easier to associate FR Notices relevant to a regulatory action to the appropriate rulemaking docket.

- **Electronic Records Management.** FDMS has an electronic records management component that is compliant with the Department of Defense (DOD) 5015.2[28] standard. The eRulemaking PMO encourages FDMS agencies to deploy the electronic records management component, thereby eliminating the need for maintaining paper versions of the regulatory docket.

- **Integrated scanning processes.** Agencies can integrate scanning processes to assist in the bulk upload of documents, such as public submissions. FDMS integrated scanning allows Agencies to scan large amounts of paper documents into FDMS application. Generally, the scanning process creates searchable PDF documents.

> **FDMS Scanning Solutions**
>
> 1. Scan documents and include metadata such as Docket ID, Docket Phase, Phase Sequence, Document Title, Document Type, and CommentOn (for Public Submission Documents) to create a new FDMS document with the searchable PDF file in specified Docket ID and Phase
>
> 2. Scan documents and include FDMS Document ID to associate the searchable PDF file to an already created Document ID in FDMS.

The eRulemaking Program supports two scanning software systems: Captiva InputAccel and Kofax Capture. For low volume of paper documents, the recommended solution is using Adobe Acrobat to create searchable PDF files and use FDMS application to manually add the searchable PDF file to the intended FDMS Document ID.

4.3.2 Improve usability in *FDMS.gov*

The eRulemaking Program is planning enhancements to FDMS to further assist agencies in maintaining electronic dockets and reviewing public comments in order to reduce the burden of work involved in these activities. The eRulemaking PMO is also planning new functionality and system improvements such as:

- **Usability enhancements to assist agency users in maintaining dockets.** The eRulemaking PMO continues to incrementally incorporate with each new version release usability enhancements on existing features as authorized by FDMS Change Control Board - an interagency workgroup that approves functional changes to the system. Such enhancements may include system alerts in *FDMS.gov* to notify agency users of actionable items (such as system flags and counts, task reminders, and improvements to e-mail notifications), improvements to bulk importing, addressing electronic mass-mail campaigns, improvements to posting documents and public submissions to make publicly-available on *Regulations.gov*.
- **RIN field on rulemaking dockets and documents.** Currently, the RIN field is an optional field available for an agency to make publicly available (and searchable) on the *Regulations.gov* website. Agency users should enter a RIN for all rulemaking dockets and documents. Future releases of FDMS will incorporate system enhancements and/or

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[28] http://jitc.fhu.disa.mil/recmgt/p50152stdapr07.pdf

features to assist agency users in populating this information in FDMS. These changes include: a lookup feature so users can view RINs for their agency; prompts to alert the user that a RIN should be entered; enforce the correct format for the RIN (NNNN-LLNN); and only allow a RIN to be entered for a rulemaking docket.

4.3.3 Comment Categorization tools

The eRulemaking Program is currently in the process of reviewing capabilities of various software products to assist in the review and analysis of public comments/submissions. The eRulemaking Program partner agencies have identified the following needs and uses for these tools including:

- Categorizing public comment and submission documents into duplicate/identical/similar categories.
- Provide comment analysis/thematic analysis (e.g., identify and group public comments by topic).
- Provide summary/synopsis of public comments (e.g., identify topics and create high-level synopsis or summary of these topics).
- Provide "filtering" capabilities to identify specific words or phrases within documents such as Personally Identifiable Information (PII), or other sensitive information and vulgarity.

4.3.4 Establish and enhance regulatory system interfaces

FDMS currently contains data from multiple Information Systems, including FDsys, UA, *RegInfo.gov*, and *FederalRegister.gov*.

The eRulemaking Program is working with the owners of these systems (e.g. OFR, GPO and GSA) to evaluate places where these systems can maximize current data exchange with shared metadata elements. The benefits of enhancing system interfaces include:

- Provide timely information to the public earlier in the rulemaking.
- Promote consistency between the systems.
- Reduce agency burden by eliminating redundant data entry and automating some tasks by auto-populating fields in FDMS or auto-associating data contained in these systems with FDMS and *Regulations.gov*.

FDMS will be able to gradually accumulate data and documents over the lifecycle of the rule from FDsys, *RegInfo.gov*, *FederalRegister.gov* and agency FDMS activity, to be shared and accessible by the public on *Regulations.gov*.

5   Recommendations and Next Steps to Implement Best Practices

In order to improve how federal agencies manage their electronic regulatory dockets, the eRulemaking PMO outlines the following recommendations and next steps to implement the best practices presented in this document.

5.1   Partner with eRulemaking program stakeholders to continue analysis and establish priorities

5.1.1   Federal Agencies

To address issues with inconsistent practices in managing dockets and regulatory documents, the eRulemaking PMO and EWG studied how and why agencies used various field names and metadata to describe dockets and documents, as well as reviewed agency processes for categorizing document types and subtypes with rulemaking and non-rulemaking actions. With this analysis, the eRulemaking PMO proposed the standard labeling of fields and required metadata for dockets and documents and established a naming convention to streamline common document subtypes, as described in section 3 of this document. Each agency representative of the EWG provided vital feedback on how these changes affect the way they currently managed electronic dockets and will continue working with the eRulemaking PMO to:

- Determine if there is a standard labeling suitable for remaining document types (Rules, Proposed Rules, Notices, Public Submissions, Supporting and Related Materials, Other).
- Assess the need for new primary document classification of non-rulemaking actions.
- Continue streamlining secondary document classification in rulemaking and non-rulemaking actions.
- Review feedback from agency stakeholders to determine if there are missing requirements in these solutions and best practices or a need to shift priorities.

Furthermore, the eRulemaking PMO and the EWG will work with other usability workgroups to prioritize the FDMS roadmap for future system improvements relative to these best practices.

Besides the working groups, federal agency representatives participating in the eRulemaking Advisory Board also reviewed the best practices presented in this document to provide input and support in implementing the forthcoming improvements in managing electronic dockets across the Federal Government.

5.1.2   Public Stakeholders

The eRulemaking PMO will use *Regulations.gov/Exchange* to gather feedback from public stakeholders on the best practices detailed in this document, as the Program believes it is critical to engage the public in its decision-making of improving its applications and policies. Specifically, the eRulemaking PMO will:

- Post Best Practices Document to *Regulations.gov/Exchange* shortly after publication.

- Moderate open discussions, as well as webinars, highlighting the goals and best practices detailed in this document.
- Review feedback from public stakeholders to determine if there are missing requirements in these solutions and best practices or a need to shift priorities.
- Upload background materials, share designs of system enhancements, as they become available, and display a timeline and dashboard to track progress made in implementing these best practices.

5.2   Method for Implementation

5.2.1   Roadmap for system releases

The eRulemaking PMO plans to add new features and functions to both *Regulations.gov* and FDMS in alignment with the recommended best practices, according to the roadmap in Figure 1.

Figure 1: System Releases Roadmap
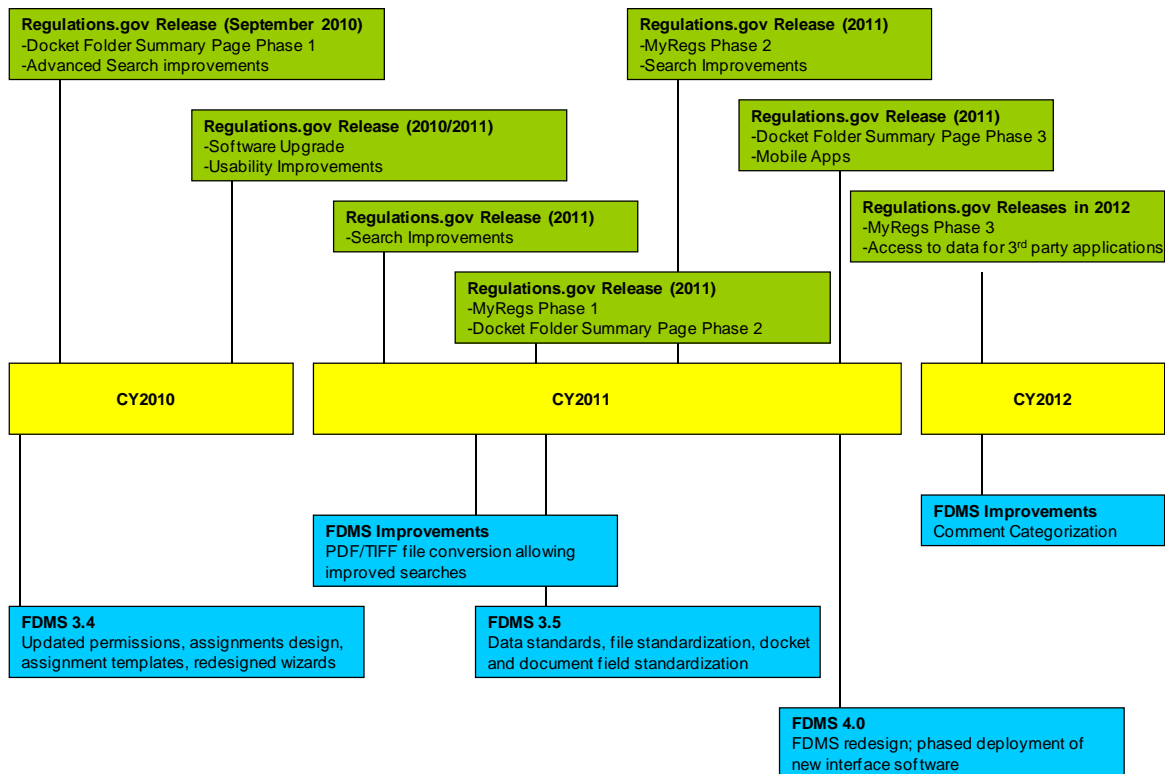
5.2.2   Update training and outreach for stakeholders

The recommended best practices require that agency users of FDMS change some of their processes and tasks to align with system improvements. In order to prepare the FDMS user community, the eRulemaking PMO will update training modules and materials for agency users to ensure consistency of use. Specifically, the eRulemaking PMO will share details and designs of system improvements early and utilize training to reinforce the adoption of and transition to a new common taxonomy. Updates to the training curriculum will:

- Provide agency users with adequate technical assistance support (e.g., FDMS help desk, video tutorials accessible on FDMS Resource Center).
- Ensure agency users that legacy values will be available in FDMS, allowing them to maintain workflow continuity and minimize disruption during transition.
- Show users how the taxonomy seeks to encourage collaboration and consistency among the Federal Government.
- Reintroduce the use of document subtypes as a way to categorize or further describe their documents.
- Emphasize the success of the common taxonomy and how its use helps agencies achieve greater public transparency, accessibility and participation in the regulatory process through *Regulations.gov*.

Public users of *Regulations.gov* also will see changes in search and navigation, the labeling of docket and document details, and taxonomies of rulemaking and non-rulemaking dockets and documents. In order to prepare the *Regulations.gov* user community, the eRulemaking PMO will use *Regulations.gov/Exchange* to share designs of system improvements early and initiate outreach efforts for public users so they are aware of the new naming convention and protocols.

5.3   Continuous Assessment and Evaluation

This Best Practices Document is intended to improve the way Agencies use FDMS and therefore improve public access to regulatory information and encourage public participation through the *Regulations.gov* website. These practices and related system enhancements do not represent final analyses and recommendations for improvement. The eRulemaking Program understands the need for continuous improvement in making the regulatory process more efficient, accessible and collaborative. Therefore, after publishing this Best Practices Document, the eRulemaking Program will include stakeholders from federal agencies and the public in maintaining this as a living document by:

- Using wiki-based technology to allow stakeholders to help update this Best Practices Document with helpful insight or suggestions for additional system and process improvements.
- Gathering feedback specific to this document and its recommendations from stakeholders during webinars and forums, as well as surveys presented to both FDMS and *Regulations.gov* users.
- Compiling and sharing lessons-learned after evaluating the effectiveness of this document and its recommendations and incorporating them into future updates.

The eRulemaking Program also plans to publish these updates annually in static (or shelf-copy) versions of this Best Practices Document.

5.3.1 Evaluating implementation of best practices

The eRulemaking PMO will continue to use surveys and satisfaction measures to evaluate agency and public stakeholder needs, as well as FDMS and Regulations.gov user satisfaction.

However, the eRulemaking PMO also realizes the need to evaluate agency process improvements aligned with the goals and best practices listed in this document, and therefore plans to:

- Establish a dashboard of FDMS system data to highlight:

  - Total number of public submissions received by an agency in comparison to the number of public submissions the agency posted to Regulations.gov.
  - Percent of rulemaking dockets that are identified by an individual RIN.
  - Completion of data within standard docket and document labels.

- Solicit agency user feedback with surveys to determine if these best practices have indeed improved their process to manage dockets and documents in FDMS
- Request federal agencies to align their regulatory processes with these goals and best practices as a summary entry in the next revision of their Open Government plans and related communications.   This may include distributing this document and related training and outreach materials to their agency docket managers, rulewriters and public stakeholders; and/or displaying links on their websites to this document and related outreach materials as they become available on *Regulations.gov/Exchange*. The eRulemaking PMO will support agencies with this effort by creating these training and outreach materials and making them available on the FDMS Resource Center and *Regulations.gov/Exchange*.

Appendices

Appendix A: References

Statutory Authorities:

- E-Government Act of 2002 (H.R. 2458/S. 803).
- Section 206 directs federal departments and agencies to post to the Internet regulatory dockets using *www.regulations.gov* and accept electronic submissions to online dockets.
- Administrative Procedures Act (APA) P.L. 79-404 (5 U.S.C. Chapter 5).
- The APA governs the process by which federal agencies propose and establish new regulations.

OMB Memoranda

- Implementation Guidance for the E-Government Act of 2002; August 1, 2003 (M-03-18).
- Implementation of Executive Order 13422 (amending Executive Order 12866) and the OMB Bulletin on Good Guidance Practices; April 25, 2007 (M-07-13).
- Open Government Directive; December 9, 2009 (M-10-06).
- Increasing Openness in the Rulemaking Process – Improving Electronic Dockets; May 28, 2010.
- Increasing Openness in the Rulemaking Process – Use of the Regulation Identifier Number (RIN); April 7, 2010.

Table 1: Best Practices Document Glossary

Description	Definition
Advance Notice of Proposed Rulemaking (ANPRM)	A preliminary notice, published in the Federal Register, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.
Agency	A government entity that publishes rules or notices in the Federal Register.
Agency Documents	Documents with the Document Type of Rules, Proposed Rules, Notices and Other.
Agency Entries	Specific items listed in Regulatory Agendas.
American Customer Satisfaction Index (ACSI)	The ACSI is a national indicator of customer satisfaction based on modeling of customer evaluations with goods and services in the U.S. economy. The ACSI reports scores on a 0-100 scale at the national level and produces indexes for 10 economic sectors, 45 industries (including e-commerce and e-business), and more than 225 companies and federal or local government agencies.
Code of Federal Regulations (CFR)	An annual codification of the general and permanent regulations published in the Federal Register by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to federal regulation. The CFR is keyed to and kept up to date by the daily issues of the Federal Register.
Comment	A written expression of an opinion or attitude by a member of the public to a government agency about a rulemaking or other action. Agencies establish a date range during which an individual can submit a comment. Comments are classified as the Document Type "Public Submissions" in FDMS and *Regulations.gov*.
Comment Period	A pre-determined span of time during which users can comment on a proposed regulation.
Docket	A collection or repository of documents related to a rulemaking or other action.
Docket Folder	See *Docket*.

Description	Definition
Docket Type	Used to classify dockets; a docket may have a Docket Type of Rulemaking or Non- Rulemaking.
Document	An item that is housed in a docket; there may be multiple documents in a docket. See *Document Subtype and Document Type.*
Document Subtype	A Document Sub-Type is a secondary classification of a document such as a Notice of Public Meeting.
Document Type	Document Type is a primary classification of a document. There are six document types: Rule; Proposed Rule; Notice; Public Submission (e.g. Comments); Supporting and Related Materials; and Other.
eRulemaking Program	The eRulemaking Program is an E-Government initiative committed to: • Increasing access to and participation in developing regulations and other related documents that can impact you. • Promoting more efficient and effective rulemaking through public involvement.
eRulemaking Program Management Office (PMO)	Since 2002, the U.S. Environmental Protection Agency (EPA) has served as the managing partner of the eRulemaking Program. EPA established a Program Management Office (PMO) to oversee the system development, maintenance and collaboration of agency partners.
Executive Order (EO)	A directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the Federal Register and in title 3 of the Code of Federal Regulations.
FDMS Change Control Board (CCB)	An inter-Agency, multi-disciplinary eRulemaking Initiative governance body charged with reviewing, considering, setting priorities for, and recommending additional or modified functionality to the Federal Docket Management System (FDMS) including its public-facing component, Regulations.Gov, and the Agency-accessible component, FDMS.gov. The CCB is sanctioned by the eRulemaking Advisory Board.
Federal Digital System (FDsys)	FDMS receives all Federal Register Proposed Rules, Rules, and Notice documents each business day from the Federal Digital System (FDsys). The Government Printing Office manages the FDsys and posts electronic versions of these regulatory documents formatted with extensible markup language (xml), hypertext markup language (html) and portable document format (pdf) files.
Federal Docket Management System (FDMS)	A document management solution structured by dockets (or file folders) which offer an adaptable solution to service a wide range of regulatory activities routinely performed by federal agencies. Many of the eRulemaking partner agencies rely on FDMS and *Regulations.gov* to support a number of activities beyond rulemaking for public viewing

Description	Definition
	and/or to solicit public comment such as publication of guidance documents, agency directives and policy interpretations.
FegeralRegister.gov	*FederalRegister.gov* is operated by the Office of Federal Register and the Government Printing Office, and contains information published in the daily Federal Register, including Rules, Proposed Rules, Notices, and Presidential Documents.
Federal Register (FR)	A daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by federal agencies.
Fiscal Year (FY)	The federal fiscal year runs from October 1 to September 30.
Metadata	Any information about a docket or document provided by an agency (e.g., Title, Federal Register Number).
MyRegs	A proposed feature for *Regulations.gov* that will allow users to create a personalized account on the website. It will allow users to store their comment submission information as well as identify specific rulings of interest.
Naming Convention	In terms of this Best Practices Document, a naming convention refers to standard names for document and docket metadata fields.
Non-rulemaking	A type of regulation that does not result in a rule. Example: Notice of Hearing Dates.
Notices	See *Document Types.*
Open Government	An effort promoting transparency, public participation and collaboration within the Federal Government's programs and activities.
Open Government Directive (M-10-06)	Official Whitehouse memorandum issued on December 9, 2009, for the heads of executive departments and agencies outlining specific actions to implement the principles of transparency, participation, and collaboration.
Other	See *Document Types.*
Plain Writing	Writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.
Posting	The act of making a document available to the public on *Regulations.gov.*
Pre-populate	Document or docket metadata fields that are already completed by the system when a user comes to the Document Details or Docket Folder

Description	Definition
	Summary pages.
Proposed Rules	See *Document Types.*
Public Submissions	See *Document Types.*
Publicly Viewable Fields	Fields that are displayed to the public for documents and dockets on *Regulations.gov*.
RegInfo.gov	*RegInfo.gov* is operated by GSA/RISC and OMB/OIRA, which contains real-time data on significant rulemakings under review. The eRulemaking Program will be utilizing XML data available on a daily basis from *RegInfo.gov* to include in FDMS and *Regulations.gov*.
Regulation	After the Congressional bills become laws, federal agencies are responsible for putting those laws into action through regulations. Types of regulations include: Rules published in the Federal Register that are generally applicable to the public and have final legal effect; and Proposed Rules that may become final rules after publication in the Federal Register for notice and comment. Documents such as public comments and supporting materials are often associated with these regulations.
Regulation Identifier Number (RIN)	A unique alphanumeric identifier assigned by OMB to track the lifecycle of a rulemaking action. The RIN identifies each regulatory action listed in the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the Federal Register, to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their development.
Regulations.gov	The website that facilitates public access to Federal Regulatory information and provides a means for the public to submit comments on proposed rulemakings.
Regulations.gov/Exchange	*Regulations.gov/Exchange* is an on-line forum designed to support federal agency regulatory actions with social media capabilities.
Regulatory Action	Action taken by a government agency to issue or enforce rules.
Regulatory Process	See *Rulemaking Process*
Rulemaking	A type of regulation that establishes a rule, the means by which congressional laws are implemented.
Rulemaking Process	The process federal agencies use to formulate, amend or repeal a regulation. This process often contains a proposed rule and a final rule,

Description	Definition
	and may accept public comments during specified time periods.
Rules	See *Document Types.*
Supporting & Related Materials	See *Document Types.*
Taxonomy	The classification and hierarchy of dockets and documents within FDMS and *Regulations.gov*.
United States Code (USC)	A consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles, each title covering a broad area of federal law.
User-Centered Design	A structured product development methodology that involves users throughout all stages of Web site development, in order to create a Web site that meets users' needs. This approach considers an organization's business objectives and the user's needs, limitations, and preferences.

Appendix C: eRulemaking Program Partner Federal Departments and Agencies

Department of Agriculture (USDA)

- Agricultural Marketing Service (AMS)
- Agricultural Research Service (ARS)
- Animal and Plant Health Inspection Service (APHIS)
- Commodity Credit Corporation (CCC)
- Cooperative State Research, Education, and Extension Service (CSREES)
- Economic Research Service (ERS)
- Energy Office, Agriculture Department (EOA)
- Farm Service Agency (FSA)
- Federal Crop Insurance Corporation (FCIC)
- Food and Nutrition Service (FNS)
- Food Safety and Inspection Service (FSIS)
- Foreign Agricultural Service (FAS)
- Forest Service (FS)
- Grain Inspection, Packers and Stockyards Administration (GIPSA)
- Inspector General Office, Agricultural Department (USDAIG)
- National Agricultural Library (NAL)
- National Agricultural Statistics Service (NASS)
- National Institute of Food and Agriculture (NIFA)
- Natural Resources Conservation Service (NRCS)
- Office of Energy Policy and New Uses (OEPNU)
- Office of Procurement & Property Management (OPPM)
- Risk Management Agency (RMA)
- Rural Business – Cooperative Service (RBS)
- Rural Housing Service (RHS)
- Rural Telephone Bank (RTB)
- Rural Utilities Services (RUS)

Department of Commerce (DOC)

- Bureau of Economic Analysis (EAB)
- Bureau of Industry and Security (BIS)
- Bureau of the Census (USBC)
- Economic Development Administration (EDA)
- Economics and Statistics Administration (ECSA)
- Foreign-Trade Zones Board (FTZB)
- International Trade Administration (ITA)
- Minority Business Development Agency (MBDA)
- National Institute of Standards and Technology (NIST)
- National Oceanic and Atmospheric Administration (NOAA)
- National Telecommunications and Information Administration (NTIA)
- Patent and Trademark Office (PTO)
- Technology Administration (TA)

Department of Defense (DOD)

- Air Force Department (USAF)
- Army Department (USA)
- Corps of Engineers (COE)
- Defense Acquisition Regulations System (DARS)
- Navy Department (USN)

Department of Education (ED)

Department of Energy (DOE)

- Bonneville Power Administration (BPA)
- Energy Efficiency and Renewable Energy Office (EERE)
- Energy Information Administration (EIA)
- National Nuclear Security Administration (NNSA)
- Nuclear Energy Office (NEO)
- Southeastern Power Administration (SEPA)
- Southwestern Power Administration (SWPA)
- Western Area Power Administration (WAPA)

Department of Health and Human Services (HHS)

- Administration of Children and Families (ACF)
- Administration on Aging (AOA)
- Agency for Healthcare Research and Quality
- Agency for Toxic Substances and Disease Registry (ATSDR)
- Centers for Disease Control and Prevention (CDC)
- Centers for Medicare & Medicaid Services (CMS)
- Child Support Enforcement Office (CSEO)
- Food and Drug Administration (FDA)
- Health Resources and Services Administration (HRSA)
- Indian Health Service (INS)
- Inspector General Office, Health and Human Services Department (HHSIG)
- National Institutes of Health (NIH)
- Substance Abuse and Mental Health Services Administration (SAMHSA)

Department of Housing and Urban Development (HUD)

Department of Homeland Security (DHS)

- Coast Guard (USCG)
- Customs and Border Protection Bureau (USCBP)
- Federal Emergency Management Agency (FEMA)
- Federal Law Enforcement Training Center (FLETC)
- Immigration and Customs Enforcement Bureau (ICEB)
- National Communications System (NCS)
- Transportation Security Administration (TSA)
- U.S. Citizenship and Immigration Services (USCIS)

Department of Interior (DOI)

- Bureau of Indian Affairs (BIA)
- Bureau of Land Management (BLM)
- Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEM)
- Bureau of Reclamation (BOR)
- Fish and Wildlife Service (FWS)
- Indian Arts and Crafts Board (IACB)
- Minerals Management Service (MMS)
- National Indian Gaming Commission (NIGC)
- National Park Service (NPS)
- Office of Natural Resources Revenue (ONRR)
- Office of Surface Mining Reclamation and Enforcement (OSM)
- U. S. Geological Survey (USGS)

Department of Justice (DOJ)

- Alcohol, Tobacco, Firearms, and Explosives Bureau (ATF)
- Antitrust Division (ATR)
- Drug Enforcement Administration (DEA)
- Executive Office for Immigration Review (EOIR)
- Federal Bureau of Investigation (FBI)
- Federal Prisons Bureau (BOP)
- Foreign Claims Settlement Commission (FCSC)
- Justice Programs Office (OJP)
- Juvenile Justice and Delinquency Prevention Office (OJJDP)
- National Institute of Corrections (NIC)
- Parole Commission (USPC)

Department of Labor (DOL)

- Bureau of Labor Statistics (BLS)
- Disability Employment Policy Office (DEPO)
- Employee Benefits Security Administration (EBSA)
- Employees' Compensation Appeals Board (ECAB)
- Employment Standards Administration (ESA)
- Employment and Training Administration (ETA)
- Labor-Management Standards Office (LMSO)
- Mine Safety and Health Administration (MSHA)
- Occupational Safety and Health Administration (OSHA)
- Office of Federal Contract Compliance Programs (OFCCP)
- Veterans Employment and Training Service (VETS)
- Wage and Hour Division (WHD)
- Workers Compensation Programs Office (WCPO)

Department of State (DOS)

Department of Transportation (DOT)

- Federal Aviation Administration (FAA)
- Federal Highway Administration (FHWA)
- Federal Motor Carrier Safety Administration (FMCSA)
- Federal Railroad Administration (FRA)
- Federal Transit Administration (FTA)
- Maritime Administration (MARAD)
- National Highway Traffic Safety Administration (NHTSA)
- Pipeline and Hazardous Materials Safety Administration (PHMSA)
- Research and Innovative Technology Administration (RITA)
- Saint Lawrence Seaway Development Corporation (SLSDC)

Department of the Treasury (TREAS)

- Alcohol and Tobacco Tax and Trade Bureau (TTB)
- Bureau of Public Debt (BPD)
- Community Development Financial Institutions Fund (CDFI)
- Comptroller of the Currency (OCC)
- Financial Crimes Enforcement Network (FINCEN)
- Fiscal Service (FISCAL)
- Internal Revenue Service (IRS)
- Office of Foreign Assets Control (OFAC)
- Office of Thrift Supervision (OTS)
- United States Mint (USMINT)

Department of Veterans Affairs (VA)

Agency for International Development (AID)

Architectural and Transportation Barriers Compliance Board (Access Board) (ATBCB)

Consumer Product Safety Commission (CPSC)

Corporation for National and Community Service (CNCS)

Election Assistance Commission (EAC)

Environmental Protection Agency (EPA)

Equal Employment Opportunity Commission (EEOC)

Executive Office of the President (EOP)

- Office of Federal Procurement Policy (OFPP)
- Office of Management and Budget (OMB)
- Office of the United States Trade Representative (USTR)

Export Import Bank of the United States (EIB)

Federal Financial Institutions Examination Council (FFIEC)

Federal Retirement Thrift Investment Board (FRTIB)

Federal Trade Commission (FTC)

Financial Stability Oversight Council (FSOC)

General Services Administration (GSA)

- Federal Acquisition Regulation (FAR)

National Aeronautical and Space Administration (NASA)

National Archives and Records Administration (NARA)

- Information Security Oversight Office (ISOO)

National Science Foundation (NSF)

National Transportation Safety Board (NTSB)

Nuclear Regulatory Commission (NRC)

Office of the Director of National Intelligence (ODNI)

Office of Personnel Management (OPM)

Pension Benefit Guarantee Corporation (PBGC)

Small Business Administration (SBA)

Social Security Administration (SSA)

Appendix D: Background on the eRulemaking Program

The eRulemaking Program is responsible for the development and implementation of the Federal Docket Management System (FDMS), the corresponding agency website, *FDMS.gov*, and the public website *Regulations.gov*. *Regulations.gov* is an interactive public website providing the opportunity to access federal regulatory information and make comments on regulatory documents published in the *Federal Register*. The public may review and make a more informed comment by having the ability to see other public submissions posted to the website. In the spirit of transparency and participation, *Regulations.gov* provides ready public access to the federal rulemaking process.

The vision of the eRulemaking Program is that the public can easily access and participate in a high quality, efficient and open rulemaking process. The primary goals of the Program are to increase public access, increase participation in and understanding of the rulemaking process and to improve agency efficiency and effectiveness in rulemaking development.

Electronic Regulatory Docket Management

The eRulemaking Program has taken a difficult, even arcane, paper-based process and transformed it into a readily accessible process for public consumption. Reading through *Federal Register* announcements, travelling to agency "reading rooms" to review comments, and sending submissions through the mail has been supplanted by the click of a mouse on the Internet. While there may be other federal agency-specific online applications, the eRulemaking Program is unique in its ready access to a broad range of regulatory activities and its success in meeting customer demands for a voice in the process as a whole.

The public has always had access to the rulemaking process; however, issues existed regarding the public's knowledge of a proposed rulemaking and the public's ability to make an informed comment. Through *Regulations.gov*, the public is able to follow a rulemaking from its inception (as early as the UA) to its promulgation as a Final Rule and implementation. This is a remarkable achievement in the regulatory process--- the public need go no further than *Regulations.gov* to make an informed comment on a particular rulemaking or document open for comment.

FDMS is a web-based application providing a universal access point to the public through its *Regulations.gov* website for all federal regulatory activities, removing barriers that previously made it difficult for the public to navigate the vastness of the federal regulatory process. The initial portal, *Regulations.gov*, was launched in January 2003. FDMS was launched in September 2005. By January 2008, 90% of the federal government regulatory agencies were using FDMS to post regulatory information on *Regulations.gov*. A current list of eRulemaking partner agencies is located in Appendix C.

The eRulemaking Program is "one-stop-shopping" for federal regulatory affairs. The simple notion of a public portal for receiving comments on regulatory documents has evolved into a program that is also educational to the public and the rulewriter. *Regulations.gov* is designed to

be informative as to the public's interest in a particular subject matter, elaborative in its inclusion of supporting documents and materials to explain not only the rule's background but the rationale of public comments; and inclusive through its expansion to other types of documents, which may require public comment aside from rulemakings, e.g., environmental impact statements, environmental assessments, permitting applications, adjudication rulings.

## The Federal Docket Management System (FDMS)

FDMS is a document management solution structured by dockets (or file folders) which offer an adaptable solution to service a wide range of regulatory activities routinely performed by federal agencies. Many of the eRulemaking partner agencies rely on FDMS and *Regulations.gov* to support a number of activities beyond rulemaking for public viewing and/or to solicit public comment such as publication of guidance documents, agency directives and policy interpretations.

Through *FDMS.gov*, FDMS provides partner agencies with a customizable agency interface, which enables agency users to manage their docket materials through the use of role-based access controls; workflow and collaboration processes; creating/managing/revising content; comment management; and integrated COTS scanning solutions. FDMS receives proposed rules, rules, and notices published by the Office of Federal Register via the FDsys system. These documents are available on *Regulations.gov*. Public users may submit a comment on any of these documents open for public comment via the *Regulations.gov* website. eRulemaking Program Partner Agencies utilize FDMS to upload additional regulatory and non-regulatory documents, supporting materials, and public comments into the system and make these additional documents accessible on *Regulations.gov*. Initially conceived as a simple comment submission and comment administration system, *Regulations.gov* has evolved to allow public access to the entire rulemaking docket, providing a user-friendly web form to submit comments and supporting documents, offering simple and sophisticated searches, bookmarking, email notifications and other social media tools.

The diagram below displays the process current system interface between FDMS, *Regulations.gov*, and FDsys.

Figure 2: Current System Interface
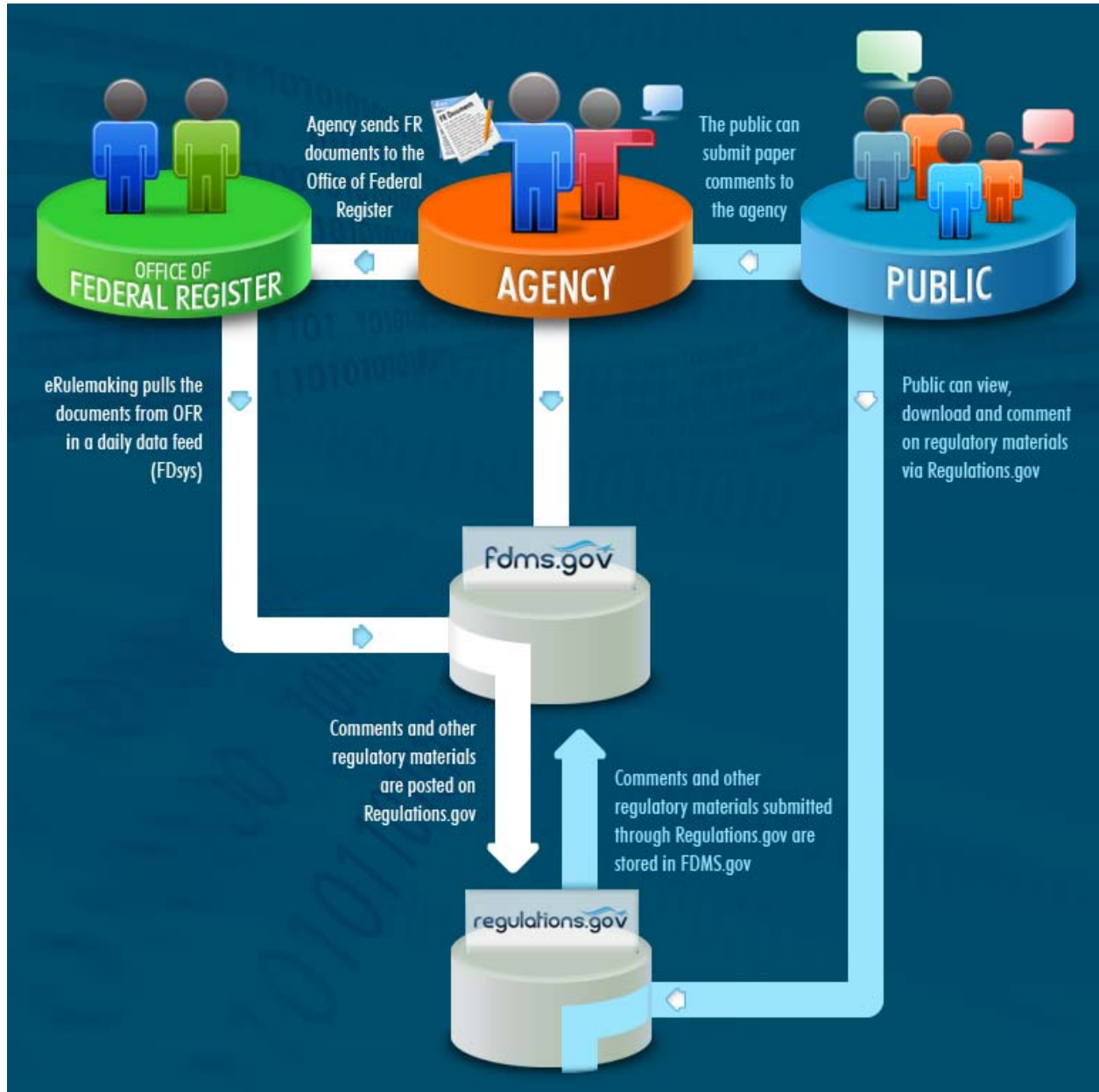
The diagram below displays proposed changes to increase the exchange of data between FDMS, *Regulations.gov*, and FDsys and additional regulatory systems as discussed in Section 4.3.4: Establish and enhance regulatory system interfaces

Figure 3: Proposed System Interfaces
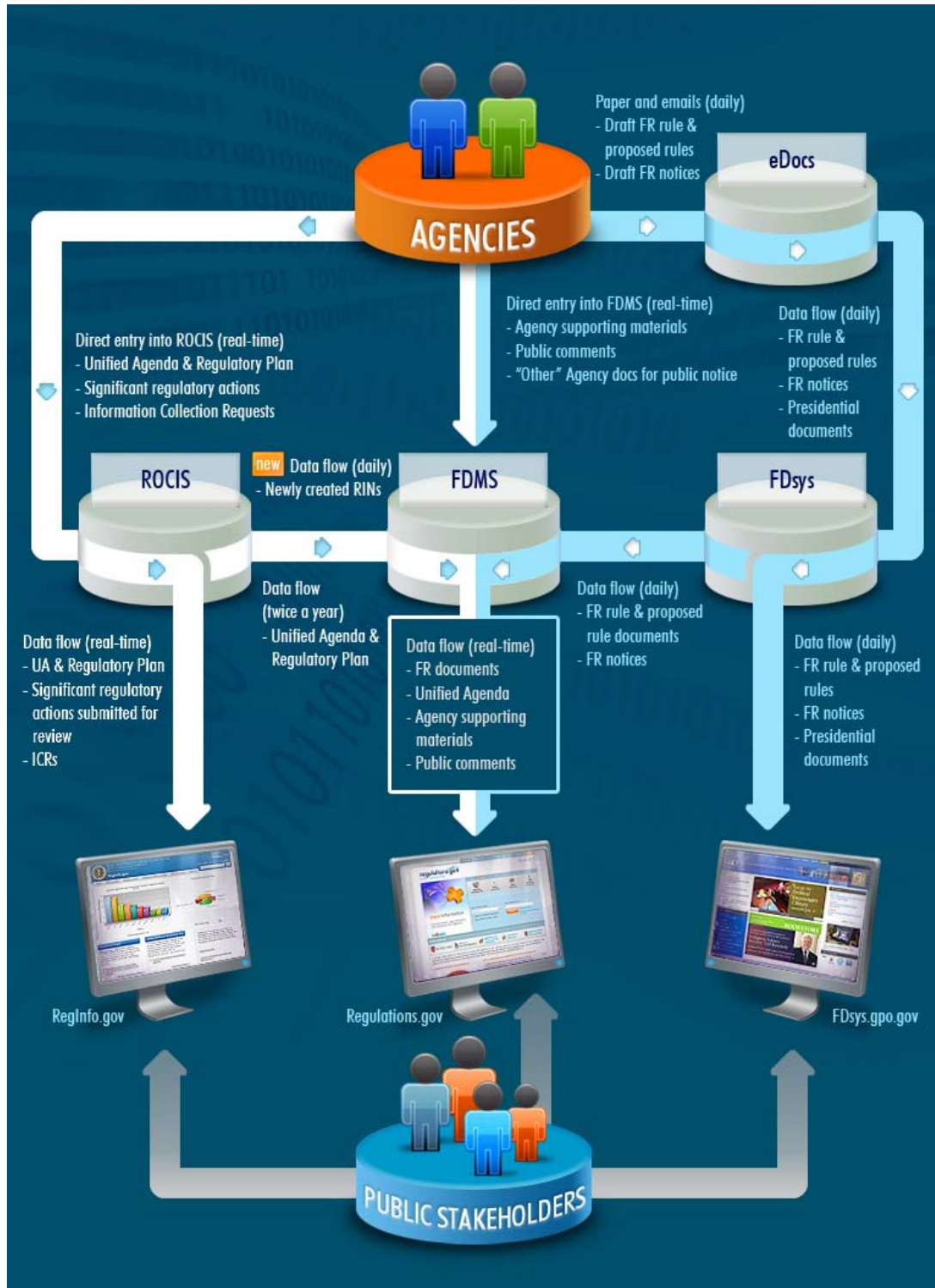
Appendix F: FDMS Fields

The fields shown below are the current fields available to users in FDMS and viewable by the public on *Regulations.gov*. Future changes will standardize the names of fields used by agencies, which fields are automatically displayed to the public, and which fields will require entry for specific document types.

Table 2: Docket Fields

FDMS Label	FDMS Required	Option for agencies to Make Viewable on Regulations.gov
Docket ID	Yes	System Required
Phase	Yes	No
Status	Yes	No
Category	No	Yes
Keywords	No	Yes
Program	No	Yes
RIN	No	Yes
Abstract	No	Yes
Short Title	No	Yes
Title	Yes	Yes
Generic	No	Yes
Organization	No	Yes
Effective Date	No	Yes
Internal Comments	No	Yes
Legacy ID	No	Yes
Sub-Type	No	Yes
Sub-Type Level 2	No	Yes
Type	Yes	Yes

Table 3: Document Fields (Regulations.gov Document Details)

FDMS Label	FDMS Required	Option to Make Viewable on Regulations.gov
Docket ID	Yes	System Required
Docket Phase	Yes	No
Document ID	Yes	System Required
Phase Sequence	Yes	No
CFR Citation	No	Yes
OMB/PRA Approval Number	No	Yes
Source Citation	No	Yes
Author Date	No	Yes
Comment Start Date	No	Yes
Comments Due	No	Yes
Date Posted	No	Yes
Effective Date	No	Yes
Implementation Date	No	Yes
Received Date	No	Yes
Abstract	No	Yes
Authors	No	Yes
Keywords	No	Yes
RIN	No	Yes
Subject	No	Yes
Title	Yes	Yes
Status	Yes	Yes
Federal Register Number	No	Yes
FR Volume Number	No	Yes
Start End Page	No	Yes
Exhibit Location	No	Yes
Exhibit Type	No	Yes
File Type	No	Yes
Media	No	Yes
Page Count	No	Yes
Paper Length	No	Yes
Paper Width	No	Yes
Post Mark Date	No	Yes

FDMS Label	FDMS Required	Option to Make Viewable on Regulations.gov
Legacy ID	No	Yes
Special Instructions	No	Yes
Document Sub-Type	No	Yes
Document Type	Yes	Yes

Table 4: Public Submission Fields

FDMS Label	FDMS Required	Option to Make Viewable on Regulations.gov
City	No	Yes
Country	No	Yes
Mailing Address	No	Yes
Mailing Address 2	No	Yes
Postal Code	No	Yes
State or Province	No	Yes
Comment Category	No	Yes
Email Address	No	Yes
Fax Number	No	Yes
Phone Number	No	Yes
Government Agency	No	Yes
Government Agency Type	No	Yes
Organization Name	No	Yes
Submission Type	No	Yes
Number of Items Received	No	Yes
First Name	No	Yes
Last Name	No	Yes
Middle Initial	No	Yes
Submitters Representative	No	Yes
Submitter Representative Address	No	Yes
Submitter Representative City State	No	Yes

Appendix G: Proposed List of Document Subtypes

Background

Through the eRulemaking Program's collaborative efforts with the federal partner agencies, the Electronic Docket Working Group (EWG) was established in August 2010 to begin the development of a common taxonomy for managing dockets and regulatory documents. This collaborative working group meets bi-weekly and is comprised of members from the eRulemaking Program, the administration and from the federal partner agencies.

One key component of a common taxonomy is the document subtype, which are used by agencies to further classify documents.

The first step in developing a common taxonomy for document subtypes was to analyze existing data. This analysis indentified several issues:

- Inconsistent use across agencies for the same document subtype (e.g., abbreviations, acronyms, and variations).
- Misspellings.
- Document subtype values do not convey clear meaning to user (e.g., NA, Other) or are redundant.

These findings were used to consolidate common document subtype values into one consistent value, and eliminate values that have no clear meaning to a user.

These document subtypes were submitted to each partner agency for review. The partner agencies were asked to validate proposed changes and deletions, as well as identify areas where document subtypes could be further refined. See Table 5 to review these common document subtypes.

These efforts will allow FDMS agency users to share a common taxonomy across all the partner agencies to improve the FDMS data quality and support a streamlined workflow for agency users.

This taxonomy will also be extended to *Regulations.gov,* enabling the public to more readily search for and navigate regulatory materials in a consistent manner regardless of agency.

Table 5 provides a list of the 20 most commonly used Document Subtypes for each Document Type. The effort to establish a final refined list of Document Subtypes is ongoing and therefore, this proposed list should not be interpreted as final or complete. The following table is simply intended to provide a list of the more commonly used Document Subtypes.

Table 5: Document Subtypes Proposed List

NOTICES	OTHER	PROPOSED RULES	PUBLIC SUBMISSIONS	RULES	SUPPORTING & RELATED MATERIALS
Notice of Opportunity of Hearing	Letter	Notice of Proposed Rulemaking (NPRM)	E-mail	Settlement Agreement	Letter
Notice of Final Rule	Correspondence	Petition	Late Public Comment	Final Rule	Report
Notice of Proposed Rulemaking (NPRM)	Citizen Petition	Denial	Electronic Regulation from Form	Foreign Airworthiness Directive	Supplement
Notice of Availability	Application	Supplemental Notice of Proposed Rulemaking (SNPRM)	Public Comment Attachment	Initial Decision by Admin Law Judge	Publication; Copyrighted Materials
Notice of Approval	Report	Statement of Policy	Comment on Hearing	Notice of Final Rule	Publication
Notice of Filing	Order	Prepublication Display	Notice of Intent to Appear (NOITA)/Advance Testimony	Certificate Extending Patent Term	State/Tribal Submittal
Withdrawal	Association/Interest Group/Individual	Notice of Extension	Answer	Interim Final Rule	Data
Notice of Extension	Answer	Extension of a Comment Period	Objection	Emergency Airworthiness Directive	Citizen Petition
Information Collection Request (ICR)	Petition	Amendment	Request for Extension of Comment Due Date	Direct Final Rule	Office of Management and Budget (OMB)
Correction	Motion	Advance Notice of Proposed Rulemaking (ANPRM)	Withdrawal	Temporary Rule	Airworthiness
Notice of Meeting	Decision	Request for Comment	Early Submission	Commissioner's Decision	Reference (internal unless indicated)
Advisory Committee	Company/Industry	Resolution	Late Public Comment Attachment	Confirmation of Effective Date	Approval
Request for Comments	Acknowledgement Letter/Receipt	Correction	Request for Hearing	Approval	Meeting Transcripts
Notice of Confirmation of	Testimony	Approval	Amendment	Confirmation of	Publication; USEPA

Effective Date				Effective Date	
Notice of Intent	Memorandum	Withdrawal	Form Letter	Correction	Guidance
Advance Notice of Proposed Rulemaking (ANPRM)	Appearance Request	Request for Information	Individual	Policy Statement	Interagency Review
Notice of Temporary Permit	Qualified Health Claims	Public Hearing	Reply Comment	Termination	Supplement
Notice of Probable Violation	Disclosure of Date and Information	Hearings	Appearance Request	Approval	Study
Notice/Hearing/Meeting	Approval	State Submittal	Mass Mail Campaign	Delay of Effective Date	Permit, Registration
Availability of Document	Additional Information	Public Meeting	Private Citizen Comment	Withdrawal	Publication; Other Governmental