

1. Does “reasonably available”

a. Mean that the material should be available:

i. For free and

ii. To anyone online?

- Yes, anything less would violate the principle of government transparency.

b. Create a digital divide by excluding people without Internet access?

- Not if a print version of any given section is available upon request.

2. Does “class of persons affected” need to be defined? If so, how should it be defined?

- It should be defined to mean any individual who desires to have access to code, for any reason.

3. Should agencies bear the cost of making the material available for free online?

- No, it should be a requirement that before a standard becomes law, the relevant Standard Development Organization (SDO) must make the material available for free online.

4. How would this impact agencies budget and infrastructure, for example?

5. How would OFR review of proposed rules for IBR impact agency rulemaking and policy, given the additional time and possibility of denial of an IBR approval request at the final rule stage of the rulemaking?

- The only change necessary would be an additional procedure checking that a free, online version of the standard has been made available by the SDO before it can be incorporated by reference.

6. Should OFR have the authority to deny IBR approval requests if the material is not available online for free?

- Yes.

7. The Administrative Conference of the United States recently issued a Recommendation on IBR. 77 FR 2257 (January 17, 2012). In light of this recommendation, should we update our guidance on this topic instead of amending our regulations?

8. Given that the petition raises policy rather than procedural issues, would the Office of Management and Budget be better placed to determine reasonable availability?

- No preference.

9. How would an extended IBR review period at both the proposed rule and final rule stages impact agencies?

- No need for extended review period; just a simple check as above.