

Group B -- Session 4 -- June 3, 2004
The George Washington University – eRulemaking Workshop 2.0

M1: Moderator

R: Respondents

M1: How do you define the costs and the benefits of using information technology in the rulemaking process?

R8: I think identifying the benefits and assigning/contributing a cost and benefit is very difficult because what our goal, for most of us, is making government more transparent to the public for greater public participation. And then, how do we measure that as a benefit? I think for those of us working on the eGovernment Act with Senator Lieberman and Senator Burns, that was our big overarching goal and I think [name] said it very well among others in the earlier groups. Main goal is to engage citizens in participating in their government. And so then that becomes kind of intangible, not only in, how we can evaluate its effectiveness but also how do we gauge its benefits?

R9: I would say that one tangible benefit for nonprofit groups with limited resources is it potentially facilitates our ability to actually participate in more things. So it's less expensive, it's easier if you have access to technology. I think a principal downside is there may be too much dependence on that as the method of soliciting participation. And there is still significant chunk of the population that doesn't have access to technology, so they would not be able to take part in the advantage.

R1: And that's the cost. You have to buy equipment to maintain the eGovernment site; you have to have management personnel to keep the information up to date. On the public side, they have to buy their own computers in order to be able to participate, so there's a huge initial cost to be able to be involved; as opposed to the stamp and piece of paper and a pen.

R5: Well, recognize I guess in theory the electronic means is just one of a suite of options and not a mandatory requirement for means of participating. If somebody still wants to use a piece of paper and a stamp they can. It's just a benefit of somebody who might have a computer screen then they could actually go from mid-America and read the docket that's online here in DC versus actually having to come and visit to see what's written.

R2: I've participated in FCC rulemaking back in 1996; pre-electronic. They required 34 copies of each submission; our submission was 10 or 20 pages long. It was a lot of effort and significant expense. Much, much more cost than it would be to do it electronically. Now of course if you are buying your computer and your Internet connection solely to comment on rulemaking, then yes it would be a lot. But because it's multipurpose, it's spread out. I think the convenience of commenting electronically reduces the cost.

R1: Oh, I think the benefits outweigh the costs for sure, but there's still a cost.

R2 also in sessions 1B (R6), 2A (R4), 3A (R2), 5A (R7);

R4 also in sessions 2A (R3), 3B (R1), 5A (R6);

R10 is a principal investigator

R4: Our friends at the telecommunications carriers would probably be gratified in that, where most users of telecommunications there's also a recurring cost in addition to the initial cost in order to have your communications capability. Some of our friends in the spectrum reform movement might like to eliminate some of those recurring costs but they definitely exist at the moment.

R1: You have to maintain your Comcast subscription or whatever. And upgrade your printer; things like that.

M1: How do we make better rules?

R5: From an agency perspective I would say that the high likelihood that people can read what you are publicizing and giving them the opportunity to comment is a means of achieving a better rulemaking. One of the things that would be nice to be able to do, if you could measure things, in the past if somebody wanted to read the docket, one would have to actually visit the agency location and you could have a scorecard of how often folks came in to actually want to go through the materials of comments from submitters. It would be nice to be able to in theory, count the folks who come into this new electronic docket reading room to be able to say, while I might not be able to ensure or guarantee a better rule, but I know from this type of marketing or advertisement, in addition to publishing in the Federal Register, we can get x number of folks that actually come to read our materials. That would be nice and obviously the more folks that read it, at least in my mind, the better chance that we'll get substantive comments that can help steer us to a final product.

R8: I think, and I'm with a public user group, agencies are often surprised to learn about who their stakeholders are because they don't often think about that, whether in the print or electronic world. So they find, certainly through this process, "oh gee this group is very interested in what I do, how about that". So I think it's a real opportunity for that feedback to agencies to have a better understanding of what population their rules are even impacting. That I think down the road, we're saying what is the eventual impact going to be and proving transparency, but I also would hope then improving, with that improved communication, the outcome.

R2: You think it's a problem now that agencies don't know who their stakeholders are?

R8: Well, I'm dealing more with government information and certainly when they put things up on the Internet agencies really understand the importance or value of that information product to the public. I don't mean to say that as a negative in anyway, but their role is to publish something and get it out and who reads it and how it's used is really not part of a lot of their perceptions.

R2: I presume they would love to be able to measure that though.

R8: I think it's really important. One of the issues that was brought up this morning, that certainly the library community has been complaining to Congress for 10 years, is the disappearance of information products off agency web sites. A recent study said they are up for

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an average of 44 days and the point is, nobody is harvesting this material and so people come into libraries and use it or we may even bookmark it and find out that it's gone the next month. And these are things agencies didn't have to deal with in print world; just published it and went on your merry way.

R4: One of the things discussed earlier, both in focus groups and in sessions, is that there isn't any consensus and you don't have to go very far to find a lack of consensus about what makes a rule better. It would be very easy to find a lot of disagreement about whether particular rules were good. Partly because it's not just a procedural issue; although people even have disagreement in their interpretation about procedural issues. For example, someone might say, "gee, that rulemaking was really good because there were lots of public comments and they were very diverse, and they were very informative". And someone else might say, "that rulemaking was terrible, it was manipulated behind the scenes by political influence and there was so little true fair consideration". And then there would be disagreement about the substantive aspect of the rule, whether the rule was actually good or bad. It's definitely hard for people to measure things given that kind of disagreement. We have a rule right now, I'm sorry [name] is not here from Public Knowledge, but they're challenging that rule and it's a rule that we worked on proposing along with many library associations. We think that rule is awful and not supported by evidence and not clear and all kinds of things. I suspect if there was someone here from one of the entertainment companies that was our adversary, they would say it was uniformly agreed by industry, it was carefully considered, they extended the comment period three times and they took lots of evidence, lots of [can't understand].

R2: Was your objection to the rule or the underlying statute?

R4: It's ancillary jurisdiction, so it's to the rule.

R1: I don't think you'll find any rule that doesn't have some sort of subjective opinion that's controversial on anything.

R9: I would say, from my perspective, process is tremendously important and at least with a fair process you have a sense that there's, information is getting to the folks that are finalizing the rule; information that they need. I think the publicity aspect is a key to the process working, because it sometimes surprises me in some of the rules that we've commented on, how few comments there are. I see that the public interest groups will publicize something if they care about it, but there are plenty of things that go by and people don't pay attention. I look at the Federal Register, the table of contents everyday to scan it, but I don't always catch everything. And how unusual is it that anyone would even look at that; most people obviously don't. So you need to do something more than publication in the Federal Register is necessary. Though it makes me laugh because the way the Federal Register first came about was because people didn't know whether rules were in place or not. There was actually a case that went up to the Supreme Court and by the time it got to the Supreme Court it turned out that the rule that was being fought over wasn't actually a rule; it was not promulgated. We are so far ahead of where we used to be but...so I think process is critical. You can't really get rid of the politics and you

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can't get rid of the fact that people are going to come out differently on issues, but you can try to minimize that with a good process.

R3: As a non-information specialist I find it interesting because I have a feeling sometimes we have a triumph, as some have said, of process over purpose. But in any case, the politics of it is ever prevalent. We spent a lot of [can't understand]...illustrated the organic rule and I may be wrong on my facts, but I believe that the organic rule after it was finally passed was blocked through an appropriation writer by a Congressman from Georgia. Where did it get us? On the other hand we did mention media ownership [can't understand]...generated tremendous amount of reactions and I think that's probably why Congress revisited it. Not necessarily because of the quality, but at least it indicated a large amount of public interest in the issue.

R4: That's an interesting point about that discrepancy; in other words, you might have a statute that says the agency shall adopt a rule about such and such thing. Maybe they actually go through the process very carefully and they adopt something that is very much in keeping with the statute, but people will still hate it perhaps because they don't like the statute. It might be that the controversy associated with the rulemaking process would lead people to re-examine that.

R7: Just following up a bit on the media consolidation and the nature of how do you make a better rule; there was a comment during the lunch session about what the nature of a rule is, which is it is not a poll of how many people go one way or the other, its about bringing in facts into the process and then trying to decide among all those competing arguments which way the rule should be written and should be influenced. The problem with that though, is there is some evidence that suggests both political/congressional evidence in revisiting the FCC's rulemaking on June 2 and then in the Appeals Court which stayed the implementation of the new media ownership rules; partly because they said there was a significant, and significant public reaction that the court could not ignore and there was a significant public interest at stake. And that was taking into account the number of comments. Was not saying that those are...it basically contradicted that idea that we had heard earlier that they are simply about the facts and about the opinions and the sort of weight of those opinions. There was just, in and of themselves, because there were over 2 million comments to the FCC. That was enough for the court to say, these rules, despite everything they came...up until that date and before and after that were stayed. Now of course that court case is going to be decided fairly soon. Public education is going to be a key component of that. Where ever you think it lies in terms of the importance of the number of comments, still, people need to know and understand exactly, what is the nature of the rule.

R1: Hopefully, it wasn't 2 million people that were wrong.

R7: It was pretty one-sided. There was an analysis, at one point, by one of the organizations that we worked with, and of course we worked against the FCC majority on this, that at one point looked at, and at that stage of the game there were about 10,000 comments, and it was something like 9900 to 11 in terms of...11 in favor of new relaxed rules.

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R4: I remember sometimes it seems like involving the public can be seen as a sign of weakness and not involving the public can be seen as a sign of strength. In the docket I was mentioning earlier, we generated about 5,000 public comments against the rule and there were a couple a dozen in favor of it, mostly from corporations, and I found one individual public comment that was supporting the rule. It was by an employee of Disney, but he was saying, "Disney didn't pay me to write this I actually think what Disney thinks". Other than that, they didn't even try to get individuals to write in. They just said, here's what our lawyers think, that's it, that's all we need to do. We don't need to try to stir up aggressors. We don't need to try to stir up the rank and file. We're just going to say this and that's that. Where as, we went out and we said, ok everyone write into the FCC; this is really urgent, this is really important, we want as many people as possible. It would be easy to interpret that as a sign of weakness on our part; that we felt that we had to resort to that, where our adversaries didn't; could also be interpreted that we think that the general public actually agrees with us rather than with Disney.

R1: There's another factor, you would assume that the general public understands the whole issue too, even though they are writing in and asking for a particular point to be made.

R8: Well, and the info-entertainment have done very well without having the grassroots.

M1: I would like to take about 10 minutes and get your general reactions to the presentations today.

R8: Well, I just want to say that I really appreciate [name]'s comments. We work very closely with the [org] and work very closely with [agency], but one of the things I think that nonprofits don't have is, and that was my earlier comment; the info-entertainment has Jack Valenti, they don't need every employee from Hollywood to send letters in on a particular issue. We are a very poor nonprofit, we don't have packs. When we go up to the Hill we are generally meeting with staff, which is fine. We don't have access to the members; it's very infrequent that we would. So the way that we can educate and influence is really by the numbers. And I think that's why certainly we see excitement in the whole move towards electronic government and such important initiatives as eRulemaking that are going to lead to greater participation in government. That's why the libraries exist, to serve as intermediaries between the public and the information they need. I think in terms of the other comment about cost and benefit and digital divide, certainly library's role has always been to help those who don't have access or can't go buy the books. And the same way, I think government could make an effort particularly with this eRulemaking process, and I know there was talk of it in hearings on the Lieberman bill, and putting kiosks around the country. Making maybe in libraries, but they were also talking about shopping centers where a member of the public could go up and explore what various issues were there and file a comment right there. I really think to be successful and to be really... cross that digital divide issue, I think government in this project is going to have to look at various ways of part of the education process, but also part of making it happen I think.

R2: Do you think the data quality acts undermine the role of the individual comment?

R8: I think yes.

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R2: I worry that eRulemaking would end up with formally; I think there has always been a two tier system, but I worry that's almost institutionalized. I think there could be responses to that in terms of going beyond the sort of action center you described and being able to orchestrate.

R4: I said earlier, but I think none of you were here, so it may not terribly bore you if I repeat it. In a different rulemaking in which libraries were also involved, I do a lot with libraries; we were petitioning [can't understand] ...before the Library of Congress and we made some policy arguments and they rejected them and said, well they are outside of our authority and they are also not [noise]...enough, they're not evidence. We want evidence. So it's a triennial rulemaking so we came back three years later and we actually went out and found individuals and got the individuals to tell their specific stories of how they had been harmed and why the exception should be granted. And then, those individuals with specific stories of things that had actually happened to them were attacked as anecdotal and not representative. So it's almost as if there's no way that we can get evidence. Perhaps we need to spend millions of dollars to design some kind of study that shows that these experiences are in some way representative. I'm concerned as people have been saying about the institutionalization of the idea that your actual experience...we were saying in a previous session, perhaps as an employee, if you have a labor issue, like an OSHA issue; if you write in and say, "I'm an employee and my employer did this thing and I was injured". It's troubling if it's the law that that has to be rejected as anecdotal because they can't show exactly, scientifically exactly how representative it is.

R2: This must vary enormously from agency to agency because I've heard people at Transportation and Fishery service sort of taking the opposite...Fishery service they get email from ships at sea and somebody will say, "the weather out here is awful and really dangerous, the ship's rolling and so on and I want to comment on"...it has a real impact, a dramatic impact. I know Department of Transportation gets comments on tires from truckers stopped at truck stops. And I think they do pay attention, it sort of grabs people as sort of personal thing. I guess other...

R4: Maybe the question of whether there is someone on the other side to attack it as anecdotal.

R8: In the rulemaking you are referring to, [name], I would hope is very unique in the process that was set up was really against us to begin with. And I think that goes to sort of your earlier point about how the process should be; not only open but also fair.

R9: I would say it's a legitimate tension between sort of individual anecdotal circumstances and real facts, evidence, science, and the like. It's reasonable for there to be a lot of thought into how to resolve that tension because in the agencies the people who are writing the rules will have some expertise, but they need to finally come out on something. People like to think that there is something objective or scientific that supports how they are coming out. One of the things I felt that was interesting; your presentation was just starting to think about how you could be more sophisticated in how you presented information to try to; if you can't fund million dollar studies how can you present the information to give it more heft so that it will not be completely dismissed as anecdotal, but may instead be considered as something significant.

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R5: Potentially the benefit of this electronic docket system, like DOT or the docket management system has right now is; instead of just worrying about black and white text in three columns in the Federal Register trying to describe how you did a risk analysis or benefit-cost assessment; you can include the supplemental documents and now, if you can include things electronically, you can have all your color charts and slides and everything else tucked in there. So even though what's published in the Federal Register may still be bound to the black and white, three columns; you can have supplemental information that can be much more robust in the description of how you arrived at whatever conclusion or decision you did.

R4: One thing that someone was trying to mention earlier that didn't get discussed very much; a lot of the techniques that we've heard about and technologies that we've heard about are focused on the analysis of text. It seems that people do submit evidence in rulemakings that's not textual. They submit tables of data in the future perhaps, especially if public participation increases; maybe people will submit photographs. If they have an unsafe work environment, maybe in future rulemakings people will start submitting photographs of the work environment into the record. Since I don't follow OSHA, I don't know if that's happened.

R1: There's already comments submitted with photographs attached to the docket management system at DOT, for instance.

R4: So that's an interesting question about if they're just processing the text, for example, and doing these concept analyses; they may say...or just doing full-text searches; they may say, it doesn't seem like there is anything too unusual here; meanwhile there may be a very unique piece of evidence attached in a non-textual form.

R1: That goes back to your bias of how the electronic system may actually distort the information that's out there; in terms of, you don't see the full story. You can only present it in so many different ways right now on a computer.

R2: It certainly makes a big difference if you're submitting photographs and what you see in the docket says, "there are also three photographs". Does anybody know, does eDockets accept attachments of that sort?

R5: I think on one of the screen shots that they had, it had a comment box and it had attachment.

R6: Also, if they weren't sent in electronically they could also send them in the mail and they can be scanned in.

R1: Scan them in; pdf.

R6: That's actually something that the government printing office is working on to set up a scanning facility and also public document reading room; public docket reading room.

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R1: For the American transportation security regs., there were things scanned in; photograph-wise and diagram-wise.

R10: They can deliver CD ROMs with anything they want on them.

R4: There still is the question of how it might be presented to a rule writer. If I submitted VRML or some 3-dimensional model, most people don't have software that will render that model, so I could attach that file and it would be in the record, but the rule writer may not have software that will display it.

R10: I think that's the case now. It will be stored in some of eDocket systems but they can't do anything with it.

R4: It's like, "gee this person submitted a really strange file". But if only you could open it, it might actually be extremely valid evidence.

R2: But surely they tell you what files they can...

R4: Well, FCC says, we want text files, pdf, or Microsoft Word files. But it's kind of a strange thing if you've got...but if you were an engineer, drafting something in a more sophisticated modeling environment might actually be relevant to try and submit it, not just as an image but actually as a vector model or something to the commission.

R10: Or an executable program or a relational database

R1: There are all kinds of things.

R4: So this is not a limitation that is specific to the systems that the people are talking about creating; they are limitations that are existing now. It's a strange question about what can be evidence. Lawyers have rules that attempt to capture this, but the agencies are notoriously more flexible than courts, which is why I can practice before them for example. I can just show up and tell them something and they actually supposedly pay attention to me.

R9: But the thing is, in a court today, in a federal court, you would be able to come up with a way to present that evidence if necessary.

R4: With the judge's assistance.

R9: Right. No, but you just would make a motion explaining your reason and if you had a legitimate reason you would probably be successful and be able to present the evidence. But agencies aren't in the position to individualize, I guess, so far.

R?: They must sort of move along some fixed distance from the state of the art and whatever the field has. If you're Housing at some point you read blueprints or you accept CAD drawings or something.

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R5: If you look at the instructions DOT's docket management system has for the submission of paper documents; it's 8 ½ by 11, please. Don't get fancy or nothing. If you are going to have something submitted to get scanned in, that's the box you are stuck with.

R4: So if you're from Europe and you're using metric paper.

R5: I'm sure folks work around things. I've gotten in dockets before where we've gotten blueprints and then we put them into the DMF system saying, we've got this information provided by this entity, you have to visit this site to see it. I've actually broken it up into pieces and Xeroxed it and scanned it in and come up with a chart of, this is the way you can build it back up again from afar. Those are work around solutions that are pretty individualized.

R4: Does any lawyer here know if there are any APA standards about these evidentiary issues?

R9: You mean Administrative Procedure Act?

R4: Administrative Procedure Act; I know there are other APAs too.

R9: No, there's no standard. I suspect it's not addressed, but you'd think that with eSignatures they're supposed to be now accepted. There's at least been efforts in a variety of ways to try to prevent the distinction between paper and electronic records. So it seems like there is some movement towards there being more acceptance of different ways of presenting information. But realistically, you guys are at agencies that realistically they just don't have...they are not necessarily up to the state of the art with all that. Partly because the government's so big; I'm not saying that's good, it's a problem, but government is so big and change slow. But I wonder if there would be a way with a particular agency of trying to advocate for the ability to present evidence or information to them in some unusual format. I would think that if there was a real need to present it that way, it might be an issue where the agency would have to be sufficiently sophisticated in order to grasp the reason you needed to present in that way. Perhaps through the rulemaking process you could argue for it.

R4: You can imagine real strange things in the future. For example, someone might make a game that reflects that person's worldview and if you'd play the game you might experience that person's worldview. I think of things like SimCity, where it embodies certain assumptions about how urban planning works and how people live and things like that. And if you play that game you experience certain consequences of your decisions and it gives you more tangible experience of that theory of the world. I could imagine people saying, if you want to see how we think ecological systems work, just experiment with this game for a little while and then you'll see how this model actually plays out.

R2: I think we're close to having that. I think you could write comments saying, "we have gone through this process and here are our conclusions and here's a URL that gives you access to this software".

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R4: Not a very good way to make something a part of the permanent record though.

R2: I'm thinking it's a little bit like simulation models, where traditionally commenters say, "I've run my proprietary model". You've seen this in telecom reg. cases; "I've run my model, I won't tell you what's in it because it's all a trade secret and we have to keep our phone rates exactly the way they are or we'll go bankrupt". Now the very least, they could make those models available so you could say, "gee tweak this and this, your income remains constant and people in rural Wyoming suddenly can afford the DSL service". I think it's a little bit in that direction.

R1: When you do something like that you are subject to somebody else's logic on how it should go.

R2: You already are and it's presently unknowable. Perhaps what's inside the telephone company's rate machine is something which says, "here's the bonus for the executives this year, to make such and such income and hence we'll charge this rate" and that's the model.

R1: Which isn't disclosed to you while they are doing the model of course, that's just how they do the outcome.

R9: But isn't it really part of an issue; it's just breaking down the bias that folks would have about, sort of the traditional way versus you know if you were to present something in a more visual way where they go through a simulation. There's probably suspicion or fear of what's built into that simulation that might make people resistant to it because it's new: that way of presenting it. It's the exact same thing as the phone company putting through their calculation because it's presented in a way that is more traditional there's not fear.

R2: I wasn't expecting the agency to actually use the model, but I was expecting other members of the public to use the model and perhaps say that the conclusions that the company has presented are very tenuous; that "I've varied the inputs by 10% and I get 100% change in the output; it looks like an unstable model to me". You can do that...they might not even know that it has that fault, so it gives a check on it.

M1: I would like to wrap up. If we could reflect on what your position is as stakeholders, and what you really would like for us to know, we would like to hear that before concluding today.

R1: I think meetings like this are highly beneficial for both the government side and the industry side. Maybe there needs to be something established along the lines of a Federal Advisory Committee to monitor this sort of process because it's not something that you can solve overnight. It's going to be a long term, multi-meeting, and maybe with the same people just to keep the same sort of lines of thinking to keep it together. That's just an initial thought.

R2: I was going to say that I appreciate these meetings because it's a chance to tease out from the rulemaking team what they are doing. If they've been, for a project whose goal is

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transparency, they've followed their not transparent path. I don't think...the meetings are not open; there are not minutes of the meetings available; there are no plans and so on online, as far as I know. I thought it was quite significant that we heard that maybe they are going to do web services and having public statements of that sort might actually lead to those features getting [either done or dumped] which I think is important. Now your suggestion of going a step further to an advisory committee; they resisted strongly, as far as I know. It's unclear to me whether the lack of transparency is that anything is being repelled; they're overwhelmed. They are doing an enormous amount of work and maybe the thought of adding something else is difficult. I think these meetings are very useful in providing a glimpse to that and helpful to the rulemaking team too. The meetings are from different agencies and for the public. I'm not sure how one proposes [can't hear]

R1: Usually that's within one agency, not within multiple agencies.

R8: I would like to see them really focus on the education component. If we are going to engage members of the public into this process and make it transparent and make it something that John Q. Public hearing about it somewhere will go to their computer and find it and say, "I really want to make my voice heard". I think somebody mentioned earlier, how a law is made is up on the GPO web site and congressional web sites, but I really think they are going to have to invest significantly. I didn't see that when you go to the web site now; there's not a lot of help there. I think that's going to be. If we want to meet what Mark Foreman, how he envisioned this years ago, and what Senator Lieberman and Senator Burns who wrote the E-Government Act really hope to get out of it, I think that is going to be a key: key and crucial component.

R4: I'm a bit concerned about technology. As a technologist I would love to hear more technical stuff in these workshops, but I recognize not everyone is a technologist; not necessarily enjoy it so much. In the last presentation that we just heard from [org name] I saw a lot of things that really accurately summarized things that I would like to see in rulemaking systems, including particular technical features; what you ought to be able to do with the system. I'm a bit concerned, especially if in fact, the federal process that's really going on is not that transparent; they might work for a long time and spend a lot of money and come out with a government-wide system that's just kind of adequate and that's just kind of similar to the current systems. Meanwhile there are lots of features that people would like, that people have been asking for. We don't have very definite assurances that those new features are going in. So I have these frustrations that I described earlier with the FCC system and very particular remedies that as technical matter could be implemented. We don't know whether the final government-wide system is or is not going to implement those kinds of things. So I'd love to see more details out of them about that.

R2: There's a funny element of feedback that seems to be missing. Maybe I just don't understand how to find it, but if the lead agency hires a contractor and gives instructions to the contractor, which are probably incomplete because they don't know from day 1 exactly what to ask for, I don't know if the contractor ever says, this doesn't make any sense. If they are getting paid they do it and they follow the letter of the contract. I think because it's a complex project, because it affects lots of agencies and lots of groups outside of government; I think it would

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R4 also in sessions 2A (R3), 3B (R1), 5A (R6);

R10 is a principal investigator

benefit if there was more like, channeled with process. There seems to just be nervousness, whether it's EPA's overwhelmed by the task or what's going on. Something like an advisory committee to shed that light that maybe [can't understand] is too formal.

R4: Could we send a FOIA request?

R2: We could presumably send a FOIA request for the Lockheed Martin statement of work, but what I've been told is often the statement of work is very generate and might not tell you anything.

R10: My sense of it, and I'm not really connected to that group although we do talk to them, my sense of it is, they haven't thought of any of you as their customers until very recently. They have been designing for the agencies; they do have an advisory board that consists of people from the agencies that are paying for this. They hope that the agencies are looking out for their individual constituents, which they may or may not be doing. A lot of the agencies don't have the technical expertise to know anything about eRulemaking; I mean DOT does, but a lot of the agencies don't. So I think that these have been an eye opening experience for the eRulemaking initiative people. I think they initially came because [name] asked them too and I think they are beginning to realize there's an important audience that they were missing. So they might be more open to having advice from this kind of user community than they would have been 6 months ago for example.

R2: On the other hand [name] hasn't been here. So, it's odd to have somebody who is in charge of outreach and here's an event put on for free for them.

R10: I don't know whether they were invited or if they were just invited to talk at lunch. These focus groups have sort of served two purposes. One is to talk about Module 3 stuff and the research that we are doing. And one part is to collect information that would feed back to [can't understand] and current development efforts. I don't really know [name's] relationship directly to it.

R2 also in sessions 1B (R6), 2A (R4), 3A (R2), 5A (R7);

R4 also in sessions 2A (R3), 3B (R1), 5A (R6);

R10 is a principal investigator