



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MAR 11 2005

Dr. Cary Coglianese
Associate Professor of Public Policy
Chair, Regulatory Policy Program
John F. Kennedy School of Government
Cambridge, MA 02138

Dear Dr. Coglianese:

Thank you for your letter and your continued interest in making the Federal rulemaking process more transparent, more citizen-centered and more accessible to all Americans. From the inception of online rulemaking, you have consistently provided us with knowledgeable comments and clear recommendations about electronic docketing for regulatory development. We appreciate your interest and support in this endeavor.

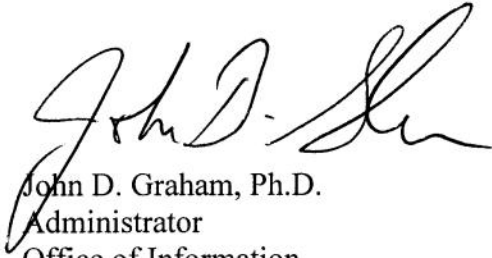
We have carefully considered your thoughtful comments and recommendations for the forthcoming Federal Docket Management System (FDMS). We are committed to making FDMS as simple and easy for the public to navigate as possible. It is not an easy task to integrate the needs of the public with the many differing systems Federal agencies use when developing regulations, but we are designing the system in a manner consistent with your principles and comments.

FDMS will support the vast majority of the recommendations you have made, and additional capabilities can be added in the future as we continue to enhance the system during its lifecycle. In response to your specific recommendations, we have enclosed a list of a few FDMS capabilities to fulfill your specific suggestions.

Thank you again for your comments and recommendations regarding the eRulemaking Initiative's Federal Docket Management System. We look forward to your continued participation and involvement in this effort.

If you would like to discuss this further, please contact us or Oscar Morales,
Director of the eRulemaking Initiative, at (202) 566-1641 (morales.oscar@epa.gov).

Sincerely,



John D. Graham, Ph.D.
Administrator
Office of Information
and Regulatory Affairs



Karen S. Evans
Administrator
Office of Electronic Government
and Information Technology

Enclosure

Identical Letter Sent to Mr. Randolph J. May
American Bar Association

Enclosure

Recommendation (page 2): *System designers should recognize not every docket corresponds to a separate rulemaking.*

To avoid any user confusion, FDMS is designed so each docket represents a separate rulemaking.

Recommendation (page 3): *FDMS should be designed to allow users to search the system according to documents filed in the Federal Register and then to identify associated supporting information.*

The system is designed to link Federal Register documents (such as notice of proposed rulemaking) and their associated supporting materials. These materials will be contained in the same docket. Additionally, FDMS will allow agencies to link separate but logically related rulemaking dockets to one another. For instance, if a proposed rule builds on a predecessor rule, it can be related to the earlier rulemaking, enabling the public to see the entire evolution of regulations on the topic. Also, proposed rules published by two or more agencies can be related, linking the information across agencies. Finally, the system is designed for agencies to explicitly categorize rulemaking sub-domains (e.g., Advanced Notice of Proposed Rulemaking (ANPRM), Notice of Proposed Rulemaking (NPRM), etc.).

Recommendation (page 3): *FDMS should be designed to make use of consistent coding of Federal Register documents.*

Regulations.gov currently posts titles identical to those published in the Federal Register and FDMS is designed to continue the same capability. Furthermore, Regulations.gov uses the same topical index used by the FirstGov.gov, and this will continue in FDMS.

Recommendation (page 4): *FDMS should contain all of the unique data submitted to the Office of the Federal Register and Office of Management and Budget. The eRulemaking Initiative should ask participating agencies to submit a list of data currently contained in their agency-specific dockets to ensure this information is available in FDMS.*

FDMS was designed and developed by an interagency workgroup, representing more than 20 rulemaking agencies, and it will contain all data currently used by Agencies, OMB, and the Office of Federal Register to identify rulemakings published in the daily Federal Register.

Recommendation (page 5): *FDMS should result in no loss of information to the public.*

There will be no loss of rulemaking information currently made available by individual agencies.

Recommendation (page 5): *Each docket should contain basic summary data.*

FDMS is designed to provide the public with the ability to run reports to provide summary data and detailed information on dockets and documents.

Recommendation (page 5): *The system must have the capacity to evolve and have new data fields added to improve both researchers' and the public's ability to understand agency rulemaking.*

The FDMS is designed using Common-Off-the-Shelf technologies (e.g., Oracle; Documentum) which allow for modular development and subsequent modification of the system, as these products are upgraded and revised. Also, the eRulemaking Initiative executed a spiral development model for the system, in which subsequent versions are released with enhancements based on new or different needs from both the public and agencies.

Recommendation (page 7): *Flexibility should be the guiding principle when it comes to searching capabilities. The FDMS should permit users to generate their own searches of any data field or combination of fields.*

As with Regulations.gov, the public will be able to search FDMS using pre-determined search methods (e.g., dockets open for comment, dockets closing for comment, topical categories, etc.), as well as via advanced search capabilities. The advanced searches feature allows the public to configure its searches according to a variety of data fields, coupled with Boolean and combination searches. Future enhancements to the public search capability are in the planning stages and will be incorporated in upcoming releases of the system.

Recommendation (page 7): *The FDMS should enable the user to download any and all data or documents retrieved through the system's search engine.*

The FDMS provides the public with the ability to download information. For instance, the public can download documents in HTML and /or PDF; search results; and reports generated in HTML, PDF, TIF and/or Rich text format.