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

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

August 25, 2014

MEMORANDUM FOR REGULATORY POLICY OFFICERS AT EXECUTIVE DEPARTMENTS AND AGENCIES & MANAGING AND EXECUTIVE DIRECTORS OF CERTAIN AGENCIES AND COMMISSIONS

FROM: Howard Shelanski, Administrator,
Office of Information and Regulatory Affairs

SUBJECT: Fall 2014 *Regulatory Plan* and *Unified Agenda of Federal Regulatory and Deregulatory Actions*

This memorandum and its attachments contain guidelines and procedures for publishing the Fall 2014 *Regulatory Plan* (see Attachment 1) and *Unified Agenda of Federal Regulatory and Deregulatory Actions* (see Attachment 2). Publication of the Plan and Agenda represent a key component of the regulatory planning mechanism prescribed in Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735) and incorporated in Executive Order 13563, "Improving Regulation and Regulatory Review" issued on January 18, 2011 (76 FR 3821).

The Fall 2014 edition of the Unified Agenda and Regulatory Plan will be available online at www.reginfo.gov. We plan to follow past practice of publishing in the *Federal Register* only the *Agenda* information required by the Regulatory Flexibility Act (5 U.S.C. 602 and 610). For further information about publication format, please refer to the attached guidelines and procedures.

We emphasize that your submissions should be based on careful consideration of the principles and requirements laid out in Executive Order 13563. In particular, your submissions should be designed so as to "promote predictability and reduce uncertainty," and to "use the best, most innovative, and least burdensome tools for achieving regulatory ends." To the extent permitted by law, your submissions should be tailored "to impose the least burden on society… taking into account, among other things, and to the extent practicable, the costs of cumulative regulations." Also to the extent permitted by law, a regulation should be proposed or adopted

"only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify)."

Agencies should also seek to coordinate, simplify, and harmonize rules, thus reducing costs. Finally, agencies should consider "flexible approaches that reduce burdens" and maintain "freedom of choice for the public," such as "warnings, appropriate default rules, and disclosure requirements." Submissions should be developed only after close examination of Executive Order 13563.

We request that you devote particular attention to Executive Order 13610, "Identifying and Reducing Regulatory Burdens," which stresses the importance of retrospective review of existing significant regulations, and which imposes a series of requirements designed to promote public participation, priority-setting, and accountability. Executive Order 13610 requires agencies to report regularly on retrospective review efforts; please include in your submissions the rules that emerge from such efforts. Executive Order 13610 also states that agencies "shall give consideration to the cumulative effects of their own regulations, including cumulative burdens," and shall "give priority to reforms that would make significant progress in reducing those burdens while protecting public health, welfare, safety, and our environment." This instruction is consistent with the OIRA guidance memorandum of March 20, 2012, "Cumulative Effects of Regulations," and you should consider this memorandum in preparing your submissions.

We request that you consider Executive Order 13609, "Promoting International Regulatory Cooperation," which is designed to promote economic growth, innovation, competitiveness, and job creation through international regulatory cooperation. You should consider in particular the requirements of section 3 of Executive Order 13609, which offers guidance on your submissions.

Finally, please also carefully consider Executive Order 13659, "Streamlining the Export/Import Process for America’s Businesses," which is designed to reduce supply chain barriers to commerce while continuing to protect our national security, public health and safety, the environment, and natural resources. For participating agencies, their Fall Agenda should reflect activities which will enable them to have the capabilities, agreements, and other requirements in place to utilize the ITDS and supporting systems by December 31, 2016.

Preparing and Transmitting Agency Unified Agenda and Regulatory Plan Submissions:

The attachments to this memorandum identify the materials you will need and explain in detail how to prepare agency submissions for the Unified Agenda and Regulatory Plan, whether the agency enters the information directly into the database, transmits a complete electronic file, or submits the information on paper forms. Please follow carefully the procedures explained in the attachments and be sure to include all required documents with

your submissions. Your agency may direct any questions regarding the content of its Agenda or Plan submissions to the appropriate desk officer in the Office of Information and Regulatory Affairs, Office of Management and Budget.

It is very important that your agency submits all Regulatory Plan and Unified Agenda materials by September 19, 2014. Please direct your submissions and production questions, as well as requests for additional materials, to the Regulatory Information Service Center (MVC), General Services Administration, 1800 F Street NW, 2219F, Washington, DC 20405-0001, (202) 482-7340.

How an Agency Can Make Its Regulatory Plan and Unified Agenda Submissions More Open and Informative:

Agencies can help achieve the objective of open government by making clear, meaningful, and informative contributions to *The Regulatory Plan* and *Unified Agenda*. As you prepare your *Regulatory Plan and Unified Agenda* submissions, please keep in mind the underlying objectives of better planning and coordination of the regulatory process and the need to make the regulatory process more transparent and accessible. The value of *The Regulatory Plan* and *Unified Agenda* depends on the accuracy and timeliness of their content. I urge you to take this opportunity to help us make these documents as useful to the public as possible.

Agency introductory narratives in the Fall 2014 Regulatory Plan should include the following, consistent with Executive Orders 13563, 13609, and 13610:

- Agencies should discuss their regulatory priorities. These discussions should address recent legislative and programmatic activities that affect regulation and should provide a context for the regulations identified in the Plan.

- Agencies should highlight rulemakings that are expected to have high net benefits, that is, benefits well in excess of costs.

- Agencies should highlight rulemakings that promote open government and that use disclosure as a regulatory tool.

- Agencies should highlight rulemakings that streamline regulations and reduce unjustified burdens.

- Agencies should identify regulations that are of particular concern to small businesses. These regulations should be discussed in a separate section of the introductory narrative. Serious efforts should be made to minimize burdens on small businesses.

- Agencies should draw on their plans, produced under section 6 of Executive Order

13563, to identify rules that are to be "modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives." Consistent with Executive Order 13610, initiatives that are discussed in those plans should be explicitly identified.

- Agencies should, consistent with Executive Order 13609, identify regulations that have significant international impacts, and designate those regulations as such.

- Agencies should, consistent with Executive Order 13609, include a summary of international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations.

The Unified Agenda offers optional data elements for the URLs of websites with more information about a rulemaking and for submitting public comments. To help implement OMB's focus on open government, we encourage you to provide information about relevant URLs whenever available. In addition, please include in your agency's preamble a reference to www.regulations.gov, the website for submission of comments on proposed regulations.

Here are some suggestions for actions you can take that can improve your agency's agenda:

- Many entries are listed with projected dates that have simply been moved forward year after year, with no action taken. Unless you realistically intend to take action, please remove these items from the Agenda.

- Please review any Agenda entries with a Priority of "Routine and Frequent" or "Informational/Administrative/Other" and consider whether these entries are categorized correctly and whether the entries meet the criteria for inclusion in the *Agenda* under Executive Order 12866.

- The timetables that appear for each entry in the Agenda are particularly important for promoting predictability and for public understanding of the timeframes for participation in the regulatory process. Please make a sincere effort to ensure the accuracy of timetable information.

- An overall effort at improving agency Agenda content should include an emphasis on the consistency of the data. As one example of coordinating related information, please make sure that responses for Priority, Major, Unfunded Mandates, Federalism, and Government Levels Affected are consistent.

- Abstracts should inform readers of the reason the rulemaking is under development and what the agency intends to accomplish. Entries with outdated abstract information or

abstracts that merely repeat information that appears in other parts of the entry, such as the title, timetable, and legal authority, detract from the usefulness of the Agenda.

Thank you for your cooperation and prompt attention.

Attachment 1

Guidelines and Procedures for the *Fall 2014 Regulatory Plan*

Why Is *The Regulatory Plan* Published?

The Regulatory Plan serves as a defining statement of the Administration's regulatory and deregulatory policies and priorities. Section 4(c) of Executive Order 12866 "Regulatory Planning and Review" (58 FR 51735), incorporated in Executive Order 13563 "Improving Regulation and Regulatory Review" (76 FR 3821) requires agencies to publish an annual regulatory plan as part of the Fall edition of the *Unified Agenda of Federal Regulatory and Deregulatory Actions.*

What Regulations Should Agencies Include in Their Regulatory Plans?

Regulatory Plans should describe the most important significant regulatory and deregulatory actions that the agency reasonably expects to issue in proposed or final form during the upcoming year through November 2015 that will help implement the Administration's policies and priorities. By "most important" significant regulatory actions, we mean only those significant rulemakings that embody the core of your regulatory priorities. All important items relating to any existing regulations under agency review must also be included in this year's Regulatory Plan. You should not include actions that are likely to be completed by October 2014.

How Will the Unified Agenda and The Regulatory Plan be Published?

The entire Unified Agenda, including *The Regulatory Plan*, is available online at www.reginfo.gov and www.regulations.gov. The entire Regulatory Plan will continue to be printed in the Federal Register, as in past years, and will therefore continue to be available at the U.S. Government Printing Office, http://www.gpo.gov/fdsys. In general, the portions of each agency's agenda that are printed in the Federal Register are limited to the agency's preamble and any of its entries that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, or have been identified for periodic review under section 610 of that Act.

How Is *The Regulatory Plan* Organized?

The Regulatory Plan is a single Governmentwide document that appears in the first section of the Fall edition of the Agenda as printed in the Federal Register. The printed edition begins with an introduction to the Plan, followed by a table of contents for all Plan entries, and then the regulatory plans of participating Federal departments and agencies. Cabinet department's plans are printed first, followed by plans of other Executive agencies and independent regulatory agencies.

Each department's or agency's section of the Plan contains a narrative statement of regulatory priorities. This may be followed by a description of the department's or agency's most important significant regulatory and deregulatory actions.

Each department or agency presents its plan entries divided by subagency, if applicable, and then under one of three headings according to the rulemaking stage of the entry. These headings are the same as the first three of the five headings applicable to the Unified Agenda: Prerule, Proposed, and Final rulemaking stages. Unless otherwise specified by the agency, the final sort is by "regulation identifier number" (RIN). All entries are numbered sequentially in the printed **Federal Register** edition, from the beginning to the end of the Plan.

The Plan will also be available online as part of the Unified Agenda at www.reginfo.gov. The Plan will be presented online in the form of a searchable database, rather than as a single document that is ordered according to a prescribed sequence.

What Information Appears for Each Statement of Regulatory and Deregulatory Priorities?

Each statement, or introductory narrative, should be sufficiently specific to ensure that policymakers and those affected will understand your regulatory strategy and your long-term priorities. You may want to include a specific reference to the most important significant regulatory actions that will implement these regulatory priorities and to any applicable legislative proposals under development or already initiated by you that will further these regulatory priorities. Please also include a list of any existing regulations that are under review and your agency's plan for soliciting public comments during the review.

For the Fall 2014 Plan, and consistent with Executive Orders 13610, 13609, 13563, and 12866, agency introductory narratives should address the following:

- Agencies should discuss their regulatory priorities. These discussions should address recent legislative and programmatic activities that affect regulation and should provide a context for the regulations identified in the Plan.

- Agencies should highlight rulemakings that are expected to have high net benefits, that is, benefits well in excess of costs.

- Agencies should highlight rulemakings that promote open government and that use disclosure as a regulatory tool.

- Agencies should highlight rulemakings that streamline regulations and reduce unjustified burdens.

- Agencies should identify regulations that are of particular concern to small

businesses. These regulations should be discussed in a separate section of the introductory narrative. Serious efforts should be made to minimize burdens on small business.

- Agencies should draw on their plans, produced under section 6 of Executive Order 13563, to identify rules that are to be "modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives." Consistent with Executive Order 13610, initiatives that are discussed in those plans should be explicitly identified.

- Agencies should, consistent with Executive Order 13609, identify regulations that have significant international impacts, and designate those regulations as such.

- Agencies should, consistent with Executive Order 13609, include a summary of international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations.

- Agency Plans should include preliminary estimates of the anticipated costs and benefits of each rule. To the extent feasible, these estimates should be presented in tabular form (with clear notations for consequences that cannot be quantified or monetized). Agencies should highlight rulemakings that are expected to have high net benefits, that is, benefits in excess of costs.

- Each agency should add the individual rule-by-rule estimates into a combined aggregate estimate of the costs and benefits of all its regulations planned for each calendar year or thereafter. The summation methodology should be internally consistent and transparent. The aggregate figures should be provided in a manner that allows for the public to understand the overall impact of the planned regulatory actions.

- For Plan actions required by statute or court order, agencies should provide a specific citation to such statute, order, or other legal authority.

What Information Appears for Each Regulation Included in *The Regulatory Plan?*

Each entry in the Plan contains the same data elements that appear in a normal Agenda entry, including a "regulation identifier number" (RIN). Each Plan entry also contains two or more of the following additional fields. It must contain at least the Statement of Need and Anticipated Costs and Benefits.

(1) *Statement of Need.* This is a description of the need for the regulatory action (sec. 4(c)(I)(D) of E.O.12866).

(2) *Summary of the Legal Basis.* This should include a description of the legal basis for

the action and whether any aspect of the action is required by statute or court order (sec. 4(c)(I)(C) of E.O. 12866).

(3) *Alternatives.* This should describe, to the extent possible, the alternatives the agency has considered or will consider for analysis (sec. 4(c)(1)(B) of E.O. 12866). Special consideration should be given to flexible approaches that "reduce burdens" and maintain "freedom of choice for the public" (sec. 4 of E.O. 13563).

(4) *Anticipated Costs and Benefits.* This should include "preliminary estimates of the anticipated costs and benefits" of the regulatory action (sec. 4(c)(1)(B) of E.O. 12866). Under E.O. 13563, agencies must "use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible." Consistent with previous guidance we have provided concerning the implementation of E.O. 12866, the description of costs should include both capital (upfront) costs and annual (recurring) costs. If the benefits are difficult to quantify, we encourage you, to the extent possible, to use nominal units (for example, health effects or injuries avoided) for benefits. Avoid the misclassification of transfer payments as costs or benefits. You should appropriately discount both costs and benefits. To the extent that you cannot quantify costs and benefits, you should describe them in narrative form. (The Unified Agenda format does not permit the use of a columnar format for cost and benefit information. Please provide these data using a narrative format.)

(5) *Risks.* This should include, if applicable, a description of "how the magnitude of the risk addressed by the action relates to other risks within the jurisdiction of the agency" (sec. 4(c)(1)(D) of E.O. 12866). You should include a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

How Should an Agency Prepare Its Data for Publication in *The Regulatory Plan?*

Each agency participating in *The Regulatory Plan* should prepare its portion in the same manner and format that it uses for a normal Agenda entry. As with the Agenda, the Regulatory Information Service Center (RISC) edits and compiles the Plan on behalf of the Office of Information and Regulatory Affairs (OIRA).

Agencies have the same three alternative methods to prepare data on individual Plan entries as for Agenda entries: Direct entry, data file, and paper forms.

Reports. As with the Unified Agenda, the RISC OIRA Consolidated Information System (ROCIS) provides agencies with two main reports: The Agenda Review Report, which is a printout of the agency's entries, and the Error Report, which lists inaccurate or missing data. These reports may be run for all of an agency's Plan entries, for entries updated since a

specified date, or for a particular RIN or set of RINs. For each agency that prepares its Plan by direct entry or by data file submission, ROCIS provides the agency's agenda contact staff the ability to generate and print out these reports on the agency's own printers. You should use the Agenda Review Report to review the content of your agency's submission; you should use the Error Report to correct any errors and supply any missing data.

Statement of Regulatory and Deregulatory Priorities. Each agency must save a copy of last year's statement from ROCIS to its own computer system, and make changes in that file to update the statement for 2014, and then upload the file to ROCIS. Print a copy of the statement that you are uploading for the paper copy required with your Plan submission. If you supply your data for the Plan on paper forms and RISC enters all of your data, then you should submit both a printed copy of your statement and an electronic copy, preferably in Microsoft Word.

For further information about these procedures, please contact RISC.

What Documents Should an Agency Submit?

Agencies that submit their portions of *The Regulatory Plan* by direct entry or by data file need only email a copy of the agency's Statement of Regulatory and Deregulatory Priorities attached to message indicating that the agency's regulatory plan is complete in ROCIS. These agencies should notify RISC via e-mail when they indicate in ROCIS that their plan is complete and that they are submitting it. ROCIS will terminate access to Plan entries and to statements of priorities. These agencies will still have access to other Agenda entries.

Any agency participating in the Plan that submits its data on paper forms must submit the following documents to RISC:

(1) A paper copy of the agency's Statement of Regulatory and Deregulatory Priorities, plus an electronic copy.

(2) A paper copy of the agency's Plan entries. New entries should be on the Fall 2013 edition of the Regulatory Information Data Form. Repeating entries should be on marked copies of Agenda Review Reports that the agency has obtained from RISC.

(3) A cover letter identifying the enclosures as your agency's Plan submission.

When and How Should Agencies Submit Their Regulatory Plans?

The deadline for submission of all completed Plan materials is September 19, 2014.

Agencies should submit the required documents to the Regulatory Information Service Center (MVC), General Services Administration, 1800 F Street NW, 2219F, Washington, DC 20405-0001; telephone (202) 482-7340.

RISC will upload agency regulatory plans to the MAX Federal Community. A copy of each agency's regulatory plan will be available for review in MAX to other interested agencies and the Regulatory Policy Advisors. If you wish to receive a copy of another agency's Plan submission, please notify OIRA.

Agencies will have the opportunity to change or add to their initial submissions based on the comments they receive. In addition, the schedule for planned regulatory actions may change, or the agency may complete additional economic analysis or risk assessment that would contribute to a more informative description of the planned regulatory action.

How Can Agencies Obtain Further Information?

For further information concerning the content requirements of agency regulatory plans, contact your agency's desk officer in the Office of Information and Regulatory Affairs, Office of Management and Budget.

For further information concerning automated production, information requirements, format, or submission of materials, contact the Regulatory Information Service Center; telephone (202) 482-7340.

Attachment 2

Guidelines and Procedures for the *Fall 2014 Unified Agenda of Federal Regulatory and Deregulatory Actions*

Why Is the *Unified Agenda* Published?

All executive departments and establishments subject to Executive Order 12866 "Regulatory Planning and Review" (58 FR 51735), are required by section 4(b) to publish a regulatory agenda. The *Unified Agenda of Federal Regulatory and Deregulatory Actions* is a compilation of these agendas. In addition, the *Unified Agenda* furthers the purposes of the Regulatory Flexibility Act (5 U.S.C. 602, 605, and 610); Executive Order 13132 entitled "Federalism," signed August 4, 1999 (64 FR 43255); the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, title II); and the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104-121, title II). A central goal of the *Unified Agenda* is to promote transparency and open government.

What Regulations Should Agencies Include in Their Agendas?

Regulatory agendas should describe all regulations under development or review during the 12 months following publication. Agencies should include, at a minimum, any plans to publish or otherwise implement an Advance Notice of Proposed Rulemaking, a Notice of Proposed Rulemaking, or a Final Rule. Agencies may include any plans to conduct a review pursuant to 5 U.S.C. 610(c) or section 5 of Executive Order 12866. An agency need not include in its regulatory agenda those rulemaking actions that are excluded by section 3(d)(1)-(4) of Executive Order 12866.

Agencies have the option of including activities that will have an action beyond 12 months. However, such entries should be limited to rulemakings for which listing in the Unified Agenda will provide a benefit to users. Agency agendas also should include actions or reviews completed or withdrawn since the last agenda.

In What Format Will the Fall 2014 Edition of the *Unified Agenda* Be Published?

The *Unified Agenda* will be available online, in its entirety, at www.reginfo.gov, in a format that offers users the ability to obtain information easily from the Agenda database. Publication in the *Federal Register* is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act, and therefore it will continue. Agency agendas printed in the Federal Register will consist of the following:

(1) The agency's *Agenda* preamble;

(2) Rules that are in the agency's regulatory flexibility agenda, in accordance with the Regulatory Flexibility Act, because they are likely to have a significant economic impact on a substantial number of small entities; and

(3) Any rules that the agency has identified for periodic review under section 610 of the Regulatory Flexibility Act.

Printing of these entries will be limited to fields that contain information required by the Regulatory Flexibility Act's agenda requirements (5 U.S.C. 602). Additional information on

these entries will be available in the *Unified Agenda* published on the Internet. If an agency has no entries in the printed *Federal Register* version of the *Agenda*, its preamble will not be printed. Under *Federal Register* regulations, GPO Access will have the same content as the printed *Federal Register*.

How Will the Printed Edition of the *Unified Agenda* Be Organized?

The portion of the *Agenda* that will be printed in the *Federal Register* for Fall 2014 will, in general, follow the organizational pattern of prior editions of the *Unified Agenda*, displaying only the information required in the regulatory flexibility agenda, along with agency preambles. Part II of the *Federal Register* on the day of publication will have RISC's Introduction to the Agenda. The individual agency agendas will then appear in separate parts, organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority; and independent regulatory agencies. Departments may be divided into their component agencies. If an agency has no entries in the printed *Federal Register* version of the *Agenda*, its preamble will not be printed, and the agency will not have a separate part in the Federal Register.

Each agency's part of the *Agenda* begins with a preamble providing information specific to that part. RISC will provide a table of contents for each agency after the agency's preamble. The table of contents will list the agency's printed entries. Agencies should consider including in their Agenda preambles a statement indicating that the agency's complete regulatory agenda is available online at www.reginfo.gov. RISC provides some suggested language for this purpose in the "Unified Agenda News."

Each agency presents its entries, divided by sub-agency if applicable, under one of five headings according to the rulemaking stage of the entry. The stages are:

(1) *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include an Advance Notice of Proposed Rulemaking (ANPRM) or a review of existing regulations.

(2) *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

(3) *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

(4) *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the *Unified Agenda*. Some of the entries in this section may contain abbreviated information.

(5) *Completed Actions*—actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the *Unified Agenda*.

Some agencies use Agency Sort Codes to arrange the order of their entries in the printed Agenda, with the final sort by "regulation identifier number" (RIN). OMB has also asked agencies to include RINs in the headings of their Final and Proposed Rule Documents published in the Federal Register to make it easier for the public and agency officials to track the publication history of regulatory actions through their development.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the *Unified Agenda* for the first time.

All entries are numbered sequentially from the beginning to the end of the printed publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The printed Agenda will not have any separate indexes.

How Will the Online *Unified Agenda* Be Organized?

The entire *Unified Agenda* will be available online at www.reginfo.gov. The *Agenda* will be presented in the form of a searchable database, rather than as a single document that is ordered according to a prescribed sequence. Users will be able to view an individual agency's complete agenda. The *Agenda* will have an alphabetical Subject Matter Index based on the *Federal Register Thesaurus of Indexing Terms*. Because the online *Agenda* will not utilize sequence numbers, the Subject Matter Index will be linked to individual entries by hot-linked RINs. Each individual entry may be viewed in its entirety.

What Information Appears for Each Regulation Included in the Agency Agenda?

All entries in the online *Unified Agenda* contain uniform data elements including, at a minimum, the following information:

Title of the Regulation—a brief description of the subject of the regulation.

Priority—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance:

(1) *Economically Significant*—As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities. The definition of an "economically significant" rule is similar but not identical to the definition of a "major" rule under 5 U.S.C. 801 (Pub. L. 104-121). (See below.) These rules are generally included in the agency's regulatory plan, which appears only in the fall editions of the *Unified Agenda*.

(2) *Other Significant*—A rulemaking that is not economically significant but is considered significant by the agency. This category includes rules that the agency anticipates will be reviewed under E.O. 12866 or rules that are a priority of the agency head. These rules may or may not be included in the agency's regulatory plan.

(3) *Substantive, Nonsignificant*—a rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

(4) *Routine and Frequent*—a rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

(5) *Informational/Administrative/Other*—a rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the *Unified Agenda* to inform the public of the activity.

Major—an indication that a rule may be "major" under 5 U.S.C. 801 (Pub. L. 104-121) because it has resulted in or is likely to result in an annual effect on the economy of $100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

Unfunded Mandates—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than $100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate. If the agency believes the entry is not subject to the Act, this data element will not be printed.

Legal Authority—the section(s) of the United States Code or Public Law or the Executive order that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.

Legal Deadline—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

Abstract—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

Timetable—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date printed in the form mm/00/yyyy means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is "To Be Determined." Agencies indicate this by entering a date in the form 00/00/0000. "Next Action Undetermined" indicates the agency does not know what action it will take next.

For every entry that is not a completion, it is important that you provide in the Timetable section an estimated date for the "Next Action"—the first action scheduled to occur on or after April 1, 2014—or indicate "Next Action Undetermined."

Regulatory Flexibility Analysis Required—whether the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires an analysis because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

Small Entities Affected—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Agencies have the option of indicating likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

Government Levels Affected—whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

International Impacts—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to our international trading partners.

Federalism—whether the action has "federalism implications" as defined in Executive Order 13132. This term refers to actions "that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." If the action does not have federalism implications, this data element will not be printed. Independent regulatory agencies are not required to supply this information.

Agency Contact—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, e-mail address, and TDD for each agency contact.

Some agencies have provided the following optional information:

Additional Information—any information that the agency wants to provide for which there is not a specific data element.

Agency Sort Codes—alternative or additional criteria for the order in which RINs are published within an agency's agenda, as requested and specified by the agency.

Compliance Cost to the Public—the estimated gross compliance cost of the action.

Affected Sectors—the industrial sectors that the action may most affect, either directly or indirectly. Affected Sectors are identified by North American Industry Classification System (NAICS) codes.

Energy Effects—an indication of whether the agency plans to prepare or has prepared a Statement of Energy Effects for significant energy actions, as required by Executive Order

13211 “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” issued on May 18, 2001 (66 FR 28355).

Related RINs—one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

Related Agencies—any other agencies participating in this action if it is a joint rulemaking or common rule.

RFA Section 610 Review—an indication that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews.

URLs—if available, enter a URL for a website that provides the public with more information about the rulemaking and a URL for a website on which the public can submit comments on the rulemaking. If the agency does not provide its own specific website for submission of comments, then you should enter the Government-wide e-rulemaking address: http://www.regulations.gov.

The data elements printed for an entry appearing in the *Federal Register* (other than Regulatory Plan entries in fall editions) will be limited to the information required by the Regulatory Flexibility Act. These elements are: Title; Section 610 Review, if applicable; Legal Authority; Abstract; Timetable; Regulatory Flexibility Analysis Required; Agency Contact; and Regulation Identifier Number (RIN). In fall editions, all Regulatory Plan entries are printed in full in the Federal Register.

How Should an Agency Prepare Its Data for Publication in the *Unified Agenda*?

Agencies participating in the *Unified Agenda* should submit their respective portions in the uniform format specified in the instructions of the Regulatory Information Service Center (RISC). RISC edits and compiles the *Unified Agenda* on behalf of the Office of Information and Regulatory Affairs (OIRA).

Agencies have three alternative methods to prepare data on individual entries for publication in the *Unified Agenda*:

(1) *Direct Entry*. The agency establishes a connection to the RISC/OIRA Consolidated Information System (ROCIS) from one or more of its own computer terminals, through an Internet browser. Agency personnel should enter data directly into the ROCIS database.

(2) *Data File*. An agency that stores its *Agenda* data in its own database may choose to transmit to ROCIS all of its data in electronic files prepared according to the specific file format prescribed by RISC. Please note that to allow sufficient time for editing, it is especially important to submit data files prior to the February 28 deadline. If you are interested in data file submission, contact RISC for further information.

(3) *Paper Forms*. Agencies that cannot use direct entry or submit a data file may choose to submit their *Agenda* entries on paper forms. The RISC staff will key the data into ROCIS. For entries that will appear for the first time, please use only the spring 2014 edition of the Regulatory Information Data Form. You can print copies of this form from http://reginfo.gov/public/jsp/regform/download.jsp. To update entries that appeared in the 2013 *Unified Agenda*, you should submit marked copies of Agenda Review Reports that you have obtained from RISC.

Reports. ROCIS provides agencies with two main reports: The Agenda Review Report, which is a printout of the agency's entries, and the Error Report, which lists inaccurate or missing data. These reports may be run for all of an agency's entries, for entries updated since a specified date, or for a particular RIN or set of RINs. For each agency that prepares its agenda by direct entry or data file, ROCIS provides the agency's agenda contact staff the ability to generate and print out these reports on the agency's own printers. Please use the Agenda Review Report to review the content of your submission; you should use the Error Report to help you correct any errors and supply any missing data.

Preambles. If you are designating section 610 reviews in the *Agenda*, your preamble should include a reference to section 610 reviews. Each direct entry or data file agency must save from ROCIS to its own computer system a copy of its preamble from the preceding *Agenda*. Please make changes in that file to update the preamble for the previous *Agenda* that was published in the spring and then upload the file to ROCIS. Do not cut and paste into ROCIS. Print the preamble file you are uploading for the required, signed copies of preambles (see below).

For further information about these procedures, please contact RISC.

What Documents Should an Agency Submit?

Each agency should submit the following documents to RISC:

(1) One signed original and two certified copies of the preamble to its *Unified Agenda*. (Please note that the signature is required to be that of the person whose name and title are typed in the document's signature block. One person may not sign for another person.) The preamble must meet the normal requirements for printing in the *Federal Register*, including a list of CFR chapters pertaining to the agency. In addition, please submit an electronic scanned copy of the signed preamble.

(2) *(For agencies that use direct entry or data file)* When the agency is satisfied that its entries are complete, accurate, and represent what the agency wishes to publish, a designated person at the agency will be able to submit the entries to RISC electronically through ROCIS.

(Only for agencies that choose to submit their data on paper forms) A paper copy of the agency's agenda entries. New entries should be on Regulatory Information Data Forms. Repeating entries should be on marked copies of Agenda Review Reports that the agency has obtained from RISC.

(3) A letter addressed to the Office of the Federal Register (see sample letter) authorizing RISC to assemble the agency's agenda and authorizing the Government Printing Office (GPO) to bill the agency for printing its portion of the *Unified Agenda*. The letter should include the agency's billing code.

When and How Should Agencies Submit Their Agendas?

The deadline for submission of all completed agenda materials is September 19, 2014. This is a firm deadline.

Agencies should submit the applicable forms and other required documents to RISC.

RISC will then assemble the entire *Unified Agenda* and arrange for online publication at www.reginfo.gov. RISC will also ensure that all agency regulatory flexibility agendas are compiled and forwarded to GPO for printing in a single day's issue of the Federal Register.

GPO will bill each agency for the cost of printing its portions of the *Agenda* that appear in the Federal Register. Because the *Agenda* is submitted by RISC to GPO for publication in a fully coded format, agencies receive the maximum discount from GPO's regular charges.

How Can Agencies Obtain Further Information?

For further information concerning the content requirements of agency agendas, contact your agency's desk officer in the Office of Information and Regulatory Affairs, Office of Management and Budget.

For further information concerning automated agenda production, specific data requirements, format, completion, or submission of agency agendas, contact the Regulatory Information Service Center, 1800 F Street NW, 2219F , Washington, DC 20405-0001; telephone (202) 482-7340.