Experts in drafting rulemaking documents

Compliance with plain language principles.

Rulemaking documents must be

Review (E.O. 12866)

Agencies must provide for submission of comments on the proposal, and are required to hold a public hearing if there is a request for one.

An agency may promulgate a direct final rule if the agency: (1) determines that publication of a proposed rule would be impractical, (2) finds that there is no adverse comment, and (3) determines that the decision to promulgate the direct final rule is in the public interest.

The Reg Map is based on general requirements. In some cases, more stringent or less stringent requirements are imposed by statutory provisions that are agency specific or subject matter specific. Also, in some cases more stringent requirements are imposed by agency requirements.

In a typical case, a rulemaking action would proceed from step one through step eight with a proposed rule and a final rule. However, if a rulemaking action is exempt from the proposed rulemaking procedures under the Administrative Procedure Act, or the agency has other statutory authority, an agency may:

• promulgate a final rule omitting steps three through six, or
• promulgate an interim final rule omitting steps three through five, but providing a comment period and a final rule after step nine.

Also, if an agency determines that a rule likely would not generate adverse comment, the agency may promulgate a direct final rule, omitting steps three through six.

Specific Analyses for Steps Three and Seven:

- Regulatory Flexibility Act (5 U.S.C. 601–612)
- Framework Reduction Act (5 U.S.C. 553–555)
- Unfunded Mandates Reform Act (U.S.C. Ch. 36, 24)

In determining whether a rule is likely to generate adverse comment, an agency may:

- seek public comment on a rule that solicits or receives a significant number of comments,
- require that public comments be organized and summarized in a report to the agency,
- request a detailed analysis of economic impact by an independent economic analysis prepared by an outside consultant,
- determine that any rule that an agency expects to result in a significant net increase in costs or in a significant number of small entities.

If no, the rule is not subject to the requirements of the Regulatory Flexibility Act and the agency may promulgate it.

If yes, the agency must prepare an initial regulatory flexibility analysis and a final regulatory flexibility analysis.

If yes, the agency must prepare an initial regulatory flexibility analysis.

If yes, the agency must prepare a final regulatory flexibility analysis.

If yes, the agency must prepare an alternate analysis.

If yes, the agency may promulgate the rule as a final rule without OMB review.

If yes, the agency may promulgate the rule as a final rule.

If yes, the agency must prepare an initial regulatory flexibility analysis.

If yes, the agency must prepare a final regulatory flexibility analysis.

If yes, the agency must prepare an alternate analysis.

If yes, the agency may promulgate the rule as a final rule without OMB review.

If yes, the agency may promulgate the rule as a final rule.

If yes, the agency must prepare an initial regulatory flexibility analysis.

If yes, the agency must prepare a final regulatory flexibility analysis.

If yes, the agency must prepare an alternate analysis.

If yes, the agency may promulgate the rule as a final rule without OMB review.

If yes, the agency may promulgate the rule as a final rule.

If yes, the agency must prepare an initial regulatory flexibility analysis.

If yes, the agency must prepare a final regulatory flexibility analysis.

If yes, the agency must prepare an alternate analysis.

If yes, the agency may promulgate the rule as a final rule without OMB review.

If yes, the agency may promulgate the rule as a final rule.

If yes, the agency must prepare an initial regulatory flexibility analysis.

If yes, the agency must prepare a final regulatory flexibility analysis.

If yes, the agency must prepare an alternate analysis.

If yes, the agency may promulgate the rule as a final rule without OMB review.

If yes, the agency may promulgate the rule as a final rule.

If yes, the agency must prepare an initial regulatory flexibility analysis.

If yes, the agency must prepare a final regulatory flexibility analysis.

If yes, the agency must prepare an alternate analysis.

If yes, the agency may promulgate the rule as a final rule without OMB review.

If yes, the agency may promulgate the rule as a final rule.

If yes, the agency must prepare an initial regulatory flexibility analysis.

If yes, the agency must prepare a final regulatory flexibility analysis.

If yes, the agency must prepare an alternate analysis.

If yes, the agency may promulgate the rule as a final rule without OMB review.

If yes, the agency may promulgate the rule as a final rule.

If yes, the agency must prepare an initial regulatory flexibility analysis.

If yes, the agency must prepare a final regulatory flexibility analysis.

If yes, the agency must prepare an alternate analysis.

If yes, the agency may promulgate the rule as a final rule without OMB review.

If yes, the agency may promulgate the rule as a final rule.

If yes, the agency must prepare an initial regulatory flexibility analysis.

If yes, the agency must prepare a final regulatory flexibility analysis.

If yes, the agency must prepare an alternate analysis.

If yes, the agency may promulgate the rule as a final rule without OMB review.

If yes, the agency may promulgate the rule as a final rule.

If yes, the agency must prepare an initial regulatory flexibility analysis.

If yes, the agency must prepare a final regulatory flexibility analysis.

If yes, the agency must prepare an alternate analysis.

If yes, the agency may promulgate the rule as a final rule without OMB review.

If yes, the agency may promulgate the rule as a final rule.

If yes, the agency must prepare an initial regulatory flexibility analysis.

If yes, the agency must prepare a final regulatory flexibility analysis.

If yes, the agency must prepare an alternate analysis.

If yes, the agency may promulgate the rule as a final rule without OMB review.

If yes, the agency may promulgate the rule as a final rule.

If yes, the agency must prepare an initial regulatory flexibility analysis.

If yes, the agency must prepare a final regulatory flexibility analysis.

If yes, the agency must prepare an alternate analysis.

If yes, the agency may promulgate the rule as a final rule without OMB review.

If yes, the agency may promulgate the rule as a final rule.