Agencies may include an upcoming rulemaking in the Regulatory Plan, after receiving approval from the agency head or regulatory policy officer, or in the Unified Agenda. Agencies will continue to do so throughout the rule's lifecycle.

Agencies may solicit public opinion.

Publish an Advanced Notice of Proposed Rulemaking.

Receive petitions for rulemaking.

Hold public meetings.

Agencies may solicit the advice of federal advisory committees.

Agencies may be forced to initiate a rulemaking as a result of a lawsuit.

Agencies may submit proposals to collect information to OMB.

Agencies may collect information from 10 or more people.

OMB may send agencies prompt letters.

Review under Paperwork Reduction Act.

Revise and resubmit or withdraw.

Disapprove.

Approve.

Approve consistent with change.
Analyze impacts on small businesses or other small entities, under the Regulatory Flexibility Act. Submit analysis to the Small Business Administration Office of Advocacy.

Analyze costs and benefits to state, local and tribal governments under the Unfunded Mandates Reform Act.

Perform other analysis as necessary or as required by law or executive order.

Determine if the rule would require collection of information from ten or more people. If so, prepare and submit proposal to OMB.

Analyze impacts on the quality of the environment under the National Environmental Policy Act.

Determine if the rule would have an annual effect on the economy of $100 million or more, designate the rule “economically significant.” Notify OMB of designation.

If the rule would interfere with the regulatory action of another agency; alter entitlement spending, grants, loans or user fees; or raise new legal or policy issues, designate the rule “significant.” Notify OMB of designation.

Identify the market failure or other problem the rule would address and assess the significance of that market failure or problem.

Determine significance of rule.

If the rule would have none of these effects, designate the rule “not significant.” Notify OMB of designation.

Begin drafting proposed rule after receiving approval from the agency head or regulatory policy officer.*

Analyze potential impact on a variety of entities.

Determine if the rule would interfere with the regulatory action of another agency; alter entitlement spending, grants, loans or user fees; or raise new legal or policy issues, designate the rule “significant.” Notify OMB of designation.

Approve or change designation. For significant rules, decide whether the agency should prepare a Regulatory Impact Analysis.** Notify the agency.

OMB may consult with the Small Business Administration Office of Advocacy on rules which may have impacts on small businesses or other small entities.

Review under Paperwork Reduction Act.

Disapprove.

Approve.

Approve consistent with change.

Revise and resubmit or withdraw.
Analyze costs and benefits of all proposals under E.O. 12866.

If the rule is not significant, proceed to publication of proposed rule.

If the rule is significant, project the potential costs and benefits of the rule.

If the rule is major, complete a Regulatory Impact Analysis (RIA), with analyses of possible alternatives.

Submit to OMB the draft of the rule, potential costs and benefits, and any analyses of the rule.

Submit to OMB the draft of the rule, the RIA and any analyses of the rule.

Revise and resubmit, appeal to the President or withdraw.

When appropriate, hold meetings with outside interests and other government entities to discuss the rule under review. Invite the agency to all such meetings.

Review under Executive Order 12866.

Return for reconsideration.

Approve consistent with change.

Approve consistent w/o change.

Publish in the Federal Register a Notice of Proposed Rulemaking. Publish the RIA and other analyses as appropriate.

Open the rule for public comment.
Consider public comments.

Revise rule as necessary.

Reanalyze potential impact on a variety of entities.

If the rule is significant, prepare a final analysis of impacts on small business under the Regulatory Flexibility Act.

If the information collection requests differ from those in the proposed rule, submit new information collection requests to OMB.

Re-enter rulemaking, revise rule.

Reanalyze costs and benefits of the rule under Executive Order 12866.

If the rule is not significant. Proceed to publication of final rule.

If the rule is major, complete a final RIA.

Submit to OMB the draft of the final rule, potential costs and benefits, and revised analyses.

Submit to OMB the draft of the final rule, the RIA and revised analyses.

Review under Paperwork Reduction Act.

Disapprove. Approve. Approve consistent with change.

OMB may consult with the Small Business Administration Office of Advocacy on rules which may have impacts on small businesses or other small entities.

Review under Executive Order 12866.

When appropriate, hold meetings with outside interests and other government entities to discuss the rule under review. Invite the agency to all such meetings.

Final Rule Stage

Reanalyze potential impact on a variety of entities.

Revise and resubmit, appeal to the President or withdraw.

Return for reconsideration. Approve consistent with change. Approve consistent w/o change.
Publish Final Rule in the Federal Register, along with various analyses.

Submit to Congress and the Government Accountability Office under the Congressional Review Act.

If the rule is major,** allow for the 60 day congressional review before enacting.

If the rule is not major, enact as appropriate. Congress may still review the rule.

Publish in Federal Register notice of information collection action.

Implementation of final rule.

* Under E.O. 12866, agencies may only "initiate" a rulemaking with the approval of the agency head or agency regulatory policy officer. The agency head or regulatory policy officer may also halt a rulemaking at any time.

** Rules that are "economically significant" (and therefore require an accompanying RIA) and rules that are "significant" but for which OMB requires the preparation of an RIA are collectively known as "major" rules.