



# Washington Headquarters Services **ADMINISTRATIVE INSTRUCTION**

**NUMBER 102**

November 6, 2006

Incorporating Change 2, September 24, 2020

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DOC

**SUBJECT:** Office of the Secretary of Defense (OSD) Federal Register (FR) System

- References:**
- (a) Administrative Instruction No. 102, same subject as above, August 6, 1999 (hereby canceled)
  - (b) DoD Directive 5110.04, "Washington Headquarters Services (WHS)," March 23, 2013
  - (c) Appendix II of title 5, United States Code, "Federal Advisory Committee Act" (Title 41, Code of Federal Regulations, Parts 102-3 through 102-3.185, "Federal Advisory Committee Management")
  - (d) DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program," August 6, 2007
  - (e) through (s), see Enclosure 1

## 1. REISSUANCE AND PURPOSE

This Administrative Instruction (AI) reissues Reference (a) as authorized by Reference (b) to establish guidelines for developing, managing, submitting, and publishing rulemaking documents (including DoD Directives, DoD Instructions, DoD Publications, and their changes) and notices in the Federal Register (FR) and Code of Federal Regulations (CFR).

## 2. APPLICABILITY AND SCOPE

This AI applies to:

2.1. The OSD, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense (DoD IG), the Defense Agencies, and the DoD Field Activities (hereafter collectively referred to as the "DoD Components").

2.2. Joint DoD Components in the National Capital Region when administrative support services are provided by the Washington Headquarters Services (WHS).

2.3. DoD-Supported Federal Advisory Committees subject to Title 5, United States Code (U.S.C.) Appendix II, 41 CFR, Parts 102-3 through 102-3.185 (Reference (c), and DoD Instruction 5105.04 (Reference (d))).

### 3. DEFINITIONS

Terms used in this AI are defined in Enclosure 2.

### 4. POLICY

It is OSD policy to:

4.1. Have a uniform system for publishing rules or notices in the FR/CFR.

4.2. Make public regulatory dockets electronically accessible and searchable and to allow for electronic submission of comments using Regulations.gov to implement 44 U.S.C. Chapter 36 (Reference (e)).

4.3. Revise, change, or cancel a part in CFR when such actions have been performed on a DoD issuance codified in the CFR.

4.4. Hold final processing of a DoD issuance until all FR requirements have been met.

### 5. RESPONSIBILITIES

5.1. The Director for Administration and Organizational Policy (DAOP), as the DoD Regulatory Policy Officer, shall:

5.1.1. Monitor the regulatory activities in the Department of Defense to ensure compliance with Executive and Legislative requirements (Executive Order (E.O.) 12866; Public Law 104-4; 5 U.S.C. 601; 44 U.S.C. Chapter 35; and E.O. 13132 (References (f) through (j))).

5.1.2. Designate an OSD FR Liaison Officer (FRLO) and alternates. Authorize them to act as the central points of contact for FR and CFR matters. The FRLO shall:

5.1.2.1. Receive, review, edit, authorize, certify, and forward rules and notices in compliance with this AI and statutory requirements for publication in the FR and/or CFR.

5.1.2.2. Forward rules to the Office of Management and Budget (OMB) for formal OMB review and approval to publish.

5.1.2.3. Establish regulatory dockets for posting rules and other supporting materials using the Federal Docket Management System (FDMS) to the Regulations.gov Web site to enable the public to comment electronically.

5.1.2.4. Post all public comments submitted electronically or by mail to the appropriate regulatory docket.

5.1.2.5. Forward all final rules and a concise general statement to the Comptroller General of the United States, the President of the Senate, and the Speaker of the House of Representatives according to Reference (f).

5.2. The Committee Management Officer for the Department of Defense (CMO), under the DAOP, shall:

5.2.1. Monitor the Department of Defense Federal Advisory Committee Management Program to ensure that DoD-Supported Federal Advisory Committees comply with the FR requirements as required by Reference (c), 5 U.S.C. 552(b) (Reference (k)), and this AI.

5.2.2. Issue, in coordination with the FRLO, appropriate DoD-wide administrative guidelines and management controls pertaining to FR requirements for DoD-Supported Federal Advisory Committees.

5.3. The Secretaries of the Military Departments and the Chairman of the Joint Chiefs of Staff or their designees shall:

5.3.1. Monitor the regulatory activities in their respective Components to ensure compliance with Executive and Legislative requirements of References (f) through (j).

5.3.2. Designate a Component FRLO and alternates with the authority to act as the Component's central point of contact for FR and CFR matters. The FRLO, for their respective Components, shall:

5.3.2.1. Receive, review, edit, authorize, certify, and forward rules and notices in compliance with this AI and statutory requirements for publication in the FR and/or CFR.

5.3.2.2. Forward rules to the OMB for formal review and approval to publish.

5.3.2.3. Establish regulatory dockets for posting rules and other supporting materials using the FDMS to the Regulations.gov Web site to enable the public to comment electronically.

5.3.2.4. Post all public comments submitted electronically or by mail to the appropriate regulatory docket.

5.3.2.5. Forward all final rules and a concise general statement to the Comptroller General of the United States, the President of the Senate, and the Speaker of the House of Representatives according to Reference (f).

5.4. The OSD Principal Staff Assistants (PSAs) shall:

5.4.1. Adhere to the provisions of this AI.

5.4.2. Forward a description of rules, an electronic copy of the rule to be published, and a certification memorandum addressing References (f) through (k) to the OSD FRLO. All certifications must be coordinated with the Office of the General Counsel of the Department of Defense (hereafter referred to as the "DoD GC"). Final rule certifications must be coordinated with the DoD GC and the Office of Assistant Secretary of Defense for Legislative Affairs (ASD(LA)).

5.4.3. Prepare a comment. See example at Enclosure 3. Comments are also addressed in the preamble of the final rule. See Enclosure 5.

5.4.4. Forward announcements of meetings/assemblies a minimum of 15 working days prior to the meeting. See Enclosure 3.

5.4.5. Provide a statement of determination for closed meeting notices. All statements of determination must be coordinated with the DoD GC. See Enclosure 5.

5.4.6. Provide written justification for an expedited printing requirement.

5.4.7. Provide updates for the Unified Agenda of Federal Regulatory and Deregulatory Actions and Statements of Regulatory Priorities and summaries of significant regulatory actions for inclusion in the DoD Regulatory Plan as required by Reference (f).

5.4.8. Satisfy all FR requirements before finalizing the compatible DoD issuance.

5.5. The DoD GC or designee shall provide legal advice to the OSD PSAs and the FLRO on FR and CFR publications and review and coordinate on removing obsolete or rescinded information from the CFR.

5.6. The General Counsels for the Military Departments and the Chairman of the Joint Chiefs of Staff or designee shall, as appropriate, provide legal advice to their appropriate Components on FR and CFR publications and review and coordinate on removing obsolete or rescinded information from the CFR.

5.7. The Director, OMB, according to Reference (f), will:

5.7.1. Review rules provided by the FRLO and determine which rules require formal OMB review.

5.7.2. Notify the FRLO of issues to be addressed and approve rules to be published in the FR.

5.8. The Director, Office of the Federal Register (OFR), according to the Federal Register Act (Reference (1)), edits rules and notices, places them on public inspection, and publishes them in the FR and/or CFR.

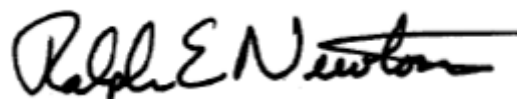
## 6. PROCEDURES

Procedures for preparing and submitting rulemaking documents and notices are contained in Enclosures 3 through 6.

7. RELEASABILITY. **Cleared for public release.** This AI is available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.

8. SUMMARY OF CHANGE 2. The changes to this issuance are administrative and add the releasability statement and update organizational titles, references, and the office of primary responsibility for accuracy.

9. EFFECTIVE DATE. This AI is effective immediately.



Ralph E. Newton  
Director (Acting)

### Enclosures - 6

- E1. References, continued
- E2. Definitions
- E3. FR and CFR
- E4. Rules and Correspondence Formats
- E5. Notice and Memoranda Formats
- E6. FR and CFR Publication Checklist

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Chapter 36 of title 44, United States Code, "E-Government Act of 2002"
- (f) Executive Order 12866, "Regulatory Planning and Review," September 30, 1993
- (g) Chapter 25 of title 2, United States Code, "Unfunded Mandates Reform Act"
- (h) Section 601 of title 5, United States Code, "Regulatory Flexibility Act"
- (i) Section 3501 of title 44, United States Code, "Paperwork Reduction Act of 1995"
- (j) Executive Order 13132, "Federalism"
- (k) Section 552(b) of title 5, United States Code, "Freedom of Information Act"
- (l) Chapter 15 of title 44, United States Code, "Federal Register Act"
- (m) Family Law Act of 1996
- (n) Chapter 8 of title 5, United States Code, "Small Business Regulatory Enforcement Fairness Act"
- (o) Section 552b(e)(3) of title 5, United States Code, "Government in the Sunshine Act"
- (p) Section 552a of title 5, United States Code, "The Privacy Act of 1974"
- (q) DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
- (r) Title 3, Code of Federal Regulations
- (s) Sections 511-599 of title 5, United States Code, "Administrative Procedures Act"

## E2. ENCLOSURE 2

### DEFINITIONS

The following are terms used when processing FR/CFR documents.

E2.1.1. Add. To insert new information.

E2.1.2. Amend. To change information.

E2.1.3. Amendatory Language. Phrase used to describe what actions are being made to the rule.

E2.1.4. Amendment. The action taken to change text.

E2.1.5. Authority. The Secretarial, Legislative, or Executive authority to approve issuing the rule.

E2.1.6. Code of Federal Regulations (CFR). An annual publication of interim and final rules of Federal Agencies adopted under authority of laws enacted by the U.S. Congress.

E2.1.7. Codification. The collection of CFR units arranged in systematic order.

E2.1.8. Committee Management Officer for the Department of Defense (CMO). The individual designated by the DAOP to manage and provide policy oversight to the Department of Defense Federal Advisory Committee Management Program.

E2.1.9. Correct. To adjust erroneously published information.

E2.1.10. Docket. A repository for collecting documents or information related to a particular agency action or activity. An agency docket is an official public record and is available for review by interested parties. It generally consists of documents specifically referenced in the FR, any public comments received, and other information used by decision-makers, or otherwise related to the agency action or activity. The agency uses this record of docketed material when making regulatory decisions. Although commonly used for rulemaking actions, dockets may also be used for various non-rulemaking activities, such as FR documents seeking public comments on draft guidance, policy statements, Information Collection Requests (ICRs) under the Reference (k), and other non-rule activities of interest to the public.

E2.1.11. Federal Advisory Committee. The term “Federal Advisory Committee” means any committee, board, commission, council, conference, panel, task force, or other similar group, or subcommittee which is established:

E2.1.11.1. By statute or reorganization plan.

E2.1.11.2. By or used by the President of the United States.

E2.1.11.3. By or used by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government. The term “advisory committee” does not include:

E2.1.11.3.1. Any committee that is composed wholly or full-time, or permanent part-time, officers or employees of the Federal Government, or

E2.1.11.3.2. Any committee created by the National Academy of Sciences or the National Academy of Public Administration.

E2.1.12. Federal Docket Management System (FDMS). A major component (Module 2) of the eRulemaking Initiative. The federal-wide docket management system that serves as a central repository for federal rulemaking dockets, which are comprised of FR notices, supporting materials, and public comments. FDMS is the agency-side of the Regulations.gov Web site that allows the agency to manage data and work flow.

E2.1.13. Federal Register (FR). A daily publication of notices and rules issued by Federal Agencies and the President printed on a daily Federal workday.

E2.1.14. Introductory Text. An opening statement presenting paragraphs in the rule.

E2.1.15. Notice. A document announcing information of public interest, such as a meeting or statement of availability. Notices of meetings must be published a minimum of 15 days before the date of the meeting.

E2.1.16. Preamble. An arrangement of information that answers "who, what, where, when, and why" of a document. It contains the explanatory text necessary for the reader to understand the basis and purpose of the document.

E2.1.17. Principal Staff Assistants (PSAs). Officials authorized to sign the certification memorandum and transmittals to publish a notice or rule. In the OSD, the PSAs are identified as follows:

E2.1.17.1. The officials and their principal deputies who report directly to the Secretary of Defense and the Deputy Secretary of Defense.

E2.1.17.2. The Assistant and Deputy Assistant Secretaries of Defense not included in subparagraph E2.1.17.1.

E2.1.17.3. The Deputy Under Secretaries of Defense not included in subparagraph E2.1.17.1.

E2.1.17.4. The Deputy General Counsels of the Department of Defense.

E2.1.17.5. The Assistants to the Secretary of Defense.



E2.1.17.6. The Directors of the Defense Agencies and the DoD Field Activities.

E2.1.18. Redesignate. To transfer or renumber information to another position in the document.

E2.1.19. Regulations.gov. A Federal-wide Web site allowing online access to the public to view a description of rules currently open for comment, read full texts of these documents, and submit comments to the Federal Agency.

E2.1.20. Regulatory Identifier Number (RIN). An OMB number assigned to identify the rule.

E2.1.21. Regulatory Plan. A Statement of Regulatory Priorities that identifies the most significant regulatory actions a Federal Agency expects to issue in the forthcoming fiscal year according to Reference (f).

E2.1.22. Remove. To delete existing information in a rule.

E2.1.23. Reserve. To set aside a CFR unit for future use.

E2.1.24. Revise. To update a rule in its entirety.

E2.1.25. Rule. A regulatory document published in the FR and CFR that generally applies and/or has a legal affect on the public.

E2.1.25.1. Categories of Rules

E2.1.25.1.1. Significant Rule. Any proposed, interim final, or final rule that:

E2.1.25.1.1.1. Has an annual effect on the economy of \$100 million or more or adversely affects, 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.

E2.1.25.1.1.2. Creates a serious inconsistency or otherwise interferes with an action taken or planned by another Agency.

E2.1.25.1.1.3. Materially alters the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof.

E2.1.25.1.1.4. Raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles of Reference (e).

E2.1.25.1.1.5. Has been designated by OMB for formal review.

E2.1.25.1.2. Common Rule. A document implementing a legislative policy objective common to the programs of more than one Federal Agency or identical requirements pertaining to more than one Federal Agency.

E2.1.25.1.3. Joint Rule. A document implementing certain legislation, Federal Agency reorganization, or jointly administered programs or activities. An appropriate approving official from each Agency signs the document when two or more Federal Agencies are identified in the heading and preamble of the rule.

E2.1.25.2. Actions/Stages of Rules

E2.1.25.2.1. Proposed Rule. A draft rule published in the FR and requests public comment. The comment period must be a minimum of 60 days.

E2.1.25.2.2. Interim Final Rule. A rule published in the FR and CFR without prior publication of a proposed rule, usually to respond to an emergency situation or in response to a Legislative or Executive requirement with a short suspense. This rule is usually considered a “temporary” rule and may request public comments. If the interim final rule becomes permanent, a final rule must be published in the FR to adopt the interim final and a discussion of any comments received.

E2.1.25.2.3. Final Rule. A concluding rule published in the FR and CFR presenting the decision of the issuing Agency and addresses public comments.

E2.1.25.2.4. Withdrawal. The action taken to indicate:

E2.1.25.2.4.1. Proposed rule: The published document is terminated and no further action is being taken.

E2.1.25.2.4.2. Final rule: The published document will not become effective if the effective date has been reached and will be removed from the CFR (as originally published).

E2.1.26. Unified Agenda of Federal Regulations. A consolidated OMB document published in the FR consisting of rules that have significant public impact and interest.

### E3. ENCLOSURE 3

#### FR AND CFR

##### E3.1. FR SYSTEM

The FR system requires notices and rules having a substantial impact on the public be filed with the OFR. The OFR maintains the central filing and publication of the original acts enacted by the Congress and the original documents containing E.O.s and proclamations of the President, other Presidential documents, notices, and rulemaking documents.

##### E3.2. FR/CFR

All notices and rules are filed for public inspection and published in the daily FR. Final rules are later published in the CFR during the scheduled CFR revision date.

E3.2.1. Documents Required to be Published. A DoD Directive, DoD Instruction, or DoD Publication (hereafter referred to as a “DoD issuance”) shall be published in the FR for public comment when one or more of the following apply to a DoD issuance:

E3.2.1.1. Is presently in the CFR.

E3.2.1.2. Grants a right or privilege to the public or has a direct or substantial impact on any significant portion of the public (e.g., visitors allowed to tour the Pentagon).

E3.2.1.3. Prescribes a course of conduct that must be followed by persons outside the Government to avoid a penalty or secure a right or privilege (e.g., behavior when visiting the Pentagon).

E3.2.1.4. Constitutes authority for persons outside the Government to act or secure immunity from the consequence of not acting (e.g., security officers).

E3.2.1.5. Imposes an obligation on the general public or members of a class of persons outside the Government (e.g., charges to reside at a dwelling owned by DoD).

E3.2.1.6. Describes where the public may obtain information, instructions, and forms; make submittals or requests; take examinations; or obtain decisions (e.g., Web site information).

E3.2.1.7. Describes procedures by which a DoD Component conducts its business with the public (e.g., financial institutions on DoD installations).

E3.2.2. Documents Not Required to be Published. A DoD issuance shall not be published in the FR when the document:

E3.2.2.1. Has no impact on the public.

E3.2.2.2. Is directed at an individual in his or her capacity as an employee of a Federal Agency or a member of the Armed Forces (i.e., military or reservist).

E3.2.2.3. Is directed at other Federal Agencies or at particular persons or organizations (e.g., U.S. Department of Justice).

E3.2.2.4. Pertains to a military or foreign affairs function of the United States determined to require a security classification in the interests of national defense or foreign policy under the criteria of an E.O. or statute (e.g., foreign military sales).

E3.2.2.5. Limited to agency organization, management, or personnel matters (e.g., Organizational Charters).

E3.2.3. Procurement-Related Documents. Procurement related documents and/or documents to be published in title 48 CFR must be forwarded to the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (Defense Acquisition Regulation) for FR processing.

### E3.3. RULES

#### E3.3.1. What Is A Rule?

E3.3.1.1. A DoD issuance or an implementing document that has general applicability or legal effect on the public. See also paragraph E2.1.25.

E3.3.1.2. An amendment to a rule is comparable to a change or cancellation of a DoD issuance. Any change or cancellation to a codified DoD issuance must be made to both the issuance and the CFR.

#### E3.3.2. Actions of Rules (in addition to subparagraph E2.1.25.2.):

E3.3.2.1. Proposed Rule. A draft document published in the FR that requests public comments. According to Reference (f) public comment period shall be no less than 60 days from the date of publication.

E3.3.2.2. Interim Rule. A temporary rule published to respond to an emergency situation in response to Legislative or Executive requirement.

E3.3.2.2.1. If the interim rule becomes permanent (no longer used temporarily and a decision has been made to maintain the rule permanently), a final rule **MUST** be published to adopt the rule.

E3.3.2.2.2. If the interim rule is in effect as of the revision date of the CFR volume, it will be included in that volume. When the effective date of the CFR volume expires, the OFR removes the rule unless a final rule has been published before the expiration date of that CFR volume (published annually).

E3.3.2.3. Final Rule. A permanent rule presenting the final DoD decision and addresses public comments received.

E3.3.2.4. Common and Joint Rule. Documents implementing a Legislative policy objective that is common to the programs of more than one Federal Agency or identical requirements that pertain to more than one Federal Agency. When implementing Agency reorganization, or jointly administered programs or activities, the two or more Agencies must be identified in the heading and preamble of the rule. The appropriate official of each Agency must sign the rule.

E3.3.3. Significant Rule. A rule that meets the requirements identified in subparagraph E2.1.25.1.1. or has been designated to be formally reviewed by OMB.

#### E3.4. OMB ACTION/REQUIREMENTS

E3.4.1. Description of Rules. The originating officer must forward a description of rules and a draft of the rule to the FRLO. The FRLO shall then forward these items to OMB for determination of formal review and approval to publish the rule.

E3.4.2. OMB Form (unnumbered)<sup>1</sup>, "Submission of Federal Rules Under the Congressional Review Act." This form is required for all final rules. The originating office shall complete the form and forward it to the FRLO for signature.

#### E3.4.3. Review Time

E3.4.3.1. Decision to Review the Rule. The FRLO shall forward the completed package (description of rules and draft rule) to the OMB within 4 working days of receipt. The OMB notifies the FRLO whether or not a formal review of the rule is required, typically within 10 working days.

E3.4.3.2. Formal Review of the Rule. If formal OMB review is required, the FRLO will create an EO submission package and upload the draft rule and documentation such as the Certification and Impact Analysis (when applicable) in the Regulatory Information Service Center-Office of Information and Regulatory Affairs (RISC-OIRA) RISC-OIRA Consolidated Information System (ROCIS) (OMB database) within 4 working days of notice from OMB. The

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<sup>1</sup> Copies may be obtained at [http://clinton2.nara.gov/OMB/inforeg/fed\\_rule.pdf](http://clinton2.nara.gov/OMB/inforeg/fed_rule.pdf)

OMB is allowed a 90-day review period. The OMB contacts the FRLO for an extension if necessary. The FRLO will notify the originating officer of the OMB's request and the results of their review.

E3.4.4. Recommendations or Changes. The OMB notifies the appropriate FRLO of any recommendations or changes to the rule. The FRLO shall then notify the originating officer of OMB's suggestions. It is the responsibility of the originating officer to address any concerns and forward the changed pages or written rejection, with justification, to the FRLO. All responses will be forwarded to OMB by the FRLO.

E3.4.5. Approval. The OMB approves all rules for publication by either designating them as rules not required to be reviewed by OMB or determining the rules have met and/or addressed all OMB requirements.

### E3.5. INTERNAL REQUIREMENTS TO PUBLISH A RULE

#### E3.5.1. Editorial Review

E3.5.1.1. The originating officer shall forward an electronic version of the rule in Microsoft Word or Rich Text Format (e-mail is acceptable). All style sheets and word processing codes must be removed before forwarding to the appropriate FRLO.

E3.5.1.2. The FRLO shall edit and reformat the rule when necessary and forward the edited version of the rule to the originating Agency for review/approval.

#### E3.5.2. Coordination

E3.5.2.1. All rules must be coordinated with the DoD OGC. The Office of the ASD(LA) coordination is additionally required for final rules.

E3.5.2.2. When the Family Law Act of 1996 (Reference (m)) applies to a rule, that rule must be coordinated with the Family Policy Office in the Office of the Under Secretary of Defense (Personnel and Readiness) (OUSD(P&R)).

E3.5.2.3. An impact analysis is required according to Small Business Regulatory Enforcement Fairness Act (Reference (n)) when the rule has a major impact on small entities. The DoD GC shall provide guidance on preparing the analysis.

E3.5.2.4. An advanced copy shall be forwarded to the OUSD(P&R)/Office of Advocacy before the final rule is published to ensure the component has addressed advocacy concerns and no outstanding disagreements remain.

E3.5.2.5. All coordination must be obtained within 30 working days.

E3.5.3. Correspondence. The following correspondence must be forwarded to the FRLO:

E3.5.3.1. The Rule. The rule must be double-spaced. Each page must be numbered from 1 through the last page and provided electronically. See Section E4.1.

E3.5.3.2. Certification Memorandum. The certification memorandum must be addressed to the DAOP and signed by the PSA addressing Executive and Legislative requirements (References (e) through (j)). See Section E4.3. and consult the DoD GC for legal assistance.

E3.5.3.3. Impact Analysis. A copy of the impact analysis, if required for forwarding to OMB. Consult the DoD GC for legal assistance.

E3.5.3.4. Economically Significant. A cost analysis must be prepared when the rule is economically significant according to Reference (f). OMB may require the analysis when the rule addresses developing a new program.

E3.5.3.5. Unified Agenda Questionnaire. The questionnaire must be completed and forwarded to the FRLO on each rule. See Section E4.4.

E3.5.3.6. Regulatory Plan. The Regulatory Plan must be published as part of the fall edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions. It identifies regulatory priorities and contains information about the most important significant regulatory actions that agencies expect to take in the coming year.

E3.5.4. The OSD Components shall:

E3.5.4.1. Participate in the annual Regulatory Plan by providing the most significant regulatory actions expected to be issued as a proposed or final rule in compliance with Reference (f).

E3.5.4.2. Provide information to be placed into the Regulatory Plan to the FRLO for OMB review by June 1st of each year when required.

## E3.6. AMENDMENTS

Amendments are changes published in the CFR to update information or address public comments. An amendment to a rule is comparable to a change or cancellation of a DoD issuance. Any change or cancellation to a DoD issuance that is in the CFR must be made to both the issuance and the CFR.

E3.6.1. An amendment must describe the general effect of the rule and give specific instructions on how to change the CFR in the summary section of the rule. Discussion of why the change is being made or any background information should be stated in the Supplementary

Information section of the rule. The appropriate FRLO will review amendments and provide direction and assistance.

E3.6.2. Asterisks. Asterisks are used as placeholders to indicate unchanged text.

E3.6.2.1. Five Asterisks (\* \* \* \* \*). Indicates an entire paragraph or section has no changes. They also indicate the last change made to a paragraph or section. Three spaces are placed between each asterisk.

E3.6.2.2. Three Asterisks (\* \* \*). Indicates the higher level paragraphs are unchanged or the beginning or ending of a sentence is unchanged.

E3.6.3. Amendatory Language. Specific terms must be used to identify a change to a rule in the CFR. The only acceptable terms used in an amendment are "add, amend, correct, redesignate, remove, reserve, revise, suspend, and withdraw." These terms are explained in Enclosure 2.

## E3.7. NOTICES

E3.7.1. What is a Notice? A notice announces information, items of public interest, and meetings and must be published within a minimum of 15 calendar days prior to the date of the meeting. When circumstances prevent a notice from being published within the required timeframe, an explanation must be included in the notice. The notice shall be forwarded to the FRLO at least 5 working days before the anticipated publication date. There are several types of notices, which are identified as follows:

E3.7.1.1. Open Meeting. A meeting open to the public.

E3.7.1.2. Closed Meeting. A meeting is not open to the public because of national security. This type of notice requires a determination (an explanation of the requirement to keep the meeting closed) and review by the appropriate General Counsel. The statement of determination must be signed by the Component Head or designee, coordinated with the appropriate General Counsel, and forwarded to the appropriate FRLO. It shall include the legal authority for the closed meeting and a summary of the meeting activities.

E3.7.1.3. Sunshine Act Meetings. Notices published to comply with the Government in the Sunshine Act (Reference (o)). All Sunshine Act notices must be provided to the appropriate FRLO by noon of the day before publication in the FR.

E3.7.1.4. Paperwork Reduction Act Notices. Reference (i) requires two notices be published in the FR. The first notice is published at least 60 days in advance of submission of the clearance package to OMB. The second notice is published at the time the clearance package is submitted to OMB. The Information Management Division, WHS, will prepare the second notice, offering a 30-day public comment period. Paperwork Reduction Act notices shall be forwarded through the Agency Information Management Control Officer (IMCO) to the DoD



Clearance Officer in the Information Management Division, WHS for publishing. Consult the Agency IMCO for format requirements.

E3.7.1.5. Advisory Committee Notices. Notices of the establishment and renewal of advisory committees. These notices shall be published according to References (c) and (d).

E3.7.1.6. Privacy Act System of Records Notices. The Privacy Act of 1974 (Reference (p)), as implemented by the DoD Privacy Program (DoD 5400.11-R (Reference (q))), requires all DoD Component Privacy Act system of records notices and procedural and exemption rules be published in the FR.

E3.7.1.6.1. Originators must contact their Agency Privacy Officer for formatting requirements. The Agency Privacy Officer shall forward the notice to the Director, Defense Privacy Office (DPO), DAOP for review. If the notice is acceptable, the DPO shall forward the notice to the FRLO for publication.

E3.7.1.6.2. Contact the DPO for a listing of the designated Privacy Officers.

E3.7.1.7. Presidential Documents. Presidential documents are Proclamations and E.O.s the President orders/signs. These documents are published in the FR and compiled annually in Title 3 of the CFR (Reference (r)). The original Presidential signed document must be forwarded to the appropriate FRLO for publication.

E3.7.2. Required Correspondence. All memoranda addressed to the Component Head or the DAOP shall contain the name and telephone number of a point of contact for the notice, a closed-meeting determination, when appropriate, and coordination by the appropriate General Counsel. The originating officer shall forward an electronic version of the notice in Microsoft Word or Rich Text Format (e-mail is acceptable).

E3.7.3. Format. All notices shall use the standard headings for FR publication. They must be double-spaced and typed on plain bond. Each page is numbered.

## E3.8. FILING AND PRINTING OF DOCUMENTS

E3.8.1. The OFR staff reviews and approves documents submitted for publishing in the FR. When a document is approved, it is filed for public inspection for 1 day after receipt (additional time may be required if the document is voluminous), and printed in the FR by the Government Printing Office (GPO) within 3 to 5 working days after receipt.

E3.8.2. Immediate Filing and Emergency Printing. The normal filing of the document for public inspection by the OFR and the printing by GPO must be altered when immediate filing for public inspection and emergency printing in the FR are necessary. When such requests are required, the FRLO, with the written concurrence of the appropriate Component Head, shall

request approval from the Director, OFR. The FRLO's request shall be in writing and the Component Head's approval shall accompany the request.

**E3.9. VERIFICATION OF DOCUMENTS PRINTED IN THE FEDERAL REGISTER**

E3.9.1. The originators may obtain documents that have been printed in the FR at the following GPO Web site: <http://www.gpoaccess.gov/fr/index.html>.

E3.9.2. The originators should notify the FRLO immediately if the published items need corrections.

**E3.10. WITHDRAWAL OF DOCUMENTS**

A document may be withdrawn from scheduled publication in the FR if the FRLO request for withdrawal is received by the OFR by noon of the workday before the scheduled publication date. The following withdrawal procedures apply:

E3.10.1. The originator may verbally request withdrawal of a document; however, the verbal request must be followed by a memorandum for the DAOP signed by the PSA requesting the withdrawal of the document from publishing in the FR.

E3.10.2. The OFR will accept a verbal request for document withdrawal from the FRLO with the proviso that the FRLO will forward a memorandum to the Director, OFR, requesting the immediate withdrawal of the document.

**E3.11. COORDINATION MATRIX**

A coordination matrix (created by the originator to address comments received) must be prepared to discuss the comments received. An example is as follows:

Coordination Matrix of Proposed Rule 32 CFR Part *[insert part number]*  
Published *[insert date of publication in the Federal Register]*

Commentor/Agency	Comment	Accepted or Rejected (give justification for rejection)
Mr. John Smith	The rule is not fair. Does not allow a man to be a man	Rejected. The rule complies with E.O. 12345 and cannot be adjusted
HUD	The cost factor should not exceed \$25.00	Accepted. Area adjusted

E4. ENCLOSURE 4

RULES AND CORRESPONDENCE FORMATS

E4.1. RULE FORMAT

The rule must be double-spaced on plain bond with each page numbered from 1 through end using the following format:

<b>DEPARTMENT OF DEFENSE</b>	<i>[Standard wording]</i>
<b>Office of the Secretary</b>	<i>[Standard wording]</i>
<b>DOD-2006-OS-0000</b>	<i>[The FRLO will identify this number]</i>
<b>[RIN 0790-AAAA]</b>	<i>[The FRLO will identify this number]</i>
<b>32 CFR PART 123</b>	<i>[The FRLO will identify this number]</i>
<b>How to Publish a Rule</b>	<i>[Title or Subject of Rule]</i>
<b>AGENCY:</b> Department of Defense	<i>[Standard wording]</i>
<b>ACTION:</b>	<i>[Proposed, Interim, or Final]</i>
<b>SUMMARY:</b>	<i>[State what action is being taken, why this action is necessary, and the intended affect of this action]</i>
<b>DATES:</b> <i>[Comments must be received by (insert 60 days from date of publication)]</i>	<b>Proposed rule:</b> <i>[Identifies the expiration date for accepting comments. The phrase shown is standard. The OFR calculates and inserts an actual date]</i>

**OR**

<b>EFFECTIVE DATE:</b>	<b>Final rule:</b> <i>[Identifies the date the rule takes effect. This date shall not be less than 30 days from date of publication in the Federal Register unless provided in 5 U.S.C. 511-599 (Reference (s)).]</i>
------------------------	---

**ADDRESSES:** You may submit comments, identified by docket number and/or RIN number and title, by any of the following methods:

*[Standard for rules accepting comments. Type exactly as shown]*

- Federal Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

*Instructions:* All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:**

*[Include name and telephone number (including area code)]*

**SUPPLEMENTARY INFORMATION:**

*[Identifies background and historical information relating to the rule or the subject. It must also include the exact certification as stated in the certification memorandum]*

**List of Subjects in 32 CFR Part 123**

*[The FRLO will identify the subjects]*

**Accordingly 32 CFR Part 123 is revised to read as follows:**

*[Revised, amended, removed. Identify your intended action]*

**PART 123 - HOW TO PUBLISH A RULE**

*[Insert title of rule]*

Sec.

*[Standard wording]*

123.1 Purpose

*[A table of contents. Identify each section as shown in the document]*

123.2 Applicability and scope.

**Authority: 10 U.S.C. 301**

*[Identifies the governing authority to issue the rule]*

**The text of the rule is inserted next**

*[The FRLO will assist with formatting]*

E4.2. DESCRIPTION OF RULES FORMAT

The description of rules must be used for OMB review and/or approval to publish the rule. Use the following format:

**DESCRIPTION OF RULES**

**DEPARTMENT/REGULATORY COMPONENT:**

Department of Defense/Office of the Secretary *[Standard wording]*

**TITLE:** *[Cite the title of the rule]*

**RIN:** *[An OMB identifier. The FRLO will provide this number]*

**PART NUMBER:** 32 CFR Part 123 *[The FRLO will assign part numbers for new rules]*

**SIGNIFICANT:** *[Answer whether or not the rule is significant as defined in paragraph E2.1.25.1.1.]*

**UPCOMING ACTION:** *[Proposed, Interim, or Final]*

**PLANNED SUBMISSION/PUBLICATION:** *[An anticipated date to forward the rule to the OFR]*

**STATUTORY DEADLINE:** *[Indicate the legal deadline to publish the rule or implement a legal requirement. If not applicable, insert "No"]*

**DESCRIPTION:** *[Insert a short summary about the rule and its intention. You may use the summary to be used for the rule. State the difference or what has changed in the revised version and what impact it may have on the public.]*

**NAME/TELEPHONE NUMBER OF PROGRAM OFFICIAL WHO CAN ANSWER DETAILED QUESTIONS:**

*[Standard wording]*

---

**Signature/Date**

---

**Printed Name**

E4.3. SAMPLE OF CERTIFICATION MEMORANDUM

The following sample of a certification must be used and typed on PSA letterhead and coordinated with the DoD GC:

(Use PSA Letterhead)

(date)

MEMORANDUM FOR DIRECTOR OF ADMINISTRATION AND MANAGEMENT/  
OSD FEDERAL REGISTER LIAISON OFFICER

SUBJECT: Certification of Compliance with Executive and Legislative Federal Register Requirements

Request the attached rule be published in the Federal Register. Certification is as follows:

**Executive Order 12866, “Regulatory Planning and Review”** *[Standard wording]*

It has been determined that 32 CFR part *[insert part number]* is not a significant regulatory action. The rule does not:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive Order.

**Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104-4)** *[Standard wording]*

It has been certified that this rule does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

**Public Law 96-354, “Regulatory Flexibility Act” (5 U.S.C. 601)** *[Standard wording]*

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. *[Insert a succinct statement explaining the reason for such certification.]*

**Public Law 96-511, “Paperwork Reduction Act” (44 U.S.C. Chapter 35)”** *[Standard wording]*

It has been certified that this rule does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995

*or*

It has been certified that this rule does impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995. The reporting and recordkeeping requirements have been submitted to OMB for review.

**Executive Order 13132, “Federalism”** *[Standard wording]*

It has been certified that this rule does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of Government.

*[Signature of the PSA]*

---

*[Coordination of DoD GC]*

**E4.4. UNIFIED AGENDA AND REGULATORY PLAN QUESTIONNAIRE**

The following information is requested to assist the OSD FRLO in completing the entries for the Unified Agenda. The Unified Agenda is a consolidated OMB document published in the FR consisting of Agency rulemakings that have a public impact and interest. Consult DoD GC for assistance and use the following format:

**UNIFIED AGENDA AND REGULATORY PLAN QUESTIONNAIRE**

**Part Number: 32 CFR Part \_\_\_\_\_**

*[This refers to a unified body of the Code of Federal Regulations (CFR) that applies to a single function of an Agency or to a specific subject matter under the control of an Agency. DoD issuances are contained in Parts 100 through 300 of Title 32 of the CFR. The part number is designated by the OSD FRLO.]*

**RIN Number: 0790-\_\_\_\_\_, or for TRICARE 0720-\_\_\_\_\_**

*[This refers to an OMB assigned designator used to identify each regulatory action. The FRLO will provide this number for new actions. Otherwise use the same RIN until the rule is final.]*

**Type of DoD Issuance and Issuance Number:**

**Title of the Rule:**

*[Must be the same as the DoD issuance title (when the rule is a reformatted version of the DoD issuance).]*

**Agency Point of Contact for the Rule:**

*[This person should be knowledgeable of the content of the rule and be able to answer questions from the public sector. Include the following information for the Agency point of contact:]*

Name:  
Phone Number:  
Fax Number:  
Email Address:

**Authority Citation:**

*[State the legal authority for issuing the rule.]*



## Priority Status of the Rule

1. Indicate whether or not this rulemaking action will be reported in the Regulatory Plan.  
\_\_Yes or \_\_No

*[The Regulatory Plan is a Statement of Regulatory Priorities that identifies the most significant regulatory actions that a Federal Agency expects to issue in the forthcoming fiscal year according to E.O. 12866.]*

*NOTE: You should check YES if it is determined that your rule is economically significant.*

2. Indicate the priority of the rulemaking action by selecting one of the following five categories:

**a. \_\_\_\_\_ECONOMICALLY SIGNIFICANT**

*[This refers to 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.]*

**b. \_\_\_\_\_OTHER SIGNIFICANT**

*[This refers to a rulemaking action 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.]*

*NOTE: These rules may be included in the Agency's regulatory plan.*

**c. \_\_\_\_\_SUBSTANTIVE, NON-SIGNIFICANT**

*[This refers to a rulemaking action that has substantive impacts but is neither Significant, Routine and Frequent, nor Informational/Administrative.]*

**d. \_\_\_\_\_ROUTINE AND FREQUENT**

*[This refers to a rulemaking action that is a specific case of a multiple-recurring application of a regulatory program in the CFR and that does not alter the body of the regulation.]*

*NOTE: If a rulemaking that normally falls into this category is submitted to OMB for review, the rulemaking must then be classified as Other Significant; Substantive, Non-significant; or Informational/Administrative; and not as Routine and Frequent.*

**e. \_\_\_\_\_INFORMATIONAL/ADMINISTRATIVE/OTHER**

*[This refers to a rulemaking action 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 Agenda to Inform the public of the activity.]*

3.  Yes or  No

*[Indicate whether the rulemaking action is covered under section 202 of the Unfunded Mandates Reform Act (Pub. L. 104-4) because it includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of \$100 million or more in 1 year.]*

4. a.  State, local, or tribal governments  
b.  Private sector

*[If your answer was YES to item 3, above, indicate who will be affected by the rulemaking action by choosing one of the two above categories.]*

5.  Yes or  No

*[Indicate whether or not the rulemaking action has an effect on family well-being according to Section 654 of the Treasury and General Government Appropriations Act of 1999, because it strengthens or erodes the stability or safety of the family and, particularly, the marital commitment; strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children; helps the family perform its functions, or substitutes governmental activity for the function; increases or decreases disposable income or poverty of families and children; proposes benefits that justify the financial impact on the family; may be carried out by State or local government or by the family; and establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society.]*

6.  Yes or  No

*[Indicate whether or not the rulemaking action is considered "major" and therefore subject to the 60-day deferral requirement under 5 U.S.C. 801, enacted by Pub. L. 104-121, because it has resulted or is likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.]*

7.  Yes or  No

*[Indicate whether or not the rulemaking action has Federalism implications in accordance with E.O. 13132 because it has a substantial direct effect 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.]*

**Effects on Small Entities and Levels of Government**

1. \_\_\_ Yes or \_\_\_ No

*[Indicate whether or not the rulemaking action is expected to have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)). If your answer was YES to item 1, above, indicate who will be affected by the rulemaking action from the following list of categories (check all that apply).]*

- a. \_\_\_ Businesses
- b. \_\_\_ Government jurisdictions
- c. \_\_\_ Organizations

2. \_\_\_ Yes or \_\_\_ No

*[Indicate whether or not the rulemaking action is expected to affect levels of government.]*

- 3. a. \_\_\_ State
- b. \_\_\_ Local
- c. \_\_\_ Tribal
- d. \_\_\_ Federal

*[If your answer was YES to item 2, above, indicate who will be affected by the rulemaking action from the following list of categories (check all that apply).]*

***I understand if my rule (either the entry or the proposed rule) is placed in the Unified Agenda and is not finalized within a year of entry, I must provide the FRLO with an explanation for not finalizing the rule or an authorization to remove the rule from the CFR and/or the Agenda.***

\_\_\_\_\_  
Signature and Printed Name of Action Officer

\_\_\_\_\_  
Date

**E4.5. CONCISE GENERAL STATEMENT**

A concise general statement is required for all final rules. This statement must summarize the rule and its intent. It must accompany the rule and the unsigned OMB form submitted to the President of the Senate, Speaker of the House of Representatives, and the General Accountability Office (GAO). Identify the document, its RIN, and the title. An example is as follows:

**CONCISE GENERAL STATEMENT**  
*[identify the RIN number]*

This rule revises the requirements and procedures for the reimbursement of TRICARE Dental Program participating providers. Participating providers will no longer be reimbursed at the equivalent of a percentile of prevailing charges sufficiently above the 50<sup>th</sup> percentile of prevailing charges made for similar services in the same locality (region) or state, or the provider's actual charge, whichever is lower, less any cost-share amount due for authorized services. Specifically, the revision will require TRICARE Dental Program participating providers to be reimbursed in accordance with the contractor's network agreements, less any cost-share amount due for authorized services.

**E4.6. UNSIGNED OMB FORM FOR SUBMISSION TO THE PRESIDENT OF THE SENATE, SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND GAO**

This form is required for all final rules. A copy of the form may be found at <http://www.gao.gov/decisions/majrule/fedrule2.pdf>.

E5. ENCLOSURE 5

NOTICE AND MEMORANDA FORMATS

E5.1. MEETING NOTICE

All Notices must be double-spaced and typed on plain bond. Below is a general format used for most notices. Other notices, such as Privacy Act System of Records Notices and Paperwork Reduction Act notices, follow different formats. Consult the FRLO for guidance on those formats.

DEPARTMENT OF DEFENSE	<i>[Standard wording]</i>
Office of the Secretary	<i>[Standard wording]</i>
Conference Meeting of the Advisory Committee on Food Services	<i>[Title/Subject of Meeting]</i>
AGENCY: Department of Defense	<i>[Standard]</i>
ACTION: Notice.	<i>[Standard]</i>
SUMMARY: Discuss the meeting, whether or not it is open to the public, and why you are announcing it in the Federal Register	<i>[Standard]</i>
DATES:	<i>[Identify the date(s) and time of the meeting. Also include a time limit or RSVP deadline when applicable]</i>
ADDRESSES:	<i>[Standard]</i>
FOR FURTHER INFORMATION CONTACT:	<i>[Include name and telephone number, including area code]</i>
SUPPLEMENTARY INFORMATION:	<i>[Optional. States background or any additional information]</i>

E5.2. SAMPLE OF A REQUEST TO PUBLISH A NOTICE MEMORANDUM

Use the following format when announcing a meeting that is open to the public:

(Use USD/ASD Letterhead)

*[Insert date]*

MEMORANDUM FOR DIRECTOR, WASHINGTON HEADQUARTERS SERVICES

SUBJECT: Conference Meeting of the *[insert subject of meeting]*

Request the attached notice announcing a Conference Meeting of the *[insert subject of meeting]* be published in the Federal Register. The point of contact for this notice is *[insert point of contact and telephone number]*

*[Signature of PSA, Director of Defense Agency or Designated Federal Officer]*

Attachment  
a/s

E5.3. SAMPLE OF A REQUEST TO PUBLISH A CLOSED MEETING NOTICE  
MEMORANDUM

Use the following format when announcing a meeting that is NOT open to the public and MUST be coordinated with the appropriate General Counsel:

(Use appropriate Letterhead)

*[Insert date]*

MEMORANDUM FOR DIRECTOR, WASHINGTON HEADQUARTERS SERVICES

SUBJECT: Conference Meeting of the *[insert subject of meeting]*

Request the attached notice announcing a Conference Meeting of the *[insert subject of meeting]* be published in the Federal Register. The point of contact for this notice is *[insert point of contact and telephone number.]* The determination, as required by title 5, United States Code is as follows:

DETERMINATION TO CLOSE ADVISORY COMMITTEE MEETINGS

The Scientific Visual Agency will meet in closed session on *[insert date of meeting.]* The mission of the Agency is to *[insert purpose of the meeting.]*

According to section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-453, as amended (5 U.S.C. App 11 (1988)), it has been determined that this meeting will be closed to the public. The above determination is based on the consideration that it is expected that discussions will involve classified matters of national security concern. To permit the meeting to be open to the public would prevent discussion of such matters and would greatly diminish the ultimate use of the Agency's findings or recommendations to the Secretary of Defense.

*[Signature of PSA, Director of Defense Agency or  
Designated Federal Officer]*

Attachment  
a/s

---

*[DoD GC coordination]*

E6. ENCLOSURE 6  
FR AND CFR PUBLICATION CHECKLISTS

As a reminder, use the following checklists to ensure all materials and/or actions have been completed:

E6.1. CHECKLIST FOR RULES

	Items to forward to the FRLO
	<ul style="list-style-type: none"> <li>• Description of rules</li> </ul>
	<ul style="list-style-type: none"> <li>• Electronic version of document with each page numbered</li> </ul>
	<ul style="list-style-type: none"> <li>• Certification Memorandum address the following:</li> </ul>
	<ul style="list-style-type: none"> <li>• Executive Order 12866</li> <li>• Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b))</li> <li>• Unfunded Mandates Act of 1995 (Sec. 202, Pub. L. 104-4)</li> <li>• Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35)</li> <li>• Federalism (Executive Order 13132)</li> </ul>
	<ul style="list-style-type: none"> <li>• Impact Analysis, if required</li> </ul>
	<ul style="list-style-type: none"> <li>• Economic Analysis, if required</li> </ul>
	<ul style="list-style-type: none"> <li>• Unified Agenda Questionnaire</li> </ul>
	<ul style="list-style-type: none"> <li>• DoD GC coordination (Proposed and final rule)</li> </ul>
	<ul style="list-style-type: none"> <li>• LA coordination (Final rule)</li> </ul>
	<ul style="list-style-type: none"> <li>• Coordination matrix</li> </ul>
	<ul style="list-style-type: none"> <li>• All items discussed by FRLO have been addressed by originator</li> </ul>

E6.2. CHECKLIST FOR NOTICES

	Items to forward to the FRLO
	<ul style="list-style-type: none"> <li>• Electronic version of document with each page numbered</li> </ul>
	<ul style="list-style-type: none"> <li>• Request to publish memorandum</li> </ul>
	<ul style="list-style-type: none"> <li>• Forward notice at least 20 days prior to the meeting</li> </ul>
	<ul style="list-style-type: none"> <li>• A justification is included in the notice when it is to be published less than 15 days prior to the meeting</li> <li>• A justification is provided to the FRLO when not included. The FRLO will insert justification into the notice before sending to the FR for publication</li> </ul>
	<ul style="list-style-type: none"> <li>• Statement of Determination for closed meeting</li> </ul>
	<ul style="list-style-type: none"> <li>• DoD GC coordination</li> </ul>
	<ul style="list-style-type: none"> <li>• Original paper version of Presidential document to be published</li> </ul>