

Appendix 2: Analytical Requirements Cited in the 100 Major Rules Published in Calendar Year 2010

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
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¹ The information in this column is drawn from GAO's reports to Congress on major rules submitted under the Congressional Review Act (available at <http://gao.gov/legal/congressact/fedrule.html>). In some cases, the cost-benefit information in the GAO report was shortened to fit the allotted space. In other cases, additional information was drawn from the preambles of the rules (indicated by the use of brackets [] in the text).

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>I. Department of Energy</p> <p>Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products (Dishwashers, Dehumidifiers, Microwave Ovens, and Electric and Gas Kitchen Ranges and Ovens) and for Certain Commercial and Industrial Equipment (Commercial Clothes Washers [CWW]) (1904-AB93)</p> <p>75 FR 1122</p> <p>1/8/2010</p>	<p>DOE said the benefits include energy savings, life cycle costs (LCC) savings for CCW consumers, positive national net present value, and emissions reductions. The costs include loss of manufacturer industry net present value and LCC increases for some CCW consumers. [DOE indicated in the preamble to the rule that it was expected to result in losses to manufacturers of less than \$10 million (M), but the net present value of consumer benefits were estimated to be between \$400M \$900M (in 2008 dollars).]</p>	<p>DOE said it prepared an environmental assessment as part of the technical supporting document for the final rule. Concluded environmental effects were insignificant so issued a finding of no significant impact (FOSNI). Said the assessment was available in the docket and summarized it in the preamble.</p>	<p>DOE certified that the rule would not have a significant economic impact on a substantial number of small entities (SEISNSE), providing information showing CCW manufacturers were not considered "small,"</p>	<p>DOE said the rule does not contain any new PRA information collections or recordkeeping requirements.</p>	<p>DOE said the analytical requirements of Section 202 "substantially overlap" with the requirements in EO12866 and the Energy Policy and Conservation Act (EPCA), and referred readers to those sections of the RIA. Pursuant to Section 205 of UMRA, explained why DOE did not select the least burdensome option (noting requirements in EPCA).</p>	<p>DOE said the rule was economically significant under EO12866, and described need and alternatives. EPCA says standard must be designed to "achieve the maximum improvement in energy efficiency" that "is technologically feasible and economically justified." (42 U.S.C. 6295(o)(2)(A) and 6316(a)). Also, the standard must "result in significant conservation of energy." (42 U.S.C. 6295(o)(3)(B) and 6316(a))</p> <p>DOE said the rule did not require a family assessment under Section 654 of the Treasury and General Government Appropriations Act, 1999 (P.L. 105-277), did not have federalism implications under EO13132, was not a significant energy action under EO13211, and did not result in any takings under EO12630.</p>

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<p>2. Securities and Exchange Commission</p> <p>Custody of Funds or Securities of Clients by Investment Advisers (3235-AK32)</p> <p>75 FR 1456</p> <p>1/11/2010</p>	<p>SEC said the benefits would be substantial, including increasing investors' confidence when obtaining advisory services from registered investment advisers, resulting in efficiency and capital formation. Additionally, SEC anticipates that investment advisers will find it easier to understand and comply with the rule as a result of the amendments, which may result in cost savings for advisers. SEC estimated that the aggregate costs for complying with the amendments to the final rule and related forms would be \$126,278,204. Of this amount, SEC estimated that \$1,195,000 is a one-time computer system programming cost. The recurring costs under the rule are for the surprise examinations, internal control reports, and the burden hours associated with the changes to two related forms.</p>	No mention.	<p>SEC prepared a FRFA describing need for the rule, issues raised by comments, small entities affected, compliance requirements, and SEC efforts to minimize those effects.</p>	<p>SEC said the rule contained PRA collections of information, and submitted them to OMB for approval. Discussed each collection in detail, and provided burden hour estimates.</p>	No mention.	<p>The preamble contains a detailed discussion of costs and benefits in section entitled "Cost-Benefit Analysis," but does not cite a particular analytical requirement.</p> <p>SEC also discussed compliance with Section 202(c)(1) of the Advisers Act, which requires SEC to "consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation." Also discussed compliance with Section 204, which says SEC must consider whether the rule is "necessary or appropriate in the public interest or for the protection of investors."</p>

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<p>3. Department of Housing and Urban Development</p> <p>HOPE for Homeowners Program; Statutory Transfer of Program Authority to HUD and Conforming Amendments To Adopt Recently Enacted Statutory Changes (2502-A176)</p> <p>75 FR 1686</p> <p>1/12/2010</p>	<p>HUD did not prepare an analysis of the costs and benefits of this interim rule, but did prepare an Economic Analysis. [HUD found that the economic impacts from the changes in this interim rule stem largely from increased participation in the H4H program. HUD estimated that, with 10,000 participants annually, the H4H program will generate \$273M in net benefits to society and that H4H participation could be as high as 137,500 households over the life of the program, with commensurately higher benefits.]</p>	<p>HUD said a FONSI “has been made” and was available for public inspection at HUD. No other information provided.</p>	<p>HUD certified that the rule would not have a SEISNSE (because the rule provides more flexibility and does not impose new regulatory burdens).</p>	<p>HUD said that OMB had approved the information collection requirements, but did not provide details (although could be obtained through OMB control number 2502-0579).</p>	<p>HUD said that the rule would not impose any mandate “within the meaning of UMRA.”</p>	<p>HUD said that the rule was economically significant under EO 12866 and says an economic analysis is available in the docket by contacting HUD or on the department’s website. Provided brief description of costs and benefits.</p> <p>Says rule does not have federalism implications under EO 13132.</p>

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<p>4. Department of Transportation, Federal Railroad Administration (FRA)</p> <p>Positive Train Control (PTC) Systems (2130-AC03)</p> <p>75 FR 2598</p> <p>1/15/2010</p>	<p>FRA estimated the total 20-year discounted costs (e.g., from implementation plans and hardware) to be between about \$13.2 billion (B) and \$9.5B. Expected benefits include reduced railroad accident and business benefits from efficiency gains. The first type would include safety benefits or savings expected to accrue from the reduction in the number and severity of casualties arising from train accidents that would occur on lines equipped with PTC systems. FRA estimated the total 20-year discounted benefits to be \$673.8M at a 3-percent discount rate and \$439.7M at a 7-percent discount rate.</p>	<p>FRA concluded that the rule was not a major action significantly affecting the quality of the human environment. Because it is categorically excluded from detailed environmental review procedures.</p>	<p>FRA prepared a FRFA, and planned to issue a small entity guidance document soon. Lengthy discussion of FRFA in preamble, including need, small entities affected, compliance requirements, and efforts to minimize burden.</p>	<p>FRA said the information collection requirements “have been submitted for approval” to OMB, and details the requirements, including burden hour estimates for dozens of collections. OMB is required to make a decision between 30 and 60 days after publication of the final rule.</p>	<p>FRA said the annual non-statutory costs to railroads do not exceed the \$141.3M UMRA threshold, so UMRA does not apply. Said the bulk of the costs are attributable to the statute, not the rule.</p>	<p>FRA said the rule was significant under EO12866 and the RIA was available in the docket. Provided detailed summary of costs and benefits in the preamble.</p> <p>Under EO13132, FRA said the rule would “have no federalism implications, other than the preemption of state laws,” which occurs because of the statute underlying the rule. Therefore, no federalism impact statement was deemed needed.</p> <p>FRA said the rule is not a “significant regulatory action” within the meaning of EO13211.</p>

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<p>5. Federal Reserve System and Federal Trade Commission</p> <p>Fair Credit Reporting Risk-Based Pricing Regulations (3084-AA94)</p> <p>75 FR 2724</p> <p>1/15/2010</p>	<p>According to the Commission, the estimated average annual labor cost for all categories of entities covered by this final rule would be about \$252M or \$1,263 per covered entity. The benefits of this final rule identified by the Commission include: (1) educating consumers about the role that their consumer reports play in the pricing of credit; and (2) alerting consumers to the existence of potentially negative information in their consumer reports so that they may check their reports and correct any inaccurate information. The Commission expects more consumers will check their credit reports because of the rule, which will result in improving the accuracy of credit reports generally. Thus, the Commission believes that the benefits of the rule substantially outweigh the costs to those engaged in risk-based pricing.</p>	No mention.	<p>The agencies certified that rules would not have SEISNSE based on SBA size standards, but still decided to do a FRFA. Agencies separately discussed need, issues raised in comments, small entities affected, compliance requirements, and efforts to minimize impacts on small entities.</p>	<p>The agencies said OMB withheld formal PRA action pending review of the joint final rule, so the Board used delegated authority to approve the collection. Detailed burden estimates, and provided details of analysis.</p>	No mention.	No mention of other analysis requirements.

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<p>6. Department of Homeland Security, Federal Emergency Management Agency (FEMA)</p> <p>Special Community Disaster Loans (CDL) Program (1660-AA44)</p> <p>75 FR 2800</p> <p>1/19/2010</p>	<p>FEMA estimated that the annual estimated cost to submit the application for loan cancellation would be \$4,850.32. FEMA said that if all 152 loan recipients are found eligible for full cancellation, nearly \$1.3B plus any applicable interests and costs, could be forgiven. However, FEMA notes that it is impossible to predict the economic impact with precision because it cannot know the dollar amounts or number of loans that will be cancelled. Also, although the impact of the final rule may be spread over multiple years, the total economic effects of a specific loan cancellation would only occur once, rather than annually.</p>	<p>FEMA said rule would not have significant effect on the human environment, and therefore does not require an environmental assessment or an environmental impact statement. Cited categorical exclusions</p>	<p>FEMA certified that rule would not have a SEISNSE (minimal burden to apply for loan relief).</p>	<p>FEMA discussed OMB approval of the information collection and estimated the burden hours and costs.</p>	<p>FEMA said the rule was exempt from UMRA because the effects are conditions of financial assistance and provide requested emergency assistance or relief.</p>	<p>FEMA noted that the rule was economically significant under EO 12866, and discussed costs and benefits of loan cancellations.</p> <p>Said the rule did not trigger EO 13132 federalism effects.</p> <p>Said the rule would not effect a taking or otherwise have implications under EO 12630, and did not have effects on Indian tribal government (EO 13175).</p>

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<p>7. Department of Energy, Office of Energy Efficiency and Renewable Energy</p> <p>Weatherization Assistance Program for Low-Income Persons (1904-AB97)</p> <p>75 FR 3847</p> <p>1/25/2010</p>	<p>DOE said that the American Recovery and Reinvestment Act of 2009 provided \$5B (B) for the weatherization program, and that the grants provided under this program constitute transfer payments, meaning that they do not represent a change in the total resources available to society. DOE states that the final rule will have the benefit of improving weatherization. DOE acknowledges that the final rule could impact the process used by grantees and subgrantees to evaluate applications with respect to multi-unit buildings for the purpose of distributing funds provided under the Recovery Act, and that could potentially result in a change of the distribution of funding.</p>	<p>DOE said NEPA does not apply because of categorical exclusion for procedural rulemaking, and does not have environmental impacts.</p>	<p>Because the rule relates to grants, DOE said it is not subject to notice and comment, so the RFA's analytical requirements do not apply.</p>	<p>No mention.</p>	<p>DOE said the rule would not impose a federal mandate or trigger expenditures of \$100M per year, so no UMRA analysis required.</p>	<p>DOE said that the rule was economically significant under EO12866, and discussed grants as transfer payments.</p> <p>Under EO13132, DOE concluded rule will not preempt state law and will not have other federalism effects.</p> <p>DOE said it reviewed the rule under EO13211, and concluded that no further action was required because it was not a significant energy action. Also said the rule has no tribal implications under EO13175. DOE said the rule did not require a family assessment under Section 654 of the Treasury and General Government Appropriations Act, 1999 (P.L. 105-277).</p>

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<p>8. Department of the Treasury, Office of the Comptroller of the Currency; Federal Reserve System; Federal Deposit Insurance Corporation; Department of the Treasury, Office of Thrift Supervision</p> <p>Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs; and Other Related Issues (1557-AD26, 3064-AD48, 1550-AC36)</p> <p>75 FR 4636</p>	<p>The agencies did not include a cost-benefit analysis of the final rule. [In the preamble to the rule, the agencies stated that the rule (among other things) “eliminates the exclusion of certain consolidated asset-backed commercial paper programs from risk-weighted assets.” Affected parties indicated that this and other changes in the rule could increase the cost of lending to consumers and businesses.]</p>	<p>No mention.</p>	<p>Said rule would not have a SEISNSE, and briefly discussed why.</p>	<p>Agencies used authority delegated to the Board, and concluded that if forthcoming changes to instructions were significant, the proposal would be published for comment pursuant to the PRA. However, this rule had no PRA information collections.</p>	<p>OCC and OTS concluded that the rule would not result in expenditures of \$100M in any year, so no impact statement required.</p>	<p>Although economically significant, the agencies said they invoked the “emergency” provisions of Section 6(a)(3)(D) of EO 12866 because of the 11/15/09 deadline for the rule’s implementation. Did not indicate whether RIA was prepared.</p> <p>No other analytical requirements mentioned.</p>
<p>1/28/2010</p>						

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<p>9. Department of Agriculture, Food and Nutrition Service</p> <p>Food Stamp Program: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002 (0584-AD30)</p> <p>75 FR 4912</p> <p>1/29/2010</p>	<p>USDA estimated that the total costs to the government of this rule to be \$2.669B in fiscal year 2010 and \$13.541B over the 5 years fiscal year 2010 through fiscal year 2014. [In the preamble to the rule, USDA indicated that the first-year costs would be less than \$70M, and costs would be less than \$5M in each subsequent year.]</p>	<p>No mention.</p>	<p>FNS certified that the rule did not have a SEISNSE because the primary impact is on state and local human services agencies.</p>	<p>The rule changed the burden of approved collections. FNS said that implementation was contingent on OMB approval. Discussed burden changes for each collection in detail.</p>	<p>FNS said rule contained no mandates that impose costs of \$100M or more in any one year, so not subject to Sections 202 or 205 of UMRA.</p>	<p>USDA considered the rule economically significant, and did RIA (which was included as appendix to the rule). Discussed within each provision the estimated cost and participation impacts, the alternatives considered, and other issues.</p> <p>Said rule had federalism implications under EO 13132, and discussed consultation actions, nature of concerns, and extent to which concerns were met.</p> <p>FNS said it reviewed the rule under Department Regulation 4300-4, "Civil Rights Impact Analysis." Concluded no adverse impacts.</p>

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<p>10. Department of the Treasury, Internal Revenue Service; Department of Labor, Employee Benefits Security Administration; Department of Health and Human Services, Centers for Medicare and Medicaid Services</p> <p>Interim Final Rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (1545-BJ05; 1210-AB30; 0938-AP65)</p> <p>75 FR 5410</p> <p>2/2/2010</p>	<p>The departments said the costs include increased utilization of mental health and substance use disorder benefits, costs associated with cumulative financial requirements and quantitative treatment limitations, and review costs and costs associated with MHPAEA disclosures. They said the largest benefit will be from applying parity to cumulative quantitative treatment limitations to help ensure that vulnerable populations have better access to appropriate care. Another potential benefit is improvements in productivity and earnings. Because expenditures on mental health and substance use disorder benefits only comprise 3% to 6% of the total benefits covered by a group health plan and 8% of overall healthcare costs, the Departments expect that group health plans will lower cost-sharing on mental health and substance use disorder benefits.</p>	<p>No discussion.</p>	<p>Departments said RFA does not apply because of “good cause” exception to notice and comment. However, said considered impact on small entities as part of EO 12866 assessment. Effects minimized because rule does not apply to employers with 2 to 50 employees.</p>	<p>Labor and Treasury did preclearance consultation with public and agencies. Have submitted to OMB and soliciting comments from public. Provided estimates of burden hours and costs. HHS also solicited comments on its collections and burden hour and cost estimates.</p>	<p>Departments said rule was not subject to UMRA because it was issued as interim final rule (no NPRM).</p>	<p>Labor and HHS considered the rule economically significant under EO 12866, and did “comprehensive, unified analysis” of costs, benefits, and transfers from 2010 through 2019, including alternatives, affected entities, and cumulative effects. However, Treasury said the rule was not significant, so no assessment was required.</p> <p>The agencies said the rule had federalism implications under EO 13132, and discussed preemption and consultation efforts.</p>

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<p>11. Environmental Protection Agency</p> <p>Primary National Ambient Air Quality Standards for Nitrogen Dioxide (2060-AO19)</p> <p>75 FR 6474</p> <p>2/9/2010</p>	<p>EPA prepared a regulatory impact analysis of the potential costs and benefits associated with the final rule. However, the Clean Air Act and judicial decisions do not permit EPA to consider the economic and technical feasibility of attaining ambient air standards, so EPA did not consider the results of the cost-benefit analysis in developing the final rule. [According to the regulatory impact analysis for the rule, EPA estimated that in 2020, the costs would be between \$270M and \$510M, and the monetized benefits would be between \$120M and \$580M (all in 2006 dollars).]</p>	<p>No mention of EPA action re NEPA.</p>	<p>EPA certified the rule would not have a SEIS/NEPA because it establishes national standards that, by themselves, do not impose requirements on small entities.</p>	<p>Information collection requirements were submitted to OMB for approval. Provided brief discussion of need for information and costs. Said burden hours would not increase over current levels.</p>	<p>Because EPA cannot consider costs when setting NAAQS, EPA said the Section 202 written statement requirement does not apply (or Section 205).</p>	<p>EPA said the rule was significant under EO12866 because of novel legal or policy issues, but later said it was economically significant. Did RIA, but said it did not consider the results in developing final rule. No discussion of RIA in preamble.</p> <p>Said rule does not have federalism or Indian tribe implications, so EO13132 and EO13175 do not apply. Also said EO13211 on energy effects and EO12898 on environment justice did not apply. However, said rule is subject to EO13045 because it is economically significant and addresses disproportionate health effects on children (which are discussed in the RIA).</p>

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<p>12. Department of Agriculture, Agricultural Marketing Service (AMS)</p> <p>National Organic Program; Access to Pasture (Livestock) (0581-AC57)</p> <p>75 FR 7154</p> <p>2/17/2010</p>	<p>AMS said benefits include uniformity in application to the livestock regulations that will create equitable, consistent performance standards for all ruminant livestock producers, and a near elimination of violations of the pasture regulations. Costs include an increase in the cost of production for certain producers, including land and seed for pasture and costs associated with providing sufficient vegetation for grazing. Costs may be offset by the benefits of using improved pasture, which include a lower cost of purchased feed (grains and forages) per hundredweight of milk or meat produced, reduced forage harvest costs, and reduced veterinary costs. There may also be increased consumer prices in the long run.</p>	No mention.	AMS did an economic analysis of effects on small entities (noting that the RFA's requirements overlap with the RIA and PRA).	AMS submitted new information collection request to OMB for approval, which will be merged into an existing approval. Provided estimate of burden hours and costs.	No mention.	<p>AMS considered the rule significant under EO 12866, so did an RIA. Discussed need for rule, alternatives, baseline, benefits, costs, and other effects.</p> <p>Said the department also examined the rule in light of its Regulation 4300-4, Civil Rights Impact Analysis (CRIA) for any effects on women, minorities, and the disabled. (None found.)</p>

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<p>13. Federal Reserve System</p> <p>Truth in Lending (Docket No. R-1370)</p> <p>75 FR 7658</p> <p>2/22/2010</p>	<p>The Board did not perform a cost-benefit analysis in conjunction with the final rule. [In the rule summary, FRS stated that the rule “establishes a number of new substantive and disclosure requirements to establish fair and transparent practices pertaining to open-end consumer credit plans, including credit card accounts. In particular, the rule limits the application of increased rates to existing credit card balances, requires credit card issuers to consider a consumer’s ability to make the required payments, establishes special requirements for extensions of credit to consumers who are under the age of 21, and limits the assessment of fees for exceeding the credit limit on a credit card account.”]</p>	No mention.	<p>The Board concluded the rule would have a SEISNSE and discussed different elements of the analysis (statement of need, small entities affected, alternatives, and the recordkeeping, compliance, and reporting requirements.</p>	<p>The Board discussed delegated review and approval, and burden estimates.</p>	No mention.	No other analytical requirements mentioned.

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<p>14. Environmental Protection Agency</p> <p>National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines (RICE) (2060-AP36)</p> <p>75 FR 9648</p> <p>3/3/2010</p>	<p>EPA determined that the rule would reduce total hazardous air pollutant emissions from RICE by 1,010 tons per year (tpy) beginning in 2013. It was expected to reduce other pollutants, such as carbon monoxide (by 14,000 tpy in 2013), fine particulate matter (PM) (by 2,800 tpy in 2013), and volatile organic compounds (VOC) (by 27,000 in 2013). It would also reduce emissions of sulfur oxide through the use of ultra low sulfur diesel (ULSD) fuel by zero to 31,000 tpy in 2013. EPA estimated the total capital cost to be \$744M, with a total national annual cost of \$373M in 2013. Monetized benefits of the rule (co-benefits associated with reducing PM) were expected to be between \$940M and \$2.3B (using a 3-percent discount rate) or between \$850M and \$2.1B (using a 7-percent discount rate) in 2013.</p>	<p>No mention.</p>	<p>EPA certified no SEISNSE because only 5% of small businesses will have costs greater than 1% of sales. Said the Economic Impact and Small Business Analysis “can be found in the Regulatory Impact Analysis for this final rule.”</p>	<p>EPA said information collections have been submitted to OMB for approval. Provided estimates of burden hours and costs.</p>	<p>EPA prepared Section 202 written statement, and summarized it in the preamble. Discussed social costs and benefits, future and disproportionate costs, and effects on the national economy,</p>	<p>EPA considered the rule economically significant so submitted it to OMB for approval. No discussion of costs/benefits here, but later mentions RIA having been done, and summarizes it under the UMRA heading.</p> <p>Said EO13132 on federalism and EO13175 on tribal governments do not apply to the rule because it primarily affects private industry. Said EO13045 on children and environmental effects does not apply because the rule is “based solely on technology performance.” Did an analysis of energy effects (discussed in preamble), but concluded the rule was not a “significant energy action” under EO13211. Also concluded that EO12898 on environmental justice did not apply.</p>

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15. Securities and Exchange Commission Money Market Fund Reform (3235-AK33) 75 FR 10060 3/4/2010	SEC concluded that the benefits justify the costs. SEC believes that the benefits of this rule include reducing money market funds' exposure to credit, interest rate, and liquidity risks, among other benefits. SEC also recognized that this rule might cause the yields of funds to decrease in some circumstances, among other costs. Most of the costs are discussed in terms of paperwork burden hours.	No mention.	SEC certified that the rule would not have a SEISNSE. Explained in a footnote that no small entities would be affected.	Rule contains three new information collections and three revisions of existing collections. Preamble contains detailed discussion of burden/cost estimates.	No mention.	SEC analyzed costs and benefits, but did not cite a requirement to do so. Discussed in detail the requirements, benefits, and costs of each provision. Also said Section 2(c) of the Investment Company Act (15 U.S.C. 80a-2(c)) requires the SEC to consider "whether the action will promote efficiency, competition, and capital formation." Rule contains detailed discussion of each section in this context.

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<p>16. Department of Energy</p> <p>Energy Conservation Program: Energy Conservation Standards for Small Electric Motors (1904-AB70)</p> <p>75 FR 10874</p> <p>3/9/2010</p>	<p>DOE analyzed the costs and benefits of this final rule. DOE estimated that the annualized costs of this rule to be \$263.9M per year at a 7-percent discount rate and \$263.7M per year at a 3-percent discount rate. DOE estimated a range of possible values for the total monetary benefits of this final rule, depending on the discount rate, low versus high energy prices, and other factors. DOE's lowest estimate of the benefits of this rule is \$867.5M and its highest estimate is \$1,358.8M.</p>	<p>DOE said it prepared an environmental assessment of the impact of the rule (a chapter within the technical supporting document). Found impacts would be insignificant, so issued a FONSI (available in the docket).</p>	<p>DOE certified no SEIS/NE because no small manufacturers would be affected.</p>	<p>Rule contained no new information or recordkeeping requirements.</p>	<p>DOE said the rule requires a written statement under Section 202 of UMRA, but said the preamble, RIA, and technical supporting document prepared for the rule satisfies the requirements.</p>	<p>Energy Policy and Conservation Act (EPCA) directs DOE to adopt energy conservation standards that are "technologically feasible and economically justified," and would result in significant energy savings (42 U.S.C. 6317(b)(1)-(2)). Extensive discussion of those effects under "Analytical Results."</p> <p>EPCA discussion largely repeated and expanded in section on EO12866. DOE said the RIA was done pursuant to EO2866, and is available in the technical supporting document.</p> <p>Concluded no action needed re EO13132 on federalism, EO12630 on takings, or EO13211 on energy effects. Also concluded no family assessment needed under Section 654 of P.L. 105-277.</p>

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17. Securities and Exchange Commission Amendments to Regulation SHO (3235-AK35) 75 FR 11232 3/10/2010	SEC said the benefits included promoting capital formation and restoring investor confidence in the securities market. SEC estimated the rule will have an average (1) one-time cost of \$68,381 to \$86,880 per trading center to establish the written policies and procedures under this rule; (2) annual on-going cost of \$18,588 per trading center to ensure that the written policies and procedures are up-to-date and remain in compliance; (3) annual cost of \$102,768 per trading center for on-going enforcement of trading compliance; (4) one-time cost of \$68,381 per broker-dealer establishing the written policies and procedures; (5) annual cost of \$18,588 per broker-dealer to ensure that written policies are in compliance; and (6) annual cost of \$102,768 per broker-dealer for on-going monitoring for and enforcement of trading.	No mention.	SEC prepared FRFA discussing need for and objectives of rule, issues raised in public comments, small entities affected, compliance requirements, and alternatives considered.	Preamble contains lengthy discussion of PRA issues, including burden hour estimates and costs.	No mention.	Preamble contains lengthy section entitled "Cost-Benefit Analysis" (replicating some of the information in the PRA section), but no specific analytical requirement cited. Also noted Section 3(f) of Exchange Act, requiring SEC to consider effects on efficiency, competition, and capital formation, and Section 23(a)(2) of the Act, requiring consideration of effects on competition. Preamble contains lengthy discussion of these issues.

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
18. Department of Education Investing in Innovation Fund (1855-AA06) 75 FR 12004 3/12/2010	Education said the costs would be limited to the paperwork burden related to preparing an application, and that the benefits of the rule would outweigh any costs incurred by applicants. Education believes that the benefits of the final rule would be priorities, requirements, definitions, and selection criteria that would result in the selection of high-quality applications that are most likely to have a significant national impact on educational reform and improvement. Education estimated that the final rule will result in associated expenditures of \$643M from the federal government to local educational agencies (LEAs) and nonprofit organizations.	No mention.	Education certified the rule had no SEISNSE as minimal costs are offset by the benefits of the grants.	Education provided estimates of burden hours and costs for each grant type.	No mention.	Education discussed cost-benefit analysis under EO 12866, including need for action, costs, benefits, transfers, and alternatives considered.

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>19. Department of Health and Human Services, Food and Drug Administration</p> <p>Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents (0910-AG33)</p> <p>75 FR 13225</p> <p>3/19/2010</p>	<p>FDA did not include a cost-benefit analysis of the final regulations under this Act. [In the preamble, FDA referenced an earlier rule in which the agency estimated the annual costs at between \$174M and \$187M, and monetized the health benefits (e.g., 60,000 premature deaths avoided) at between \$28B and \$43B per year.]</p>	No mention.	No mention.	<p>FDA would submit the information collection provisions to OMB for reinstatement of those approved in 1995.</p>	No mention.	<p>Although economically significant under EO 12866, FDA said OMB did not require a new RIA because the statute required a rule identical to that issued in 1996.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>20. Environmental Protection Agency</p> <p>Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program (2060-AO81)</p> <p>75 FR 14670</p> <p>3/26/2010</p>	<p>EPA estimated that the 2022 impact on gasoline costs would be -2.4 cents per gallon; on diesel costs, -12.1 cents per gallon; on overall fuel costs, - \$11.8B; and on gasoline and diesel consumption, -13.6B gallons. EPA also estimated that the total capital costs through 2022 would be \$90.5M. The estimated food costs would be 8.2% for corn, 10.3% for soybeans, and \$10 per capita. EPA estimated the economic impacts of this rule to be \$2.6B for energy security, between -\$630M and -\$2.2B for monetized health impacts, between \$600M and \$12.2B for monetized greenhouse gases impacts, -\$41.5B in oil impacts, 3.6B in farm gate food, \$13B in farm income, -\$57M in corn exports, and -\$453M in soybean exports. EPA estimated the total benefit for this rule in 2022 to be between \$13B and \$26B.</p>	No mention.	EPA prepared FRFA (after SBAR panel and IRFA), and described in detail expected effects, small entities affected, and alternatives considered.	Information collection requirements submitted to OMB. EPA estimated the burden hours (1.485M hours) and costs (\$112M) of complying with these requirements.	EPA said the rule contains a private sector mandate, but said the discussion of costs and benefits is contained in the RIA.	<p>Considered economically significant under EO12866, so EPA did cost-benefit analysis that is “contained in the Regulatory Impact Analysis.” No discussion of results in this section, but said available in the docket and on the website. Also, extensive discussion earlier in preamble of expected costs and benefits of the rule.</p> <p>Said rule was not subject to EOs13132 (federalism), 13175 (Indian tribes), 12898 (environmental justice), or 13211 (energy).</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>21. Department of Justice, Drug Enforcement Administration</p> <p>Electronic Prescriptions for Controlled Substances (1117-AA61)</p> <p>75 FR 16236</p> <p>3/312010</p>	<p>DEA estimated that the total annualized costs associated with the interim final rule would be between \$41.8M and \$43.3M, and provided separate estimates for practitioners, hospitals, pharmacies, and others. DEA said benefits derive from eliminating a number of callbacks to clarify prescriptions from pharmacies to doctors would be \$419M to \$438M, and could also reduce the patient's wait time at the pharmacy, which DEA estimated will provide annualized savings over 15 years of about \$1B. Would also allow pharmacies to eliminate file cabinets currently used to store original prescriptions for 2 years, which DEA estimated will provide a cost-savings for pharmacies of about \$1.4M. DEA also believes the interim final rule will directly affect drug diversion, and will help reduce adverse drug events that result from medication errors.</p>	No mention.	<p>DEA said the RFA analysis was included in the economic impact analysis. Summarized the results. Concluded that although the rule would impact a substantial number of small entities, none would experience a significant economic impact (so no SEISNSE).</p>	<p>DEA provided estimates of burden hours and costs of the information collections required in the rule.</p>	<p>DEA said no actions under UMRA were necessary because the rule would not result in expenditures of \$120M in any year. Also said the analysis for effects on private sector is included in the economic impact analysis.</p>	<p>Under heading of EO 12866, DEA said copy of the economic impact analysis is available online or by contacting DEA. Provided lengthy discussion of the analysis and responded to public comments.</p> <p>Rule contains lengthy discussion of risk assessment to determine the level of assurance needed to allow the use of electronic prescriptions for controlled substances (required by OMB's E-Authentication Guidance for Federal Agencies (M-04-04)).</p> <p>Said no federalism implications under EO 13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>22. Federal Reserve System</p> <p>Electronic Fund Transfers (Docket No. R-1377)</p> <p>75 FR 16580</p> <p>4/1/2010</p>	<p>The Board did not perform a cost-benefit analysis in conjunction with the final rule. [In the rule summary, FRS stated that the rule “restricts a person’s ability to impose dormancy, inactivity, or service fees for certain prepaid products, primarily gift cards. The final rule also, among other things, generally prohibits the sale or issuance of such products if they have an expiration date of less than five years. The amendments implement statutory requirements set forth in the Credit Card Accountability Responsibility and Disclosure Act of 2009.”]</p>	<p>No mention.</p>	<p>The Board did a FRFA-type analysis, but concluded that rule would not have a SEISNSE.</p>	<p>The Board reviewed the final rule under delegated authority. Described the nature of the information collections and burden estimates.</p>	<p>No mention.</p>	<p>Board said RFA analysis and section-by-section analysis serves as the economic impact analysis pursuant to Section 904(a)(2) of the Electronic Fund Transfer Act (15 U.S.C. 1993 et seq.).</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
23. Department of Education Race to the Top Fund (1810-AB10) 75 FR 16668 4/2/2010	Education determined that this interim final rule would not impose additional costs to state applicants, grantees, or the federal government. A state applicant may take additional time to create or revise its Race to the Top budget so that it conforms to the required budget range if the state had intended to request more than the maximum in the range. However, Education believes that the benefits outweigh any potential burden that the interim final rule may cause. [In the preamble to the rule, Education stated that the fund “seeks to spur reform of the country’s education system,” and that the final rule was issued without prior public comments “in order to make timely grant awards with ARRA funds.”]	No mention.	Education certified that rule would not have a SEISNSE because only states can receive the funds.	Education received previous emergency approval, and would submit new request for approval to OMB. No discussion of burden hours or costs.	No mention.	Education said it analyzed costs and benefits pursuant to EO 12866, but provided only cursory summary of the results in the preamble. No mention of RIA or availability elsewhere. No other analytical requirements mentioned.

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>24. Department of Transportation, Federal Motor Carrier Safety Administration</p> <p>Electronic On-Board Recorders for Hours-of-Service Compliance (2126-AA89)</p> <p>75 FR 17208</p> <p>4/5/2010</p>	<p>FMCSA performed a cost-benefit analysis in conjunction with the final rule. FMCSA determined that the costs of the final rule on an annualized basis over a 10-year horizon would be \$139M. The costs analysis estimated the cost of carriers coming into compliance with the hours of service rules, and includes the electronic on-board recorders required to be compliant with the rule, as well as training time costs for drivers, administrative staff, and state enforcement personnel. FMCSA determined the benefits of the final rule to be \$182M annually, which includes safety benefits of electronic on-board recorder use by estimating reductions in hours of service violations and resulting reductions in fatigue-related crashes.</p>	<p>FMCSA prepared an environmental assessment under NEPA, but ultimately issued a FONSI for the rule.</p>	<p>FMCSA prepared a business impact analysis for the rule, but concluded it would not have a SEISNSE.</p>	<p>Information collection's burden hours and costs were summarized in the preamble.</p>	<p>FMCSA said because the rule would not require expenditures of more than \$141M in any year, UMRA is not triggered.</p>	<p>FMCSA said the rule was considered economically significant under EO 12866, so did RIA. Summarized cost and benefit information in preamble.</p> <p>Said requirements of EOs 13211 (energy), 12898 (environmental justice), 13045 (children), 12630 (takings) did not apply to this rule.</p> <p>FMCSA said it also did a privacy impact assessment under Section 522(a)(5) of the 2005 appropriations bill (P.L. 108-447), and described the results of the assessment.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>25. Department of Defense, Office of the Secretary</p> <p>TRICARE; Relationship Between the TRICARE Program and Employer-Sponsored Group Health Coverage (0720-AB17)</p> <p>75 FR 18051</p> <p>4/9/2010</p>	<p>An updated analysis of DOD's cost and population data for FY2009 indicates that the average MHS cost per active duty family members (NADFM) user under age 65 was \$3,975 (in FY2009 dollars). After adjusting for inflation to FY2010, DOD estimated that the FY2010 cost per NADFM user is \$4,293. Multiplying this cost per user by the 14,921 NADFM users who would shift to OHI rather than using TRICARE, due to section 707, yields an annual estimated cost impact of \$64.1M in savings for FY2010. Based on a trend of 7-percent inflation offset by a projected 2-percent annual decrease in non-active duty family members under age 65, DOD estimated savings of \$64M to \$82M in savings each year from FY2010 to FY2015.</p>	No mention.	DOD certified that the rule would not have a SEISNSE, but did not explain why.	DOD said the rule would impose additional information collection requirements, but referred reader to a 12/31/08 Federal Register notice for more information. (No OMB number or burden hour estimate provided.)	DOD said the rule does not contain mandates that may result in \$100M in expenditures.	<p>Rule was considered economically significant under EO 12866 based on CBO estimate, but DOD believed that it was too high. Nevertheless, DOD considered the rule economically significant and provided estimate of the number of beneficiaries and costs/benefits (savings) from the rule in the preamble.</p> <p>Said rule would not have federalism implications under EO 13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>26. Department of Health and Human Services, Food and Drug Administration</p> <p>Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Flunisolide, etc.) (0910-AF92)</p> <p>75 FR 19213</p> <p>4/14/2010</p>	<p>FDA said the benefits include environmental and public health improvements by reducing emissions, and increased returns on investments in environmentally friendly technology and continued international cooperation to comply with the spirit of the Montreal Protocol. Costs include increased spending for needed medicines used to treat asthma and other diseases. Social costs include the health benefits lost through decreased use of medicines that may result from increased prices. FDA estimated that private, third-party, and public expenditures on inhaled medicines could increase by roughly \$90M to \$280M per year.</p>	<p>FDA said the rule would not have a significant negative impact on the environment, so no NEPA analysis was required. Documentation of this determination was reportedly available in the FDA docket.</p>	<p>FDA certified that there was no SEIS/NEPA because only one small manufacturer would be significantly affected.</p>	<p>There were no information collections as part of the rule, so no PRA analysis.</p>	<p>FDA said the rule was expected to result in expenditures in one year of more than \$133M. However, no UMRA written statement was provided separate from the discussion of the results of the economic analysis conducted under EO12866.</p>	<p>FDA said the rule was economically significant under EO12866. Did economic analysis showing baseline, costs, and benefits, and did a sensitivity analysis using different assumptions.</p> <p>Said rule did not have federalism implications under EO13132, so impact statement not required.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>27. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare Program; Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs (0938-AP77)</p> <p>75 FR 19678</p> <p>4/15/2010</p>	<p>CMS estimated that the total cost of this rule in calendar year 2010 would be approximately \$260.3M, and that the rule will have a total net savings over the 6-year period 2010 to 2015 of \$341.70M. CMS also predicts that this rule will improve coordination of care, increase quality of data reporting, increase ability to comply with existing regulations and policies, enhance appeal and grievance procedures, and curtail illegal marketing practices. Additionally, CMS expects this rule to clarify timeframes and notification requirements.</p>	No mention.	CMS certified no SEISNSE because no change in revenue of more than 3% to 5%.	Provided estimates of burden hours for 11 different information collections covered by the PRA. Other information collections are described as not covered.	CMS said rule is expected to require spending in any one year of \$135M, so a Section 202 written statement was required. However, no separate UMRA analysis prepared.	<p>Did a single RIA covering the requirements in EO12866 and UMRA. Discussed need, costs, benefits, alternatives, and other issues.</p> <p>Concluded that no RIA is required under Section 1102(b) of the Social Security Act because rule is not expected to have a significant impact on a substantial number of rural hospitals.</p> <p>Said no federalism implications under EO13132, so no impact statement is required.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>28. Department of Defense, Office of the Secretary</p> <p>Retroactive Stop Loss Special Pay Compensation (0790-AI59)</p> <p>75 FR 19878</p> <p>4/16/2010</p>	<p>DOD did not include a cost-benefit analysis with the final rule. [In the preamble to the rule, DOD indicated that it was economically significant because “The Supplemental Appropriations Act, 2009 appropriated \$534,400,000 to the Department of Defense, to remain available for obligation until expended: Provided, that such funds shall be available to the Secretaries of the military departments only to make payment of claims specified by this law.”]</p>	No mention.	DOD said it “has been certified” no SEISNSE, but did not explain why.	DOD said it “has been certified” that the rule contained no PRA information collections, but then said the requirements had been approved by OMB and assigned a control number (0704-0464).	DOD certified that there was no federal mandate under UMRA of \$100M. (No further explanation.)	<p>Although DOD said that it “has been certified” that the rule was economically significant, there is no discussion of an RIA. DOD did discuss the estimated size of stop loss payments.</p> <p>DOD certified there were no federalism implications under EO 13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>29. Department of Energy</p> <p>Energy Conservation Program: Energy Conservation Standards for Residential Water Heaters, Direct Heating Equipment, and Pool Heaters (1904-AA90)</p> <p>75 FR 20112</p> <p>4/16/2010</p>	<p>DOE said that rule would save about 2.81 quads Btu of energy over a 30-year period, and eliminate the need for three new 250 MW power plants, resulting in reductions of about 164M tons of carbon dioxide, and reductions of about 124 kilotons of nitrogen oxides and 0.54 tons of power plant mercury. Annual monetized benefits of the rule would be \$1,676M per year, using a 7-percent discount rate, and \$2,020.5M per year using a 3-percent discount rate. The costs are estimated to be \$1,284.9 per year using a 7-percent discount rate, and \$1,249.3 per year using a 3-percent discount rate.</p>	<p>DOE prepared an environmental assessment (as part of the technical supporting document), but concluded the effects were insignificant so issued a FONSI.</p>	<p>Certified no SEIS/NE for water heater manufacturers, but prepared FRFA because of impacts on direct heating equipment manufacturers. Detailed discussion of a range of issues, including the number of small entities affected, issues raised in comments, costs and benefits, and alternatives.</p>	<p>Rule contains an information collection requirement, which was estimated in the proposed rule at 30 hours per response. Collection approved by OMB.</p>	<p>Said the rule would require more than \$100M in expenditures in a year, but said the technical supporting document and the RIA satisfy the Section 202 written statement requirement.</p>	<p>Analysis primarily done pursuant to the Energy Policy and Conservation Act, which requires that energy conservation standards be designed to achieve the maximum improvement in energy efficiency that is “technologically feasible and economically justified” (42 U.S.C. 6295(o)(3)(B)). Lengthy discussion of benefits, costs, and other issues. RIA required under EO12866 is described as “contained in the [technical supporting document] prepared for the rulemaking.”</p> <p>Prepared a peer review report pursuant to OMB’s 2005 bulletin. Said no action required re Section 654 of P.L. 105-277 (family), EO13132 (federalism), EO13211 (adverse energy effects), or EO12630 (takings).</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>30. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicaid Program; Final FY2008, Revised Preliminary FY2009, and Preliminary FY2010 Disproportionate Share Hospital Allotments and Final FY2008, Revised Preliminary FY2009, and Preliminary FY2010 Disproportionate Share Hospital Institutions for Mental Disease Limits (0938-AP66)</p> <p>75 FR 21314</p> <p>4/23/2010</p>	<p>CMS said that the revised preliminary FY2009 IMD DSH limits being published in this notice are about \$22M greater than the preliminary FY2009 IMD DSH limits. Also, the preliminary FY2010 DSH allotments are about \$277M greater than the revised preliminary FY2009 DSH allotments and about \$585M greater than the preliminary FY2009 DSH allotments. CMS said the preliminary FY2010 IMD DSH limits being published in this notice are about \$21M greater than the revised preliminary FY2009 IMD DSH limits being published in this notice, and about \$43M greater than the preliminary FY2009 IMD DSH limits in part because the DSH allotment for a fiscal year is a factor in the determination of the IMD DSH limit for the fiscal year.</p>	No mention.	Certified no SEISNSE (because rule sets overall limits, not payments to particular hospitals).	Notice contains no information collection requirement.	Said rule would not have any consequential effects on state, local, tribal governments or the private sector, so no Section 202 analysis required.	<p>In a section entitled “Regulatory Impact Statement,” CMS said it examined the impact of the rule under EO12866, the RFA, Section 1102 of the Social Security Act, UMRA, and EO13132. Accounting statement shows \$33B in increased federal transfers to states. Also discussed different allotments in states.</p> <p>Certified no significant impact on operation of substantial number of small rural hospitals under Section 1102(b) of the Social Security Act. Also said EO13132 on federalism was not applicable.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>31. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicaid Program; State Flexibility for Medicaid Benefit Packages (0938-AP72)</p> <p>75 FR 23068</p> <p>4/30/2010</p>	<p>CMS said that the estimated aggregate federal savings for fiscal years 2006 through 2014 is \$4.97B, and that the estimated aggregate state savings for fiscal years 2006 through 2014 is \$3.36B. In a December 2008 rule, CMS estimated aggregate impacts for fiscal years 2006 through 2010 of \$2.28B in federal savings and \$1.72B in state savings. In this final rule, the updated aggregate impacts, for the same time period of fiscal years 2006 through 2010, are \$1.84B in federal savings and \$1.05B in state savings. As a result, relative to the December 3, 2008, final rule, CMS notes that this yields a reduction in the aggregate impacts of \$440M in federal savings and \$670M in state savings, for fiscal years 2006 through 2010.</p>	No mention.	Because the rule applies to state governments, CMS certified no SEISNSE (even though most health care providers are small entities).	Although some requirements are contained in an existing approved information collection, it will need to be revised to reflect changes. The revised package will be submitted to OMB for approval in the future.	Because the rule does not require state participation, CMS concluded there is no mandate requiring expenditures of \$135M in any year.	<p>CMS said it examined the impacts of the rule under EO12866 because it was economically significant. Estimated savings to the federal and state governments from 2006 through 2014 at different discount rates. Also discussed alternatives.</p> <p>Said rule does not trigger EO13132 on federalism because it does not impose direct costs on states or local governments and does not preempt state law.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>32. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment—Update for Rate Year Beginning July 1, 2010 (RY 2011) (0938-AP83)</p> <p>75 FR 23106</p> <p>4/30/2010</p>	<p>The net effect of the updates described in this notice results in an overall estimated \$95M increase in payments from rate year 2010 to rate year 2011. CMS does not expect changes in the quality of care or access to services for Medicare beneficiaries due to this notice. CMS contends that access to inpatient psychiatric facility (IPF) services will be enhanced due to the patient- and facility-level adjustment factors, all of which are intended to adequately reimburse IPFs for expensive cases. Also, the outlier policy is intended to assist IPFs that experience high-cost cases.</p>	<p>No mention.</p>	<p>Said HHS uses a 3% to 5% threshold under the RFA. Because the rule is expected to increase payments to providers by 2.26%, CMS said the rule would not impose a burden on small entities. Other affected parties (states and individuals) are not small entities.</p>	<p>The notice does not impose any information collection or recordkeeping requirements.</p>	<p>CMS said the rule would not result in expenditures of \$135M per year by governments or the private sector.</p>	<p>CMS said it examined the impacts of the notice under various analytical requirements (EO12866, UMRA, Section 1102 of the Social Security Act, EO13132, and the RFA). Considered the notice economically significant under EO12866 because of “redistributive effects.” Discussed budgetary and redistributive impacts, alternatives considered, and accounting statement.</p> <p>CMS determined that the notice would not have federalism implications under EO13132, or have a significant effect on rural hospitals under Section 1102 of the Social Security Act.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>33. Department of the Treasury, Office of Thrift Supervision</p> <p>Unfair or Deceptive Acts or Practices; Amendment (1550-AC38)</p> <p>75 FR 23565</p> <p>5/4/2010</p>	<p>OTS did not include any analysis of the final regulations. [In the preamble, OTS indicated that this rule removed a requirement that had been established by an earlier rule, which had been estimated to cost more than \$100M.]</p>	<p>No mention.</p>	<p>OTS certified that the rule would not have a SEISNSE (as the rule removes certain requirements).</p>	<p>OTS is removing the information collection requirements that were in subpart C.</p>	<p>Said rule will not result in expenditures of \$100M in any year. Therefore, no Section 202 written statement required.</p>	<p>OTS said it previously provided an RIA under EO12866 that addressed the impact of subpart C. Since that subpart is being eliminated by this rule, the impact is eliminated. No other RIA appears to have been prepared.</p> <p>Certified that rule will not have federalism implications under EO13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>34. Department of Health and Human Services, Office of the Secretary</p> <p>Early Retiree Reinsurance Program (0991-AB64)</p> <p>75 FR 24450</p> <p>5/5/2010</p>	<p>HHS said it believes that the costs imposed on sponsors that want to receive the early retiree reimbursement will not be significant relative to the payments received. Costs will consist of staff or contractor time to complete the applications to participate, file claims for reimbursement, and to comply with program requirement. HHS estimated that 11,300 respondents will generate 45,800 responses for a total burden of 854,675 hours and a total cost of \$39,820,607. [In the preamble, HHS stated that “Congress appropriated funding of \$5B for the temporary program,” which “provides reimbursement to participating employment-based plans for a portion of the cost of health benefits for early retirees and their spouses, surviving spouses and dependents.”]</p>	<p>No mention.</p>	<p>Although HHS concluded that no RFA analysis was required (positive benefits, and no prior NPRM), it said the regulatory impact section and the preamble constitutes a voluntary analysis that would meet the requirements of the RFA.</p>	<p>Solicited comments on the proposed information collection, and estimated burden hours and costs for seven collections.</p>	<p>Said the rule was not a mandate, and will not require expenditures of \$135M in any year (voluntary program and sponsors will receive \$5B in reimbursements).</p>	<p>Although it examined the impacts of the rule under various requirements, HHS said it prepared an RIA because the rule was economically significant under EO 12866. Discussed need for the action, anticipated effects, costs, benefits, transfers, and alternatives considered.</p> <p>Said rule would not have federalism implications under EO 13132.</p> <p>Said an analysis under Section 1102(b) of the Social Security Act was not required because the rule would not have a significant impact on the operation of a substantial number of rural hospitals (and no prior NPRM).</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>35. Environmental Protection Agency</p> <p>Amendment to the Opt-Out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program (2070-AJ55)</p> <p>75 FR 24802</p> <p>5/6/2010</p>	<p>EPA said the benefits of the rule result from the prevention of adverse health affects (e.g., reduced cognitive function, reduced kidney function, cardiovascular deaths) attributable to lead exposure from renovations in pre-1978 buildings. EPA said annual benefits from the rule could range from \$870M to \$3.3B. EPA estimated that the rule would cost about \$500M in the first year, with the cost expected to drop to about \$300M per year starting with the second year. Training for renovators and workers and certification for firms working in housing previously covered by the opt-out provision is estimated to add about \$50M per year to the cost,. Requiring renovators to provide owners and occupants with copies of the recordkeeping costs about \$30M per year.</p>	<p>No mention.</p>	<p>Prepared FRFA, and discussed in detail why action being taken, legal basis and objectives, affected small entities, potential economic impacts, and alternatives considered. Also discussed panel results.</p>	<p>Submitted information collection request to OMB and requested comments. Provided estimates of burden hours and costs for collections.</p>	<p>Concluded that the rule contains a private sector mandate of more than \$100M in a year. Summarized the written statement (authorizing legislation, cost-benefit analysis, state and local input, least burdensome option, etc.).</p>	<p>Said EPA prepared an analysis of costs and benefits as part of an overall economic analysis, available in the docket. Under EO12866, summarized the analysis (number of facilities and renovations, options evaluated, benefits, costs).</p> <p>Said EO13045 on children and environmental risks applies because it is economically significant and the risk addressed in the rule may have a disproportionate positive effect on children. Included EO12898 environmental justice assessment in the economic analysis (concluding it will not have adverse effects).</p> <p>Determined that rule did not have federalism implications under EO13132, or tribal implications under EO13175, and was not a significant energy action under EO13211.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>36. Environmental Protection Agency and Department of Transportation, National Highway Traffic Safety Administration (NHTSA)</p> <p>Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule (2060-AP58; 2127-AK50)</p> <p>75 FR 25324</p> <p>5/7/2010</p>	<p>NHTSA estimated that these CAFE standards would lead to fuel savings totaling 61B gallons for vehicles sold in model years (MYs) 2012–2016. NHTSA estimated that benefits would range from \$112B to \$143B, and will lead to corresponding reductions in CO2 emissions totaling 655M metric tons for vehicles sold in MYs 2012–2016. NHTSA estimated that incremental costs for achieving its standards would be about \$52B during this period, and that average new vehicle prices would increase from \$457 per vehicle in MY2012 to \$985 per vehicle in MY2016. NHTSA said net benefits would be between \$94.5 and \$130.7B. EPA estimated that the GHG standards for MY2012–2016 would lead to a fuel savings for light trucks and cars of 77.7B gallons of fuel (\$142B to \$182B), and reduced emissions totaling 962 metric tons.</p>	<p>NHTSA prepared a draft environmental impact statement (EIS), issued notice of availability, received comments, and held public hearings. Then prepared a final EIS, published a notice of availability, and sent to more than 500 interested parties.</p>	<p>EPA exempted small manufacturers and therefore certified no SEISNSE (after discussion of expected effects). NHTSA also certified no SEISNSE, and provide a factual basis.</p>	<p>Information collection requirements were submitted to OMB for approval. Provided estimates of burden hours and costs for respondents.</p>	<p>EPA concluded rule contains a covered private sector mandate, but said the costs and benefits are discussed in the preamble and in the final RIA.</p>	<p>EPA said it prepared a cost-benefit analysis under EO12866, which is “contained in” the final RIA. DOT also noted that it prepared a formal probabilistic analysis pursuant to Circular A-4. Said the rule is subject to EO13045 and summarized the science on climate change and children. NHTSA said details are in the technical supporting document and final EIS. EPA said the action does not have federalism implications under EO13132, or tribal implications under EO13175. Both said rule does not have significant energy effects under EO13211. EPA said the rule would not trigger EO12898 re greenhouse gas emissions, but said it was not practicable to determine for other pollutants. NHTSA said it complied with EO12898 by describing effects in final EIS.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>37. Department of the Treasury, Internal Revenue Service; Department of Labor, Employee Benefits Security Administration; Department of Health and Human Services, Office of the Secretary</p> <p>Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 Under the Patient Protection and Affordable Care Act (1545-BJ46; 1210-AB41; 0991-AB66)</p> <p>75 FR 27122</p> <p>5/13/2010</p>	<p>For 2011, the agencies estimated that between 190,000 and 1.64M previously uninsured individuals would be covered (depending on assumptions), and should decrease the number uninsured, which in turn should decrease the cost-shifting, increase preventative preventive health care, and provide more timely access to high quality care. In particular, children with chronic conditions or other serious health issues will be able to continue coverage through a parents' plan until age 26, and will permit greater job mobility for this population as their health coverage will no longer be tied to their own jobs or student status. The agencies estimated the annual monetized costs of these interim final rules for 2011 through 2013 to be \$11.2M at a discount rate of 7% and \$10.4M at a discount rate of 3%.</p>	No mention.	Exempt from RFA because no NPRM. Nevertheless, the departments said they considered impacts on small entities as part of the assessments under EO 12866.	Departments have submitted collections to OMB for review. For two collections, provided detailed estimates of respondents, burden hours, and costs.	Although not covered by UMRA (because there was no prior NPRM), the Departments said the regulations were designed to be the least burdensome alternative.	<p>DOL and HHS considered the rule economically significant under EO 12866 and prepared an assessment of costs, benefits and transfers. Discussed in detail the need for action, summary of impacts, number of affected individuals, and alternatives. However, Treasury said the rule was not significant, so no assessment was required.</p> <p>DOL and HHS said the rule has federalism implications under EO 13132, and discussed interactions with state laws.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
38. Department of Education Teacher Incentive Fund (1810-AB08) 75 FR 28714 5/21/2010	Education believes that the final priorities, requirements, definitions, and selection criteria outweigh any associated costs. Education believes that the costs imposed on applicants by the final rule will be limited to the paperwork burden related to preparing an application. The benefits of the final rule were expected to be the selection of high-quality applications to implement activities that are most likely to improve the quality of teaching and educational administration. The final rule was expected to result in an annualized monetary transfer of \$437M from the federal government to states, local educational agencies, and nonprofits.	No mention.	Certified no SEISNSE, and discussed reasons (voluntary program, burden confined to paperwork burden).	Department submitted information collection to OMB for emergency processing. Estimated burden hours and costs for applicants.	No mention.	Department said that because of transfers, rule was considered “economically significant” under EO 12866. Discussed need for the rule, costs, benefits, transfers, and alternatives. No other analytic requirements mentioned.

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>39. Department of Transportation, Federal Aviation Administration</p> <p>Automatic Dependent Surveillance—Broadcast (ADS-B) Out Performance Requirements To Support Air Traffic Control (ATC) Service (2120-AI92)</p> <p>75 FR 30160</p> <p>5/28/2010</p>	<p>FAA estimated that the quantified benefits of the rule (reduced fuel, time and CO2 emissions) range from \$6.8B to \$8.5B. FAA said the incremental costs of the final rule range from a low of \$3.3B (\$2.2B at 7% present value) to a high of \$7.0B (\$4.1B at 7% present value). The costs include costs to the government, as well as to the aviation industry and other users of the National Airspace System (NAS), to deploy ADS-B, and are incremental to maintaining surveillance via current technology (radar). The aviation industry would begin incurring costs for avionics equipage in 2012 and would incur total costs ranging from \$2.5B (\$1.4B at 7% present value) to \$6.2B (\$3.3B at 7% present value) with an estimated midpoint of \$4.4B (\$2.3B at 7% present value) from 2012 to 2035.</p>	<p>FAA determined that the rule qualifies for a categorical exclusion from NEPA (in paragraph 312f of FAA Order 1050.1E).</p>	<p>FAA concluded that the rule would have a SEIS/NSE, and conducted a FRFA. Discussed why rule was being promulgated, legal basis and objectives, small entities affected, expected burdens and requirements, and alternatives.</p>	<p>FAA submitted new and amended information collections to OMB for approval. Summarized the expected burden hours and costs.</p>	<p>FAA considered the rule a private sector mandate (expenditures over \$135M). FAA then referenced the alternatives considered in the RIA and in the FRFA.</p>	<p>FAA noted that the rule was economically significant under EO12866. In RIA summary, discussed alternatives, assumptions, benefits, costs,</p> <p>Concluded that the rule would not have federalism implications under EO13132, and was not a “significant regulatory action” under EO13211 (energy effects).</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>40. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates and to the Long-Term Care Hospital Prospective Payment System and Rate Year 2010 Rates: Final Fiscal Year 2010 Wage Indices and Payment Rates Implementing the Affordable Care Act (0938-AQ03)</p> <p>75 FR 31118</p> <p>6/2/2010</p>	<p>CMS conducted a cost-benefit analysis of this notice. CMS estimated that the operating payments to the IPPS would increase by approximately \$75.7M in FY2010; the capital payments will increase by approximately \$94.7M in FY2010. CMS estimated that payments to the LTCHs would decrease by approximately \$11M in FY2010. Both of these estimates reflect changes from the previously published estimates for FY2010.</p>	<p>No mention.</p>	<p>CMS said the rule would have a SEISNSE, and said the analysis discussed in the preamble “would fulfill any requirement for a final regulatory flexibility analysis.”</p>	<p>CMS said the rule contains no information collections or recordkeeping requirements.</p>	<p>CMS said the rule did not contain any mandates of \$135M in any one year.</p>	<p>CMS said it examined the rule under EO12866, the RFA, Section 1102(b) of the Social Security Act, UMRA, and EO13132. Said considered it economically significant under EO12866, so prepared an RIA. Presented detailed analysis of expected effects on hospitals by region, size, payment class, etc. Also said the analysis satisfies the requirement for an RIA under Section 1102(b) of the Social Security Act and the RFA.</p> <p>Said the notice would not have any federalism implications under EO13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>41. Department of Agriculture, Commodity Credit Corporation</p> <p>Conservation Stewardship Program (0578-AA43)</p> <p>75 FR 31610</p> <p>6/3/2010</p>	<p>CCC prepared a cost-effectiveness analysis (CEA) of the final rule, which is an approach used when benefits are not well understood or difficult to measure, but activity costs are available. The CEA compares the impact of these conservation activities in generating environmental benefits with program costs. The CEA describes how the improvements can produce beneficial impacts concerning onsite resource conditions, such as conserving soil, and significant offsite benefits, such as cleaner water, improved air quality, and enhanced wildlife habitat. The total cumulative program costs for four program ranking periods are estimated to be \$2.990B in constant 2005 dollars, discounted at 7%, or \$3.520B in constant 2005 dollars discounted at 3%.</p>	<p>Prepared an environmental assessment but then prepared a FONSI because concluded the rule would not have a significant impact to the human environment.</p>	<p>CCC said the rule was not subject to the RFA because the agency is not required to publish an NPRM “with respect to the subject matter of this rule.”</p>	<p>CCC said that Section 2904 of the Food, Conservation, and Energy Act of 2008 provides that any regulations made under Title II will be issued “without regard to” the PRA. Therefore, CCC said it was not reporting recordkeeping or paperwork burden.</p>	<p>CCC said that the rule does not compel the expenditure of \$100M or more in any year, so no Section 202 written statement required.</p>	<p>CCC said rule was economically significant, so conducted an economic analysis of the potential impacts. Summarized in preamble and copy available “upon request.” Later described it as a cost-effectiveness analysis, and provided detailed discussion of five policy options.</p> <p>Said did a “civil rights impact analysis” (no requirement cited) but concluded no adverse impact on protected groups.</p> <p>Said it was not required to do a risk assessment under Section 304 of the Agriculture Reorganization Act of 1994 (P.L. 103-354) because the rule was issued without an NPRM. However, said risks were assessed under EO 12866 analysis.</p> <p>Said rule does not have federalism implications under EO 13132, or tribal implications under EO 13175.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>42. Environmental Protection Agency</p> <p>Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule (2060-AP86)</p> <p>75 FR 31514</p> <p>6/3/2010</p>	<p>EPA said the rule should be viewed as regulatory relief for smaller GHG emission sources and for permitting authorities, and that there are no direct economic burdens or costs as a result of this final rule for larger sources. EPA states that the net benefits of the final rule for Steps 1 and 2 are \$193,598+B–CM for the 2 and one half year period where B denotes the unquantified benefits and C the quantified costs of this final rule. EPA states that these unquantified benefits of this rule include the avoided PSD best available control technology (BACT) costs for new and modifying sources and relate to the foregone environment benefits or GHG emission reductions that might be possible during the 2.5 year Step 1 and 2 phase-in period. EPA notes that these estimates are subject to significant uncertainties.</p>	<p>No mention.</p>	<p>Certified that the rule itself would not have a SEISNSE (contrary to the position taken by some commenters). Said rule would relieve burdens, so has a positive effect on small entities.</p>	<p>EPA concluded that this rule would not impose any new information collection burden, but recognized that burden could increase later under existing collections.</p>	<p>EPA concluded that the rule provides burden relief, and does not impose any unfunded mandates, so no Section 202 written statement was required. In response to public comments, however, EPA referenced the RIA that was prepared for the rule, indicating that it met UMRA’s requirements.</p>	<p>Preamble contains detailed discussion of RIA, including costs, benefits, and other effects. Said the RIA was done “in accordance with Executive Order 12866.”</p> <p>Said EO 13132 is “not implicated by this rule.” Also said the rule is not likely to have significant adverse effects on energy per EO 13211, and does not trigger EO 13045 (children and environmental health).</p> <p>EPA said it was “not practicable to identify and address disproportionately high and adverse health or environmental effects on minority populations and low income populations” under EO 12898.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>43. Federal Reserve System</p> <p>Electronic Fund Transfers (Docket No. R-1343)</p> <p>75 FR 31665</p> <p>6/4/2010</p>	<p>The Board did not include an analysis of the final regulations. The Board analyzed the cost and benefits of the final regulations in the November 2009 publication. See 74. Fed. Reg. 59,033. [The <i>Federal Register</i> citation provided indicates that “[u]sing the Federal Reserve’s method, the total estimated annual burden for all financial institutions subject to Regulation E, including Federal Reserve-supervised institutions, would be approximately 853,059 hours.” Based upon this information, CRS concluded that the paperwork costs are under \$100M.]</p>	No mention.	<p>Referenced the RFA and PRA analyses in a November 17, 2009, rule (74 Federal Register 59050), and said “the Board continues to rely on those analyses and determinations for purposes of this rulemaking.” That rule was expected to have a SEISNSE, and the agency prepared a FRFA.</p>	<p>See RFA column. In the November 2009 rule, the agency estimated the number of burden hours and costs.</p>	No mention.	<p>No mention of other analytical requirements.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>44. Nuclear Regulatory Commission</p> <p>Revision of Fee Schedules; Fee Recovery for FY2010 (3150-A170)</p> <p>75 FR 34220</p> <p>6/16/2010</p>	<p>The NRC indicated that an analysis of cost and benefits was not applicable with respect to this rule. NRC stated that the annual fees, to the maximum extent practicable, have a reasonable relationship to the cost of regulatory services provided by NRC and will be assessed to those licensees NRC, in its discretion, determines can fairly, equitably, and practicably contribute to their payment. [In the rule summary, NRC stated that “the NRC’s required fee recovery amount for the FY2010 budget is approximately \$912.2M. After accounting for billing adjustments, the total amount to be billed as fees is approximately \$911.1M.”]</p>	<p>NRC determined that the rule qualified for a categorical exclusion from environmental assessment or environmental impact statements (10 CFR 51.22(c)(1)).</p>	<p>NRC prepared a FRFA, which was included as Appendix A of the rule. Discussed small entities that would be affected and the impacts on those entities.</p>	<p>Rule did not contain information collection requirements, so not subject to the PRA.</p>	<p>No mention.</p>	<p>Analysis appears to have been done to satisfy statutory requirement that NRC recover 90% of its operating budget in fees assessed on the industry.</p> <p>NRC determined that a “backfit analysis” (10 CFR 50.109) was not required because the rule does not “require the modification of, or additions to, systems, structures, components, or the design of a facility, or the design approval or manufacturing license for a facility, or the procedures or organization required to design, construct, or operate a facility.”</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>45. Department of the Treasury, Internal Revenue Service; Department of Labor, Employee Benefits Security Administration; Department of Health and Human Services</p> <p>Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act (1545-BJ51; 1210-AB42; 0991-AB68)</p> <p>75 FR 34538</p> <p>6/17/2010</p>	<p>With an estimated 2.2M grandfathered plans in 2011, EBSA and IRS estimate a one-time hour burden of approximately 538,000 hours with equivalent costs of \$30.7M. Overall, the Departments expect there to be a total hour burden of 1.1M hours and a cost burden of \$291,000. With an estimated 98,000 grandfathered plans and 7,400 grandfathered individual insurance products in 2011, HHS estimated an hour burden of approximately 26,000 hours with equivalent costs of \$1.5M. HHS has estimated this as a one-time cost incurred in 2011, because after the first year, HHS assumes any future costs will be de minimis. Overall, HHS expects there to be a total hour burden of 53,000 hours and a cost burden of \$318,000.</p>	No mention.	<p>Departments said the RFA does not apply because there was no prior NPRM. Nevertheless, they said they considered the likely impact on small entities in connection with their assessment under EO12866.</p>	<p>Labor and Treasury said they were soliciting public comments on the disclosure and recordkeeping requirements, and had submitted them to OMB. Provided estimates of burden hours and costs. HHS prepared its own burden and cost estimates.</p>	<p>Departments said the rule was not subject to UMRA because it was issued as an interim final rule. However, they said it was the least burdensome option to achieve the objective.</p>	<p>Labor and HHS said that the rule was economically significant, under EO12866 so they did assessment of costs, benefits, and transfers. Discussed need for regulation, alternatives, and other issues, including a sensitivity analysis for other assumptions. However, Treasury said rule was not economically significant, and that no assessment was required.</p> <p>DOL and HHS said rule had “federalism implications” under EO13132 (preempts state law), and discussed consultation and analysis efforts.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>46. Environmental Protection Agency</p> <p>Primary National Ambient Air Quality Standard (NAAQS) for Sulfur Dioxide (2060-AO48)</p> <p>75 FR 35520</p> <p>6/22/2010</p>	<p>EPA stated that the Clean Air Act and judicial decisions make clear that the economic and technical feasibility of attaining the national ambient standards cannot be considered in setting or revising NAAQS, although such factors may be considered in the development of state implementation plans to implement the standards. Consequently, although EPA performed a cost-benefit analysis of the final rule, EPA did not consider the analysis in developing this final rule. [In the preamble, EPA estimated the costs of the rule at between \$260M and \$4.4B, and estimated the net benefits at between \$240M and \$79B (all in 2006 dollars).]</p>	<p>No mention.</p>	<p>Certified no SEIS/NSA because the NAAQS themselves only establish national standards, and do not themselves impose any requirements on small entities.</p>	<p>Information collections were submitted to OMB for approval. Provided estimates of burden hours and costs.</p>	<p>EPA said the rule was not subject to UMRA because it did not contain a mandate that may result in \$100M in expenditures in any year. Also, because EPA cannot consider costs, UMRA does not require a Section 202 written statement.</p>	<p>EPA prepared an RIA pursuant to requirements of EO 12866, (available in docket), but said it did not consider the results in developing the rule. Analysis based on EPA's 2009 Integrated Science Assessment (ISA) for Particulate Matter, but included sensitivity analysis. Monetized benefits in costs in 2020 at different attainment levels and discount rates.</p> <p>EPA said the rule does not have federalism implications under EO 13132. Also no tribal implications under EO 13175, energy effects (EO 13211), or environmental justice issues (EO 12898). EO 13045 (children and environment) does apply, but EPA said the analysis is discussed in the ISA and the risk and exposure assessment.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>47. Department of State</p> <p>Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates (1400-AC58)</p> <p>75 FR 36522</p> <p>6/28/2010</p>	<p>The Department noted that it generally sets consular fees at an amount calculated to achieve recovery of the costs to the United States of providing the consular service, in a manner consistent with general user charge principles. The increased fees include, for example, an increase in the application fee for a passport book for an adult from \$44 to \$70, and an increase in the passport book security surcharge from \$20 to \$40 to cover the costs of increased border security. [In the preamble to the rule, the Department estimated that passport book application fees would increase by about \$138M per year, and the passport book security charge fee would increase about \$238M per year. Other fees were also expected to increase, but not by more than \$100M.]</p>	<p>No mention.</p>	<p>Certified that the rule would not have a SEIS/NSE, and provided explanation.</p>	<p>Rule does not contain any information collections.</p>	<p>Said rule would not result in expenditures by governments or private sector of \$100M in any year, so no UMRA Section 202 written statement required.</p>	<p>OMB considered the rule economically significant under EO 12866. Department provided data in preamble on current and proposed fees, and increases assuming FY2009 workloads.</p> <p>Said rule does not have sufficient federalism implications to warrant impact statement under EO 13132. Also said the rule will not have tribal implications under EO 13175.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>48. Department of the Treasury, Internal Revenue Service; Department of Labor, Employee Benefits Security Administration; and Department of Health and Human Services</p> <p>Patient Protection and Affordable Care Act: Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions, and Patient Protections (1545-BJ61; 1210-AB43; 0991-AB69)</p> <p>75 FR 37188</p> <p>6/28/2010</p>	<p>The agencies estimated that these interim final rules would have an annual monetized cost of \$4.9M from 2011 to 2013, but would expand coverage for children with preexisting conditions and individuals who face rescissions, lifetime limits, and annual limits as a result of high health care costs. These benefits should manifest in a number of ways including: (1) increasing access to health care, improving health outcomes, improving worker productivity, and reducing family financial strain and “job lock”; (2) promoting equity, in the sense that the benefits will be enjoyed by those who are especially vulnerable as a result of health problems and financial status; (3) building better, sustained patient-provider relationships through choice of physician; and (4) reducing administrative and time burdens on both patients and physicians while improving health outcomes.</p>	No mention.	<p>Labor and HHS said the rule was not subject to the RFA’s analytic requirements because it was issued as an interim final rule. Treasury said it submitted the rule the SBA for comment on effects on small businesses. In the proposed rule published the same day, Treasury said the rule would not have a SEISNSE.</p>	<p>Departments submitted information collections to OMB and solicited comments. Provided burden hour and cost estimates for each proposed collection.</p>	<p>Departments said rule was not subject to UMRA analytic requirements because it was issued as an interim final rule. Nevertheless, said rule was designed to be the least burdensome option meeting the statutory objectives.</p>	<p>Labor and HHS considered the rule economically significant, so they prepared an assessment of the potential costs and benefits of each provision “in accordance with OMB Circular A-4.” For each major provision, provided lengthy discussion of need, number of affected parties, benefits, costs/transfers, and alternatives. Treasury did not consider the rule economically significant, so “a regulatory assessment is not required.”</p> <p>Labor and HHS said rule would have federalism implications under EO 13132, and discussed efforts to comply with its requirements.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>49. Federal Reserve System</p> <p>Truth in Lending (Regulation Z; Docket No. R-1384)</p> <p>75 FR 37526</p> <p>6/29/2010</p>	<p>The Board did not prepare an analysis of the costs and benefits with respect to this final rule. [In the preamble, FRS said that the rule “requires that penalty fees imposed by card issuers be reasonable and proportional to the violation of the account terms. The final rule also requires credit card issuers to reevaluate at least every six months annual percentage rates increased on or after January 1, 2009. The final rule also requires that notices of rate increases for credit card accounts disclose the principal reasons for the increase.”]</p>	<p>No mention.</p>	<p>The Board concluded the rule would have a SEISNSE and prepared a FRFA. Discussed need, small entities affected, and alternatives, but noted assessment of certain costs is difficult to determine.</p>	<p>The Board reviewed the information collection under delegated authority. Provided estimates of burden hours and costs for covered institutions, noting other agencies cover other institutions (e.g., credit unions, commercial banks).</p>	<p>No mention.</p>	<p>No mention of other analysis requirements.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
50. Securities and Exchange Commission Political Contributions by Certain Investment Advisers (3235-AK39) 75 FR 41018 7/14/2010	SEC stated that the rule is intended to address "pay to play" relationships that interfere with the legitimate process, and expects the rule will help minimize or eliminate manipulation of the market for advisory services provided to state and local governments. SEC estimated that the rule would impose initial compliance costs of approximately \$2,352 per smaller firm, \$29,407 per medium firm, and \$58,813 per larger firm. SEC also said the rule would impose annual, ongoing compliance expenses of approximately \$2,940 per smaller firm, \$117,625 per medium firm, and \$235,250 per larger firm, and advisers will incur an aggregate cost of approximately \$200,246 per year, with non-labor cost burden about \$20,080,000.	No mention.	Prepared FRFA for the rule, and described need, issues raised in comments, small entities affected, compliance requirements, and efforts to minimize effects.	Submitted information collection to OMB for approval. Provided detailed discussion of burden and costs associated with each element.	No mention.	SEC indicated that it did a cost-benefit analysis, but did not mention an analytical requirement to do so. Discussed at length the benefits of the rule and the costs related to each element. Section 204 of the Advisers Act (15 U.S.C. 80b-4) requires the Commission to consider whether the rule is necessary or appropriate in the public interest or for the protection of investors." Section 202(c) (15 U.S.C. 80b-2(c)) requires the Commission to consider whether the action will promote efficiency, competition, and capital formation. SEC included a section discussing these issues.

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>51. Department of Labor, Employee Benefits Security Administration (EBSA)</p> <p>Reasonable Contract or Arrangement Under Section 408(b)(2)—Fee Disclosure (1210-AB08)</p> <p>75 FR 41600</p> <p>7/16/2010</p>	<p>EBSA believes that mandatory proactive disclosure will reduce sponsor information costs, discourage harmful conflicts of interest, and enhance service value and that additional benefits will flow from EBSA's enhanced ability to redress abuse. EBSA did not quantify the benefits of this rule, but is confident they more than justify the cost. EBSA estimated that the annual cost of this rule from 2011 to 2020 to be approximately \$58.7M at a 7-percent discount rate and \$54.3M at a 3-percent discount rate. EBSA acknowledges in the rule that its estimates of the effects of the rule are, however, subject to some uncertainty.</p>	No mention.	Prepared FRFA and discussed need, small entities affected, steps to minimize burden, and other issues.	OMB approved the information collection request. DOL discussed in detail the burden hours and costs associated with each type of collection and disclosure.	DOL said the rule does not contain any mandate that may result in expenditures of \$100M in any year (even though the PRA costs were estimated at more than \$230M in the first year).	<p>DOL said it evaluated the benefits and costs of the rule “as required by” EO 12866. Subsection “K. Regulatory Impact Analysis” discussed results in detail, including alternatives, affected parties and assumptions, benefits, and various types of costs.</p> <p>Said rule did not have federalism implications under EO 13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>52. Department of the Treasury, Internal Revenue Service; Department of Labor, Employee Benefits Security Administration; and Department of Health and Human Services</p> <p>Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act (1545-BJ60; 1210-AB44; 0938-AQ07)</p> <p>75 FR 41726</p> <p>7/19/2010</p>	<p>The agencies anticipated the qualitative costs from 2011 to 2013 to include new costs to the health care system resulting when beneficiaries increase their use of preventive services in response to the changes in coverage and cost-sharing requirements of preventive services. The agencies anticipated four qualitative benefits during this period. First, individuals will experience improved health as a result of reduced transmission, prevention or delayed onset, and earlier treatment of disease. Second, healthier workers and children will be more productive with fewer missed days of work or school. Third, some of the recommended preventive services will result in savings due to lower health care costs. Fourth, the cost of preventive services will be distributed more equitably.</p>	No mention.	<p>DOL and HHS said the RFA does not apply because of the good cause exception to notice and comment. Nevertheless, they said they considered impact on small entities as part of the RIA under EO 12866. Treasury said it provided the rule to SBA for an RFA determination. However, in the proposed rule, Treasury said the RFA did not apply because the rule did not impose a collection of information requirement on small entities.</p>	<p>Departments said rule was not subject to the PRA because it did not contain a collection of information.</p>	<p>Said UMRA does not apply because of the good cause exception to NPRM, but rule was developed to be the least burdensome option meeting the objectives.</p>	<p>OMB determined that rule was economically significant under EO 12866, and DOL and HHS provided an assessment of costs, benefits and transfers. Provided detailed discussion of need, affected entities, costs, and alternatives. However, Treasury said rule was not economically significant, and a regulatory assessment was not required.</p> <p>DOL and HHS said rule has federalism implications under EO 13132, and discussed efforts to comply with its requirements.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>53. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare Program; Hospice Wage Index for Fiscal Year 2011 (0938-AP84)</p> <p>75 FR 42944</p> <p>7/22/2010</p>	<p>CMS estimated that the total hospice payments would increase by \$220M in FY2010 when both the 2.6% hospital market basket update and the 25% reduction in the BNAF and updated wage data were taken into account.</p>	<p>No mention.</p>	<p>CMS provided information on the small entities affected, but ultimately concluded the rule did not have a SEISNSE because impacts did not reach 3% to 5% of total revenue or total costs.</p>	<p>CMS said the notice does not contain an information collection, so no PRA analysis or OMB approval required.</p>	<p>CMS concluded that the rule would not require spending of \$135M in any year, so UMRA's Section 202 requirements did not apply.</p>	<p>CMS said it examined the impact of the notice "as required by" EO12866, the RFA, UMRA, and EO13132. Detailed analysis focused on effect of changes to hospice payments and reduction in federal transfer payments.</p> <p>Concluded that the notice would not have a significant impact on small rural hospitals under Section 1102 of the Social Security Act. Also concluded that it would not trigger the requirements in EO13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>54. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for Fiscal Year 2011 (0938-AP87)</p> <p>75 FR 42886</p> <p>7/22/2010</p>	<p>CMS estimated that overall payments for skilled nursing facilities would increase by \$542M, or 1.7%, in fiscal year 2011 as compared to fiscal year 2010.</p>	<p>No mention.</p>	<p>CMS provided information on the small entities affected, but ultimately concluded the rule did not have a SEISNSE because impacts did not reach 3% to 5% of total revenue or total costs. Also, because the notice increases payments (positive impacts), "it is not necessary to consider regulatory alternatives."</p>	<p>CMS said the notice does not contain an information collection, so no PRA analysis or OMB approval required.</p>	<p>CMS concluded that the rule would not require spending of \$135M in any year, so UMRA's Section 202 requirements did not apply.</p>	<p>CMS said it examined the impact of the notice "as required by" EO12866, the RFA, Section 1102(b) of the Social Security Act, UMRA, and EO13132. Detailed analysis focused on effect of changes to payments and increase in federal transfer payments to Medicare providers. Also discussed alternatives.</p> <p>Concluded that the notice would not have a significant impact on small rural hospitals under Section 1102(b) of the Social Security Act. Also concluded that it would not trigger the requirements in EO13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>55. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare Program; Inpatient Rehabilitation Facility (IRF) Prospective Payment System for Federal Fiscal Year 2011 (0938-AP89)</p> <p>75 FR 42836</p> <p>7/22/2010</p>	<p>CMS estimated that the total impact of these charges for fiscal year 2011 would be a net increase of \$135M in payments to IRF providers. Overall, the estimated payments per discharge for IRFs in fiscal year 2011 were projected to increase by 2.16%, compared with revised estimated payments in fiscal year 2010. IRF payments per discharge were estimated to increase 2.17% in urban areas, and 2.05% in rural areas, compared with the revised estimated fiscal year 2010 payments.</p>	<p>No mention.</p>	<p>CMS provided information on the small entities affected, but ultimately concluded the rule did not have a SEISNSE because impacts did not reach 3% to 5% of total revenue or total costs. Also, because the notice increases payments (positive impacts), "it is not necessary to consider regulatory alternatives."</p>	<p>CMS said the notice does not contain an information collection, so no PRA analysis or OMB approval required.</p>	<p>CMS concluded that the rule would not require spending of \$135M in any year, so UMRA's Section 202 requirements did not apply.</p>	<p>CMS said it examined the impact of the notice "as required by" EO12866, the RFA, Section 1102(b) of the Social Security Act, UMRA, and EO13132. Detailed analysis focused on effect of changes to payments and increase in federal transfer payments to IRF providers. Also discussed alternatives.</p> <p>Concluded that the notice would not have a significant impact on small rural hospitals under Section 1102 of the Social Security Act. Also concluded that it would not trigger the requirements in EO13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>56. Department of the Treasury, Internal Revenue Service; Department of Labor, Employee Benefits Security Administration; and Department of Health and Human Services</p> <p>Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Internal Claims and Appeals and External Review Processes Under the Patient Protection and Affordable Care Act (1545-BJ63; 1210-AB45; 0991-AB70)</p> <p>75 FR 43330</p> <p>7/23/2010</p>	<p>The agencies said the rule would provide a more uniform, rigorous, and consumer friendly system of claims and appeals processing, which could improve the extent to which employee benefit plans provide benefits. Other benefits include greater certainty and consistency in the handling of benefit claims and appeals and improved access to information about the manner in which claims and appeals are adjudicated. The agencies estimated the costs of this rule to be between \$51.2M and \$51.6M per year for the period 2011 to 2013, depending on the discount rate. There may also be payment of benefits that should have previously been paid to participants, but were denied. The agencies estimated the amount attributable to reversals to be between \$24.4M and \$24.7M per year for the period 2011 to 2013, depending on the discount rate.</p>	No mention.	<p>DOL and HHS said the RFA does not apply to the rule because of the good cause exception to notice and comment. Nevertheless, they said they considered the impact on small entities “in connection with their assessment” under EO 12866. Treasury said the rule had been sent to SBA for comment on their impact on small businesses. However, in a proposed rule published the same day, Treasury said the rule would not have a SEISNSE.</p>	<p>DOL and Treasury submitted the information collections to OMB for approval. Provided detailed estimates of respondents, burden hours, and costs for each collection.</p>	<p>The departments said the rule was not subject to UMRA because it was issued as an interim final rule. However, they said it was consistent with UMRA in that it was the least burdensome option.</p>	<p>DOL and HHS considered the rule economically significant under EO 12866, and the agencies prepared an assessment of potential costs and benefits of each regulatory provision. Discussed in detail the need for the rule, costs and transfers, benefits, and affected entities. Some of the cost estimates were drawn from their PRA calculations. However, Treasury said the rule was not significant under EO 12866, and “a regulatory assessment is not required.”</p> <p>DOL and HHS said the rule had federalism implications under EO 13132, and discussed actions to comply with its requirements.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>57. Department of Agriculture, Commodity Credit Corporation</p> <p>Conservation Reserve Program (0560-AH80)</p> <p>75 FR 44067</p> <p>7/28/2010</p>	<p>CCC said that the changes to CRP in this rule were expected to cost about \$6.7M per year from 2011–2020—a net cost that reflects roughly \$77M in additional CRP payments to participants, minus roughly \$10M in reduced payments for the revised permissive uses. CCC said that the benefits to participants would be the net additional \$6.7M per year over the next 10 years. CCC expected additional non-quantifiable environmental benefits from the waivers to exclude that will allow more sensitive acres to be enrolled through continuous signup, from additional highly erodible land enrollment that could result from making land in long-term hay rotations eligible, and from the incentives for pollinator habitat. CCC said other provisions in this rule were expected to have little to no cost.</p>	<p>On behalf of CCC, the Farm Services Agency (FSA) prepared an environmental assessment, a FONSI, and issued a record of decision, which was published on 6/18/2010 (75 Federal Register 34737).</p>	<p>CCC said the RFA “is not applicable to this interim rule” because the agency is authorized by Section 2904 of the 2008 Farm Bill to issue the rule without public comment.</p>	<p>CCC said the rule was exempt from the PRA because Section 2904 of the 2008 Farm Bill provides that the rule be issued “without regard to” the PRA.</p>	<p>CCC said the rule contained no mandates, and was not subject to UMRA Sections 202 or 205 because there was no prior NPRM.</p>	<p>Rule was determined to be economically significant under EO 12866, and CCC did a cost-benefit analysis, which is available from listed contacts. Briefly discussed costs and benefits.</p> <p>CCC said the rule did not trigger the requirements of EO 13175 (no tribal implications) or EO 13132 (no federalism implications).</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>58. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare and Medicaid Programs; Electronic Health Record Incentive Program (0938-AP78)</p> <p>75 FR 44314</p> <p>7/28/2010</p>	<p>CMS said that the total cost to the Medicare and Medicaid programs would be between \$9.7B and \$27.4B over a 10-year timeframe. In its analysis, CMS assumed that benefits to the program would accrue in the form of savings to Medicare, through the Medicare eligible professional payment adjustments. At this time, CMS is unable to quantify the expected qualitative benefits. However, CMS did identify benefits for eligible hospitals and professionals including reductions in medical recordkeeping costs, reductions in repeat tests, decreases in the length of stays, and reduced errors. CMS also identified benefits to society, including improved quality of care, better health outcomes, and more efficient delivery of health care.</p>	<p>No mention.</p>	<p>CMS said that the RIA and the discussion in the preamble to the rule constitute the required RFA analysis. Described small entities affected, alternatives considered,</p>	<p>CMS solicited comments on the information collections, and provided highly detailed descriptions and estimates of respondents, burden hours, and costs for each collection. Collections had not been submitted to OMB for approval.</p>	<p>CMS said the rule did not impose mandates on the states, and the investments needed to obtain funding were voluntary. Nevertheless, CMS said that the RIA and the preamble discussion “constitute the analysis required by UMRA.”</p>	<p>CMS said it examined the impacts of the rule “as required by” EO 12866, the RFA, Section 1102 of the Social Security Act, UMRA, and EO 13132. Described costs and transfers under high and low scenarios, but noted uncertainty of both benefit and cost estimates.</p> <p>Said the RFA analysis satisfied the requirement for analysis of impacts on small rural hospitals under Section 1102(b) of the Social Security Act. Said the rule would not have federalism implications under EO 13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>59. Department of the Treasury, Office of the Comptroller of the Currency; Federal Reserve System; Federal Deposit Insurance Corporation; Department of the Treasury, Office of Thrift Supervision; Farm Credit Administration; and the National Credit Union Administration</p> <p>Registration of Mortgage Loan Originators (1557-AD23)</p> <p>7/28/2010</p>	<p>OCC said that, given the constraints imposed on OCC by the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, and based on the estimated mean cost, the final rule was the least cost option available to OCC. [The preamble indicated that the rule required mortgage loan originators employed by national banks to register with the Nationwide Mortgage Licensing System and Registry and maintain their registration. They were also required to obtain a unique identifier through the registry that will remain with that originator, regardless of changes in employment. In addition, the rule required mortgage loan originators and national banks to provide these unique identifiers to consumers in certain circumstances, and requires national banks to adopt and follow written procedures to assure compliance with the registration requirements.]</p>	No mention.	<p>OCC prepared a FRFA for the rule (reversing a no SEISNSE determination in the proposed rule after a comment from SBA). Described the need for the rule, small entities affected, compliance requirements, and steps taken to address small entity effects. However, the Board, FDIC, OTS, FCA, and NCUA certified that the rule would not have a SEISNE (before or after providing a detailed explanation).</p>	<p>The PRA-covered information collection requirements in the rule were preapproved by OMB, and unchanged from the estimates in the proposed rule. (FCA collections are from federal entities, and therefore not covered by the PRA.) Requirements were referenced in the CFR citation, but were not described in the final rule.</p>	<p>OCC and OTS concluded that UMRA Section 202 analysis did not apply to the rule because it incorporated requirements specifically set forth in law.</p>	<p>OCC concluded that the rule was economically significant, under EO 12866 and prepared an RIA, which is available in regulations.gov. OTS determined that the rule was not economically significant, but still prepared an RIA.</p> <p>OCC and OTS said the rule did not have federalism implications under EO 13132. NCUA reached the same conclusion voluntarily. NCUA concluded that the rule would not affect family well being under P.L. 105-277.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>60. Department of Health and Human Services</p> <p>Pre-Existing Condition Insurance Plan Program (0991-AB71)</p> <p>75 FR 45014</p> <p>7/30/2010</p>	<p>HHS stated that the plan would provide uninsured Americans with pre-existing conditions an opportunity to obtain coverage, which would increase access to health care and reduce financial strain for participants and would likely improve health outcomes and worker productivity. HHS estimated that the annual reporting and recordkeeping costs associated with this interim final rule would be \$1,939,020. HHS determined that, to the extent PCIP increases access to health care services, increased health care utilization and costs would result due to increased uptake. HHS also identified administrative costs of the rule. Finally HHS estimated that under this rule \$5B in federal funds would be transferred to contractors to aid in administering the program.</p>	<p>No mention.</p>	<p>HHS said the rule would not have a SEISNSE because it only directly affected state governments.</p>	<p>HHS solicited comment on the information collections prior to submission to OMB. Described burden hours and costs associated with each of the six information collections.</p>	<p>HHS said that the analytical requirements in Section 202 of UMRA did not apply to the rule because it did not impose an unfunded mandate on states or the private sector.</p>	<p>OMB determined that the rule was economically significant, so HHS prepared an RIA that assessed potential costs, benefits, and transfers. Discussed in the rule the affected entities, costs, benefits, transfers, and regulatory alternatives.</p> <p>HHS said the rule would not have federalism implications under EO 13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>61. Department of Homeland Security, U.S. Customs and Border Protection (CBP)</p> <p>Electronic System for Travel Authorization (ESTA): Travel Promotion Fee and Fee for Use of the System (1651-AA83)</p> <p>75 FR 47701</p> <p>8/9/2010</p>	<p>DHS concluded that the annualized cost to applicants, primarily in the form of transfers from foreign citizens to the U.S. government, is estimated between \$152M and \$258M. With respect to benefits, DHS states that this interim final rule allows DHS to comply with the Travel Promotion Act of 2009 (TPA), which was contained in section 9 of the United States Capitol Police Administrative Technical Corrections Act of 2009, P.L. 111-145, and enhances security.</p>	<p>No mention.</p>	<p>CBP said that an RFA analysis was not required because there was no prior NPRM, and because the rule would not have a SEISNSE.</p>	<p>CBP obtained temporary emergency PRA approval from OMB, and described estimated number of respondents, burden hours, and costs.</p>	<p>CBP said no analysis was necessary under UMRA because the rule would not require expenditures of \$100M per year by government or the private sector.</p>	<p>CBP concluded that the rule was economically significant because of transfers from foreign citizens to the U.S. government of more than \$100M each year. Provided detailed descriptions of cost estimation methods under alternative scenarios, along with benefits and an accounting statement.</p> <p>Said the rule did not have sufficient federalism implications to warrant the preparation of an impact statement under EO 13132.</p> <p>DHS updated a previous ESTA Privacy Impact Assessment and a System of Record Notice, both of which were reportedly available on the CBP website.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>62. Department of Labor, Occupational Safety and Health Administration</p> <p>Cranes and Derricks in Construction (1218-AC01)</p> <p>75 FR 47906</p> <p>8/9/2010</p>	<p>OSHA estimated that the annualized costs include the costs of crane assembly and disassembly (\$16.3M), power line safety (\$68.2M), crane inspections (\$16.5M), ground conditions (\$2.3M), and operator qualification and certification (\$50.7M) for a total annualized cost of \$154.1M. OSHA estimated that the annual benefits include injuries prevented (175), fatalities prevented (22), and property damage from tipovers prevented (\$7M) for total monetized benefits of \$209.3M.</p>	<p>No mention.</p>	<p>OSHA prepared a FRFA describing in detail the impact on small entities (and very small entities), need for the rule, issues raised in comments, small entities affected, and other issues.</p>	<p>OSHA submitted the information collections for the rule to OMB for approval. Noted that the request is available at regulations.gov and describe the collections generally, but did not summarize the burden hours or costs in the preamble.</p>	<p>OSHA said the rule constituted a private sector mandate under UMRA, but said the final economic analysis done to satisfy EO 12866 and the FRFA also satisfies the UMRA requirement.</p>	<p>OSHA said the rule was economically significant, so it prepared a final economic analysis (FEA), which it said satisfied not only EO 12866 but also UMRA and the RFA. Said the FEA was prepared “according to the requirements of E.O. 12866 and the OSH Act.” Provided detailed information on annual benefits, costs, and net benefits. Also discussed need for the rule, detailed information on the components of the affected industries, economic feasibility, and other information.</p> <p>The Occupational Safety and Health Act of 1970 requires OSHA to demonstrate the technological and economic feasibility of its rules.</p> <p>OSHA reviewed the rule under EO 13132, and (after lengthy discussion) found no conflicts.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>63. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare Program; End-Stage Renal Disease (ESRD) Prospective Payment System (0938-AP57)</p> <p>75 FR 49030</p> <p>8/12/2010</p>	<p>CMS's analysis shows an overall decrease in payments to all end-stage renal disease facilities for renal dialysis of 2%, or approximately \$200M, from what the payments would have been in the absence of this rule in calendar year 2011.</p>	<p>No mention.</p>	<p>CMS discussed the small entities that would be affected by the rule, but ultimately certified no SEISNSE (because of increases and decreases in payments of less than 2%).</p>	<p>CMS solicited comments on information collections prior to submission to OMB. Discussed respondents, burden hours and costs for each of the two information collections.</p>	<p>Although the rule was expected to reduce payments to dialysis centers by about \$200M, CMS said the rule did not trigger Section 202 of UMRA because it did not require expenditures by government or the private sector of at least \$135M in any year.</p>	<p>CMS said it examined the impacts of the rule as required by EO 12866, the RFA, Section 1102(b) of the Social Security Act, UMRA, and EO 13132. Said the rule was economically significant under EO 12866, and prepared RIA showing costs and benefits of the rule. Analysis focused on effects of changes in payments to different ESRD facilities, other providers, beneficiaries, and the Medicare and Medicaid programs. Discussed alternatives and transfer changes.</p> <p>CMS concluded that the rule would not have a significant economic impact on a substantial number of small rural hospitals under Section 1102 of the Social Security Act.</p> <p>CMS said that the rule would not have federalism implications under EO 13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
64. Securities and Exchange Commission Amendments to Form ADV (3235-A117) 75 FR 49234 8/12/2010	SEC stated that the new narrative brochures and electronic filing present clients with critically important information they need to determine whether to hire or continue the services of a particular adviser. With respect to costs, SEC estimated that advisers would incur costs of approximately \$33,639,960 in drafting the new brochures and supplements in the first year. Advisers may also incur costs of approximately \$22,775,400 in connection with their use of outside legal services and compliance consulting services to assist in preparation of their Form ADV. SEC also estimated that advisers would incur annual costs of \$1,620,462. SEC estimated annual delivery costs of \$18,918,802.	No mention.	SEC prepared a FRFA discussing the need for the rule, significant issues raised by comments, small entities affected, projected compliance requirements, and agency efforts to minimize effects.	OMB approved the information collections for this rule. SEC discussed in detail the respondents, burden hours, and costs associated with the collections, and responded to comments received.	No mention.	SEC did a cost-benefit analysis for the rule, but did not cite a specific requirement to do so. Discussed costs and benefits in general terms, with most of the cost information drawn from the PRA analysis. Section 23(a)(2) of the Exchange Act (15 U.S.C. 78w(a)(2)) requires SEC to consider the impact on competition, and prohibits the Commission from adopting any rule that would impose a competition burden not necessary or appropriate. Section 3(f) of the Exchange Act (15 U.S.C. 78c(f)) and Section 202(c) of the Advisers Act (15 U.S.C. 80b-2(c)) requires SEC to consider whether the action will promote efficiency, competition, and capital formation. SEC discussed compliance with these requirements.

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>65. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System Changes and FY2011 Rates; Provider Agreements and Supplier Approvals; and Hospital Conditions of Participation for Rehabilitation and Respiratory Care Services; Medicaid Program: Accreditation for Providers of Inpatient Psychiatric Services (0938-AP80; 0938-AP33)</p> <p>75 FR 50042</p> <p>8/16/2010</p>	<p>CMS estimated that the final applicable percentage increase to the inpatient prospective payment systems (IPPS) rates required by the statute, in conjunction with other final payment changes in this final rule, will result in a \$440M decrease in fiscal year 2011 operating payments (or -0.4% decrease) and an estimated \$21M decrease in fiscal year 2011 capital payments (or -0.5% change). In addition, long-term care hospitals (LTCHs) are expected to experience an increase in payments by \$22.3M (or 0.5%).</p>	<p>No mention.</p>	<p>CMS said the rule would affect small entities, and that the analysis discussed in the preamble “constitutes our final regulatory flexibility analysis.”</p>	<p>CMS said the rule did not contain any new information collection or recordkeeping requirements under the PRA.</p>	<p>CMS said the rule would not mandate requirements for governments or the private sector, so UMRA did not apply.</p>	<p>CMS said it examined the impacts of the rule as required by EO12866, the RFA, Section 1102(b) of the Social Security Act, UMRA, and EO13132. Said analysis under Section 1102 “must conform to the provisions of Section 604 of the RFA.” Appendix A of the rule contains the RIA, which discusses the expected effects in great detail.</p> <p>CMS said that EO13132 was “not applicable” because the rule did not impose any cost on state or local governments. Also said the rule would not have a significant impact on small rural hospitals under Section 1102 of the Social Security Act.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>66. Federal Reserve System</p> <p>Electronic Fund Transfers (Docket No. R-1377)</p> <p>75 FR 50683</p> <p>8/17/2010</p>	<p>The Board did not include a cost-benefit analysis. [In the preamble, FRS stated that the rule implemented the recently enacted “Gift Card Amendment” (P.L. 111-203), which provides a delayed effective date with respect to provisions the Credit Card Act (P.L. 111-24) in order to permit the sale of existing card stock through January 31, 2011. Among other things, the delayed provisions would have imposed certain restrictions on a person’s ability to impose dormancy, inactivity, or service fees with respect to gift certificates, store gift cards, and general-use prepaid cards.]</p>	No mention.	<p>Said no FRFA required because there was no prior NPRM. Nevertheless, the Board published an “interim final regulatory flexibility analysis” discussing the need for the rule, small entities affected, and steps taken to minimize the impact on small entities. Ultimately concluded rule would not have a SEISNSE.</p>	<p>The Board approved the information collection under delegated authority. Rule does not change a previously approved collection, or its estimates of burden hours.</p>	No mention.	No mention of any other analytical requirement.

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>67. Environmental Protection Agency</p> <p>National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines (2060-AP36)</p> <p>75 FR 51570</p> <p>8/20/2010</p>	<p>Based on estimated compliance costs on all sources associated with this final rule and the predicted change in prices and production in the affected industries assuming passthrough of costs to affected consumers, EPA believes the estimated social costs of this final rule were \$253M (2009 dollars). EPA states that the total monetized benefits of this final rule in 2013 range from \$510M to \$1.2B (2009 dollars, 3% discount rate).</p>	<p>No mention.</p>	<p>EPA certified that the rule would not have a SEISNSE (costs of less than 1% of sales, with less than 5% having higher costs). For details, see economic impact and small business analyses in the RIA for the rule.</p>	<p>Information collections were submitted to OMB for approval. Provided overall estimates of burden hours and costs.</p>	<p>EPA determined that the rule would have a private sector mandate of more than \$100M in a year, so prepared a Section 202 written statement. Provided summary of social costs and benefits, future costs, and effects on the national economy.</p>	<p>EPA considered the rule economically significant under EO 12866, and prepared an RIA (available in the docket). A table in the preamble described the monetized and non-monetized benefits, social costs, and net benefits.</p> <p>EPA said the rule would not have federalism or implications under EO 13132, or EO 13175 would not trigger EO 12898 on environmental justice, was not subject to EO 13045 on children and the environment because “it is based solely on technology performance,” and was not a “significant energy action” under EO 13211 (but prepared an analysis of energy effects that explains this conclusion).</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>68. Department of the Interior, Fish and Wildlife Service</p> <p>Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (1018-AX06)</p> <p>75 FR 52873</p> <p>8/30/2010</p>	<p>Interior relied on the economic analysis that was prepared for the 2008-09 season, because it chose to issue identical regulations to past seasons for ducks, and made only minor modifications to the season frameworks for other species. According to Interior, the modifications will not significantly change the economic impacts of the rule that were not quantified for other species. Interior estimated a consumer surplus of \$205-270M.</p>	<p>FWS referenced 1988 environmental assessments and records of decision. Said has been working on a supplemental environmental impact statement since 2005 (draft released July 2010).</p>	<p>FWS said the rule would have a SEIS/NSE, and analyzed the impacts on small businesses as part of the 1981 cost-benefit analysis, with a “small entity flexibility analysis” prepared as late as 2008. Estimated \$1.2B in sales at small businesses.</p>	<p>OMB approved the information collection, recordkeeping and reporting requirements. FWS did not describe or provide information on burden hours (although available through OMB approval number).</p>	<p>Certified that the rule did not trigger the requirements in Section 202 of UMRA because no \$100M in expenditures.</p>	<p>OMB determined that the rule was significant. An economic analysis was prepared for the 2008-2009 season (available from FWS website) estimating consumer surplus for three alternatives for duck hunting. This rule proposed no changes to the season frameworks, but FWS did not prepare a new analysis because population status information would not be available until later in the year.</p> <p>FWS said the rule did not have takings implications under EO12630, did not have federalism or tribal implications under EO13132 and EO13175, and was not a significant energy action under EO13211.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>69. Department of the Interior, Fish and Wildlife Service</p> <p>Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (1018-AX06)</p> <p>75 FR 53226</p> <p>8/31/2010</p>	<p>Interior relied on the economic analysis that was prepared for the 2008-09 season, because it chose to issue identical regulations to past seasons for ducks, and made only minor modifications to the season frameworks for other species. According to Interior, the modifications will not significantly change the economic impacts of the rule that were not quantified for other species. Interior estimated a consumer surplus of \$205-270M.</p>	<p>FWS referenced 1988 environmental assessments and records of decision. Said has been working on a supplemental environmental impact statement since 2005 (draft released July 2010).</p>	<p>FWS said the rule would have a SEIS/NSE, and analyzed the impacts on small businesses as part of the 1981 cost-benefit analysis, with a “small entity flexibility analysis” prepared as late as 2008. Estimated \$1.2B in sales at small businesses.</p>	<p>OMB approved the information collection, recordkeeping and reporting requirements. FWS did not describe or provide information on burden hours (although available through OMB approval number).</p>	<p>Certified that the rule did not trigger the requirements in Section 202 of UMRA because no \$100M in expenditures.</p>	<p>OMB determined that the rule was significant. An economic analysis was prepared for the 2008-2009 season (available from FWS website) estimating consumer surplus for three alternatives for duck hunting. This rule proposed no changes to the season frameworks, but FWS did not prepare a new analysis because population status information would not be available until later in the year.</p> <p>FWS said the rule did not have takings implications under EO12630, did not have federalism or tribal implications under EO13132 and EO13175, and was not a significant energy action under EO13211.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>70. Department of Veterans Affairs</p> <p>Diseases Associated With Exposure to Certain Herbicide Agents (Hairy Cell Leukemia and Other Chronic B-Cell Leukemias, Parkinson's Disease and Ischemic Heart Disease) (2900-AN54)</p> <p>75 FR 53202</p> <p>8/31/2010</p>	<p>In the proposed rule, VA estimated the total cost for this rulemaking to be \$13.6B during FY2010, \$25.3B for 5 years, and \$42.2B over 10 years. However, VA now knows that based on the publication date of the final rulemaking the timing will not allow payments to begin prior to FY2011. As a result, VA expects FY2010 and FY2011 costs will both now occur in FY2011. These costs include retroactive benefit costs in the first year and increased benefit costs for veterans currently on the rolls.</p>	No mention.	VA certified that the rule would not have a SEISNSE, as it only directly affected individuals.	VA indicated that the information collections had been approved by OMB (provided control number), but did not describe the burden hours or costs associated with this rule. (Collection is a general one for veterans' claim applications.)	VA said the rule contained no mandates that would trigger the requirements in UMRA.	VA determined that the rule was economically significant under EO 12866, and prepared an RIA utilizing Circular A-4. Provided a brief summary of need, legal basis, alternatives, risks, and anticipated costs and benefits. More lengthy discussion of calculation of retroactive payments, survivors previously denied, recurring payments, reopened claims, accessions, claims from vets not eligible, and VA costs. Also noted uncertainties in the analysis.

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>71. Department of the Interior, Fish and Wildlife Service</p> <p>Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2010-11 Early Season</p> <p>75 FR 53774</p> <p>9/1/2010</p>	<p>Interior relied on the economic analysis that was prepared for the 2008-09 season, because it chose to issue identical regulations to past seasons for ducks, and made only minor modifications to the season frameworks for other species. According to Interior, the modifications will not significantly change the economic impacts of the rule that were not quantified for other species. Interior estimated a consumer surplus of \$205-270M.</p>	<p>FWS referenced 1988 environmental assessments and records of decision. Said has been working on a supplemental environmental impact statement since 2005 (draft released July 2010).</p>	<p>FWS said the rule would have a SEISNSE, and analyzed the impacts on small businesses as part of the 1981 cost-benefit analysis, with a “small entity flexibility analysis” prepared as late as 2008. Estimated \$1.2B in sales at small businesses.</p>	<p>OMB approved the information collection, recordkeeping and reporting requirements. FWS did not describe or provide information on burden hours (although available through OMB approval number).</p>	<p>Certified that the rule did not trigger the requirements in Section 202 of UMRA because no \$100M in expenditures.</p>	<p>OMB determined that the rule was significant. An economic analysis was prepared for the 2008-2009 season (available from FWS website) estimating consumer surplus for three alternatives for duck hunting. This rule proposed no changes to the season frameworks, but FWS did not prepare a new analysis because population status information would not be available until later in the year.</p> <p>FWS said the rule did not have takings implications under EO12630, did not have federalism or tribal implications under EO13132 and EO13175, and was not a significant energy action under EO13211.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>72. Environmental Protection Agency</p> <p>National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants (2060-AO15; 2060-AO42)</p> <p>75 FR 54970</p> <p>9/9/2010</p>	<p>EPA estimated total monetized benefits in 2013 of \$6.7B to \$18BB. The capital cost of installing alkaline scrubbers and ACI systems for mercury control would be \$339M with an annualized cost of \$113M. Where wet scrubbers are used, installation capital costs estimated at \$253M with annualized cost of \$49M. Capital cost of adding scrubbers for the control of HCl were estimated to be \$1,882M with an annualized cost of \$261M. The capital cost of adding membrane bags to existing fabric will be \$57M with annualized cost of \$16M. The capital cost for the final amendments for kilns subject to existing source emissions limits estimated at \$2.2B with an annualized cost of \$377M. EPA stated that the estimated emission control capital cost per new 1.2M tons per year (tpy) kiln was \$3.2M and the annualized costs are estimated at \$1.2M for mercury and THC/organic HAP control, and \$3.6M for HCl control. According to EPA, because the</p>	No mention.	<p>EPA certified that the rule would not have a SEISNSE. (For Subpart F, screening analysis showed one of seven plants expected to have costs of between 1% and 3% of sales; for Subpart LLL, two will experience such impacts.)</p>	<p>EPA said the information requirements had been submitted to OMB for approval. Provided total burden hours and costs for two collections, but did not describe how they were calculated.</p>	<p>EPA concluded that Subpart LLL contained an UMRA mandate (mainly on the private sector), and prepared a Section 202 written statement.</p>	<p>EPA said the rule was economically significant under EO12866, and prepared an RIA (available in the docket) of the expected costs and benefits. Provided a table of the expected monetized benefits, social costs, and net benefits for the rule in 2013. EPA performed two separate cost analyses, an engineering analysis and an Industrial Sector Integrated Solutions model.</p> <p>EPA said the rule would not have federalism implications under EO13132, but Subpart LLL would have tribal implications under EO13175, (costs at one facility between 1% and 3% of sales). EPA said the rule was not subject to EO13045 on children and environmental health because it was based solely on technology performance, and was not a significant energy action under EO13211. Also said EO12989 on environmental justice was not triggered.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>73. Department of Justice</p> <p>Nondiscrimination on the Basis of Disability in State and Local Government Services (1190-AA46)</p> <p>75 FR 56164</p> <p>9/15/2010</p>	<p>The Department's final regulatory impact analysis (RIA), estimated the benefits and costs for all new (referred to as "supplemental") requirements and revised requirements across all types of newly constructed and existing facilities. The Department states that the final rules increase social resources and thus represent a public good because monetized benefits exceed monetized costs—that is, the regulations have a positive net present value (NPV). The Department notes that under every scenario assessed in the final RIA, the final rules have a positive NPV. According to the Department, the final RIA's first scenario examines the incremental impact of the final rules using the "main" set of assumptions (i.e., assuming a primary baseline (the original 1991 ADA Standards), that the safe harbor applies, and that for title III entities barrier removal is readily achievable for 50% of elements subject to supplemental requirements).</p>	<p>No mention.</p>	<p>DOJ said that chapter seven of the RIA determines that the rule will not have a SEISNSE. Nevertheless, the department said that the ANPRM, NPRM, initial and final RIAs, and other documents collectively "include all of the elements of a FRFA." Summarized need, issues raised in comments, small entities affect, compliance costs, and other issues.</p>	<p>DOJ said the rule did not contain any paperwork or recordkeeping requirements.</p>	<p>DOJ said the rule was not subject to UMRA, which excludes any rule that "establishes or enforces any statutory rights that prohibit discrimination on the basis of...handicap or disability."</p>	<p>DOJ said a contractor prepared an RIA and it was accepted by the department "in accordance with" EO12866. Preamble contains a lengthy discussion of how costs and benefits were calculated.</p> <p>DOJ said the rule had federalism implications under EO13132, and discussed actions taken.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>74. Department of Justice</p> <p>Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities (1190-AA44)</p> <p>75 FR 56236</p> <p>9/15/2010</p>	<p>DOJ said that using the "main" set of assumptions that the safe harbor applies, and that for title III entities barrier removal is readily achievable for 50% of elements subject to supplemental requirements, the final rules have an expected net present value of between \$9.3B and \$40.4B (depending on the discount rate). Also, DOD said that additional benefits are likely to result from the new standards that are hard to quantify, including reduced administrative costs due to harmonized guidelines, increased business opportunities, increased social development, and improved health benefits.</p>	<p>No mention.</p>	<p>DOJ said that chapter seven of the RIA determines that the rule will not have a SEISNSE. Nevertheless, the department said that the ANPRM, NPRM, initial and final RIAs, and other documents collectively "include all of the elements of a FRFA." Summarized need, issues raised in comments, small entities affect, compliance costs, and other issues.</p>	<p>DOJ said the rule did not contain any paperwork or recordkeeping requirements.</p>	<p>DOJ said the rule was not subject to UMRA, which excludes any rule that "establishes or enforces any statutory rights that prohibit discrimination on the basis of...handicap or disability."</p>	<p>DOJ said a contractor prepared an RIA and it was accepted by the department "in accordance with" EO12866. Preamble contains a lengthy discussion of how costs and benefits were calculated.</p> <p>Preamble notes EO13132, but does not clearly state whether rule has federalism implications (but does discuss preemption of conflicting state laws).</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
75. Securities and Exchange Commission Facilitating Shareholder Director Nominations (3235-AK27) 75 FR 56668 9/16/2010	SEC said the rule may facilitate shareholders' rights to nominate and elect directors; establish a procedure by which shareholders will be able to include their director nominees in a company's proxy materials; improve overall board and company performance; and result in more informed voting decisions in director elections. SEC said the rule might result in costs related to adverse effects on company and board performance; complexity in the proxy process; and preparing the required disclosures, printing and mailing, and costs of additional solicitations.	No mention.	SEC prepared a FRFA "in accordance with" the RFA. Discussed in detail the need for the amendments, issues raised in public comments, small entities affected, compliance requirements, and other issues.	Information collections in the rule were submitted to OMB and received control numbers. Discussed in detail various collections and filings, estimated incremental burden hours and costs, comments from the public, and other issues.	No mention.	SEC conducted a cost-benefit analysis, but did not cite any particular requirement to do so. Provided summary of rule, factors affecting scope of new rules, and detailed discussion of expected benefits and costs (by category). Section 23(a)(2) of the Exchange Act (15 U.S.C. 78w(a)(2)) requires SEC to consider the impact on competition, and prohibits the Commission from adopting any rule that would impose a competition burden not necessary or appropriate. Section 3(f) of the Exchange Act (15 U.S.C. 78c(f)) and Section 202(c) of the Advisers Act (15 U.S.C. 80b-2(c)) requires SEC to consider whether the action will promote efficiency, competition, and capital formation. SEC discussed compliance with these requirements.

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>76. Department of the Interior, Fish and Wildlife Service</p> <p>Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (1018-AX06)</p> <p>75 FR 58250</p> <p>9/23/2010</p>	<p>Interior relied on the economic analysis that was prepared for the 2008-09 season, because it chose to issue identical regulations to past seasons for ducks, and made only minor modifications to the season frameworks for other species. According to Interior, the modifications will not significantly change the economic impacts of the rule that were not quantified for other species. Interior estimated a consumer surplus of \$205-270M.</p>	<p>FWS referenced 1988 environmental assessments and records of decision. Said has been working on a supplemental environmental impact statement since 2005 (draft released July 2010).</p>	<p>FWS said the rule would have a SEIS/NSE, and analyzed the impacts on small businesses as part of the 1981 cost-benefit analysis, with a “small entity flexibility analysis” prepared as late as 2008. Estimated \$1.2B in sales at small businesses.</p>	<p>OMB approved the information collection, recordkeeping and reporting requirements. FWS did not describe or provide information on burden hours (although available through OMB approval number).</p>	<p>Certified that the rule did not trigger the requirements in Section 202 of UMRA because no \$100M in expenditures.</p>	<p>OMB determined that the rule was significant. An economic analysis was prepared for the 2008-2009 season (available from FWS website) estimating consumer surplus for three alternatives for duck hunting. This rule proposed no changes to the season frameworks, but FWS did not prepare a new analysis because there were no significant changes in the frameworks.</p> <p>FWS said the rule did not have takings implications under EO 12630, did not have federalism or tribal implications under EO 13132 and EO 13175, and was not a significant energy action under EO 13211.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>77. Department of Homeland Security</p> <p>U.S. Citizenship and Immigration Services Fee Schedule (1615-AB80)</p> <p>75 FR 58962</p> <p>9/24/2010</p>	<p>The final rule will provide DHS with an average of \$209M in FY2010 and FY2011 annual fee revenue, based on a projected annual fee-paying volume of 4.4M immigration benefit requests and 1.9M requests for biometric services, over the fee revenue that would be collected under the current fee structure. The increased revenue will be used to fund the full cost of processing immigration benefit applications and associated support benefits; the full cost of providing similar benefits to asylum and refugee applicants; and the full cost of similar benefits provided to others at no charge.</p>	<p>No mention.</p>	<p>DHS said the rule would not have a SEISNSE, but nevertheless published a FRFA. Discussed public comments, small entities affected, compliance requirements, and steps taken to minimize impacts.</p>	<p>OMB approved two new information collections, and DHS solicited comments in the rule. Provided summary information on burden hours and costs.</p>	<p>DHS said the rule is not an UMRA mandate because any enforceable duty arises from a voluntary federal program (applying for immigration).</p>	<p>DHS considered the rule economically significant under EO 12866, and briefly described the fee revenue (transfer) that would be derived from the rule. Said a detailed analysis was available in the docket.</p> <p>DHS said the rule did not have sufficient federalism implications to warrant an impact statement under EO 13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>78. Department of the Interior, Fish and Wildlife Service</p> <p>Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds (1018-AX06)</p> <p>75 FR 58994</p> <p>9/24/2010</p>	<p>Interior relied on the economic analysis that was prepared for the 2008-09 season, because it chose to issue identical regulations to past seasons for ducks, and made only minor modifications to the season frameworks for other species. According to Interior, the modifications will not significantly change the economic impacts of the rule that were not quantified for other species. Interior estimated a consumer surplus of \$205-270M.</p>	<p>FWS referenced 1988 environmental assessments and records of decision. Said has been working on a supplemental environmental impact statement since 2005 (draft released July 2010).</p>	<p>FWS said the rule would have a SEISNSE, and analyzed the impacts on small businesses as part of the 1981 cost-benefit analysis, with a “small entity flexibility analysis” prepared as late as 2008. Estimated \$1.2B in sales at small businesses.</p>	<p>OMB approved the information collection, recordkeeping and reporting requirements. FWS did not describe or provide information on burden hours (although available through OMB approval number).</p>	<p>Certified that the rule did not trigger the requirements in Section 202 of UMRA because no \$100M in expenditures.</p>	<p>OMB determined that the rule was significant. An economic analysis was prepared for the 2008-2009 season (available from FWS website) estimating consumer surplus for three alternatives for duck hunting. This rule proposed no changes to the season frameworks, but FWS did not prepare a new analysis because there were no significant changes in the frameworks.</p> <p>FWS said the rule did not have takings implications under EO 12630, did not have federalism or tribal implications under EO 13132 and EO 13175, and was not a significant energy action under EO 13211.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>79. Department of the Interior, Fish and Wildlife Service</p> <p>Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2010-11 Late Season (1018-AX06)</p> <p>75 FR 59042</p> <p>9/24/2010</p>	<p>Interior relied on the economic analysis that was prepared for the 2008-09 season, because it chose to issue identical regulations to past seasons for ducks, and made only minor modifications to the season frameworks for other species. According to Interior, the modifications will not significantly change the economic impacts of the rule that were not quantified for other species. Interior estimated a consumer surplus of \$205-270M.</p>	<p>FWS referenced 1988 environmental assessments and records of decision. Said has been working on a supplemental environmental impact statement since 2005 (draft released July 2010).</p>	<p>FWS said the rule would have a SEIS/NSE, and analyzed the impacts on small businesses as part of the 1981 cost-benefit analysis, with a “small entity flexibility analysis” prepared as late as 2008. Estimated \$1.2B in sales at small businesses.</p>	<p>OMB approved the information collection, recordkeeping and reporting requirements. FWS did not describe or provide information on burden hours (although available through OMB approval number).</p>	<p>Certified that the rule did not trigger the requirements in Section 202 of UMRA because no \$100M in expenditures.</p>	<p>OMB determined that the rule was significant. An economic analysis was prepared for the 2008-2009 season (available from FWS website) estimating consumer surplus for three alternatives for duck hunting. This rule proposed no changes to the season frameworks, but FWS did not prepare a new analysis because there were no significant changes in the frameworks.</p> <p>FWS said the rule did not have takings implications under EO 12630, did not have federalism or tribal implications under EO 13132 and EO 13175, and was not a significant energy action under EO 13211.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>80. Department of the Interior, Bureau of Ocean Energy Management, Regulation and Enforcement</p> <p>Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Increased Safety Measures for Energy Development on the Outer Continental Shelf (1010-AD68)</p> <p>75 FR 63346</p> <p>10/14/2010</p>	<p>BOEMRE said the cost-benefit analysis for this rule was conducted using a scenario analysis. If another catastrophic oil spill is prevented, the benefits are the avoided costs associated with a catastrophic oil spill. Costs were estimated at about \$180M per year. BOEMRE believes the benefits are represented by the avoided costs of a catastrophic spill, which are estimated under the stipulated scenario as being \$16.3B per spill avoided. According to BOEMRE, these regulations will reduce the likelihood of another blowout and associated spill, but the risk reduction associated with the specific provisions of this rulemaking cannot be quantified because there are many complex factors that affect the risk of a blowout event.</p>	<p>BOEMRE prepared an environmental assessment (available through regulations.gov), but reached a FONSI.</p>	<p>Because of the emergency nature of the rules, BOEMRE had not prepared an IRFA, but said it would do so. Provided some information on small entities and costs, and concluded the rule would have a SEISNSE. (Could have used the no NPRM explanation, and avoided RFA.)</p>	<p>Rule contains a collection of information that was approved by OMB. Provided information on burden hours for each element of the collection. Said it would later request a regular three-year approval from OMB.</p>	<p>BOEMRE said the rule would impose an unfunded mandate of more than \$100M per year, but said an UMRA statement was not required. (No explanation for this discrepancy provided, but could have used the no NPRM explanation.)</p>	<p>OMB determined that the rule was economically significant. BOEMRE prepared an RIA, which was discussed in preamble and is available in the docket at regulations.gov.</p> <p>BOEMRE concluded under EO13211 that the rule would have an effect on energy supply, distribution, or use, and would result in a slight increase in oil and gas prices.</p> <p>Said rule would not have takings implications under EO12630, federalism implications under EO13132, or tribal implications under EO13175.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>81. Department of Defense, Office of the Secretary</p> <p>Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/TRICARE: Inclusion of TRICARE Retail Pharmacy Program in Federal Procurement of Pharmaceuticals (0720-AB45)</p> <p>75 FR 63383</p> <p>10/15/2010</p>	<p>DOD said that the principal economic impact of this rule is to moderate the rate of growth in spending in the retail pharmacy component of the program. DOD estimated FY2010 reduced spending of \$388M for the Defense Health Program (DHP) and \$404M for the Medicare-Eligible Retiree Health Care Fund (MERHCF). DOD's current estimated cost reductions from applying FCPs to the TRICARE Retail Pharmacy Network in Fiscal Years 2010 through 2015 ranges from \$375M to \$560 million for DHP reduced spending and \$474M to \$707M for MERHCF reduced spending. FCP savings estimates will continue to be updated as actual refunds are received and estimating methodologies are refined. As a frame of reference, total TRICARE Pharmacy Benefits Program spending is estimated to be \$8.5B in FY2010.</p>	<p>No mention.</p>	<p>DOD certified that the rule would not have a SEISNSE, as drugs subject to rule represent less than 2% of manufacturers' prescription drug sales).</p>	<p>Rule contains information collection requirements, which have been approved by OMB. No details provided, although available through control number (0720-0032).</p>	<p>DOD said the rule did not impose a mandate, as the economic impact is in the form of reduced federal expenditures.</p>	<p>DOD said it examined the economic, legal, and policy implications of the rule and concluded that it was economically significant under EO12866 (because of the reduced price of drugs paid for by DOD). Provided summary information on estimated reductions in spending.</p> <p>DOD said the rule would not have federalism implications under EO13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>82. Department of Labor, Employee Benefits Security Administration</p> <p>Fiduciary Requirements for Disclosure in Participant-Directed Individual Account Plans (1210-AB07)</p> <p>75 FR 64910</p> <p>10/20/2010</p>	<p>EBSA said the rule would (1) reduce time needed for participants to collect investment-related data and organize it into a format that allows the information to be compared; and (2) improve investment results through enhanced disclosures. EBSA estimated that the present value of the benefits over the 10-year period 2012–2021 would be about \$14.9B (range from \$7.2B to \$29.9B). EBSA said costs would come from upfront review and updating of plan documents, production of quarterly dollar amount disclosures, assembling required information for chart and web site, the web site requirement, and distribution and materials for disclosures, EBSA estimated that the present value of the costs over the 10-year period 2012–2021 will be \$2.7B. Overall, EBSA said the rule would generate a net present benefit of almost \$12.3B.</p>	No mention.	<p>EBSA prepared a FRFA, and said that certain portions (need, legal basis) could be found in the RIA. Provided description of affected small entities and compliance requirements on them.</p>	<p>OMB approved an information collection request just before the rule was published. Preamble describes increased burden due to specific requirements.</p>	<p>EBSA said the rule did not include any UMRA mandate of \$100M in any year.</p>	<p>EBSA said it evaluated the benefits and costs of the rule “pursuant to” EO 12866. Provided summary information on benefits, affected parties, and costs, and provided more detailed discussion of need, alternatives, and benefits and costs in a “Regulatory Impact Analysis” section of the preamble.</p> <p>Said the rule does not have federalism implications under EO 13132 because it has no substantial direct effects on the states or federalism.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>83. Securities and Exchange Commission</p> <p>Reporting of Security-Based Swap Transaction Data (3235-AK73)</p> <p>75 FR 64643</p> <p>10/20/2010</p>	<p>SEC said the rule would allow it to gain a better understanding of the security-based swap markets and help it analyze the security-based swap market as a whole and identify risks; facilitate SEC reports to Congress; and may make management review internal procedures and controls. SEC said the rule could affect more than 1,000 market participants and cover about 2.4M security-based swap transactions. SEC said that certain required changes could result in a cost to each respondent of approximately \$6,236 and an aggregate cost of approximately \$6,236,000. The requirement to report transactions could cost each reporting entity of approximately \$43,900 and an aggregate cost of approximately \$43,900,000. Responding to SEC requests for information could cost each reporting entity of approximately \$6,352 and an aggregate cost of approximately \$6,352,000.</p>	No mention.	SEC certified that the rule would not have a SEISNSE, with explanation.	SEC submitted information collection to OMB for approval. Summarized the collection, the proposed use of the information, respondents, burden hours, and retention period.	No mention.	<p>SEC prepared a cost-benefit analysis, but did not cite any particular requirement. Discussed the benefits and costs, and requested comments on related issues.</p> <p>Section 23(a)(2) of the Exchange Act (15 U.S.C. 78w(a)(2)) requires SEC to consider the impact on competition, and prohibits the Commission from adopting any rule that would impose a competition burden not necessary or appropriate. Section 3(f) of the Exchange Act (15 U.S.C. 78c(f)) requires SEC to consider whether the action will promote efficiency, competition, and capital formation. SEC discussed compliance with these requirements.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>84. Department of Agriculture, Farm Service Agency</p> <p>Crop Assistance Program (0560-A111)</p> <p>75 FR 65423</p> <p>10/25/2010</p>	<p>FSA estimated that the total cost to the government, and the corresponding benefit to producers, for the Crop Assistance Program will be between \$137M and \$543M, depending on how many producers in disaster counties apply for payment.</p>	<p>FSA said that no environmental assessment or environmental impact statement was required because the program only provides financing assistance to eligible producers who suffered eligible losses.</p>	<p>FSA said that the RFA was not applicable to the rule because the agency was not required to publish an NPRM (used good cause exception).</p>	<p>FSA said that it submitted the information collection request for the program to OMB for approval. Provided summary information on respondents and burden hours.</p>	<p>FSA said that UMRA was not applicable to this rule because the agency was not required to publish an NPRM.</p>	<p>OMB designated the rule economically significant, and FSA prepared a cost-benefit analysis (available from the listed contact). Provided summary information on costs to the government and the corresponding benefit to producers.</p> <p>Said the rule would not have federalism implications under EO13132, or tribal implications under EO13175.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>85. Department of Education</p> <p>High School Equivalency Program (HEP) and College Assistance Migrant Program, (CAMP) The Federal TRIO Programs, and Gaining Early Awareness and Readiness for Undergraduate Program (GEAR UP) (1840-AD01)</p> <p>75 FR 65712</p> <p>10/26/2010</p>	<p>Education determined that the potential costs associated with the final rule are those resulting from statutory requirements and those determined by Education as necessary for administering the program effectively and efficiently. Education determined that the benefits of the regulation, which include \$1.233B in grant funds from the federal government to institutions of higher education, public and private agencies and organizations, and secondary schools, justify the costs.</p>	<p>No mention.</p>	<p>Education certified that the rule would not have a SEISNSE. With regard to HEP and CAMP, just said minor changes in the rules would not affect small entities. In TRIO and GEAR UP programs, provided more details (number of small entities and expected burden).</p>	<p>Education said it would submit a copy of the information collections to OMB for review. Provided detailed discussion of collections and recordkeeping requirements, including burden hour assessments.</p>	<p>No mention.</p>	<p>Education said the rule was economically significant under EO 12866. Under heading of “Regulatory Impact Analysis,” simply said that the costs result from the statute and are necessary, and that the benefits justify the costs. Later discussed the need for the rule, alternatives considered, and estimated the size of the federal transfer payments.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>86. Department of Agriculture</p> <p>Commodity Credit Corporation: Biomass Crop Assistance Program (0560-AH92)</p> <p>75 FR 66202</p> <p>10/27/2010</p>	<p>The total outlays were estimated to be \$461M in constant (2011) dollars. Because the payments under the final rule are essentially transfer payments, the costs to the government equal the benefits to biomass crop assistance program (BCAP) producers and biomass crop farms.</p>	<p>FSA (not CCC) reportedly prepared a programmatic environmental impact statement in accordance with NEPA, and a record of decision summarizing the reasons for selecting the alternative based on the environmental and socioeconomic impacts and benefits.</p>	<p>CCC said the rule would not have a SEIS/NSE, and provided a brief explanation.</p>	<p>Information collection submitted to OMB for approval. FSA described how the information would be used and responded to comments on certain issues. However, no description of burden hours or costs.</p>	<p>CCC said that the rule contained no mandates as defined by UMRA, so no Section 202 written statement was required.</p>	<p>OMB determined that the rule was economically significant, and the agency summarized the cost-benefit analysis (available from the listed contact). Briefly discussed the program costs and benefits, and provided estimates by year in table.</p> <p>Said the rule did not have federalism implications under EO13132, and did not have tribal implications under EO13175.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
87. Department of Education Program Integrity Issues (1840-AD02) 75 FR 66832 10/29/2010	Benefits of the rule include updated administrative procedures for federal student aid programs; a definition and process to determine the validity of a student's high school diploma; enhanced reliability and security of ability-to-benefit tests; increased clarity about incentive compensation for employees at institutions of higher education; reporting of information on programs leading to gainful employment; the establishment of minimum standards for credit hours; greater transparency for borrowers participating in the programs offered under written agreements between institutions; greater detail about misrepresentation in marketing and recruitment materials; a more structured and consistent approach to the development and implementation of satisfactory academic progress policies.	No mention.	Secretary certified that the rule would not have a SEISNSE. Preamble and Appendix A provided detailed explanation for why no SEISNSE was expected, including calculations of small entity burden and alternatives to reduce that burden.	Department submitted 15 information collection requirements to OMB for review. Provided detailed discussion of each collection, including estimates of burden hours and costs.	Although no section of the preamble on UMRA, a response to comment indicated that the Department did not believe that the rule included a mandate.	Department determined that the rule was economically significant under EO 12866. A detailed RIA was included in Appendix A of the rule, which described the need for the rule, alternatives considered, benefits, costs, and net budget impacts. No other analytical requirements mentioned.

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>88. Department of Transportation, Federal Highway Administration</p> <p>Real-Time System Management Information Program (2125-AF19)</p> <p>75 FR 68418</p> <p>11/8/2010</p>	<p>FHWA determined that this final rule would not adversely affect, in a material way, any sector of the economy and estimates that the net present value of the estimated costs and benefits through 2021 represents at least a \$315M benefit to American travelers and taxpayers, corresponding to a benefit-cost ratio of 1.3. [DOT estimated the annualized cost of the rule at between \$141.1M and \$145.9M, and estimated the annualized benefits at between \$162.3M and \$177.3M.]</p>	<p>Agency said it had analyzed the rule under NEPA and determined that the rule may yield substantial benefit from reductions of greenhouse gasses, and therefore would not affect the quality of the human environment. Also said the promulgation of regulations was a “categorical exclusion under 23 CFR 771.117(c)(20).”</p>	<p>FHWA said the rule does not affect small entities (only states and large metropolitan areas), so certified no SEISNSE.</p>	<p>FHWA requested that OMB approve a single information collection for various requirements. Provided summary information on respondents and burden hours required to provide information.</p>	<p>FHWA said the rule does not impose unfunded mandates in that governments have the authority to adjust their participation in the program. Also, conditions of federal financial assistance are not considered mandates under UMRA. Noted that the effects of the rule are discussed in the regulatory cost analysis in the docket.</p>	<p>FHWA determined that the rule is economically significant under EO12866. See “Regulatory Cost Analysis of Proposed Rulemaking” in the docket for detailed analysis. Provided estimates of costs, benefits, and net present value benefit in preamble.</p> <p>FHWA said the rule would not have takings implications under EO12630, would not cause environmental risk to children under EO13045, was not a significant energy action under EO13211, and would not have federalism or tribal implications under EO13132 or EO13275, respectively.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>89. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2011 (0938-AP81)</p> <p>75 FR 68790</p> <p>11/9/2010</p>	<p>CMS estimated the standard Part B premium rate of \$115.40 is \$4.90 higher than the premium for 2010, so there will be about \$700M of additional costs in 2011 to the approximately 12M Part B enrollees who pay the increase in the Part B premium.</p>	<p>No mention.</p>	<p>The Secretary certified that this notice would not have a SEISNSE. No explanation provided.</p>	<p>No mention.</p>	<p>CMS said that the notice had no consequential effects on governments, and the effects on the private sector fell below the \$135M threshold in Section 202 of UMRA. No further explanation provided.</p>	<p>Under the heading "Regulatory Impact Analysis," CMS said it examined the impacts of the notice "as required by" EO12866, the RFA, Section 1102(b) of the Social Security Act, Section 202 of UMRA, and EO13132. Summarized RIA in the preamble.</p> <p>CMS said the rule would not have a significant economic impact on a substantial number of small rural hospitals under Section 1102 of the Social Security Act, and did not trigger the requirements of EO13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>90. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for CY2011</p> <p>(0938-AP86)</p> <p>75 FR 68799</p> <p>11/9/2010</p>	<p>CMS estimated that the total increase in costs to beneficiaries is about \$900M due to the increase in the deductible and coinsurance amounts and the change in the number of deductibles and daily coinsurance amounts paid.</p>	<p>No mention.</p>	<p>CMS said the rule would not have a SEISNSE, but did not clearly indicate the reason. (Could have used the no NPRM rationale.)</p>	<p>CMS said the rule had no information collections under the Paperwork Reduction Act.</p>	<p>CMS said that the notice had no consequential effects on governments or the private sector, so a written statement under Section 202 of UMRA was not required. (Could have used the no NPRM rationale.)</p>	<p>Under the heading "Regulatory Impact Analysis," CMS said it examined the impacts of the notice "as required by" EO12866, the RFA, Section 1102(b) of the Social Security Act, Section 202 of UMRA, and EO13132.</p> <p>CMS said the notice would result in savings of about \$78M to enrollees, and therefore was not economically significant.</p> <p>CMS said the rule would not have a significant economic impact on a substantial number of small rural hospitals under Section 1102(b) of the Social Security Act, and did not trigger the requirements of EO13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
91. Securities and Exchange Commission Regulation SHO (3235-AK35) 75 FR 68702 11/9/2010	SEC said the delay of the compliance date for the amendments to Rule 201 and Rule 200(g) of Regulation SHO would delay the benefits of the rules, but would also delay the ongoing costs of complying with the amendments. SEC said that the limited extension is necessary and appropriate because it will provide certain exchanges additional time to modify their current procedures for conducting single-priced transactions for covered securities that have triggered Rule 201's circuit breakers in a manner that is consistent with the goals and requirements of Rule 201, and industry participants additional time for programming and testing for compliance with the requirements of Rule 201 and Rule 200(g).	No mention.	In a footnote, SEC said the RFA does not apply to this rule because an NPRM was not required (good cause exception).	No mention.	No mention.	No mention of any other analytical requirements.

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>92. Securities and Exchange Commission</p> <p>Risk Management Controls for Brokers or Dealers With Market Access (3235-AK53)</p> <p>75 FR 69792</p> <p>11/15/2010</p>	<p>SEC expected that this final rule would benefit investors, broker-dealers, their counterparties, and the national market system as a whole by reducing the risks faced by broker-dealers and other market participants as a result of various market access arrangements by requiring financial and regulatory risk management controls to be implemented on a uniform, market-wide basis. A specific benefit identified by the Commission is a reduction of systemic risk associated with market access through the elimination of "unfiltered" or "naked" access. The Commission estimates that the total annual initial cost for all broker-dealers will be approximately \$114.4M and that the total annual ongoing cost for all 1,375 broker-dealers will be approximately \$112.9M.</p>	No mention.	SEC prepared a FRFA for the rule, and discussed need for the rule, issues raised by public comments, small entities affected, compliance requirements, and actions to minimize the effects on small entities.	SEC submitted an information collection to OMB for review. Provided detailed discussion of the information being collected and how it would be used, the respondents, and the initial and annual reporting and recordkeeping burdens (burden hours and costs).	No mention.	<p>In a section entitled "Consideration of Costs and Benefits," SEC discussed in detail the expected costs and benefits of the rule, but did not indicate a specific requirement to do so.</p> <p>Section 23(a)(2) of the Exchange Act (15 U.S.C. 78w(a)(2)) requires SEC to consider the impact on competition, and prohibits the Commission from adopting any rule that would impose a competition burden not necessary or appropriate. Section 3(f) of the Exchange Act (15 U.S.C. 78c(f)) requires SEC to consider whether the action will promote efficiency, competition, and capital formation. SEC discussed compliance with these requirements.</p>

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<p>93. Department of Defense, Office of the Secretary</p> <p>Homeowners Assistance Program—Application Processing (0790-AI58)</p> <p>75 FR 69871</p> <p>11/16/2010</p>	<p>DOD did not include a cost-benefit analysis of the final rule.</p>	<p>No mention.</p>	<p>DOD certified that the rule would not have a SEISNSE, but did not explain why.</p>	<p>DOD said the rule contained reporting or recordkeeping requirements under the PRA, and that OMB had approved them. Did not further discuss (although more information is available through the OMB control number).</p>	<p>DOD certified that the rule did not contain covered UMRA mandate, but did not explain why.</p>	<p>DOD said the rule was economically significant, but did not discuss costs or benefits, or indicate that an RIA had been prepared.</p> <p>DOD certified that the rule did not have federalism implications under EO 13132.</p>
<p>94. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2011; Changes in Certification Requirements for Home Health Agencies and Hospices (0938-AP88)</p> <p>75 FR 70372</p> <p>11/17/2010</p>	<p>CMS estimated that the net impact of the final rule would be approximately \$960M in CY2011 savings. CMS estimated the distributional effects of an updated wage index would account for a \$20M increase, the 1.1% home health market basket update would account for a \$210M increase, while the 3.79% case-mix adjustment applicable to the national standardized 60-day episode rates would account for a \$700M decrease, and the 2.5% returned from the outlier provisions of the Affordable Care Act would result in a \$490M decrease.</p>	<p>No mention.</p>	<p>CMS said the rule would have a SEISNE, and described those effects.</p>	<p>CMS solicited public comment on several portions of the rule that contained information collection requirements. For each requirement, discussed potential respondents and burden hour totals.</p>	<p>CMS said the rule would not have an effect on governments or the private sector of \$135M or more.</p>	<p>Under the heading “Regulatory Impact Analysis,” CMS said it examined the impacts of the notice “as required by” EO 12866, the RFA, Section 1102(b) of the Social Security Act, Section 202 of UMRA, and EO 13132. Provided detailed discussion of effects.</p> <p>CMS said the rule was economically significant under EO 12866, and discussed the expected impacts in detail by agency type, and the alternatives considered.</p> <p>Said the rule would not have federalism implications under EO 13132, and would not have a significant impact on rural hospitals under Section 1102(b).</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>95. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare Program: Hospital Outpatient Prospective Payment System and CY2011 Payment Rates; Ambulatory Surgical Center Payment System and CY2011 Payment Rates; Payments to Hospitals for Graduate Medical Education Costs; Physician Self-Referral Rules and Related Changes to Provider Agreement Regulations; Payment for Certified Registered Nurse Anesthetist Services Furnished in Rural Hospitals and Critical Access Hospitals (0938-AP82; 0938-AP80)</p> <p>75 FR 71800</p> <p>11/24/2010</p>	<p>CMS estimated that the total increase (from changes in the final rule with comment period as well as enrollment, utilization, and case-mix changes) in expenditures under the hospital outpatient prospective payment system (OPPS) for calendar year (CY) 2011 compared to CY2010 will be approximately \$3.2B. CMS also estimates that the total increase (from changes in the final rule with comment period as well as enrollment, utilization, and case-mix changes) in expenditures under the ambulatory surgical center (ASC) payment system provisions for CY2011 compared to CY2010 will be approximately \$230M.</p>	No mention.	<p>CMS said the rule would have a SEISNSE, and because many of the affected entities are small entities, “the analyses presented throughout this final rule with comment period constitute our regulatory flexibility analysis.”</p>	<p>CMS discussed four information collection requirements not discussed in the regulation text, and discussed any comments received. Provided burden hour estimates for some (but not all) of the requirements.</p>	<p>CMS said the rule would not mandate any requirements on governments or affect private sector costs.</p>	<p>Under the heading “Regulatory Impact Analysis,” CMS said it examined the impacts of the notice “as required by” EO12866, the RFA, Section 1102(b) of the Social Security Act, Section 202 of UMRA, and EO13132. Per EO12866, discussed in detail the alternatives considered for different parts of the rule, effects on hospitals and others, and other issues.</p> <p>Secretary determined that the rule would have a significant effect on small rural hospitals under Section 1102(b) of the Social Security Act. No specific analysis presented (although said the analysis must conform with the RFA’s analysis, and CMS said the general analysis satisfied the RFA requirement).</p> <p>Said the rule would not have federalism implications under EO13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>96. Department of Health and Human Services, Centers for Medicare & Medicaid Services</p> <p>Medicare Program; Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY2011 (0938-AP79)</p> <p>75 FR 73170</p> <p>11/29/2010</p>	<p>CMS estimated that the final rule would result in a decrease in expenditures of \$17.6B for physician fee schedule (PFS) conversion factor update. CMS estimated an increase in expenditures of \$1.97B for Affordable Care Act provisions.</p>	<p>No mention.</p>	<p>Because many of the affected entities are small, CMS said “the analysis discussed throughout the preamble of this final rule with comment period constitutes our regulatory flexibility analysis.”</p>	<p>CMS solicited comment on a number of sections of the rule that contain information collection requirements, and other requirements that were not in the text. Discussed each requirement in detail, and for some (but not all), provided estimated burden hours and costs.</p>	<p>CMS said the rule did not contain any mandated requirements of \$135M or more on governments or the private sector.</p>	<p>Under the heading “Regulatory Impact Analysis,” CMS said it examined the impacts of the notice “as required by” EO12866, the RFA, Section 1102(b) of the Social Security Act, Section 202 of UMRA, and EO13132. Per EO12866, discussed in detail the alternatives considered for different parts of the rule, effects on hospitals and others, and other issues. CMS said the rule was economically significant under EO12866 because it would redistribute more than \$100M in a year. Discussed in great detail a variety of issues, ending in an accounting statement.</p> <p>CMS said the rule would not have a significant effect on a substantial number of small rural hospitals under Section 1102(b) of the Social Security Act, and would not have federalism implications under EO13132.</p>

Agency, Rule Title, RIN, Federal Register Citation, and Date	Cost-Benefit Analysis Information Provided in GAO Report ¹	NEPA	RFA	PRA	UMRA	Executive Order and Other Requirements
<p>97. Department of Health and Human Services</p> <p>Health Insurance Issuers Implementing Medical Loss Ratio (MLR) Requirements Under the Patient Protection and Affordable Care Act (0950-AA06)</p> <p>75 FR 74864</p> <p>12/1/2010</p>	<p>HHS identified several qualitative benefits of the rule, including greater market transparency and improved ability of consumers to make informed insurance choices; increased spending by insurers on quality-promoting activities; and improvements in population health. HHS estimates that issuers would incur about \$33M to \$67M in one-time administrative costs, and \$11M to \$29M in annual ongoing administrative costs from 2011 through 2013. HHS said the rule may also result in costs of potential increases in medical care use, the cost of additional quality-improving activities, and costs to consumers if some issuers decide to limit offered products as a result of this interim final regulation.</p>	No mention.	<p>HHS said an RFA analysis was not required for this interim final rule because there was no NPRM. However, said it had considered the likely impact on small entities, and discussed the analysis conducted for a related rule, which led to the conclusion that this rule would not have a SEISNSE.</p>	<p>HHS solicited comments on several collections of information, and provided detailed descriptions of them. Also provided information on respondents and estimates of burden hours and costs for most of them.</p>	<p>HHS said that UMRA did not apply to this interim final rule because there was no prior NPRM. However, went on to describe why the rule would not trigger the requirements of Section 202 (no mandate on private sector or governments of \$135M in any year).</p>	<p>Under the heading “Regulatory Impact Analysis,” CMS said it examined the impacts of the notice “as required by” EO12866, the RFA, Section 1102(b) of the Social Security Act, Section 202 of UMRA, and EO13132. Said the rule was economically significant under EO12866, and discussed in great detail the need for the action; expected costs, benefits, transfers; alternatives considered, and other issues.</p> <p>HHS said the rule would not affect small hospitals, so Section 1102(b) of the Social Security Act did not apply.</p> <p>HHS said the rule did have federalism implications because of direct effects on the distribution of power and responsibilities among the state and federal governments. Discussed efforts to satisfy the requirements of EO13132.</p>

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<p>98. Department of Veterans Affairs</p> <p>Payment for Inpatient and Outpatient Health Care Professional Services at Non-Departmental Facilities and Other Medical Charges Associated With Non-VA Outpatient Care (2900-AN37)</p> <p>75 FR 78901</p> <p>12/17/2010</p>	<p>VA analyzed the expected savings from using the Medicare outpatient payment methodologies rather than the current VA method in four different categories. VA determined the cost reduction for clinical lab claims, as percentage of payments made under current VA methodology, would be 74.6%. The cost reduction for outpatient dialysis facility claims would be 38.8%. The cost reduction for non-VA ambulatory surgery center claims would be 11.2%. And finally, the cost reduction for non-VA hospital outpatient department and emergency room facility claims would be 33.2%. VA estimates that the annual savings resulting from adoption of Medicare pricing standards for payment of outpatient services to be \$274.6M in fiscal year 2011, and approximately \$1.8B total over the next five fiscal years.</p>	No mention.	Secretary determined that the rule would have a SEISNSE, and prepared a FRFA, which was discussed in a section entitled "Executive Order 12866 and Regulatory Flexibility Act."	VA said the rule did not contain any new collections of information covered by the PRA.	VA said the rule would require no expenditures by governments or the private sector of \$100M annually.	VA concluded that the rule was economically significant under EO 12866, and (per Circular A-4) discussed the need for the rule, alternative pricing mechanisms and approaches considered, and other issues. VA used a contractor to provide more detailed analysis of expected savings.

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<p>99. Department of the Treasury</p> <p>Management of Federal Agency Disbursements (1510-AB26)</p> <p>75 FR 80315</p> <p>12/22/2010</p>	<p>Treasury estimated the benefits of the rule at \$117M reduced costs to the federal government.</p>	<p>No mention.</p>	<p>Treasury certified that the rule would not have a SEISNSE, as the rule applied to individuals who receive federal payments, not small entities.</p>	<p>No mention.</p>	<p>Treasury said the rule would not result in expenditures by governments or the private sector of \$100M in any year, so UMRA Section 202 did not apply.</p>	<p>Treasury determined that the rule was economically significant, and prepared an RIA. Provided summary of benefits and costs, and discussed in detail the need for the action, elements of the rule, benefits and costs, alternatives considered, and other issues.</p> <p>No other analytical requirements mentioned.</p>
<p>100. Consumer Product Safety Commission</p> <p>Safety Standards for Full-Size Baby Cribs and Non-Full Size Baby Cribs</p> <p>75 FR 81766</p> <p>12/28/2010</p>	<p>SEC estimated a total one-time cost to childcare centers of \$97M nationwide for replacing all of their full-size cribs, and a one-time cost of \$290M nationwide for replacing all of their non-full-size cribs. The Commission determined that the impact on childcare centers, family child care homes, and places of public accommodation could be significant and provides a 6-month effective date with an additional 18-month compliance period for these entities to meet the standard.</p>	<p>No mention, although CPSC said its regulations provide a categorical exclusion from any requirement to prepare an environmental assessment or an environmental impact statement because they have little or no potential for affecting the human environment. (See 16 CFR 1021.5(c)(2).)</p>	<p>Prepared a FRFA for the rule, "provided at Tabs A and B of the staff's briefing package." Discussed in some detail (for both full-size and other cribs) effects on different types of small businesses and alternatives considered.</p>	<p>CPSC said it did not receive any comments on the proposed collection requirements, and had applied to OMB for approval. Did not discuss the requirements or burden estimates.</p>	<p>No mention (although CPSC said the rule would preempt state and local law).</p>	<p>No mention of other analytical requirements.</p>