

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF DEFENSE

[Docket ID DOD-2011-OS-0036]

### 2 CFR Chapter XI

### 5 CFR Chapter XXVI

### 32 CFR Chapters I, V, VI, VII, XII, and Subtitle A

### 33 CFR Chapter II

### 36 CFR Chapter III

### 40 CFR Chapter VII

### 48 CFR Chapters 1, 2, 52, and 54

### Reducing Regulatory Burden; Retrospective Review Under E.O. 13563

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Request for information.

**SUMMARY:** As part of its implementation of Executive Order 13563, "Improving Regulation and Regulatory Review," issued by the President on January 18, 2011, the Department of Defense is seeking comments and information from interested parties to assist DoD in reviewing its existing regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed. The purpose of the Department's review is to make the agency's regulatory program more effective and less burdensome in achieving its regulatory objectives. The Department of Defense will continue to work with the public and the business community to determine how its regulations can increase efficiency, transparency, and provide accountability.

**DATES:** Comments are requested by July 6, 2011.

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

*Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, OSD Mailroom 3C843, Washington, DC 20301-1160.

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

**FOR FURTHER INFORMATION CONTACT:**

Robert Cushing, Jr., 703-696-5282.

**SUPPLEMENTARY INFORMATION:** Executive Order 13563 recognizes the importance of maintaining a consistent culture of retrospective review and analysis throughout the executive branch. Pursuant to the Executive Order, the Department of Defense (DoD) is developing a preliminary plan for the periodic review of its existing regulations and reporting obligations. DoD's plan is designed to create a defined method and schedule for identifying certain significant rules that are obsolete, unnecessary, unjustified, excessively burdensome, or counterproductive. Its review processes are intended to facilitate the identification of rules that warrant repeal or modification, or strengthening, complementing, or modernizing rules where necessary or appropriate. The preliminary plan, along with this request for information and previously received public comments, will be available on <http://www.regulations.gov> for public comment in the docket DOD-2011-OS-0036.

The Department of Defense is committed to the principles of retrospective analysis in order to improve the effectiveness of the implementation of its regulations, improve transparency in the regulatory process through public participation, and to provide transparent documentation of its analysis. Consistent with the Department's commitment to public participation in the rulemaking process, the Department is soliciting views from the public on how best to conduct its analysis of existing DoD rules and how best to identify those rules that might be modified, streamlined, expanded, or

repealed. It is also seeking views from the public on specific rules or Department-imposed obligations that should be altered or eliminated. DoD regulations may be viewed by going to the eCFR at <http://ecfr.gpoaccess.gov> and searching titles 2, 5, 32, 33, 36, 40, and/or 48.

The Department notes that this request for information is issued solely for information and program-planning purposes. While responses to this request do not bind the Department of Defense to any further actions related to the response, all submissions will be made publically available on <http://www.regulations.gov>.

Dated: May 27, 2011.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2011-13765 Filed 6-3-11; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 5 CFR Chapter XLV

### 21 CFR Chapter I

### 25 CFR Chapter V

### 42 CFR Chapters I and V

### 45 CFR Subtitle A and Chapters II, III, IV, X, and XIII

### Reducing Regulatory Burden; Retrospective Review Under Executive Order 13563

**AGENCY:** Department of Health and Human Services.

**ACTION:** Request for information.

**SUMMARY:** In accordance with Executive Order 13563, "Improving Regulation and Regulatory Review," the Department of Health and Human Services (HHS) seeks public comment from interested parties on its Preliminary Plan for Retrospective Review of Existing Regulations. The purpose of the Preliminary Plan is to identify a preliminary list of regulations that are appropriate candidates for review over the next two years and establish an ongoing process of retrospective review of existing regulations by which HHS can determine whether any should be modified, streamlined, expanded, or

repealed. HHS anticipates that such reviews will make its regulatory program more effective and flexible and reduce unnecessary burdens on the regulated communities.

**DATES:** Submit electronic or written comments by June 30, 2011.

**ADDRESSES:** To facilitate the receipt and processing of comments, HHS encourages interested persons to submit their comments electronically to the HHS Open Government Portal at <http://www.hhs.gov/open>, or by using the Federal eRulemaking portal <http://www.regulations.gov> (following instructions for submission of comments). Follow the instructions for submitting comments. Persons submitting comments electronically are encouraged not to submit paper copies. Persons interested in submitting comments on paper should send or deliver their comments (preferably three copies) to: Department of Health and Human Services, Office of Documents and Regulations Management, 200 Independence Avenue, SW., Suite 639G, Washington, DC 20201.

All comments will be available to the public, without charge, online at <http://www.regulations.gov> and <http://www.hhs.gov/open>.

*Instructions:* The HHS Preliminary Plan is available for review, download, and comment at <http://www.hhs.gov/open>. You may also request a copy of the HHS Preliminary Plan, identified by Docket No. by writing to the address below. All comment submissions received must include the Agency name and Docket No. for this Notice: HHS–ES–2011–002.

**FOR FURTHER INFORMATION CONTACT:** Oliver Potts (202) 690–6392.

**SUPPLEMENTARY INFORMATION:** On January 18, 2011, President Obama issued Executive Order 13563 to improve regulation and regulatory review by requiring Federal agencies to design cost effective, evidence-based regulations that are compatible with economic growth, job creation, and competitiveness, and which rely on the best, most innovative, and least burdensome tools to achieve regulatory ends. To meet that objective, the President directed each Executive Branch agency to consider how best to promote periodic retrospective review of existing significant rules to determine if they are outmoded, ineffective, insufficient, or excessively burdensome. The President required each agency to submit its preliminary plan to the Office of Management and Budget's Office of Information and Regulatory Affairs by May 18, 2011.

HHS submitted its preliminary plan in compliance with the President's Executive Order and now seeks public comment. The plan is available for viewing, downloading, and comment at the following Web site—<http://www.hhs.gov/open/The> comment period will close on June 30, after which HHS will finalize its preliminary plan. HHS notes that this request for comment is issued solely for information and program-planning purposes and does not obligate the agency to take any further action.

Dated: June 1, 2011.

**Barbara J. Holland,**  
*Deputy Executive Secretary to the Department.*

[FR Doc. 2011–13908 Filed 6–1–11; 4:15 pm]

**BILLING CODE 4150–24–P**

## DEPARTMENT OF HOMELAND SECURITY

### 6 CFR Chapter I

### 8 CFR Chapter I

### 19 CFR Chapter I

### 33 CFR Chapter I

### 44 CFR Chapter I

### 46 CFR Chapters I and III

### 49 CFR Chapter XII

[Docket No. DHS–2011–0015]

#### Preliminary Plan for Retrospective Review of Existing Regulations

**AGENCY:** Office of the General Counsel, DHS.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Homeland Security (DHS) announces the availability of its Preliminary Plan for Retrospective Review of Existing Regulations (Preliminary Plan). Pursuant to Executive Order 13563, “Improving Regulation and Regulatory Review,” which the President issued on January 18, 2011, DHS developed its Preliminary Plan to facilitate the review of existing DHS regulations through the use of retrospective review. DHS is seeking public comment on its Preliminary Plan.

**DATES:** Written comments are requested on or before June 25, 2011. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** You may submit comments, identified by docket number DHS–

2011–0015, through the *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Christina E. McDonald, Acting Associate General Counsel for Regulatory Affairs, U.S. Department of Homeland Security, Office of the General Counsel. E-mail: [Regulatory.Review@dhs.gov](mailto:Regulatory.Review@dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

Interested persons are invited to comment on this notice by submitting written data, views, or arguments using the method identified in the **ADDRESSES** section.

*Instructions:* All submissions must include the agency name and docket number for this notice. All comments received will be posted without change to <http://www.regulations.gov>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

##### II. Background

On January 18, 2011, the President issued Executive Order 13563, “Improving Regulation and Regulatory Review,” to ensure that Federal regulations seek more affordable, less intrusive means to achieve policy goals and that agencies give careful consideration to the benefits and costs of those regulations. 76 FR 3821. The Executive Order requires each Executive Branch agency to develop a preliminary plan to periodically review its existing regulations to determine whether any regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving its regulatory objectives.

DHS's approach to conducting retrospective review focuses on public openness and transparency and on the critical role of public input in conducting retrospective review. To that end, DHS published a notice and request for comments in the **Federal Register** on March 14, 2011, “Reducing Regulatory Burden; Retrospective Review Under Executive Order 13563.” 76 FR 13526. In that notice, DHS solicited public input on how DHS should structure its retrospective review and which DHS rules would benefit from retrospective review. In addition, DHS launched an IdeaScale Web page; this social media tool provided an additional means for DHS to solicit input from the public, and more