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Part II

Regulatory Information Service Center

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Introduction to the Fall 2019 Regulatory Plan

**REGULATORY INFORMATION  
SERVICE CENTER**

**Introduction to the Fall 2019  
Regulatory Plan**

This Fall 2019 Regulatory Plan continues to reflect a fundamental shift of the Regulatory state. Starting with confidence in private markets and individual choices, this Administration is reassessing existing regulatory burdens. This year marks year three in the Administration’s efforts under Executive Order 13771, “Reducing Regulation and Controlling Regulatory Costs” (January 30, 2017) to continue to lower the burden of regulation on the American people. This Administration also approaches the imposition of new regulatory requirements with care to ensure that regulations are consistent with law, understandable to the public and not hidden in indecipherable text or implementing guidance, correct a substantial market failure, and are net beneficial to the public. Furthermore, the Plan, along with the Unified Agenda of Regulatory and Deregulatory Actions (“Agenda”), identifies the Administration’s priorities in a manner that continues to be transparent and accessible to the public.

**Federal Regulatory and Deregulatory Policy**

The 2019 Plan both sets a new direction in regulatory policy and preserves many longstanding regulatory best practices. Stressing that, where statutorily permitted, “it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations,” in E.O. 13771 President Trump directed all Federal agencies to issue two deregulatory actions for each new regulation implemented and to reduce net new regulatory costs to zero. He also created regulatory reform officers and regulatory reform taskforces in each agency in E.O. 13777 “Enforcing the Regulatory Reform

Agenda,” (February 24, 2017). Within the Office of Management and Budget, the Office of Information and Regulatory Affairs (OIRA) implements Federal regulatory policy and has led efforts to implement these presidential directives, working with agencies to identify deregulatory actions and eliminate regulatory burdens.

**Regulatory Transparency**

This Administration continues to work to make sure that the public is adequately informed about upcoming regulatory activity. Through the past few agenda cycles, OIRA has emphasized to the agencies that the Agenda and Plan should only contain items the Agencies truly believe are going to be pursued in the near future. For too long, the Agenda has contained old actions that agencies are not actively pursuing.

This Administration has also taken steps to make sure that agencies uphold the law governing the quality of the data and evidence they use to justify their policy and program choices. In a recent Memorandum, OMB reminded agencies that they must ensure that information that is likely to have a clear and substantial impact on important public policies or important private sector decisions is communicated transparently, clearly articulates the underlying assumptions and uncertainties, and prioritizes increased access to the data and models underlying such information.<sup>1</sup> In addition, OMB’s guidance on implementing The Foundations for Evidence-Based Policymaking Act of 2018 emphasizes the importance of increasing transparency and trust about the data brought to bear in decision-making and the need to align evidence building with Administration priorities, including regulatory and deregulatory activities.<sup>2</sup>

In addition, this Administration has taken several significant steps to make sure that regulation is not created

through other means, and that both the public and Congress have adequate notice of agency intentions. Recently, the President signed Executive Order 13891 titled “Promoting the Rule of Law through Improved Agency Guidance.” This E.O. emphasizes that Americans deserve an open and fair regulatory process that imposes new obligations on the public only when consistent with applicable law and after an agency follows appropriate procedures. The E.O. makes it the policy of the executive branch to require that agencies treat guidance documents as non-binding both in law and in practice, take public input into account when appropriate in formulating guidance documents, and make guidance documents readily available to the public. On April 11, 2019, OMB also issued Memorandum M–19–14, “Guidance on Compliance with the Congressional Review Act.” Memorandum M–19–14 updates existing OMB guidance to agencies with regard to both OIRA and agency responsibilities under the Congressional Review Act (CRA) by (1) clarifying that guidance documents fall within the definition of “rule” under the CRA and (2) making the process by which OIRA makes “major determinations” more consistent and thorough, including through the receipt of adequate agency analysis on whether a rule is major.

**Conclusion**

The agency plans herein discussed push against the inertia of steadily expanding regulatory burdens and represent this Administration’s commitment to reducing regulations that no longer benefit our society. The plans also send a clear message that the public can invest and plan for the future without the looming threat of being surprised by burdensome and unnecessary new regulations. OIRA looks forward to working with the agencies and all interested stakeholders to deliver meaningful regulatory reform to the American people.

**DEPARTMENT OF AGRICULTURE**

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
1 .....	Establishment of a Domestic Hemp Production Program .....	0581–AD82	Final Rule Stage.
2 .....	Importation, Interstate Movement, and Release Into the Environment of Certain Genetically Engineered Organisms.	0579–AE47	Final Rule Stage.
3 .....	Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP).	0584–AE62	Proposed Rule Stage.

<sup>1</sup> OMB M–19–15. Memorandum for the Heads of Executive Departments and Agencies: “Improving Implementation of the Information Quality Act.” April 24, 2019 <https://www.whitehouse.gov/wp-content/uploads/2019/04/M-19-15.pdf>.

<sup>2</sup> OMB M 19–23. Memorandum for the heads of Executive Departments and Agencies. *Phase 1 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Leaning Agendas, Personnel, and Planning Guidance.* <https://www.whitehouse.gov/wp-content/uploads/2019/07/M-19-23.pdf>.

[www.whitehouse.gov/wp-content/uploads/2019/07/M-19-23.pdf](https://www.whitehouse.gov/wp-content/uploads/2019/07/M-19-23.pdf). Federal Data Strategy <https://strategy.data.gov/action-plan/>; <https://strategy.data.gov/practices/>.

DEPARTMENT OF AGRICULTURE—Continued

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
4 .....	Supplemental Nutrition Assistance Program (SNAP): Standardization of State Heating and Cooling Standard Utility Allowances.	0584–AE69	Proposed Rule Stage.
5 .....	Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents.	0584–AE57	Final Rule Stage.
6 .....	Prior Label Approval System: Expansion of Generic Label Approval .....	0583–AD78	Proposed Rule Stage.
7 .....	Alaska Roadless Rule .....	0596–AD37	Proposed Rule Stage.
8 .....	National Environmental Policy Act Procedures .....	0596–AD31	Final Rule Stage.
9 .....	Servicing Regulation for the Rural Utilities Service (RUS) Telecommunications Programs.	0572–AC41	Final Rule Stage.
10 .....	OneRD Guaranteed Loan Regulation .....	0572–AC43	Final Rule Stage.
11 .....	Rural Broadband Grant, Loan, and Loan Guarantee Program .....	0572–AC46	Final Rule Stage.

DEPARTMENT OF COMMERCE

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
12 .....	Fishery Disaster Determinations and Assistance Under the Magnuson Stevens Act and Interjurisdictional Fisheries Act.	0648–BI97	Proposed Rule Stage.
13 .....	NOAA Mitigation Policy .....	0648–BJ32	Proposed Rule Stage.
14 .....	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico.	0648–BB38	Final Rule Stage.
15 .....	Magnuson-Stevens Fisheries Conservation and Management Act; Traceability Information Program for Seafood.	0648–BH87	Final Rule Stage.
16 .....	Trademark Fee Adjustment .....	0651–AD42	Proposed Rule Stage.
17 .....	Setting and Adjusting Patent Fees During Fiscal Year 2020 .....	0651–AD31	Final Rule Stage.

DEPARTMENT OF DEFENSE

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
18 .....	Family Advocacy Program .....	0790–AI49	Proposed Rule Stage.
19 .....	Limitations on Terms of Consumer Credit Extended to Service Members and Dependents, Amendment.	0790–AK79	Proposed Rule Stage.
20 .....	Department of Defense (DoD)-Defense Industrial Base (DIB) Cybersecurity (CS) Activities.	0790–AK86	Final Rule Stage.
21 .....	Contractor Purchasing System Review Threshold (DFARS Case 2017–D038) .....	0750–AJ48	Final Rule Stage.
22 .....	Covered Telecommunications Equipment or Services (DFARS Case 2018–D022)	0750–AJ84	Final Rule Stage.
23 .....	Prompt Payments of Small Business Subcontractors (DFARS Case 2018–D068)	0750–AK25	Final Rule Stage.
24 .....	Performance-Based Payments (DFARS Case 2019–D002) .....	0750–AK37	Final Rule Stage.
25 .....	Nonmanufacturer Rule for 8(a) Participants (DFARS Case 2019–D004) .....	0750–AK39	Final Rule Stage.
26 .....	Revised Eligibility Criteria at Arlington National Cemetery .....	0702–AB08	Proposed Rule Stage.
27 .....	Natural Disaster Procedures: Preparedness, Response, and Recovery Activities of the Corps of Engineers.	0710–AA78	Proposed Rule Stage.
28 .....	Compensatory Mitigation for Losses of Aquatic Resources—Review and Approval of Mitigation Banks and In-Lieu Fee Programs.	0710–AA83	Proposed Rule Stage.
29 .....	Reissuance and Modification of Nationwide Permits .....	0710–AA84	Proposed Rule Stage.
30 .....	Policy for Domestic, Municipal, and Industrial Water Supply Uses of Reservoir Projects Operated by the Department of the Army, U.S. Army Corps of Engineers.	0710–AA72	Final Rule Stage.
31 .....	Revised Definition of “Waters of the United States” .....	0710–AA80	Final Rule Stage.

DEPARTMENT OF EDUCATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
32 .....	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.	1870–AA14	Final Rule Stage.
33 .....	EDGAR Revisions .....	1875–AA14	Proposed Rule Stage.
34 .....	Ensuring Student Access to High Quality and Innovative Postsecondary Educational Programs.	1840–AD38	Proposed Rule Stage.
35 .....	Eligibility of Faith-Based Entities and Activities—Title IV Programs .....	1840–AD40	Proposed Rule Stage.
36 .....	TEACH Grants .....	1840–AD44	Proposed Rule Stage.

DEPARTMENT OF ENERGY

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
37 .....	Energy Conservation Standards for Manufactured Housing .....	1904-AC11	Proposed Rule Stage.
38 .....	Procedures, Interpretations, and Policies for Consideration of New or Revised Energy Conservation Standards for Consumer Products.	1904-AD38	Final Rule Stage.
39 .....	Notice of Proposed Rulemaking to Consider Establishing a New Product Class for Residential Dishwashers.	1904-AE35	Final Rule Stage.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
40 .....	Equal Participation of Faith-Based Organizations in HHS's Programs and Activities: Implementation of Executive Order 13931.	0991-AC13	Proposed Rule Stage.
41 .....	Establishment of Safeguards and Program Integrity Requirements for HHS-Funded Extramural Research Involving Human Fetal Tissue.	0991-AC15	Proposed Rule Stage.
42 .....	Revisions to the Safe Harbors Under the Anti-Kickback Statute and Beneficiary Inducements Civil Monetary Penalties Rules Regarding Beneficiary Inducement.	0936-AA10	Proposed Rule Stage.
43 .....	HIPAA Privacy: Changes To Support, and Remove Barriers to, Coordinated Care and Individual Engagement.	0945-AA00	Proposed Rule Stage.
44 .....	Nondiscrimination in Health and Health Education Programs or Activities .....	0945-AA11	Final Rule Stage.
45 .....	21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program.	0955-AA01	Final Rule Stage.
46 .....	Coordinating Care and Information Sharing in the Treatment of Substance Use Disorders.	0930-AA32	Final Rule Stage.
47 .....	Requirements for Tobacco Product Manufacturing Practice .....	0910-AH91	Proposed Rule Stage.
48 .....	Nutrient Content Claims, Definition of Term: Healthy .....	0910-AI13	Proposed Rule Stage.
49 .....	Modified Risk Tobacco Product Applications .....	0910-AI38	Proposed Rule Stage.
50 .....	Importation of Prescription Drugs .....	0910-AI45	Proposed Rule Stage.
51 .....	Removing Financial Disincentives to Living Organ Donation .....	0906-AB23	Proposed Rule Stage.
52 .....	Medicaid Fiscal Accountability (CMS-2393-P) .....	0938-AT50	Proposed Rule Stage.
53 .....	Modernizing and Clarifying the Physician Self-Referral Regulations (CMS-1720-P).	0938-AT64	Proposed Rule Stage.
54 .....	Medicare Coverage of Innovative Technologies (CMS-3372-P) .....	0938-AT88	Proposed Rule Stage.
55 .....	International Pricing Index Model For Medicare Part B Drugs (CMS-5528-P) .....	0938-AT91	Proposed Rule Stage.
56 .....	Proposed Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Program for Contract Year 2021 (CMS-4190-P).	0938-AT97	Proposed Rule Stage.
57 .....	HHS Notice of Benefit and Payment Parameters for 2021 (CMS-9916-P) .....	0938-AT98	Proposed Rule Stage.
58 .....	Organ Procurement Organizations (OPOs) (CMS-3380-P) .....	0938-AU02	Proposed Rule Stage.
59 .....	Transparency in Coverage (CMS-9915-P) .....	0938-AU04	Proposed Rule Stage.
60 .....	Medicaid and CHIP Managed Care (CMS-2408-F) .....	0938-AT40	Final Rule Stage.
61 .....	Exchange Program Integrity (CMS-9922-F) .....	0938-AT53	Final Rule Stage.
62 .....	Strengthening Work in TANF .....	0970-AC79	Proposed Rule Stage.
63 .....	Adoption and Foster Care Analysis and Reporting System .....	0970-AC72	Final Rule Stage.
64 .....	Head Start Service Duration Requirements .....	0970-AC73	Final Rule Stage.

DEPARTMENT OF HOMELAND SECURITY

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
65 .....	Strengthening the H-1B Nonimmigrant Visa Classification Program .....	1615-AC13	Proposed Rule Stage.
66 .....	Collection and Use of Biometrics by U.S. Citizenship and Immigration Services ...	1615-AC14	Proposed Rule Stage.
67 .....	Removing H-4 Dependent Spouses From the Classes of Aliens Eligible for Employment Authorization.	1615-AC15	Proposed Rule Stage.
68 .....	U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements.	1615-AC18	Proposed Rule Stage.
69 .....	Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I-765 Employment Authorization Applications.	1615-AC19	Proposed Rule Stage.
70 .....	Electronic Processing of Immigration Benefit Requests .....	1615-AC20	Proposed Rule Stage.
71 .....	Improvements to the Medical Certification for Disability Exceptions Processing ....	1615-AC23	Proposed Rule Stage.
72 .....	Procedures for Asylum Applications and Reasonable Fear Determinations .....	1615-AC24	Proposed Rule Stage.
73 .....	Asylum Application, Interview, and Employment Authorization for Applicants .....	1615-AC27	Proposed Rule Stage.
74 .....	Enhancing the Integrity of the Affidavit of Support .....	1615-AC39	Proposed Rule Stage.
75 .....	Removal of International Entrepreneur Parole Program .....	1615-AC04	Final Rule Stage.
76 .....	Removal of Certain International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as Amended (STCW) Training Requirements.	1625-AC48	Proposed Rule Stage.
77 .....	Harmonization of the Fees and Application Procedures for the Global Entry and SENTRI Programs and Other Changes.	1651-AB34	Proposed Rule Stage.

DEPARTMENT OF HOMELAND SECURITY—Continued

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
78 .....	Collection of Biometric Data From Aliens Upon Entry To and Exit From the United States.	1651-AB12	Final Rule Stage.
79 .....	Implementation of the Electronic System for Travel Authorization (ESTA) at U.S. Land Borders.	1651-AB14	Final Rule Stage.
80 .....	Mandatory Advance Electronic Information for International Mail Shipments .....	1651-AB33	Final Rule Stage.
81 .....	Vetting of Certain Surface Transportation Employees .....	1652-AA69	Proposed Rule Stage.
82 .....	Amending Vetting Requirements for Employees With Access to a Security Identification Display Area (SIDA).	1652-AA70	Proposed Rule Stage.
83 .....	Protection of Sensitive Security Information .....	1652-AA08	Final Rule Stage.
84 .....	Flight Training for Aliens and Other Designated Individuals; Security Awareness Training for Flight School Employees.	1652-AA35	Final Rule Stage.
85 .....	Security Training for Surface Transportation Employees .....	1652-AA55	Final Rule Stage.
86 .....	Visa Security Program Fee .....	1653-AA77	Proposed Rule Stage.
87 .....	Establishing a Maximum Period of Authorized Stay for Students, Exchange Visitors, and Media Representatives.	1653-AA78	Proposed Rule Stage.
88 .....	Cost of Assistance Estimates in the Disaster Declaration Process for the Public Assistance Program.	1660-AA99	Proposed Rule Stage.
89 .....	Update to FEMA's Regulations on Rulemaking Procedures .....	1660-AA91	Final Rule Stage.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
90 .....	Mortgage Insurance for Mortgage Transactions Involving Downpayment Assistance Programs (FR-6150).	2502-AJ50	Proposed Rule Stage.
91 .....	Economic Growth Regulatory Relief, and Consumer Protection Act: Implementation of New Physical Conditions Inspection Standards (FR-6086).	2577-AD05	Proposed Rule Stage.

DEPARTMENT OF THE INTERIOR

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
92 .....	Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf.	1082-AA01	Proposed Rule Stage.
93 .....	Risk Management, Financial Assurance and Loss Prevention .....	1082-AA02	Proposed Rule Stage.
94 .....	Deregulating and Streamlining Renewable Energy Regulations .....	1010-AE04	Proposed Rule Stage.
95 .....	Non-Energy Solid Leasable Mineral Royalty Rate Reduction .....	1004-AE58	Proposed Rule Stage.
96 .....	Revisions to the Oil and Gas Site Security, Oil Measurement, and Gas Measurement Regulations.	1004-AE59	Proposed Rule Stage.

DEPARTMENT OF LABOR

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
97 .....	Affirmative Action and Nondiscrimination Obligations of Federal Contractors and Subcontractors: TRICARE and Certain Other Health Care Providers.	1250-AA08	Proposed Rule Stage.
98 .....	Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption.	1250-AA09	Final Rule Stage.
99 .....	Trust Annual Reports .....	1245-AA09	Final Rule Stage.
100 .....	Regular and Basic Rates Under the Fair Labor Standards Act .....	1235-AA24	Final Rule Stage.
101 .....	Joint Employer Status Under the Fair Labor Standards Act .....	1235-AA26	Final Rule Stage.
102 .....	Trade Adjustment Assistance for Workers .....	1205-AB78	Proposed Rule Stage.
103 .....	Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations.	1205-AB85	Final Rule Stage.
104 .....	Default Electronic Disclosures by Employee Pension Benefit Plans Under ERISA	1210-AB90	Proposed Rule Stage.
105 .....	Exposure to Beryllium to Review General Industry Provisions .....	1218-AD20	Final Rule Stage.

DEPARTMENT OF VETERANS AFFAIRS

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
106 .....	Program of Comprehensive Assistance for Family Caregivers Amendments Under the VA MISSION Act of 2018.	2900-AQ48	Proposed Rule Stage.

ENVIRONMENTAL PROTECTION AGENCY

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
107	Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine Standards	2060-AU41	Prerule Stage.
108	Addition of Certain Per- and Polyfluoroalkyl Substances (PFAS) to the Toxics Release Inventory.	2070-AK51	Prerule Stage.
109	Regulatory Determinations for Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfate (PFOS).	2040-AF93	Prerule Stage.
110	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act.	2060-AM75	Proposed Rule Stage.
111	Review of the National Ambient Air Quality Standards for Particulate Matter	2060-AS50	Proposed Rule Stage.
112	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Project Emissions Accounting.	2060-AT89	Proposed Rule Stage.
113	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review.	2060-AT90	Proposed Rule Stage.
114	Renewable Fuel Standard Program: Modification of Statutory Volume Targets	2060-AU28	Proposed Rule Stage.
115	Review of the Primary National Ambient Air Quality Standards for Ozone	2060-AU40	Proposed Rule Stage.
116	Renewable Fuel Standard Program: Standards for 2020, Biomass-Based Diesel Volumes for 2021, and Other Changes.	2060-AU42	Proposed Rule Stage.
117	Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process.	2060-AU51	Proposed Rule Stage.
118	Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances; Significant New Use Rule.	2070-AJ99	Proposed Rule Stage.
119	Pesticides; Agricultural Worker Protection Standard; Revision of the Application Exclusion Zone Requirements.	2070-AK49	Proposed Rule Stage.
120	Review of Dust-Lead Post-Abatement Clearance Levels	2070-AK50	Proposed Rule Stage.
121	Protectants (Pips) To Reflect Newer Technologies	2070-AK54	Proposed Rule Stage.
122	Strengthening Transparency in Regulatory Science	2080-AA14	Proposed Rule Stage.
123	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Enhancing Public Access to Information; Reconsideration of Beneficial Use Criteria and Piles.	2050-AG98	Proposed Rule Stage.
124	Financial Responsibility Requirements Under CERCLA Section 108(b) for the Chemical Manufacturing Industry.	2050-AH05	Proposed Rule Stage.
125	Financial Responsibility Requirements Under CERCLA Section 108(b) for the Petroleum and Coal Products Manufacturing Industry.	2050-AH06	Proposed Rule Stage.
126	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities: Federal CCR Permit Program.	2050-AH07	Proposed Rule Stage.
127	Designating PFOA and PFOS as CERCLA Hazardous Substances	2050-AH09	Proposed Rule Stage.
128	Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; A Holistic Approach to Closure Part A: Deadline to Initiate Closure.	2050-AH10	Proposed Rule Stage.
129	Hazardous and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments; Implementation of Closure; Legacy Units.	2050-AH11	Proposed Rule Stage.
130	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions.	2040-AF15	Proposed Rule Stage.
131	Peak Flows Management	2040-AF81	Proposed Rule Stage.
132	Updating Regulations on Water Quality Certification	2040-AF86	Proposed Rule Stage.
133	Clean Water Act Section 404(c) Regulatory Revision	2040-AF88	Proposed Rule Stage.
134	Vessel Incidental Discharge Act of 2018—Development of National Performance Standards for Marine Pollution Control Devices for Discharges Incidental to the Normal Operation of Commercial Vessels.	2040-AF92	Proposed Rule Stage.
135	Review of Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units.	2060-AT56	Final Rule Stage.
136	NESHAP: Coal- and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Cost Finding and Residual Risk and Technology Review.	2060-AT99	Final Rule Stage.
137	The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks.	2060-AU09	Final Rule Stage.
138	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act: Reconsideration of Amendments.	2050-AG95	Final Rule Stage.
139	Revised Definition of “Waters of the United States” (Step 2)	2040-AF75	Final Rule Stage.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
140	Federal Sector Equal Employment Opportunity Process	3046-AB00	Proposed Rule Stage.
141	Amendments to Regulations Under the Americans With Disabilities Act	3046-AB10	Proposed Rule Stage.
142	Amendments to Regulations Under the Genetic Information Nondiscrimination Act of 2008.	3046-AB11	Proposed Rule Stage.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION—Continued

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
143 .....	Joint Employer Status Under the Federal Equal Employment Opportunity Stat- utes.	3046-AB16	Proposed Rule Stage.

SMALL BUSINESS ADMINISTRATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
144 .....	Small Business HUBZone Program and Government Contracting Programs .....	3245-AG38	Final Rule Stage.
145 .....	Women-Owned Small Business and Economically Disadvantaged Women- Owned Small Business—Certification.	3245-AG75	Final Rule Stage.

SOCIAL SECURITY ADMINISTRATION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
146 .....	Hearings Held by Administrative Appeals Judges of the Appeals Council .....	0960-AI25	Proposed Rule Stage.
147 .....	Rules Regarding the Frequency and Notice of Continuing Disability Reviews .....	0960-AI27	Proposed Rule Stage.
148 .....	Revising Evaluation of Vocational Factors in the Disability Determination Process	0960-AI40	Proposed Rule Stage.
149 .....	Removing Inability to Communicate in English as an Education Category .....	0960-AH86	Final Rule Stage.
150 .....	Setting the Manner for the Appearance of Parties and Witnesses at a Hearing ...	0960-AI09	Final Rule Stage.

DOD/GSA/NASA (FAR)

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
151 .....	Federal Acquisition Regulation (FAR); FAR Case 2013-002; Reporting of Non- conforming Items to the Government-Industry Data Exchange Program.	9000-AM58	Final Rule Stage.

CONSUMER PRODUCT SAFETY COMMISSION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
152 .....	Flammability Standard for Upholstered Furniture .....	3041-AB35	Final Rule Stage.
153 .....	Regulatory Options for Table Saws .....	3041-AC31	Final Rule Stage.

NATIONAL INDIAN GAMING COMMISSION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
154 .....	Definitions .....	3141-AA32	Proposed Rule Stage.
155 .....	Management Contracts .....	3141-AA58	Proposed Rule Stage.
156 .....	Buy Indian Goods and Services (BIGS) .....	3141-AA62	Proposed Rule Stage.

NUCLEAR REGULATORY COMMISSION

Sequence No.	Title	Regulation Identifier No.	Rulemaking stage
157 .....	Enhanced Weapons for Spent Fuel Storage Installations and Transportation— Section 161A Authority [NRC-2015-0018].	3150-AJ55	Prerule Stage.
158 .....	NuScale Small Modular Reactor Design Certification [NRC-2017-0029] .....	3150-AJ98	Prerule Stage.
159 .....	Low-Level Radioactive Waste Disposal [NRC-2011-0012] .....	3150-AI92	Proposed Rule Stage.
160 .....	Enhanced Security for Special Nuclear Material [NRC-2014-0118] .....	3150-AJ41	Proposed Rule Stage.
161 .....	Cyber Security at Fuel Cycle Facilities [NRC-2015-0179] .....	3150-AJ64	Proposed Rule Stage.
162 .....	Approval of American Society of Mechanical Engineers Code Cases, Revision 39 [NRC-2017-0025].	3150-AJ94	Proposed Rule Stage.
163 .....	2019 Edition of the American Society of Mechanical Engineers Boiler and Pres- sure Vessel Code [NRC-2017-0226].	3150-AK09	Proposed Rule Stage.
164 .....	Revision of Fee Schedules: Fee Recovery for FY 2020 [NRC-2017-0228] .....	3150-AK10	Proposed Rule Stage.

**REGULATORY INFORMATION  
SERVICE CENTER****Introduction to the Unified Agenda of  
Federal Regulatory and Deregulatory  
Actions—Fall 2019**

**AGENCY:** Regulatory Information Service Center.

**ACTION:** Introduction to the Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions.

**SUMMARY:** Publication of the Unified Agenda of Regulatory and Deregulatory Actions and the Regulatory Plan represent key components of the regulatory planning mechanism prescribed in Executive Order 12866, “Regulatory Planning and Review,” Executive Order 13771, “Reducing Regulation and Controlling Regulatory Costs,” January 30, 2017, and Executive Order 13777, “Enforcing the Regulatory Reform Agenda,” February 24, 2017. The fall editions of the Unified Agenda include the agency regulatory plans required by E.O. 12866, which identify regulatory priorities and provide additional detail about the most important significant regulatory actions that agencies expect to take in the coming year.

In addition, the Regulatory Flexibility Act requires that agencies publish semiannual “regulatory flexibility agendas” describing regulatory actions they are developing that will have significant effects on small businesses and other small entities (5 U.S.C. 602).

The Unified Agenda of Regulatory and Deregulatory Actions (Unified Agenda), published in the fall and spring, helps agencies fulfill all of these requirements. All federal regulatory agencies have chosen to publish their regulatory agendas as part of this publication. The complete Unified Agenda and Regulatory Plan can be found online at <http://www.reginfo.gov> and a reduced print version can be found in the **Federal Register**.

Information regarding obtaining printed copies can also be found on the Reginfo.gov website (or below, VI. How can users get copies of the Plan and the Agenda?).

The fall 2019 Unified Agenda publication appearing in the **Federal Register** includes the Regulatory Plan and agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been

selected for periodic review under section 610 of the Regulatory Flexibility Act.

The complete fall 2019 Unified Agenda contains the Regulatory Plans of 28 Federal agencies and 66 Federal agency regulatory agendas.

**ADDRESSES:** Regulatory Information Service Center (MVE), General Services Administration, 1800 F Street NW, 2219F, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** For further information about specific regulatory actions, please refer to the agency contact listed for each entry.

To provide comment on or to obtain further information about this publication, contact: John C. Thomas, Executive Director, Regulatory Information Service Center (MR), U.S. General Services Administration, 1800 F Street NW, Washington, DC 20405, (202) 482-7340. You may also send comments to us by email at: [risc@gsa.gov](mailto:risc@gsa.gov).

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- III. How are the Regulatory Plan and the Unified Agenda organized?
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- VI. How can users get copies of the Plan and the Agenda?

Introduction to the Fall 2019 Regulatory Plan

**Agency Regulatory Plans***Cabinet Departments*

Department of Agriculture  
Department of Commerce  
Department of Defense  
Department of Education  
Department of Energy  
Department of Health and Human Services  
Department of Homeland Security  
Department of Housing and Urban Development  
Department of the Interior  
Department of Justice  
Department of Labor  
Department of Transportation  
Department of the Treasury  
Department of Veterans Affairs

*Other Executive Agencies*

Architectural and Transportation Barriers Compliance Board  
Environmental Protection Agency  
Equal Employment Opportunity Commission  
General Services Administration  
National Aeronautics and Space Administration  
National Archives and Records Administration  
Office of Personnel Management  
Pension Benefit Guaranty Corporation

Small Business Administration  
Social Security Administration

*Independent Regulatory Agencies*

Consumer Financial Protection Bureau  
Consumer Product Safety Commission  
Federal Trade Commission  
National Indian Gaming Commission  
Nuclear Regulatory Commission

**Agency Agendas***Cabinet Departments*

Department of Agriculture  
Department of Commerce  
Department of Defense  
Department of Energy  
Department of Health and Human Services  
Department of Homeland Security  
Department of the Interior  
Department of Labor  
Department of Transportation  
Department of the Treasury  
Department of Veterans Affairs

*Other Executive Agencies*

Architectural and Transportation Barriers Compliance Board  
Environmental Protection Agency  
General Services Administration  
National Aeronautics and Space Administration  
Office of Management and Budget  
Railroad Retirement Board  
Small Business Administration

*Joint Authority*

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation)

*Independent Regulatory Agencies*

Commodity Futures Trading Commission  
Consumer Financial Protection Bureau  
Consumer Product Safety Commission  
Federal Communications Commission  
Federal Reserve System  
National Labor Relations Board  
Nuclear Regulatory Commission  
Securities and Exchange Commission  
Surface Transportation Board

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Introduction to the Fall 2019 Regulatory Plan

**Agency Regulatory Plans***Cabinet Departments*

Department of Agriculture  
Department of Commerce  
Department of Defense  
Department of Education  
Department of Energy



Department of Health and Human Services  
 Department of Homeland Security  
 Department of Housing and Urban  
 Development  
 Department of Interior  
 Department of Justice  
 Department of Labor  
 Department of Transportation  
 Department of Treasury  
 Department of Veterans Affairs

#### *Other Executive Agencies*

Architectural and Transportation Barriers  
 Compliance Board  
 Environmental Protection Agency  
 Equal Employment Opportunity Commission  
 General Services Administration  
 National Aeronautics and Space  
 Administration  
 National Archives and Records  
 Administration  
 Office of Personnel Management  
 Pension Benefit Guaranty Corporation  
 Small Business Administration  
 Social Security Administration  
 Federal Acquisition Regulation

#### *Independent Regulatory Agencies*

Consumer Product Safety Commission  
 Federal Trade Commission  
 National Indian Gaming Commission  
 Nuclear Regulatory Commission

#### **Agency Regulatory Flexibility Agendas**

##### *Cabinet Departments*

Department of Agriculture  
 Department of Commerce  
 Department of Defense  
 Department of Energy  
 Department of Health and Human Services  
 Department of Homeland Security  
 Department of Interior  
 Department of Labor  
 Department of Transportation  
 Department of Treasury  
 Department of Veterans Affairs

##### *Other Executive Agencies*

Architectural and Transportation Barriers  
 Compliance Board  
 Environmental Protection Agency  
 Federal Acquisition Regulation  
 General Services Administration  
 National Aeronautics and Space  
 Administration  
 Office of Management and Budget  
 Railroad Retirement Board  
 Small Business Administration

##### **Independent Agencies**

Commodity Futures Trading Commission  
 Consumer Financial Protection Bureau  
 Product Safety Commission  
 Federal Communication Commission  
 Federal Reserve System  
 National Labor Relations Board  
 Nuclear Regulatory Commission  
 Securities and Exchange Commission

## **Introduction to the Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions**

### **I. What are the Regulatory Plan and the Unified Agenda?**

*The Regulatory Plan* serves as a defining statement of the

Administration's regulatory and deregulatory policies and priorities. The Plan is part of the fall edition of the Unified Agenda. Each participating agency's regulatory plan contains: (1) A narrative statement of the agency's regulatory and deregulatory priorities, and, for the most part, (2) a description of the most important significant regulatory and deregulatory actions that the agency reasonably expects to issue in proposed or final form during the upcoming fiscal year. This edition includes the regulatory plans of 30 agencies.

*The Unified Agenda* provides information about regulations that the Government is considering or reviewing. The Unified Agenda has appeared in the **Federal Register** twice each year since 1983 and has been available online since 1995. The complete Unified Agenda is available to the public at <http://www.reginfo.gov>. The online Unified Agenda offers flexible search tools and access to the historic Unified Agenda database to 1995. The complete online edition of the Unified Agenda includes regulatory agendas from 65 Federal agencies. Agencies of the United States Congress are not included.

The fall 2019 Unified Agenda publication appearing in the **Federal Register** consists of The Regulatory Plan and agency regulatory flexibility agendas, in accordance with the publication requirements of the Regulatory Flexibility Act. Agency regulatory flexibility agendas contain only those Agenda entries for rules that are likely to have a significant economic impact on a substantial number of small entities and entries that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Printed entries display only the fields required by the Regulatory Flexibility Act. Complete agenda information for those entries appears, in a uniform format, in the online Unified Agenda at <http://www.reginfo.gov>.

The following agencies have no entries for inclusion in the printed regulatory flexibility agenda. An asterisk (\*) indicates agencies that appear in The Regulatory Plan. The regulatory agendas of these agencies are available to the public at <http://reginfo.gov>.

##### *Cabinet Departments*

Department of Education \*  
 Department of Justice \*  
 Department of Housing and Urban  
 Development \*  
 Department of State

##### *Other Executive Agencies*

Agency for International Development

American Battle Monuments  
 Commission  
 Commission on Civil Rights  
 Committee for Purchase From the  
 People Who Are Blind or Severely  
 Disabled  
 Corporation for National and  
 Community Service  
 Council on Environmental Quality  
 Court Services and Offender  
 Supervision Agency for the District of  
 Columbia  
 Equal Employment Opportunity  
 Commission \*  
 Federal Mediation Conciliation Service  
 Institute of Museum and Library  
 Services  
 National Archives and Records  
 Administration \*  
 National Endowment for the Arts  
 National Endowment for the Humanities  
 National Mediation Board  
 Office of Government Ethics  
 Office of Personnel Management \*  
 Peace Corps  
 Pension Benefit Guaranty Corporation \*  
 Presidio Trust  
 Private Civil Liberties Oversight Board  
 Social Security Administration \*  
 U.S. Agency for Global Media  
 United States International  
 Development Finance Corporation

##### *Independent Agencies*

Farm Credit Administration  
 Federal Deposit Insurance Corporation  
 Federal Energy Regulatory Commission  
 Federal Housing Finance Agency  
 Federal Maritime Commission  
 Federal Mine Safety and Health Review  
 Commission  
 Federal Trade Commission \*  
 National Credit Union Administration  
 National Indian Gaming Commission\*  
 National Transportation Safety Board  
 Postal Regulatory Commission  
 U.S. Chemical Safety and Hazard  
 Investigation Board

The Regulatory Information Service Center compiles the Unified Agenda for the Office of Information and Regulatory Affairs (OIRA), part of the Office of Management and Budget. OIRA is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of Executive Order 12866 (incorporated in Executive Order 13563). The Center also provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency officials, and the public.

The activities included in the Agenda are, in general, those that will have a regulatory action within the next 12 months. Agencies may choose to include activities that will have a longer timeframe than 12 months. Agency

agendas also show actions or reviews completed or withdrawn since the last Unified Agenda. Executive Order 12866 does not require agencies to include regulations concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

Agencies prepared entries for this publication to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change.

Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Regulatory Plan and Unified Agenda do not create a legal obligation on agencies to adhere to schedules in this publication or to confine their regulatory activities to those regulations that appear within it.

## II. Why are the Regulatory Plan and the Unified Agenda published?

*The Regulatory Plan and the Unified Agenda* helps agencies comply with their obligations under the Regulatory Flexibility Act and various Executive orders and other statutes.

### *Regulatory Flexibility Act*

*The Regulatory Flexibility Act* requires agencies to identify those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for the Unified Agenda. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610). Executive Order 13272, "Proper Consideration of Small Entities in Agency Rulemaking," signed August 13, 2002 (67 FR 53461), provides additional guidance on compliance with the Act.

### *Executive Order 12866*

*Executive Order 12866*, "Regulatory Planning and Review," September 30, 1993 (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. The Order also requires that certain agencies prepare annually a regulatory plan of their "most important significant regulatory actions," which appears as part of the fall Unified Agenda. Executive Order 13497, signed January 30, 2009 (74 FR 6113), revoked

the amendments to Executive Order 12866 that were contained in Executive Order 13258 and Executive Order 13422.

### *Executive Order 13771*

*Executive Order 13771*, "Reducing Regulation and Controlling Regulatory Costs," January 30, 2017 (82 FR 9339) requires each agency to identify for elimination two prior regulations for every one new regulation issued, and the cost of planned regulations be prudently managed and controlled through a budgeting process.

### *Executive Order 13777*

*Executive Order 13777*, "Enforcing the Regulatory Reform Agenda," February 24, 2017 (82 FR 12285) requires each agency to designate an agency official as its Regulatory Reform Officer (RRO). Each RRO shall oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. The Executive Order also directs that each agency designate a regulatory Reform Task Force.

### *Executive Order 13563*

*Executive Order 13563*, "Improving Regulation and Regulatory Review," January 18, 2011 (76 FR 3821) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review that were established in Executive Order 12866, which includes the general principles of regulation and public participation, and orders integration and innovation in coordination across agencies; flexible approaches where relevant, feasible, and consistent with regulatory approaches; scientific integrity in any scientific or technological information and processes used to support the agencies' regulatory actions; and retrospective analysis of existing regulations.

### *Executive Order 13132*

*Executive Order 13132*, "Federalism," August 4, 1999 (64 FR 43255), directs agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have "federalism implications" as defined in the Order. Under the Order, an agency that is proposing a regulation with federalism implications, which either preempt State law or impose non-statutory unfunded substantial direct compliance costs on State and local governments, must consult with State and local officials early in the process of developing the regulation. In

addition, the agency must provide to the Director of the Office of Management and Budget a federalism summary impact statement for such a regulation, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which those concerns have been met. As part of this effort, agencies include in their submissions for the Unified Agenda information on whether their regulatory actions may have an effect on the various levels of government and whether those actions have federalism implications.

### *Unfunded Mandates Reform Act of 1995*

*The Unfunded Mandates Reform Act of 1995* (Pub. L. 104–4, title II) requires agencies to prepare written assessments of the costs and benefits of significant regulatory actions "that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any 1 year." The requirement does not apply to independent regulatory agencies, nor does it apply to certain subject areas excluded by section 4 of the Act. Affected agencies identify in the Unified Agenda those regulatory actions they believe are subject to title II of the Act.

### *Executive Order 13211*

*Executive Order 13211*, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," May 18, 2001 (66 FR 28355), directs agencies to provide, to the extent possible, information regarding the adverse effects that agency actions may have on the supply, distribution, and use of energy. Under the Order, the agency must prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, for "those matters identified as significant energy actions." As part of this effort, agencies may optionally include in their submissions for the Unified Agenda information on whether they have prepared or plan to prepare a Statement of Energy Effects for their regulatory actions.

### *Small Business Regulatory Enforcement Fairness Act*

*The Small Business Regulatory Enforcement Fairness Act* (Pub. L. 104–121, title II) established a procedure for congressional review of rules (5 U.S.C. 801 *et seq.*), which defers, unless exempted, the effective date of a

“major” rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is “major” if it has resulted, or is likely to result, in an annual effect on the economy of \$100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of OIRA will make the final determination as to whether a rule is major.

### III. How are the Regulatory Plan and the Unified Agenda organized?

The *Regulatory Plan* appears in part II in a daily edition of the **Federal Register**. The Plan is a single document beginning with an introduction, followed by a table of contents, followed by each agency’s section of the Plan. Following the Plan in the **Federal Register**, as separate parts, are the regulatory flexibility agendas for each agency whose agenda includes entries for rules which are likely to have a significant economic impact on a substantial number of small entities or rules that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Each printed agenda appears as a separate part. The sections of the Plan and the parts of the Unified Agenda are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority (Agenda only); and independent regulatory agencies. Agencies may in turn be divided into subagencies. Each printed agency agenda has a table of contents listing the agency’s printed entries that follow. Each agency’s part of the Agenda contains a preamble providing information specific to that agency. Each printed agency agenda has a table of contents listing the agency’s printed entries that follow.

Each agency’s section of the Plan contains a narrative statement of regulatory priorities and, for most agencies, a description of the agency’s most important significant regulatory and deregulatory actions. Each agency’s part of the Agenda contains a preamble providing information specific to that agency plus descriptions of the agency’s regulatory and deregulatory actions.

The online, complete Unified Agenda contains the preambles of all participating agencies. Unlike the printed edition, the online Agenda has no fixed ordering. In the online Agenda, users can select the particular agencies’ agendas they want to see. Users have broad flexibility to specify the characteristics of the entries of interest to them by choosing the desired responses to individual data fields. To

see a listing of all of an agency’s entries, a user can select the agency without specifying any particular characteristics of entries.

Each entry in the Agenda is associated with one of five rulemaking stages. The rulemaking stages are:

1. *Prerule Stage*—actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. *Proposed Rule Stage*—actions for which agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. *Final Rule Stage*—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step.

4. *Long-Term Actions*—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda. Some of the entries in this section may contain abbreviated information.

5. *Completed Actions*—actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Agenda.

Long-Term Actions are rulemakings reported during the publication cycle that are outside of the required 12-month reporting period for which the Agenda was intended. Completed Actions in the publication cycle are rulemakings that are ending their lifecycle either by Withdrawal or completion of the rulemaking process. Therefore, the Long-Term and Completed RINs do not represent the ongoing, forward-looking nature intended for reporting developing rulemakings in the Agenda pursuant to Executive Order 12866, section 4(b) and 4(c). To further differentiate these two stages of rulemaking in the Unified Agenda from active rulemakings, Long-Term and Completed Actions are reported separately from active rulemakings, which can be any of the first three stages of rulemaking listed above. A separate search function is provided on <http://reginfo.gov> to search for Completed and Long-Term Actions apart from each other and active RINs.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time.

In the printed edition, all entries are numbered sequentially from the beginning to the end of the publication. The sequence number preceding the title of each entry identifies the location of the entry in this edition. The sequence number is used as the reference in the printed table of contents. Sequence numbers are not used in the online Unified Agenda because the unique Regulation Identifier Number (RIN) is able to provide this cross-reference capability.

Editions of the Unified Agenda prior to fall 2007 contained several indexes, which identified entries with various characteristics. These included regulatory actions for which agencies believe that the Regulatory Flexibility Act may require a Regulatory Flexibility Analysis, actions selected for periodic review under section 610(c) of the Regulatory Flexibility Act, and actions that may have federalism implications as defined in Executive Order 13132 or other effects on levels of government. These indexes are no longer compiled, because users of the online Unified Agenda have the flexibility to search for entries with any combination of desired characteristics. The online edition retains the Unified Agenda’s subject index based on the **Federal Register Thesaurus of Indexing Terms**. In addition, online users have the option of searching Agenda text fields for words or phrases.

### IV. What information appears for each entry?

All entries in the online Unified Agenda contain uniform data elements including, at a minimum, the following information:

*Title of the Regulation*—a brief description of the subject of the regulation. In the printed edition, the notation “Section 610 Review” following the title indicates that the agency has selected the rule for its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610(c)). Some agencies have indicated completions of section 610 reviews or rulemaking actions resulting from completed section 610 reviews. In the online edition, these notations appear in a separate field.

*Priority*—an indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance.

#### (1) Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of \$100 million or more or will adversely affect in a material way the economy, a sector

of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The definition of an “economically significant” rule is similar but not identical to the definition of a “major” rule under 5 U.S.C. 801 (Pub. L. 104–121). (See below.)

#### (2) Other Significant

A rulemaking that is not Economically Significant but is considered Significant by the agency. This category includes rules that the agency anticipates will be reviewed under Executive Order 12866 or rules that are a priority of the agency head. These rules may or may not be included in the agency’s regulatory plan.

#### (3) Substantive, Nonsignificant

A rulemaking that has substantive impacts, but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.

#### (4) Routine and Frequent

A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

#### (5) Informational/Administrative/Other

A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency’s regulatory mandate but that the agency places in the Unified Agenda to inform the public of the activity.

**Major**—whether the rule is “major” under 5 U.S.C. 801 (Pub. L. 104–121) because it has resulted or is likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified in that Act. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.

**Unfunded Mandates**—whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than \$100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate.

**Legal Authority**—the section(s) of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive order

(E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.

**CFR Citation**—the section(s) of the Code of Federal Regulations that will be affected by the action.

**Legal Deadline**—whether the action is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.

**Abstract**—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, alternatives that the agency is considering to address the problem; and potential costs and benefits of the action.

**Timetable**—the dates and citations (if available) for all past steps and a projected date for at least the next step for the regulatory action. A date displayed in the form 12/00/19 means the agency is predicting the month and year the action will take place but not the day it will occur. In some instances, agencies may indicate what the next action will be, but the date of that action is “To Be Determined.” “Next Action Undetermined” indicates the agency does not know what action it will take next.

**Regulatory Flexibility Analysis Required**—whether an analysis is required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the rulemaking action is likely to have a significant economic impact on a substantial number of small entities as defined by the Act.

**Small Entities Affected**—the types of small entities (businesses, governmental jurisdictions, or organizations) on which the rulemaking action is likely to have an impact as defined by the Regulatory Flexibility Act. Some agencies have chosen to indicate likely effects on small entities even though they believe that a Regulatory Flexibility Analysis will not be required.

**Government Levels Affected**—whether the action is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.

**International Impacts**—whether the regulation is expected to have international trade and investment effects, or otherwise may be of interest to the Nation’s international trading partners.

**Federalism**—whether the action has “federalism implications” as defined in Executive Order 13132. This term refers to actions “that have substantial direct effects on the States, on the relationship between the national government and

the States, or on the distribution of power and responsibilities among the various levels of government.” Independent regulatory agencies are not required to supply this information.

**Included in the Regulatory Plan**—whether the rulemaking was included in the agency’s current regulatory plan published in fall 2017.

**Agency Contact**—the name and phone number of at least one person in the agency who is knowledgeable about the rulemaking action. The agency may also provide the title, address, fax number, email address, and TDD for each agency contact.

Some agencies have provided the following optional information:

**RIN Information URL**—the internet address of a site that provides more information about the entry.

**Public Comment URL**—the internet address of a site that will accept public comments on the entry. Alternatively, timely public comments may be submitted at the Governmentwide e-rulemaking site, <http://www.regulations.gov>.

**Additional Information**—any information an agency wishes to include that does not have a specific corresponding data element.

**Compliance Cost to the Public**—the estimated gross compliance cost of the action.

**Affected Sectors**—the industrial sectors that the action may most affect, either directly or indirectly. Affected sectors are identified by North American Industry Classification System (NAICS) codes.

**Energy Effects**—an indication of whether the agency has prepared or plans to prepare a Statement of Energy Effects for the action, as required by Executive Order 13211 “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” signed May 18, 2001 (66 FR 28355).

**Related RINs**—one or more past or current RIN(s) associated with activity related to this action, such as merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

**Statement of Need**—a description of the need for the regulatory action.

**Summary of the Legal Basis**—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.

**Alternatives**—a description of the alternatives the agency has considered or will consider as required by section 4(c)(1)(B) of Executive Order 12866.

**Anticipated Costs and Benefits**—a description of preliminary estimates of

the anticipated costs and benefits of the action.

**Risks**—a description of the magnitude of the risk the action addresses, the amount by which the agency expects the action to reduce this risk, and the relation of the risk and this risk reduction effort to other risks and risk reduction efforts within the agency's jurisdiction.

## V. Abbreviations

The following abbreviations appear throughout this publication:

**ANPRM**—An Advance Notice of Proposed Rulemaking is a preliminary notice, published in the **Federal Register**, announcing that an agency is considering a regulatory action. An agency may issue an ANPRM before it develops a detailed proposed rule. An ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

**CFR**—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

**E.O.**—An Executive order is a directive from the President to Executive agencies, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

**FR**—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal agencies.

**FY**—The Federal fiscal year runs from October 1 to September 30.

▪ **NPRM**—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum: A statement of the time, place, and nature of the public rulemaking proceeding;

▪ A reference to the legal authority under which the rule is proposed; and Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

**PL (or Pub. L.)**—A public law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, unlike a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, Public Law 112–4 is the fourth public law of the 112th Congress.

**RFA**—A Regulatory Flexibility Analysis is a description and analysis of the impact of a rule on small entities, including small businesses, small governmental jurisdictions, and certain small not-for-profit organizations. The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires each agency to prepare an initial RFA for public comment when it is required to publish an NPRM and to make available a final RFA when the final rule is published, unless the agency head certifies that the rule would not have a significant economic impact on a substantial number of small entities.

**RIN**—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Regulatory Plan and the Unified Agenda, as directed by Executive Order 12866 (section 4(b)). Additionally, OMB has asked agencies to include RINs in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register**, to make it easier for the public and agency officials to

track the publication history of regulatory actions throughout their development.

**Seq. No.**—The sequence number identifies the location of an entry in the printed edition of the Regulatory Plan and the Unified Agenda. Note that a specific regulatory action will have the same RIN throughout its development but will generally have different sequence numbers if it appears in different printed editions of the Unified Agenda. Sequence numbers are not used in the online Unified Agenda.

**U.S.C.**—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

## VI. How can users get copies of the Plan and the Agenda?

Copies of the **Federal Register** issue containing the printed edition of The Regulatory Plan and the Unified Agenda (agency regulatory flexibility agendas) are available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7954. Telephone: (202) 512–1800 or 1–866–512–1800 (toll-free).

Copies of individual agency materials may be available directly from the agency or may be found on the agency's website. Please contact the particular agency for further information.

All editions of The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions since fall 1995 are available in electronic form at <http://reginfo.gov>, along with flexible search tools.

The Government Printing Office's GPO FDsys website contains copies of the Agendas and Regulatory Plans that have been printed in the **Federal Register**. These documents are available at <http://www.fdsys.gov>.

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**John C. Thomas,**  
Executive Director.

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