



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 EO 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 EO 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.¹ 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.²

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 EO 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 EO 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

¹ 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>.

² 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>. *Federal Data Strategy* <https://strategy.data.gov/action-plan/>; <https://strategy.data.gov/practices/>

(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 Number	Title	Regulation Identifier Number	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
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 Number	Title	Regulation Identifier Number	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	Title	Regulation	Rulemaking
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Number		Identifier Number	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 Number	Title	Regulation Identifier Number	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	Title	Regulation	Rulemaking
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Number		Identifier Number	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 Number	Title	Regulation Identifier Number	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	0945–AA00	Proposed

	Remove Barriers to, Coordinated Care and Individual Engagement		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 Number	Title	Regulation Identifier Number	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.	1615-AC14	Proposed

	Citizenship and Immigration Services		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	1651-AB34	Proposed

	Procedures for the Global Entry and SENTRI Programs and Other Changes		Rule 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	1660-AA99	Proposed

	Declaration Process for the Public Assistance Program		Rule Stage
89	Update to FEMA's Regulations on Rulemaking Procedures	1660-AA91	Final Rule Stage

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sequence Number	Title	Regulation Identifier Number	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 Number	Title	Regulation Identifier Number	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 Number	Title	Regulation Identifier Number	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	1210-AB90	Proposed

	Pension Benefit Plans Under ERISA		Rule Stage
105	Exposure to Beryllium to Review General Industry Provisions	1218-AD20	Final Rule Stage

DEPARTMENT OF VETERANS AFFAIRS

Sequence Number	Title	Regulation Identifier Number	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 Number	Title	Regulation Identifier Number	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	2080-AA14	Proposed

	Science		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
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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sequence Number	Title	Regulation Identifier Number	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
143	Joint Employer Status Under the Federal Equal Employment Opportunity Statutes	3046–AB16	Proposed Rule Stage

SMALL BUSINESS ADMINISTRATION

Sequence Number	Title	Regulation Identifier Number	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 Number	Title	Regulation Identifier Number	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 Number	Title	Regulation Identifier Number	Rulemaking Stage
151	Federal Acquisition Regulation (FAR); FAR Case 2013-002; Reporting of Nonconforming Items to the Government-Industry Data Exchange Program	9000-AM58	Final Rule Stage

CONSUMER PRODUCT SAFETY COMMISSION

Sequence Number	Title	Regulation Identifier Number	Rulemaking Stage
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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 Number	Title	Regulation Identifier Number	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 Number	Title	Regulation Identifier Number	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 Pressure 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

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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 EO 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 e-mail at: risc@gsa.gov.

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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 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

Consumer 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 (EO) 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, e-mail 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**.

EO -- 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 USC 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>.

Dated: November 18, 2019.

NAME: John C. Thomas,

Executive Director.

BILLING CODE: 6820-27-P

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