

**From:** [Charisa Morris](#)  
**To:** [Katherine Garrity](#)  
**Subject:** Fwd: Data Call for Fall 2018 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions  
**Date:** Thursday, June 21, 2018 2:30:07 PM  
**Attachments:** [ATT00001.htm](#)  
[Fall 2018 Unified Agenda Data Call.pdf](#)  
[Fall 2018 RID Instructions.docx](#)  
[ATT00002.htm](#)  
[Fall 2018 RID FORM.docx](#)  
[ATT00003.htm](#)  
[Guidelines and Procedures for Posting on ROCIS Final.pdf](#)  
[ATT00004.htm](#)  
[Reg Contacts as of June 2018.csv](#)  
[ATT00005.htm](#)  
[Request for Clearance of ESA RINs 06-07-17.docx](#)  
[ATT00006.htm](#)  
[Request for Clearance of Regulatory Action 06-02-17.docx](#)  
[ATT00007.htm](#)  
[Priority rule spreadsheet as of June 2018.xlsx](#)  
[ATT00008.htm](#)  
[Fall 17 DOI Regulatory Plan Draft - Final Clean with OMB edits to RISC.docx](#)  
[ATT00009.htm](#)  
[DOI Data Call Fall 2018 Reg Plan and Agenda 6212018.pdf](#)  
[ATT00010.htm](#)

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Hey Kathy! Should I share this, as well?

Sent from my iPhone

Begin forwarded message:

**From:** "Rodgers, Kerry" <[kerry\\_rodgers@ios.doi.gov](mailto:kerry_rodgers@ios.doi.gov)>  
**Date:** June 21, 2018 at 12:04:36 PM EDT  
**To:** "Cameron, Scott" <[scott\\_cameron@ios.doi.gov](mailto:scott_cameron@ios.doi.gov)>, Timothy Petty <[timothy\\_petty@ios.doi.gov](mailto:timothy_petty@ios.doi.gov)>, Joseph Balash <[joseph\\_balash@ios.doi.gov](mailto:joseph_balash@ios.doi.gov)>, Susan Combs <[susan\\_combs@ios.doi.gov](mailto:susan_combs@ios.doi.gov)>, John Tahsuda <[john.tahsuda@bia.gov](mailto:john.tahsuda@bia.gov)>, Brenda Burman <[bburman@usbr.gov](mailto:bburman@usbr.gov)>, James Reilly <[jfreilly@usgs.gov](mailto:jfreilly@usgs.gov)>, Brian Steed <[bsteed@blm.gov](mailto:bsteed@blm.gov)>, Scott Angelle <[scott.angelle@bsee.gov](mailto:scott.angelle@bsee.gov)>, Walter Cruickshank <[walter.cruickshank@boem.gov](mailto:walter.cruickshank@boem.gov)>, Glenda Owens <[gowens@osmre.gov](mailto:gowens@osmre.gov)>, Greg Sheehan <[greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)>, "Paul (Dan) Smith" <[paul\\_smith@nps.gov](mailto:paul_smith@nps.gov)>, Darryl LaCounte <[darryl.lacounte@bia.gov](mailto:darryl.lacounte@bia.gov)>  
**Cc:** Richard Myers <[richard\\_myers@ios.doi.gov](mailto:richard_myers@ios.doi.gov)>, Maureen Foster <[maureen\\_foster@ios.doi.gov](mailto:maureen_foster@ios.doi.gov)>, Cara Macdonald <[cara\\_macdonald@ios.doi.gov](mailto:cara_macdonald@ios.doi.gov)>, Elizabeth Appel <[elizabeth.appel@bia.gov](mailto:elizabeth.appel@bia.gov)>, kerry\_rae <[kerry\\_rae@ios.doi.gov](mailto:kerry_rae@ios.doi.gov)>, Christine Powell <[chris\\_powell@nps.gov](mailto:chris_powell@nps.gov)>, "Morris, Charisa" <[charisa\\_morris@fws.gov](mailto:charisa_morris@fws.gov)>, Debrah McBride <[debrah.mcbride@bia.gov](mailto:debrah.mcbride@bia.gov)>, Jeff Brune <[jbrune@blm.gov](mailto:jbrune@blm.gov)>, Emily Lindow <[emily.lindow@boem.gov](mailto:emily.lindow@boem.gov)>, James Hess <[jhess@usbr.gov](mailto:jhess@usbr.gov)>, Judy Nowakowski <[jnowakowski@usgs.gov](mailto:jnowakowski@usgs.gov)>, Julie Fleming <[julie.fleming@bsee.gov](mailto:julie.fleming@bsee.gov)>, Harry Payne <[hpayne@osmre.gov](mailto:hpayne@osmre.gov)>, Juliette Lillie <[juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)>, Susan Wilkinson <[susan\\_wilkinson@fws.gov](mailto:susan_wilkinson@fws.gov)>  
**Subject:** Data Call for Fall 2018 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions

Good morning,

Please see the attached data call for the Fall 2018 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions. Bureau and Office submissions are due to the Office of the Executive Secretariat and Regulatory Affairs by COB on **Monday, July 9, 2018**.

Thank you for your attention to this request.

Kerry

Kerry E. Rodgers  
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Executive Secretariat and Regulatory Affairs  
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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

ADMINISTRATOR  
OFFICE OF  
INFORMATION AND  
REGULATORY  
AFFAIRS

JUNE 18, 2018

MEMORANDUM FOR: REGULATORY POLICY OFFICERS AND MANAGING AND  
EXECUTIVE DIRECTORS OF FEDERAL AGENCIES

FROM: Neomi Rao, Administrator *Neomi Rao*  
Office of Information and Regulatory Affairs

SUBJECT: Data Call for the Fall 2018 Regulatory Plan,  
Fall 2018 Unified Agenda of Federal Regulatory and Deregulatory  
Actions, and FY 2019 Regulatory Cost Allowances

Regulatory reform is a key priority of this Administration, which continues to focus on the reduction of unnecessary regulatory costs across all Federal agencies. Implementation of these priorities requires Federal agencies to coordinate and provide advance notice of their regulatory activities. This Data Call requests from all Federal agencies information for compilation of the Fall 2018 Regulatory Plan (Plan) and the Unified Agenda of Federal Regulatory and Deregulatory Actions (Agenda).<sup>1</sup> Pursuant to longstanding requirements, the Plan and Agenda provide important public notice and transparency about proposed regulatory and deregulatory actions across the Federal Government. This process highlights agency priorities, promotes planning and coordination, and encourages public participation in the regulatory process.

For Executive Branch agencies, this Data Call also requests proposed Fiscal Year 2019 regulatory cost allowances pursuant to Executive Order (EO) 13771, "Reducing Regulation and Controlling Regulatory Costs."<sup>2</sup> The Office of Information and Regulatory Affairs (OIRA) will work with agencies to establish their cost allowances for FY 2019 based on agency submissions. A new EO 13771 ROCIS module will be available in July, allowing agencies to submit proposed cost allowances for FY 2019 as well as complete final accounting for FY 2018 using the ROCIS system. OIRA will provide additional reference materials and a webinar on the new module in July.

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<sup>1</sup> Additional guidance regarding preparation and submission of the Regulatory Plan and Unified Agenda is available on [www.rocis.gov](http://www.rocis.gov).

<sup>2</sup> Exec. Order No. 13,771, 82 Fed. Reg. 9339 (Feb. 3, 2017) (signed Jan. 30, 2017). ("No regulations exceeding the agency's total incremental cost allowance will be permitted in that fiscal year, unless required by law or approved in writing by the Director."). OMB Guidance currently does not apply EO 13771 to the traditionally independent agencies.

## **Important Dates**

*July 27, 2018*

- Fall 2018 Regulatory Plan and Agenda submissions are due;
- Deadline to start EO 12866 and/or EO 13771 review for rules to be completed in FY 2018; and
- FY 2019 proposed EO 13771 cost allowance submission is due.

*August 31, 2018*

- FY 2018 provisional EO 13771 accounting submission is due.

*October 1, 2018*

- FY 2018 final year-end EO 13771 accounting submission is due.

More information on these deadlines is provided below.

## **Priorities for the Regulatory Plan and Unified Agenda**

Publication of the Plan and Agenda represent a key component of a longstanding regulatory planning mechanism under EO 12866, “Regulatory Planning and Review.”<sup>3</sup> The Plan and Agenda should reflect policy initiatives consistent with Administration priorities for regulatory reform, as well as specific actions that will support those initiatives. These might include:

- *Reducing regulatory costs.* The Administration has focused on the reduction of regulatory costs through the repeal and modification of duplicative, outdated, and ineffective regulations.
- *Using the Agenda to provide public notice.* The Agenda should reflect only current regulatory policy for the Administration – actions agencies reasonably expect to complete within the next twelve months. Agencies should remove actions that do not reflect current policy. Please closely review all longstanding actions, with a presumption to remove any actions that have been on the Agenda for more than four years. Agencies should also closely evaluate actions on the Inactive List and determine whether they reflect current policy or should be removed altogether.
- *Transparency.* Agencies should provide the public with the means to track regulatory policy from beginning to end. For example, agencies must publish and assign “regulatory identification numbers” (RINs) to all anticipated regulatory and deregulatory rulemakings.
- *Consistent practice across the Federal Government.* All Federal agencies, including traditionally independent agencies and commissions, are strongly encouraged to implement the above policy priorities.

*Agencies should be prepared to brief OIRA on their anticipated regulatory reform priorities.*

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<sup>3</sup> Exec. Order No. 12,866, 58 Fed. Reg. 51735 (Oct. 4, 1993) (signed Sept. 30, 1993).

## **Improving the Regulatory Plan and Unified Agenda**

**The Regulatory Plan** – In light of the importance of regulatory reform in this Administration, the narrative in the Regulatory Plan should reflect the priorities of the agency head. The Plan provides an opportunity for sharing with the public an agency’s goals with respect to regulatory policy. As appropriate, agencies should consider including the following in their Plans:

- Regulatory and deregulatory priorities, including recent legislative and programmatic activities.
- The aggregate number of anticipated regulatory and deregulatory regulations in the Agenda, as well as categories of anticipated deregulatory actions, such as the repeal of guidance documents or streamlining of paperwork burdens that do not appear in the Agenda.
- Rulemakings that streamline existing regulations and reduce unjustified burdens.
- Rulemakings expected to have large net benefits.
- Rulemakings that promote open government and use disclosure as a regulatory tool.
- Rulemakings of particular interest to small business. Please discuss these regulations in a separate section of the introductory narrative.

**The Unified Agenda** – The Unified Agenda provides a comprehensive list of anticipated regulatory and deregulatory actions. The utility of the Agenda depends on having up-to-date entries that reflect immediate agency priorities. In addition to removing items that no longer reflect agency priorities, the following are suggested steps an agency can take to improve the quality of the Agenda:

- *Informative abstracts.* Abstracts should include the reason for developing the rulemaking. Entries with outdated information, or abstracts that merely repeat the title, timetable, or legal authority, detract from the usefulness of the Agenda.
- *Accurate timing.* The public relies on agency projections of timing for meaningful participation in the regulatory process. Please take all reasonable steps to ensure the accuracy of timetable information.
- *Consistency across entries.* Each agency should coordinate designations and ensure that responses for priority, EO 13771 designation, major status under the Congressional Review Act, unfunded mandates, federalism, and government levels affected (State, local, tribal, or Federal) are consistent within the agency.
- *Accessibility.* To help promote accessibility of the Agenda, agencies should provide, when available, URLs of websites with more information about a rulemaking.
- *Streamlining the Agenda.* Agencies should review Agenda entries marked “Routine and Frequent” or “Informational/Administrative/Other” and evaluate whether these entries are categorized correctly and meet the criteria for inclusion in the Unified Agenda under EO 12866.

## **Preparing and Transmitting the Regulatory Plan and Unified Agenda**

The instruction documents for submitting the Regulatory Plan and Unified Agenda are available on the [ROCIS homepage](#). These documents identify the materials agencies will need and explain in detail how to prepare agency submissions for the Plan and Agenda. Please follow the procedures carefully and be sure to include all required documents with the submissions. Agencies should direct any questions regarding submissions to their OIRA desk officer. For information concerning automated production, information requirements, format, or submission of materials, contact the Regulatory Information Service Center (RISC) at (202) 482-7340.

Consistent with prior practice, the complete Plan and Agenda will be published online at [www.reginfo.gov](http://www.reginfo.gov).<sup>4</sup>

All Regulatory Plan, Unified Agenda, and EO 13771 proposed cost allowances are due by **July 27, 2018**.

## **Compliance with EO 13771**

In agency submissions for the Agenda, please give particular attention to EO 13771 and OIRA's "Guidance Implementing Executive Order 13771."<sup>5</sup> Consistent with these principles, agency submissions should adhere to the following EO 13771 requirements to the extent permitted by law:

- *Regulatory Plan.* For its Regulatory Plan, an agency should summarize regulatory and deregulatory priorities. The Plan should provide an agency's aggregate number of anticipated regulatory and deregulatory actions and incorporate by reference the itemized actions in the Agenda.
- *Unified Agenda.* The Agenda should demonstrate compliance with EO 13771, as an agency anticipates the number of deregulatory and regulatory actions over the next fiscal year. Specifically, the Agenda should reflect through the end of FY 2019 at least two deregulatory actions taken for each regulatory action (except items not typically included in the Agenda). Preliminary EO 13771 designations are required for each action submitted in the Agenda (see part 3 of the [guidelines](#) for more detail).
- *Regulations must be on the Agenda.* As required by EO 13771, agencies should not issue significant regulations that have not been included in the most recent version or update of the Agenda, unless otherwise required by law or approved in advance in writing by the Director of the Office of Management and Budget (OMB). This requirement applies to all significant regulatory actions, both proposed and final. If an agency plans to issue regulations that were not in the most recent Agenda, they will need to request a waiver. More information on this process can be found in the OIRA Memorandum, "Compliance with Section 3(c) of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs" (February 22, 2018).

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<sup>4</sup> A subset of Agenda entries is also published in the Federal Register, in accordance with the publication requirements of the Regulatory Flexibility Act, 5 U.S.C. § 602.

<sup>5</sup> Office of Mgmt. & Budget, Memorandum No. M-17-21, "Guidance Implementing Executive Order 13771" (Apr. 5, 2017).

### **Proposed Cost Allowance Submissions under EO 13771 for Fiscal Year 2019**

Section 3(d) of EO 13771 provides that the Director of OMB shall identify a regulatory cost allowance for each agency for FY 2019. The Order further provides that “[n]o regulations exceeding the agency’s total incremental cost allowance will be permitted in that fiscal year, unless required by law or approved in writing by the Director.”

In addition to Unified Agenda preparations, Executive departments and agencies are directed to prepare a proposed total incremental cost allowance for FY 2019 to inform the Director’s determinations under Section 3(d) of EO 13771. Each agency’s proposed FY 2019 cost allowance should be informed by its submissions for the Fall 2018 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions. Each agency should include along with its proposed FY 2019 cost allowance an explanation of how the agency developed its proposed allowance and how that proposed allowance is consistent with the Administration’s regulatory policies and priorities established in EO 13771, as well as EO 13777 “Enforcing the Regulatory Reform Agenda.”<sup>6</sup>

OIRA will review each agency’s proposed FY 2019 cost allowance for consistency with the regulatory policies and priorities set forth in EOs 13771 and 13777, including the goal “to lower regulatory burdens on the American People by implementing and enforcing regulatory reform.” EO 13777 also explains that “[i]t is the policy of the United States to alleviate unnecessary regulatory burdens placed on the American people.” Finally, EO 13771 provides that this Administration’s policy is “to be prudent and financially responsible in the expenditure of funds, from both public and private sources.”

In light of these policies, OIRA expects that each agency will propose a net reduction in total incremental regulatory costs for FY 2019. OIRA expects to publish each agency’s final total incremental cost allowances in conjunction with the 2018 Fall Regulatory Plan and Agenda.

**By July 27, 2018**, please submit the proposed total incremental cost allowance for FY 2019 via the new EO 13771 module in [www.rocis.gov](http://www.rocis.gov), along with any supporting explanation, at the same time as submissions for the Fall 2017 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions.

### **Final Accounting under EO 13771 for Fiscal Year 2018**

Along with the Regulatory Plan and Unified Agenda, OIRA will publish the results of agency compliance with EO 13771 in FY 2018. This will include a list of completed deregulatory and regulatory actions by agency, as well as regulatory costs and cost savings by agency. OIRA will also report the numbers of deregulatory and regulatory actions and total cost savings achieved across Executive Branch agencies.

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<sup>6</sup> Exec. Order No. 13,777, 82 FR 12285 (Mar. 1, 2017) (signed Feb. 24, 2017).

For actions agencies wish to complete and publish before the end of FY 2018, to the extent feasible and consistent with this Administration's priorities, statutory obligations, and judicial deadlines, please submit any priority rulemakings to OMB for EO 12866 review by **July 27, 2018**. Timely submission will ensure sufficient time is available for review and publication by the end of the fiscal year.

Each agency should provide its accounting of deregulatory and regulatory actions and total regulatory cost savings in two parts: (1) Provide a provisional accounting of all actions completed during the first eleven months of the fiscal year (November 1, 2017, through August 31, 2018) by **August 31, 2018**, and (2) Provide a final year-end accounting **no later than October 1, 2018**.

OIRA encourages agencies to submit final year-end accounting as close as possible to publication of the agency's last final action of FY 2018. For example, agencies that do not plan to issue any final actions in September may wish to submit their year-end accounting on August 31, 2018. OIRA will take the provisional accounting submissions into account when considering the final cost allowance proposals for FY 2019.

## REGULATORY INFORMATION SERVICE CENTER

### INSTRUCTIONS FOR REPORTING REGULATORY ACTIONS IN THE UNIFIED AGENDA

#### WHAT INFORMATION SHOULD AGENCIES INCLUDE IN THE UNIFIED AGENDA?

Agency regulatory agendas should describe all regulations under development or review during the 12 months following publication. This includes, at a minimum, any plans to publish or otherwise implement an Advance Notice of Proposed Rulemaking, a Notice of Proposed Rulemaking, or a Final Rule. Agencies may include any plans to conduct a review pursuant to 5 U.S.C. 610(c) or section 5 of Executive Order (E.O.) 12866.

An agency need not include in its regulatory agenda those rulemaking actions that are excluded by section 3(d) of E.O. 12866 or by the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget. In particular, agencies need not include routine regulations and those that relate to internal agency management.

If an agenda entry describes an amendment or a review of an existing regulation, the information provided about the effects of the regulatory action should apply to the current activity and not to the underlying regulation.

#### REGULATION IDENTIFIER NUMBER (RIN)

For each of its regulations under development, an agency should obtain a Regulation Identifier Number (RIN). This number will be used to track regulations in the Unified Agenda. The same RIN is used at every stage of the rulemaking proceeding. You will also need a RIN when you submit a regulation to OMB for review. Do not request RINs for activities that are not related to specific rulemaking proceedings such as advisory committee meetings.

#### TITLE OF REGULATION

Use a brief description that will inform readers of the subject of the regulation. Avoid titles like "Revision of Section 286," which do not communicate the subject matter. Also, avoid mentioning in the title specific stages in the rulemaking process. For example, a title like "Hazard Communication" is preferable to "Proposed Rule on Hazard Communication," because you can use the same title throughout the entire rulemaking proceeding.

**REGULATORY FLEXIBILITY ACT SECTION 610 REVIEW.** If the regulatory action is a planned or current review of an existing regulation under section 610(c) of the Regulatory Flexibility Act, specify Section 610 Review, Completion of a Section 610 Review, or Rulemaking Resulting From a Section 610 Review.

#### REGULATORY PLAN

If you are entering data for a fall edition, indicate whether each action is a Regulatory Plan entry. For a spring edition, new entries have the answer "No" and repeating entries have the same answer as in the previous fall's edition.

#### PRIORITY

For each entry, select one of the five categories to indicate its priority. The priority of each Regulatory Plan entry must be either Economically Significant or Other Significant. Also, actions designated as "major" should have a priority of Economically Significant or Other Significant.

#### ECONOMICALLY SIGNIFICANT

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. All Economically Significant rulemaking actions should appear in an agency's regulatory plan.

#### OTHER SIGNIFICANT

A rulemaking action that is not Economically Significant that the agency anticipates will be reviewed under E.O. 12866. Also, a rulemaking action that is not Economically Significant and will not be reviewed under E.O. 12866, but is considered important by the agency and a priority of the agency head. These rules may be included in the agency's regulatory plan.

#### SUBSTANTIVE, NONSIGNIFICANT

A rulemaking action that has substantive impact but the magnitude of the impact is less than significant. These rulemaking actions are not Economically Significant, will not be reviewed under E.O. 12866, and are not, at present, an agency priority.

#### ROUTINE AND FREQUENT

A rulemaking action 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.

#### INFORMATIONAL/ADMINISTRATIVE/OTHER

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

**UNFUNDED MANDATES.** Indicate whether this rule is covered under section 202 of the Unfunded Mandates Reform Act (Pub. L. 104-4) because it includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year. If you answer "Yes" to this question, you must indicate which category or categories may be affected.

**MAJOR.** Indicate whether this rule is considered "major" and therefore subject to the 60-day deferral requirement under 5 U.S.C. 801, enacted by Public Law 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.

**EO 13771 DESIGNATION.** Indicate "Deregulatory", "Regulatory", "Fully or Partially Exempt", "Not subject to, not significant", "Other", "Independent agency" as described in the Updated Attachment 3 dated August 31, 2017.

#### LEGAL AUTHORITY

Provide the citation(s) of the legal authority for the regulatory action. For statutes, cite the United States Code (U.S.C.) whenever possible. If a law is not yet codified, cite the Public Law number and section, not the Statutes at Large. You may enter the popular name of a law after its U.S.C. or Pub. L. citation (for example: 29 U.S.C. 206(d), Equal Pay Act of 1963). Enter citations using the following formats.

##### To cite:

42 U.S.C. 1302 and 1395  
20 U.S.C. 1411-20  
15 U.S.C. 78(c)-(hh)  
12 U.S.C. 1701 et seq.  
Public Law 91-190, section 203  
Executive Order 12866

##### Write the following:

42 U.S.C. 1302 and 1395  
20 U.S.C. 1411 to 1420  
15 U.S.C. 78(c) to 78(hh)  
12 U.S.C. 1701 et seq.  
Pub. L. 91-190, sec. 203  
E.O. 12866

If the legal authority is "not yet determined," check the appropriate box. If you choose to list only some of the applicable citations, you may check the box that indicates there are more citations. In this case, the printed Agenda will contain an ellipsis (...) at the end of the list of citations.

#### CFR CITATION

Provide the citation(s) of the CFR section(s) that will be affected by the regulatory action. Do not cite to the chapter or subchapter and do not include the words "part" or "section" in your citation. Do not combine citations to more than one part or section unless they are numbered consecutively. If you wish to indicate "New" or "Revision," do so in parentheses after the citation.

##### To cite:

42 CFR parts 121 and 123  
  
13 CFR section 120.2(d)(4)  
42 CFR parts 121-135  
Revision to 42 CFR 121

##### Write the following:

42 CFR 121  
42 CFR 123  
13 CFR 120.2(d)(4)  
42 CFR 121 to 135  
42 CFR 121 (Revision)

If the CFR citation is "not yet determined" or if there will be no CFR citation, check the appropriate box. If you choose to list only some of the applicable citations, you may check the box that indicates there are more citations. In this case, the printed Agenda will contain an ellipsis (...) at the end of the list of citations.

#### LEGAL DEADLINE

Indicate if your entry has any legal deadlines and, if so, whether they pertain to an NPRM, Final Action, or some "Other" action. Also indicate whether deadlines are statutory or judicial and give the date of each. For "Other" deadlines and those without specified dates, you must describe the nature of the deadline. You may include other information about legal deadlines under "Overall Description."

#### ABSTRACT

Briefly summarize the regulatory action. Provide enough information to distinguish it from other similar regulatory actions.

## REGULATORY PLAN DESCRIPTIONS

If you are submitting data for a Regulatory Plan entry in a fall edition, you will have access to the following additional fields: Statement of Need, Summary of the Legal Basis, Alternatives, Anticipated Costs and Benefits, and Risks. See the attachments to the OMB guidance memorandum for a discussion of the content of each of these topics. You must enter text for at least the Statement of Need and the Anticipated Costs and Benefits.

## TIMETABLE

Give the history and future schedule for agency actions.

**NEXT ACTION.** For a spring agenda, the next action for an entry is the first step the agency will take in April or later. For a fall agenda, the next action for an entry is the first step in October or later. The timetable of every entry, other than a completed action, must include either a next action with a date or the designation "Next Action Undetermined."

**DATES.** For past steps in developing the regulation, give the actual date of publication in the *Federal Register* and the citation (FR volume and page number). You do not need to repeat an FR citation for "comment period end" or "final action effective" unless the citation is different from the associated rulemaking action's citation. For future steps, give the anticipated month and year (for example, 06/00/2009). If you know what the next action will be but have no estimated future date for that action, record "00/00/0000" in the date column. Record all dates using 8 digits separated by slashes. If you enter a year, then you must indicate a month as well. Do not enter a date like 00/00/2009.

**STAGE.** Entries in an agency's agenda are arranged according to the stage of the rulemaking proceeding: Prerule, Proposed Rule, Final Rule, Long-Term, or Completed Action. The stage is determined from the next action.

If the next action is undetermined, 00/00/0000, or will occur more than 12 months after publication of the Agenda, the entry will appear in the Long-Term Actions section of the Agenda.

If the agency has completed its current work on the regulation, you should indicate this in the Timetable by checking the completion box on the line that shows what the agency did to complete its work (for example, Final Action or Withdrawn). Enter the date of that action and the *Federal Register* citation, if any. Note that completion means the agency has terminated the rulemaking proceeding, not merely that it has published a rulemaking document. Completed entries will not appear in subsequent Agendas.

## REGULATORY FLEXIBILITY ANALYSIS AND EFFECTS ON SMALL ENTITIES

Indicate if an analysis is required by the Regulatory Flexibility Act because this rulemaking is likely to have a significant economic impact on a substantial number of small entities as defined by the Act (5 U.S.C. 601(6)). "Undetermined" is a permissible response if the action is at the prerule or proposed rule stage. By the final rule stage, the agency should have made a determination. If you check "Yes," also identify the specific entities that may be affected. If the agency is reporting that it has completed an entry by taking some regulatory action (i.e., not withdrawing it), then you must indicate a determination.

**OPTIONAL QUESTION.** If your answer to the Regulatory Flexibility Analysis question is "No" or "Undetermined," you may choose to indicate whether some impact on small entities is likely. To do this, answer "Yes" or "No" under "Small Entities Affected." If you answer "Yes," also identify the specific entities that may be affected.

## EFFECTS ON LEVELS OF GOVERNMENT

Indicate if this action is expected to affect levels of government. If you check "Yes," also identify the specific levels of government that may be affected. "Undetermined" is permissible if the action is at an early stage of the rulemaking process. If the agency is reporting that it has completed the entry by taking some regulatory action (i.e., not withdrawing it), then you must indicate a determination.

## FEDERALISM IMPLICATIONS

Indicate if this 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." "Undetermined" is permissible if the action is at the prequel or proposed rule stage. By the final rule stage, the agency should have made a determination. If the agency is reporting that it has completed an entry by taking some regulatory action (i.e., not withdrawing it), then you must indicate a determination. (Independent regulatory agencies are not required to answer this question.)

## ENERGY EFFECTS (Optional)

Indicate whether the agency has prepared or plans to prepare a Statement of Energy Effects as required by Executive Order 13211.

## INTERNATIONAL IMPACTS

Indicate whether the regulatory action is expected to have international trade and investment effects, or otherwise may be of interest to the Nation's international trading partners.

## AGENCY CONTACT

Provide the name, title, address, and telephone number of someone whom the public may contact for further information about this action. You may also enter a fax number, TDD telephone number, and e-mail address, if they are available and you wish to provide them to the public. You may provide information for more than one person.

## URLs (Optional)

You may enter the URL of a Web site with more information about a rulemaking. You may also enter the URL of a Web site for public comments on a rulemaking.

## ADDITIONAL INFORMATION (Optional)

You may provide additional information about the entry that the agency wants to include in its agenda. Include in this field any information about analyses or procurement that you wish to report.

## AGENCY SORT CODES (Optional)

Agencies can assign codes (previously called subject codes) to establish the order in which entries will appear within the five stages printed in the Agenda (Prerule, Proposed Rule, Final Rule, Long-Term, and Completed Actions). Contact RISC if you wish to create a new set of codes for your agency.

## COMPLIANCE COST TO THE PUBLIC (Optional)

Estimates should be gross compliance cost, not net cost that includes benefits to the public.

1. Estimate initial (administrative startup and/or capital) cost;
2. Estimate the yearly recurring (annual operating) cost that your regulation could impose; and
3. Record the base year you used to calculate your dollar estimates. Use only numerals for dollar figures; do not separate numbers by commas. You may record a negative cost, a figure preceded by a minus sign (-), to indicate a savings.

## AFFECTED SECTORS (Optional)

You may enter codes from the North American Industry Classification System (NAICS) to indicate the industrial sectors that may be most affected, either directly or indirectly, by the action. You may indicate both the sectors that could benefit from the regulation and those that could bear a cost. Contact RISC for instructions if you wish to use NAICS codes.

## RELATED RINS (Optional)

You may enter one or more past or current RINs associated with a rulemaking and specify how they are related, for example, merged RINs, split RINs, new activity for previously completed RINs, or duplicate RINs.

## RELATED AGENCIES (Optional)

You may enter one or more other agencies participating in the rulemaking. Indicate whether the rule is a joint or common rule.

**FOR ADDITIONAL INFORMATION CONTACT:  
REGULATORY INFORMATION SERVICE CENTER  
General Services Administration  
1800 F Street NW., Room 2219F, Washington, DC 20405  
Voice: (202) 482-7340 Fax: (202) 482-7360  
E-mail: RISC@gsa.gov**

## REGULATORY INFORMATION SERVICE CENTER Regulatory Information Data Form

You may print additional copies of this form from the RISC/OIRA Consolidated Information System (ROCIS) website, <http://www.rocis.gov>

DEPARTMENT/AGENCY AND BUREAU/OFFICE ISSUING REGULATION	REGULATION IDENTIFIER NUMBER (RIN), IF KNOWN. (OTHERWISE ENTER AGENCY CODE.)  -----	REGULATORY FLEXIBILITY ACT SECTION 610 REVIEW (Check appropriate box if applicable.) <input type="checkbox"/> Section 610 Review (Planned or Current) <input type="checkbox"/> Completion of a Section 610 Review <input type="checkbox"/> Rulemaking Resulting From a Section 610 Review						
TITLE OF REGULATION								
REGULATORY PLAN Include in the Regulatory Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No								
PRIORITY Priority Category: (Please select one.) <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Economically Significant</td> <td style="width: 33%;"><input type="checkbox"/> Substantive, Nonsignificant</td> <td style="width: 33%;"><input type="checkbox"/> Informational/Administrative/Other</td> </tr> <tr> <td><input type="checkbox"/> Other Significant</td> <td><input type="checkbox"/> Routine and Frequent</td> <td></td> </tr> </table>			<input type="checkbox"/> Economically Significant	<input type="checkbox"/> Substantive, Nonsignificant	<input type="checkbox"/> Informational/Administrative/Other	<input type="checkbox"/> Other Significant	<input type="checkbox"/> Routine and Frequent	
<input type="checkbox"/> Economically Significant	<input type="checkbox"/> Substantive, Nonsignificant	<input type="checkbox"/> Informational/Administrative/Other						
<input type="checkbox"/> Other Significant	<input type="checkbox"/> Routine and Frequent							
UNFUNDED MANDATES Subject to section 202 of the Unfunded Mandates Reform Act (PL 104-4): <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Undetermined (If Yes, check all affected categories.) <input type="checkbox"/> State, local, or tribal governments <input type="checkbox"/> Private sector								
MAJOR Major under 5 USC 801 (PL 104-121): <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Undetermined								
EO 13771 Designation: AS DESCRIBED IN Attachment 3 of the August 18, 2017, data call memorandum <input type="checkbox"/> Deregulatory <input type="checkbox"/> Regulatory <input type="checkbox"/> Fully or Partially Exempt <input type="checkbox"/> Not subject to not significant <input type="checkbox"/> Other <input type="checkbox"/> Independent agency								
LEGAL AUTHORITY <input type="checkbox"/> Not Yet Determined <input type="checkbox"/> Check here if there are additional legal authorities not listed below								
CFR CITATION <input type="checkbox"/> None <input type="checkbox"/> Not Yet Determined <input type="checkbox"/> Check here if there are additional CFR citations not listed below CFR CFR CFR CFR CFR CFR CFR								
LEGAL DEADLINE <input type="checkbox"/> None								
ACTION	SOURCE	DEADLINE DATE	DESCRIPTION					
<input type="checkbox"/> NPRM <input type="checkbox"/> Final <input type="checkbox"/> Other	<input type="checkbox"/> Statutory <input type="checkbox"/> Judicial	/ /						
<input type="checkbox"/> NPRM <input type="checkbox"/> Final <input type="checkbox"/> Other	<input type="checkbox"/> Statutory <input type="checkbox"/> Judicial	/ /						
<input type="checkbox"/> NPRM <input type="checkbox"/> Final <input type="checkbox"/> Other	<input type="checkbox"/> Statutory <input type="checkbox"/> Judicial	/ /						
<input type="checkbox"/> NPRM <input type="checkbox"/> Final <input type="checkbox"/> Other	<input type="checkbox"/> Statutory <input type="checkbox"/> Judicial	/ /						
<input type="checkbox"/> NPRM <input type="checkbox"/> Final <input type="checkbox"/> Other	<input type="checkbox"/> Statutory <input type="checkbox"/> Judicial	/ /						
OVERALL DESCRIPTION OF DEADLINE								
ABSTRACT (Attach additional sheet if necessary. For Regulatory Plan entries in fall editions, attach additional sheets to report Statement of Need, Summary of Legal Basis, Alternatives, Anticipated Costs and Benefits, and Risks.)								

**TIMETABLE**       Next Action Undetermined      *(Attach additional sheet if necessary.)*

If the "Next Action" is not one of the standard actions printed on this form, please indicate the stage:  Prerule     Proposed     Final

*(If the "Next Action" is more than 1 year after publication of the Agenda, the stage will automatically be "Long-Term." If the Agenda entry is completed, please indicate by a check in the completion column which action has completed the rulemaking. Check only one line.)*

ACTION	DATE	FR CITATION	COMPLETION
ANPRM	/ /	FR	
ANPRM Comment Period End	/ /	FR	
NPRM	/ /	FR	
NPRM Comment Period End	/ /	FR	
Interim Final Rule	/ /	FR	
Interim Final Rule Comment Period End	/ /	FR	
Interim Final Rule Effective	/ /	FR	
Final Action	/ /	FR	
Final Action Effective	/ /	FR	
Begin Review of Current Regulation	/ /	FR	
End Review of Current Regulation	/ /	FR	

**REGULATORY FLEXIBILITY ANALYSIS REQUIRED**

*(If your answer to this question is "No" or "Undetermined," you may wish to complete the optional question "SMALL ENTITIES AFFECTED" to indicate some impact on small entities.)*

Is an analysis required by the Regulatory Flexibility Act because this rulemaking is likely to have a significant economic impact on a substantial number of small entities?

Yes       No       Undetermined

If Yes, check affected small entities *(Check all that apply.)*     Businesses     Governmental jurisdictions     Organizations

**SMALL ENTITIES AFFECTED** *(Optional question)* Is this rulemaking likely to have some impact on small entities?     Yes     No

If Yes, check affected small entities *(Check all that apply.)*     Businesses     Governmental jurisdictions     Organizations

**GOVERNMENT LEVELS AFFECTED**

Effects on levels of government:     Yes     No     Undetermined

If Yes, check affected governments *(Check all that apply.)*     State     Local     Tribal     Federal

**FEDERALISM IMPLICATIONS**

Is this rulemaking likely to have "federalism implications" as defined in Executive Order 13132?     Yes     No     Undetermined

**ENERGY EFFECTS** *(Optional)*

Agency has prepared or plans to prepare Statement of Energy Effects.     Yes     No     Undetermined

**INTERNATIONAL IMPACTS**

Will this regulatory action be likely to have international trade and investment effects, or otherwise be of international interest?     Yes     No

**AGENCY CONTACT** *(If more than 1 contact, attach additional sheet.)*

First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_ Last Name: \_\_\_\_\_ Prefix: *(COL, Dr, etc.)* \_\_\_\_\_ Suffix: *(Jr., Sr., etc.)* \_\_\_\_\_

Title: \_\_\_\_\_

Contact Agency Code: *(Fill in only if contact person's address is at an agency other than the agency issuing the regulation.)* \_\_\_\_\_

Address: *(Put room number or mail stop, if any, on first line of address.)* \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_ TDD: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**URLs** *(Optional)*

For more information about this RIN (Usually link to program office): <http://> \_\_\_\_\_

For public comments on this RIN: <http://> \_\_\_\_\_

**ADDITIONAL INFORMATION** *(Optional)*

\_\_\_\_\_

**AGENCY SORT CODES** *(Optional)*

1. \_\_\_\_\_ 2. \_\_\_\_\_

**COMPLIANCE COST TO THE PUBLIC** *(Optional)* *(Do not enter dollar signs, commas, or decimal points. Negative numbers are OK.)*

Initial (Administrative Startup and/or Capital) Cost: \$ \_\_\_\_\_ Yearly Recurring (Annual Operating) Cost: \$ \_\_\_\_\_ Base Year of Your Dollar Estimates: \_\_\_\_\_

**AFFECTED SECTORS** *(Optional)* *(List one or more NAICS codes.)*

\_\_\_\_\_

**RELATED RINS** *(Optional)* *(List one or more related RINs.)*

\_\_\_\_\_  Merged     Split     New Activity     Duplicate     Related Activity

\_\_\_\_\_  Merged     Split     New Activity     Duplicate     Related Activity

**RELATED AGENCIES** *(Optional)* *(List one or more related Agencies.)*

Agency: \_\_\_\_\_  Joint Rule     Common Rule

Agency Guidelines for the Submission of the Unified Agenda of Federal  
Regulatory and Deregulatory Actions, the Fall Regulatory Plan, and  
Preliminary Designations under Executive Order 13771

## Document Contents

Guidelines and Procedures for the Fall Regulatory Plan .....	3
Guidelines and Procedures for the Unified Agenda of Federal Regulatory and Deregulatory Actions.....	7
Guidelines to Preliminary Designations under EO 13771.....	14

# 1. Guidelines and Procedures for the Fall Regulatory Plan

## *Why Is The Regulatory Plan Published?*

The Regulatory Plan serves as a defining statement of the Administration's regulatory and deregulatory policies and priorities. Section 4(c) of EO 12866, supplemented and reaffirmed by EO 13563, requires agencies to publish an annual regulatory plan as part of the Fall Unified Agenda of Federal Regulatory and Deregulatory Actions.

## *What Regulations Should Agencies Include in Their Regulatory Plans?*

Plans should describe the most important significant regulatory and deregulatory actions that the agency reasonably expects to issue in proposed or final form during the upcoming year. By "most important" significant regulatory and deregulatory actions, we mean only those significant rulemakings that embody the core of your regulatory priorities. All-important items relating to any existing regulations under agency review must also be included in this year's Plan. You should not include actions that are likely to be completed by the posting of the Agenda.

## *How Is The Regulatory Plan Organized?*

The Plan is a single Government-wide document that appears in the first section of the Agenda as printed in the Federal Register. The printed edition begins with an introduction to the Plan, followed by a table of contents for all Plan entries, and then the plans of participating Federal departments and agencies. Cabinet department's plans are printed first, followed by plans of other Executive agencies and traditionally independent regulatory agencies.

Each department's or agency's section of the Plan contains a narrative statement of regulatory and deregulatory priorities. This may be followed by a description of the department's or agency's most important significant regulatory and deregulatory actions.

Each department or agency presents its plan entries divided by sub agency, if applicable, and then categorized as follows. First, each Plan should group regulations according one of five preliminary EO 13771 designations. Next, within each EO 13771 category, each Plan should group actions under one of three headings according to the rulemaking stage of the entry. These headings are the same as those in the EO 13771 preliminary designation menu and the first three of five headings applicable to the Agenda:

- *Deregulatory, Regulatory, Exempt, Waived, Other.* Group regulations under these headings and then sort by anticipated rulemaking stage.
- *Prerule, Proposed, and Final rulemaking stages.* Unless otherwise specified by the agency, the final sort with in each stage is by "regulation identifier number" (RIN). All entries are numbered sequentially in the printed Federal Register edition, from the beginning to the end of the Plan.

The Plan will also be available online as part of the Agenda at [www.reginfo.gov](http://www.reginfo.gov). The Plan will be presented online in the form of a searchable database, rather than as a single document that is ordered according to a prescribed sequence.

*What Information Appears for Each Statement of Regulatory and Deregulatory Priorities?*

As specified in the data call, each statement or introductory narrative should be sufficiently specific to ensure that policymakers and those affected will understand your regulatory strategy and your long-term priorities. You may want to include a specific reference to the most important significant regulatory and deregulatory actions that will implement these priorities and to any applicable legislative proposals under development or already initiated by you that will further these regulatory priorities. Please also include a list of any existing regulations that are under review and your agency's plan for soliciting public comments during the review.

*What Information Should Appear in the Plan in Order to Satisfy Section 3 of EO 13771?*

Each agency's Plan narrative should reference the requirements under Section 3(a) of EO 13771 and provide further detail as specified in the data call.

An agency's preliminary EO 13771 designation, the abstract, and preliminary cost estimates will be viewed as satisfying EO 13771's Section 3 regulatory cost submission requirements. See Part 3 for more information regarding EO 13771 preliminary designations.

*What Information Appears for Each Regulation Included in The Regulatory Plan?*

Each entry in the Plan contains the same data elements that appear in a normal Agenda entry, including a RIN. Each Plan entry also contains two or more of the following additional fields. It must contain at least the Statement of Need and Anticipated Costs and Benefits.

1. **Statement of Need.** This is a description of the need for the regulatory action (Sec. 4(c)(1)(D) of EO 12866).
2. **Summary of the Legal Basis.** This should include a description of the legal basis for the action and whether any aspect of the action is required by statute or court order (Sec. 4(c)(1)(C) of EO 12866).
3. **Alternatives.** This should describe, to the extent possible, the alternatives the agency has considered or will consider for analysis (Sec. 4(c)(1)(B) of EO 12866). Special consideration should be given to flexible approaches that "reduce burdens" and maintain "freedom of choice for the public" (Sec. 4 of EO 13563).
4. **Anticipated Costs and Benefits.** This should include "preliminary estimates of the anticipated costs and benefits" of the regulatory action (Sec. 4(c)(1)(B) of EO 12866). Under EO 13563, agencies are directed to "use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible." Consistent with previous guidance we have provided concerning the implementation of EO 12866, the description of costs should include both capital (upfront) costs and annual (recurring) costs. If the benefits are difficult to quantify, we encourage you, to the extent possible, to use nominal units (for example, health effects or injuries avoided) for benefits. Avoid the

misclassification of transfer payments as costs or benefits. You should appropriately discount both costs and benefits. To the extent that you cannot quantify costs and benefits, you should describe them in narrative form. (The Unified Agenda format does not permit the use of a columnar format for cost and benefit information. Please provide these data using a narrative format.)

5. Risks. This should include, if applicable, a description of “how the magnitude of the risk addressed by the action relates to other risks within the jurisdiction of the agency” (Sec. 4(c)(1)(D) of EO 12866). You should include 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 reduction effort to other risks and risk reduction efforts within the agency’s jurisdiction.

#### *How Should an Agency Prepare Its Data for Publication in The Regulatory Plan?*

Each agency participating in the Plan should prepare its portion in the same manner and format that it uses for a normal Agenda entry. As with the Agenda, RISC edits and compiles the Plan on behalf of OIRA.

Agencies have the same three alternative methods to prepare data on individual Plan entries as for Agenda entries: direct entry, data file, and paper forms. Agencies will also receive the same RISC reports that accompany Agenda submissions.

Statement of Regulatory and Deregulatory Priorities. Each agency must save a copy of last year’s statement from ROCIS to its own computer system, and make changes in that file to update the statement for the current year, and then upload the file to ROCIS. Print a copy of the statement that you are uploading for the paper copy required with your Plan submission. If you supply your data for the Plan on paper forms and RISC enters all of your data, then you should submit both a printed copy of your statement and an electronic copy, preferably in Microsoft Word.

For further information about these procedures, please contact RISC.

#### *What Documents Should an Agency Submit?*

Agencies that submit their portions of the Plan by direct entry or by data file need only email a copy of the agency’s Statement of Regulatory and Deregulatory Priorities attached to message indicating that the agency’s regulatory plan is complete in ROCIS. These agencies should notify RISC via e-mail when they indicate in ROCIS that their plan is complete and that they are submitting it. ROCIS will terminate access to Plan entries and to statements of priorities. These agencies will still have access to other Agenda entries.

Agencies that cannot use direct entry or submit a data file may choose to submit their Unified Agenda entries on paper forms. Any agency participating in the Plan that submits its data on paper forms must submit the following documents to RISC:

- A paper copy of the agency's Statement of Regulatory and Deregulatory Priorities, plus an electronic copy.
- A paper copy of the agency's Plan entries. New entries should be on the current edition of the Regulatory Information Data Form. Repeating entries should be on marked copies of Agenda Review Reports that the agency has obtained from RISC.
- A cover letter identifying the enclosures as your agency's Plan submission.

*When and How Should Agencies Submit Their Regulatory Plans?*

Please submit electronically directly into ROCIS or email XML submissions to your RISC analyst. Please email paper submissions to the agency's RISC analyst or submit to Regulatory Information Service Center (RISC), General Services Administration, 1800 F Street NW., Room 2219F, Washington, DC 20405-0001. For further information concerning automated production, information requirements, format, or submission of materials, contact your analyst at the RISC, (202) 482-7340. RISC will upload agency regulatory plans to the MAX Federal Community. A copy of each agency's regulatory plan will be available for review in MAX to other interested agencies and the Regulatory Policy Advisors. If you wish to receive a copy of another agency's Plan submission, please notify OIRA.

Agencies will have the opportunity to change their initial submissions based on the comments they receive. In addition, the schedule for planned regulatory actions may change, or the agency may complete additional economic analysis or risk assessment that would contribute to a more informative description of the planned regulatory action.

## **2. Guidelines and Procedures for the Unified Agenda of Federal Regulatory and Deregulatory Actions**

### *Why Publish the Unified Agenda for Regulatory and Deregulatory Actions?*

Section 4(b) of EO 12866 requires agencies to publish a regulatory and deregulatory agenda. The Unified Agenda of Federal Regulatory and Deregulatory Actions is a compilation of each agency's regulatory agenda. A central goal of the Agenda is to promote transparency and open government. The Fall Agenda also includes The Regulatory Plan.

In addition, the Agenda furthers the purposes of the Regulatory Flexibility Act (5 U.S.C. § 601 et seq.) (RFA); EO 13771; EO 13563; EO 13132, "Federalism," 64 FR 43255 (August 4, 1999); the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1501–04, 1531–38, 1551–56 (UMRA); and the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. § 601 note (SBREFA).

### *What Regulations Should Agencies Include in Their Agendas?*

Regulatory agendas should describe all regulations (regulatory and deregulatory) under development or review during the 12 months following publication. Agencies should include, at a minimum, any plans to publish or otherwise implement an advance notice of proposed rulemaking (ANPRM), a notice of proposed rulemaking (NPRM), or a final rule. Agencies may include any plans to conduct a review pursuant to 5 U.S.C. § 610(c) or Section 5 of EO 12866. An agency need not include in its regulatory agenda those rulemaking actions that are excluded by Section 3(d)(1)–(4) of EO 12866.

Agencies have the option of including activities that will result in action beyond 12 months. However, such entries should be limited to rulemakings for which listing in the Unified Agenda will provide a benefit to users. Agency agendas also should include actions or reviews completed or withdrawn since the last Agenda.

### *In What Format Will the Unified Agenda Be Published?*

The Unified Agenda will be available online, in its entirety, at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users the ability to obtain information easily from the Unified Agenda database. Publication in the Federal Register is mandated for the regulatory flexibility agendas required by the RFA, and therefore it will continue. Agency agendas printed in the Federal Register will consist of the following:

- The agency's agenda preamble;
- Rules that are in the agency's regulatory flexibility agenda, in accordance with the RFA, because they are likely to have a significant economic impact on a substantial number of small entities;
- Any rules that the agency has identified for periodic review under Section 610 of the RFA;
- The agency's preliminary EO 13771 designation for each listed rule.

Printing of these entries will largely be limited to fields that contain information required by the RFA's agenda requirements (5 U.S.C. § 602). Additional information on these entries will be available in the Unified Agenda published on the Internet. If an agency has no entries in the printed Federal Register version of the Unified Agenda, its preamble will not be printed. Under Federal Register regulations, GPO Access will have the same content as the printed Federal Register.

### *How Will the Printed Edition of the Unified Agenda Be Organized?*

The portion of the Agenda that will be printed in the Federal Register will, in general, follow the organizational pattern of prior publications of the Agenda, displaying primarily the information required in the regulatory flexibility agenda, along with agency preambles, and the action's preliminary EO 13771 designation. Part II of the Federal Register on the day of publication will have RISC's Introduction to the Unified Agenda. The individual agency agendas will then appear in separate parts, organized alphabetically in four groups: Cabinet departments; other Executive agencies; the Federal Acquisition Regulation, a joint authority; and independent regulatory agencies. Departments may be divided into their component agencies. If an agency has no entries in the printed Federal Register version of the Agenda, its preamble will not be printed, and the agency will not have a separate part in the Federal Register.

Each agency's part of the Agenda begins with a preamble providing information specific to that part. RISC will provide a table of contents for each agency after the agency's preamble. The table of contents will list the agency's printed entries. Agencies should consider including in their Agenda preambles a statement indicating that the agency's complete regulatory agenda is available online at [www.reginfo.gov](http://www.reginfo.gov). RISC provides some suggested language for this purpose in the "Unified Agenda News" section of RISC's website. Each agency presents its entries, divided by sub-agency if applicable, under one of five headings according to the rulemaking stage of the entry. The stages are:

- *Prerule Stage* - actions agencies will undertake to determine whether or how to initiate rulemaking. Such actions occur prior to an NPRM and may include an ANPRM or a review of existing regulations.
- *Proposed Rule Stage* - actions for which agencies plan to publish an NPRM as the next step in their rulemaking process or for which the closing date of the NPRM comment period is the next step.
- *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.
- *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 update of the Agenda. Some of the entries in this section may contain abbreviated information.
- *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.

Some agencies use Agency Sort Codes to arrange the order of their entries in the printed Unified Agenda, with the final sort by RIN. OMB has also asked agencies to include RINs in the

headings of their final and NPRM documents published in the Federal Register to make it easier for the public and agency officials to track the publication history of regulatory actions through their development.

A bullet (•) preceding the title of an entry indicates that the entry is appearing in the Unified Agenda for the first time. All entries are numbered sequentially from the beginning to the end of the printed publication. The sequence number preceding the title of each entry identifies the location of the entry in this update. The printed Agenda will not have any separate indexes.

#### *How Will the Online Unified Agenda Be Organized?*

The entire Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov). The Agenda will be presented in the form of a searchable database rather than as a single document that is ordered according to a prescribed sequence. Users will be able to view an individual agency's complete agenda. Because the online Unified Agenda will not utilize sequence numbers, the Subject Matter Index will be linked to individual entries by hyperlinked RINs. Each individual entry may be viewed in its entirety.

#### *What Information Appears for Each Regulation Included in the Agency Agenda?*

All entries in the online 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.
- *Priority* - An indication of the significance of the regulation. Agencies assign each entry to one of the following five categories of significance:
- *Economically Significant* - as defined in EO 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 the Congressional Review Act, 5 U.S.C. § 801 et seq. ("CRA"). (See below.)
- *Other Significant* - a rulemaking that is not economically significant but is considered significant by the agency according to Section 3(f) of EO 12866. This category includes rules that the agency anticipates will be reviewed under EO 12866 or rules that are a priority of the agency head.
- *Substantive, Non-significant* - a rulemaking that has substantive impacts but is neither Significant, nor Routine and Frequent, nor Informational/Administrative/Other.
- *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.
- *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 Agenda to inform the public of the activity.

- *Major* - an indication that a rule may be “major” under the CRA because it has resulted in or is likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified. The CRA provides that the Administrator of OIRA will make the final determination as to whether a rule is major.
- *Unfunded Mandates* - whether the rule is covered by Section 202 of UMRA. UMRA 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 one 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. If the agency believes the entry is not subject to UMRA, this data element will not be printed.
- *Legal Authority* - the section(s) of the United States Code or Public Law or the EO that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.
- *CFR Citation* - the part(s) or 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 a 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, cost savings, 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 printed in the form mm/00/yyyy means the agency predicts 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.” Agencies indicate this by entering a date in the form 00/00/0000. “Next Action Undetermined” indicates the agency does not know what action it will take next. For every entry that is not a completion, it is important that the agency provide in the Timetable section an estimated date for the “Next Action”, the first action scheduled to occur on or after the listed action. In the alternate, the agency should indicate “Next Action Undetermined.”
- *EO 13771 Designation* - the preliminary EO 13771 designation as defined by Guidance: “deregulatory,” “regulatory,” “exempt,” “waived,” “other.” A similar menu will accompany Information Collection Request (ICR) submissions. See part three of this document for more information.
- *Regulatory Flexibility Analysis Required* - whether the RFA requires an analysis 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 RFA. Agencies have the option of indicating 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 our international trading partners.
- *Federalism* - whether the action has “federalism implications” as defined in EO 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.” If the action does not have federalism implications, this data element will not be printed. Independent regulatory agencies are not required to supply this information.
- *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:

- *Additional Information* - any information that the agency wants to provide for which there is not a specific data element.
- *Agency Sort Codes* - alternative or additional criteria for the order in which RINs are published within an agency’s agenda, as requested and specified by the agency.
- *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. Please use the North American Industry Classification System (NAICS) codes to identify the affected sectors
- *Energy Effects* - an indication of whether the agency plans to prepare or has prepared a Statement of Energy Effects for significant energy actions, as required by EO 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 18, 2001).
- *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.
- *Related Agencies* - any other agencies participating in this action if it is a joint rulemaking or common rule.
- *RFA Section 610 Review* - an indication that the agency has selected the rule for its periodic review of existing rules under the RFA (5 U.S.C. § 610(c)). Some agencies have indicated completions of Section 610 reviews or rulemaking actions resulting from completed Section 610 reviews.
- *URLs or Web Address* - if available, please enter a URL for a website to provide the public with more information about the rulemaking and a URL for a website on which the public can submit comments on the rulemaking. If the agency does not provide its own specific website for submission of comments, then you should enter the Government-wide e-rulemaking address: <http://www.regulations.gov>.

*How Should an Agency Prepare Its Data for Publication in the Unified Agenda?*

Agencies participating in the Unified Agenda should submit their respective portions in the uniform format specified in the instructions of RISC. RISC edits and compiles the Agenda on

behalf of OIRA. Agencies have three alternative methods to prepare data on individual entries for publication in the Agenda:

- *Direct Entry* - The agency establishes a connection to the RISC/OIRA Consolidated Information System (ROCIS) from one or more of its own computer terminals, through an Internet browser. Agency personnel should enter data directly into the ROCIS database.
- *Data File* - An agency that stores its Agenda data in its own database may choose to transmit to ROCIS all of its data in electronic files prepared according to the specific file format prescribed by RISC. Please note that to allow sufficient time for editing, it is especially important to submit data files prior to the deadline. If you are interested in data file submission, contact RISC for further information.
- *Paper Forms* - Agencies that cannot use direct entry or submit a data file may choose to submit their Unified Agenda entries on paper forms. The RISC staff will key the data into ROCIS. For entries that will appear for the first time, please use only the current version of the Regulatory Information Data Form. You can print copies of this form from <http://reginfo.gov/public/jsp/regform/download.jsp>. To update entries that appeared in the Agenda previously, you should submit marked copies of Agenda Review Reports that you have obtained from RISC.
- *Reports* - ROCIS provides agencies with two main reports: The Agenda Review Report, which is a printout of the agency's entries, and the Error Report, which lists inaccurate or missing data. These reports may be run for all of an agency's entries, for entries updated since a specified date, or for a particular RIN or set of RINs. For each agency that prepares its agenda by direct entry or data file, ROCIS provides the agency's agenda contact staff the ability to generate and print out these reports on the agency's own printers. Please use the Agenda Review Report to review the content of your submission; you should use the Error Report to help you correct any errors and supply any missing data.
- *Preambles* - If you are designating Section 610 reviews in the Unified Agenda, your preamble should include a reference to Section 610 reviews. Each direct entry or data file agency must save from ROCIS to its own computer system a copy of its preamble from the preceding Unified Agenda. Please make changes in that file to update the preamble for the previous Agenda and then upload the file to ROCIS. Do not cut and paste into ROCIS. Print the preamble file you are uploading for the required, signed copies of preambles (see below). For further information about these procedures, please contact RISC.

#### *What Documents and Information Should an Agency Submit?*

Each agency should submit the following documents and information to RISC:

- One signed original and two certified copies of the preamble to its Unified Agenda entry. (Please note that the signature is required to be that of the person whose name and title typed is in the document's signature block. One person may not sign for another person.) The preamble must meet the normal requirements for printing in the Federal Register, including a list of CFR chapters pertaining to the agency.

- (For agencies that use direct entry or data file) When the agency is satisfied that its entries are complete, accurate, and represent what the agency wishes to publish, a designated person at the agency will be able to submit the entries to RISC electronically through ROCIS.
- (Only for agencies that choose to submit their data on paper forms) A paper copy of the agency's agenda entries. New entries should be on Regulatory Information Data Forms. Repeating entries should be on marked copies of Agenda Review Reports that the agency has obtained from RISC.
- A letter addressed to the Office of the Federal Register (see sample letter) authorizing RISC to assemble the agency's agenda and authorizing the Government Printing Office ("GPO") to bill the agency for printing its portion of the Unified Agenda. The letter should include the agency's billing code and be delivered to RISC at 1800 F Street, NW., Room 2219F, Washington, DC 20405-0001, (202) 482-7340.

#### *What Are Inactive Actions, and Where Are They Located?*

An agency designates an inactive action as one it does not plan to undertake in the coming calendar year or identify as a long-term action. Inactive actions assist internal agency tracking of past actions and allow an agency to retain the same RIN for an action over its lifetime as they further consider policy. Inactive actions are not published in the Agenda; however, a list of these actions will be published along with the latest Agenda on [www.reginfo.gov](http://www.reginfo.gov)

#### *When and How Should Agencies Submit Their Agendas?*

Agencies should submit the applicable forms and other required documents to RISC by the date identified in the appropriate Data Call. RISC will then assemble the entire Agenda and arrange for online publication at [www.reginfo.gov](http://www.reginfo.gov). RISC forwards and compiles all agency regulatory flexibility agendas to GPO for printing in a single day's issue of the Federal Register. GPO will bill each agency for the cost of printing its portions of the Agenda that appear in the Federal Register. Because RISC submits the Agenda to GPO for publication in a fully coded format, agencies receive the maximum discount from GPO's regular charges.

#### *How Can Agencies Obtain Further Information?*

For further information concerning the content requirements of agency agendas, contact your agency's OIRA desk officer. For further information concerning automated agenda production, specific data requirements, format, completion, or submission of agency agendas, contact the Regulatory Information Service Center, 1800 F Street NW, Room 2219F, Washington, DC 20405-0001; or your agency's RISC analyst at (202) 482-7340.

### 3. Guidelines to Preliminary Designations under EO 13771

The Agenda requires Agencies are required to provide a preliminary EO 13771 designation for each action submitted in the Agenda. These designations, defined by Guidance, in [OMB Memorandum M-17-21](#), will be made via the drop-down menu in the ROCIS system. OIRA will make a final designation before publication of the final rule. Designations follow:

- *Deregulatory* – an action that has been finalized and has total costs less than zero;
- *Regulatory* – either (i) a significant regulatory action as defined in Section 3(f) of EO 12866 that has been finalized and imposes total costs greater than zero; or (ii) a significant guidance document reviewed by OIRA under the procedures of EO 12866 that has been finalized and imposes total costs greater than zero;
- *Exempt*: an action that is either (i) expressly exempt by EO 13771 (issued with respect to a “military, national security, or foreign affairs function of the United States”; or related to “agency organization, management, or personnel”); or (ii) addresses an emergency such as critical health, safety, financial, or non-exempt national security matters (offset requirements may be exempted or delayed); or (iii) required to meet a statutory or judicial deadline (offset requirements may be exempted or delayed); or (iv) expected to generate *de minimis* costs;
- *Waived*: consistent with Section 3(c) of EO 13771, an action for which the agency received written approval from the Director of OMB for an exemption from EO 13771 offset and publication requirements, or requirements are otherwise waived by law;
- *Other*: at the time of designation, either the available information is too preliminary to determine EO 13771 status or other reasonable circumstances preclude an EO 13771 designation.

**Request for a Regulatory Identification Number (RIN)  
for ESA Listing Determinations and Critical Habitat Designations**

[List Rule Stage, Rule Citation, Rule Title]

[Popular Short Name, if applicable]

**I. ESA RULE'S PURPOSE**

[Check all that apply]

**. Listing**

Listing reclassification

uplisting

de-listing

down-listing

4(d) special rule

Critical habitat designation

Removal or revision of critical habitat designation

Other

If listing and CH are not being proposed concurrently, please explain. [Explain.]

**II. NEED FOR ESA RULE**

A. Petition? [Yes/No] If so, who is the petitioner? [Describe.]

B. Court order or settlement? [Describe.]

C. Other manner this action mandated by law? [If yes, provide citation and explanation.]

D. Part of the 7-year plan? [Yes/No]

E. Status review initiated by the agency? [Yes/No]

F. Current candidate? [Yes/No]

**III. WHO RULE MAY AFFECT**

A. International or Domestic Species?

B. What populations, groups, Indian tribes, States/regions, or organizations may be affected by this rule, and how? [Describe.]

C. What populations, groups, Indian tribes, States/regions, or organizations may be interested in this rule, and why? [Describe.]

**IV. REGULATORY AGENDA AND 90-DAY LIST**

A. Has this regulatory action previously had a RIN? If so:

1. What was the previous RIN? [Describe.]

2. When was the previous RIN issued? [Describe.]

3. Under what circumstances was the previous RIN withdrawn? [Describe.]

**B. Has this regulatory action appeared on a 90-day list yet? [Yes/No] If so, which 90-day list did it appear on? [Provide month/year list covered.]**

**V. COMPLIANCE WITH REGULATORY REFORM INITIATIVE**

[Skip this section if the action is a listing, delisting, or listing reclassification.]

**A. Is this a significant new action, a non-significant new action, or a deregulatory action? [Identify.]**

**1. If this is a significant new action:**

[Delisting or downlisting actions may be included under a. below, but not under b.]

**a. What are the two deregulatory actions and their status? [Describe.]**

**b. What are the deregulatory actions that provide offsets to the costs? [Describe.]**

**2. If this is a de-regulatory action:**

**a. How is it a de-regulatory action (does it rescind, revise, or streamline)? [Describe.]**

**b. Is it included in the EO 13771 spreadsheet? [Yes/No.]**

**c. What is the estimated cost/burden saving, if known? [Provide estimate.]**  
[Skip this question if the action is a delisting or downlisting.]

**3. Full or partial exemptions**

**a. Do you believe this regulatory action is fully or partially exempt from E.O. 13771? [Yes/No.] If so, explain the basis. (See attachment for list of exemptions). [Explain.]**

**b. Have you submitted an exemption request to the Office of the Executive Secretariat for presentation to OIRA<sup>1</sup> yet? [Yes/No.] If so, what is the status of that request? [Explain.]**

**B. How does this rule meet the goals of EO 13777?**

**EO 13777 Goals**

Goal 1 - Identify regulations for repeal, replacement, or modification, considering (at a minimum) which regulations:

- Eliminate jobs, or inhibit job creation;
- Are outdated, unnecessary, or ineffective;
- Impose costs that exceed benefits;
- Create a serious inconsistency or otherwise interfere with regulatory reform;
- Are inconsistent with the requirements of laws or guidance intended to ensure and maximize the quality, objectivity, utility, and integrity of information disseminated by Federal agencies under the Paperwork Reduction Act; or
- Derive from or implement E.O.s or other Presidential directives that have been subsequently rescinded or substantially modified.

**Continued on next page...**

<sup>1</sup> See Q 33 of OMB OIRA's April 5, 2017, Guidance Implementing Executive Order 13771, Titled "Reducing Regulation and Controlling Regulatory Costs".

**EO 13777 Goals (Continued from previous page)**

Goal 2 - Improve implementation of existing regulatory initiatives and policies:

- E.O. 12866 (Regulatory Planning and Review), as amended
- E.O. 13771 (Reducing Regulation and Controlling Regulatory Costs)
- E.O. 13563 § 6 (“Retrospective Review”)
- Termination..., of programs and activities that derive from or implement... documents... that have been rescinded.

[Describe.]

**C. Have we received any comments on this regulatory action through the regulatory reform comment solicitation?** [Describe.]

**VI. COORDINATION**

**A. Identify any potentially affected Interior bureaus or offices and describe efforts to coordinate with them.** [Identify and describe.]

**B. Identify any potentially affected Federal or State agencies and describe efforts to coordinate with them.** [Identify and describe.]

**C. Identify whether this regulatory action potentially affects any Indian tribes and, if so, what consultation has taken place or is planned?** [Identify and describe.]

**D. Does this rule involve negotiated rulemaking or other collaborative rulemaking?** [Identify and describe.]

**VII. TIMING**

**A. Timeline:** [Fill in dates.]

Action	Date (Estimated or Actual)	Is the deadline statutory or court ordered?
ANPRM		
NPRM		
Comment Period End		
Final Rule		
Final Rule Effective		

**B. Are there any timing constraints? If so, what are the consequences of missing the deadline(s)?**

[Describe what is driving each date – e.g., citation to a statutory deadline, and consequences of missing the date.]

**VIII. PUBLIC COMMUNICATIONS**

**A. Are there any issues or controversy (e.g., litigation, high profile) related to this rule?** [Identify and explain.]

**B. How will this rule be announced to the public?**

[Describe.]

**IX. FURTHER INFORMATION**

**A. Background:** [Briefly provide any background information, in understandable language, that will help a reader quickly understand what the document is trying to do and why, and any other useful additional information. Assume the reader knows little about the subject matter. Minimize use of acronyms or abbreviations and do not use them at all unless they are clearly defined.]

**B. Primary contact for additional information:**

**Name:** [List.]

**Phone:** [List.]

**Email:** [List.]

**X. APPROVALS**

*This request is [\_\_\_ approved / \_\_\_ denied] by the Assistant Secretary.*

\_\_\_\_\_  
Assistant Secretary

\_\_\_\_\_  
Date

*To be completed by the Office of the Executive Secretariat*

This request is [\_\_\_ approved / \_\_\_ denied] by the Regulatory Reform Task Force: \_\_\_\_\_  
Date

RIN assigned: \_\_\_\_\_ - \_\_\_\_\_

## Potential Exemptions

### Automatically Exempt

- Routine hunting & fishing regulations – Regulatory actions that are routine hunting and fishing actions that establish annual harvest limits are exempt from the requirement to be offset (and ineligible to be used as cost savings). This includes migratory bird hunting frameworks under the Migratory Bird Treaty Act and fishery management plans and amendments under the Magnuson-Stevens Fishery Conservation and Management Act. This exemption does not apply to regulatory actions that affect hunting and fishing activity that are not routine regulatory actions.<sup>2</sup>

### Exempt with OIRA Determination

The following categories of EO 13771 regulatory actions may qualify for a full or partial exemption from EO 13771's requirements. These categories are not exhaustive. If the agency believes it qualifies for an exemption, it should submit an exemption request to OIRA prior to submitting the action to OMB for review under EO 12866 or prior to publication of the EO 13771 regulatory action if it was not subject to EO 12866 review.

- Expressly exempt – EO 13771 expressly exempts regulations issued with respect to a military, national security<sup>3</sup>, or foreign affairs function, and regulations related to agency organization, management, or personnel. These actions qualify for a full exemption.
- Emergencies - EO 13771 regulatory actions addressing emergencies such as critical health, safety, financial, non-exempt national security matters, or for some other compelling reason, may qualify for an exemption. In most cases, exemptions for such rules will be granted with respect to the timing of required offsets, allowing the agency to address the emergency before identifying and issuing EO 13771 deregulatory actions. Agencies will generally still be required to offset such actions. If necessary, the costs of such actions, and the requirement to identify for repeal at least two existing regulations, will be moved to the subsequent fiscal year for purposes of determining EO 13771 compliance.
- Statutorily or judicially required - EO 13771 does not prevent agencies from issuing regulatory actions in order to comply with an imminent statutory or judicial deadline, even if they are not able to satisfy EO 13771's requirements by the time of issuance. However, agencies will be required to offset any such EO 13771 regulatory actions as soon as practicable thereafter. In addition, this flexibility may not apply to discretionary provisions attached to EO 13771 regulatory actions required to comply with statutory or judicial deadlines.
- De minimis -EO 13771 regulatory actions with de minimis costs may qualify for an exemption. For example, if OIRA designates a proposed rule as significant under EO 12866 because it raises novel legal or policy issues, and the agency estimates the action would have present value costs of \$50,000 spread over a large number of persons and/or entities, OIRA may exempt the action from some or all of the requirements of EO 13771.<sup>4</sup>

In addition, the following category may be exempt and agencies should submit an exemption request to OIRA in accordance with the process above.

- Income Transfer – A regulatory action may be exempt from E.O. 13771 Section 2's requirements if it causes only income transfers from taxpayers to program beneficiaries, establishes a new fee or changes the existing fee for a service without imposing new costs, or establishes new penalties or fines or changes those already in existence?<sup>5</sup>

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<sup>2</sup> See Q 23 of OMB OIRA's April 5, 2017, Guidance Implementing Executive Order 13771, Titled "Reducing Regulation and Controlling Regulatory Costs."

<sup>3</sup> See Ibid. at Q 7.

<sup>4</sup> See Ibid. at Q 23.

<sup>5</sup> See Q 13 of OMB OIRA's April 5, 2017, Guidance Implementing Executive Order 13771, Titled "Reducing Regulation and Controlling Regulatory Costs."

**Request for a Regulatory Identification Number (RIN)**

[List Rule Stage, Rule Citation, Rule Title]

[Popular Short Name, if applicable]

**I. RULE’S PURPOSE**

[Summarize, in one or two sentences, what the rule’s purpose is.]

**II. LEGAL AUTHORITY FOR RULE**

[List the statutes or other legal authorities for this action.]

**III. NEED FOR RULE**

A. What is prompting this regulatory action? [Describe.]

B. How is this regulatory action in the public interest? [Describe.]

C. Is this action mandated by law? [If yes, provide citation and explanation.]

D. Is this action in response to litigation? [If yes, provide case information and explanation.]

E. Is this action a de-regulatory effort identified in an Executive Order or Secretary’s Order? [If yes, provide citation and explanation.]

**IV. WHO RULE MAY AFFECT**

A. What populations, groups, Indian tribes, States/regions, or organizations may be affected by this rule, and how? [Describe.]

B. What populations, groups, Indian tribes, States/regions, or organizations may be interested in this rule, and why? [Describe.]

**V. REGULATORY AGENDA AND 90-DAY LIST**

A. Has this regulatory action previously had a RIN? If so:

1. What was the previous RIN? [Describe.]

2. When was the previous RIN issued? [Describe.]

3. Under what circumstances was the previous RIN withdrawn? [Describe.]

B. What is the bureau’s recommended significant determination under E.O. 12866? Please ensure the recommendation is realistic and defensible to OIRA. [Significant or Non-Significant]

1. If significant:

a. Identify the basis for significance: [Check.]

- Have an annual effect on the economy of \$100 million or more or 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.

- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof.
- Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

**b. Explain how this regulatory action meets the above basis for significance.**  
[Explain.]

**2. Has this regulatory action appeared on a 90-day list yet? [Yes/No] If so:**

**a. Which 90-day list did it appear on and was it under a prior RIN?**  
[Provide month/year list covered and prior RIN, if applicable.]

**b. Has OMB made a significance determination yet? [Yes/No]**

**c. If OMB determined the regulatory action is significant, explain OMB's rationale for the basis checked above (if different from above). [Explain.]**

**C. Is this regulatory action potentially major and economically significant? [Yes/No and Explain.]**

**D. Could this regulatory action have a significant effect on small entities (as defined under the Regulatory Flexibility Act)? [Yes/No and Explain.]**

**E. Does this regulatory action involve study, experiment, or survey requiring peer review under Information Quality Act? [Yes/No and Explain.]**

- F. Is there an information collection(s) associated with this document? [Yes/No]**
- If yes, does it have a currently approved OMB Control Number? [Yes/No]
  - OMB Control Number(s): [Yes/No]
  - Does it require a new OMB Control Number or a renewal of an existing approval? [New/Renewal]
  - If a new number or renewal is required, what is the current status? [Describe.]

## VI. COMPLIANCE WITH REGULATORY REFORM INITIATIVE

**A. Is this a significant new action, a non-significant new action, or a deregulatory action?**  
[Identify.]

**1. If this is a significant new action:**

**a. What are the two deregulatory actions and their status? [Describe.]**

**b. What are the deregulatory actions that provide offsets to the costs?**  
[Describe which, if any, deregulatory actions you have identified as offsets or what your plans are for identifying deregulatory actions.]

**2. If this is a de-regulatory action:**

**a. How is it a de-regulatory action (does it rescind, revise, or streamline)?**  
[Describe.]

**b. Is it included in the EO 13771 spreadsheet?** [Yes/No.]

**c. Is the expected source of the cost/burden saving a regulatory provision, an information collection burden reduction, or both?** [Describe.]

**d. What is the estimated cost/burden saving?** [Provide any estimates or ranges of estimates you currently have or plans for estimating savings and when you expect to have the estimates available.]

**3. Full or partial exemptions**

**a. Do you believe this regulatory action is fully or partially exempt from E.O. 13771?** [Yes/No.] If so, explain the basis. (See attachment for list of exemptions). [Explain.]

**b. Have you submitted an exemption request to the Office of the Executive Secretariat for presentation to OIRA<sup>1</sup> yet?** [Yes/No.] If so, what is the status of that request? [Explain.]

**B. How does this rule meet the goals of EO 13777?**

**EO 13777 Goals**

Goal 1 - Identify regulations for repeal, replacement, or modification, considering (at a minimum) which:

- Eliminate jobs, or inhibit job creation;
- Are outdated, unnecessary, or ineffective;
- Impose costs that exceed benefits;
- Create a serious inconsistency or otherwise interfere with regulatory reform;
- Are inconsistent with the requirements of laws or guidance intended to ensure and maximize the quality, objectivity, utility, and integrity of information disseminated by Federal agencies under the Paperwork Reduction Act; or
- Derive from or implement E.O.s or other Presidential directives that have been subsequently rescinded or substantially modified.

Goal 2 - Improve implementation of existing regulatory initiatives and policies:

- E.O. 12866 (Regulatory Planning and Review), as amended
- E.O. 13771 (Reducing Regulation and Controlling Regulatory Costs)
- E.O. 13563 § 6 (“Retrospective Review”)
- Termination..., of programs and activities that derive from or implement... documents... that have been rescinded.

[Describe.]

<sup>1</sup> See Q 33 of OMB OIRA’s April 5, 2017, Guidance Implementing Executive Order 13771, Titled “Reducing Regulation and Controlling Regulatory Costs”.

C. Have we received any comments on this regulatory action through the regulatory reform comment solicitation? [Identify the commenters and describe the nature of the comments.]

**VII. COORDINATION**

A. Identify any potentially affected Interior bureaus or offices and describe efforts to coordinate with them. [Identify and describe.]

B. Identify any potentially affected Federal, State, or local agencies and describe efforts to coordinate with them. [Identify and describe.]

C. Identify whether this regulatory action potentially affects any Indian tribes and, if so, what consultation has taken place or is planned? [Identify and describe.]

D. Does this rule involve negotiated rulemaking or other collaborative rulemaking? [Identify and describe.]

**VIII. TIMING**

A. Timeline: [Fill in dates.]

Action	Date (Estimated or Actual)	Is the deadline statutory or court ordered?
ANPRM		
NPRM		
Comment Period End		
Final Rule		
Final Rule Effective		

B. Are there any timing constraints? If so, what are the consequences of missing the deadline(s)?

[Describe what is driving each date – e.g., citation to a statutory deadline, and consequences of missing the date.]

**IX. PUBLIC COMMUNICATIONS**

A. Are there any issues or controversy (e.g., litigation, high profile) related to this rule? [Identify and explain.]

B. How will this rulemaking (i.e., the fact that this rule is being pursued) be announced to the public?

[Describe.]

**X. FURTHER INFORMATION**

**A. Background:** [Briefly provide any background information, in understandable language, that will help a reader quickly understand what the document is trying to do and why, and any other useful additional information. Assume the reader knows little about the subject matter. Minimize use of acronyms or abbreviations and do not use them at all unless they are clearly defined.]

**B. Primary contact for additional information:**

**Name:** [List.]

**Phone:** [List.]

**Email:** [List.]

**XI. APPROVALS**

*This request is [\_\_\_ approved / \_\_\_ denied] by the Assistant Secretary:*

\_\_\_\_\_  
Assistant Secretary

\_\_\_\_\_  
Date

*To be completed by the Office of the Executive Secretariat*

This request is [\_\_\_ approved / \_\_\_ denied] by the Regulatory Reform Task Force: \_\_\_\_\_  
Date

RIN assigned: \_\_\_\_\_ - \_\_\_\_\_

## Potential Exemptions

### Automatically Exempt

- Routine hunting & fishing regulations – Regulatory actions that are routine hunting and fishing actions that establish annual harvest limits are exempt from the requirement to be offset (and ineligible to be used as cost savings). This includes migratory bird hunting frameworks under the Migratory Bird Treaty Act and fishery management plans and amendments under the Magnuson-Stevens Fishery Conservation and Management Act. This exemption does not apply to regulatory actions that affect hunting and fishing activity that are not routine regulatory actions.<sup>2</sup>

### Exempt with OIRA Determination

The following categories of EO 13771 regulatory actions may qualify for a full or partial exemption from EO 13771's requirements. These categories are not exhaustive. If the agency believes it qualifies for an exemption, it should submit an exemption request to OIRA prior to submitting the action to OMB for review under EO 12866 or prior to publication of the EO 13771 regulatory action if it was not subject to EO 12866 review.

- Expressly exempt – EO 13771 expressly exempts regulations issued with respect to a military, national security<sup>3</sup>, or foreign affairs function, and regulations related to agency organization, management, or personnel. These actions qualify for a full exemption.
- Emergencies - EO 13771 regulatory actions addressing emergencies such as critical health, safety, financial, non-exempt national security matters, or for some other compelling reason, may qualify for an exemption. In most cases, exemptions for such rules will be granted with respect to the timing of required offsets, allowing the agency to address the emergency before identifying and issuing EO 13771 deregulatory actions. Agencies will generally still be required to offset such actions. If necessary, the costs of such actions, and the requirement to identify for repeal at least two existing regulations, will be moved to the subsequent fiscal year for purposes of determining EO 13771 compliance.
- Statutorily or judicially required - EO 13771 does not prevent agencies from issuing regulatory actions in order to comply with an imminent statutory or judicial deadline, even if they are not able to satisfy EO 13771's requirements by the time of issuance. However, agencies will be required to offset any such EO 13771 regulatory actions as soon as practicable thereafter. In addition, this flexibility may not apply to discretionary provisions attached to EO 13771 regulatory actions required to comply with statutory or judicial deadlines.
- De minimis -EO 13771 regulatory actions with de minimis costs may qualify for an exemption. For example, if OIRA designates a proposed rule as significant under EO 12866 because it raises novel legal or policy issues, and the agency estimates the action would have present value costs of \$50,000 spread over a large number of persons and/or entities, OIRA may exempt the action from some or all of the requirements of EO 13771.<sup>4</sup>

In addition, the following category may be exempt and agencies should submit an exemption request to OIRA in accordance with the process above.

- Income Transfer – A regulatory action may be exempt from E.O. 13771 Section 2's requirements if it causes only income transfers from taxpayers to program beneficiaries, establishes a new fee or changes the existing fee for a service without imposing new costs, or establishes new penalties or fines or changes those already in existence?<sup>5</sup>

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<sup>2</sup> See Q 23 of OMB OIRA's April 5, 2017, Guidance Implementing Executive Order 13771, Titled "Reducing Regulation and Controlling Regulatory Costs."

<sup>3</sup> See Ibid. at Q 7.

<sup>4</sup> See Ibid. at Q 23.

<sup>5</sup> See Q 13 of OMB OIRA's April 5, 2017, Guidance Implementing Executive Order 13771, Titled "Reducing Regulation and Controlling Regulatory Costs."