FAA Rulemaking Process

Administrative Procedures Act governs regulatory process for all agencies

Pre-Rulemaking Activities

- Prioritization
- International Considerations
- Committees (ARC/ARAC)

~3-24 months

Optimal Rulemaking Timeline – 36 months

~9-12 months

NPRM

- Regulatory Evaluation
- FAA Coordination

Executive Coordination

OST – 45 Days

OMB – 90 Days

EO 12866

~3 months

NPRM Issued

Comment Period

~3 months

Comment Disposition

11.5 months

Final Rule & Regulatory Evaluation

Final Rule Issued

4.5 months

Executive Coordination

OST – 45 Days

OMB – 90 Days

EO 12866

~20 months

Drivers for Pre-Rulemaking

- EO 13771 - Reducing Regulations/Cost
- EO 13609 – International Cooperation
- Congressional mandates
- NTSB Recommendations
- Petitions for Rulemaking
- Emerging Risk

Requirements for Consideration for NPRM & Regulatory Evaluation

- TRADE Agreement Act
- Small Business Regulatory Enforcement Fairness Act
- Regulatory Flexibility Act
- Unfunded Mandate Reform Act
- Paperwork Reduction Act
- National Environmental Policy Act
- Trade Agreements Act

- OMB Circular A-4
- EO 13132 – Federalism
- EO 13211 – Energy Supply, Distribution or Use
- EO – 2 for 1; Controlling Regulatory Costs
- EO 13777 – Enforcing the Regulatory Reform Agenda