



Friday
April 25, 1997

Part II

**Regulatory
Information Service
Center**

Introduction to the Unified Agenda of
Federal Regulatory and Deregulatory
Actions

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: Regulatory Information Service Center.

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

SUMMARY: The Regulatory Flexibility Act requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing (5 U.S.C. 602). Executive Order 12866 "Regulatory Planning and Review" (58 FR 51735; October 4, 1993) and Office of Management and Budget memoranda implementing section 4 of that Order establish minimum standards for agencies' agendas, including specific types of information for each entry. In addition, the Office of Federal Procurement Policy Act Amendments of 1988 require the development and semiannual publication of a report on procurement regulations (41 U.S.C. 421(g)).

The Unified Agenda helps agencies fulfill all of these requirements. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this publication.

Section 4 of Executive Order 12866 also directs that, as part of their submissions to the October edition of the Unified Agenda, agencies prepare a regulatory plan of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form during the upcoming fiscal year. The agency plans appear only as part of the October publication. They are not included in the April publication.

The following separate parts in this issue of the **Federal Register** are the agency agendas, which together comprise the April 1997 edition of the semiannual Unified Agenda. We welcome your comments on this joint publication and your suggestions for improving future ones.

ADDRESSES: Regulatory Information Service Center (MI), General Services Administration, 18th and F Streets NW., Suite 3033, Washington, DC 20405.

Electronic Availability

The full text of this and the three previous editions of the Unified Agenda can be searched on the World Wide Web at:

<http://reginfo.gov/ua>

You may also search the Unified Agenda on the Government Printing Office's GPO Access, which is accessible through:

<http://www.access.gpo.gov>

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

To provide comment on or to obtain further information about this publication, contact: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center (MI), General Services Administration, 18th and F Streets NW., Suite 3033, Washington, DC 20405, (202) 482-7350. You may also send comments to us by e-mail at:

RISC@gsa.gov

SUPPLEMENTARY INFORMATION:

TABLE OF CONTENTS

	Page
Introduction to the Unified Agenda	
About the Unified Agenda	21406
How to Use the Unified Agenda	21407
Unified Agenda Data Elements	21408
Data Limitations	21409
List of Abbreviations	21409
Information About Additional Copies ..	21410
AGENCY AGENDAS	
Cabinet Departments	
Department of Agriculture	21412
Department of Commerce	21520
Department of Defense	21588
Department of Education	21624
Department of Energy	21638
Department of Health and Human Services	21662
Department of Housing and Urban Development	21760
Department of the Interior	21790
Department of Justice	21876
Department of Labor	21934
Department of State	21982
Department of Transportation	21990
Department of the Treasury	22162
Department of Veterans Affairs	22256
Other Executive Agencies	
Advisory Council on Historic Preservation	22282
Agency for International Development Architectural and Transportation Barriers Compliance Board	22288
Commission on Civil Rights	22292
Corporation for National and Community Service	22294
Environmental Protection Agency	22296
Equal Employment Opportunity Commission	22426
Federal Emergency Management Agency	22430

Federal Mediation and Conciliation Service	22436
General Services Administration	22438
National Aeronautics and Space Administration	22456
National Archives and Records Administration	22464
National Foundation on the Arts and the Humanities	
Institute of Museum and Library Services	22470
National Endowment for the Arts	22472
National Endowment for the Humanities	22474
National Science Foundation	22478
Office of Federal Housing Enterprise Oversight	22482
Office of Government Ethics	22486
Office of Management and Budget	22494
Office of Personnel Management	22500
Panama Canal Commission	22522
Peace Corps	22526
Pension Benefit Guaranty Corporation	22530
Railroad Retirement Board	22536
Selective Service System	22544
Small Business Administration	22546
Social Security Administration	22554
United States Information Agency	22578

Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation)	22582
--	-------

Independent Regulatory Agencies

Commodity Futures Trading Commission	22600
Consumer Product Safety Commission	22606
Farm Credit Administration	22614
Farm Credit System Insurance Corporation	22622
Federal Communications Commission	22626
Federal Deposit Insurance Corporation	22648
Federal Energy Regulatory Commission	22658
Federal Housing Finance Board	22662
Federal Maritime Commission	22668
Federal Reserve System	22674
Federal Trade Commission	22692
National Credit Union Administration	22704
National Indian Gaming Commission	22710
National Labor Relations Board	22716
Nuclear Regulatory Commission	22720
Securities and Exchange Commission	22738
Surface Transportation Board	22766

INDEXES TO UNIFIED AGENDA ENTRIES

Small Entities Index	22773
Government Levels Index	22787
Subject Index	22811

INTRODUCTION TO THE UNIFIED AGENDA OF FEDERAL REGULATORY AND DEREGULATORY ACTIONS

About the Unified Agenda

The Regulatory Information Service Center (the Center) compiles the **Unified**

Agenda of Federal Regulatory and Deregulatory Actions for the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of E.O. 12866.

The Unified Agenda, which has been published twice each year since 1983, provides uniform reporting of data on regulatory activities under development throughout the Federal Government. This edition of the Unified Agenda includes 60 regulatory agendas from the Federal departments, agencies, and commissions that publish agendas. Agencies of the United States Congress are not included. Some agencies that have published regulatory agendas in the past have nothing to report for this edition.

Except for completed actions, the regulatory activities included are, in general, those that will have a regulatory action within the next 12 months. In addition, agencies may include a Long-Term Actions section describing activities that will have a regulatory action within a longer timeframe. Some of the entries in this section may contain abbreviated information. The agendas do not include regulations that were excluded under E.O. 12866, such as those concerning military or foreign affairs functions or regulations related to agency organization, management, or personnel matters.

The Regulatory Flexibility Act requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). Agencies meet that requirement by including the information in their submissions for this publication. Agencies may also indicate those regulations that they are reviewing as part of their periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610).

Executive Order 12875 entitled "Enhancing the Intergovernmental Partnership" (October 26, 1993; 58 FR 58093) directs agencies to reduce the imposition of unfunded mandates upon State, local, and tribal governments. The Order directs agencies that are

proposing to impose nonstatutory unfunded mandates to consult with affected governmental officials and document their concerns, report those concerns to the Director of the Office of Management and Budget, and explain the agency's position supporting the continuing need to issue the regulation in light of those concerns. As part of this effort, agencies include in their submissions for this publication information on whether their regulatory actions may have an effect on the various levels of government.

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

The Unified Agenda also helps fulfill the statutory requirement that the Office of Federal Procurement Policy (OFPP) publish a **Procurement Regulatory Activity Report** as required by the Office of Federal Procurement Policy Act Amendments of 1988 (41 U.S.C. 421(g)). In their submissions for this publication, agencies indicate which regulatory actions are procurement-related, as well as whether or not there is a statutory requirement or a paperwork burden associated with the procurement-related actions. Information that agencies publish in the Unified Agenda is used by OFPP to produce its report.

Public Law 104-121 established a procedure for congressional review of rules (5 U.S.C. 801 et seq.), which defers, unless exempted, the effective date of a "major" rule for at least 60 days from the publication of the final rule in the **Federal Register**. The Act specifies that a rule is "major" if it has resulted or is likely to result in an annual effect on the economy of \$100 million or more or meets other criteria specified in that Act. If the issuing agency believes that a rule may be major, it indicates that fact under the "Priority" heading of the entry. The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final

determination as to whether a rule is major.

The Unified Agenda is produced through a computer system designed and maintained by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their materials in a uniform format and the production of the tables of contents and indexes for the publication. To further facilitate production of this publication, many agencies currently use computer terminals at their offices to enter information into the Center's computer system.

All Agenda entries contain uniform data elements, which are described below. Agencies may also include any additional information they consider important.

Congress generally authorizes a single Federal agency to implement, through regulation, a specific policy objective. Sometimes, however, a statute may require that several agencies issue regulations to accomplish the objective. In such cases, the agencies, working with a central coordinator, jointly publish the documents issued in the course of the rulemaking proceeding. These proceedings are referred to as Governmentwide common rules.

In this edition of the Unified Agenda, one Governmentwide common rule is reported by the agencies participating in its development. It is:

- **New Restrictions on Lobbying**

Agencies participating in the development of common rules report them in their individual sections of the Unified Agenda.

How To Use the Unified Agenda

Each agency agenda appears as a separate part in this edition of the **Federal Register**. The parts of the Unified Agenda are organized alphabetically in four groups: Cabinet departments; other executive agencies; the Federal Acquisition Regulation, a joint authority; and independent regulatory agencies. Departments may in turn be divided into subagencies.

Each agency introduces its part of the Agenda with a preamble providing information specific to that part. Each agency presents its entries under one of five headings according to the rulemaking stage of the entry. The stages are:

1. Prerule Stage—actions agencies will undertake to determine whether or

how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

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

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

4. Long-Term Actions—items under development but for which the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda.

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

An agency may use subheadings to identify regulations that it has grouped according to particular topics. When these subheadings are used, they appear above the title of the first regulation in each group.

A bullet (●) preceding an entry indicates that the entry appears in the publication for the first time.

All entries are numbered sequentially from the beginning to the end of the Unified Agenda. The Sequence Number (Seq. No.) preceding the title of each entry identifies the location of the entry in this edition of the Unified Agenda. The same number is used in the indexes to enable readers to find entries on specific subjects.

For each agency that requests it, the Center provides a computer-produced table of contents that appears after the agency preamble. The agency tables of contents help readers locate quickly those entries that may be of most interest to them. Sequence numbers also appear in agency tables of contents.

The Unified Agenda contains three indexes. The first two indexes list the regulatory actions that agencies believe may have effects on small entities or levels of government. The third is a Subject Index based on the **Federal Register Thesaurus of Indexing Terms** to help readers locate entries from various agencies that may affect a particular area of interest. This index

also contains cross-references to assist the reader's search.

Unified Agenda Data Elements

Entries in the Unified Agenda should contain, at a minimum, the following information:

- Title of the Regulation. The notation "Section 610 Review" following the title indicates that the agency is reviewing the rule as part of its periodic review of existing rules under the Regulatory Flexibility Act (5 U.S.C. 610).
- Priority—agencies have been asked to place each entry into one of the following five categories of significance.

Economically Significant

As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of \$100 million or more or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The definition of an "economically significant" rule is similar but not identical to the definition of a "major" rule under 5 U.S.C. 801 (P.L. 104-121). (See below.)

Other Significant

A rulemaking that is not economically significant but is considered significant by the agency. This category includes rules that the agency anticipates will be reviewed under E.O. 12866 or rules that are a priority of the agency head. These rules may or may not be included in **The Regulatory Plan**.

Substantive, Nonsignificant

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. If an agency believes that a rule may be "major" under 5 U.S.C. 801 (P.L. 104-121) because it has resulted or is

likely to result in an annual effect on the economy of \$100 million or more, or meets other criteria specified in that Act, this is also indicated under the "Priority" heading. (The Act provides that the Administrator of the Office of Information and Regulatory Affairs will make the final determination as to whether a rule is major.)

- Unfunded Mandates—indicates whether the rule is covered by section 202 of the Unfunded Mandates Reform Act of 1995 (P.L. 104-4). The Act requires that, before issuing an NPRM likely to result in a mandate that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector of more than \$100 million in 1 year, agencies, other than independent regulatory agencies, shall prepare a written statement containing an assessment of the anticipated costs and benefits of the Federal mandate. If the agency believes the entry is not subject to the Act, this data element will not be printed.
- Reinvention—an indication of whether the action is part of the Administration's Reinventing Government effort and, if so, whether the result will be elimination of existing text in the Code of Federal Regulations (CFR) or revision of text in the CFR to reduce burden or duplication or to streamline requirements. If the action is not specifically part of this effort, the data element will not be printed.
- Legal Authority—the section(s) of the United States Code (U.S.C.) or Public Law (P.L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.
- CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.
- Legal Deadline—an indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some other action.
- Abstract—a brief description of the problem the regulation will address; the need for a Federal solution; to the extent available, the alternatives that the agency is considering to address the problem; and the potential costs and benefits of the action.
- Timetable—the dates and citations (if available) for all past steps and at least a projected date for the next step for the regulatory action. If a date

appears in this section as 00/00/00, the date of the action is currently undetermined. Similarly, a date printed in the form 10/00/98 means the agency can predict the month and year the action will take place but not the day it will occur. "Undetermined" indicates the agency does not know what action it will take next. Dates after 1999 are printed in the same form as other dates, using the last two digits of the year.

- **Small Entities Affected**—indicates whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) and, if so, whether the small entities are businesses, governmental jurisdictions, or organizations.
- **Government Levels Affected**—indicates whether the rule is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.
- **Agency Contact**—the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation. If available, the agency may also provide the fax number, e-mail address, and TDD for the agency contact.
- **Procurement**—a statement identifying procurement-related actions and indicating whether there is a statutory requirement for the action and whether there is a paperwork burden associated with the action. The Procurement heading appears only if the entry is a procurement-related action.

Some agencies have provided other optional information at their discretion; this information may include:

- **Compliance Cost to the Public**—the estimated gross compliance cost to the public of the action.
- **Affected Sectors**—the industrial sectors that the action may most affect, either directly or indirectly. Affected Sectors are identified by Standard Industrial Classification (SIC) numbers.
- **Analysis**—agencies may indicate if a Regulatory Flexibility Analysis, within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), is being prepared or if any other kind of analysis or evaluation is being prepared (e.g., an environmental impact statement).

In addition, some agencies have used "Additional Information" to elaborate on the information they have provided.

In addition to the Unified Agenda data elements that appear above, each entry that was designated a **Regulatory Plan** entry in the October 1996 edition may contain the information listed below. Agencies are given the choice of reprinting this information in their April agenda entries. For those that chose to reprint it, this information will appear as part of their agenda entries:

- **Statement of Need**—a description of the need for the regulatory action.
- **Summary of the Legal Basis**—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.
- **Alternatives**—a description of the alternatives to be considered or that were considered for analysis as required by section 4(c)(1)(B) of E.O. 12866.
- **Anticipated Costs and Benefits**—a description of preliminary estimates of the anticipated costs and benefits of the action.
- **Risks**—a description of the magnitude of the risk being addressed by the action, the amount by which this risk is expected to be reduced by the action, and the relation of these risks and risk reduction efforts to other risks and risk reduction efforts within the agency's jurisdiction.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed.

The Unified Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in this publication. The information in this edition is accurate as of April 1, 1997, in the judgment of the submitting agencies, except as otherwise noted by the agencies. In addition, some agencies submitted updates after that date.

Where applicable, individual actions will be subject to review for compliance with applicable Executive orders, the Regulatory Flexibility Act, the Office of Federal Procurement Policy Act

Amendments of 1988, and the Paperwork Reduction Act at appropriate points in the regulatory process.

List of Abbreviations

The following abbreviations appear throughout this publication:

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

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

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

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

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

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

- a statement of the time, place, and nature of the public rulemaking proceeding;
- a reference to the legal authority under which the rule is proposed; and
- either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL—A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, PL 104-5 is the fifth public law of the 104th Congress.

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

impact on a substantial number of small entities.

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

Seq. No.—The Sequence Number identifies the location of an entry in this publication. Note that a specific regulatory action will have the same RIN throughout its development but will generally have different sequence numbers in different editions of the Unified Agenda and **The Regulatory Plan**.

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

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9325, (202) 512-1800.

Copies of individual agency materials may be available directly from the agency. Please contact the particular agency for further information.

Dated: April 4, 1997.

Mark G. Schoenberg,

Executive Director.

[FR Doc. 97-9714 Filed 04-24-97; 8:45 am]

BILLING CODE 6820-27-F