



Friday
April 25, 1997

Part XXXV

**Office of
Management and
Budget**

Semiannual Regulatory Agenda

OFFICE OF MANAGEMENT AND BUDGET (OMB)

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III and 48 CFR Ch. 99

Federal Regulations; OMB Circulars, OFPP Policy Letters, and CASB Cost Accounting Standards Included in the Semiannual Agenda of Federal Activities

AGENCY: Office of Management and Budget.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Office of Management and Budget (OMB) is publishing its semiannual agenda of upcoming activities for OMB Circulars, Office of Federal Procurement Policy (OFPP) Policy Letters, and Cost Accounting Standards Board (CASB) Cost Accounting Standards.

OMB Circulars and OFPP Policy Letters are published in accordance

with OMB's internal procedures for implementing Executive Order No. 12866 (October 4, 1993; 58 FR 51735). OMB policy guidelines are issued under authority derived from several sources including: Subtitles I, II, and V of title 31, United States Code; Executive Order No. 11541; and other specific authority as cited. OMB Circulars and OFPP Policy Letters communicate guidance, instructions, and information of a continuing nature to executive branch agencies. As such, most OMB Circulars and OFPP Policy Letters are not regulations. Nonetheless, because these issuances are typically of public interest, they are generally published in the **Federal Register** in both proposed (for public comment) and final stages. For this reason, they are presented below in the standard format of "prerule," "proposed rule," and "final rule" stages.

CASB Cost Accounting Standards are issued under authority derived from 41

U.S.C. 422. Cost Accounting Standards are rules governing the measurement, assignment, and allocation of costs to contracts with the United States Government.

For purposes of this agenda, we have excluded directives that outline procedures to be followed in connection with the President's budget and legislative programs and directives that affect only the internal functions, management, or personnel of Federal agencies.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, Washington, DC 20503. On the overall agenda, contact Steven A. Weigler, (202) 395-3060, at the above address.

Dated: March 13, 1997.

Steven A. Weigler,
Acting Associate Director for Administration.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3634	Cost Principles for Educational Institutions (OMB Circular A-21)	0348-AB39
3635	Policies on Management of Federal Information Resources (Circular No. A-130)	0348-AB36
3636	Freedom of Information Act	0348-AB42

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3637	Classification, Downgrading, Declassification and Safeguarding of National Security Information	0348-AB34
3638	Release of Official Information in Litigation and Testimony by OMB Personnel as Witnesses	0348-AB35
3639	Order Providing for the Confidentiality of Statistical Information	0348-AB38
3640	Federal Participation in the Development and Use of Voluntary Standards (Circular A-119)	0348-AB37
3641	Cost Principles for Non-Profit Organizations (Circular No. A-122)	0348-AB01
3642	Audits of State and Local Governments (Circular A-128)	0348-AB40
3643	Audits of State, Local Governments, and Non-Profit Organizations (Circular A-133)	0348-AB41
3644	Cost Accounting Standards Administration	0348-AB25
3645	Subcontracting Plans	0348-AB31

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Proposed Rule Stage

3634. COST PRINCIPLES FOR EDUCATIONAL INSTITUTIONS (OMB CIRCULAR A-21)

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 503 et seq, CFOs Act; 31 USC 1111

CFR Citation: None

Legal Deadline: None

Abstract: OMB is currently reviewing proposals for alternate methodologies for making payments on costs related to utilities.

Timetable:

Action	Date	FR Cite
Proposed Revision	07/00/97	

Small Entities Affected: None

Government Levels Affected: None

OMB

Proposed Rule Stage

Agency Contact: Gilbert Tran, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503
Phone: 202 395-3993

RIN: 0348-AB39

3635. POLICIES ON MANAGEMENT OF FEDERAL INFORMATION RESOURCES (CIRCULAR NO. A-130)

Priority: Substantive, Nonsignificant

Legal Authority: PL 104-106

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular A-130, Management of Federal Information Resources, establishes policies for the management of federal information resources and provides certain procedures and analytical guidelines for implementing specific aspects of these policies. OMB is reviewing the Circular for consistency with the Information Technology Management

Reform Act (ITMRA) of 1996, P.L. 104-106. This proposed revision is part of the reinventing government effort.

Timetable:

Action	Date	FR Cite
Proposed Revision	07/00/97	
Final Revision	02/00/98	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jasmeet Seehra, Senior Policy Analyst, Office of Management and Budget, Room 10236, NEOB, 725 17th St. NW., Washington, DC 20503

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RIN: 0348-AB36

3636. • FREEDOM OF INFORMATION ACT

Priority: Info./Admin./Other

Legal Authority: 5 USC 552 Electronic FOIA Amendments of 1996

CFR Citation: 5 CFR 1303

Legal Deadline: None

Abstract: OMB will review its regulations under the Freedom of Information Act and revise them to reflect changes brought about by the Electronic Freedom of Information Act Amendments of 1996.

Timetable:

Action	Date	FR Cite
Proposed revision	07/00/97	
Final revision	09/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Darrell A. Johnson, Deputy Assistant Director for Administration, Office of Management and Budget, 725 17th Street NW., Room 9026, NEOB, Washington, DC 20503

Phone: 202 395-5715

Fax: 202 395-3504

RIN: 0348-AB42

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Final Rule Stage

3637. CLASSIFICATION, DOWNGRADING, DECLASSIFICATION AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION

Priority: Info./Admin./Other

Legal Authority: EO 12958

CFR Citation: 5 CFR 1312

Legal Deadline: None

Abstract: OMB is revising its regulations on the classification, downgrading, declassification and safeguarding of National Security Information. This is done pursuant to Executive Order 12958, "Classified National Security Information".

Timetable:

Action	Date	FR Cite
Proposed revision	09/17/96	61 FR 48855
Final revision	04/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Darrell A. Johnson, Deputy Assistant Director for Administration, Office of Management and Budget

Phone: 202 395-5715

RIN: 0348-AB34

3638. RELEASE OF OFFICIAL INFORMATION IN LITIGATION AND TESTIMONY BY OMB PERSONNEL AS WITNESSES

Priority: Info./Admin./Other

Legal Authority: 31 USC 502

CFR Citation: 5 CFR 1305 (New)

Legal Deadline: None

Abstract: This directive establishes policy, assigns responsibilities, and prescribes procedures for the release of official OMB information in litigation and for testimony by OMB personnel as witnesses during litigation.

Timetable:

Action	Date	FR Cite
Proposed Directive	12/17/96	61 FR 66232
Final Action	04/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steve Aitken, Assistant General Counsel, Office of Management and Budget, Room 464 OEOB, 17th and Pennsylvania Ave. NW., Washington, DC 20503

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RIN: 0348-AB35

3639. ORDER PROVIDING FOR THE CONFIDENTIALITY OF STATISTICAL INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 1104(d); EO 10253; 44 USC ch 35

CFR Citation: None

Legal Deadline: None

Abstract: The proposed order is intended to clarify, and make consistent, government policy protecting the privacy and confidentiality interests of individuals or organizations who furnish data for Federal statistical programs.

Timetable:

Action	Date	FR Cite
Proposed Order	01/29/96	61 FR 2876
Final Order	04/00/97	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Katherine Wallman, Chief, Statistical Policy Branch, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St. NW., Rm. 10201 NEOB, Washington, DC 20503

Phone: 202 395-3093

OMB

Final Rule Stage

Fax: 202 395-7245

RIN: 0348-AB38

3640. FEDERAL PARTICIPATION IN THE DEVELOPMENT AND USE OF VOLUNTARY STANDARDS (CIRCULAR A-119)**Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 1111; 44 USC 35; PL 104-113, sec 12**CFR Citation:** None**Legal Deadline:** None

Abstract: This Circular encompasses Federal participation in the development and use of voluntary standards in procurement, regulatory, and other applications. This Circular is being revised to reflect new requirements in PL 104-113 and to strengthen Federal policy with respect to reliance on voluntary, consensus based standards and conformity assessment procedures.

Timetable:

Action	Date	FR Cite
Proposed Revision	12/27/96	61 FR 68312
Final Revision	08/00/97	

Small Entities Affected: None**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Virginia Huth, Policy Analyst, Office of Management and Budget, 725 17th St. NW., Room 10236, Washington, DC 20503
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RIN: 0348-AB37

3641. COST PRINCIPLES FOR NON-PROFIT ORGANIZATIONS (CIRCULAR NO. A-122)**Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 503 et seq, CFOs Act; 31 USC 3111**CFR Citation:** None**Legal Deadline:** None

Abstract: This circular establishes cost principles for non-profit organizations. The 1995 proposed revision will be finalized.

Timetable:

Action	Date	FR Cite
Proposed Revision	09/26/94	59 FR 49090
Final Revision	10/06/95	60 FR 52516
Second Proposed Revision	10/06/95	60 FR 52522
Final Revision of 2nd Proposal	12/00/97	

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Gilbert Tran, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503
Phone: 202 395-3993

RIN: 0348-AB01

3642. AUDITS OF STATE AND LOCAL GOVERNMENTS (CIRCULAR A-128)**Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 503 et seq, CFOs Act; 31 USC 1111**CFR Citation:** None**Legal Deadline:** None

Abstract: This Circular establishes requirements for audits of State and local Governments. The Single Audit Act Amendments of 1996 call for uniform requirements for audits of all types of organizations. As a consequence, OMB will co-locate requirements in Circular A-133, and rescind A-128.

Timetable:

Action	Date	FR Cite
Proposed Rescission	11/05/96	61 FR 57232
Final Rescission	05/00/97	

Small Entities Affected: None**Government Levels Affected:** State, Local, Tribal

Agency Contact: Sheila Conley, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503
Phone: 202 395-3993

RIN: 0348-AB40

3643. AUDITS OF STATE, LOCAL GOVERNMENTS, AND NON-PROFIT ORGANIZATIONS (CIRCULAR A-133)**Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 503 et seq, CFOs Act; 31 USC 1111; 31 USC 7501 et seq, Single Audit Act**CFR Citation:** None**Legal Deadline:** None

Abstract: This Circular establishes requirements for audits of State, Local Governments and Non-Profit Organizations, consistent with the Single Audit Act Amendments of 1996. Agencies will implement the revision by codifying it in their own regulations.

Timetable:

Action	Date	FR Cite
Proposed Revision	11/05/96	61 FR 57232
Final Revision	05/00/97	

Small Entities Affected: None**Government Levels Affected:** State, Local, Tribal

Agency Contact: Sheila Conley, Office of Management and Budget, Office of Federal Financial Management, Washington, DC 20503
Phone: 202 395-3993

RIN: 0348-AB41

3644. COST ACCOUNTING STANDARDS ADMINISTRATION**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 422**CFR Citation:** 48 CFR 99**Legal Deadline:** None

Abstract: The Cost Accounting Standards Board is proposing to revise its rules concerning cost accounting practice changes.

Timetable:

Action	Date	FR Cite
ANPRM	04/25/95	60 FR 20252
ANPRM Comment Period End	07/10/95	
NPRM	09/18/96	61 FR 49196
NPRM Comment Period End	12/02/96	
Final Action	08/00/97	
Final Action Effective	08/00/97	

Small Entities Affected: None**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Rudolph Schuhbauer, Project Director, Cost Accounting Standards Board, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503

Phone: 202 395-3254

RIN: 0348-AB25

OMB

Final Rule Stage

3645. SUBCONTRACTING PLANS**Priority:** Substantive, Nonsignificant**Legal Authority:** 15 USC 637(d); PL 103-355, sec 1091; 41 USC 405**CFR Citation:** 48 CFR 19.7**Legal Deadline:** None**Abstract:** OFPP proposes to issue a Policy Letter that covers subcontracting plans. This Policy Letter supersedes and cancels OFPP Policy Letter 80-1, 80-2, Supplement No. 1 to 80-2, and 80-4.**Timetable:**

Action	Date	FR Cite
Proposed Policy Letter	09/26/95	60 FR 49644
Final Policy Letter	05/00/97	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** None**Procurement:** This is a procurement-related action for which there is a statutory requirement. There is no

paperwork burden associated with this action.

Agency Contact: Linda Mesaros, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, DC 20503
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