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Wednesday  
October 29, 1997

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Part XXXV

**Office of  
Management and  
Budget**

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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 Clarence C. Crawford, (202) 395-3060, at the above address.

**Dated:** September 12, 1997.

**Clarence C. Crawford,**  
*Associate Director for Administration.*

**Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3846	Revision of OMB Circular A-127 to Implement the Federal Financial Management Improvement Act (FFMIA) and To Reflect Updated Financial Management Policies .....	0348-AB46
3847	Policies on Management of Federal Information Resources (Circular No. A-130) .....	0348-AB36
3848	Freedom of Information Act .....	0348-AB42
3849	Subcontracting Plans .....	0348-AB31

**Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3850	Cost Principles for Educational Institutions (OMB Circular A-21) .....	0348-AB39
3851	Federal Participation in the Development and Use of Voluntary Standards (Circular A-119) .....	0348-AB37
3852	Cost Principles for Nonprofit Organizations (Circular No. A-122) .....	0348-AB01
3853	Revision of OMB Circular A-110 To Implement the Single Audit Act Amendments of 1996 and the Revised OMB Circular A-133 .....	0348-AB44
3854	Extending the Coverage of Energy Statistical Programs Under the Federal Statistical Confidentiality Order .....	0348-AB45

**Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
3855	Cost Accounting Standards Administration .....	0348-AB25

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Completed Actions

Sequence Number	Title	Regulation Identifier Number
3856	Classification, Downgrading, Declassification, and Safeguarding of National Security Information .....	0348-AB34
3857	Release of Official Information in Litigation and Testimony by OMB Personnel as Witnesses .....	0348-AB35
3858	Order Providing for the Confidentiality of Statistical Information .....	0348-AB38
3859	Audits of State and Local Governments (Circular A-128) .....	0348-AB40
3860	Audits of States, Local Governments, and Nonprofit Organizations (Circular A-133) .....	0348-AB41
3861	Revision of OMB Circulars A-21, A-87, A-102, A-110, and A-122 to Provide a Conditional Exemption for Certain Federal Grant Programs .....	0348-AB43

**OFFICE OF MANAGEMENT AND BUDGET (OMB)**

**Proposed Rule Stage**

**3846. • REVISION OF OMB CIRCULAR A-127 TO IMPLEMENT THE FEDERAL FINANCIAL MANAGEMENT IMPROVEMENT ACT (FFMIA) AND TO REFLECT UPDATED FINANCIAL MANAGEMENT POLICIES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 503 et seq, CFOs Act; PL 104-208, Federal Financial Mgmt. Improvement Act of 1996; 31 USC 3111

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Federal Financial Management Improvement Act (FFMIA) of 1996 requires that financial management systems at each Federal agency covered by the CFOs Act, substantially comply with Federal financial management systems requirements, applicable Federal accounting standards, and the U.S. Government Standard General Ledger at the transaction level. The revisions are to incorporate this and other policy updates since the 1993 issuance of the last revision to A-127.

**Timetable:**

Action	Date	FR Cite
Proposed Revision	02/00/98	
Final Revision	05/00/98	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Jean Holcombe, Office of Federal Financial Management, Office of Management and Budget, 725 17th Street NW., Room 6025, NEOB, Washington, DC 20503  
Phone: 202 395-5048  
Fax: 202 395-3952

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**RIN:** 0348-AB46

**3847. 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 consistent with the National Performance Reviews reinventing government efforts.

**Timetable:**

Action	Date	FR Cite
Proposed Revision	06/00/98	
Final Revision	10/00/98	

**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  
Phone: 202 395-3785  
Fax: 202 395-5167

**RIN:** 0348-AB36

**3848. 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	10/00/97	
Final Revision	12/00/97	

**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

**3849. 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,

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**Proposed Rule Stage**

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
Second Proposed Policy Letter	10/00/97	
Final Policy Letter	12/00/97	

**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

Phone: 202 395-4821

Fax: 202 395-5105

**RIN:** 0348-AB31

**OFFICE OF MANAGEMENT AND BUDGET (OMB)**

**Final Rule Stage**

**3850. 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's proposal addresses benchmarks for facility costs and an alternate methodology for the recovery of utility costs.

**Timetable:**

Action	Date	FR Cite
Proposed Revision	09/10/97	62 FR 47722
Final Revision	06/00/98	

**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

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**RIN:** 0348-AB39

reporting requirements of P.L. 104-113 section 12(a), to address the role of NIST in coordinating conformity assessment activities in accordance with section 12(c) of P.L. 104-113, and to strengthen Federal policy with respect to reliance on voluntary, consensus standards.

**Timetable:**

Action	Date	FR Cite
Proposed Revision	12/27/96	61 FR 68312
Final Revision	10/00/97	

**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

Phone: 202 395-3785

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Email: huth\_v@a1.eop.gov

**RIN:** 0348-AB37

**Timetable:**

Action	Date	FR Cite
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

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**RIN:** 0348-AB01

**3853. • REVISION OF OMB CIRCULAR A-110 TO IMPLEMENT THE SINGLE AUDIT ACT AMENDMENTS OF 1996 AND THE REVISED OMB CIRCULAR A-133**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 503, et seq, CFOs Act; PL 104-156, The Single Audit Act Amendments of 1996; 31 USC 1111

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** The Single Audit Act Amendments of 1996 and the June 24, 1997 revision of OMB Circular A-133 apply to audits of fiscal years beginning after June 30, 1996. The revisions are to implement this Act and the revised Circular A-133.

**Timetable:**

Action	Date	FR Cite
Interim Final Revision of A-110	08/29/97	62 FR 45934
Final Revision of A-110	12/00/97	

**Small Entities Affected:** None

**3851. 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 describes the policy to be followed by agencies in using voluntary consensus standards and in participating in voluntary consensus standards bodies. This Circular is being revised to reflect new

**3852. COST PRINCIPLES FOR NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-122)**

**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 cost principles for non-profit organizations. The 1995 proposed revisions will be finalized.

**Timetable:**

Action	Date	FR Cite
Proposed Revision	09/26/94	59 FR 49090

**OMB**

**Final Rule Stage**

**Government Levels Affected:** State, Local, Tribal

**Agency Contact:** Barbara F. Kahlow, Office of Federal Financial Management, Office of Management and Budget, 6025 New Executive Office Building, 725 17th Street NW., Washington, DC 20503  
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**RIN:** 0348-AB44

**3854. • EXTENDING THE COVERAGE OF ENERGY STATISTICAL PROGRAMS UNDER THE FEDERAL STATISTICAL CONFIDENTIALITY ORDER**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This proposal will extend the coverage of energy statistical programs under the Federal Statistical Confidentiality Order.

**Timetable:**

Action	Date	FR Cite
Proposed Revision	06/27/97	62 FR 35049
Final	12/00/97	

**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 Street NW., Room 10201 NEOB, Washington, DC 20503  
 Phone: 202 395-3093  
 Fax: 202 395-7245

**RIN:** 0348-AB45

**OFFICE OF MANAGEMENT AND BUDGET (OMB)**

**Long-Term Actions**

**3855. 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	
NPRM Comment Period Extended to 09/12/97	07/14/97	62 FR 37654
Next Action Undetermined		

**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

**OFFICE OF MANAGEMENT AND BUDGET (OMB)**

**Completed Actions**

**3856. 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 has revised its regulations on the classification, downgrading, declassification and safeguarding of National Security Information. This was done pursuant to Executive Order 12958, "Classified National Security Information".

**Timetable:**

Action	Date	FR Cite
Proposed Revision	09/17/96	61 FR 48855

Action	Date	FR Cite
Final Action	05/09/97	62 FR 25426
Final Action Effective	06/09/97	

**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

**3857. 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

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Completed Actions

Action	Date	FR Cite
Final Action	05/30/97	62 FR 29285
Final Action Effective	06/30/97	

**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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Fax: 202 395-7294

**RIN:** 0348-AB35

**3858. 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:** This order clarifies and makes 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 Action	06/27/97	62 FR 35043
Final Action Effective	07/28/97	

**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  
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**RIN:** 0348-AB38

**3859. AUDITS OF STATE AND LOCAL GOVERNMENTS (CIRCULAR A-128)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 503 et seq, CFOs Act; 31 USC 1111; 31 USC 7501 et seq, Single Audit Act of 1984

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This Circular is rescinded. The Single Audit Act Amendments of 1996 call for uniform requirements for audits of all types of organizations. As a consequence, OMB co-located audit requirements for States and local governments in Circular A-133, and rescinded Circular A-128.

**Timetable:**

Action	Date	FR Cite
Proposed Rescission	11/05/96	61 FR 57232
Final Action	06/30/97	62 FR 35278

**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

**3860. AUDITS OF STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS (CIRCULAR A-133)**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 503 et seq, CFOs Act; 31 USC 1111; PL 104-156, 110 Stat. 1396, The Single Audit Act Amdts of 1996

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** This Circular establishes requirements for audits of States, 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 Action	06/30/97	62 FR 35278

**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

**3861. • REVISION OF OMB CIRCULARS A-21, A-87, A-102, A-110, AND A-122 TO PROVIDE A CONDITIONAL EXEMPTION FOR CERTAIN FEDERAL GRANT PROGRAMS**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** None

**Legal Deadline:** None

**Abstract:** Revision of five OMB grants management circulars to provide a conditional exemption for certain Federal grant programs with statutorily-authorized consolidated planning and consolidated administrative funding, that are identified by a Federal agency and approved by the agency head.

**Timetable:**

Action	Date	FR Cite
Proposed Revision of 5 Circulars	05/14/97	62 FR 26577
Final Action	08/29/97	62 FR 45934
Final Action Effective	09/29/97	

**Small Entities Affected:** None

**Government Levels Affected:** State, Local

**Agency Contact:** Barbara F. Kahlow, Office of Federal Financial Management, Office of Management and Budget, 6025 New Executive Office Building, 725 17th Street NW., Washington, DC 20503  
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**RIN:** 0348-AB43

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