



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 22, 2003

MEMORANDUM FOR HEADS OF SELECTED INDEPENDENT AGENCIES

FROM: John D. Graham *J.D.G.*

SUBJECT: Independent Agency Response to Public Regulatory Reform
Nominations

On December 19, 2002, the Office of Management and Budget (OMB) submitted its annual report to Congress on the costs and benefits of Federal regulations entitled, "Stimulating Smarter Regulation." An important component of this year's report is OMB's response to the statutory requirement to include recommendations for regulatory reform. In our March draft report, we requested public nominations for regulatory reforms. The public was also encouraged to consider problematic paperwork and guidance document requirements, along with regulatory requirements.

In order to encourage broad public participation and to expand on the response to last year's report, OMB also conducted outreach activities to a wide variety of groups. As a result, we received approximately 1,700 public comments nominating specific regulations and guidance documents for reform. Candidates included both suggestions for new or additional regulation and for modification or rescission of existing regulation.

The Office of Information and Regulatory Affairs (OIRA) conducted a preliminary review of the public comments and identified 267 rules and 49 guidance documents nominated for reform by one or more commenters. We excluded from consideration comments that did not provide specific information on regulations or guidance documents.

In our review of the 316 nominations, we found comments on 49 rules and two guidance documents of the following independent agencies: the Equal Employment Opportunity Commission, the Federal Communications Commission, the Federal Energy Regulatory Commission, the Federal Reserve Board, the Federal Trade Commission, and the Securities and Exchange Commission.

We have asked executive branch agencies to review each of the nominations for reform applicable to them (see attached memorandum to the President's Management Council). We will be discussing these nominations with agencies later this winter. For the 49 rules and two guidance documents that are the responsibility of independent agencies, OIRA requests that the responsible agencies consider these public nominations and, for those they consider to be possible candidates for reform, place their evaluations

on their websites. The public comments suggesting candidates for reform—and OIRA’s summaries of them—are available on the OMB website at http://www.whitehouse.gov/omb/inforeg/regpol-reports_congress.html. For your convenience, we are attaching a list of the 49 rules and two guidance documents.

It is OIRA’s hope that this review of public nominations by the independent agencies will be objective, consistent, and grounded in the regulatory principles codified in Executive Order 12866 and the statutory authority of the agencies. In conducting this evaluation, we have suggested that agencies rely on three criteria: efficiency, fairness, and practicality.

Your staff may direct any questions regarding the development and analysis of your evaluations to the appropriate desk officer in OIRA.

Thank you for your cooperation and prompt attention.

Attachments

Agency	Rule/Guidance Document
EEOC	Employer Information Report EEO-1
EEOC	Waivers Under Age Discrimination in Employment Act
EEOC	Affirmative Action and EO Survey/Definition of Applicant
EEOC	Guidance Document: Mandatory Binding Arbitration
FCC	Ground Penetrating Radar and Other Ultrawide Band Devices
FCC	Telephone Number Portability
FCC	Broadband Access to the Internet Over Cable
FCC	Open Network Architecture Reporting
FCC	International Section 214 Authorizations
FCC	Complaints, Applications, Tariffs, and Reports
FCC	Content of Applications
FCC	Competitive Bidding Proceedings
FCC	Procedures Implementing NEPA
FCC	Access to Telecom Service
FCC	Construction, Marking, and Lighting of Antenna Structures
FCC	911 Services
FCC	Cellular Radiotelephone Service
FCC	Required New Capabilities Pursuant to CALEA
FCC	Personal Communications Services
FCC	Reports of Communications Common Carriers
FCC	Abbreviated Dialing Codes
FCC	Fees for Switching Long Distance Carriers
FCC	Remedying Interference to Public Safety Communications 800MHz
FCC	Mitigation of Orbital Debris
FCC	Customer Proprietary Network Information
FCC	Private Land Mobile Radio Services
FCC	Selection and Assignment of Frequencies
FCC	Competitive Bidding Procedures for 900 and 800 Mhz Service
FERC	Generator Interconnection Agreements
Federal Reserve	Regulation C: Annual Percentage Rate Reporting
Federal Reserve	Regulation D: Definition of Restricted and Unlimited Withdrawals
Federal Reserve	Monetary Policy Reserves, Regulation D
Federal Reserve	Electronic Account/Loan Applications
Federal Reserve	Truth in Lending/ RESPA
Federal Reserve	Definition of Electronic Address
Federal Reserve	Collection of Data and Race and Ethnicity
Federal Reserve	Regulation P: Privacy of Consumer Financial Information
FTC	Fair Packaging and Labeling Requirements
FTC	Cooling Off Period for Sales Made at Home
FTC	Truth in Lending Requirements

Agency	Rule/Guidance Document
FTC	Retail Electricity Competition Plans
FTC	Guidance Document: FCRA & Workplace Investigations
SEC	Regulation S-K: Environmental Liability Reporting
SEC	Disclosure of Mutual Fund After-Tax Returns
SEC	Disclosure of Order of Execution and Routing Practices
SEC	Registration of Broker-Dealers
SEC	Self-Regulatory Organizations
SEC	Market Fragmentation
SEC	Confirmations of Securities Transactions
SEC	Recordkeeping by Registered Investment Companies
SEC	Investment Advisor Registration Updates