

APPENDIX III

Executive Order No. 12291 Annual Report for 1985

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I. INTRODUCTION

This report provides information on the implementation of President Reagan's Executive Order No. 12291 for the year ending December 31, 1985. It also describes trends in regulatory activity during the Reagan Administration and previous administrations.

Executive Order No. 12291, signed on February 17, 1981, established within the Executive branch a mechanism for improving Federal regulatory activities. The purposes of the Executive Order are to control the growth of Federal regulation and to ensure

that individual regulations are well reasoned, economically sound, and coordinated with the policies of other agencies. In particular, the Order requires that all new regulations, to the extent permitted by law, adhere to the following principles:

- Agencies must base regulations upon adequate information concerning the need for and the consequences of the proposed action.
- Agencies must not issue regulations unless the potential benefits to society outweigh the potential costs to society.

- Of the alternative approaches to a given regulatory objective, an agency must select the alternative involving the least net cost to society.

To ensure compliance with these principles, the President ordered executive agencies to submit all proposed and final regulations to the Office of Management and Budget (OMB) for review before publication.

These review policies and procedures are conducted within statutory authorities. The Executive Order guides Federal regulatory officials in exercising the discretion given them by statute. This statutory discretion is often very broad, and may be ambiguous or contradictory. This discretion may be only exercised to the extent permitted by law. Where statutes clearly exclude economic considerations, by their terms, any Executive Order policies to the contrary are overridden. The Order applies to general policymaking, such as "informal rulemaking" under the Administrative Procedure Act. It does not apply to adjudicatory proceedings.

This is the fifth annual report on the Order's implementation. Section II describes the requirements and procedures of the Order. Section III presents detailed information on the types of rules reviewed and the types of actions taken by OMB in 1985, and compares 1985 data with 1981, 1982, 1983, and 1984. Section IV examines the nature and extent of regulatory activity since 1977 by analyzing the *Federal Register*.

II. IMPLEMENTATION OF THE EXECUTIVE ORDER

The Office of Information and Regulatory Affairs (OIRA) in OMB oversees agency compliance with Executive Order No. 12291. OIRA seeks to ensure, on a day-to-day basis, that agency regulatory activity reflects the President's regulatory policies described in the Order.

OIRA reviews "major" regulations with special attention. Regulations so designated have economic costs of over \$100 million annually, or are projected to have significant effects on employment, inflation, or industry viability. A regulatory impact analysis (RIA) must accompany major regulations at both proposed and final rulemaking stages. An RIA assesses the costs and benefits of the action and its alternatives. OMB may waive the RIA requirements in special cases, for example, in order to expedite publication of an emergency regulation. Agencies must submit to OMB major proposed rules at least 60 days before publication, and major final rules at least 30 days before publication.

Executive agencies must transmit nonmajor regulations to OMB at least 10 days prior to planned publication. Executive Order No. 12291 does not require agencies to prepare RIAs for nonmajor actions, but it does require agencies to assure that their rules are consistent with the Executive Order's principles to the extent permitted by law. Many agencies perform an initial analysis of the economic impact of nonmajor

rules if they believe the rule will have a significant effect, or if it will be useful in assessing the impact.

On January 8, 1985, the President signed Executive Order No. 12498. This Order further improves the systematic management of regulatory activities started under Executive Order No. 12291 and complemented by the Paperwork Reduction Act. The Order establishes an annual process to develop and publish an Administration Regulatory Program. The purposes of this program are as follows:

- To establish Administration regulatory priorities.
- To increase the accountability of agency heads.
- To provide Presidential oversight of the regulatory process.
- To reduce burdens of existing and future regulations.
- To minimize duplication and conflict of regulations.
- To enhance public and congressional understanding of the Administration's regulatory objectives.

To accomplish these goals, Executive Order No. 12498 requires agencies to submit annually to OMB a statement of regulatory policies and objectives for the coming year, as well as information concerning all significant regulatory actions underway or planned. OMB reviews these submissions for consistency with the regulatory policy principles stated in Section 2 of Executive Order No. 12291 and elaborated in the guidelines set forth in the August 11, 1983, Report of the Presidential Task Force on Regulatory Relief. OMB also examines the consistency of draft regulatory programs with one another, and identifies further regulatory or deregulatory actions that may be necessary to achieve consistency. The result of this process is the publication of the Administration's Regulatory Program in the spring of each year.

OMB's responsibilities under both Executive Orders are closely related to its responsibilities under the Paperwork Reduction Act of 1980. In addition to having complementary goals, the Executive Orders and the Paperwork Reduction Act are related because many regulations mandate paperwork requirements. Regulations impose approximately four-fifths of all Federal paperwork burden, excluding procurement paperwork. The principles of the Paperwork Reduction Act were implemented in OMB's rule, "Controlling Paperwork Burdens on the Public" (5 CFR 1320), published in March 1983.

The Paperwork Reduction Act is designed to minimize and control the collection of information imposed by Federal agencies on individuals, businesses or other private institutions, and State and local governments. It requires OMB to review these information collections and, if they are approved, assign an OMB control number and an expiration date. "Collections of information" include written report forms, applications, questionnaires, reporting or record-keeping requirements, disclosure or labeling requirements, or other methods of obtaining information from the public.

Agencies are required to demonstrate to OMB that an information collection has practical utility, is not duplicative, and is the least burdensome means necessary for the proper performance of the agency's functions. If an agency fails to justify an information collection adequately, OMB may disapprove it. If an information collection has not been assigned an OMB control number, either because it has not been reviewed, has been disapproved, or its clearance has expired, the agency may not continue that collection. Furthermore, unless OMB has approved an information collection, a member of the public is under no legal obligation to comply with the information collection requirement, and an agency cannot deny that individual a benefit for refusing to provide the information. In 1985, OMB reviewed 3,347 agency requests for information collection clearances, approving 3,119 and disapproving 228.

III. REVIEW OF REGULATIONS

A. Types of Rules Reviewed in 1985

OMB reviewed 2,211 agency rules in 1985 under Executive Order No. 12291. Nine agencies accounted for over 75 percent of the rules reviewed (see Exhibit 1). These agencies were: the Department of Agriculture (406 rules), the Environmental Protection Agency (302 rules), the Department of Transportation (253 rules), the Department of Health and Human Services (212 rules), the Department of the Interior (161 rules), the Department of Commerce (113 rules), the Department of Education (109 rules), the Department of Housing and Urban Development (90 rules), and the General Services Administration (85 rules).

Exhibit 2 shows the number of rules reviewed during 1985 by each agency. Rules are classified as either proposed or final, and either major or nonmajor. Of the rules OMB reviewed in 1985, 48.5 percent were proposed and 51.5 percent were final. Major rules constituted 2.7 percent of all rules. Nonmajor final rules were the predominant type of rule reviewed, comprising 49.8 percent of the total of all rules reviewed. The Environmental Protection Agency had the largest number of major proposed rules (5), followed by the Department of Health and Human Services (4), and the Departments of Agriculture and Transportation and the Small Business Administration (3 each). The Departments of Agriculture and Health and Human Services had the largest number of major final rules (8 each), followed by the Environmental Protection Agency (7), and the Department of Transportation (5). Exhibit 3 lists by name all major proposed and final regulations reviewed in 1985.

Exhibit 4 displays changes over the last 5 years in the types of rules reviewed. The total number of rules OMB reviewed in 1985 rose 5.1 percent from 1984 and declined 21.1 percent from 1981. The number of proposed rules in 1985 rose 9.7 percent from 1984 and 7.8

percent from 1981. The number of final rules reviewed in 1985 rose 1.1 percent from 1984 and declined 35.8 percent from 1981. The number of major rules in 1985 increased 1.7 percent from 1984 and decreased 4.8 percent from 1981. The percent-change comparisons with 1981 activity understate somewhat the decline in rulemaking actions, since the Executive Order review process operated for less than a full year in 1981.

Exhibit 5 shows, by agency, the number of rules reviewed during each of the last 5 years. Comparing 1985 with 1981, the greatest percentage decline in the total number of rules occurred at the Department of Energy (-64.2 percent), the Environmental Protection Agency (-58.9 percent), the Department of Labor (-54.2 percent), and the Department of Agriculture (-38.2 percent). The Department of Defense experienced the largest percentage increase (325.0 percent), followed by the National Aeronautics and Space Administration (150.0 percent), the Small Business Administration (90.0 percent), the Office of Personnel Management (81.6 percent), and the Department of Health and Human Services (81.2 percent). However, the large percentage increases for the Department of Defense, the National Aeronautics and Space Administration, and the Small Business Administration are deceptive, since they represent a very small absolute increase in the number of rules.

B. Types of Actions Taken on Rules

Exhibits 6 through 9 summarize the actions taken on agency rules under Executive Order No. 12291 during 1985. Exhibit 10 compares OMB's action during 1985 with actions in previous years.

Of the 2,211 rules revised during 1985, OMB found that 70.7 percent were consistent with the principles of the Executive Order as submitted, 23.1 percent were consistent with the Order after the agency adopted changes during the review period, 1.5 percent OMB found inconsistent with the Order and returned to the agency for reconsideration, and agencies withdrew another 3.1 percent. OMB did not review the remaining 1.2 percent before publication in the *Federal Register* because agencies issued them under the emergency provision of the Executive Order.

Exhibit 6 shows the number of rules in these categories that OMB reviewed during 1985 by each agency. Exhibit 7 shows the percentage of rules in each category for the 20 most active rulemaking agencies.

Exhibit 8 lists by name each of the 34 rules returned for reconsideration in 1985. Exhibit 9 lists by name each of the 69 rules withdrawn during OMB review in 1985. OMB may return regulations for reconsideration if it finds them to be inconsistent with the principles of the Executive Order. Agencies may withdraw rules during review because they have concluded that the rules are inconsistent with the Executive Order or for other reasons. An agency may, for example, wish to incorporate newly acquired information into a rule.

EXHIBIT 1.

EXECUTIVE ORDER 12291

TOTAL REVIEWS - BY AGENCY

1985

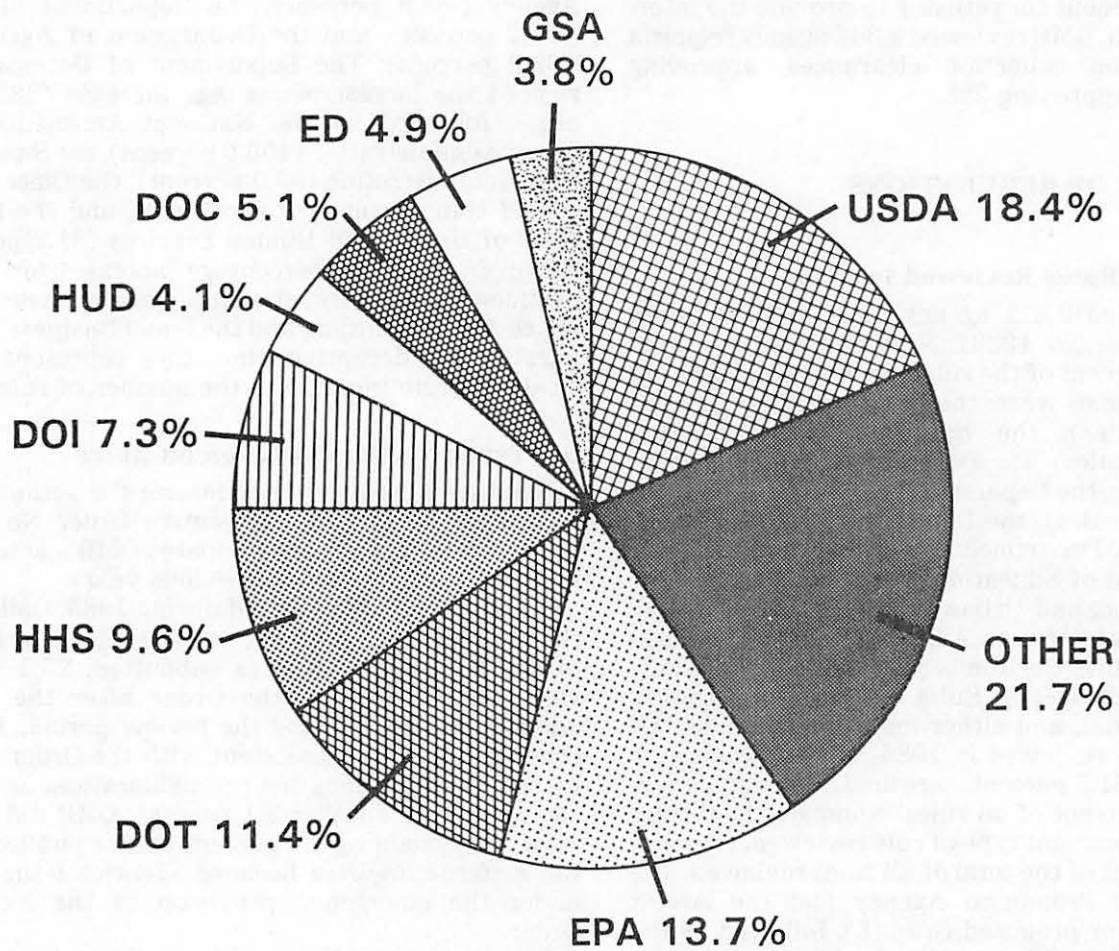


EXHIBIT 2. TYPES OF RULES REVIEWED DURING 1985 BY AGENCY

Agency	Total rules	Nonmajor		Major	
		NPRM	Final	NPRM	Final
Agriculture	406	153	242	3	8
Environmental Protection Agency	302	168	122	5	7
Transportation	253	128	117	3	5
Health and Human Services	212	98	102	4	8
Interior	161	80	77	1	3
Commerce	113	43	70	0	0
Education	109	54	55	0	0
Housing and Urban Development	90	32	58	0	0
General Services Administration	85	45	40	0	0
Justice	78	41	37	0	0
Office of Personnel Management	69	37	32	0	0
Veterans Administration	65	38	27	0	0
Labor	38	24	12	1	1
Federal Emergency Management Agency	26	14	12	0	0
Treasury	26	11	14	0	1
National Aeronautics and Space Administration	25	15	10	0	0
Energy	19	9	9	0	1
Pension Benefit Guaranty Corporation	19	8	11	0	0
Small Business Administration	19	9	3	3	4
Defense	17	5	12	0	0
Railroad Retirement Board	15	8	7	0	0
National Archives and Records Administration	9	5	4	0	0
Panama Canal Commission	9	4	5	0	0
State	7	4	3	0	0
Equal Employment Opportunity Commission	5	3	2	0	0
International Development Cooperation Agency	5	3	2	0	0
United States Information Agency	5	1	4	0	0
Institute of Museum Services	4	1	3	0	0
Selective Service System	4	1	3	0	0
ACTION	2	1	1	0	0
African Development Foundation	2	2	0	0	0
Navajo Hopi Indian Relocation Commission	2	1	1	0	0
Office of Science and Technology Policy	2	1	1	0	0
Pennsylvania Avenue Development Corporation	2	2	0	0	0
Advisory Council on Historic Preservation	1	1	0	0	0
Council on Environmental Quality	1	1	0	0	0
Committee for Purchase from the Blind and Other Severely Handicapped	1	1	0	0	0
Interstate Commerce Commission	1	1	0	0	0
Other Independent Agencies	1	0	1	0	0
Office of the U.S. Trade Representative	1	0	1	0	0
Total	2,211	1,053	1,100	20	38
Percentage of total	100.0	47.6	49.8	0.9	1.7

EXHIBIT 3. MAJOR PROPOSED AND FINAL RULES REVIEWED DURING 1985*Major Proposed Rules Reviewed*

Department of Agriculture

1986 Wheat Marketing Quota Program
 1985-86 Milk Price Support
 1985 Crop Sugar Beets and Sugarcane Loan Rates

Department of Health and Human Services

Listing of Impairments—Mental Disorders
 Limit on Payments for Direct Medical Education Costs
 Cost of Living Increases: Delayed Retirement Credits; and Maximum Family Benefits
 Changes to Prospective Payment System

Department of the Interior

Proposed 1985-86 Migratory Game Bird Hunting Regulations

Department of Labor

Occupational Exposure to Benzene

Department of Transportation

Vessel Obligation Guarantees, U.S. Construction
 Truck Splash/Spray Suppression Devices
 Passenger Automobile Average Fuel Economy Standard, Model Year 1986

Environmental Protection Agency

Hazardous Waste Management System—Proposed Codification Rule
 Ban on Lead in Gasoline
 Asbestos Ban Rule
 Asbestos Phase-Down Rule
 Used Oil: Management Standards

Small Business Administration

Small Business Size Standards, Wholesale Trade
 Small Business Size Standards, Farming
 Business Loan, Interest Rate Procedure

Major Final Rules Reviewed

Department of Agriculture

1985 Crop Program Provisions for Rice
 1985 Crop Program Provisions for Upland Cotton
 Notice of Milk Price Support Level and CCC Purchase Prices
 Conduct of a Producer Referendum With Respect to the 1986 Wheat Marketing Quota Program
 October 1985 Update to Food Stamp Allotments, Standard Deductions, and Shelter/Dependent Care Deduction Limits
 1986 Upland Cotton Marketing Quota System
 1985 Crop Sugar Beets and Sugarcane Loan Rates
 1986 Peanut Crop National Acreage Allotment and National Marketing Quota and Related Determinations

Department of Energy

Commercial and Apartment Conservation Service
 Federal Standby Plan

Department of Health and Human Services

Payment to HMOs and Competitive Medical Plans
 New Drug and Antibiotic Regulations
 Medical Support Enforcement

Changes to the Prospective Payment System and Fiscal Year 1986 Rates
 Limits on Payments for Direct Medical Education Costs
 Schedule of Limits on Home Health Agency Costs per Visit for Cost Reporting Periods Beginning on or After July 1, 1985
 Investigational New Drug (IND) Requirements 20 CFR 404 and 20 CFR 416—Standards of Review for Termination of Disability Benefits; Revised Rules for Certain Medical Cessation Cases

Department of the Interior

Final Frameworks for Selecting Early Hunting Seasons on Certain Migratory Game Birds in the U.S. for the 1985-86 Season
 Migratory Bird Regulations on Certain Federal Indian Reservations, Indian Territory, and Ceded Lands
 Final Frameworks for Late Migratory Game Bird Hunting Regulations

Department of Labor

Standards for Occupational Exposure to Cotton Dust

Department of Transportation

Light Truck Fuel Economy Standard for Model Year 1987
 Segregated Ballast, Dedicated Clean Ballast, and Crude Oil Washing on Tankships of 20,000 DWT or More But Less Than 40,000 DWT Carrying Oil in Bulk
 Construction Differential Subsidy Repayment Policy
 Passenger Automobile Average Fuel Economy Standard, Model Year 1986
 Vessel Obligation Guarantees, U.S. Construction

Treasury Department

Minimum Capital Requirements for National Banks, Issuance of Directives

Environmental Protection Agency

Hazardous Waste Management System—Final Codification Rule
 National Ambient Air Quality Standards for Carbon Monoxide
 National Ambient Air Quality Standards for Nitrogen Dioxide
 NOX Emission Standards for Light-Duty Trucks and Heavy-Duty Engines and Particulate Emissions for Heavy-Duty Diesel Engines
 Phase-Down of Lead in Gasoline
 Stack Height Regulations
 Use Prohibitions and Restrictions for Electrical Transformers Containing PCB

Small Business Administration

Business Loans
 Minority Small Business and Capital Ownership Development Assistance
 Business Loans, Secondary Marketing Procedures
 Small Business Size Standards, Dredging

EXHIBIT 4. COMPARISON OF RULES REVIEWED DURING 1981-85 BY TYPE

Type of rule	Number					Percent change				
	1981	1982	1983	1984	1985	1981-82	1982-83	1983-84	1984-85	1981-85
Nonmajor:										
Proposed	971	1,024	1,044	945	1,053	5.5	2.0	-9.5	11.4	8.4
Final	1,735	1,528	1,377	1,101	1,100	-11.9	-9.9	-20.0	-0.1	-36.6
Total	2,706	2,552	2,421	2,046	2,153	-5.7	-5.1	-15.5	5.2	-20.4
Major:										
Proposed	24	29	22	33	20	20.8	-24.1	50.0	-39.4	-16.7
Final	38	51	39	25	38	34.2	-23.5	-35.9	52.0	0.0
Total	62	80	61	58	59	29.0	-23.8	-4.9	1.7	-4.8
All:										
E.O. Not Applicable	35	1	0	0	0	-97.1	-100.0	NA	NA	-100.0
Proposed	995	1,053	1,066	978	1,073	5.8	1.2	-8.3	9.7	7.8
Final	1,773	1,579	1,416	1,126	1,138	-10.9	-10.3	-20.5	1.1	-35.8
Total	2,803	2,633	2,482	2,104	2,211	-6.1	-5.7	-15.2	5.1	-21.1

EXHIBIT 5. TWENTY MOST ACTIVE RULE-PRODUCING AGENCIES, COMPARISON OF RULES REVIEWED 1981-85

Agency	Number					Percent change				
	1981	1982	1983	1984	1985	1981-82	1982-83	1983-84	1984-85	1981-85
USDA	657	692	551	480	406	5.3	-20.4	-12.9	-15.4	-38.2
EPA	734	340	268	302	302	-53.7	-21.2	12.7	0.0	-58.9
DOT	285	225	225	217	253	-21.1	0.0	-3.6	16.6	-11.2
HHS	117	272	294	198	212	132.5	8.1	-32.7	7.1	81.2
DOI	147	248	240	132	161	68.7	-3.2	-45.0	22.0	9.5
DOC	162	147	121	107	113	-9.3	-17.7	-11.6	5.6	-30.2
ED	77	52	50	104	109	-32.5	-3.8	108.0	4.8	41.6
HUD	74	130	111	108	90	75.7	-14.6	-2.7	-16.7	21.6
GSA	56	62	85	62	85	10.7	37.1	-27.1	37.1	51.8
DOJ	53	51	72	46	78	-3.8	41.2	-36.1	69.6	47.2
OPM	38	49	65	45	69	28.9	32.7	-30.8	53.3	81.6
VA	69	70	69	70	65	1.4	-1.4	1.4	-7.1	-5.8
DOL	83	49	49	35	38	-41.0	0.0	-28.6	8.6	-54.2
FEMA	16	6	29	16	26	-62.5	383.3	-44.8	62.5	62.5
TREAS	34	33	53	44	26	-2.9	60.6	-17.0	-40.9	-23.5
NASA	10	11	13	11	25	10.0	18.2	-15.4	127.3	150.0
DOE	53	49	34	25	19	-7.5	-30.6	-26.5	-24.0	-64.2
PBGC	21	12	9	10	19	-42.9	-25.0	11.1	90.0	-9.5
SBA	10	16	20	31	19	60.0	25.0	55.0	-38.7	90.0
DOD	4	9	13	7	17	125.0	44.4	-46.2	142.9	325.0

Exhibit 10 compares OMB actions on agency rules during the past 5 years. The percentage of rules OMB found consistent with the Executive Order declined from 87.3 percent in 1981, to 70.7 percent in 1985. At the same time, the percentage of rules OMB found consistent after change increased from 4.9 percent in 1981 to 23.1 percent in 1985. The percentage of rules that agencies withdrew in 1985 increased to 3.1 percent from 1.8 percent in 1981. The percentage of rules that OMB returned for agency reconsideration has fluctuated over the years but was 1.5 percent in 1985 compared to 1.6 percent in 1981. The percentage of

rules issued by agencies under emergency, statutory, or judicial deadlines did not appreciably change between 1981 and 1985.

Exhibit 11 shows OMB's average regulatory review time by agency from 1981 to 1985 for all rules, as well as specifically for major and nonmajor rules. Generally, review time for major rules is longer than for nonmajor rules because of their greater complexity and importance. In 1981, OMB's average review time for all rules was 9 days; in 1985, it was 27 days. From 1981 to 1985, the average review time for all rules was 16 days.

EXHIBIT 6. TYPES OF ACTIONS TAKEN ON AGENCY RULES DURING 1985

Agency	Total reviews	Consistent without change	Consistent with change	Withdrawn by agency	Returned for reconsideration	Returned sent improperly	Emergency	Statutory or judicial deadline
Agriculture	406	330	59	12	1	4	0	0
Environmental Protection Agency	302	200	86	12	1	1	0	2
Transportation	253	156	86	7	0	0	4	0
Health and Human Services	212	139	63	4	6	0	0	0
Interior	161	115	40	2	1	0	3	0
Commerce	113	84	8	3	0	0	8	10
Education	109	55	48	6	0	0	0	0
Housing and Urban Development	90	48	28	5	9	0	0	0
General Services Administration	85	68	15	0	1	1	0	0
Justice	78	72	6	0	0	0	0	0
Office of Personnel Management	69	59	7	1	2	0	0	0
Veterans Administration	65	42	17	4	2	0	0	0
Labor	38	22	10	1	5	0	0	0
Federal Emergency Management Agency	26	24	1	1	0	0	0	0
Treasury	26	21	5	0	0	0	0	0
National Aeronautics and Space Administration	25	18	6	0	1	0	0	0
Energy	19	15	3	1	0	0	0	0
Pension Benefit Guaranty Corporation	19	12	5	2	0	0	0	0
Small Business Administration	19	15	1	0	3	0	0	0
Defense	17	13	2	2	0	0	0	0
Railroad Retirement Board	15	8	6	1	0	0	0	0
National Archives and Records Administration	9	9	0	0	0	0	0	0
Panama Canal Commission	9	8	1	0	0	0	0	0
State	7	7	0	0	0	0	0	0
Equal Employment Opportunity Commission	5	1	2	1	1	0	0	0
International Development Corporation Agency	5	4	1	0	0	0	0	0
United States Information Agency	5	4	0	1	0	0	0	0
Institute of Museum Services	4	3	0	0	0	1	0	0
Selective Service System	4	4	0	0	0	0	0	0
ACTION	2	1	0	1	0	0	0	0
African Development Foundation	2	2	0	0	0	0	0	0
Navajo Hopi Indian Relocation Commission	2	1	1	0	0	0	0	0
Office of Science and Technology Policy	2	0	1	1	0	0	0	0
Pennsylvania Avenue Development Corporation	2	1	0	0	1	0	0	0
Advisory Council on Historic Preservation	1	0	1	0	0	0	0	0
Council on Environmental Quality	1	1	0	0	0	0	0	0
Committee for Purchase from the Blind and Other Severely Handicapped	1	0	1	0	0	0	0	0
Interstate Commerce Commission	1	0	0	1	0	0	0	0
Other Independent Agencies	1	1	0	0	0	0	0	0
Office of the U.S. Trade Representative	1	1	0	0	0	0	0	0
Total	2,211	1,564	510	69	34	7	15	12
Percentage of total	100.0	70.7	23.1	3.1	1.5	0.3	0.7	0.5

EXHIBIT 7. TYPES OF ACTIONS TAKEN ON AGENCY RULES DURING 1985 BY PERCENTAGE

Agency	Total reviews	Percentage						Statutory or judicial deadline
		Consistent without change	Consistent with change	Withdrawn by agency	Returned for reconsideration	Returned sent improperly	Emergency	
Agriculture	406	81.3	14.5	3.0	0.2	1.0	0.0	0.0
Environmental Protection Agency	302	66.2	28.5	4.0	0.3	0.3	0.0	0.7
Transportation	253	61.7	34.0	2.8	0.0	0.0	1.6	0.0
Health and Human Services	212	65.6	29.7	1.9	2.8	0.0	0.0	0.0
Interior	161	71.4	24.8	1.2	0.6	0.0	1.9	0.0
Commerce	113	74.3	7.1	2.7	0.0	0.0	7.1	8.8
Education	109	50.5	44.0	5.5	0.0	0.0	0.0	0.0
Housing and Urban Development	90	53.3	31.1	5.6	10.0	0.0	0.0	0.0
General Services Administration	85	80.0	17.6	0.0	1.2	1.2	0.0	0.0
Justice	78	92.3	7.7	0.0	0.0	0.0	0.0	0.0
Office of Personnel Management	69	85.5	10.1	1.4	2.9	0.0	0.0	0.0
Veterans Administration	65	64.6	26.2	6.2	3.1	0.0	0.0	0.0
Labor	38	57.9	26.3	2.6	13.2	0.0	0.0	0.0
Federal Emergency Management Agency	26	92.3	3.8	3.8	0.0	0.0	0.0	0.0
Treasury	26	80.8	19.2	0.0	0.0	0.0	0.0	0.0
National Aeronautics and Space Administration	25	72.0	24.0	0.0	4.0	0.0	0.0	0.0
Energy	19	78.9	15.8	5.3	0.0	0.0	0.0	0.0
Pension Benefit Guaranty Corporation	19	63.2	26.3	10.5	0.0	0.0	0.0	0.0
Small Business Administration	19	78.9	5.3	0.0	15.8	0.0	0.0	0.0
Defense	17	76.5	11.8	11.8	0.0	0.0	0.0	0.0
All Other	79	70.9	17.7	7.6	2.5	1.3	0.0	0.0
Total	2,211	70.7	23.1	3.1	1.5	0.3	0.7	0.5

EXHIBIT 8. REGULATIONS RETURNED TO AGENCIES FOR RECONSIDERATION DURING 1985

Agency/Title of regulation	Rule type	Date received	Date reviewed
United States Department of Agriculture: Reinstatement of Flavored Milk in WIC Food Packages	Final	9/5/85	10/24/85
Department of Health and Human Services: Implementation of Title III and Title IV Revisions of the Older Americans Act	Final	1/31/85	3/13/85
Primary Block Grant Program	NPRM	5/3/84	5/8/85
Regulations Under the Tea Importation Act—Tea Standards	Final	5/30/84	5/6/85
Anthelmintic Drug Products For Over-the-Counter Human Use	Final	3/9/84	5/6/85
Medicaid Overpayment Reporting Requirements	Final	3/6/85	8/19/85
Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals	NPRM	9/14/84	9/9/85
Department of Housing and Urban Development: Manufactured Home Construction and Safety Standards	Final	1/11/85	3/15/85
PHA-Owned Projects—Maintenance and Operation, Individual Metering of Utilities for Existing PHA-Owned Public Housing Projects	Final	6/24/85	8/8/85
Section B Housing and Assistance Payments Program Fair Market Rent Schedules—Existing Housing	NPRM	7/30/85	9/19/85
Insured Maximum Mortgage Amount for Hospitals	Final	7/25/85	10/15/85
Mortgage Insurance Requirements for Private and Public Hospitals	Final	8/5/85	10/15/85
Pet Ownership in Assisted Housing for the Elderly or Handicapped	Final	8/30/85	10/29/85
Indian Preference	NPRM	8/20/85	10/30/85
Revision of Maximum Insurable Mortgage Amount—Refinancing of Existing Multifamily Housing Projects	NPRM	8/20/85	11/26/85
Insurance of Partially Amortizing Mortgages and Call Provision Mortgages	Final	8/29/85	11/26/85
Department of the Interior: Sale of Royalty-in-Kind Crude Oil	NPRM	7/19/84	6/21/85
Department of Labor: Scaffolds—29 CFR 1926, Subpart L	NPRM	7/30/84	2/20/85
Stairways and Ladders—29 CFR 1926, Subpart X	NPRM	7/30/84	2/20/85
Request for Comments: Revised Lead Standard	NPRM	11/25/83	2/20/85

EXHIBIT 8. REGULATIONS RETURNED TO AGENCIES FOR RECONSIDERATION DURING 1985—Continued

Agency/Title of regulation	Rule type	Date received	Date reviewed
Fall Protection—29 CFR 1926, Subpart M	NPRM	7/30/84	2/20/85
Personal Fall Protection Systems	NPRM	6/20/85	10/31/85
Environmental Protection Agency:			
National Primary Drinking Water Regulation: Fluoride RMCL	NPRM	3/22/85	4/26/85
Equal Employment Opportunity Commission:			
Apprenticeship Programs	NPRM	7/17/84	12/5/85
General Services Administration:			
Records and Forms Management Responsibilities	NPRM	11/29/84	2/1/85
National Aeronautics and Space Administration:			
Protection of Human and Animal Research Subjects	NPRM	4/29/85	5/9/85
Office of Personnel Management:			
Employment Practices	NPRM	11/27/84	1/10/85
Promotion and Internal Placement	NPRM	7/25/85	11/6/85
Pennsylvania Avenue Development Corporation:			
Restrictions on the Placement and Maintenance of Newspaper Vending Machines	NPRM	5/16/85	9/3/85
Small Business Administration:			
Amendment to Loans to State and Local Development Companies	NPRM	3/28/85	5/12/85
Small Business Size Standards, Farming	NPRM	4/23/85	6/22/85
Small Business Size Standards, Tuna Fishing	NPRM	3/28/85	9/30/85
Veterans Administration:			
Treatment of CHAMPUS Beneficiaries in Non-VA Health Care Facilities at VA Expense	NPRM	12/15/83	10/21/85
Emergency Job Training, Appellate Rights for Employers	NPRM	8/21/85	8/31/85

EXHIBIT 9. REGULATIONS WITHDRAWN BY AGENCIES DURING 1985

Agency/Title of Regulation	Rule type	Date received	Date returned
United States Department of Agriculture:			
Claim for Indemnity, Interest Payments	Final	1/7/85	1/8/85
National School Lunch Program and Determining Eligibility for Free and Reduced Price Meals and Milk in Schools—Verification Monitoring	NPRM	10/19/84	2/4/85
Overtime Work at Border Ports, Ocean Ports, and Airports	Final	1/10/85	5/13/85
Floodplain Management and Wetland Protection	Final	8/19/85	10/23/85
Overtime Work at Laboratories, Border Ports, Ocean Ports, and Airports	Final	1/10/85	5/13/85
Individual Identification Devices for Cattle and Swine	Final	10/23/85	10/25/85
Feed Grain, Rice, Cotton, and Wheat Programs for 1984 and Subsequent Crop Years	Final	11/26/85	12/23/85
Financing of Commercial Sales of Agricultural Commodities	Final	12/10/85	12/20/85
Eligibility of Certain Publicly Operated Community Health Centers	Final	12/3/85	12/18/85
Land Uses, Local Resident, Tongass National Forest	NPRM	5/13/85	8/13/85
Power Requirement Study	NPRM	3/5/85	9/30/85
Proposed Addition of Part 1746, General Funds, to 7 CFR	NPRM	7/9/84	9/30/85
Department of Commerce:			
Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements	Final	8/7/85	8/14/85
Licensing of Ocean Thermal Energy Conversion Facilities and Plantships	NPRM	3/12/85	6/17/85
Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California	Final	7/21/85	8/2/85
Department of Defense:			
Environmental Quality Procedures for Implementing the National Environmental Policy Act (NEPA)	Final	1/15/85	10/31/85
Processing of Department of the Army Permits, Procedures for the Protection of Historic Properties	Final	12/21/84	3/25/85
Department of Education:			
Removal of Architectural Barriers to the Handicapped Program	Final	3/18/85	5/10/85
Annual Funding Priorities—Auxiliary Activities: Innovative Programs for Severely Handicapped Children	NPRM	3/13/85	3/14/85
Pell Grant Program	Final	12/24/84	2/7/85
Student Assistance General Provisions	NPRM	11/19/84	1/9/85
Graduate Academic Facilities Program	NPRM	11/15/85	12/23/85
Guaranteed Student Loan Program and PLUS Program	NPRM	11/13/84	3/11/85
Department of Energy:			
State Petitions for Exemption From Federal Preemption of State Consumer Product Energy Standards	Final	6/10/85	6/20/85
Department of Health and Human Services:			
Revised Medical Criteria for the Determination of Disability	Final	10/31/84	5/17/85
42 CFR Subpart L—Grants for Dentistry Residency Training	Final	12/3/85	12/5/85
Standards for Consultative Examinations and Existing Medical Evidence	NPRM	7/3/85	12/20/85
20 CFR 416; Subpart P—Residence and Citizenship	NPRM	10/23/84	2/12/85

EXHIBIT 9. REGULATIONS WITHDRAWN BY AGENCIES DURING 1985—Continued

Agency/Title of Regulation	Rule type	Date received	Date returned
Department of Housing and Urban Development:			
Administrative Claims, Implementing the Deficit Reduction Act	Final	7/29/85	10/1/85
HUD Acquisition Regulation	NPRM	2/4/85	2/14/85
Disclosure of Profit and Loss Information to Potential Purchasers of HUD-Held Mortgages	NPRM	4/3/85	4/23/85
Revision to the Definition of Income Resulting From Consultation With Farmers Home Administration	NPRM	11/29/84	4/16/85
Public Housing Lease Requirements, Eviction, and Hearings	NPRM	9/4/84	1/7/85
Department of the Interior:			
Surface Coal Mining Reclamation Operations—Application Fee	NPRM	12/20/84	1/9/85
Audit Requirements for State and Local Governments Receiving Assistance Through the U.S. Department of the Interior	Final	4/11/85	4/17/85
Department of Labor:			
Federal-State Unemployment Compensation Program Unemployment Insurance Quality Control Program	NPRM	3/13/85	7/5/85
Department of Transportation:			
Intergovernmental Review of DOT Programs and Activities	NPRM	7/20/84	8/19/85
Policy Statement—Ultralights	NPRM	4/12/85	9/10/85
Noise Standards for Helicopters in the Normal Transport, and Restricted Categories Emergency Relief	NPRM	11/12/85	12/27/85
Elimination of Airport Delays—Deviations	NPRM	2/13/85	3/5/85
Elimination of Airport Delays—Enforcement of Scheduling Agreements	Final	11/2/84	4/5/85
Employment Discrimination Against Handicapped Persons, Aviation	Final	11/2/84	4/5/85
Employment Discrimination Against Handicapped Persons, Aviation	NPRM	6/5/84	8/1/85
Environmental Protection Agency:			
Proposed Amendments to Ocean Dumping Regulations	NPRM	1/11/85	8/5/85
2-Methoxyethanol, 2-Methoxyethanol Acetate Partial Ban	Final	8/19/85	8/22/85
Petroleum Refining Point Source Effluent Limitations	Final	4/8/85	6/6/85
Pirimicarb, Proposed Revocation of Tolerance	NPRM	6/17/85	6/27/85
Iron and Steel Manufacturing Effluent Limitations	NPRM	7/24/84	2/15/85
Asbestos Ban Rule	NPRM	5/14/84	1/31/85
Asbestos Phase-Down Rule	NPRM	8/15/84	1/31/85
Florida Plan for Total Reduced Sulphur	NPRM	11/20/85	12/3/85
Hazardous Waste Management System—Proposed Codification Rule	NPRM	7/12/85	11/19/85
Hazardous Waste Management System—Interim Final Codification Rule	NPRM	12/7/84	3/21/85
RCRA Location Guidance	NPRM	9/19/85	11/19/85
SNUR for 11-Aminocide and Methy N-Butyl Ketone	NPRM	5/31/85	10/24/85
ACTION:			
Grants and Contracts—Denial of Application for Refunding	Final	10/10/85	10/20/85
Equal Employment Opportunity Commission:			
Substantive Regulations Implementing ADEA	Final	8/14/85	12/24/85
Federal Emergency Management Agency:			
Disaster Assistance—the Declaration Process, Public Assistance, Project Administration	NPRM	10/24/85	11/21/85
Interstate Commerce Commission:			
ICC Administrative Issuance 5-115	NPRM	1/22/85	1/29/85
Office of Personnel Management:			
Proposed Regulations for the Federal Wage System	NPRM	8/6/85	8/16/85
Office of Science and Technology Policy:			
Proposed Model Policy for the Protection of Human Subjects	NPRM	5/22/85	12/17/85
Pension Benefit Guaranty Corporation:			
Effect of the Deficit Reduction Act on the Withdrawal Liability Provisions of MPPAA	NPRM	1/29/85	2/7/85
Valuation of Plan Benefits in Non-Multiemployer Plans	NPRM	4/2/85	4/30/85
Railroad Retirement Board:			
Evidence Required for Payment	NPRM	2/5/85	2/8/85
United States Information Agency:			
Exchange Visitor Program	NPRM	12/16/85	12/23/85

EXHIBIT 10. TYPES OF ACTIONS TAKEN ON AGENCY RULES—PERCENTAGE COMPARISON 1981-85¹

Action taken	Percentage in					Percentage change				
	1981	1982	1983	1984	1985	81-82	82-83	83-84	84-85	81-85
Consistent without change	87.3	84.1	82.3	78.0	70.7	-3.2	-1.8	-4.3	-7.3	-16.6
Consistent with change	4.9	10.3	12.7	15.1	23.1	5.4	2.4	2.4	8.0	18.2
Withdrawn by agency	1.8	1.2	1.6	2.4	3.1	-0.6	0.4	0.8	0.7	1.3
Returned for reconsideration	1.6	2.1	1.3	2.7	1.5	0.5	-0.8	1.4	-1.2	-0.1
Sent improperly or exempt	3.1	0.9	0.0	0.0	0.3	-2.2	-0.9	0.0	0.3	-2.8
Emergency, statutory, or judicial deadline . . .	1.4	1.4	2.0	1.7	1.2	0.0	0.6	-0.3	-0.5	-0.2

¹Percentages may not add to 100.0 percent due to rounding.

EXHIBIT 11. AVERAGE REVIEW TIME OF RULES UNDER EXECUTIVE ORDER NO. 12291
(in days)

	1981			1982			1983		
	Major	Nonmajor	All	Major	Nonmajor	All	Major	Nonmajor	All
USDA	22	8	8	17	10	10	15	13	13
DOC	8	6	8	22	9	10	5	11	11
DOD	NA	9	9	NA	6	6	NA	16	16
ED	NA	8	8	32	12	13	NA	11	11
DOE	7	7	7	26	6	7	45	7	9
HHS	8	7	7	21	10	11	35	18	19
HUD	NA	14	14	NA	11	11	12	15	15
DOI	6	8	8	13	10	10	12	17	17
DOJ	NA	6	6	NA	7	7	NA	14	14
DOL	26	6	9	37	10	12	121	18	29
State	NA	9	9	NA	7	7	28	10	16
DOT	8	8	8	37	12	12	24	15	15
TREAS	1	8	8	60	13	14	NA	12	12
EPA	12	9	9	88	17	19	14	22	22
Other agencies	5	10	10	40	13	14	35	14	14
All government	13	9	9	28	11	12	28	15	16
	1984			1985			1981-85		
	Major	Nonmajor	All	Major	Nonmajor	All	Major	Nonmajor	All
USDA	11	19	19	15	19	19	16	13	13
DOC	316	14	17	NA	12	12	35	11	11
DOD	NA	30	30	NA	30	30	NA	20	20
ED	39	18	19	NA	16	16	34	14	14
DOE	77	9	12	30	7	8	30	7	8
HHS	3	33	33	74	46	47	40	23	24
HUD	10	18	17	NA	27	27	11	17	16
DOI	7	17	17	5	19	19	9	14	14
DOJ	NA	10	10	NA	9	9	NA	10	10
DOL	NA	43	43	173	55	61	67	24	27
State	NA	5	5	NA	16	16	28	9	10
DOT	42	20	21	80	34	36	40	18	18
TREAS	17	18	18	16	13	13	24	13	13
EPA	58	30	31	78	33	35	61	19	20
Other agencies	26	20	20	105	23	25	43	16	16
All government	31	22	22	64	26	27	32	16	16

C. Exemptions

Executive Order No. 12291 authorizes the Director of OMB to exempt classes of regulations from any or all of the requirements of the Order. The exemptions granted by OMB fall into four broad categories: (1) rules that are essentially nonregulatory; (2) rules that delegate regulatory authority to States; (3) rules that largely or entirely affect individual entities and that do not involve broader policy issues; and (4) rules for which a delay of even a few days could impose substantial costs and that are unlikely to involve significant policy issues.

At the end of 1985, OMB had granted a total of 29 exemptions (some covering more than one of the categories above) to 8 agencies. Exhibit 12 lists these exemptions. Most of the exemptions were established during the initial years of the operation of the Executive Order. In each case, OMB determined that the exempted regulations, as a class, were consistent with the goals and requirements of the Executive Order. OMB continues to review all "major" rules as defined by the Executive Order regardless of class exemptions. OMB may request that agencies submit specific rules within an exempt class and may revoke exemptions at any time.

IV. TRENDS IN REGULATORY ACTIVITY

Because there are no precise or agreed-upon measures of regulatory activity, we cannot measure exactly the effect Executive Order No. 12291 has had on regulatory activity. It is useful, however, to compare

the number of pages and the number of total rule documents (proposed rule documents plus final rule documents) published in the *Federal Register* during different time periods.

Exhibit 13 shows the number of pages published in the *Federal Register* from its inception in 1936 through 1985. There was little year-to-year change until the 1970s, when the size of the *Federal Register* increased dramatically. Exhibit 14 shows the number of pages published in the *Federal Register* each month during the Carter and Reagan Administrations and illustrates the effects of Executive Order No. 12291 on the size of the *Federal Register*.

In 1981, the year Executive Order No. 12291 went into effect, the growth in the *Federal Register* ended. In each of the first 4 years of the Reagan Administration, the number of pages published in the *Federal Register* decreased—there were 41.4 percent fewer pages in the *Federal Register* in 1984 than in 1980. In 1985, the number of pages rose modestly by 4.87 percent over 1984 levels.

Exhibit 15 depicts the total number of proposed and final rule documents published in the Carter and Reagan Administrations. This chart parallels the exhibit for pages published and also indicates that since Executive Order No. 12291 was issued, Federal regulatory activity has decreased.

Exhibits 16, 17, and 18 provide various measures of regulatory activity during the Reagan Administration.

EXHIBIT 12. AGENCY RULES EXEMPTED FROM REVIEW PROCEDURES

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service—Special Nutrition program notices that revise reimbursement rates and eligibility criteria for the School Lunch, Child Care Food, and other nutrition programs.

Food and Nutrition Service—Food Stamp program notices that set eligibility criteria and deduction policies.

Agriculture Marketing Service—Regulations that establish voluntary standards for grading the quality of food.

Animal and Plant Health Inspection Service—Rules and notices concerning quarantine actions and related measures to prevent the spread of animal and plant pests and diseases.

Animal and Plant Health Inspection Service—Rules affirming actions taken on an emergency basis if no adverse comments were received.

Rural Electrification Administration—Rules concerning standards and specifications for construction and materials.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration—Certain time-sensitive preseason and in-season Fishery Management Plan regulatory actions that set restrictions on fishing seasons, catch size, and fishing gear.

DEPARTMENT OF ENERGY

Power Marketing Administrations—Regulations issued by various power administrations relating to the sale of electrical power that they produce or market.

DEPARTMENT OF THE INTERIOR

Office of Surface Mining—Actions to approve, or conditionally approve, State regulatory mining actions or amendments to such actions.

Office of Surface Mining—Approval of State mining reclamation plans or amendments.

Office of Surface Mining—Cooperative agreements between OSM and States.

United States Fish and Wildlife Service—Certain parts of the annual migratory bird hunting regulations.

DEPARTMENT OF TRANSPORTATION

All Offices of DOT—Amendments that postpone the compliance dates of regulations already in effect.

Coast Guard—Regatta regulations, safety zone regulations, and security zone regulations.

Coast Guard—Anchorage, drawbridge operations, and inland waterways navigation regulations.

Coast Guard—Regulations specifying amount of separation required between cargoes containing incompatible chemicals.

Federal Aviation Administration—Standard instrument approach procedure regulations, en route altitude regulations, routine air space actions, and airworthiness directives.

National Highway Traffic and Safety Administration—Federal Motor Vehicle Safety Standard 109 table of tire sizes.

DEPARTMENT OF THE TREASURY

Internal Revenue Service, Bureau of Alcohol, Tobacco and Firearms, and Customs Service—Revenue rulings and procedures, Customs decisions, legal determinations, and other similar ruling documents. Major legislative regulations are covered fully.

ENVIRONMENTAL PROTECTION AGENCY

Office of Pesticides and Toxic Substances—Actions regarding pesticide tolerances, temporary tolerances, tolerance exemptions and food additives regulations, except those that make an existing tolerance more stringent.

Office of Pesticides and Toxic Substances—Unconditional approvals of TSCA Section 5 test marketing exemptions, and of experimental use permits under FIFRA.

Office of Pesticides and Toxic Substances—Decision documents defining and establishing registration

standards; decision documents and termination decisions for the RPAR process; and data call-in requests made under Section 3(c)(2)(B) of FIFRA.

Office of Air, Noise, and Radiation—Rules that unconditionally approve revisions to State Implementation Plans.

Office of Air, Noise, and Radiation—Unconditional approvals of equivalent methods for ambient air quality monitoring, and of NSPS, NESHAPS, and PSD delegations to States; approvals of carbon monoxide and nitrogen oxide waivers; area designations of air quality planning purposes; and deletions from the NSPS source categories list.

Office of Water—Unconditional approvals of State Water Standards.

Office of Water—Unconditional approval of State underground injection control programs; delegations of NPDES authority to States; deletions from the 307(a) list of toxic pollutants; and suspensions of Toxic Testing Requirements under NPDES.

Office of Solid Waste and Emergency Responses—Unconditional approvals of State authorization under RCRA, of State solid waste management plans, and of hazardous waste delisting petitions under RCRA.

PENSION BENEFIT GUARANTY CORPORATION

Interest Rates—Changes in interest rates on late premium payments and delinquent employer liability payments under Sections 6601 and 6621 of the Internal Revenue Code as amended by the Tax Equity and Fiscal Responsibility Act of 1982.

GOVERNMENTWIDE

Office of Federal Procurement Policy—All regulations, except those concerning acquisition of automatic data processing and telecommunications equipment; those implementing and supplementing Federal Acquisition Regulation Subparts 15.6 (Source Selection) and 32.5 (Progress Payments Based on Costs); and those implementing and supplementing the Competition in Contracting Act of 1984 (Public Law 98-3691), the Defense Procurement Reform Act of 1984 (Title XII, Public Law 98-525), and the Small Business and Federal Procurement Competition Enforcement Act of 1984 (Public Law 98-577).

EXHIBIT 13.

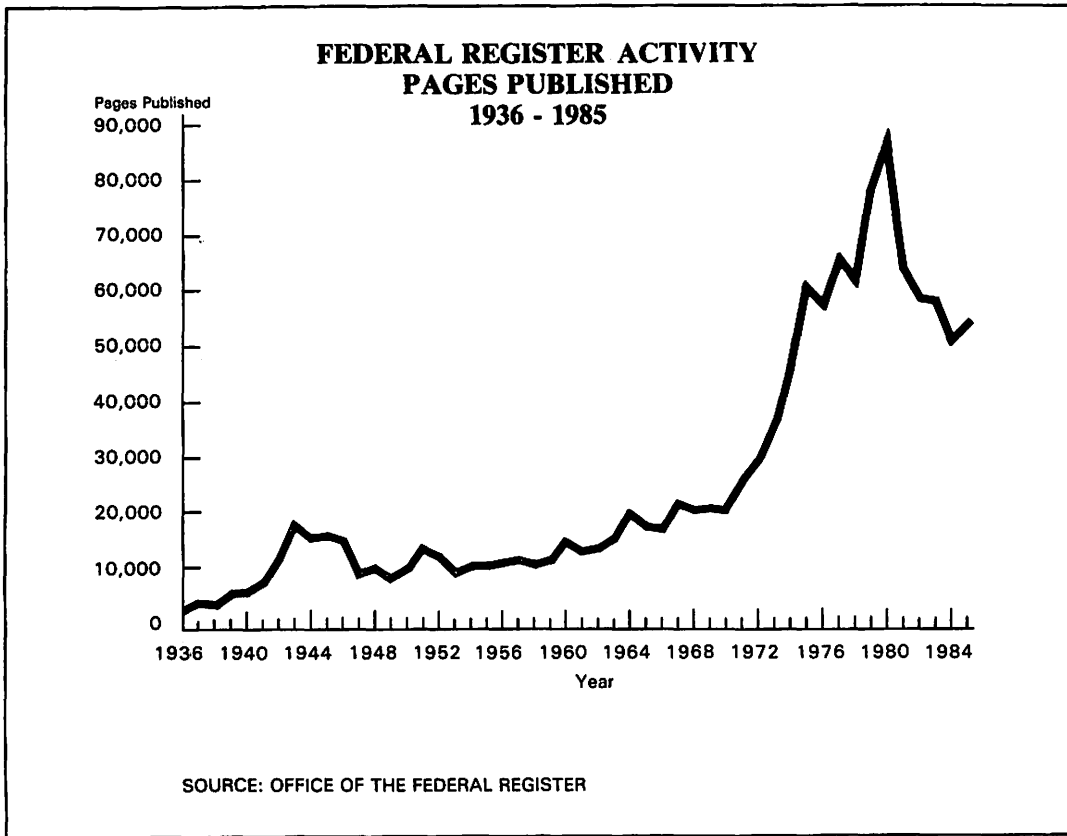


EXHIBIT 14.

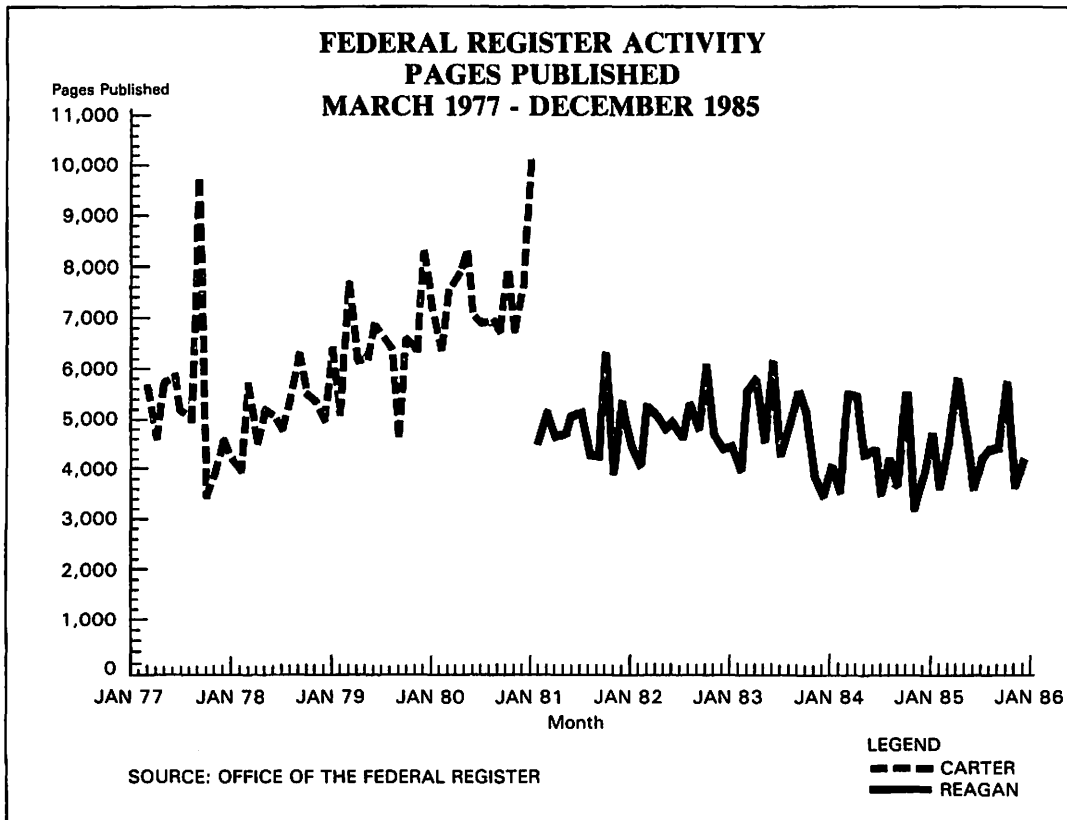
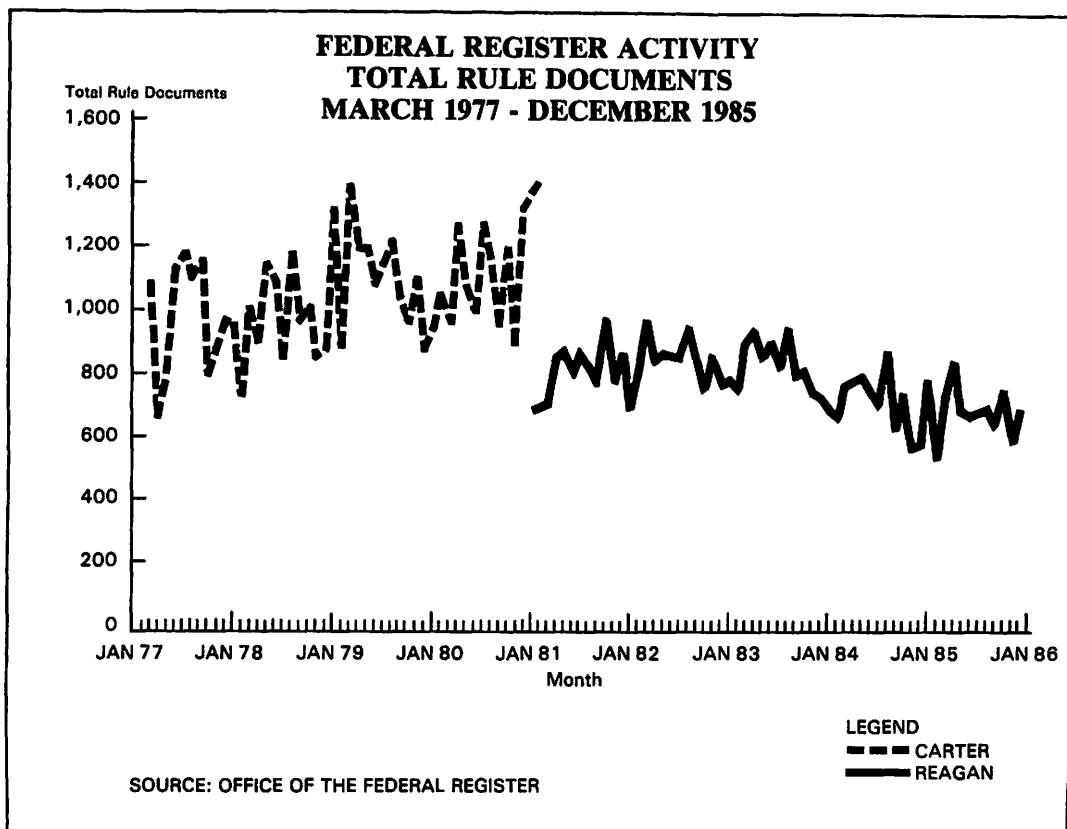


EXHIBIT 15.

EXHIBIT 16. COMPARISON OF PAGES AND DOCUMENTS PUBLISHED IN THE FEDERAL REGISTER
1980-85

	1980	1981	1982	1983	1984	1985
Total pages published	87,012	63,554	58,494	57,704	50,998	53,480
Average pages per month	7,251	5,296	4,875	4,809	4,250	4,457
Percent change year to year	NA	-27.0	-8.0	-1.4	-11.6	4.9
Percent change from 1980	NA	-27.0	-32.8	-33.7	-41.4	-38.5
Proposed rule documents	5,347	3,862	3,729	3,906	3,350	3,381
Average documents per month	446	322	311	326	279	282
Percent change year to year	NA	-27.8	-3.4	4.7	-14.2	0.9
Percent change from 1980	NA	-27.8	-30.3	-26.9	-37.3	-36.8
Final rule documents	7,745	6,401	6,288	6,049	5,155	4,843
Average documents per month	645	533	524	504	430	404
Percent change year to year	NA	-17.4	-1.8	-3.8	-14.8	-6.1
Percent change from 1980	NA	-17.4	-18.8	-21.9	-33.4	-37.5

EXHIBIT 17. ANALYSIS OF FINAL RULE DOCUMENTS PUBLISHED IN THE FEDERAL REGISTER
1982-85

	1982		1983		1984		1985	
	Final rules	Percent of total	Final rules	Percent of total	Final rules	Percent of total	Final rules	Percent of total
New requirements	294	4.7	248	4.1	260	5.0	358	7.4
Revisions to existing requirements	1,530	24.3	1,430	23.6	1,350	26.2	1,255	25.9
Elimination of existing requirements	299	4.8	217	3.6	162	3.1	177	3.7
All other	4,165	66.2	4,154	68.7	3,383	65.6	3,053	63.0
Total	6,288	100.0	6,049	100.0	5,155	100.0	4,843	100.0

**EXHIBIT 18. FINAL RULE DOCUMENTS BY AGENCY PUBLISHED IN THE FEDERAL REGISTER
1982-85**

Agency	Number of documents				Percentage of documents			
	1985	1984	1983	1982	1985	1984	1983	1982
Agriculture	611	684	638	674	11.8	12.9	10.5	10.6
Commerce	254	202	213	205	4.9	3.8	3.5	3.2
Defense	113	102	109	111	2.2	1.9	1.8	1.8
Education	40	35	25	36	0.8	0.7	0.4	0.6
Energy	14	27	37	52	0.3	0.5	0.6	0.8
Health and Human Services	450	422	573	561	8.7	8.0	9.5	8.9
Housing and Urban Development	96	141	128	124	1.9	2.7	2.1	2.0
Interior	258	320	461	477	5.0	6.0	7.6	7.5
Justice	108	113	159	102	2.1	2.1	2.6	1.6
Labor	68	56	63	63	1.3	1.1	1.0	1.0
State	7	7	8	15	0.1	0.1	0.1	0.2
Transportation	903	748	865	908	17.4	14.1	14.3	14.3
Treasury	219	247	244	180	4.2	4.7	4.0	2.8
Environmental Protection Agency	518	624	605	805	10.0	11.8	10.0	12.7
Equal Employment Opportunity Commission	13	14	16	7	0.3	0.3	0.3	0.1
Federal Emergency Management Agency	84	91	261	398	1.6	1.7	4.3	6.3
Government Services Administration	107	74	95	80	2.1	1.4	1.6	1.3
National Aeronautics and Space Administration	28	15	20	18	0.5	0.3	0.3	0.3
Office of Management and Budget	0	1	2	1	0.0	0.0	0.0	0.0
Office of Personnel Management	39	38	43	25	0.8	0.7	0.7	0.4
Small Business Administration	26	39	26	26	0.5	0.7	0.4	0.4
Veterans Administration	49	54	53	54	0.9	1.0	0.9	0.9
Other	241	261	335	337	4.7	4.9	5.5	5.3
Commodity Futures Trading Commission	32	38	51	19	0.6	0.7	0.8	0.3
Consumer Product Safety Commission	17	30	22	25	0.3	0.6	0.4	0.4
Federal Communications Commission	400	405	359	393	7.7	7.7	5.9	6.2
Federal Deposit Insurance Corporation	14	20	24	17	0.3	0.4	0.4	0.3
Federal Energy Regulatory Commission	127	139	156	120	2.5	2.6	2.6	1.9
Federal Home Loan Bank Board	39	32	41	53	0.8	0.6	0.7	0.8
Federal Maritime Commission	9	43	19	26	0.2	0.8	0.3	0.4
Federal Reserve System	40	37	66	75	0.8	0.7	1.1	1.2
Federal Trade Commission	84	82	116	80	1.6	1.6	1.9	1.3
Interstate Commerce Commission	59	53	103	127	1.1	1.0	1.7	2.0
Nuclear Regulatory Commission	49	42	55	51	0.9	0.8	0.9	0.8
Securities and Exchange Commission	66	54	65	84	1.3	1.0	1.1	1.3
Total ¹	5182	5290	6056	6329	100.0	100.0	100.0	100.0

¹Totals may include final rules issued jointly by two or more agencies.