



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, but may be exercised only 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 ninth 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 1988 and 1989. Comparisons are then made between 1989 data and that of 1981 through 1988. Section IV examines the nature and extent of regulatory activity since 1977 by analyzing certain statistics of *Federal Register* activity.

## 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.

## III. REVIEW OF REGULATIONS

### A. Types of Rules Reviewed in 1989

OMB reviewed 2,220 agency rules in 1989 under Executive Order No. 12291. Exhibit 1 shows that nine agencies accounted for more than 77 percent of the rules reviewed. These agencies were: the Department of Agriculture (405 rules), the Department of Health and Human Services (283 rules), the Department of Transportation (250 rules), the Environmental Protection Agency (201 rules), the Department of Commerce (195 rules), the Department of Justice (100 rules), the Department of the Interior (97 rules), the the Department of Veterans Affairs (95 rules), and the Department of Education (82 rules). Exhibit 1A shows data from 1988.

Exhibit 2 shows the number of rules reviewed during 1989 by each agency. Rules are classified as either proposed or final, and either major or nonmajor. Of the rules OMB reviewed in 1989, 41.5 percent were nonmajor proposed rules and 55.0 percent were nonmajor final rules. Major rules constituted only 3.5 percent of all rules. The Department of Agriculture and the Environmental Protection Agency had the largest number of major proposed rules (9 and 11, respectively). The Department of Agriculture had the largest number of major final rules (22), followed by the the Department of Labor (5). Exhibit 2A shows similar data for 1988. Exhibit 3 lists by name all major proposed and final regulations reviewed in 1989, and Exhibit 3A lists those for 1988.

Exhibit 4 displays changes over the last 9 years in the types of rules reviewed. The total number of rules OMB reviewed in 1989 decreased 6.1 percent over 1988, and was 20.7 percent lower than the number reviewed in 1981. The number of proposed rules in 1989 decreased 28.7 percent from 1988 and 4.2 percent from 1981. The number of final rules reviewed in 1989 increased 23.4 percent from 1988 and dropped 28.4 percent from 1981. The number of major rules in 1989 decreased 4.8 percent from the 1988 level, and rose 31.7 percent from 1981.

Exhibit 5 shows, by agency, the number of rules reviewed during each of the last 9 years. Comparing 1989 with 1981, the greatest percentage decline in the total number of rules reviewed occurred at the

## EXHIBIT 1.

**EXECUTIVE ORDER 12291**

TOTAL REVIEWS - BY AGENCY

1989

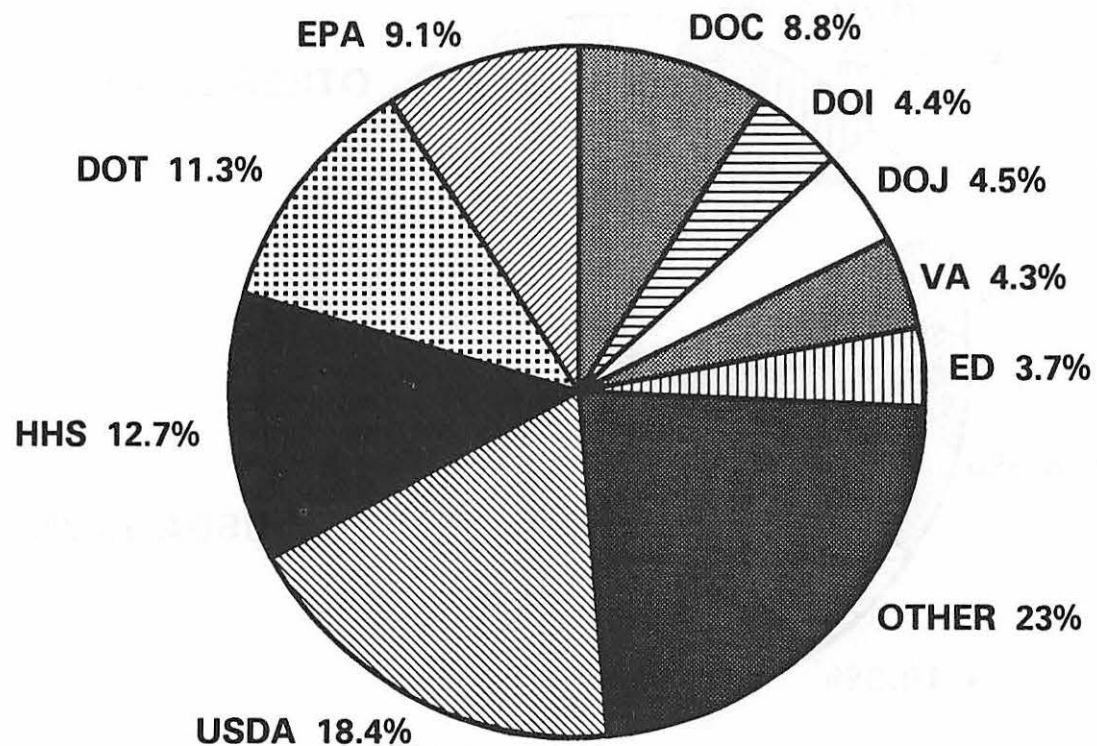
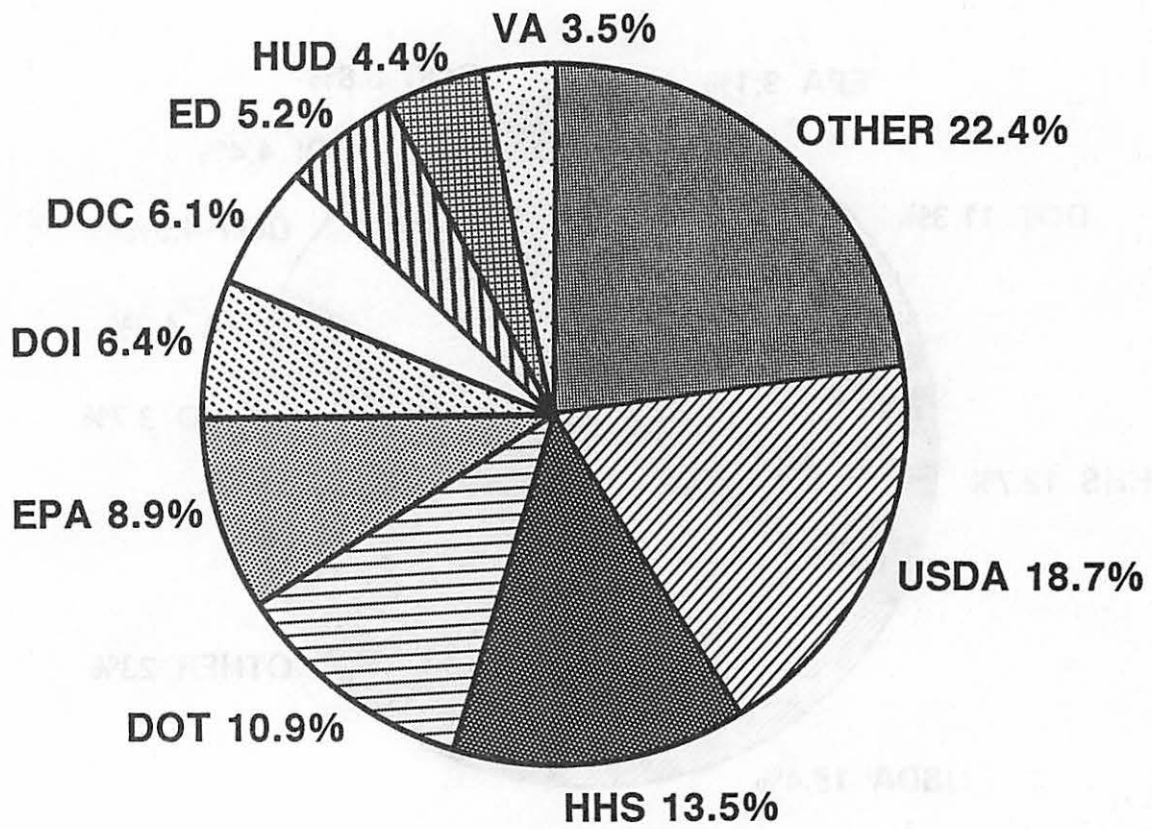


EXHIBIT 1A.

**EXECUTIVE ORDER 12291  
TOTAL REVIEWS - BY AGENCY  
1988**



Environmental Protection Agency (-72.6 percent), the Department of Energy (-64.2 percent), the Department of Agriculture (-38.3 percent), and the Department of the Interior (-34.0 percent). The Small Business Administration experienced the largest percentage increase since 1981 (290 percent), followed by

the Department of Health and Human Services (141.9 percent), the Department of Justice (88.7 percent), the Federal Emergency Management Agency (81.3 percent), and the National Aeronautics and Space Administration (60.0 percent).

### EXHIBIT 2. TYPES OF RULES REVIEWED DURING 1989 BY AGENCY

Agency	Total rules	Nonmajor		Major	
		NPRM	Final	NPRM	Final
Agriculture (USDA).....	405	154	220	9	22
Health and Human Services (HHS).....	283	150	125	4	4
Transportation (DOT).....	250	119	127	1	3
Environmental Protection Agency (EPA).....	201	87	100	11	3
Commerce (DOC).....	195	76	118	0	1
Justice (DOJ).....	100	34	66	0	0
Interior (DOI).....	97	37	57	1	2
Veterans Affairs (VA).....	95	54	41	0	0
Education (ED).....	82	28	54	0	0
Housing and Urban Development (HUD).....	78	25	50	0	3
General Services Administration (GSA).....	61	14	47	0	0
Labor (DOL).....	60	21	31	3	5
Office of Personnel Management (OPM).....	53	19	34	0	0
Treasury (TREAS).....	47	23	24	0	0
Small Business Administration (SBA).....	39	11	24	1	3
Federal Emergency Management Agency (FEMA).....	29	18	11	0	0
Railroad Retirement Board (RRB).....	21	9	12	0	0
Energy (DOE).....	19	9	8	2	0
National Aeronautics and Space Administration (NASA).....	16	3	13	0	0
State (STATE).....	15	3	12	0	0
National Archives and Records Administration (NARA).....	8	3	5	0	0
Panama Canal Commission (PCC).....	7	5	2	0	0
United States Information Agency (USIA).....	7	1	6	0	0
Defense (DOD).....	6	1	5	0	0
Equal Opportunity Employment Commission (EEOC).....	5	4	1	0	0
National Science Foundation (NSF).....	5	1	4	0	0
United States International Development Cooperation Agency (USIDCA).....	4	2	2	0	0
Federal Mediation and Conciliation Service (FMCS)....	3	2	1	0	0
Other Temporary Commissions.....	3	1	2	0	0
ACTION.....	2	1	1	0	0
African Development Foundation (ADF).....	2	0	2	0	0
Federal Home Loan Bank Board (FHLBB).....	2	0	2	0	0
Institute of Museum Services (IMS).....	2	1	1	0	0
Inter-American Foundation.....	2	0	2	0	0
Peace Corps (PEACE).....	2	0	2	0	0
Selective Service System (SSS).....	2	1	1	0	0
Architectural and Transportation Barriers Compliance Board (ATBCB).....	1	0	1	0	0
Commission on Civil Rights (CCR).....	1	1	0	0	0
Federal Acquisition Regulations.....	1	0	0	0	1

**EXHIBIT 2. TYPES OF RULES REVIEWED DURING 1989 BY AGENCY—Continued**

Agency	Total rules	Nonmajor		Major	
		NPRM	Final	NPRM	Final
Federal Credit System Assistance Board .....	1	0	1	0	0
National Endowment for the Arts (NEA).....	1	0	1	0	0
National Endowment for the Humanities (HEH).....	1	0	1	0	0
Office of Government Ethics (OGE).....	1	0	1	0	0
Office of Management and Budget (OMB).....	1	0	1	0	0
Office of the United States Trade Representative (USTR).....	1	1	0	0	0
Pension Benefit Guaranty Corporation (PBGC).....	1	1	0	0	0
Resolution Trust Corporation (RTC).....	1	1	0	0	0
United States Office of Special Counsel.....	1	0	1	0	0
<b>Total</b> .....	<b>2,220</b>	<b>921</b>	<b>1,220</b>	<b>32</b>	<b>47</b>
Percentage of total.....	100.0	41.5	55.0	1.4	2.1

**EXHIBIT 2A. TYPES OF RULES REVIEWED DURING 1988 BY AGENCY**

Agency	Total rules	Nonmajor		Major	
		NPRM	Final	NPRM	Final
Agriculture (USDA).....	441	168	249	10	14
Health and Human Services (HHS).....	320	162	150	5	3
Transportation (DOT).....	257	112	136	5	4
Environmental Protection Agency (EPA).....	210	97	97	10	6
Interior (DOI).....	152	73	75	2	2
Commerce (DOC).....	145	58	86	1	0
Education (ED).....	123	55	68	0	0
Housing and Urban Development (HUD).....	105	39	61	2	3
Veterans Affairs (VA).....	82	35	47	0	0
Labor (DOL).....	77	26	42	5	4
Office of Personnel Management (OPM).....	74	24	50	0	0
General Services Administration (GSA).....	57	17	40	0	0
Justice (DOJ).....	52	17	35	0	0
Small Business Administration (SBA).....	37	15	19	1	2
Treasury (TREAS).....	37	15	22	0	0
Federal Emergency Management Agency (FEMA).....	30	15	15	0	0
Energy (DOE).....	20	7	12	1	0
National Aeronautics and Space Administration (NASA).....	17	4	13	0	0
National Archives and Records Administration (NARA).....	17	10	7	0	0
State (STATE).....	17	7	10	0	0
Railroad Retirement Board (RRB).....	14	7	7	0	0
Defense (DOD).....	12	4	8	0	0
United States International Development Cooperation Agency (USIDCA).....	9	5	4	0	0
National Science Foundation (NSF).....	8	4	4	0	0
Other Temporary Commissions.....	7	1	6	0	0

**EXHIBIT 2A. TYPES OF RULES REVIEWED DURING 1988 BY AGENCY—Continued**

Agency	Total rules	Nonmajor		Major	
		NPRM	Final	NPRM	Final
United States Information Agency (USIA).....	7	3	4	0	0
Institute of Museum Services (IMS).....	6	1	5	0	0
Architectural and Transportation Barriers Compliance Board (ATBCB).....	4	0	4	0	0
Federal Mediation and Conciliation Service (FMCS)....	4	1	3	0	0
National Endowment for the Arts (NEA).....	4	0	4	0	0
ACTION.....	3	0	3	0	0
National Endowment for the Humanities (NEH).....	3	1	2	0	0
Pension Benefit Guaranty Corporation (PBGC).....	3	0	1	1	1
African Development Foundation (ADF).....	1	1	0	0	0
Commission on Civil Rights (CCR).....	1	1	0	0	0
Equal Opportunity Employment Commission (EEOC). ..	1	0	1	0	0
Office of Management and Budget (OMB).....	1	1	0	0	0
Peace Corps (PEACE).....	1	0	1	0	0
Pennsylvania Avenue Development Corporation (PADC).....	1	1	0	0	0
Selective Service System (SSS).....	1	0	1	0	0
Tennessee Valley Authority (TVA).....	1	0	1	0	0
<b>Total.....</b>	<b>2,362</b>	<b>987</b>	<b>1,293</b>	<b>43</b>	<b>39</b>
<b>Percentage of total.....</b>	<b>100.0</b>	<b>41.8</b>	<b>54.7</b>	<b>1.8</b>	<b>1.7</b>

**EXHIBIT 3. MAJOR PROPOSED AND FINAL RULES REVIEWED DURING 1989**

**1. Major Proposed Rules**

<p>UNITED STATES DEPARTMENT OF AGRICULTURE</p> <ul style="list-style-type: none"> <li>1989 Feed Grain Program</li> <li>1990 Feed Grain Program</li> <li>1990 Upland Cotton Program</li> <li>1990 Pulled Wool and Mohair Support Prices</li> <li>1990 Rice Program Proposed Determinations</li> <li>Secondary Market for Guaranteed FHmA Farm Loans</li> <li>Disaster Assistance Act of 1988</li> <li>Animal Welfare Regulations (Part 1)</li> <li>Animal Welfare Regulations (Part 2)</li> </ul> <p>DEPARTMENT OF ENERGY</p> <ul style="list-style-type: none"> <li>Electric Rates, Innovative Low-Emission Technology</li> <li>Energy Efficiency Standards for Dishwashers, Clothes Washers, and Clothes Dryers</li> </ul> <p>DEPARTMENT OF HEALTH AND HUMAN SERVICES</p> <ul style="list-style-type: none"> <li>Certification of Respiratory Protective Devices</li> <li>Inpatient Hospital Prospective Payment System (Fiscal Year 1990)</li> <li>Payment for Home IV Drug Therapy Services</li> <li>Determining Disability and Blindness, Substantial Gainful Activity</li> </ul> <p>DEPARTMENT OF THE INTERIOR</p> <ul style="list-style-type: none"> <li>1989-90 Migratory Game Bird Hunting Regulations</li> </ul>	<p>DEPARTMENT OF LABOR</p> <ul style="list-style-type: none"> <li>Respiratory Protection</li> <li>Entry Permit Confined Spaces</li> <li>Bloodborne Pathogens</li> </ul> <p>DEPARTMENT OF TRANSPORTATION</p> <ul style="list-style-type: none"> <li>Side Impact Protection—Light-Duty Trucks</li> </ul> <p>ENVIRONMENTAL PROTECTION AGENCY</p> <ul style="list-style-type: none"> <li>Use and Disposal of Sewage Sludge</li> <li>Drinking Water Standards for 38 Contaminants—Phase II</li> <li>Corrective Action for Solid Waste Management Units at Hazardous Waste Management Facilities</li> <li>Land Disposal Restrictions for Third Third Scheduled Wastes</li> <li>Refueling and Evaporative Emissions</li> <li>Evaporative Emissions for Gasoline and Methane Fueled Light-Duty Vehicles and Trucks, and Heavy-Duty Vehicles</li> <li>Fuel Quality for Highway Diesel Fuel Sold in 1993 and Later Years</li> <li>Organic Air Emissions for Treatment Storage and Disposal Facilities</li> <li>New Source Performance Standards—Municipal Waste Combusters</li> <li>Chemical Substances Reporting and Exemption Requirements</li> <li>Light-Duty Trucks—Emission Standards</li> </ul> <p>SMALL BUSINESS ADMINISTRATION</p> <ul style="list-style-type: none"> <li>Minority Small Business and Capital Ownership Development</li> </ul>
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**EXHIBIT 3. MAJOR PROPOSED AND FINAL RULES REVIEWED DURING 1989—Continued****2. Major Final Rules****UNITED STATES DEPARTMENT OF AGRICULTURE**

1989 Common Program: Wheat, Feed Grains, Upland Cotton  
 Milk Price Support Level and CCC Purchase Prices  
 1989 Upland Cotton Program Final Determination  
 1990 Wheat Program and Common Program Provisions  
 1989 Rice Program  
 Milk Price Support Level and CCC Purchase Prices  
 Pulled Wool and Mohair for the 1989 Marketing Year  
 Price Support and Adjustment Programs, 7 CFR 1434 and 1435  
 Price Support Loan Program, 1986—1990 Sugar Beets and Sugarcane  
 Milk Price Support Level and CCC Purchase Prices  
 Disaster Payment Program for 1989 Crops  
 1989 Crop Sugar Beets and Sugarcane Price Support Loan Rates  
 Emergency Livestock Assistance  
 Milk Price Support Level and CCC Purchase Prices  
 1989 Crop Soybean Loan and Purchase Rate  
 1990 Feed Grains Program  
 Emergency Loan Policies, Procedures and Authorizations  
 Operating Loan Policies, Procedures and Authorizations  
 Animal Welfare Regulations (Part 2)  
 Animal Welfare Regulations (Part 1)  
 Food Stamp Program: Maximum Allotments and Income Eligibility Standards  
 Debt Settlement—Community and Business Programs

**DEPARTMENT OF COMMERCE**

Importation of Yellowfin Tuna

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Inpatient Hospital Prospective Payment System and Fiscal Year 1990 Rates  
 Direct Graduate Medical Education Costs  
 Determining Disability and Blindness, Substantial Gainful Activity  
 Jobs Program, Child Care and Supportive Services

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Fair Housing Amendments Act of 1988  
 Prepayment of a HUD-Insured Mortgage by an Owner of Low-Income Housing  
 Prepayment of a HUD-Insured Mortgage by an Owner of Low-Income Housing

**DEPARTMENT OF THE INTERIOR**

Final Frameworks for Selecting Early Hunting Seasons on Certain Migratory Game Birds, for 1989–90 Season  
 Final Frameworks for Late Season Migratory Bird Hunting Regulations

**DEPARTMENT OF LABOR**

Hazardous Waste Operations and Emergency Response  
 Permissible Exposure Limits  
 Underground Construction  
 Occupational Exposure to Lead  
 Control of Hazardous Energy (Lockout/Tagout)

**DEPARTMENT OF TRANSPORTATION**

Explosives Detection Systems for Checked Baggage  
 Passenger Automobile Fuel Economy Standards, 1990  
 Cockpit Voice Recorder (CVR)

**ENVIRONMENTAL PROTECTION AGENCY**

National Primary Drinking Water Regulations, Filtration, Disinfection, Turbidity  
 Clean Water Act, Section 304(M), Effluent Guideline Plan  
 Asbestos, Manufacture, Importation, Processing and Distribution in Commerce Prohibitions

**SMALL BUSINESS ADMINISTRATION**

Surety Bond Guarantee Regulations—Pilot Preferred  
 Small Business Size Standards  
 Surety Bond Guarantee Regulations

**FEDERAL ACQUISITION REGULATIONS**

Small Business Competitiveness Demonstration Project

**EXHIBIT 3A. MAJOR PROPOSED AND FINAL RULES REVIEWED DURING 1988****1. Major Proposed Rules****UNITED STATES DEPARTMENT OF AGRICULTURE**

1989 Pulled Wool and Mohair Support Prices  
 1989 Upland Cotton Program  
 1989 Rice Program  
 Guaranteed Loan Operating Loan Policies, Procedures, and Authorizations of the Farmers Home Administration  
 Grains and Similarly Handled Commodities  
 1988 Crop Soybean Preliminary Loan and Purchase Rate  
 1988 Crop Soybean  
 Agricultural Credit Act of 1987 Provisions and Farmer Program Regulations Amendments  
 1989 Feed Grain Program  
 1989 Wheat Program and Common Program Provisions

**DEPARTMENT OF COMMERCE**

Deep Seabed Mining, Commercial Recovery and Exploration

**DEPARTMENT OF ENERGY**

Energy Conservation Standards for Three Types of Consumer Products

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Referral of Debts to IRS for Tax Refund Offset  
 Ambulatory Center Payment Rates  
 Clinical Laboratory Regulations  
 Payment Policy for Direct Graduate Medical Education Costs  
 Changes to Inpatient Hospital Prospective Payment System and Fiscal Year 1989 Rates

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Implementation of the Fair Housing Act of 1988  
 Lead-Based Paint Hazard Elimination (FR-2447)

**DEPARTMENT OF THE INTERIOR**

1988–89 Migratory Game Bird Hunting Regulations  
 Areas Unsuitable for Mining

**EXHIBIT 3A. MAJOR PROPOSED AND FINAL RULES REVIEWED DURING 1988—Continued****1. Major Proposed Rules—Continued**

<p><b>DEPARTMENT OF LABOR</b>  Operation and Maintenance of Electric Power Generation, Transmission, and Distribution Installations (Part 1910)  Control of Hazardous Waste Sources (Lockout/Tagout)  Air Contaminants (Part 1910.1000 Z Tables)  Shipyard Employment (Subparts B, D, E, I, M, N)  Hazard Communication</p> <p><b>DEPARTMENT OF TRANSPORTATION</b>  Side Impact Protection  Anti-Drug Program for Personnel Engaged in Specified Aviation Activities  Controlled Substances  Passenger Automobile CAFE  Side Impact Anthropomorphic Test Dummy</p> <p><b>ENVIRONMENTAL PROTECTION AGENCY</b>  Onboard  Monitoring for Unregulated Contaminants</p>	<p>Notification Requirements for Industrial Non-Hazardous Disposal Facilities and Recordkeeping Requirements for Municipal Solid Waste Landfills  NAAQS—Sulfur Dioxide  “Soft Hammer” for First Third of Scheduled Wastes  NPDWR for Lead and Copper  Emergency Planning and Community Right-to-Know Programs  National Emissions Standards for Benzene  Worker Protection Standards for Agricultural Pesticides  Additional Options for Drinking Water Filtration and Coliform MCLS</p> <p><b>PENSION BENEFIT GUARANTY CORPORATION</b>  Payment of Premiums</p> <p><b>SMALL BUSINESS ADMINISTRATION</b>  Small Business Size Standards for Construction and Surveying Services Industries</p>
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**2. Major Final Rules**

<p><b>UNITED STATES DEPARTMENT OF AGRICULTURE</b>  Conservation Reserve Program  Milk Price Support Program  Grains and Similarly Handled Commodities  1988 Crop Soybean Final Loan and Purchase Rate  1988 Crop Program for Wheat, Feed Grains, Rices and Cotton  Determination of World Price, Upland Cotton  Disaster Payment Program for 1988 Crops  Eligible Alien Status  Thrifty Food Plan and Income Eligibility Standards for 48 States and D.C.  Emergency Livestock Assistance  Agricultural Credit Act of 1987  Guaranteed Loan Policies, Procedures and Authorizations  1988 Crop Sugar Beets and Sugarcane  Operating Loan Policy, Procedures and Authorizations</p> <p><b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>  Update of Ambulatory Center Payment Rates  Payments to Institutions  1989 Rates Inpatient Hospital Prospective Payment</p> <p><b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>  Lead-Based Paint Hazard Elimination  Housing Voucher Program  Payment of a HUD-Insured Mortgage by an Owner of Low-Income Housing (FR-2450)</p> <p><b>DEPARTMENT OF THE INTERIOR</b>  Migratory Game Birds 1988–1989 Season  Late Season Migratory Bird Hunting</p>	<p><b>DEPARTMENT OF LABOR</b>  Mechanical Power Press Standard (Part 1910.217)  Davis-Bacon and Related Acts, Labor Standards Provision  Occupational Exposure to Asbestos  Concrete and Masonry Construction</p> <p><b>DEPARTMENT OF TRANSPORTATION</b>  Light Truck Fuel Economy Standards for Model Years 1990 and 1991  Controlled Substances  Anti-Drug Program for Personnel Engaged in Specific Aviation Activities  CAFE Standard for Model Year 1989</p> <p><b>ENVIRONMENTAL PROTECTION AGENCY</b>  NSPS Residential Wood Heaters  Land Disposal of First Third of Scheduled Wastes (“Second Sixth” Proposal)  Protection of Stratospheric Ozone  RCRA Financial Responsibility Requirements for Underground Storage Tanks  Notification, Recordkeeping, and Reporting Requirements for Underground Storage Tanks  Toxic Chemical Release Inventory Reporting, Community Right-to-Know</p> <p><b>PENSION BENEFIT GUARANTY CORPORATION</b>  Payment of Premiums</p> <p><b>SMALL BUSINESS ADMINISTRATION</b>  Definition of Small Business for Dredging  Surety Bond Guarantee</p>
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## EXHIBIT 4. COMPARISON OF RULES REVIEWED DURING 1981-1989 BY TYPE

Type of rule	Number								
	1981	1982	1983	1984	1985	1986	1987	1988	1989
<b>Nonmajor:</b>									
Proposed.....	970	1,026	1,045	951	1,050	784	1,056	1,293	921
Final.....	1,735	1,533	1,377	1,104	1,105	1,150	1,190	987	1,220
<b>Total.....</b>	<b>2,705</b>	<b>2,559</b>	<b>2,422</b>	<b>2,055</b>	<b>2,155</b>	<b>1,934</b>	<b>2,246</b>	<b>2,280</b>	<b>2,141</b>
<b>Major:</b>									
Proposed.....	25	29	22	33	21	25	40	43	32
Final.....	35	50	41	27	39	48	30	40	47
<b>Total.....</b>	<b>60</b>	<b>79</b>	<b>63</b>	<b>60</b>	<b>60</b>	<b>73</b>	<b>70</b>	<b>83</b>	<b>79</b>
<b>All:</b>									
E.O. Not Applicable.....	35	1	0	0	0	0	0	0	0
Proposed.....	995	1,055	1,067	984	1,071	809	1,096	1,336	953
Final.....	1,770	1,583	1,418	1,131	1,144	1,198	1,220	1,027	1,267
<b>Total.....</b>	<b>2,800</b>	<b>2,639</b>	<b>2,485</b>	<b>2,115</b>	<b>2,215</b>	<b>2,007</b>	<b>2,316</b>	<b>2,363</b>	<b>2,220</b>
	Percent change								
	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1981-89
<b>Nonmajor:</b>									
Proposed.....	-5.8	1.9	-9.0	10.4	-25.3	34.7	22.4	-28.8	-5.1
Final.....	-11.6	-10.2	-19.8	0.1	4.1	3.5	-17.1	23.6	-29.7
<b>Total.....</b>	<b>-5.4</b>	<b>-5.4</b>	<b>-15.2</b>	<b>4.9</b>	<b>-10.3</b>	<b>16.1</b>	<b>1.5</b>	<b>-6.1</b>	<b>-20.9</b>
<b>Major:</b>									
Proposed.....	16.0	-24.1	50.0	-36.4	19.0	60.0	7.5	-25.6	28.0
Final.....	42.9	-18.0	-34.1	44.4	23.1	-37.5	33.3	17.5	34.3
<b>Total.....</b>	<b>31.7</b>	<b>-20.3</b>	<b>-4.8</b>	<b>0.0</b>	<b>21.7</b>	<b>-4.1</b>	<b>18.6</b>	<b>-4.8</b>	<b>31.7</b>
<b>All:</b>									
E.O. Not Applicable.....	-97.1	-100.0	NA	NA	NA	NA	NA	NA	-100.0
Proposed.....	6.0	1.1	-7.8	8.8	-24.5	35.5	21.9	-28.7	-4.2
Final.....	-10.6	-10.4	-20.2	1.1	4.7	1.8	-15.8	23.4	-28.4
<b>Total.....</b>	<b>-5.8</b>	<b>-5.8</b>	<b>-14.9</b>	<b>4.7</b>	<b>-9.4</b>	<b>15.4</b>	<b>2.0</b>	<b>-6.1</b>	<b>-20.7</b>

**EXHIBIT 5. TWENTY MOST ACTIVE RULE-PRODUCING AGENCIES  
COMPARISON OF RULES REVIEWED 1981-1989**

Agency	Number								
	1981	1982	1983	1984	1985	1986	1987	1988	1989
USDA.....	656	695	552	483	407	418	420	441	405
HHS.....	117	272	294	199	212	281	315	320	283
DOT.....	283	226	225	218	252	196	203	258	250
EPA.....	734	341	268	303	305	197	205	210	201
DOC.....	162	147	121	107	113	130	134	145	195
DOJ.....	53	51	72	46	78	46	84	52	100
DOI.....	147	249	240	133	161	144	186	152	97
VA.....	69	70	69	70	65	62	67	82	95
ED.....	77	53	50	106	108	99	174	123	82
HUD.....	74	130	112	108	90	68	64	105	78
GSA.....	56	62	85	63	85	41	59	57	61
DOL.....	62	49	49	35	38	56	64	77	60
OPM.....	38	49	65	45	69	72	97	74	53
TREAS.....	34	32	53	44	26	21	29	37	47
SBA.....	10	16	20	32	19	30	16	37	39
FEMA.....	16	6	29	16	26	24	26	30	29
DOE.....	53	49	34	25	19	16	20	20	19
NASA.....	10	11	13	15	25	15	15	17	16
NARA.....	NA	NA	NA	NA	9	13	9	17	8
DOD.....	4	9	13	7	17	9	17	12	6
	Percent change								
	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1981-89
USDA.....	6.0	-21.6	-12.5	-15.7	2.7	0.5	5.0	-8.2	-38.3
HHS.....	132.5	8.1	-32.3	6.5	32.5	12.1	1.6	-11.6	141.9
DOT.....	-20.1	-0.4	-3.1	15.6	-22.2	3.6	27.1	-3.1	-11.7
EPA.....	-53.5	-21.4	13.1	0.7	-35.4	4.1	2.4	-4.3	-72.6
DOC.....	-9.3	-17.7	-11.6	5.6	15.0	3.1	8.2	34.5	20.4
DOJ.....	-3.8	41.2	-36.1	69.6	-41.0	82.6	-38.1	92.3	88.7
DOI.....	69.4	-3.6	-44.6	21.1	-10.6	29.2	-18.3	-36.2	-34.0
VA.....	1.4	-1.4	1.4	-7.1	-4.6	8.1	22.4	15.9	37.7
ED.....	-31.2	-5.7	112.0	1.9	-8.3	75.8	-29.3	-33.3	6.5
HUD.....	75.7	-13.8	-3.6	-16.7	-24.4	-5.9	64.1	-25.7	5.4
GSA.....	10.7	37.1	-25.9	34.9	-51.8	43.9	-3.4	7.0	8.9
DOL.....	-21.0	0.0	-28.6	8.6	47.4	14.3	20.3	-22.1	-3.2
OPM.....	28.9	32.7	-30.8	53.3	4.3	34.7	-23.7	-28.4	39.5
TREAS.....	-5.9	65.6	-17.0	-40.9	-19.2	38.1	27.6	27.0	38.2
SBA.....	60.0	25.0	60.0	-40.6	57.9	-46.7	131.3	5.4	290.0
FEMA.....	-62.5	383.3	-44.8	62.5	-7.7	8.3	15.4	-3.3	81.3
DOE.....	-7.5	-30.6	-26.5	-24.0	-15.8	25.0	0.0	-5.0	-64.2
NASA.....	10.0	18.2	-15.4	127.3	-40.0	0.0	13.3	-5.9	60.0
NARA.....	NA	NA	NA	NA	44.4	-30.8	88.9	-52.9	NA
DOD.....	125.0	44.4	-46.2	142.9	-47.1	88.9	-29.4	-50.0	50.0

## B. Types of Actions Taken on Rules

Exhibits 6 through 10 summarize the actions taken on agency rules under Executive Order No. 12291 during 1989. The analogous Exhibits 6A-9A show 1988 data for comparison. Exhibit 11 compares OMB's action during 1989 with actions in previous years.

Exhibit 6 shows the number of rules by type of OMB action during 1989. Of the 2,220 rules reviewed during 1989, OMB found that 73.8 percent were consistent with the principles of the Executive Order as submitted, 19.4 percent were consistent with the Order after the agency adopted changes during the review period, 1.3 percent were inconsistent with the Order and returned to the agency for reconsideration, another 2.7 percent were withdrawn by agencies, and 0.7 percent were suspended. Emergency rules and rules subject to statutory or judicial deadlines constituted 2.0 percent of all 1989 rules, and 0.1 percent were sent improperly or were exempt. Exhibit 6A shows the type of OMB action taken during 1988.

Exhibits 7 and 7A show the percentage of rules in each category for the 21 most active rulemaking agencies in 1988 and 1989.

Exhibit 8 lists by name each of the 29 rules returned for reconsideration in 1989, and Exhibit 8A lists the 29 rules returned for reconsideration in 1988. Exhibit 9 lists by name each of the 61 rules withdrawn by agencies during OMB review in 1989, and Exhibit 9A lists the 57 rules withdrawn by agencies in 1988. 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 10 lists by name each of the 15 rules suspended in 1989. OMB may suspend rules, if agencies have not responded in a timely fashion to requests for information needed to complete a review.

Exhibit 11 compares OMB actions on agency rules during the past 9 years. The percent of rules OMB found consistent with the Executive Order declined rather steadily from 87.3 percent in 1981 to 68.3 percent in 1986, but increased slightly to 70.9 percent in 1988 and 73.8 percent in 1989. At the same time, the percent of rules OMB found consistent after change increased sharply from 4.9 percent in 1981 to 23.7 percent in 1987 and declined to 19.4 percent in

1989. The percent of rules that agencies withdrew through 1985 increased to 3.1 percent from 1.8 percent in 1981, then declined to 2.4 percent in 1988 and increased to 2.8 percent in 1989. The percent of rules that OMB returned for agency reconsideration has fluctuated over the years but reached a low point of 0.4 percent in 1987 compared to a high of 2.7 percent in 1984. In 1989, the number returned for reconsideration increased to 1.3 percent. Only 0.6 percent of rules were suspended in 1989, the first year this type of action was taken. The percent of rules issued by agencies under emergency, statutory, or judicial deadlines has varied from 1.2 percent in 1985 to 4.3 percent the following year; in 1989 it was 1.6 percent.

Exhibit 12 shows OMB's average regulatory review time by agency from 1981 to 1989 for all 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 major rules was 13 days; in 1989, it was 59 days. OMB's average review time in 1981 for nonmajor rules was 9 days, as compared with an average of 28 days in 1989. The 1989 average review time for all rules was 29 days.

## 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 1989, OMB had granted a total of 29 exemptions (some covering more than one of the categories above) to eight agencies. Exhibit 13 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 the precise 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 14 shows the number of pages published in the *Federal Register* from its inception in 1936 through 1989. There was little year-to-year change until the 1970s when the size of the *Federal Register* increased dramatically. But in 1981, the year Executive Order No. 12291 went into effect, the growth in the *Federal Register* ended.

In fact, the exhibit shows that from 1981 to 1986 the size of the *Federal Register* has declined steadily on an annual basis. In 1981 through 1984, 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. But in 1986, the number of *Federal Register* pages declined 11.3 percent to its lowest level since 1974. In 1987, the number of published pages increased 4.7 percent above the 1986 level. In 1988, the number of published pages again increased by 7.5 percent, and in 1989 the pages increased modestly by 0.9 percent. Nevertheless, the overall trend of the past 8 years is significantly downward sloping.

Exhibit 15 further depicts the effects of Executive Order No. 12291 on the size of the *Federal Register*. It does this by showing the number of pages published in the *Federal Register* each month since 1977. The dramatic break with the upward trend in the 1970s is clearly evident.

Exhibit 16 depicts the total number of proposed and final rule documents published since 1977. This chart parallels the exhibit for pages published. It also indicates that since Executive Order No. 12291 was issued, Federal regulatory activity as represented by documents issued has decreased.

Exhibits 17, 18, and 19 provide various measures of regulatory activity since 1980.

## EXHIBIT 6. TYPES OF ACTIONS TAKEN ON AGENCY RULES DURING 1989

Agency	Total reviews	Consistent without change	Consistent with change	Withdrawn by agency	Returned for reconsideration	Returned, sent improperly	Suspended	Emergency	Statutory or judicial deadline
USDA .....	405	339	58	4	1	0	1	2	0
HHS .....	283	187	82	7	5	0	2	0	0
DOT .....	250	195	48	3	1	0	0	1	2
EPA .....	201	97	59	5	11	0	4	1	24
DOC .....	195	177	12	5	0	0	0	1	0
DOJ .....	100	87	6	2	0	1	0	2	2
DOI .....	97	82	11	2	2	0	0	0	0
VA .....	95	85	8	2	0	0	0	0	0
ED .....	82	51	26	4	0	0	1	0	0
HUD .....	78	27	30	14	3	0	3	0	1
GSA .....	61	46	10	3	2	0	0	0	0
DOL .....	60	22	33	0	2	0	2	0	1
OPM .....	53	43	5	2	2	0	0	0	1
TREAS .....	47	37	9	1	0	0	0	0	0
SBA .....	39	30	8	0	0	0	0	0	1
FEMA .....	29	16	10	3	0	0	0	0	0
RRB .....	21	19	2	0	0	0	0	0	0
DOE .....	19	12	2	2	0	0	0	1	2
NASA .....	16	11	3	0	0	0	1	0	1
STATE .....	15	14	1	0	0	0	0	0	0
NARA .....	8	7	1	0	0	0	0	0	0
USIA .....	7	6	0	1	0	0	0	0	0
DOD .....	6	3	1	1	0	0	1	0	0
EEOC .....	5	4	1	0	0	0	0	0	0
NSF .....	5	5	0	0	0	0	0	0	0
USIDCA .....	4	3	1	0	0	0	0	0	0
FMCS .....	3	2	1	0	0	0	0	0	0
Other Temporary Commissions..	3	3	0	0	0	0	0	0	0
ACTION .....	2	2	0	0	0	0	0	0	0
ADF .....	2	2	0	0	0	0	0	0	0
IMS .....	2	2	0	0	0	0	0	0	0
PEACE .....	2	2	0	0	0	0	0	0	0
SSS .....	2	2	0	0	0	0	0	0	0
ATBCB .....	1	0	1	0	0	0	0	0	0
CCR .....	1	0	1	0	0	0	0	0	0
NEA .....	1	1	0	0	0	0	0	0	0
NEH .....	1	1	0	0	0	0	0	0	0
OMB .....	1	1	0	0	0	0	0	0	0
PBGC .....	1	1	0	0	0	0	0	0	0
Federal Acquisition Regulations	1	1	0	0	0	0	0	0	0
Federal Credit System Assistance Board .....	1	1	0	0	0	0	0	0	0
FHLBB .....	2	0	0	0	0	0	0	1	1
Inter-American Foundation .....	2	2	0	0	0	0	0	0	0
Office of Government Ethics .....	1	1	0	0	0	0	0	0	0
PCC .....	7	7	0	0	0	0	0	0	0
RTC .....	1	1	0	0	0	0	0	0	0
USTR .....	1	1	0	0	0	0	0	0	0
U.S. Office of Special Counsel....	1	0	1	0	0	0	0	0	0
Total .....	2,220	1,638	431	61	29	1	15	9	36
Percentage of total .....	100.0	73.8	19.4	2.7	1.3	0.1	0.7	0.4	1.6

## EXHIBIT 6A. TYPES OF ACTIONS TAKEN ON AGENCY RULES DURING 1988

Agency	Total reviews	Consistent without change	Consistent with change	Withdrawn by agency	Returned for reconsideration	Returned, sent improperly	Emergency	Statutory or judicial deadline
USDA.....	441	364	56	5	10	0	5	1
HHS.....	320	209	101	5	3	1	0	1
DOT.....	257	169	79	3	2	0	1	3
EPA.....	210	107	58	6	7	0	1	31
DOI.....	152	132	14	5	1	0	0	0
DOC.....	145	96	19	2	1	0	4	23
ED.....	123	82	39	2	0	0	0	0
HUD.....	105	57	31	11	0	0	0	6
VA.....	82	68	12	1	1	0	0	0
DOL.....	77	37	36	2	1	0	0	1
OPM.....	74	62	11	0	0	1	0	0
GSA.....	57	42	12	1	1	0	0	1
DOJ.....	52	44	8	0	0	0	0	0
SBA.....	37	20	12	2	1	1	0	1
TREAS.....	37	32	5	0	0	0	0	0
FEMA.....	30	18	7	5	0	0	0	0
DOE.....	20	14	4	0	1	0	0	1
NARA.....	17	13	0	4	0	0	0	0
NASA.....	17	16	1	0	0	0	0	0
STATE.....	17	14	2	0	0	0	0	1
RRB.....	14	14	0	0	0	0	0	0
DOD.....	12	10	2	0	0	0	0	0
USIDCA.....	9	8	1	0	0	0	0	0
NSF.....	8	7	1	0	0	0	0	0
Other Temporary Com- missions.....	7	6	1	0	0	0	0	0
USIA.....	7	6	0	1	0	0	0	0
IMS.....	6	5	0	1	0	0	0	0
ATBCB.....	4	4	0	0	0	0	0	0
FMCS.....	4	3	1	0	0	0	0	0
NEA.....	4	2	1	1	0	0	0	0
ACTION.....	3	3	0	0	0	0	0	0
NEH.....	3	1	2	0	0	0	0	0
PBGC.....	3	3	0	0	0	0	0	0
ADF.....	1	0	1	0	0	0	0	0
CCR.....	1	1	0	0	0	0	0	0
EEOC.....	1	1	0	0	0	0	0	0
OMB.....	1	0	1	0	0	0	0	0
PADC.....	1	1	0	0	0	0	0	0
PEACE.....	1	1	0	0	0	0	0	0
SSS.....	1	1	0	0	0	0	0	0
TVA.....	1	1	0	0	0	0	0	0
Total.....	2,362	1,674	518	57	29	3	11	70
Percentage of total.....	100.0	70.9	21.9	2.4	1.2	0.1	0.5	3.0

**EXHIBIT 7. TYPES OF ACTIONS TAKEN ON AGENCY RULES DURING 1989 BY PERCENTAGE**

Agency	Total reviews	Consistent without change	Consistent with change	Withdrawn by agency	Returned for reconsideration	Suspended	Emergency	Statutory or judicial deadline
USDA .....	405	83.7	14.3	1.0	0.2	0.0	0.5	0.2
HHS .....	283	66.1	29.0	2.5	1.8	0.7	0.0	0.0
DOT .....	250	78.0	19.2	1.2	0.4	0.0	0.4	0.8
EPA .....	201	48.3	29.4	2.5	5.5	2.0	0.5	11.9
DOC .....	195	90.8	6.2	2.6	0.0	0.0	0.5	0.0
DOJ** .....	100	87.0	6.0	2.0	0.0	0.0	2.0	2.0
DOI .....	97	84.5	11.3	2.1	2.1	0.0	0.0	0.0
VA .....	95	89.5	8.4	2.1	0.0	0.0	0.0	0.0
ED .....	82	62.2	31.7	4.9	0.0	1.2	0.0	0.0
HUD .....	78	34.6	38.5	17.9	3.8	2.8	0.0	1.3
GSA .....	61	75.4	16.4	4.9	3.3	0.0	0.0	0.0
DOL* .....	60	32.3	55.9	1.7	1.7	0.0	0.0	1.7
OPM .....	53	81.1	9.4	3.8	3.8	0.0	0.0	1.9
TREAS. ....	47	78.7	19.1	2.1	0.0	0.0	0.0	0.0
SBA .....	39	76.9	20.5	0.0	0.0	0.0	0.0	2.6
FEMA .....	29	55.2	34.5	10.3	0.0	0.0	0.0	0.0
RRB .....	21	90.5	9.5	0.0	0.0	0.0	0.0	0.0
DOE .....	19	63.2	10.5	10.5	0.0	0.0	5.3	10.5
NASA .....	16	68.8	18.8	0.0	0.0	6.3	0.0	6.3
STATE .....	15	93.3	6.7	0.0	0.0	0.0	0.0	0.0
NARA .....	8	87.5	12.5	0.0	0.0	0.0	0.0	0.0
All Other .....	67	80.6	10.4	1.5	0.0	6.0	1.5	0.0
Total .....	2,220	73.8	19.4	2.7	1.3	0.7	0.4	1.6

\* Includes one returned sent improperly.

\*\* Includes one returned exempt.

**EXHIBIT 7A. TYPES OF ACTIONS TAKEN ON AGENCY RULES DURING 1988 BY PERCENTAGE**

Agency	Total reviews	Consistent without change	Consistent with change	Withdrawn by agency	Returned for reconsideration	Returned, sent improperly	Emergency	Statutory or judicial deadline
USDA .....	441	82.5	12.7	1.1	2.3	0.0	1.1	0.2
HHS .....	320	65.3	31.6	1.6	0.9	0.3	0.0	0.3
DOT .....	257	65.8	30.7	1.2	0.8	0.0	0.4	1.2
EPA .....	210	51.0	27.6	2.9	3.3	0.0	0.5	14.8
DOI .....	152	86.8	9.2	3.3	0.7	0.0	0.0	0.0
DOC .....	145	66.2	13.1	1.4	0.7	0.0	2.8	15.9
ED .....	123	66.7	31.7	1.6	0.0	0.0	0.0	0.0
HUD .....	105	54.3	29.5	10.5	0.0	0.0	0.0	5.7
VA .....	82	82.9	14.6	1.2	1.2	0.0	0.0	0.0
DOL .....	77	48.1	46.8	2.6	1.3	0.0	0.0	1.3
OPM .....	74	83.8	14.9	0.0	0.0	1.4	0.0	0.0
GSA .....	57	73.7	21.1	1.8	1.8	0.0	0.0	1.8
DOJ .....	52	84.6	15.4	0.0	0.0	0.0	0.0	0.0
SBA .....	37	54.1	32.4	5.4	2.7	2.7	0.0	2.7
TREAS. ....	37	86.5	13.5	0.0	0.0	0.0	0.0	0.0
FEMA .....	30	60.0	23.3	16.7	0.0	0.0	0.0	0.0
DOE .....	20	70.0	20.0	0.0	5.0	0.0	0.0	5.0
NARA .....	17	76.5	0.0	23.5	0.0	0.0	0.0	0.0
NASA .....	17	94.1	5.9	0.0	0.0	0.0	0.0	0.0
STATE .....	17	82.4	11.8	0.0	0.0	0.0	0.0	5.9
RRB .....	14	100.0	0.0	0.0	0.0	0.0	0.0	0.0
All other .....	78	82.1	14.1	3.8	0.0	0.0	0.0	0.0
Total .....	2,362	70.9	21.9	2.4	1.2	0.1	0.5	3.0

**EXHIBIT 8. REGULATIONS RETURNED TO AGENCIES FOR RECONSIDERATION DURING 1989**

Agency/Title of regulation	Type	Received	Reviewed
<b>UNITED STATES DEPARTMENT OF AGRICULTURE</b>			
Loans, Purchases, and Other Operations .....	Final	12/22/88	01/13/89
<b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>			
Mental Disorders in Children .....	NPRM	08/08/88	01/11/89
Income Parent to Child Deeming .....	NPRM	08/23/88	01/11/89
End-Stage Renal Disease Program: Revised Composite Rates.....	Final	08/31/88	02/27/89
Reciprocal Offset .....	NPRM	02/29/88	03/16/89
Hospice/Case Management, Medicaid and Medicare.....	NPRM	03/13/89	05/05/89
<b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>			
HUD Procedures for Implementing Executive Orders 11988 and 11990.....	NPRM	08/23/89	10/06/89
Prepayment of a HUD-Insured Mortgage by an Owner of Low-Income Housing.....	Final	07/14/89	10/04/89
Deregulation of Mortgage Income Requirements .....	Final	01/12/89	03/17/89
<b>DEPARTMENT OF THE INTERIOR</b>			
Valuation Benchmarks in Gas Regulations .....	NPRM	02/13/89	08/09/89
Dual Accounting Requirement in Gas Valuation Regulations .....	NPRM	02/16/89	08/09/89
<b>DEPARTMENT OF LABOR</b>			
Ionizing Radiation Standards for Underground Metal and Nonmetal Mines .....	Final	09/07/88	08/22/89
Respiratory Protection.....	NPRM	05/15/87	07/24/89
<b>DEPARTMENT OF TRANSPORTATION</b>			
Civil Supersonic Aircraft Noise Type Certification Standards .....	NPRM	09/19/89	10/10/89
<b>ENVIRONMENTAL PROTECTION AGENCY</b>			
CERCLA Manual on Compliance with Other Laws.....	NPRM	05/16/88	07/24/89
Surface Impoundment Clean Closure Guidance .....	NPRM	11/02/87	07/24/89
Carbon Monoxide Controls for Hazardous Waste Incinerators.....	NPRM	07/19/88	02/23/89
Hazardous Waste Incinerator Standards.....	NPRM	07/20/88	02/23/89
Metals and Hydrogen Chloride Controls for Hazardous Waste Incinerators .....	NPRM	07/20/88	02/23/89
Liner/Leak Detection Rule .....	NPRM	04/18/89	11/27/89
Open Burning Permits for Holston Army Ammunition Plant. Refueling and Evaporative Emissions for Gasoline and Methanol-Fueled Vehicles, Light-Duty Trucks, and Heavy-Duty Vehicles .....	NPRM	04/26/89	06/01/89
NSPS for SOCOMI Reactor Processes.....	Final	10/28/88	04/18/89
NSPS for SOCOMI Distillation Unit Operations.....	Final	11/10/88	04/13/89
NSPS for SOCOMI Air Oxidation Unit Processes .....	Final	11/10/88	04/13/89
<b>GENERAL SERVICES ADMINISTRATION</b>			
Governmentwide Real Property Asset Management .....	NPRM	06/07/89	07/31/89
Assignment and Utilization of Space Amendment D.....	NPRM	06/07/89	07/31/89
<b>OFFICE OF PERSONNEL MANAGEMENT</b>			
Disability Retirement .....	NPRM	02/01/89	04/25/89
Excepted Service—Schedule A Authority for Employment of Summer Aides.....	NPRM	08/29/88	03/08/89

**EXHIBIT 8A. REGULATIONS RETURNED TO AGENCIES FOR RECONSIDERATION DURING 1988**

Agency/Title of regulation	Type	Received	Reviewed
<b>UNITED STATES DEPARTMENT OF AGRICULTURE</b>			
Governmentwide Debarment and Suspension (Nonprocurement).....	NPRM	05/13/88	05/25/88
Use of Sodium Lactate and Potassium Lactate as Flavor Enhancers .....	Final	05/23/88	08/16/88
Use of Certain Binders in Meat and Poultry Products.....	Final	04/28/88	08/16/88
Labeling of Meat Food Products—Mechanically Separated ...	NPRM	05/03/88	08/18/88
Confidential Business Information Involving Biotechnical Research .....	NPRM	02/25/88	08/22/88
Nonprocurement Debarment and Suspension .....	Final	10/04/88	10/07/88
Addition of Part 1710 and Sections 1710.90 and 1710.94 .....	NPRM	04/19/88	06/29/88
Implementation of the Program Fraud Civil Remedies Act of 1986 .....	NPRM	07/08/88	10/17/88
Rural Telephone Bank Advanced Payments .....	NPRM	06/29/88	10/21/88
Governmentwide Debarment and Suspension (Nonprocurement).....	NPRM	10/04/88	10/06/88
<b>DEPARTMENT OF COMMERCE</b>			
Foreign Fishing Regulations .....	NPRM	10/04/88	11/15/88
<b>DEPARTMENT OF ENERGY</b>			
Collection of Claims Owed the United States .....	Final	02/29/88	04/20/88
<b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>			
Recordkeeping and Reporting Possible Misconduct in Science .....	NPRM	04/18/88	04/30/88
Definition of Accrual Basis of Accounting .....	NPRM	01/27/88	05/26/88
Hospice/Case Management—Medicaid—Medicare.....	NPRM	10/28/87	06/28/88
<b>DEPARTMENT OF THE INTERIOR</b>			
Oil and Gas Valuation .....	NPRM	03/09/88	07/05/88
<b>DEPARTMENT OF LABOR</b>			
Employment of Homeworkers in Certain Industries .....	NPRM	03/16/88	03/30/88
<b>DEPARTMENT OF TRANSPORTATION</b>			
Maintenance and Repair Surveys .....	NPRM	03/25/88	05/29/88
Antidrug Programs for DOT Contractors .....	NPRM	09/09/88	11/23/88
<b>VETERANS ADMINISTRATION</b>			
Equal Access to Justice Act, Procedural Rules .....	NPRM	08/21/87	08/02/88
<b>ENVIRONMENTAL PROTECTION AGENCY</b>			
ATEC Industries—Canfield.....	NPRM	11/20/87	06/09/88
Astro Shapes.....	NPRM	11/17/87	06/09/88
Refueling and Evaporative Emissions.....	NPRM	09/16/88	09/29/88
Georgia-Pacific.....	NPRM	11/05/87	05/12/88
Printpack .....	NPRM	11/20/87	05/12/88
NSPS Portland Cement .....	Final	09/24/86	06/10/88
EASCO Aluminum Corporation.....	NPRM	12/03/87	06/09/88
<b>GENERAL SERVICES ADMINISTRATION</b>			
Public Voucher for Transportation Charges.....	Final	04/04/88	04/26/88
<b>SMALL BUSINESS ADMINISTRATION</b>			
Loans to State and Local Development Companies.....	NPRM	04/08/88	06/14/88

**EXHIBIT 9. REGULATIONS WITHDRAWN BY AGENCIES DURING 1989**

Agency/Title of regulation	Type	Date received	Date withdrawn
<b>UNITED STATES DEPARTMENT OF AGRICULTURE</b>			
National Commodity Processing Program.....	Final	04/14/89	04/21/89
Peanut Warehouse Storage 1986-1990 Crops.....	Final	04/27/89	05/20/89
Secondary Market for Guaranteed FmHA Farm Loans.....	NPRM	02/17/89	06/03/89
Prepayment of REA Guaranteed Federal Financing Bank Loans.....	Final	08/31/89	12/28/89
<b>DEPARTMENT OF COMMERCE</b>			
Atlantic Sea Scallop Fishery, Amendment 3 .....	NPRM	05/17/89	06/30/89
Foreign Fishing Regulation .....	NPRM	07/28/89	09/07/89
Eligibility for Distribution License.....	Final	07/13/89	07/25/89
Requiring Observers to be Carried on U.S. Fishing Vessels...	NPRM	11/18/88	02/08/89
Distribution License for the People's Republic of China .....	NPRM	03/03/89	03/08/89
<b>DEPARTMENT OF DEFENSE</b>			
Shoreline Management at Civil Works Projects .....	Final	05/11/89	10/26/89
<b>DEPARTMENT OF EDUCATION</b>			
Secretary's Fund for Innovation in Education .....	NPRM	03/23/89	04/18/89
Verification of Student Aid Application Information .....	NPRM	09/29/88	07/26/89
Disposal and Utilization of Surplus Federal Real Property for Educational Purposes.....	NPRM	03/16/89	06/28/89
Rehabilitation Training Program Funding Priorities for FY 1990 .....	NPRM	07/12/89	07/27/89
<b>DEPARTMENT OF ENERGY</b>			
Electric Rates, Innovative Low-Emission Technologies.....	NPRM	05/10/89	05/22/89
Life Cycle Cost Analysis Methodology and Procedures.....	NPRM	06/06/89	11/09/89
<b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>			
Pasteurized Process Cheese and Related Products, Standards of Identity.....	Final	11/17/88	06/01/89
Patient Examination and Surgeon's Gloves, Adulteration .....	Final	08/16/89	09/08/89
Skim Milk and Skim Milk Cheese, Standards for Identity ....	Final	11/17/88	06/01/89
Grants for Organ Procurement Organizations.....	Final	04/20/89	04/27/89
In-Home Respite Care (Medicare).....	NPRM	09/18/89	12/05/89
Standards for Program Operations.....	NPRM	10/14/88	02/06/89
Eligibility, Selection, Enrollment and Attendance in Head Start .....	NPRM	12/21/88	03/02/89
<b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>			
Loans and Housing for the Elderly or Handicapped .....	Final	05/03/89	05/10/89
Standards of Conduct.....	NPRM	06/23/89	08/10/89
Prepayment of a HUD-Insured Mortgage by an Owner of Low-Income Housing .....	Final	08/17/88	01/26/89
Real Estate Settlement Procedures Act—Controlled Business Provisions.....	Final	12/12/88	01/10/89
Interstate Land Sales Registration.....	Final	03/15/89	03/30/89
Project-Based Section 8 Assistance .....	Final	04/20/89	05/12/89
Nehemiah Housing Opportunity .....	Final	05/02/89	05/10/89
State Agency Amendments—Prohibited Lease Terms.....	Final	05/18/89	05/28/89
Lead-Based Paint Poisoning Prevention.....	Final	08/28/89	11/08/89
Fair Housing Accessibility Guidelines .....	NPRM	09/08/89	11/06/89

**EXHIBIT 9. REGULATIONS WITHDRAWN BY AGENCIES DURING 1989—Continued**

Agency/Title of regulation	Type	Date received	Date withdrawn
<b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Continued:</b>			
Additional Types of Mortgages and Loans for Direct Endorsement Processing.....	Final	11/03/89	11/13/89
Prohibitions on Use of UDAG for Business Relocations.....	Final	10/14/88	02/07/89
Urban Homesteading Program .....	Final	04/27/89	05/08/89
Public Housing Child Care Demonstration Program.....	Final	03/17/89	03/27/89
<b>DEPARTMENT OF THE INTERIOR</b>			
Same-Day Airborne Hunting Regulation .....	NPRM	05/18/89	05/24/89
Nature and Classes of Mining Claims and Assessment Work	NPRM	12/28/88	02/24/89
<b>DEPARTMENT OF JUSTICE</b>			
Asylum and Withholding of Deportation Procedures.....	Final	01/25/89	10/23/89
Admission of Adjustment of Status of Replenishment Agricultural Workers .....	Final	06/02/89	06/28/89
<b>DEPARTMENT OF TRANSPORTATION</b>			
Administration of Contracts.....	NPRM	02/16/89	05/22/89
Bridge Safety Rules .....	NPRM	04/27/89	10/18/89
Cargo Preference Requirements Under Food Security Act of 1985 .....	NPRM	05/27/88	06/27/89
<b>DEPARTMENT OF THE TREASURY</b>			
Customs Bond Structure .....	NPRM	07/21/89	07/25/89
<b>DEPARTMENT OF VETERANS AFFAIRS</b>			
Confidentiality of Tort Claim Peer Review .....	Final	08/10/89	08/10/89
Grants to States for Construction/Acquisition of State Home Facilities .....	NPRM	09/21/89	12/11/89
<b>ENVIRONMENTAL PROTECTION AGENCY</b>			
NSPS for Calciners and Dryers in Mineral Industries.....	Final	01/17/89	07/12/89
Organic Air Emission Standards for Hazardous Waste Treatment, Storage and Disposal Facilities: Process Vents and Equipment Leaks .....	Final	10/10/89	12/01/89
Organic Air Emission Standards for Hazardous Waste Treatment, Storage and Disposal Facilities: Tanks, Surface Impoundments and Containers .....	NPRM	10/10/89	12/01/89
Premanufacture Review Reporting and Exemption Requirements for New Chemical Substances—TSCA Biotechnology.....	NPRM	05/13/88	02/10/89
Experimental Use Permits—FIFRA Biotechnology.....	NPRM	07/05/88	02/10/89
<b>FEDERAL EMERGENCY MANAGEMENT AGENCY</b>			
Graduated Mobilization Response Guidance—Subchapter E Preparedness.....	NPRM	03/22/89	04/19/89
Comprehensive Cooperative Agreement Policies.....	NPRM	06/13/89	08/07/89
National Security Policy Guidance—Scientific and Engineering Workforce .....	NPRM	08/23/89	10/18/89
<b>GENERAL SERVICES ADMINISTRATION</b>			
Structured Evaluation of All Reporting Requirements.....	NPRM	01/11/89	02/13/89
Governmentwide Real Property Asset Management .....	NPRM	09/07/89	10/11/89
Mandatory Federal Telecommunications System (FTS) 2000 Network.....	Final	10/18/89	11/28/89

**EXHIBIT 9. REGULATIONS WITHDRAWN BY AGENCIES DURING 1989—Continued**

Agency/Title of regulation	Type	Date received	Date withdrawn
<b>OFFICE OF PERSONNEL MANAGEMENT</b>			
Special Salary Rates for Recruitment and Retention.....	Final	02/02/88	03/31/89
Debarment, Civil Monetary Penalties and Assessments Imposed on Health Care Practitioners and Providers of Service for Cited Offenses .....	Final	12/22/88	02/22/89
<b>UNITED STATES INFORMATION AGENCY</b>			
Fee for Processing FOIA Requests and Predisclosure Notification for Business Records.....	Final	04/19/89	04/27/89

**EXHIBIT 9A. REGULATIONS WITHDRAWN BY AGENCIES DURING 1988**

Agency/Title of regulation	Type	Date received	Date withdrawn
<b>UNITED STATES DEPARTMENT OF AGRICULTURE</b>			
Ocean Transportation Bidding Procedures.....	NPRM	07/26/88	12/19/88
Recreation Residence Authorizations.....	Final	03/22/88	04/05/88
Addition of Sections 1703.90-1703.94.....	NPRM	03/01/88	03/21/88
Determining Price Quotations for Spot Cotton.....	NPRM	02/04/88	02/11/88
Pesticide Certification and Fee Schedule for Imported Flue-Cured and Barley Tobacco.....	NPRM	07/13/88	11/02/88
<b>DEPARTMENT OF COMMERCE</b>			
Amendment 4 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico.....	NPRM	10/04/88	10/14/88
Property Management Standards Section 314.6 Mortgages ...	Final	06/02/87	03/01/88
<b>DEPARTMENT OF EDUCATION</b>			
Priorities for the National Institute on Disability and Rehabilitation Research .....	NPRM	09/27/88	10/07/88
Debarment and Suspension (Nonprocurement) .....	NPRM	09/28/87	05/05/88
<b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>			
HCFA Availability of Funds for Cooperative Agreements and Grants.....	Final	09/13/88	12/08/88
Nighttime Sleep-Aid Drug Products for Over-the-Counter Use.....	Final	05/16/88	05/26/88
Federal Financial Participation in the Cost of a Statewide Mechanized Claims Processing and Information Retrieval System.....	NPRM	07/10/87	01/29/88
Presumptive Disability and Presumptive Blindness Categories of Impairments—Renal Disease Requiring Dialysis.	NPRM	12/09/87	03/14/88
Availability of Funds for Research—Prevention of Unintentional Injuries in Infancy, Childhood and Adolescence .....	NPRM	12/02/87	01/19/88
<b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>			
Lead Standards in Water Piping (FR-2296) .....	Final	03/09/88	05/05/88
Increase in the Single Person Occupancy Limitation (FR-2063).....	NPRM	06/09/88	06/19/88

**EXHIBIT 9A. REGULATIONS WITHDRAWN BY AGENCIES DURING 1988—Continued**

Agency/Title of regulation	Type	Date received	Date withdrawn
<b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Continued:</b>			
Authorize Additional Types of Mortgages and Loans for Direct Endorsement Processing .....	NPRM	08/09/88	10/18/88
Project Based Section 8 Assistance (FR-2502).....	Final	05/23/88	10/18/88
Occupant and Investor Mortgagors (FR-2456).....	Final	03/08/88	05/04/88
Project Based Section 8 Assistance—Interim Rule .....	Final	04/28/88	05/03/88
Grade Marking of Plywood (FR-2407).....	NPRM	01/21/88	02/03/88
Mat-Formed Particleboard (FR-2322).....	NPRM	01/21/88	02/03/88
Loans for Housing for the Elderly or Handicapped (FR-2345).....	NPRM	11/18/87	01/07/88
Management and Disposition of HUD-Owned Multifamily Projects .....	Final	11/20/87	01/12/88
Community Development Block Grants—Relocation Disposition and Acquisition .....	Final	07/06/88	07/13/88
<b>DEPARTMENT OF THE INTERIOR</b>			
Alluvial Valley Floors.....	NPRM	12/14/87	02/04/88
Contracts Under the Self-Determination Act .....	NPRM	09/01/87	04/29/88
Indian School Equalization Program.....	NPRM	09/01/87	04/29/88
Federal Schools for Indians.....	NPRM	04/15/88	04/29/88
Tribal Bingo Management Contracts .....	NPRM	09/23/88	10/18/88
<b>DEPARTMENT OF LABOR</b>			
Claims of Compensation Under the Federal Employees' Compensation Act.....	Final	11/03/88	11/07/88
Employment of Homeworkers in Certain Industries .....	Final	06/01/87	02/03/88
<b>DEPARTMENT OF TRANSPORTATION</b>			
Gas Pipelines Operating in Excess of 72 Percent of SMYS ...	NPRM	08/29/88	12/09/88
Labor and Employment.....	Final	03/24/86	03/04/88
Truck Size and Weight, Maxi-Cube Vehicle.....	Final	07/17/87	03/04/88
<b>ENVIRONMENTAL PROTECTION AGENCY</b>			
NSPS Pharmaceutical Manufacturing Point Source Category	Final	05/02/86	06/16/88
Ocean Dumping Regulations Concerning Ocean Incineration	NPRM	08/31/88	11/18/88
Groundwater Classification Guidelines.....	Final	08/04/88	12/05/88
NESHAPS, Radon-222 Emissions for Licensed Uranium Mill Tailings.....	NPRM	09/02/88	09/08/88
Automotive Coating—California .....	NPRM	09/22/88	12/22/88
Phase II Drinking Water MCLs.....	NPRM	09/09/88	11/08/88
<b>FEDERAL EMERGENCY MANAGEMENT AGENCY</b>			
Elevated Building Coverage.....	NPRM	02/29/88	03/30/88
State and Local Radiological Emergency Plans and Preparedness .....	NPRM	02/11/88	04/15/88
Disaster Preparedness Assistance, Subchapter E .....	NPRM	02/11/88	04/15/88
Comprehensive Cooperative Agreement Policies, Procedures.	NPRM	09/06/88	12/05/88
Hurricane Preparedness Assistance to State and Local Governments .....	NPRM	06/22/88	09/09/88
<b>GENERAL SERVICES ADMINISTRATION</b>			
Ordering Items from the GSA Supply Catalog.....	Final	04/25/88	08/01/88

**EXHIBIT 9A. REGULATIONS WITHDRAWN BY AGENCIES DURING 1988—Continued**

Agency/Title of regulation	Type	Date received	Date withdrawn
INSTITUTE OF MUSEUM SERVICES Professional Services Program.....	Final	03/21/88	05/05/88
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION Electronic Records Management .....	NPRM	08/23/88	12/09/88
Electronic Records Management .....	NPRM	10/27/88	11/25/88
Presidential Records Act of 1978 .....	NPRM	08/14/87	12/09/88
Presidential Records Act of 1978 .....	NPRM	07/05/88	11/08/88
NATIONAL ENDOWMENT FOR THE ARTS Grants and Cooperative Agreements to State and Local Governments.....	Final	09/01/88	09/19/88
SMALL BUSINESS ADMINISTRATION Small Business Size Standards for Industries Without an Established Size Standard.....	Final	05/31/88	07/29/88
Small Business Size Standards for the Construction In- dustry .....	Final	06/13/88	12/02/88
UNITED STATES INFORMATION AGENCY Uniform Administrative Requirements for Grants and Coop- erative Agreements .....	NPRM	09/02/88	09/09/88
VETERANS ADMINISTRATION Veterans' Benefits Improvement and Health-Care Authoriza- tion Act.....	NPRM	03/30/88	10/24/88

**EXHIBIT 10. REGULATIONS SUSPENDED DURING 1989**

Agency/Title of regulation	Type	Received	Reviewed
UNITED STATES DEPARTMENT OF AGRICULTURE Verified Residue Control Program.....	NPRM	08/24/89	12/14/89
DEPARTMENT OF DEFENSE Protecting Historic Properties—Appendix C .....	Final	04/08/88	08/17/89
DEPARTMENT OF EDUCATION Federal, State, and Local Partnership for Educational Im- provement .....	Final	06/26/89	11/17/89
DEPARTMENT OF HEALTH AND HUMAN SERVICES Food Labeling, Health Messages and Label Statements.....	Final	09/19/88	07/14/89
Respiratory Protective Devices .....	NPRM	01/10/89	09/19/89
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HUD Procedures for Implementing Executive Orders 11988 and 11990.....	NPRM	01/09/89	08/08/89
Project-Based Section 8 Assistance—Interim Rule.....	Final	05/25/89	08/04/89
Computer Automation of Required Data for Certification .....	Final	06/16/89	08/04/89
DEPARTMENT OF LABOR Occupational Exposures to Hazardous Chemicals in Labora- tories.....	Final	08/25/88	10/06/89
Electrical Safety Standards for Metal and Nonmetal Mines .....	NPRM	01/06/89	07/14/89

**EXHIBIT 10. REGULATIONS SUSPENDED DURING 1989—Continued**

Agency/Title of regulation	Type	Received	Reviewed
<b>ENVIRONMENTAL PROTECTION AGENCY</b>			
Reporting Hazardous Waste When Transferring Federal Real Property .....	Final	07/08/88	03/03/89
Corrective Notice and Reproposed Liner/Leak Detection Rule Corrective Action at Hazardous Waste Management Facilities .....	NPRM	08/02/88	04/10/89
Low-Level Radioactive Waste.....	NPRM	10/11/88	04/28/89
	NPRM	08/18/88	03/16/89
<b>NATIONAL AERONAUTICS AND SPACE ADMINISTRATION</b>			
Limited Arrest Authority and Use of Force by NASA Security Personnel .....	NPRM	11/06/89	12/22/89

**EXHIBIT 11. TYPES OF ACTIONS TAKEN ON AGENCY RULES—PERCENTAGE COMPARISON 1981-1989**

Action taken	Percentage in								
	1981	1982	1983	1984	1985	1986	1987	1988	1989
Consistent without change.....	87.3	84.1	82.3	78.0	70.7	68.3	70.5	70.9	73.8
Consistent with change.....	4.9	10.3	12.7	15.1	23.1	22.9	23.7	21.9	19.4
Withdrawn by agency.....	1.8	1.2	1.6	2.4	3.1	2.8	2.5	2.4	2.7
Returned for reconsideration..	1.6	2.1	1.3	2.7	1.5	1.4	0.4	1.2	1.3
Suspended .....	NA	NA	NA	NA	NA	NA	NA	NA	0.7
Sent improperly or exempt .....	3.1	0.9	0.0	0.0	0.3	0.2	0.2	0.1	0.4
Emergency, statutory, or judicial deadline.....	1.4	1.4	2.0	1.7	1.2	4.3	2.5	3.5	1.6
<b>Total*</b> .....	<b>100.1</b>	<b>100</b>	<b>99.9</b>	<b>99.9</b>	<b>99.9</b>	<b>99.9</b>	<b>99.8</b>	<b>100.0</b>	<b>99.9</b>
	Percentage change								
	81-82	82-83	83-84	84-85	85-86	86-87	87-88	88-89	81-89
Consistent without change.....	-3.2	-1.8	-4.3	-7.3	-2.4	2.2	0.4	2.9	-13.5
Consistent with change.....	5.4	2.4	2.4	8.0	-0.2	0.8	-1.8	-2.5	14.5
Withdrawn by agency.....	-0.6	0.4	0.8	0.7	-0.3	-0.3	-0.1	0.4	1.0
Returned for reconsideration..	0.5	-0.8	1.4	-1.2	-0.1	-1.0	0.8	0.1	-0.3
Suspended .....	NA	NA	NA	NA	NA	NA	NA	NA	NA
Sent improperly or exempt .....	-2.2	-0.9	0.0	0.3	-0.1	0.0	-0.1	-0.3	-2.7
Emergency, statutory, or judicial deadline.....	0.0	0.6	-0.3	-0.5	3.1	-1.8	1.0	-1.9	0.2

\* Percentages may not add to 100.0 percent due to rounding.

NA: Not applicable.

**EXHIBIT 12. AVERAGE REVIEW TIME OF RULES UNDER EXECUTIVE ORDER NO. 12291  
(in days)**

	1981-1989			1989			1988			1987			1986		
	Major	Non-major	All	Major	Non-major	All	Major	Non-major	All	Major	Non-major	All	Major	Non-major	All
USDA.....	19	15	15	31	18	19	13	19	19	19	19	19	13	18	18
DOC.....	46	15	16	6	15	15	144	35	36	NA	19	19	127	15	15
DOD.....	11	24	23	NA	92	92	NA	22	22	4	12	11	30	28	28
ED.....	42	18	19	NA	33	33	NA	32	32	NA	15	15	14	13	13
DOE.....	41	18	19	52	98	92	125	42	47	NA	24	24	34	15	17
HHS.....	44	30	30	46	36	36	48	32	33	162	36	37	19	37	36
HUD.....	30	21	22	83	29	31	21	31	31	35	21	22	44	32	33
DOI.....	10	16	16	3	30	29	32	22	23	4	20	19	7	11	11
DOJ.....	2	10	10	1	12	12	NA	17	17	2	6	6	NA	8	8
DOL.....	114	43	50	179	71	86	133	84	87	132	46	54	76	47	49
STATE.....	28	13	13	NA	11	11	NA	20	20	NA	12	12	NA	5	5
DOT.....	41	23	23	71	23	24	58	41	41	21	32	31	32	19	19
TREAS.....	24	16	16	NA	28	28	NA	17	17	NA	16	16	NA	7	7
VA.....	NA	22	22	NA	17	17	NA	30	30	NA	38	38	NA	44	44
EPA.....	64	26	28	104	49	52	51	48	49	49	35	37	41	41	41
Other agencies.....	47	20	20	28	25	25	66	28	28	42	26	26	74	24	25
All government.....	40	21	21	59	28	29	44	32	32	29	24	24	29	24	24
	1985			1984			1983			1982			1981		
	Major	Non-major	All	Major	Non-major	All	Major	Non-major	All	Major	Non-major	All	Major	Non-major	All
USDA.....	15	19	19	11	19	19	15	13	13	17	10	10	22	8	8
DOC.....	NA	12	12	316	14	17	5	11	11	22	9	10	8	8	8
DOD.....	NA	30	30	NA	30	30	NA	16	16	NA	6	6	NA	9	9
ED.....	NA	16	16	39	18	19	NA	11	11	32	12	13	NA	8	8
DOE.....	30	7	8	77	9	12	45	7	9	26	6	7	7	7	7
HHS.....	74	46	47	3	33	33	35	18	19	21	10	11	8	7	7
HUD.....	NA	27	27	10	18	17	12	15	15	NA	11	11	NA	14	14
DOI.....	5	19	19	7	17	17	12	17	17	13	10	10	6	8	8
DOJ.....	NA	9	9	NA	10	10	NA	14	14	NA	7	7	NA	6	6
DOL.....	173	55	61	NA	43	43	121	18	29	37	10	12	26	6	9
STATE.....	NA	16	16	NA	5	5	28	10	16	NA	7	7	NA	9	9
DOT.....	80	34	36	42	20	21	24	15	15	37	12	12	8	8	8
TREAS.....	16	13	13	17	18	18	NA	12	12	60	13	14	1	8	8
VA.....	NA	23	23	NA	15	15	NA	15	15	NA	11	11	NA	10	10
EPA.....	78	33	35	58	30	31	14	22	22	88	17	19	12	9	9
Other agencies.....	105	23	25	26	20	20	35	14	14	40	13	14	5	10	10
All government.....	64	26	27	31	22	22	28	15	16	28	11	12	13	9	9

**EXHIBIT 13. 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.

*Agricultural 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 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.

**EXHIBIT 13. AGENCY RULES EXEMPTED FROM REVIEW PROCEDURES—Continued**

*Office of Solid Waste and Emergency Response*—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).

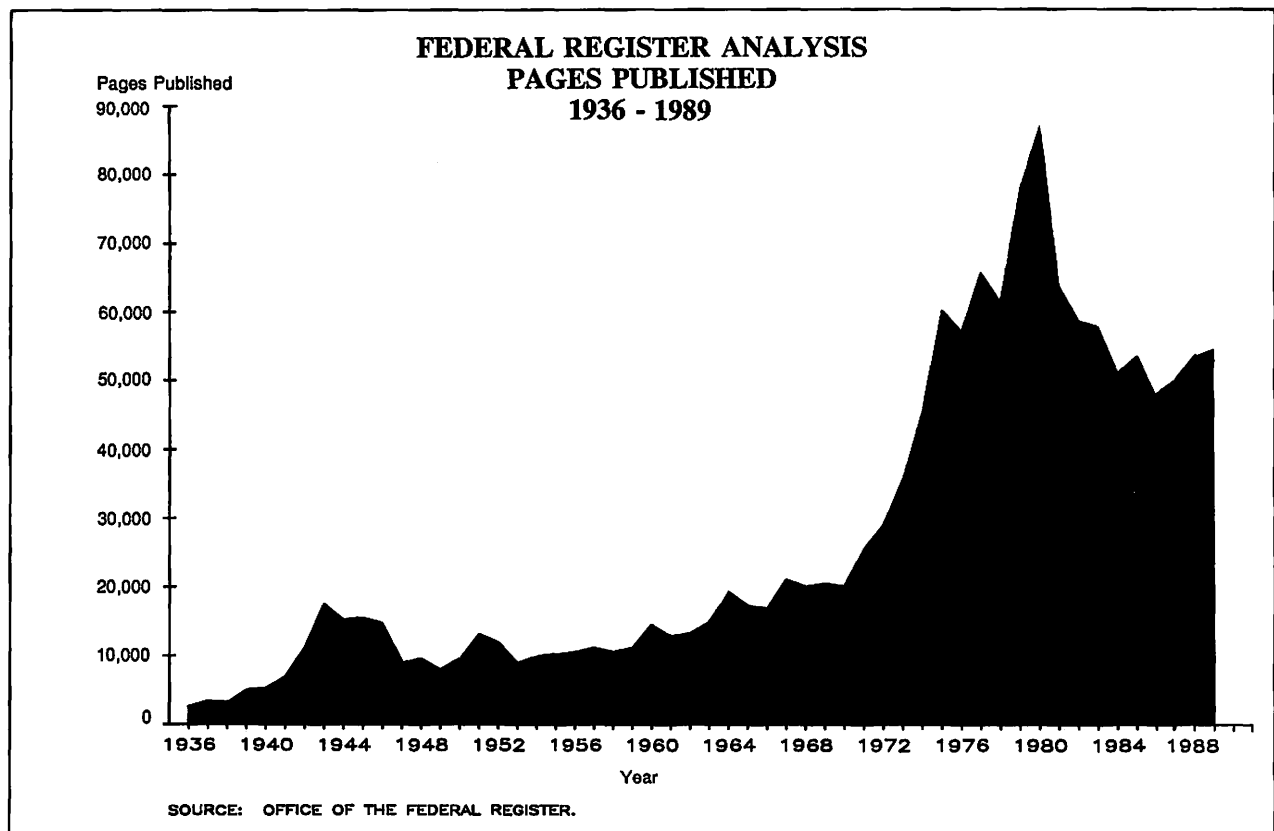
**EXHIBIT 14**

EXHIBIT 15.

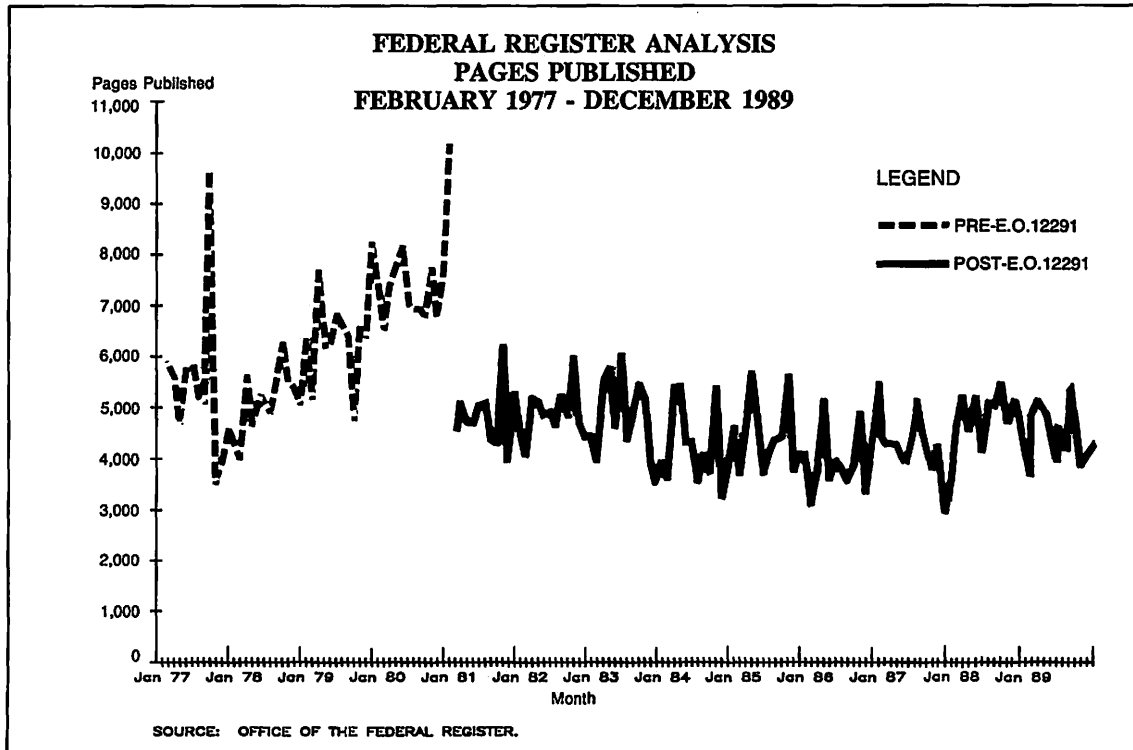
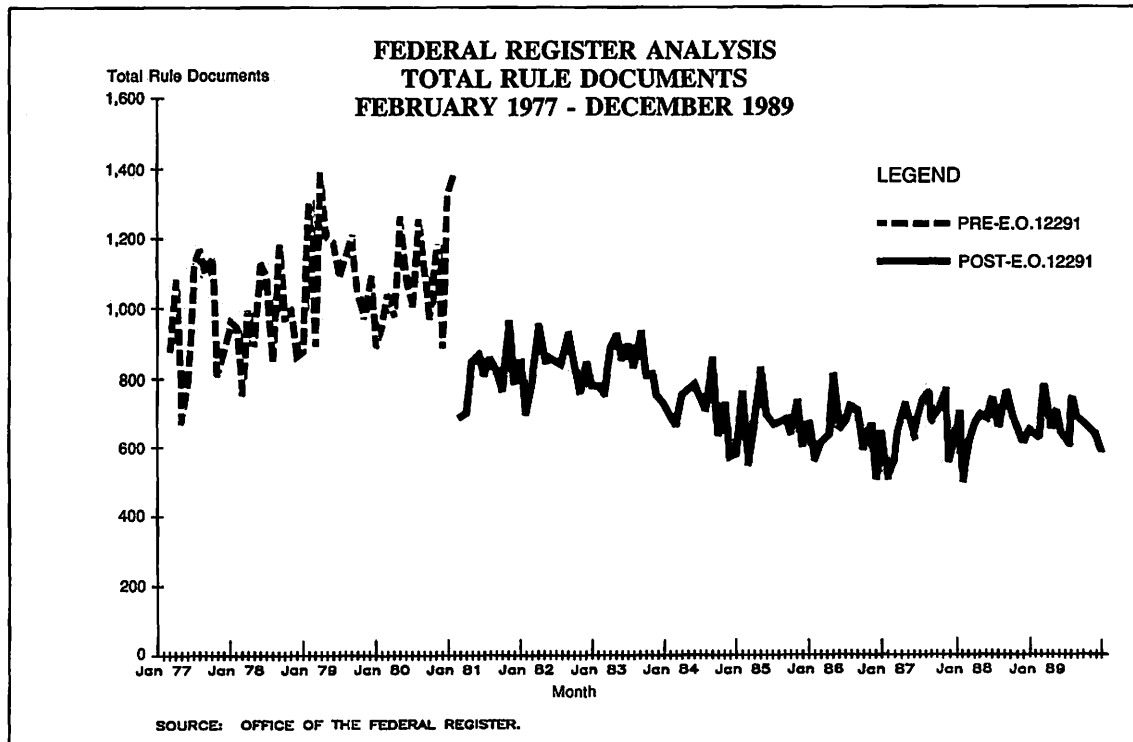


EXHIBIT 16.





**EXHIBIT 19. FINAL RULE DOCUMENTS BY AGENCY PUBLISHED IN THE *FEDERAL REGISTER*  
1982-1989**

Agency	Number of documents								Percentage of documents							
	1989	1988	1987	1986	1985	1984	1983	1982	1989	1988	1987	1986	1985	1984	1983	1982
USDA.....	604	625	556	554	611	684	638	674	11.7	12.2	11.3	11.1	11.8	12.9	10.5	10.6
DOC.....	260	264	285	292	254	202	213	205	5.0	5.1	5.8	5.9	4.9	3.8	3.5	3.2
DOD.....	155	163	172	198	113	102	109	111	3.0	3.2	3.5	4.0	2.2	1.9	1.8	1.8
ED.....	69	48	68	51	40	35	25	36	1.3	0.9	1.4	1.0	0.8	0.7	0.4	0.6
DOE.....	22	23	15	21	14	27	37	52	0.4	0.4	0.3	0.4	0.3	0.5	0.6	0.8
HHS.....	343	337	380	405	450	422	573	561	6.7	6.6	7.7	8.1	8.7	8.0	9.5	8.9
HUD.....	80	103	89	95	96	141	128	124	1.6	2.0	1.8	1.9	1.9	2.7	2.1	2.0
DOI.....	218	254	246	240	258	320	461	477	4.2	4.9	5.0	4.8	5.0	6.0	7.6	7.5
DOJ.....	105	100	122	116	108	113	159	102	2.0	1.9	2.5	2.3	2.1	2.1	2.6	1.6
DOL.....	83	75	56	55	68	56	63	63	1.6	1.5	1.1	1.1	1.3	1.1	1.0	1.0
STATE.....	17	20	18	12	7	7	8	15	0.3	0.4	0.4	0.2	0.1	0.1	0.1	0.2
DOT.....	1,076	978	859	923	903	748	865	908	20.9	19.0	17.4	18.5	17.4	14.1	14.3	14.3
TREAS.....	193	204	184	236	219	247	244	180	3.7	4.0	3.7	4.7	4.2	4.7	4.0	2.8
VA.....	67	69	49	51	49	54	53	54	1.3	1.3	1.0	1.0	0.9	1.0	0.9	0.9
EPA.....	539	441	438	487	518	624	605	805	10.5	8.6	8.9	9.8	10.0	11.8	10.0	12.7
EEOC.....	12	5	18	8	13	14	16	7	0.2	0.1	0.4	0.2	0.3	0.3	0.3	0.1
FEMA.....	95	106	66	71	84	91	261	398	1.8	2.1	1.3	1.4	1.6	1.7	4.3	6.3
GSA.....	98	77	83	74	107	74	95	80	1.9	1.5	1.7	1.5	2.1	1.4	1.6	1.3
NASA.....	50	39	33	36	28	15	20	18	1.0	0.8	0.7	0.7	0.5	0.3	0.3	0.3
OMB.....	0	1	2	0	0	1	2	1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OPM.....	34	58	74	44	39	38	43	25	0.7	1.1	1.5	0.9	0.8	0.7	0.7	0.4
SBA.....	43	28	14	34	26	39	26	26	0.8	0.5	0.3	0.7	0.5	0.7	0.4	0.4
Other.....	259	273	257	275	241	261	335	337	5.0	5.3	5.2	5.5	4.7	4.9	5.5	5.3
CFTC.....	23	20	25	19	32	38	51	19	0.4	0.4	0.5	0.4	0.6	0.7	0.8	0.3
CPSC.....	4	10	8	9	17	30	22	25	0.1	0.2	0.2	0.2	0.3	0.6	0.4	0.4
FCC.....	420	437	444	306	400	405	359	393	8.1	8.5	9.0	6.1	7.7	7.7	5.9	6.2
FDIC.....	22	13	16	16	14	20	24	17	0.4	0.3	0.3	0.3	0.3	0.4	0.4	0.3
FERC.....	40	92	95	82	127	139	156	120	0.8	1.8	1.9	1.6	2.5	2.6	2.6	1.9
FHLBB.....	28	37	30	29	39	32	41	53	0.5	0.7	0.6	0.6	0.8	0.6	0.7	0.8
FMC.....	10	14	17	6	9	43	19	26	0.2	0.3	0.3	0.1	0.2	0.8	0.3	0.4
FRS.....	33	47	32	28	40	37	66	75	0.6	0.9	0.6	0.6	0.8	0.7	1.1	1.2
FTC.....	38	58	49	77	84	82	116	80	0.6	1.1	1.0	1.5	1.6	1.6	1.9	1.3
ICC.....	35	35	48	51	59	53	103	127	0.7	0.7	1.0	1.0	1.1	1.0	1.7	2.0
NRC.....	48	42	47	36	49	42	55	51	0.9	0.8	1.0	0.7	0.9	0.8	0.9	0.8
SEC.....	34	45	40	54	66	54	65	84	0.7	0.9	0.8	1.1	1.3	1.0	1.1	1.3
Total*.....	5,157	5,141	4,935	4,991	5,182	5,290	6,056	6,329	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

\* Totals include final rule documents issued jointly by two or more agencies and editorial corrections.