

APPENDIX IV

Executive Order No. 12291 Annual Report for 1990

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I. INTRODUCTION

This report provides information on the implementation of Executive Order No. 12291 for the year ending December 31, 1990. It also describes trends in regulatory activity during the past decade.

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.

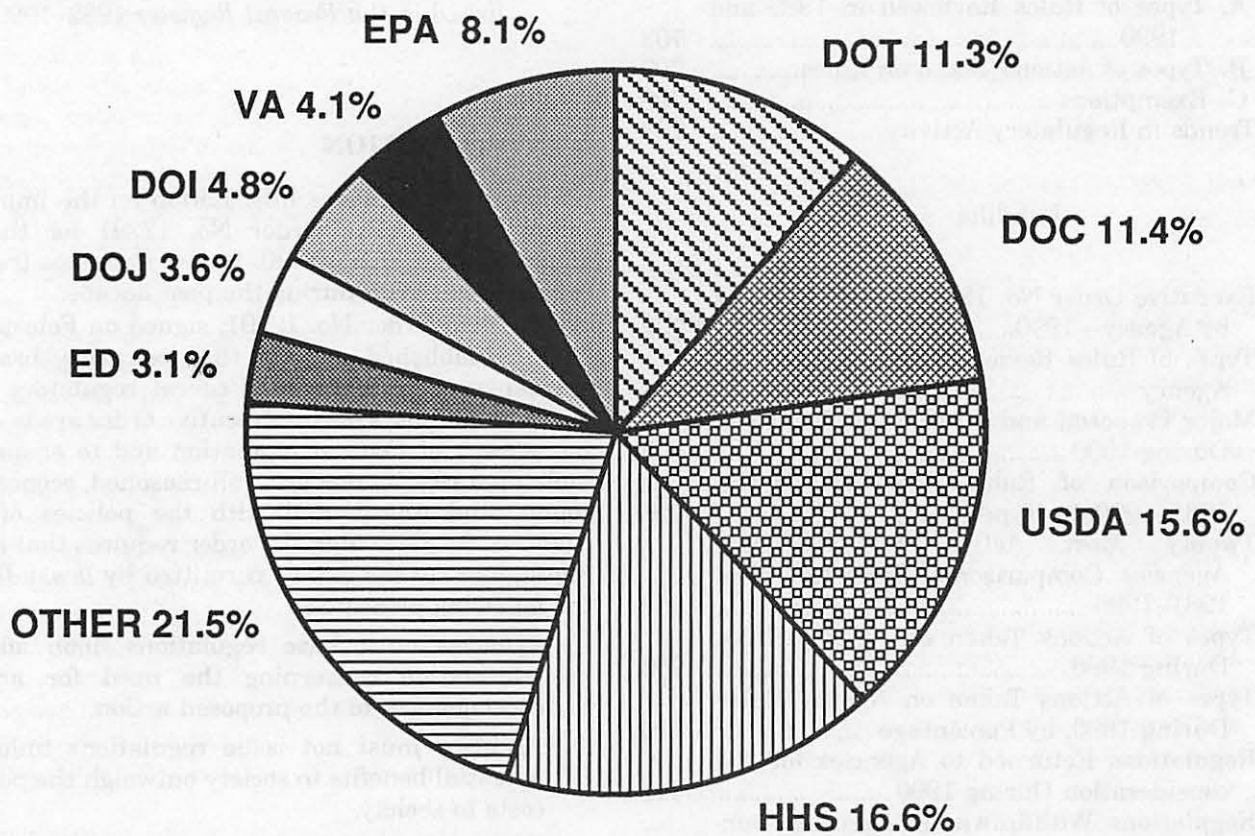
These review policies and procedures are conducted within statutory authorities. The Executive order guides Federal regulatory officials in exercising the discretion given them by statute. This statutory discretion is often very broad, and may be ambiguous or contradictory, but may be exercised only to the extent permitted by law. Where statutes clearly

EXHIBIT 1.

EXECUTIVE ORDER 12291

TOTAL REVIEWS BY AGENCY

1990



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 tenth 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 1990. Comparisons are then made between 1990 data and those of 1981 through 1989. 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 major proposed rules to OMB 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 1990

OMB reviewed 2,139 agency rules in 1990 under Executive Order No. 12291. Exhibit 1 shows that nine agencies accounted for more than 78 percent of the rules reviewed. These agencies were: the Department of Health and Human Services (354 rules), the Department of Agriculture (333), the Department of Commerce (244), the Department of Transportation (242), the Environmental Protection Agency (173), the Department of the Interior (102), the Department of Veterans Affairs (87), the Department of Justice (78), and the Department of Education (66).

Exhibit 2 shows the number of rules reviewed during 1990 by each agency. Rules are classified as either major or nonmajor, and either proposed (NPRM) or final. Of the rules OMB reviewed in 1990, 38.6 percent were nonmajor proposed rules and 57.6 percent were nonmajor final rules. Major rules constituted only 3.8 percent of all rules. The Environmental Protection Agency and the Department of Agriculture had the largest number of major proposed rules (8 and 9, respectively). The Environmental Protection Agency had the largest number of major final rules (12), followed by the Department of Agriculture (9). Exhibit 3 lists by name all major proposed and final regulations reviewed in 1990.

Exhibit 4 displays changes over the last 10 years in the types of rules reviewed. The total number of rules OMB reviewed in 1990 decreased 3.6 percent from 1989 and was 23.6 percent lower than the number reviewed in 1981. The number of proposed rules in 1990 decreased 9.3 percent from 1989 and 13.2 percent from 1981. The number of final rules reviewed in 1990 increased 0.6 percent from 1989 and dropped 28.0 percent from 1981. The number of major rules in 1990 increased 3.8 percent from the 1989 level and rose 36.7 percent from 1981.

Exhibit 5 shows, by agency, the number of rules reviewed during each of the last 10 years. Comparing 1990 with 1981, the greatest percentage decline in the total number of rules reviewed occurred at the Environmental Protection Agency (-76.4 percent), the Department of Energy (-73.6 percent), and the Department of Agriculture (-49.2 percent). The Small Business Administration experienced the largest percentage increase since 1981 (250 percent), followed by the Department of Health and Human Services (202.6 percent), the Treasury Department (88.2 percent), the National Aeronautics and Space Administration (60 percent), the Federal Emergency Management Agency (56.3 percent), and the Department of Commerce (50.6 percent).

EXHIBIT 2. TYPES OF RULES REVIEWED DURING 1990, BY AGENCY

Agency	Total rules	Nonmajor		Major	
		NPRM	Final	NPRM	Final
Health and Human Services (HHS).....	354	158	182	7	7
Agriculture (USDA).....	333	134	182	8	9
Commerce (DOC).....	244	67	177	0	0
Transportation (DOT).....	242	108	123	5	6
Environmental Protection Agency (EPA).....	173	63	89	9	12
Interior (DOI).....	102	52	47	0	3
Veterans Affairs (VA).....	87	35	52	0	0
Justice (DOJ).....	78	22	56	0	0
Education (ED).....	66	38	28	0	0
Treasury (TREAS).....	64	30	33	1	0
Housing and Urban Development (HUD).....	63	26	36	1	0
Labor (DOL).....	58	20	26	7	5
Office of Personnel Management (OPM).....	52	13	39	0	0
General Services Administration (GSA).....	35	3	32	0	0
Small Business Administration (SBA).....	35	12	21	1	1
Federal Emergency Management Agency (FEMA).....	25	9	16	0	0
Energy (DOE).....	14	6	8	0	0
National Archives and Records Administration (NARA).....	13	4	9	0	0
U.S. International Development Cooperation Agency (USIDCA).....	12	3	9	0	0
National Aeronautics and Space Administration (NASA).....	9	2	7	0	0
State (STATE).....	9	2	7	0	0
Defense (DOD).....	8	5	3	0	0
Office of Government Ethics (OGE).....	7	1	6	0	0
Railroad Retirement Board (RRB).....	7	2	5	0	0
United States Information Agency (USIA).....	7	1	6	0	0
National Science Foundation (NSF).....	6	4	2	0	0
Institute of Museum Services (IMS).....	5	2	3	0	0
Panama Canal Commission (PCC).....	4	0	4	0	0
ACTION.....	3	1	2	0	0
National Endowment for the Arts (NEA).....	2	0	2	0	0
National Endowment for the Humanities (NEH).....	2	0	2	0	0
Navajo Hopi Indian Relocation Commission (NHIRC).....	2	0	2	0	0
Office of Management and Budget (OMB).....	2	1	1	0	0
Peace Corps (PEACE).....	2	0	2	0	0
Pension Benefit Guaranty Corporation (PBGC).....	2	0	2	0	0
African Development Foundation (ADF).....	1	0	1	0	0
Architectural and Transportation Barriers Compliance Board (ATBCB).....	1	0	1	0	0
Commission on Civil Rights (CCR).....	1	0	1	0	0
Export-Import Bank (EIB).....	1	0	1	0	0
Federal Mediation and Conciliation Service (FMCS).....	1	0	1	0	0
Inter-American Foundation (IAF).....	1	0	1	0	0
Office of Science and Technology Policy (OSTP).....	1	1	0	0	0
Office of the U.S. Trade Representative (USTR).....	1	0	1	0	0
Other Temporary Commissions.....	1	0	1	0	0
Overseas Private Investment Corporation (OPIC).....	1	0	1	0	0
Resolution Trust Corporation (RTC).....	1	0	1	0	0
Tennessee Valley Authority (TVA).....	1	0	1	0	0
Equal Opportunity Employment Commission (EEOC).....	0	0	0	0	0
Federal Acquisition Regulations.....	0	0	0	0	0
Federal Credit System Assistance Board.....	0	0	0	0	0
Federal Home Loan Bank Board (FHLBB).....	0	0	0	0	0
Selective Service System (SSS).....	0	0	0	0	0
U.S. Office of Special Counsel.....	0	0	0	0	0
Total.....	2,139	825	1,232	39	43
Percentage of total.....	100.0	38.6	57.6	1.8	2.0

EXHIBIT 3. MAJOR PROPOSED AND FINAL RULES REVIEWED DURING 1990**Major Proposed Rules****UNITED STATES DEPARTMENT OF AGRICULTURE**

Export Enhancement Program
 Targeted Export Assistance Program
 Export Enhancement Program
 Targeted Export Assistance Program
 1990 Common Program Provisions for Wheat, Feed Grains
 Dairy Products
 Animal Welfare (Part 3)
 Animal Welfare Standards

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Respiratory Protective Devices
 Hepatitis B Vaccination Acceptance Among Adolescents
 Medicare Coverage of Adult Liver Transplants
 Inpatient Hospital Prospective Payment System and Fiscal Year 1991 Rates
 Additional Safe Harbors Provisions
 Food Labeling—Mandatory Status of Nutrition Labeling
 Implementing the Clinical Laboratory Improvement Amendments of 1988

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Development Block Grant—State Program

DEPARTMENT OF LABOR

Occupational Exposure to Cadmium
 Occupational Exposure to Asbestos, Tremolite, etc.
 Vehicle Safety
 Process Safety Management of Highly Hazardous Chemicals
 Respiratory Protection Standard
 Hazard Communication

Walking and Working Surfaces

DEPARTMENT OF TRANSPORTATION

Nondiscrimination on the Basis of Handicap in Federally Assisted Mass Transit Programs
 Small Airplane Worthiness Review Program, Notice 4
 Extension of Automatic Crash Requirements to Light Trucks
 Light Trucks Average Fuel Economy Standards, Model Years 1992-1994
 Center High Mounted Stop Lamp on Vehicles Other Than Passenger Cars

TREASURY DEPARTMENT

Liability of Common Carriers To Prevent Unmanifested Narcotics

ENVIRONMENTAL PROTECTION AGENCY

Drinking Water Regulations, Synthetic Organic Chemicals—Phase V
 National Sewage Sludge Study
 Drinking Water, Lead, and Copper
 Effluent Guidelines & Standards, Offshore Subcategory
 VOC Monitoring and Aldicarb MCLGs/MCLs
 Corrective Action for Solid Waste Management Units
 Surface Impoundments
 South Coast Air Basin—Plans for Ozone & Carbon Monoxide
 Surface Impoundments

SMALL BUSINESS ADMINISTRATION

Small Business Investment Companies

Major Final Rules**UNITED STATES DEPARTMENT OF AGRICULTURE**

1990 Upland Cotton Program
 1990 Feed Grains Program
 Wool and Mohair Support Prices for Marketing Year 1990
 Emergency Livestock Assistance
 1990 Program Provisions for Rice
 1990 Crop Sugar Beet and Sugarcane
 1990 Crop Soybean Loan and Purchase Rate
 Community Program Guaranteed Loans
 Egg Research and Promotion Order

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Monthly Supplementary Medical Insurance Premium
 1990 Mid-Year Changes to the Inpatient Hospital Prospective Payment System
 Clinical Laboratory Improvement Act: Fee Collection
 Inpatient Hospital Prospective Payments—Fiscal Year 1991
 Determining Disability for a Child Under Age 18
 OIG Anti-Kickback Provisions
 Safe Harbors for Protecting Health Plans

DEPARTMENT OF THE INTERIOR

1990-1991 Migratory Game Bird Hunting Regulations
 Incidental Take of Marine Mammals, Definition of Citizen of the United States
 Final Framework for Early-Season Migratory Bird Hunting

DEPARTMENT OF LABOR

Attestation-Health Care Facilities Seeking To Employ Non-immigrant Nurses
 Training Wage Provision of the FLSA Amendments of 1989
 Minimum Wage Provisions of FLSA 1989 Amendments in Puerto Rico
 Minimum Wage Provisions of FLSA 1989 Amendments in Puerto Rico
 Electrical Safety-Related Work Practices

DEPARTMENT OF TRANSPORTATION

Nondiscrimination on the Basis of Handicap
 Light Truck Fuel Economy Standard for Model Year 1992
 Side Impact Protection (Main Notice)
 Reporting Compliance With Phasing In of Dynamic Side Impact Requirements
 Side Impact Protection—Anthropomorphic Test Dummy
 Side Impact Protection—Moving Deformable Barrier

ENVIRONMENTAL PROTECTION AGENCY

NPDES Permit Application for Storm Water Discharges
 National Primary & Secondary Water Regulations—35 Contaminants
 National Oil and Hazardous Substances Pollution Contingency Plan
 Toxicity Characteristic
 Land Disposal Restrictions for Third Third Scheduled Wastes
 Hazardous Waste Management System—Reportable Quantities
 Petroleum

EXHIBIT 3 (continued)

Hazardous Waste Management System—Wood Preservatives
 NESHAP for Benzene
 Protect Stratospheric Ozone
 Volatility Regulations for Gasoline and Alcohol Blends Sold in
 Calendar Year 1992 and Beyond

Fuel Quality for Diesel Fuel Sold in 1993 and Later
 Ohio New Source Review

SMALL BUSINESS ADMINISTRATION
 Surety Bond Guarantee Program

EXHIBIT 4. COMPARISON OF RULES REVIEWED DURING 1981-1990, BY TYPE

Type of rule	Number of rules									
	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
Nonmajor	2,705	2,559	2,422	2,055	2,155	1,934	2,246	2,280	2,141	2,057
Proposed	970	1,026	1,045	951	1,050	784	1,056	1,293	921	825
Final	1,735	1,533	1,377	1,104	1,105	1,150	1,190	987	1,220	1,232
Major	60	79	63	60	60	73	70	83	79	82
Proposed	25	29	22	33	21	25	40	43	32	39
Final	35	50	41	27	39	48	30	40	47	43
Total Proposed	995	1,055	1,067	984	1,071	809	1,096	1,336	953	864
Total Final	1,770	1,583	1,418	1,131	1,144	1,198	1,220	1,027	1,267	1,275
E.O. Not Applicable	35	1	0	0	0	0	0	0	0	0
Total	2,800	2,639	2,485	2,115	2,215	2,007	2,316	2,363	2,220	2,139
	Percent change									
	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90	1981-90
Nonmajor	-5.4	-5.4	-15.2	4.9	-10.3	16.1	1.5	-6.1	-3.9	-24.0
Proposed	-5.8	1.9	-9.0	10.4	-25.3	34.7	22.4	-28.8	-10.4	-14.9
Final	-11.6	-10.2	-19.8	0.1	4.1	3.5	-17.1	23.6	1.0	-29.0
Major	31.7	-20.3	-4.8	0.0	21.7	-4.1	18.6	-4.8	3.8	36.7
Proposed	16.0	-24.1	50.0	-36.4	19.0	60.0	7.5	-25.6	21.9	56.0
Final	42.9	-18.0	-34.1	44.4	23.1	-37.5	33.3	17.5	-8.5	22.9
Total Proposed	6.0	1.1	-7.8	8.8	-24.5	35.5	21.9	-28.7	-9.3	-13.2
Total Final	-10.6	-10.4	-20.2	1.1	4.7	1.8	-15.8	23.4	0.6	-28.0
E.O. Not Applicable	-97.1	-100.0	NA	NA	NA	NA	NA	NA	NA	-100.0
Total	-5.8	-5.8	-14.9	4.7	-9.4	15.4	2.0	-6.1	-3.6	-23.6

**EXHIBIT 5. TWENTY MOST ACTIVE RULE-PRODUCING AGENCIES:
COMPARISON OF RULES REVIEWED 1981-1990**

Agency	Number of rules									
	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
HHS.....	117	272	294	199	212	281	315	320	283	354
USDA.....	656	695	552	483	407	418	420	441	405	333
DOC.....	162	147	121	107	113	130	134	145	195	244
DOT.....	283	226	225	218	252	196	203	258	250	242
EPA.....	734	341	268	308	305	197	205	210	201	173
DOI.....	147	249	240	133	161	144	186	152	97	102
VA.....	69	70	69	70	65	62	67	82	95	87
DOJ.....	53	51	72	46	78	46	84	52	100	78
ED.....	77	53	50	106	108	99	174	123	82	66
TREAS.....	34	32	53	44	26	21	29	37	47	64
HUD.....	74	130	112	108	90	68	64	105	78	63
DOL.....	62	49	49	35	38	56	64	77	60	58
OPM.....	38	49	65	45	69	72	97	74	53	52
GSA.....	56	62	85	63	85	41	59	57	61	35
SBA.....	10	16	20	32	19	30	16	37	39	35
FEMA.....	16	6	29	16	26	24	26	30	29	25
DOE.....	53	49	34	25	19	16	20	20	19	14
NARA.....	NA	NA	NA	NA	9	13	9	17	8	13
NASA.....	10	11	13	15	25	15	15	17	16	9
DOD.....	4	9	13	7	17	9	17	12	6	8
	Percent change									
	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90	1981-90
HHS.....	132.5	8.1	-32.3	6.5	32.5	12.1	1.6	-11.6	25.1	202.6
USDA.....	5.9	-20.6	-12.5	-15.7	2.7	0.5	5.0	-8.2	-17.8	-49.2
DOC.....	-9.3	-17.7	-11.6	5.6	15.0	3.1	8.2	34.5	25.1	50.6
DOT.....	-20.1	-0.4	-3.1	15.6	-22.2	3.6	27.1	-3.1	-3.2	-14.5
EPA.....	-53.5	-21.4	13.1	0.7	-35.4	4.1	2.4	-4.3	-13.9	-76.4
DOI.....	69.4	-3.6	-44.6	21.1	-10.6	29.2	-18.3	-36.2	5.2	-30.6
VA.....	1.4	-1.4	1.4	-7.1	-4.6	8.1	22.4	15.9	-8.4	26.1
DOJ.....	-3.8	41.2	-36.1	69.6	-41.0	82.6	-38.1	92.3	-22.0	47.2
ED.....	-31.2	-5.7	112.0	1.9	-8.3	75.8	-29.3	-33.3	-19.5	-14.3
TREAS.....	-5.9	65.6	-17.0	-40.9	-19.2	38.1	27.6	27.0	36.2	88.2
HUD.....	75.7	-13.8	-3.6	-16.7	-24.4	-5.9	64.1	-25.7	-19.2	-14.9
DOL.....	-21.0	0.0	-28.6	8.6	47.4	14.3	20.3	-22.1	-3.3	-6.5
OPM.....	28.9	32.7	-30.8	53.3	4.3	34.7	-23.7	-28.4	-1.9	36.8
GSA.....	10.7	37.1	-25.9	34.9	-51.8	43.9	-3.4	7.0	-42.6	-37.5
SBA.....	60.0	25.0	60.0	-40.6	57.9	-46.7	131.3	5.4	-10.3	250.0
FEMA.....	-62.5	383.3	-44.8	62.5	-7.7	8.3	15.4	-3.3	-13.8	56.3
DOE.....	-7.5	-30.6	-26.5	-24.0	-15.8	25.0	0.0	-5.0	-26.3	-73.6
NARA.....	NA	NA	NA	NA	44.4	-30.8	88.9	-52.9	62.5	NA
NASA.....	10.0	18.2	-15.4	127.3	-40.0	0.0	13.3	-5.9	43.8	60.0
DOD.....	125.0	44.4	-46.2	142.9	-47.1	88.9	-29.4	-50.0	33.3	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 1990. Exhibit 11 compares OMB's actions during 1990 with actions in previous years.

Exhibit 6 shows the number of rules by type of OMB action during 1990. Of the 2,139 rules reviewed during

1990, OMB found that 71.8 percent were consistent with the principles of the Executive order as submitted, 19.3 percent were consistent with the order after the agency adopted changes during the review period, 1.0 percent were inconsistent with the order and returned to the agency for reconsideration, another 2.5 percent were withdrawn by agencies, and

2.7 percent were suspended. Emergency rules and rules subject to statutory or judicial deadlines constituted 2.6 percent of all 1990 rules, and 0.2 percent were sent improperly or were exempt.

Exhibit 7 shows the percentage of rules in each category for the 21 most active rulemaking agencies in 1990.

Exhibit 8 lists by name each of the 21 rules returned for reconsideration in 1990. Exhibit 9 lists by name each of the 54 rules withdrawn by agencies during OMB review in 1990. 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 58 rules suspended in 1990. 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 10 years. The percentage 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 has increased slightly since 1986. At the same time, the percentage of rules OMB found consistent after change increased sharply from 4.9 percent in 1981 to 23.7 percent in 1987 and declined to 19.3 percent in 1990. The percentage 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 was 2.5 in 1989. The percentage 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 1990 the number returned for reconsideration moderated to 1.0 percent. The percentage of rules suspended in 1990 was 2.7 percent. The percentage of rules issued by agencies under emergency, statutory, or judicial deadlines has varied from 1.2 in 1985 to 4.3 the following year; in 1990 it was 2.5 percent.

Exhibit 12 shows OMB's average regulatory review time by agency from 1981 to 1990 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 1990 it was 56 days. OMB's average review time in 1981 for nonmajor rules was 9 days, as compared with an average of 27 days in 1990. The 1990 average review time for all rules was 28 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 1990, 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, the precise effect Executive Order No. 12291 has had on regulatory activity cannot be measured. 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 1990. 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* declined steadily on an annual basis. From 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. The number of published pages increased in the years 1987 through 1989 before declining modestly in 1990.

Nevertheless, the overall trend of the past 9 years is downward.

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 1990

Agency	Total reviews	Found consistent without change	Found consistent with change	Withdrawn by agency	Returned for reconsideration	Returned, sent improperly	Suspended	Emergency	Statutory or judicial deadline
HHS.....	354	231	94	7	2	0	17	1	2
USDA.....	333	248	58	7	5	3	6	0	6
DOC.....	244	203	21	2	2	0	1	11	4
DOT.....	242	211	22	3	1	0	0	1	4
EPA.....	173	86	45	6	4	0	12	1	19
DOI.....	102	79	13	5	2	0	2	0	1
VA.....	87	70	13	3	1	0	0	0	0
DOJ.....	78	67	8	2	0	0	0	0	1
ED.....	66	21	37	3	2	0	3	0	0
TREAS.....	64	46	9	6	1	0	2	0	0
HUD.....	63	38	19	2	0	0	4	0	0
DOL.....	58	28	21	2	1	0	3	0	3
OPM.....	52	43	9	0	0	0	0	0	0
GSA.....	35	25	8	0	0	0	2	0	0
SBA.....	35	30	5	0	0	0	0	0	0
FEMA.....	25	9	13	3	0	0	0	0	0
DOE.....	14	8	3	2	0	0	1	0	0
NARA.....	13	12	0	1	0	0	0	0	0
USIDCA.....	12	8	4	0	0	0	0	0	0
NASA.....	9	8	0	0	0	0	1	0	0
STATE.....	9	7	2	0	0	0	0	0	0
DOD.....	8	4	3	0	0	0	1	0	0
Office of Government Ethics.....	7	6	1	0	0	0	0	0	0
Railroad Retirement Board.....	7	6	0	0	0	0	1	0	0
USIA.....	7	7	0	0	0	0	0	0	0
NSF.....	6	3	1	0	0	1	1	0	0
IMS.....	5	4	1	0	0	0	0	0	0
PCC.....	4	2	1	0	0	1	0	0	0
ACTION.....	3	3	0	0	0	0	0	0	0
Navajo Hopi Indian Relocation Commission.....	2	0	1	0	0	0	1	0	0
NEA.....	2	2	0	0	0	0	0	0	0
NEH.....	2	2	0	0	0	0	0	0	0
OMB.....	2	2	0	0	0	0	0	0	0
PBGC.....	2	2	0	0	0	0	0	0	0
PEACE.....	2	2	0	0	0	0	0	0	0
ADF.....	1	1	0	0	0	0	0	0	0
ATBCB.....	1	1	0	0	0	0	0	0	0
CCR.....	1	1	0	0	0	0	0	0	0
EIB.....	1	1	0	0	0	0	0	0	0
FMCS.....	1	1	0	0	0	0	0	0	0
IAF.....	1	1	0	0	0	0	0	0	0
OST.....	1	1	0	0	0	0	0	0	0
Other Temporary Commissions.....	1	1	0	0	0	0	0	0	0
OPIC.....	1	1	0	0	0	0	0	0	0
RTC.....	1	1	0	0	0	0	0	0	0
TVA.....	1	1	0	0	0	0	0	0	0
Trade Representative.....	1	1	0	0	0	0	0	0	0
Total.....	2,139	1,535	412	54	21	5	58	14	40
Percentage of total.....	100.0	71.8	19.3	2.5	1.0	0.2	2.7	0.7	1.9*

*Because percentages are rounded, they do not add up to 100 percent.

EXHIBIT 7. TYPES OF ACTIONS TAKEN ON AGENCY RULES DURING 1990, BY PERCENTAGE

Agency	Number of total reviews	Found consistent without change (%)	Found consistent with change (%)	Withdrawn by agency (%)	Returned for reconsideration (%)	Returned, sent improperly (%)	Suspended (%)	Emergency or statutory/judicial deadline (%)
HHS.....	354	65.3	26.6	2.0	0.6	0.0	4.8	0.3
USDA.....	333	74.5	17.4	2.1	1.5	0.9	1.8	0.0
DOC.....	244	83.2	8.6	0.8	0.8	0.0	0.4	4.5
DOT.....	242	87.2	9.1	1.2	0.4	0.0	0.0	0.4
EPA.....	173	49.7	26.0	3.5	2.3	0.0	6.9	0.6
DOI.....	102	77.5	12.7	4.9	2.0	0.0	2.0	0.0
VA.....	87	80.5	14.9	3.4	1.1	0.0	0.0	0.0
DOJ.....	78	85.9	10.3	2.6	0.0	0.0	0.0	0.0
ED.....	66	31.8	56.1	4.5	3.0	0.0	4.5	0.0
TREAS.....	64	71.9	14.1	9.4	1.6	0.0	3.1	0.0
HUD.....	63	60.3	30.2	3.2	0.0	0.0	6.3	0.0
DOL.....	58	48.3	36.2	3.4	1.7	0.0	5.2	0.0
OPM.....	52	82.7	17.3	0.0	0.0	0.0	0.0	0.0
GSA.....	35	71.4	22.9	0.0	0.0	0.0	5.7	0.0
SBA.....	35	85.7	14.3	0.0	0.0	0.0	0.0	0.0
FEMA.....	25	36.0	52.0	12.0	0.0	0.0	0.0	0.0
DOE.....	14	57.1	21.4	14.3	0.0	0.0	7.1	0.0
NARA.....	13	92.3	0.0	7.7	0.0	0.0	0.0	0.0
USIDCA.....	12	66.7	33.3	0.0	0.0	0.0	0.0	0.0
NASA.....	9	88.9	0.0	0.0	0.0	0.0	11.1	0.0
STATE.....	9	77.8	22.2	0.0	0.0	0.0	0.0	0.0
All Other.....	71	84.1	7.9	0.0	0.0	3.2	4.8	0.0
Total.....	2,139	71.8	19.3	2.5	1.0	0.2	2.7	2.5

EXHIBIT 8. REGULATIONS RETURNED TO AGENCIES FOR RECONSIDERATION DURING 1990

Agency/Title of regulation	Type	Received	Reviewed
UNITED STATES DEPARTMENT OF AGRICULTURE			
Food Stamp Program: Outcome-Based Performance Standards	NPRM	11/06/90	12/03/90
Export Credit Guaranty Program	NPRM	01/19/90	05/02/90
Farmland Protection Act	Final	02/06/90	07/11/90
Civil Rights Compliance Requirements	NPRM	02/26/90	06/01/90
Animal Welfare—Guinea Pigs, Hamsters, and Rabbits	Final	03/02/90	04/17/90
DEPARTMENT OF COMMERCE			
Advanced Technology Program	NPRM	02/06/90	03/01/90
Inquiries on Applicability or Jurisdiction of Export Administration Regulations.....	Final	05/10/89	04/03/90
DEPARTMENT OF EDUCATION			
Computer-Based Instruction Program: Fiscal Year '91 Funding Priority	NPRM	06/25/90	09/06/90
Centers for Independent Living Program	NPRM	09/26/90	11/05/90
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
AFDC Automobile Exclusion Limit	NPRM	09/18/90	11/15/90
PRO Sanctions Notification Process	NPRM	11/20/89	06/04/90
DEPARTMENT OF THE INTERIOR			
Gas Sales Under Percentage-of-Proceeds Contracts	Final	07/02/90	07/30/90
Solid Waste Disposal: Recreation and Public Purposes Act	Final	10/30/90	12/06/90
DEPARTMENT OF LABOR			
Occupational Exposure to Formaldehyde, Response to Court Remand.....	NPRM	08/29/90	11/29/90
DEPARTMENT OF TRANSPORTATION			
Improved Access to Type III Exits.....	NPRM	08/29/90	11/19/90
DEPARTMENT OF THE TREASURY			
Liability of Common Carriers for Failure To Exercise the Highest Degree of Care and Diligence.....	NPRM	07/03/90	10/05/90
DEPARTMENT OF VETERANS AFFAIRS			
Dependency and Income.....	NPRM	08/16/90	11/21/90
ENVIRONMENTAL PROTECTION AGENCY			
Standards Applicable to Generators of Hazardous Waste	Final	10/26/90	11/14/90
NSPS Permitting Program.....	Final	07/09/90	07/30/90
NSPS for Small Industrial-Commercial-Institutional Steam Generating.....	Final	08/07/90	08/24/90
Offshore Subcategory: Effluent Guidelines.....	NPRM	11/16/90	11/16/90

EXHIBIT 9. REGULATIONS WITHDRAWN BY AGENCIES DURING 1990

Agency/Title of regulation	Type	Received	Withdrawn
UNITED STATES DEPARTMENT OF AGRICULTURE			
Oil and Gas Analyses on Lands Being Studied for Wilderness Recommendation.....	NPRM	07/31/90	10/17/90
REA Policy on Audits of Electric and Telephone Borrowers	NPRM	07/02/90	10/03/90
Special Uses Rules Regarding First Amendment Rights	NPRM	02/23/90	05/29/90
Intermediary Relending Program.....	Final	03/01/90	04/04/90
Small or Limited Resource Farmers' Initiative.....	NPRM	03/29/90	09/13/90
Conservation Easement Clarification—Options.....	NPRM	11/02/89	02/22/90
Change in Disease Status of Chile Because of Foot-and-Mouth Disease.....	Final	06/21/90	09/15/90
DEPARTMENT OF COMMERCE			
National Marine Sanctuary Permits—Monterey Bay.....	NPRM	02/13/90	02/23/90
Exports of Medical Equipment Containing Controlled Parts and Components	Final	05/07/90	06/21/90
DEPARTMENT OF EDUCATION			
Jacob Javits Gifted and Talented Students Education Program	NPRM	08/24/90	11/06/90
General Administrative Regulations—State-Administered Programs.....	NPRM	03/16/90	07/02/90
Immigration Status Confirmation.....	NPRM	09/19/90	11/09/90
DEPARTMENT OF ENERGY			
Standard Contract for Disposal of Spent Nuclear Fuel.....	NPRM	08/29/90	10/02/90
Determining Eligibility for Access to Classified Matter	Final	09/13/90	11/20/90
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Optional Ingredients in Standardized Foods.....	NPRM	11/02/90	11/14/90
AIDS Drug Reimbursement Program	Final	02/01/90	04/12/90
Inpatient Hospital Fiscal Year 1989 Prospective Payment System Rates	Final	11/06/89	01/30/90
Schedule for Skilled Nursing Facility Inpatient Routine Service Costs	Final	12/07/89	03/15/90
Optional Payment System for Low Medicare Volume Skilled Nursing	NPRM	03/13/90	09/06/90
Standards for Consultative Examinations and Existing Medical Evidence.....	Final	03/27/90	07/05/90
Head Start Appeals Procedures.....	NPRM	10/17/90	10/29/90
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Mortgage Insurance for Single Room Occupancy Projects	NPRM	05/29/90	06/18/90
Uniform Relocation Assistance and Real Property Acquisition	Final	10/22/90	11/29/90
DEPARTMENT OF THE INTERIOR			
Facilities on the Outer Continental Shelf Adjacent to California.....	NPRM	12/12/89	11/08/90
Utah Prairie Dog Special Rule	NPRM	01/29/90	01/31/90
Bond Guaranty.....	NPRM	04/19/90	07/16/90
Indian Electric Power Utilities	NPRM	05/04/90	06/11/90
Law and Order on Indian Reservations.....	Final	10/26/90	12/02/90
DEPARTMENT OF JUSTICE			
Judicial Recommendations Against Deportation-Controlled Substances	Final	03/07/90	03/19/90
Nonimmigrant Classes—Pilot F-1 Student Work-Study Program.....	Final	03/28/90	04/06/90
DEPARTMENT OF LABOR			
Participant-Directed Individual Account Plans.....	Final	05/04/90	06/27/90
Process Safety Management of Highly Hazardous Chemicals.....	NPRM	03/23/90	04/07/90
DEPARTMENT OF TRANSPORTATION			
Double Hull Standards for Tank Vessels Carrying Oil.....	Final	09/04/90	11/21/90
Prohibit Slack-Introducing Devices on Safety Belts	NPRM	05/22/90	10/29/90
Cargo Preference—Prompt Payment.....	NPRM	05/07/90	12/04/90
DEPARTMENT OF THE TREASURY			
Increase the Charges for Stale Dated and Undated Federal Tax Deposits	NPRM	01/16/90	03/01/90
Marginal Capital.....	NPRM	10/31/89	02/22/90
Regulatory Capital: Interest Rate Risk Component	NPRM	11/03/89	02/22/90
Required Capital Levels for Savings Associations	NPRM	11/03/89	02/22/90
Capital Distributions by Savings Associations.....	Final	03/29/90	05/16/90
Regulatory Capital: Interest Rate Risk Component	NPRM	07/18/90	11/01/90

EXHIBIT 9. REGULATIONS WITHDRAWN BY AGENCIES DURING 1990—Continued

Agency/Title of regulation	Type	Received	Withdrawn
DEPARTMENT OF VETERANS AFFAIRS			
Compliance With Civil Rights Requirement	NPRM	04/19/90	05/22/90
Suspension of Real Estate Brokers and Agents	Final	06/07/90	06/20/90
Group Memorial Monuments.....	NPRM	10/03/90	11/21/90
ENVIRONMENTAL PROTECTION AGENCY			
Secondary Treatment Requirements for Discharge Into Marine Waters	NPRM	10/24/89	02/02/90
Public Water System Supervision	Final	07/26/90	08/16/90
Drinking Water: Lead and Copper.....	NPRM	08/17/90	08/23/90
Elements of a Waste Minimization Program.....	Final	10/09/90	11/29/90
"No Migration Variances".....	NPRM	11/15/90	11/28/90
Chemical Fate and Health Effects Test Guidelines	Final	11/06/89	02/23/90
FEDERAL EMERGENCY MANAGEMENT AGENCY			
Emergency Health and Medical Occupations.....	Final	11/13/89	01/31/90
National Security Emergency Exercise Program	NPRM	06/26/90	10/10/90
Machine Tool Trigger Order Program Guidance	NPRM	06/29/90	10/10/90
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION			
Photographing and Filming NARA Facilities in the Washington, DC, Area ...	Final	05/31/90	06/12/90

EXHIBIT 10. REGULATIONS SUSPENDED DURING 1990

Agency/Title of regulation	Type	Received	Reviewed
UNITED STATES DEPARTMENT OF AGRICULTURE			
Grants and Cooperative Agreements With Academic and Nonprofit Research	NPRM	08/14/90	10/15/90
Export Enhancement Program	NPRM	01/30/90	03/26/90
Targeted Export Assistance Program.....	NPRM	02/01/90	03/26/90
Farmer Program Account Servicing Policy.....	NPRM	05/17/90	08/09/90
Stop Interest Accrual After a Specific Period.....	NPRM	08/15/90	10/19/90
Child and Adult Care Food Program—Overclaims Authority.....	NPRM	08/17/90	11/21/90
DEPARTMENT OF COMMERCE			
Add Surimi to Label Designations—Fishery Products	NPRM	04/12/90	06/12/90
DEPARTMENT OF DEFENSE			
Grants and Cooperative Agreements With Academic and Nonprofit Research	NPRM	08/14/90	10/17/90
DEPARTMENT OF EDUCATION			
Guaranteed Student Loan Programs	NPRM	11/29/89	02/13/90
Perkins Loan Program—College Work Study	NPRM	01/19/90	04/05/90
Guaranteed Student Loan Programs	NPRM	03/28/90	04/24/90
DEPARTMENT OF ENERGY			
Research Assistance Common Rule.....	NPRM	08/14/90	10/25/90
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
National Health Service Corporation Loan Repayment.....	Final	07/26/90	09/28/90
National Data Bank for Adverse Data on Physicians	NPRM	08/10/90	12/03/90
Radiation-Emitting Electronic Products	NPRM	05/23/90	10/12/90
New Animal Drug Application: Supplemental Applications.....	Final	05/23/90	10/12/90
Retention of Bioavailability, Testing Samples.....	Final	07/03/90	10/12/90
Investigational New Drug, Treat Life-Threatening Diseases.....	Final	07/26/90	12/04/90
Respiratory Protective Devices	NPRM	02/05/90	09/11/90
AIDS Prevention Education Formula Grants	NPRM	10/05/90	10/18/90
Home Dialysis	Final	02/15/90	06/18/90
PRO Review of Surgical Procedures—Second Opinions	NPRM	04/23/90	09/27/90
OBRA '87 Conforming Amendments	Final	07/26/90	12/04/90

EXHIBIT 10. REGULATIONS SUSPENDED DURING 1990—Continued

Agency/Title of regulation	Type	Received	Reviewed
State Legalization Impact Assistance Grant.....	NPRM	03/02/90	07/06/90
Eligibility, Recruitment . . . in Head Start.....	NPRM	11/20/89	05/22/90
Head Start Appeals Procedures	NPRM	08/06/90	10/05/90
OIG Anti-Kickback Provisions.....	Final	08/03/90	11/01/90
Safe Harbors for Protecting Health Plans	Final	08/03/90	11/01/90
Additional Safe Harbors	NPRM	08/03/90	11/05/90
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Prepayment of a HUD-Insured Mortgage	Final	12/27/89	02/20/90
Authority To Refinance Mortgages—Nursing Homes.....	Final	11/06/90	12/21/90
Community Development Block Grants—State's Program.....	NPRM	04/17/90	07/27/90
Public and Indian Housing—Ceiling Rents	NPRM	03/28/90	04/07/90
DEPARTMENT OF THE INTERIOR			
Solid Waste Disposal.....	Final	08/15/89	01/04/90
Land Acquisitions.....	NPRM	08/28/90	11/08/90
DEPARTMENT OF LABOR			
Respiratory Protection Standard.....	NPRM	06/11/90	09/11/90
Assessment of Civil Penalties	NPRM	07/31/90	09/21/90
Flame-Resistant Conveyor Belt.....	NPRM	10/10/90	12/04/90
DEPARTMENT OF THE TREASURY			
Section 504 of the Rehabilitation Act of 1973.....	Final	04/02/90	06/04/90
Common Carrier Liability—Unmanifested Narcotics	NPRM	12/06/89	06/28/90
ENVIRONMENTAL PROTECTION AGENCY			
Application, Reporting, and Recordkeeping Requirements for Indian Tribes ..	NPRM	09/21/90	12/24/90
Off-Site Response Actions	Final	04/10/90	08/22/90
Off-Site Response Actions	Final	09/12/90	11/28/90
Lender Liability Under CERCLA	Final	09/21/90	12/21/90
Inactive Uranium Tailing Sites.....	Final	03/14/89	01/09/90
Low-Level Radioactive Waste.....	NPRM	05/01/89	01/09/90
Surface Impoundments	NPRM	12/08/89	08/17/90
Surface Impoundments	NPRM	08/22/90	12/24/90
Chicago and East St. Louis Sulfur Dioxide.....	NPRM	09/07/90	12/17/90
Peoria Sulfur Dioxide.....	NPRM	09/07/90	12/17/90
Classifying Pesticides—Groundwater Concerns	NPRM	02/02/90	09/05/90
Sunset of Toxic Release Inventory	NPRM	06/25/90	09/06/90
GENERAL SERVICES ADMINISTRATION			
Governmentwide Real Property Asset Management.....	NPRM	01/08/90	03/20/90
Assignment and Utilization of Space.....	Final	06/12/90	10/22/90
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
Grants and Cooperative Agreements With Academic and Nonprofit Research	NPRM	08/14/90	12/05/90
NATIONAL SCIENCE FOUNDATION			
Grants and Cooperative Agreements With Academic and Nonprofit Research	NPRM	08/14/90	10/25/90
NAVAJO HOPI INDIAN RELOCATION COMMISSION			
New Lands Grazing Regulations	Final	03/23/90	07/24/90
RAILROAD RETIREMENT BOARD			
Determining Disability	Final	03/23/90	07/06/90

**EXHIBIT 11. TYPES OF ACTIONS TAKEN ON AGENCY RULES—PERCENTAGE COMPARISON
1981-1990**

Action taken	Percentage									
	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
Found consistent, without change.....	87.3	84.1	82.3	78.0	70.7	68.3	70.5	70.9	73.8	71.8
Found consistent, with change.....	4.9	10.3	12.7	15.1	23.1	22.9	23.7	21.9	19.4	19.3
Withdrawn by agency	1.8	1.2	1.6	2.4	3.1	2.8	2.5	2.4	2.7	2.5
Returned for reconsideration.....	1.6	2.1	1.3	2.7	1.5	1.4	0.4	1.2	1.3	1.0
Suspended.....	NA	NA	NA	NA	NA	NA	NA	NA	0.7	2.7
Sent improperly or exempt	3.1	0.9	0.0	0.0	0.3	0.2	0.2	0.1	0.4	0.2
Emergency, statutory, or judicial deadline.....	1.4	1.4	2.0	1.7	1.2	4.3	2.5	3.5	1.6	2.5
Total*	100.1	100.0	99.9	99.9	99.9	99.9	99.8	100.0	99.9	100.0
	Percentage change									
	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1981-90	1981-90
Found consistent, without change.....	-3.2	-1.8	-4.3	-7.3	-2.4	2.2	0.4	2.9	-2.0	-15.5
Found consistent, with change.....	5.4	2.4	2.4	8.0	-0.2	0.8	-1.8	-2.5	-0.1	14.4
Withdrawn by agency	-0.6	0.4	0.8	0.7	-0.3	-0.3	-0.1	0.3	-0.2	0.7
Returned for reconsideration.....	0.5	-0.8	1.4	-1.2	-0.1	-1.0	0.8	0.1	-0.3	-0.6
Suspended.....	NA	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	-0.2	-2.9
Emergency, statutory, or judicial deadline.....	0.0	0.6	-0.3	-0.5	3.1	-1.8	1.0	-1.9	0.9	1.1

*Percentages may not add up to 100 percent due to rounding.

NA: Not applicable.

EXHIBIT 12. AVERAGE REVIEW TIME OF RULES UNDER EXECUTIVE ORDER 12291
(in days)

Agency	1981-90			1990			1989			1988		
	Major	Non-major	All	Major	Non-major	All	Major	Non-major	All	Major	Non-major	All
USDA	22	16	16	65	27	29	31	18	19	13	19	19
DOC	46	15	16	NA	16	16	6	15	15	144	35	36
DOD	11	31	30	NA	62	52	NA	92	92	NA	22	22
ED	42	20	20	NA	39	39	NA	33	33	NA	32	32
DOE	41	19	20	NA	28	28	52	98	92	125	42	47
HHS	46	31	31	50	39	40	46	36	36	48	32	33
HUD	34	22	22	57	34	34	83	29	31	21	31	31
DOJ	10	17	17	3	23	23	3	30	29	32	22	23
DOJ	2	10	10	NA	11	11	1	12	12	NA	17	17
DOL	104	43	49	75	38	46	179	71	86	133	84	87
STATE	28	12	12	NA	14	14	NA	11	11	NA	20	20
DOT	38	22	23	20	19	19	71	23	24	58	41	41
TREAS	51	18	18	204	28	31	NA	28	28	NA	17	17
VA	NA	22	22	NA	20	20	NA	17	17	NA	30	30
EPA	68	27	28	65	36	40	104	49	52	51	48	49
Other agencies	45	20	21	13	24	24	28	25	25	66	28	28
All government	42	21	22	56	27	28	59	28	29	44	32	32
	1987			1986			1985			1984		
USDA	19	19	19	13	18	18	15	19	19	11	19	19
DOC	NA	19	19	127	15	15	NA	12	12	316	14	17
DOD	4	12	11	30	28	28	NA	30	30	NA	30	30
ED	NA	15	15	14	13	13	NA	16	16	39	18	19
DOE	NA	24	24	34	15	17	30	7	8	77	9	12
HHS	162	36	37	19	37	36	74	46	47	3	33	33
HUD	35	21	22	44	32	33	NA	27	27	10	18	17
DOJ	4	20	19	7	11	11	5	19	19	7	17	17
DOJ	2	6	6	NA	8	8	NA	9	9	NA	10	10
DOL	132	46	54	76	47	49	173	55	61	NA	43	43
STATE	NA	12	12	NA	5	5	NA	16	16	NA	5	5
DOT	21	32	31	32	19	19	80	34	36	42	20	21
TREAS	NA	16	16	NA	7	7	16	13	13	17	18	18
VA	NA	38	38	NA	44	44	NA	23	23	NA	15	15
EPA	49	35	37	41	41	41	78	33	35	58	30	31
Other agencies	42	26	26	74	24	25	105	23	25	26	20	20
All government	29	24	24	29	24	24	64	26	27	31	22	22
	1983			1982			1981					
USDA	15	13	13	17	10	10	22	8	8			
DOC	5	11	11	22	9	10	8	8	8			
DOD	NA	16	16	NA	6	6	NA	9	9			
ED	NA	11	11	32	12	13	NA	8	8			
DOE	45	7	9	26	6	7	7	7	7			
HHS	35	18	19	21	10	11	8	7	7			
HUD	12	15	15	NA	11	11	NA	14	14			
DOJ	12	17	17	13	10	10	6	8	8			
DOJ	NA	14	14	NA	7	7	NA	6	6			
DOL	121	18	29	37	10	12	26	6	9			
STATE	28	10	16	NA	7	7	NA	9	9			
DOT	24	15	15	37	12	12	8	8	8			
TREAS	NA	12	12	60	13	14	1	8	8			
VA	NA	15	15	NA	11	11	NA	10	10			
EPA	14	22	22	88	17	19	12	9	9			
Other agencies	35	14	14	40	13	14	5	10	10			
All government	28	15	16	28	11	12	13	9	9			

NA: Not Applicable.

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 inseason 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.

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

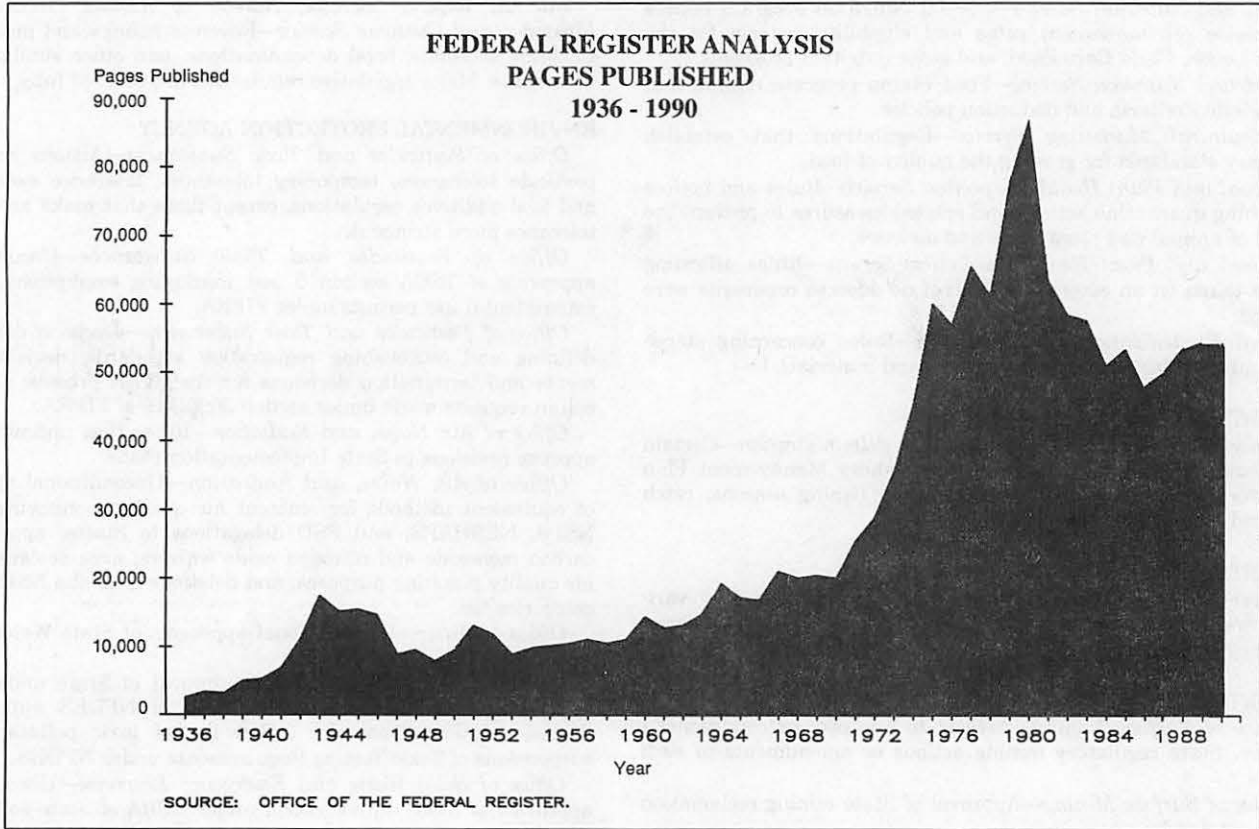


EXHIBIT 15

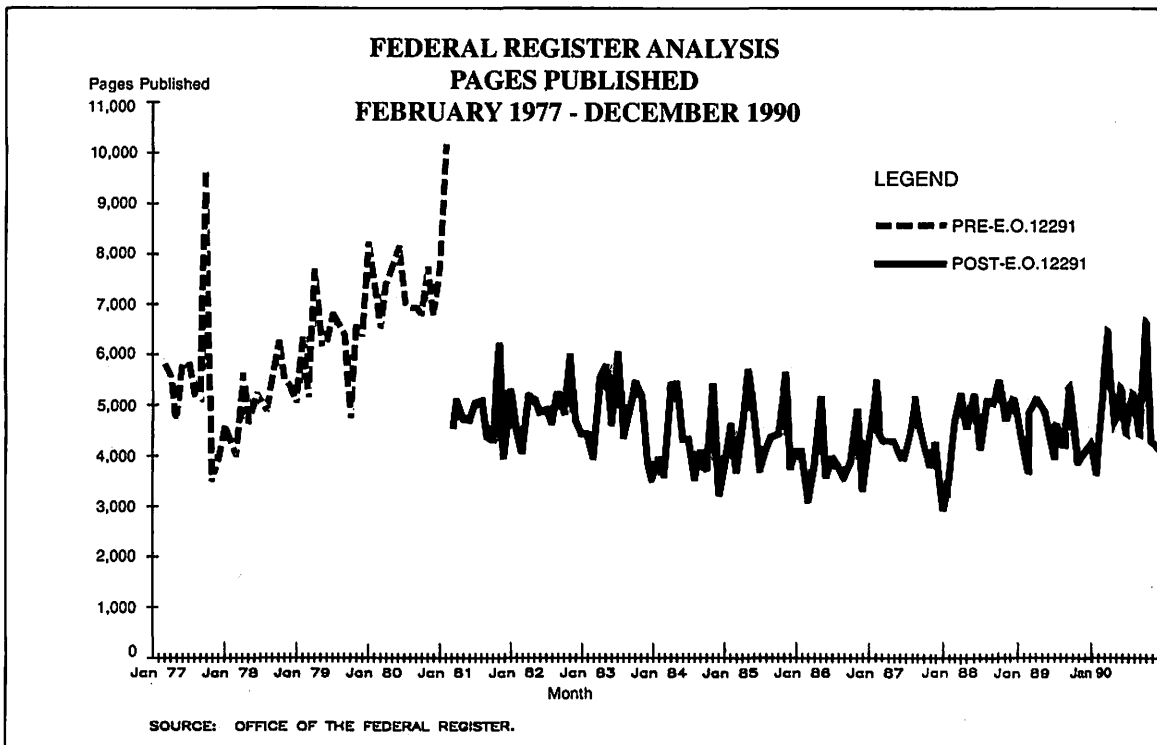
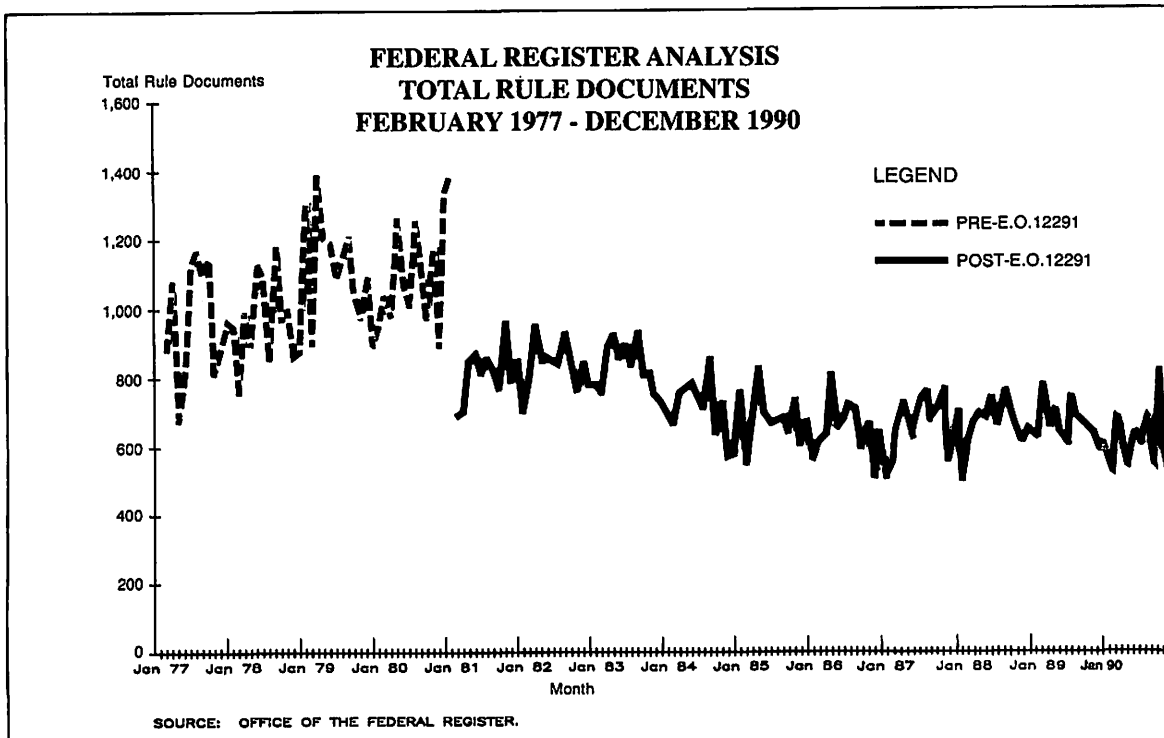


EXHIBIT 16



**EXHIBIT 19. FINAL RULE DOCUMENTS BY AGENCY PUBLISHED IN THE *FEDERAL REGISTER*
1982-1990**

Agency	Number of documents									Percentage of documents								
	1990	1989	1988	1987	1986	1985	1984	1983	1982	1990	1989	1988	1987	1986	1985	1984	1983	1982
USDA.....	535	604	625	556	554	611	684	638	674	11.2	11.7	12.2	11.3	11.1	11.8	12.9	10.5	10.6
DOC.....	289	260	264	285	292	254	202	213	205	6.1	5.0	5.1	5.8	5.9	4.9	3.8	3.5	3.2
DOD.....	120	155	163	172	198	113	102	109	111	2.5	3.0	3.2	3.5	4.0	2.2	1.9	1.8	1.8
ED.....	30	69	48	68	51	40	35	25	36	0.6	1.3	0.9	1.4	1.0	0.8	0.7	0.4	0.6
DOE.....	37	22	23	15	21	14	27	37	52	0.8	0.4	0.4	0.3	0.4	0.3	0.5	0.6	0.8
HHS.....	329	343	337	380	405	450	422	573	561	6.9	6.7	6.6	7.7	8.1	8.7	8.0	9.5	8.9
HUD.....	55	80	103	89	95	96	141	128	124	1.2	1.6	2.0	1.8	1.9	1.9	2.7	2.1	2.0
DOI.....	240	218	254	246	240	258	320	461	477	5.0	4.2	4.9	5.0	4.8	5.0	6.0	7.6	7.5
DOJ.....	89	105	100	122	116	108	113	159	102	1.9	2.0	1.9	2.5	2.3	2.1	2.1	2.6	1.6
DOL.....	73	83	75	56	55	68	56	63	63	1.5	1.6	1.5	1.1	1.1	1.3	1.1	1.0	1.0
STATE.....	13	17	20	18	12	7	7	8	15	0.3	0.3	0.4	0.4	0.2	0.1	0.1	0.1	0.2
DOT.....	1,100	1,076	978	859	923	903	748	865	908	23.1	20.9	19.0	17.4	18.5	17.4	14.1	14.3	14.3
TREAS.....	184	193	204	184	236	219	247	244	180	3.9	3.7	4.0	3.7	4.7	4.2	4.7	4.0	2.8
VA.....	66	67	69	49	51	49	54	53	54	1.4	1.3	1.3	1.0	1.0	0.9	1.0	0.9	0.9
EPA.....	416	539	441	438	487	518	624	605	805	8.7	10.5	8.6	8.9	9.8	10.0	11.8	10.0	12.7
EEOC.....	7	12	5	18	8	13	14	16	7	0.1	0.2	0.1	0.4	0.2	0.3	0.3	0.3	0.1
FEMA.....	98	95	106	66	71	84	91	261	398	2.1	1.8	2.1	1.3	1.4	1.6	1.7	4.3	6.3
GSA.....	79	98	77	83	74	107	74	95	80	1.7	1.9	1.5	1.7	1.5	2.1	1.4	1.6	1.3
NASA.....	38	50	39	33	36	28	15	20	18	0.8	1.0	0.8	0.7	0.7	0.5	0.3	0.3	0.3
OMB.....	2	0	1	2	0	0	1	2	1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
OPM.....	46	34	58	74	44	39	38	43	25	1.0	0.7	1.1	1.5	0.9	0.8	0.7	0.7	0.4
SBA.....	36	43	28	14	34	26	39	26	26	0.8	0.8	0.5	0.3	0.7	0.5	0.7	0.4	0.4
Other.....	249	259	273	257	275	241	261	335	337	5.2	5.0	5.3	5.2	5.5	4.7	4.9	5.5	5.3
CFTC.....	18	23	20	25	19	32	38	51	19	0.4	0.4	0.4	0.5	0.4	0.6	0.7	0.8	0.3
CPSC.....	6	4	10	8	9	17	30	22	25	0.1	0.1	0.2	0.2	0.2	0.3	0.6	0.4	0.4
FCC.....	412	420	437	444	306	400	405	359	393	8.6	8.1	8.5	9.0	6.1	7.7	7.7	5.9	6.2
FDIC.....	18	22	13	16	16	14	20	24	17	0.4	0.4	0.3	0.3	0.3	0.3	0.4	0.4	0.3
FERC.....	30	40	92	95	82	127	139	156	120	0.6	0.8	1.8	1.9	1.6	2.5	2.6	2.6	1.9
FHLBB....	0	28	37	30	29	39	32	41	53	0.0	0.5	0.7	0.6	0.6	0.8	0.6	0.7	0.8
FMC.....	13	10	14	17	6	9	43	19	26	0.3	0.2	0.3	0.3	0.1	0.2	0.8	0.3	0.4
FRS.....	41	33	47	32	28	40	37	66	75	0.9	0.6	0.9	0.6	0.6	0.8	0.7	1.1	1.2
FTC.....	24	38	58	49	77	84	82	116	80	0.5	0.7	1.1	1.0	1.5	1.6	1.6	1.9	1.3
ICC.....	20	35	35	48	51	59	53	103	127	0.4	0.7	0.7	1.0	1.0	1.1	1.0	1.7	2.0
NRC.....	31	48	42	47	36	49	42	55	51	0.7	0.9	0.8	1.0	0.7	0.9	0.8	0.9	0.8
SEC.....	21	34	45	40	54	66	54	65	84	0.4	0.7	0.9	0.8	1.1	1.3	1.0	1.1	1.3
Total*.....	4,765	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	100.0

*Totals include final rules documents issued jointly by two or more agencies.