

APPENDIX IV

Executive Order No. 12291 Annual Report for 1991

TABLE OF CONTENTS

	<i>Page</i>
I. Introduction.....	603
II. Implementation of the Executive Order	605
III. Review of Regulations	605
A. Types of Rules Reviewed in 1991.....	605
B. Types of Actions Taken on Rules.....	609
C. Exemptions	610
IV. Trends in Regulatory Activity	610
	17. Comparison of Pages and Documents Published in the <i>Federal Register</i> 1980-1991
	623
	18. Analysis of Final Rule Documents Published in the <i>Federal Register</i> 1982-1991
	623
	19. Final Rule Documents by Agency Published in the <i>Federal Register</i> 1982-1991
	624

Exhibits

	<i>Page</i>
1. Executive Order No. 12291—Total Reviews by Agency—1991.....	604
2. Types of Rules Reviewed During 1991, by Agency.....	606
3. Major Proposed and Final Rules Reviewed During 1991	607
4. Comparison of Rules Reviewed During 1981-1991, by Type.....	608
5. Twenty Most Active Rule-Producing Agencies: Comparison of Rules Reviewed 1981-1991	609
6. Types of Actions Taken on Agency Rules During 1991	611
7. Types of Actions Taken on Agency Rules During 1991, by Percentage	612
8. Regulations Returned to Agencies for Reconsideration During 1991	613
9. Regulations Withdrawn by Agencies During 1991.....	614
10. Regulations Suspended During 1991	616
11. Types of Actions Taken on Agency Rules—Percentage Comparison 1981-1991	618
12. Average Review Time of Rules Under Executive Order No. 12291	619
13. Agency Rules Exempted From Review Procedures	620
14. <i>Federal Register</i> Analysis: Pages Published 1936-1991	621
15. <i>Federal Register</i> Analysis: Pages Published February 1977-December 1991.....	622
16. <i>Federal Register</i> Analysis: Total Rule Documents for February 1977-December 1991	622

I. INTRODUCTION

This report provides information on the implementation of Executive Order No. 12291 for the year ending December 31, 1991. It also describes trends in regulatory activity during the past eleven years.

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; and
- 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.

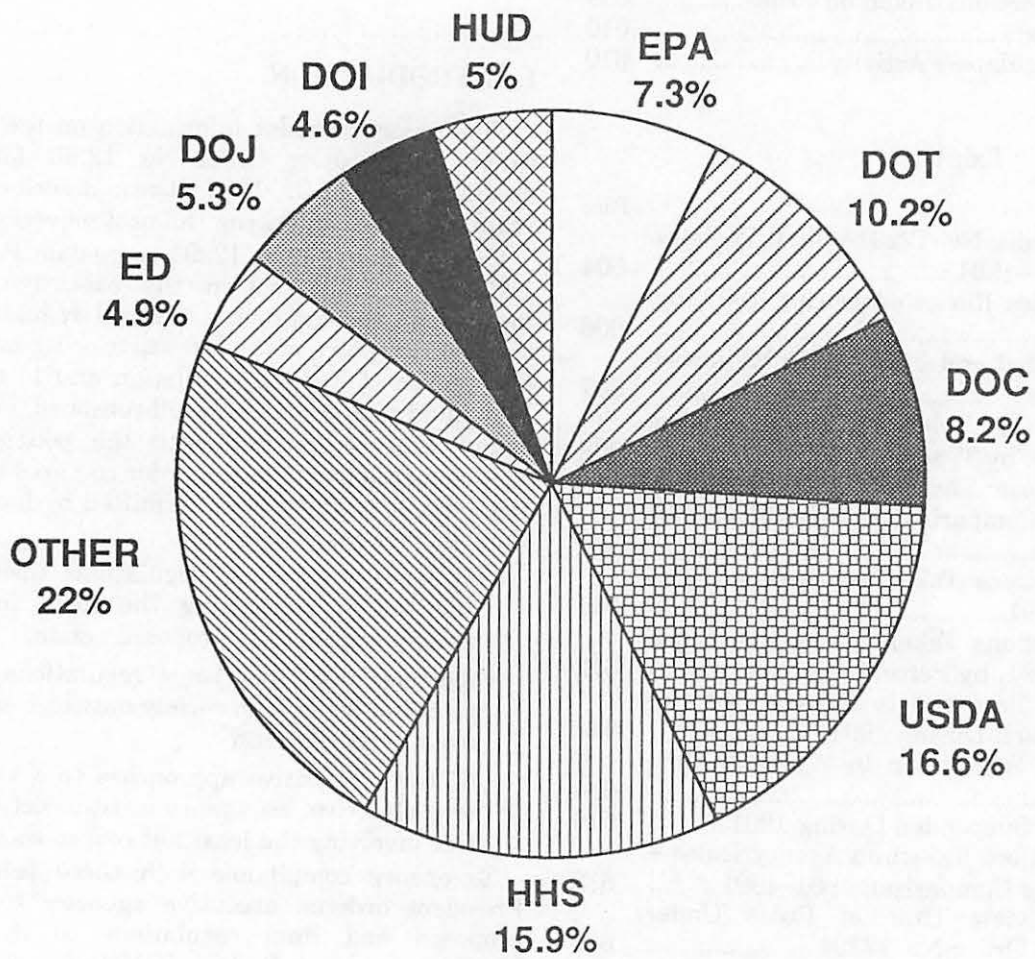
These review policies and procedures are conducted within statutory authorities. The Executive order guides Federal regulatory officials in exercising the discretion given them by statute. This statutory discretion is often very broad, and may be ambiguous or contradictory, but may be exercised only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

EXHIBIT 1.

EXECUTIVE ORDER 12291

TOTAL REVIEWS BY AGENCY

1991



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 eleventh 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 1991. Comparisons are then made between 1991 data and those of 1981 through 1990. 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 ensure that their nonmajor 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 1991

OMB reviewed 2,523 agency rules in 1991 under Executive Order No. 12291. Exhibit 1 shows that nine agencies accounted for 78 percent of the rules reviewed. These agencies were: the Department of Agriculture (418 rules), the Department of Health and Human Services (402), the Department of Transportation (257), the Department of Commerce (208), the Environmental Protection Agency (185), the Department of Justice (133), the Department of Housing and Urban Development (125), the Department of Education (124), and the Department of the Interior (115).

Exhibit 2 shows the number of rules reviewed during 1991 by each agency. Rules are classified as either major or nonmajor, and either proposed (NPRM) or final. Of the rules OMB reviewed in 1991, 3 percent were major proposed rules and 2.7 percent were major final rules. Nonmajor rules constituted 94.4 percent of all rules. The Departments of Agriculture and Health and Human Services had the largest number of nonmajor proposed rules. These two departments also had the largest number of nonmajor final rules.

Exhibit 3 lists by name all major proposed and final regulations reviewed in 1991.

Exhibit 4 displays changes over the last 11 years in the types of rules reviewed. The total number of rules OMB reviewed in 1991 increased 18 percent from 1990 and was 9.9 percent lower than the number reviewed in 1981. The number of proposed rules in 1991 increased 38.3 percent from 1990 and increased 20 percent from 1981. The number of final rules reviewed in 1991 increased 4 percent from 1990 and decreased 25 percent from 1981.

Exhibit 5 shows, by agency, the number of rules reviewed during each of the last 11 years, for the 20 most active rule-producing agencies. Comparing 1991 with 1981, the greatest percentage decline in the total number of rules reviewed occurred at the Environmental Protection Agency (-74.8 percent), the Department of Energy (-37.7 percent), and the Department of Agriculture (-36.3 percent). The Defense Department experienced the largest percentage increase since 1981 (525 percent), followed by the State Department (253.8 percent), Health and Human Services (243.6 percent), Small Business Administration (240 percent), Department of Justice (150.9 percent) and the Office of Personnel Management (128.9 percent).

EXHIBIT 2. TYPES OF RULES REVIEWED DURING 1991, BY AGENCY

Agency	Total rules	Nonmajor		Major	
		NPRM	Final	NPRM	Final
Agriculture	418	192	191	15	20
Health and Human Services	402	174	191	26	11
Transportation	257	114	129	6	8
Commerce.....	208	77	131	0	0
Environmental Protection Agency.....	185	92	68	17	8
Justice	133	51	80	0	2
Housing and Urban Development.....	125	63	57	1	4
Education	124	63	61	0	0
Interior	115	60	52	1	2
Office of Personnel Management.....	87	33	54	0	0
Veterans Affairs	71	33	38	0	0
Treasury	52	29	22	1	0
Labor	47	20	23	1	3
State	46	26	20	0	0
General Services Administration	37	5	32	0	0
Small Business Administration.....	34	11	17	2	4
Energy	33	18	13	1	1
Defense.....	25	13	11	0	1
Railroad Retirement Board.....	21	11	10	0	0
Federal Emergency Management Agency.....	19	12	7	0	0
National Aeronautics and Space Administration.....	15	0	15	0	0
National Archives and Records Administration	7	1	6	0	0
Pension Benefit Guaranty Corporation	7	1	6	0	0
United States International Development Cooperation Agency	7	1	6	0	0
Architectural and Transportation Barriers Compliance Board	6	0	0	3	3
Equal Opportunity Employment Commission.....	6	3	2	1	0
Panama Canal Commission.....	6	1	5	0	0
United States Information Agency.....	6	5	1	0	0
National Science Foundation.....	5	2	3	0	0
National Indian Gaming Commission	3	2	1	0	0
Office of Government Ethics.....	3	1	2	0	0
ACTION	2	1	1	0	0
Committee for Purchase from the Blind and Other Severely Handicapped..	2	1	1	0	0
National Endowment for the Arts.....	2	1	1	0	0
Federal Financial Institutions Examination Council	1	1	0	0	0
Federal Mediation and Conciliation Service	1	0	1	0	0
Institute of Museum Services.....	1	0	1	0	0
James Madison Memorial Fellowship Foundation	1	1	0	0	0
Office of Management and Budget.....	1	0	1	0	0
Other Temporary Commissions.....	1	0	1	0	0
Peace Corps.....	1	1	0	0	0
Total	2,523	1,120	1,261	75	67
Percentage of total	100.0	44.4	50.0	3.0	2.7

EXHIBIT 3. MAJOR PROPOSED AND FINAL RULES REVIEWED DURING 1991

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 1981-1991, BY TYPE

Type of rule	Number of rules										
	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Nonmajor.....	2,705	2,559	2,422	2,055	2,155	1,934	2,246	2,280	2,141	2,057	2,381
Proposed	970	1,026	1,045	951	1,050	784	1,056	1,293	921	825	1,120
Final.....	1,735	1,533	1,377	1,104	1,105	1,150	1,190	987	1,220	1,232	1,261
Major	60	79	63	60	60	73	70	83	79	82	142
Proposed	25	29	22	33	21	25	40	43	32	39	75
Final.....	35	50	41	27	39	48	30	40	47	43	67
Total Proposed	995	1,055	1,067	984	1,071	809	1,096	1,336	953	864	1,195
Total Final.....	1,770	1,583	1,418	1,131	1,144	1,198	1,220	1,027	1,267	1,275	1,328
Total*	2,800	2,639	2,485	2,115	2,215	2,007	2,316	2,363	2,220	2,139	2,523
	Percent change										
	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90	1990-91	1981-91
Nonmajor.....	-5.4	-5.4	-15.2	4.9	-10.3	16.1	1.5	-6.1	-3.9	15.8	-12.0
Proposed	5.8	1.9	-9.0	10.4	-25.3	34.7	22.4	-28.8	-10.4	35.8	15.5
Final.....	-11.6	-10.2	-19.8	0.1	4.1	3.5	-17.1	23.6	1.0	2.4	-27.3
Major	31.7	-20.3	-4.8	0.0	21.7	-4.1	18.6	-4.8	3.8	73.2	136.7
Proposed	16.0	-24.1	50.0	-36.4	19.0	60.0	7.5	-25.6	21.9	92.3	200.0
Final.....	42.9	-18.0	-34.1	44.4	23.1	-37.5	33.3	17.5	-8.5	55.8	91.4
Total Proposed	6.0	1.1	-7.8	8.8	-24.5	35.5	21.9	-28.7	-9.3	38.3	20.1
Total Final.....	-10.6	-10.4	-20.2	1.1	4.7	1.8	-15.8	23.4	0.6	4.2	-25.0
Total*	-5.8	-5.8	-14.9	4.7	-9.4	15.4	2.0	-6.1	-3.6	18.0	-9.9

*These totals include, in addition to the total of proposed and final rules, 35 rules in 1981 and 1 rule in 1982 to which Executive Order 12291 was not applicable, representing a 97.1 percent increase in rules of that type in 1981-82 and a 100 percent reduction in 1982-83.

**EXHIBIT 5. TWENTY MOST ACTIVE RULE-PRODUCING AGENCIES:
COMPARISON OF RULES REVIEWED 1981-1991**

Agency	Number of rules										
	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
USDA.....	656	695	552	483	407	418	420	441	405	333	418
HHS.....	117	272	294	199	212	281	315	320	283	354	402
DOT.....	283	226	225	218	252	196	203	258	250	242	257
DOC.....	162	147	121	107	113	130	134	145	195	244	208
EPA.....	734	341	268	303	305	197	205	210	201	173	185
DOJ.....	53	51	72	46	78	46	84	52	100	78	133
HUD.....	74	130	112	108	90	68	64	105	78	63	125
ED.....	77	53	50	106	108	99	174	123	82	66	124
DOI.....	147	249	240	133	161	144	186	152	97	102	115
OPM.....	38	49	65	45	69	72	97	74	53	52	87
VA.....	69	70	69	70	65	62	67	82	95	87	71
TREAS.....	34	32	53	44	26	21	29	37	47	64	52
DOL.....	62	49	49	35	38	56	64	77	60	58	47
GSA.....	56	62	85	63	85	41	59	57	61	35	37
SBA.....	10	16	20	32	19	30	16	37	39	35	34
DOE.....	53	49	34	25	19	16	20	20	19	14	33
DOD.....	4	9	13	7	17	9	17	12	6	8	25
FEMA.....	16	6	29	16	26	24	26	30	29	25	19
NASA.....	10	11	13	11	25	15	15	17	16	9	15
STATE.....	13	10	3	4	7	4	19	17	15	9	46
	Percentage of change										
	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90	1990-91	1981-91
USDA.....	5.9	-20.6	-12.5	-15.7	2.7	0.5	5.0	-8.2	-17.8	25.5	-36.3
HHS.....	132.5	8.1	-32.3	6.5	32.5	12.1	1.6	-11.6	25.1	13.6	243.6
DOT.....	-20.1	-0.4	-3.1	15.6	-22.2	3.6	27.1	-3.1	-3.2	6.2	-9.2
DOC.....	-9.3	-17.7	-11.6	5.6	15.0	3.1	8.2	34.5	25.1	-14.8	28.4
EPA.....	-53.5	-21.4	13.1	0.7	-35.4	4.1	2.4	-4.3	-13.9	6.9	-74.8
DOJ.....	-3.8	41.2	-36.1	69.6	-41.0	82.6	-38.1	92.3	-22.0	70.5	150.9
HUD.....	75.7	-13.8	-3.6	-16.7	-24.4	-5.9	64.1	-25.7	-19.2	98.4	68.9
ED.....	-31.2	-5.7	112.0	1.9	-8.3	75.8	-29.3	-33.3	-19.5	87.9	61.0
DOI.....	69.4	-3.6	-44.6	21.1	-10.6	29.2	-18.3	-36.2	5.2	12.7	-21.8
OPM.....	28.9	32.7	-30.8	53.3	4.3	34.7	-23.7	-28.4	-1.9	67.3	128.9
VA.....	1.4	-1.4	1.4	-7.1	-4.6	8.1	22.4	15.9	-8.4	-18.4	2.9
TREAS.....	-5.9	65.6	-17.0	-40.9	-19.2	38.1	27.6	27.0	36.2	-18.8	52.9
DOL.....	-21.0	0.0	-28.6	8.6	47.4	14.3	20.3	-22.1	-3.3	-19.0	-24.2
GSA.....	10.7	37.1	-25.9	34.9	-51.8	43.9	-3.4	7.0	-42.6	5.7	-33.9
SBA.....	60.0	25.0	60.0	-40.6	57.9	-46.7	131.3	5.4	-10.3	-2.9	240.0
DOE.....	-7.5	-30.6	-26.5	-24.0	-15.8	25.0	0.0	-5.0	-26.3	135.7	-37.7
DOD.....	125.0	44.4	-46.2	142.9	-47.1	88.9	-29.4	-50.0	33.3	212.5	525.0
FEMA.....	-62.5	383.3	-44.8	62.5	-7.7	8.3	15.4	-3.3	-13.8	-24.0	18.8
NASA.....	10.0	18.2	-15.4	127.3	-40.0	0.0	13.3	-5.9	-43.8	66.7	50.0
STATE.....	-23.1	-70.0	33.3	75.0	-42.9	375.0	-10.5	-11.8	-40.0	411.1	253.8

B. Types of Actions Taken on Rules

Exhibits 6 through 10 summarize the actions taken on agency rules under Executive Order No. 12291 during 1991. Exhibit 11 compares OMB's actions during 1991 with actions in previous years.

Exhibit 6 shows the number of rules by type of OMB action during 1991. Of the 2,523 rules reviewed during 1991, OMB found that 63.2 percent were consistent with the principles of the Executive order as submitted, 27.2 percent were consistent with the order after the agency adopted changes during the review

period, 1.1 percent were inconsistent with the order and returned to the agency for reconsideration, 2.8 percent were withdrawn by agencies, and 2.7 percent were suspended. Emergency rules and rules subject to statutory or judicial deadlines constituted 3.0 percent of all 1991 rules, and 0.1 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 1991.

Exhibit 8 lists by name each of the 28 rules returned for reconsideration in 1991. Exhibit 9 lists by name each of the 70 rules withdrawn by agencies during OMB review in 1991. 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 69 rules suspended in 1991. 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 11 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, then remained stable until 1991, when it decreased to 63.2 percent. 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 increased to 27.2 percent in 1991. 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 2.8 percent in 1991. 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 1991 the number returned for reconsideration moderated to 1.1 percent. The percentage of rules suspended in 1991 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 1991 it was 3.0 percent.

Exhibit 12 shows OMB's average regulatory review time by agency from 1981 to 1991 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 1991 it was 39 days. OMB's average review time in 1981 for nonmajor rules was 9 days, as compared with an average of 29 days in 1991. The 1991 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 delay of even a few days could impose substantial costs and that are unlikely to involve significant policy issues.

At the end of 1991 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 1991. 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 41.1 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. In 1991 the number of pages increased again; 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 1991

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
Agriculture	418	283	92	11	7	1	4	6	14
Health and Human Services.....	402	256	108	8	5	0	17	7	1
Transportation	257	204	31	1	1	0	5	0	15
Commerce.....	208	166	31	6	0	0	2	3	0
Environmental Protection Agency.....	185	62	80	4	8	0	12	2	17
Justice	133	99	29	1	1	0	2	0	1
Housing and Urban Development.....	125	41	69	6	2	0	6	1	0
Education	124	32	76	5	2	0	9	0	0
Interior	115	88	20	1	0	0	4	0	2
Office of Personnel Management.....	87	50	31	6	0	0	0	0	0
Veterans Affairs	71	61	6	2	1	0	1	0	0
Treasury	52	43	4	5	0	0	0	0	0
Labor	47	25	15	1	0	0	2	0	4
State	46	25	16	2	0	0	2	0	1
General Services Administration.....	37	28	8	0	1	0	0	0	0
Small Business Administration.....	34	22	10	2	0	0	0	0	0
Energy	33	18	11	0	0	0	3	1	0
Defense.....	25	18	7	0	0	0	0	0	0
Railroad Retirement Board.....	21	15	6	0	0	0	0	0	0
Federal Emergency Management Agency.....	19	7	6	5	0	1	0	0	0
National Aeronautics and Space Administration	15	14	0	1	0	0	0	0	0
National Archives and Records Administration	7	5	1	1	0	0	0	0	0
Pension Benefit Guaranty Corporation .	7	3	3	1	0	0	0	0	0
US International Development Cooperation Agency	7	5	2	0	0	0	0	0	0
Architectural and Transportation Barriers Compliance Board.....	6	0	6	0	0	0	0	0	0
Equal Opportunity Employment Commission.....	6	4	2	0	0	0	0	0	0
Panama Canal Commission.....	6	6	0	0	0	0	0	0	0
United States Information Agency.....	6	5	0	1	0	0	0	0	0
National Science Foundation.....	5	2	3	0	0	0	0	0	0
National Indian Gaming Commission ...	3	1	2	0	0	0	0	0	0
Office of Government Ethics.....	3	1	2	0	0	0	0	0	0
ACTION	2	0	2	0	0	0	0	0	0
Committee for Purchase from the Blind	2	0	2	0	0	0	0	0	0
National Endowment for the Arts.....	2	0	2	0	0	0	0	0	0
Federal Financial Institutions Examination Council	1	1	0	0	0	0	0	0	0
Federal Mediation and Conciliation Service.....	1	1	0	0	0	0	0	0	0
Institute of Museum Services.....	1	1	0	0	0	0	0	0	0
James Madison Memorial Fellowship Foundation.....	1	0	1	0	0	0	0	0	0
Office of Management and Budget.....	1	1	0	0	0	0	0	0	0
Other Temporary Commissions	1	0	1	0	0	0	0	0	0
Peace Corps.....	1	1	0	0	0	0	0	0	0
Tbtal.....	2,523	1,594	685	70	28	2	69	20	55
Percentage of Tbtal.....	100.0	63.2	27.2	2.8	1.1	0.1	2.7	0.8	2.2

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

EXHIBIT 7. TYPES OF ACTIONS TAKEN ON AGENCY RULES DURING 1991, BY PERCENTAGE

Agency	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 (%)
Agriculture	418	67.7	22.0	2.6	1.7	0.2	1.0	1.4
Health and Human Services	402	63.7	26.9	2.0	1.2	0.0	4.2	1.7
Transportation	257	79.4	12.1	0.4	0.4	0.0	1.9	0.0
Commerce	208	79.8	14.9	2.9	0.0	0.0	1.0	1.4
Environmental Protection Agency	185	33.5	43.2	2.2	4.3	0.0	6.5	1.1
Justice	133	74.4	21.8	0.8	0.8	0.0	1.5	0.0
Housing and Urban Development	125	32.8	55.2	4.8	1.6	0.0	4.8	0.8
Education	124	25.8	61.3	4.0	1.6	0.0	7.3	0.0
Interior	115	76.5	17.4	0.9	0.0	0.0	3.5	0.0
Office of Personnel Management	87	57.5	35.6	6.9	0.0	0.0	0.0	0.0
Veterans Affairs	71	85.9	8.5	2.8	1.4	0.0	1.4	0.0
Treasury	52	82.7	7.7	9.6	0.0	0.0	0.0	0.0
Labor	47	53.2	31.9	2.1	0.0	0.0	4.3	0.0
State	46	54.3	34.8	4.3	0.0	0.0	4.3	0.0
General Services Administration	37	75.7	21.6	0.0	2.7	0.0	0.0	0.0
Small Business Administration	34	64.7	29.4	5.9	0.0	0.0	0.0	0.0
Energy	33	54.5	33.3	0.0	0.0	0.0	9.1	3.0
Defense	25	72.0	28.0	0.0	0.0	0.0	0.0	0.0
Railroad Retirement Board	21	71.4	28.6	0.0	0.0	0.0	0.0	0.0
Federal Emergency Management Agency	19	36.8	31.6	26.3	0.0	5.3	0.0	0.0
National Aeronautics and Space Administration	15	93.3	0.0	6.7	0.0	0.0	0.0	0.0
Other	69	53.6	42.0	4.3	0.0	0.0	0.0	0.0
Total	2,523	63.2	27.2	2.8	1.1	0.1	2.7	3.0

EXHIBIT 8. REGULATIONS RETURNED TO AGENCIES FOR RECONSIDERATION DURING 1991

Agency/Title of regulation	Type	Received	Reviewed
UNITED STATES DEPARTMENT OF AGRICULTURE			
Emergency Livestock Assistance—7 CFR Part 1475	FINAL	10/03/90	02/04/91
Poundage Quota and Marketing Assessments for the 1991-1995 Peanut Crops	NPRM	02/19/91	04/04/91
Peanuts—Peanuts Warehouse Storage Loans, Contract 1991-1995 Crops	NPRM	03/12/91	04/05/91
Use of Tocopherol ND Citric Acid in Various Meat Products	NPRM	09/23/91	12/19/91
Nutrition Labeling of Meat and Poultry Products	NPRM	10/15/91	10/24/91
Use of Tricalcium Phosphate in Mechanically Deboned Chicken	NPRM	11/27/91	12/19/91
Food Stamp Program: Allowing the Use of More Than One Denomination for Changemaking.....	NPRM	09/05/91	12/09/91
DEPARTMENT OF EDUCATION			
Perkins Loan, College Work-Study, and Supplemental Educational Opportunity.....	NPRM	09/20/90	01/14/91
Education Department General Administrative Regulations.....	NPRM	02/07/91	05/08/91
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
BPD-689-P—Uniform Electronic Cost Reporting System for Hospitals	NPRM	09/28/90	01/10/91
Medicare Coverage of Home Health Services, Supervision and Discharge Planning.....	NPRM	11/28/90	03/11/91
Optional Payment System for Low Medicare Volume Skilled Nursing Facilities.....	NPRM	06/14/91	11/07/91
Income—Parent-to-Child Deeming, 20 CFR Part 416, Subpart K	NPRM	04/25/91	07/01/91
Runaway and Homeless Youth Program.....	NPRM	01/29/91	03/26/91
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Real Estate Settlement Procedures Act	FINAL	03/08/91	03/28/91
Community Development Block Grant Funded Code Enforcement.....	NPRM	06/12/91	10/03/91
DEPARTMENT OF JUSTICE			
Aliens Fleeing Coercive Family Planning Policies.....	FINAL	06/19/91	09/17/91
DEPARTMENT OF TRANSPORTATION			
Emergency Position-Indicating Radio Beacons (EPIRB'S)	FINAL	04/24/91	08/01/91
DEPARTMENT OF VETERANS AFFAIRS			
Line of Duty	NPRM	04/19/91	08/06/91
ENVIRONMENTAL PROTECTION AGENCY			
Procedures for Planning and Implementing Off-Site Response Actions.....	FINAL	12/05/90	04/09/91
Groundwater Monitoring at Hazardous Waste Facilities	FINAL	05/02/91	08/08/91
Reportable Quantities: The Designation Final Rule.....	FINAL	05/16/91	07/09/91
Reportable Quantity (RQ) Adjustment (Final Rule)	FINAL	05/16/91	07/09/91
Reportable Quantity (RQ) Adjustment (Final Rule)	FINAL	07/29/91	11/22/91
Reportable Quantities: The Designation Final Rule	FINAL	07/29/91	11/22/91
Current Draft of Modification of the Hazardous Waste Recycling Regulations Audit Testing Procedures, Amendments to 40 CFR Part 60.533 of Subpart AAA	NPRM	08/05/91	10/22/91
AAA	NPRM	03/29/91	07/15/91
GENERAL SERVICES ADMINISTRATION			
Assignment and Utilization of Space	FINAL	11/20/90	03/01/91

EXHIBIT 9. REGULATIONS WITHDRAWN BY AGENCIES DURING 1991

Agency/Title of regulation	Type	Received	Withdrawn
UNITED STATES DEPARTMENT OF AGRICULTURE			
Collection of 1988 and A 1989 Advance Deficiency Overpayments.....	FINAL	03/06/91	03/26/91
Notice of Final Determinations—1990 Crop Honey Price Support Program SUPPORT PROGRAM.....	FINAL	03/19/91	04/25/91
General Crop Insurance Regulations: Forage Seeding Endorsement.....	NPRM	11/08/91	11/13/91
ALLOCATION OF INSURED ELECTRIC LOANS, REVISION OF REA LOAN DOCUMENT.....	NPRM	07/22/91	10/10/91
Borrow Eligibility for Different Types of Loans	FINAL	07/22/91	10/10/91
Receiving and Processing Applications, Authorizations, and Appraisals of Single Family Residential	NPRM	01/16/91	02/26/91
Establishment of Wetland Conservation Easements on FmHA Inventory.....	NPRM	06/18/91	06/27/91
Technical Assistance and Training Grants—7 CFR 1942-J.....	NPRM	07/23/91	07/26/91
Great Plains Conservation Program	FINAL	05/14/91	05/30/91
Finished Products Inspection.....	NPRM	05/16/91	06/21/91
Determination of Eligibility for Free Meals by Summer Food Service Program Sponsors	FINAL	01/15/91	03/22/91
DEPARTMENT OF COMMERCE			
State of Harvest Disclosure and Seed Filing Requirements for Exports of Eastern Hardwood Timber	FINAL	06/20/91	08/27/91
MBDA Policy Statement To No Longer Accept Unsolicited Proposals for Funding.....	FINAL	02/14/91	05/14/91
Sea Turtle Conservation, Shrimp Trawling Requirements.....	NPRM	06/28/91	08/30/91
Condition Renewal of Permits for the Atlantic Swordfish Fishery.....	FINAL	08/30/91	09/06/91
Revisions to the Special License Procedures, Elimination of Supplement No. 1 to Part 773.....	FINAL	04/08/91	04/17/91
Revisions to the Commodity Control List—Inertial Navigation Systems.....	FINAL	08/13/91	08/23/91
DEPARTMENT OF EDUCATION			
Notice of Proposed Priority for Fiscal Year 1992—State Vocational In-Service Training.....	08/13/91	09/11/91	
Notice of Proposed Selection Criteria—Business and Education Standards Program	NPRM	07/31/91	11/07/91
Student Assistance General Provisions, Subpart E (Verification of Student Aid Application).....	FINAL	12/14/90	03/28/91
Disposal and Utilization of Surplus Federal Real Property for Educational Purposes.....	FINAL	08/05/91	09/23/91
Education Department General Administrative Regulations.....	FINAL	08/21/91	11/13/91
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
National Health Service Corps Loan Repayment	FINAL	05/07/91	05/08/91
National Data Bank for Adverse Informational Data Bank for Adverse Information on Physicians, Dentists, and Other Health Care . . .	NPRM	05/08/91	05/08/91
Cooperative Agreements for Area Health Education Center Programs	FINAL	11/12/91	12/11/91
Area Health Education Centers Special Initiatives.....	FINAL	11/12/91	12/11/91
Faculty Development in Family Medicine	FINAL	11/20/91	12/09/91
Payment for Durable Medical Equipment and Orthopedic and Prosthetic Devices	FINAL	09/14/90	01/03/91
Contributions for Support—Regulations No. 4, Subpart D.....	NPRM	08/05/91	11/04/91
What is Not Income—20 CFR Part 416.....	FINAL	10/18/91	11/18/91
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Mortgage Approval Reform and Direct Endorsement Expansion	NPRM	04/22/91	05/22/91
RESPA Amendments (Regulation X).....	FINAL	01/08/91	02/05/91
Expansion of Operating Loss Loan Program—FR-2892	NPRM	05/06/91	07/08/91
Auction of Section 221 Multifamily Mortgages	NPRM	06/19/91	08/11/91
Fair Housing Initiatives Program—Proposed Amendments.....	NPRM	11/06/91	12/12/91
Indian Housing—Revised Consolidated Program Regulations	FINAL	09/30/91	11/18/91
DEPARTMENT OF THE INTERIOR			
Program Requirements, Federal Aid in Sport Fish and Federal Aid in Wildlife Restoration	FINAL	04/25/91	07/01/91

EXHIBIT 9. REGULATIONS WITHDRAWN BY AGENCIES DURING 1991—Continued

Agency/Title of regulation	Type	Received	Withdrawn
DEPARTMENT OF JUSTICE			
Aliens Fleeing Coercive Family Planning Policies	FINAL	01/08/91	01/23/91
DEPARTMENT OF LABOR			
Policy on Selection and Referral Techniques for Employment and Training Programs	FINAL	06/03/91	09/17/91
STATE DEPARTMENT			
Amendment to the International Traffic in Arms Regulations	NPRM	04/04/91	07/12/91
Amendment to the International Traffic in Arms Regulations	NPRM	09/11/91	09/18/91
DEPARTMENT OF TRANSPORTATION			
Occupant Crash Protection	NPRM	10/03/91	10/07/91
DEPARTMENT OF THE TREASURY			
Savings Association Membership in the Federal Home Loan Bank System	NPRM	04/22/91	07/03/91
Federal Savings Associations: Operating Subsidiaries and Service Corporations	NPRM	07/08/91	10/24/91
Savings Association Membership in the Federal Home Loan Bank System	NPRM	08/14/91	12/03/91
Bonds for Directors, Officers, Employees, and Agents, Form and Amount of Bonds	NPRM	08/22/91	12/03/91
Insider Transactions and Conflicts of Interest	NPRM	12/10/91	12/12/91
DEPARTMENT OF VETERANS AFFAIRS			
Operation of Child Care Centers at Veterans Administration Facilities.....	FINAL	04/29/91	07/10/91
Disability or Death from Hospitalization, Medical, or Surgical Treatment.....	FINAL	11/22/91	12/03/91
ENVIRONMENTAL PROTECTION AGENCY			
Consideration of Information Relating to Air and Water Discharge As Emission of Effluent Data	FINAL	09/19/90	01/04/91
Recovery of Costs for CERCLA Response Actions	NPRM	11/21/90	08/19/91
The Chicago and East St. Louis Sulfur Dioxide Control Strategy	NPRM	08/01/91	08/29/91
The Illinois Sulfur Dioxide SIP for the Peoria Area	NPRM	08/01/91	08/29/91
FEDERAL EMERGENCY MANAGEMENT AGENCY			
Crisis Counseling Assistance and Training	NPRM	01/02/91	04/02/91
Duplication of Benefits	NPRM	06/21/91	09/05/91
Tool Trigger Order Program Guidance.....	NPRM	12/14/90	03/13/91
Emergency Health and Medical Occupations	FINAL	12/14/90	03/13/91
National Security Emergency Exercise Program	NPRM	12/14/90	03/13/91
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION			
Demonstrations at the National Archives Building	FINAL	05/30/91	07/19/91
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
'Privacy Act—NASA Regulations' (14 CFR 1212).....	FINAL	11/15/91	12/11/91
OFFICE OF PERSONNEL MANAGEMENT			
Federal Employees Health Benefits Program—Waiving the Participation Requirement.....	FINAL	12/13/90	03/14/91
Cost-of-Living Allowances and Post Differentials	NPRM	01/22/91	02/12/91
Political Activity of Federal Employees.....	NPRM	02/20/91	03/15/91
Voting Rights Program	FINAL	02/25/91	02/28/91
Proposed Reduction in Force Regulations—Longer Notice.....	NPRM	06/25/91	06/27/91
Repayment of Student Loans	NPRM	06/27/91	07/18/91
PENSION BENEFIT GUARANTY CORPORATION			
Notice of Determination of Plan Sufficiency and Termination of Sufficient Plans.....	FINAL	08/01/91	09/16/91
SMALL BUSINESS ADMINISTRATION			
Business Loans, Referral Fees to Third Parties.....	FINAL	11/01/90	01/14/91
Small Business Investment Companies—Management and Private Capital Requirements.....	FINAL	03/11/91	03/20/91

EXHIBIT 9. REGULATIONS WITHDRAWN BY AGENCIES DURING 1991—Continued

Agency/Title of regulation	Type	Received	Withdrawn
UNITED STATES INFORMATION AGENCY Secondary School Students, Exchange Visitor Program	NPRM	11/18/91	11/18/91

EXHIBIT 10. REGULATIONS SUSPENDED DURING 1991

Agency/Title of regulation	Type	Received	Reviewed
UNITED STATES DEPARTMENT OF AGRICULTURE			
Rural Emergency Assistance Loans—1942-B.....	NPRM	07/22/91	10/03/91
User Fees—Agricultural Quarantine and Inspection Services, Phytosanitary Certificates	FINAL	11/25/91	12/06/91
Recordkeeping Requirements for Certified Applicators of Federally Re- stricted Use Pesticides.....	FINAL	09/23/91	11/22/91
Preventing Cross-Contamination of Meat Products Heat Processed in 130 Degrees or Higher.....	FINAL	01/10/91	03/21/91
DEPARTMENT OF COMMERCE			
Proposed Olympic Coast National Marine Sanctuary	NPRM	12/19/90	01/23/91
Summer Flounder Fishery.....	NPRM	01/10/91	01/25/91
DEPARTMENT OF EDUCATION			
The State Vocational Rehabilitation Services	NPRM	08/24/90	01/03/91
Student Assistance General Provisions—Subpart I Immigration Status Confirmation	NPRM	11/20/90	03/07/91
Institutional Eligibility Under the Higher Education Act	NPRM	02/19/91	06/05/91
Pell Grant Program—Final Regulations	FINAL	03/05/91	05/30/91
Guaranteed Student Loan Programs Default Reduction	FINAL	04/04/91	07/09/91
Student Assistance General Provisions Subpart E.....	FINAL	04/10/91	09/06/91
Education Department General Administrative Regulations	NPRM	09/17/90	01/03/91
State-Administered Programs (Accountability Initiative).....	NPRM	11/02/90	02/08/91
General Education Provisions Act—Enforcement.....	NPRM	05/16/91	07/26/91
DEPARTMENT OF ENERGY			
Draft Energy Conservation Interim Voluntary Performance—Non-Federal Residential Buildings	NPRM	06/20/91	10/29/91
Criteria and Procedures for DOE Contractor Employee Protection Program ..	FINAL	11/02/90	01/09/91
Workplace Substance Abuse Programs at the DOE Facilities.....	NPRM	01/14/91	05/28/91
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Senior Biomedical Research Service	Final	08/05/91	11/08/91
Expanded Availability of Investigational New Drugs Through a Parallel Track Mechanism.....	Final	08/12/91	10/23/91
Proposal To Establish Procedures for the Safe Processing of Smoked Fish	NPRM	07/02/91	10/25/91
Investigational New Drug, Antibiotic and Biological Application, Clinical Hold and Termination	Final	08/12/91	10/23/91
Medicare and Medicaid Programs: Changes to Long-Term Care Facility Survey Process	NPRM	09/14/90	01/03/91
HSQ-179-P—Enforcement Procedures for Laboratories.....	NPRM	11/05/90	02/08/91
Survey and Enforcement Requirements for Home Health Agencies	NPRM	01/30/91	06/06/91
'Confined to the Home' Requirement for Home Health Service—Medicare	NPRM	02/20/91	06/06/91
Survey and Certification of Skilled Nursing Facilities and Nursing Facilities Cost Report Settlement Adjustment Factors—Cost Limits for Skilled Nurs- ing Facilities.....	NPRM	06/04/91	09/05/91
	NPRM	07/01/91	11/07/91

EXHIBIT 10. REGULATIONS SUSPENDED DURING 1991—Continued

Agency/Title of regulation	Type	Received	Reviewed
DEPARTMENT OF HEALTH AND HUMAN SERVICES—Continued			
Medicare: Self-Implementing Coverage and Payments Provisions	FINAL	07/26/91	11/07/91
Preadmission Screening and Annual Resident Review	FINAL	08/05/91	11/07/91
Requirements for Coverage of Seats	NPRM	08/05/91	11/07/91
Resident Assessment in Long-Term Care Facilities	NPRM	08/16/91	12/06/91
Resources and Exclusions, Definition of Resources	NPRM	09/18/90	01/17/91
Representation of Claimants for Benefits Under Title II or Title XVI	NPRM	01/28/91	04/16/91
Residence and Citizenship, 20 CFR PART 416	FINAL	02/26/91	06/06/91
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Government Debarment and Suspension and Governmentwide Drug Free Workplace	NPRM	08/22/91	11/08/91
Manufactured Home Construction and Safety Standards	NPRM	10/11/90	01/07/91
Mortgagee Approval Reform and Direct Endorsement Expansion	NPRM	12/12/90	03/07/91
Expansion of Operating Loss Loan Program	NPRM	04/02/91	07/12/91
Manufactured Home Procedural and Enforcement Regulations	NPRM	04/26/91	10/03/91
Changes to the Minimum Property Standards	FINAL	07/16/91	10/25/91
DEPARTMENT OF THE INTERIOR			
Coal Management—General, Exploration Licenses, Competitive Leasing	NPRM	11/23/90	02/25/91
Onshore Oil and Gas Order No. 8, Well Completions/Workovers/Abandonments	NPRM	11/23/90	02/25/91
Mining Claims Under the General Mining Laws, Surface Management	NPRM	12/10/90	03/13/91
Increase the Amount of Surety Bond Coverage of OCS Lessees	FINAL	07/25/91	10/25/91
DEPARTMENT OF JUSTICE			
Nonimmigrant Classes—Treaty Aliens, E Classification	NPRM	05/16/91	08/15/91
Nonimmigrant Classes—Students, F & M Classifications	FINAL	09/18/91	09/30/91
DEPARTMENT OF LABOR			
Attestations by Employers for Off-Campus Work Authorizations for Students	NPRM	07/01/91	09/05/91
Occupational Exposure to 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates	NPRM	05/06/91	09/06/91
STATE DEPARTMENT			
Amendments to the International Traffic in Arms Regulations, Category XII	NPRM	05/03/91	08/12/91
Amendments to the International Traffic in Arms Regulations, Category VIII	NPRM	05/03/91	08/12/91
DEPARTMENT OF TRANSPORTATION			
Emergency Position Indicating Radio Beacons (EPIRB'S) on Uninspected Vessels	FINAL	08/29/91	11/21/91
High Density Traffic Airports Slot Allocation and Transfer Methods	NPRM	04/01/91	08/01/91
Motor Vehicle Theft Prevention: Selection of Lines Subject to Theft Prevention Program, NPRM	09/11/90	01/11/91	
Capital Leases, Final Rule	FINAL	02/26/91	05/28/91
Pre-Award and Post-Delivery Audits of Rolling Stock Purchases	FINAL	04/03/91	07/12/91
DEPARTMENT OF VETERANS AFFAIRS			
Loan Guaranty: Credit Underwriting Standards and Procedures—Specially Adapted Housing	FINAL	09/21/90	01/08/91
ENVIRONMENTAL PROTECTION AGENCY			
Notice of Draft General Permit for Storm Water Discharges—Industrial Activity	NPRM	11/28/90	04/05/91
State Hazardous Waste Enforcement and Compliance Monitoring Requirements	NPRM	10/24/90	02/05/91
Phase One Revisions to the Oil Pollution Prevention	NPRM	12/21/90	02/25/91
Hazardous Waste Management System: Land Disposal Restriction "No Migration Variance"	NPRM	02/22/91	09/06/91
Reportable Quantities—the Designation Final Rule	FINAL	03/26/91	05/06/91
Reportable Quantity (RQ) Adjustment Final Rule	FINAL	03/26/91	05/06/91
National Oil and Hazardous Substances Pollution Contingency Subpart K Federal Facilities	NPRM	05/24/91	08/28/91

EXHIBIT 10. REGULATIONS SUSPENDED DURING 1991—Continued

Agency/Title of regulation	Type	Received	Reviewed
ENVIRONMENTAL PROTECTION AGENCY—Continued			
Ground-Water Protection Standards for Inactive Uranium Tailings Sites	FINAL	05/13/91	09/06/91
Pesticide Status of Products Affecting Soil Bacteria Responsible for Loss of Soil Nitrogen.....	FINAL	02/04/91	05/10/91
Proposal to Delete Phosphoric Acid and Add a Phosphates Category to Section 313A List	NPRM	05/07/91	08/30/91
Worker Protection Standards, 40 CFR Part 170.....	NPRM	06/12/91	10/01/91
Worker Protection Standards, 40 CFR Parts 156 and 170.....	FINAL	06/12/91	10/01/91

EXHIBIT 11. TYPES OF ACTIONS TAKEN ON AGENCY RULES—PERCENTAGE COMPARISON 1981-1991

Action taken	Percentage										
	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Found consistent without change	87.3	84.1	82.3	78.0	70.7	68.3	70.5	70.9	73.8	71.8	63.2
Found consistent with change .	4.9	10.3	12.7	15.1	23.1	22.9	23.7	21.9	19.4	19.3	27.2
Withdrawn by agency	1.8	1.2	1.6	2.4	3.1	2.8	2.5	2.4	2.7	2.5	2.8
Returned for reconsideration ...	1.6	2.1	1.3	2.7	1.5	1.4	0.4	1.2	1.3	1.0	1.1
Suspended	NA	NA	NA	NA	NA	NA	NA	NA	0.7	2.7	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	0.1
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	3.0
Total*	100.1	100	99.9	99.9	99.9	99.9	99.8	100	99.9	100	100.1
Action taken	Percentage change										
	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90	1990-91	1981-91
Found consistent without change	-3.2	-1.8	-4.3	-7.3	-2.4	2.2	0.4	2.9	-2	-8.6	-24.1
Found consistent with change .	5.4	2.4	2.4	8.0	-0.2	0.8	-1.8	-2.5	-0.1	7.9	22.3
Withdrawn by agency	-0.6	0.4	0.8	0.7	-0.3	-0.3	-0.1	0.3	-0.2	0.3	1.0
Returned for reconsideration ...	0.5	-0.8	1.4	-1.2	-0.1	-1	0.8	0.1	-0.3	0.1	-0.5
Suspended	NA	NA	NA	NA	NA	NA	NA	NA	2	0	NA
Sent improperly or exempt	-2.2	-0.9	0.0	0.3	-0.1	0	-0.1	0.3	-0.2	-0.1	-3.0
Emergency, statutory or judicial deadline.....	0.0	0.6	-0.3	-0.5	3.1	-1.8	1	-1.9	0.9	0.5	1.6

*Percentages may not add to 100.0 percent due to rounding. NA = Not Applicable.

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

Agency	1981-91			1991			1990			1989		
	Major	Non-major	All	Major	Non-major	All	Major	Non-major	All	Major	Non-major	All
USDA.....	22	16	17	23	23	23	65	27	29	31	18	19
DOC.....	46	15	16	NA	15	15	NA	16	16	6	15	15
DOD.....	14	29	29	28	22	22	NA	52	52	NA	92	92
ED.....	42	23	23	NA	43	43	NA	39	39	NA	33	33
DOE.....	49	20	22	110	35	39	NA	28	28	52	98	92
HHS.....	36	31	31	19	36	34	50	39	40	46	36	36
HUD.....	35	24	25	88	42	42	57	34	34	83	29	31
DOI.....	11	18	18	26	33	33	3	23	23	3	30	29
DOJ.....	11	12	12	19	22	22	NA	11	11	1	12	12
DOL.....	102	41	48	49	25	27	75	38	46	179	71	86
STATE.....	28	18	18	NA	30	30	NA	14	14	NA	11	11
DOT.....	36	22	23	24	21	21	20	19	19	71	23	24
TREAS.....	51	20	21	8	41	41	204	28	31	NA	28	28
VA.....	NA	22	22	NA	24	24	NA	20	20	NA	17	17
EPA.....	72	28	29	99	44	51	65	36	40	104	49	52
Other agencies.....	43	20	21	30	25	25	13	24	24	28	25	25
All government.....	41	22	23	39	29	29	56	27	28	59	28	29
	1988			1987			1986			1985		
USDA.....	13	19	19	19	19	19	13	18	18	15	19	19
DOC.....	144	35	36	NA	19	19	127	15	15	NA	12	12
DOD.....	NA	22	22	4	12	11	30	28	28	NA	30	30
ED.....	NA	32	32	NA	15	15	14	13	13	NA	16	16
DOE.....	125	42	47	NA	24	24	34	15	17	30	7	8
HHS.....	48	32	33	162	36	37	19	37	36	74	46	47
HUD.....	21	31	31	35	21	22	44	32	33	NA	27	27
DOI.....	32	22	23	4	20	19	7	11	11	5	19	19
DOJ.....	NA	17	17	2	6	6	NA	8	8	NA	9	9
DOL.....	133	84	87	132	46	54	76	47	49	173	55	61
STATE.....	NA	20	20	NA	12	12	NA	5	5	NA	16	16
DOT.....	58	41	41	21	32	31	32	19	19	80	34	36
TREAS.....	NA	17	17	NA	16	16	NA	7	7	16	13	13
VA.....	NA	30	30	BA	38	38	NA	44	44	NA	23	23
EPA.....	51	48	49	49	35	37	41	41	41	78	33	35
Other agencies.....	66	28	28	42	26	26	74	24	25	105	23	25
All government.....	44	32	32	29	24	24	29	24	24	64	26	27
	1984			1983			1982			1981		
USDA.....	11	19	19	15	13	13	17	10	10	22	8	8
DOC.....	316	14	17	5	11	11	22	9	10	8	8	8
DOD.....	NA	30	30	NA	16	16	NA	6	6	NA	9	9
ED.....	39	18	19	NA	11	11	32	12	13	NA	8	8
DOE.....	77	9	12	45	7	9	26	6	7	7	7	7
HHS.....	3	33	33	35	18	19	21	10	11	8	7	7
HUD.....	10	18	17	12	15	15	NA	11	11	NA	14	14
DOI.....	7	17	17	12	17	17	13	10	10	6	8	8
DOJ.....	NA	10	10	BA	14	14	NA	7	7	NA	6	6
DOL.....	NA	43	43	121	18	29	37	10	12	26	6	9
STATE.....	NA	5	5	28	10	16	NA	7	7	NA	9	9
DOT.....	42	20	21	24	15	15	37	12	12	8	8	8
TREAS.....	17	18	18	NA	12	12	60	13	14	1	8	8
VA.....	NA	15	15	NA	15	15	NA	11	11	NA	10	10
EPA.....	58	30	31	14	22	22	88	17	19	12	9	9
Other agencies.....	26	20	20	35	14	14	40	13	14	5	10	10
All government.....	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 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

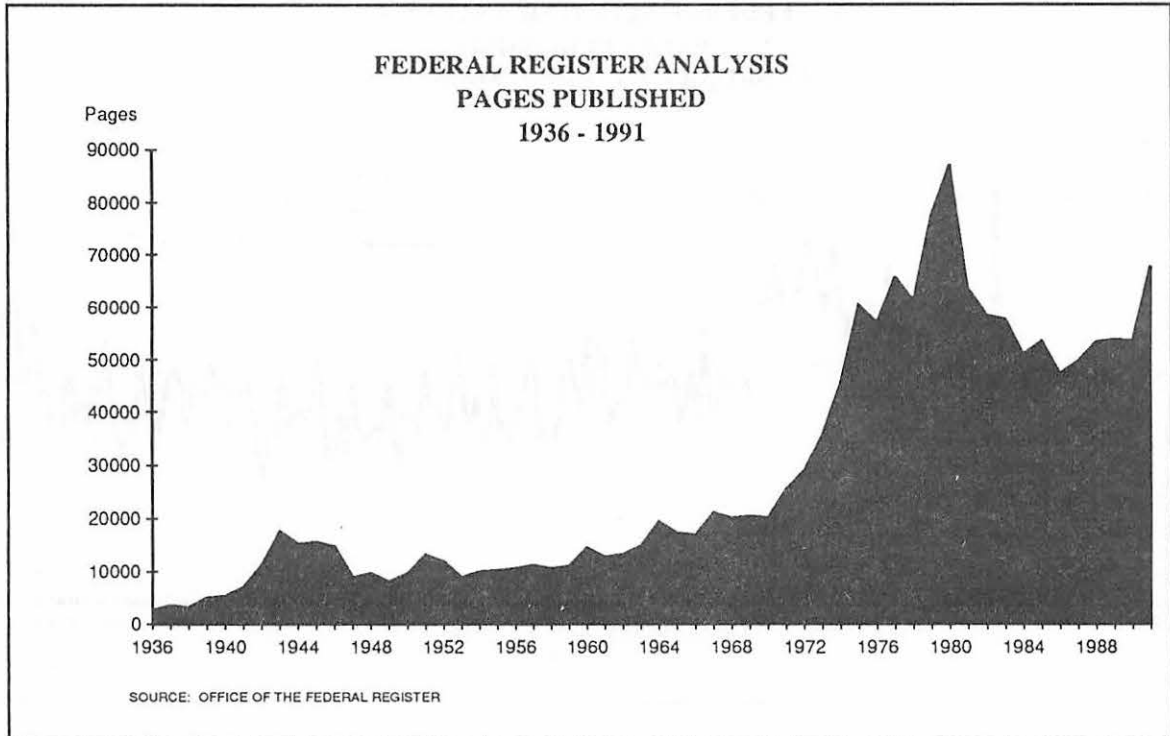


EXHIBIT 15

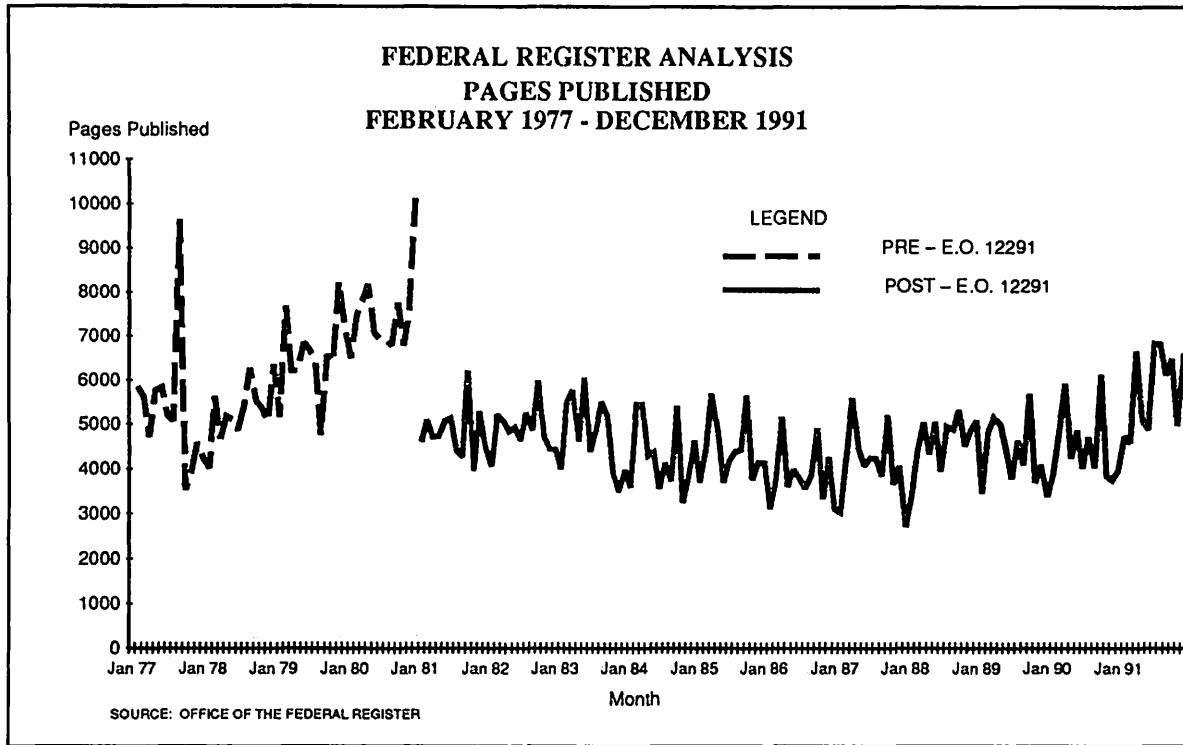
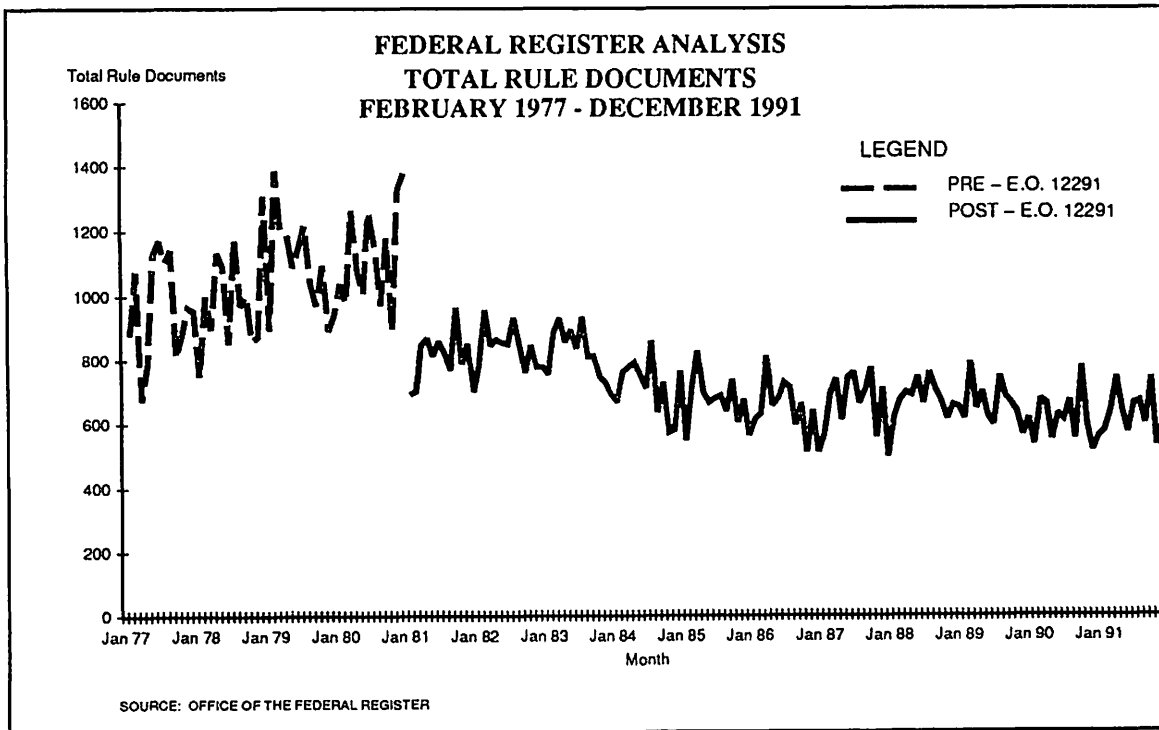


EXHIBIT 16



**EXHIBIT 19. FINAL RULE DOCUMENTS BY AGENCY PUBLISHED IN THE *FEDERAL REGISTER*
1982-1991**

Agency	Number of documents										Percentage of documents									
	1991	1990	1989	1988	1987	1986	1985	1984	1983	1982	1991	1990	1989	1988	1987	1986	1985	1984	1983	1982
USDA .	504	535	604	625	556	554	611	684	638	674	10.4	11.2	11.7	12.2	11.3	11.1	11.8	12.9	10.5	10.6
DOC....	315	289	260	264	285	292	254	202	213	205	6.5	6.1	5.0	5.1	5.8	5.9	4.9	3.8	3.5	3.2
DOD....	213	120	155	163	172	198	113	102	109	111	4.4	2.5	3.0	3.2	3.5	4.0	2.2	1.9	1.8	1.8
ED.....	25	30	69	48	68	51	40	35	25	36	0.5	0.6	1.3	0.9	1.4	1.0	0.8	0.7	0.4	0.6
DOE....	54	37	22	23	15	21	14	27	37	52	1.1	0.8	0.4	0.4	0.3	0.4	0.3	0.5	0.6	0.8
HHS....	251	329	343	337	380	405	450	422	573	561	5.2	6.9	6.7	6.6	7.7	8.1	8.7	8.0	9.5	8.9
HUD....	86	55	80	103	89	95	96	141	128	124	1.8	1.2	1.6	2.0	1.8	1.9	1.9	2.7	2.1	2.0
DOI....	290	240	218	254	246	240	258	320	461	477	6.0	5.0	4.2	4.9	5.0	4.8	5.0	6.0	7.6	7.5
DOJ....	116	89	105	100	122	116	108	113	159	102	2.4	1.9	2.0	1.9	2.5	2.3	2.1	2.1	2.6	1.6
DOL....	56	73	83	75	56	55	68	56	63	63	1.2	1.5	1.6	1.5	1.1	1.1	1.3	1.1	1.0	1.0
STATE	27	13	17	20	18	12	7	7	8	15	0.6	0.3	0.3	0.4	0.4	0.2	0.1	0.1	0.1	0.2
DOT....	1,056	1,100	1,076	978	859	923	903	748	865	908	21.8	23.1	20.9	19.0	17.4	18.5	17.4	14.1	14.3	14.3
TREAS	190	184	193	204	184	236	219	247	244	180	3.9	3.9	3.7	4.0	3.7	4.7	4.2	4.7	4.0	2.8
VA.....	57	66	67	69	49	51	49	54	53	54	1.2	1.4	1.3	1.3	1.0	1.0	0.9	1.0	0.9	0.9
EPA.....	328	416	539	441	438	487	518	624	605	805	6.8	8.7	10.5	8.6	8.9	9.8	10.0	11.8	10.0	12.7
EEOC .	5	7	12	5	18	8	13	14	16	7	0.1	0.1	0.2	0.1	0.4	0.2	0.3	0.3	0.3	0.1
FEMA .	76	98	95	106	66	71	84	91	261	398	1.6	2.1	1.8	2.1	1.3	1.4	1.6	1.7	4.3	6.3
GSA	107	79	98	77	83	74	107	74	95	80	2.2	1.7	1.9	1.5	1.7	1.5	2.1	1.4	1.6	1.3
NASA..	74	38	50	39	33	36	28	15	20	18	1.5	0.8	1.0	0.8	0.7	0.7	0.5	0.3	0.3	0.3
OMB ...	0	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	0.0
OPM ...	58	46	34	58	74	44	39	38	43	25	1.2	1.0	0.7	1.1	1.5	0.9	0.8	0.7	0.7	0.4
SBA.....	37	36	43	28	14	34	26	39	26	26	0.8	0.8	0.8	0.5	0.3	0.7	0.5	0.7	0.4	0.4
Other ..	260	249	259	273	257	275	241	261	335	337	5.4	5.2	5.0	5.3	5.2	5.5	4.7	4.9	5.5	5.3
CFTC ..	14	18	23	20	25	19	32	38	51	19	0.3	0.4	0.4	0.4	0.5	0.4	0.6	0.7	0.8	0.3
CPSC ..	13	6	4	10	8	9	17	30	22	25	0.3	0.1	0.1	0.2	0.2	0.2	0.3	0.6	0.4	0.4
FCC	445	412	420	437	444	306	400	405	359	393	9.2	8.6	8.1	8.5	9.0	6.1	7.7	7.7	5.9	6.2
FDIC...	11	18	22	13	16	14	20	24	17	24	0.2	0.4	0.4	0.3	0.3	0.3	0.3	0.4	0.4	0.3
FERC..	3	30	40	92	95	82	127	139	156	120	0.1	0.6	0.8	1.8	1.9	1.6	2.5	2.6	2.6	1.9
FHLBB	0	0	28	37	30	29	39	32	41	53	0.0	0.0	0.5	0.7	0.6	0.6	0.8	0.6	0.7	0.8
FMC....	20	13	10	14	17	6	9	43	19	26	0.4	0.3	0.2	0.3	0.3	0.1	0.2	0.8	0.3	0.4
FRS.....	46	41	33	47	32	28	40	37	66	75	0.9	0.9	0.6	0.9	0.6	0.6	0.8	0.7	1.1	1.2
FTC.....	11	24	38	58	49	77	84	82	116	80	0.2	0.5	0.7	1.1	1.0	1.5	1.6	1.6	1.9	1.3
ICC	34	20	35	35	48	51	59	53	103	127	0.7	0.4	0.7	0.7	1.0	1.0	1.1	1.0	1.7	2.0
NRC....	41	31	48	42	47	36	49	42	55	51	0.8	0.7	0.9	0.8	1.0	0.7	0.9	0.8	0.9	0.8
SEC.....	29	21	34	45	40	54	66	54	65	84	0.6	0.4	0.7	0.9	0.8	1.1	1.3	1.0	1.1	1.3
Total*..	4,852	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	100.0

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