

More than 22,000 Public Notices Annually

In addition to the *Federal Register's* tally of some presidential memoranda, public notices in the *Federal Register* typically consist of non-rulemaking documents such as meeting and hearing notices and agency-related organizational material.¹¹⁹ But the tens of thousands of yearly public notices can also include memoranda, bulletins, guidance documents, alerts, and other proclamations, many of which may be consequential to the public, but may or may not be published in the *Federal Register*.¹²⁰

Figure 16 shows the number of notices annually. They peaked at more than 26,000 during 2010–2011. They have dipped below 24,000 only three times since 1996, including the drop to 22,137 in calendar year 2017 (the other years were 2014 and 2015). There have

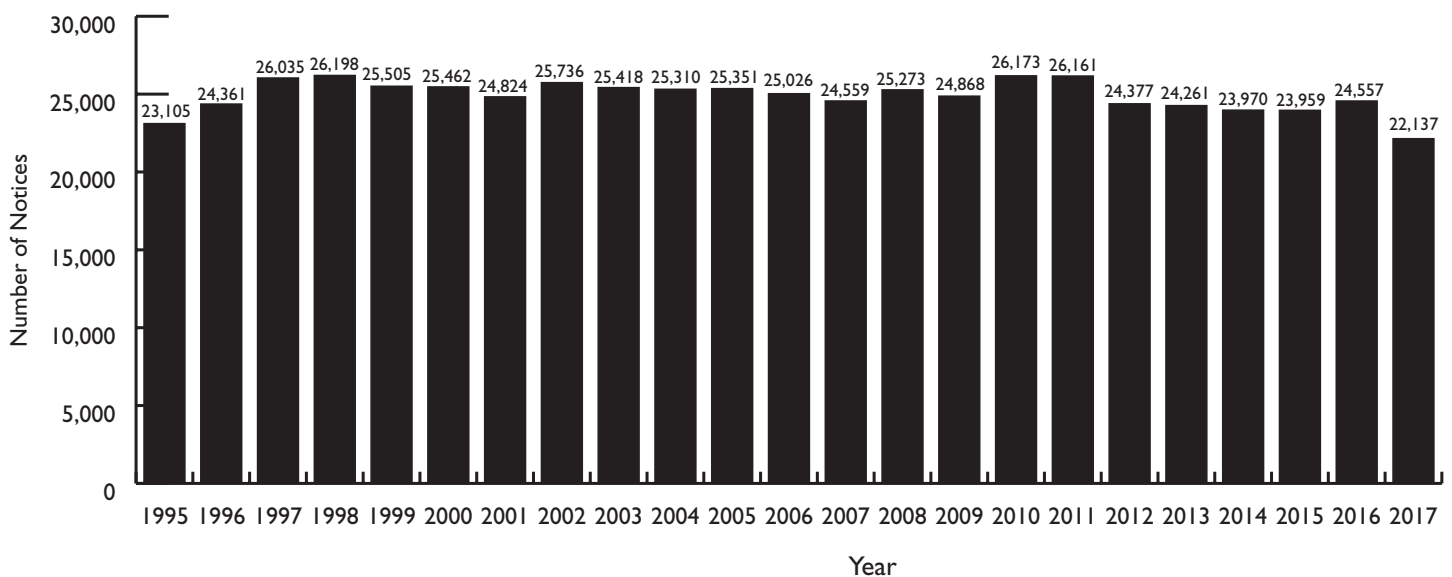
been 572,626 public notices since 1994 and well over 1 million since the 1970s.

Given that many notice-and-comment regulations already lack cost-benefit or other analysis, policy makers should pay greater attention to the “notices” component of the *Federal Register*, given the modern administrative state’s inclination to advance policy by memorandum, notice, letter, and other means. Increased unilateral executive proclamations atop “traditional” rules and regulations render costs and effects of regulation even less transparent than they already are.

While agencies issued thousands of “notices,” only 24 received OMB review during the 2017 calendar year, down from 45 in the previous year. Further, some of the annual

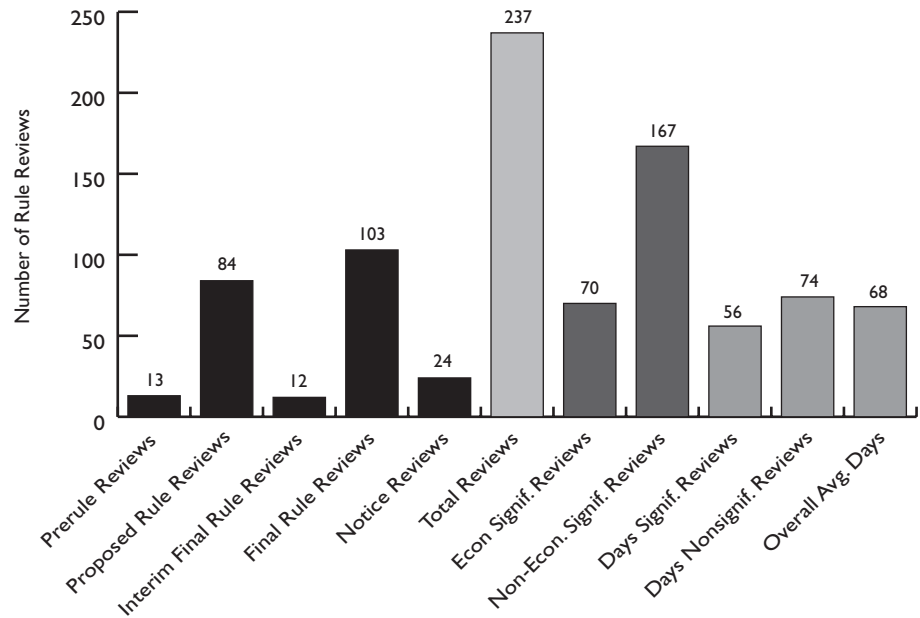
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Figure 16. Public Notices in the *Federal Register*, 1995–2017



Source: National Archives and Records Administration, Office of the Federal Register.

Figure 17. Number of OMB Rule Reviews and Average Days under Review, 2017



Source: Author search on RegInfo.gov, “Review Counts” database search engine under Regulatory Review heading.

notices reviewed have been deemed “economically significant.” Figure 17 presents the number of rule reviews conducted by OMB, by stage and by economic significance, for calendar year 2017. It also shows the number of days OMB took to review rules in 2017, a process that has improved in recent years but can still take several months.

A history of the number of rules and notices reviewed annually by OIRA appears in Ap-

pendix: Historical Tables, Part D, where a detailed breakdown is presented of numbers of rules reviewed by type and by average days for review from 1991 through 2017. Each category was down significantly between Obama’s last year and Trump’s first. During the pre-Executive Order 12866 years depicted there, 1991–1993, review times were shorter, although numbers of rules were considerably higher then.