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. 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guidance documents, alerts, and other proclamations, many of which may be consequential to the public, but may or may not be published in the *Federal Register*.

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

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

Source: National Archives and Records Administration, Office of the Federal Register.
notices reviewed have been deemed “eco-
nomically 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 de-
picted there, 1991–1993, review times were
shorter, although numbers of rules were con-
siderably higher then.