



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Washington, D.C. 20235

JUN 17 1981

F/CM6:RAS

TO: Regional, Center, and Office Directors

FROM: *Bill Steven*
F - Terry L. Lertzell

SUBJECT: Interim National Marine Fisheries Service (NMFS) Procedures to Implement Executive Order 12291 (E.O. 12291), the Regulatory Flexibility Act (RFA), and the Paperwork Reduction Act (PRA)

The President's E.O. 12291 and recent laws such as the Regulatory Flexibility Act (RFA) and the Paperwork Reduction Act (PRA) established policies and procedures for developing regulations. The E.O., which is administered by the Office of Management and Budget (OMB), is the central mechanism of the President's Regulatory Relief Program to ease the burden of ineffective regulations on American business and consumers. Besides this regulatory goal, the RFA and the PRA require regulations specifying compliance and reporting procedures be tailored to the size of businesses and governmental jurisdictions. In this way, regulations designed for large businesses will not place inordinate burdens on small businesses that may not have caused the need for federal action.

All of our ongoing and future regulatory actions, regardless of the stage of development, must comply with E.O. 12291, the RFA, and the PRA. We have not received formal guidance on compliance procedures from either OMB or the Department's Office of Regulatory Policy (DOC). This memorandum provides interim procedures, based on informal consultations with OMB and DOC, for reviewing and processing fishery management plans (FMPs), amendments, and within-plan regulatory changes for consistency with the new regulatory requirements. At present, OMB considers all regulatory actions, including field orders and inseason adjustments, subject to E.O. 12291. We are seeking an OMB exemption for these types of regulatory actions.

Before introducing interim procedures approved by the Acting Administrator on April 9, 1981, I will provide you with some background information on E.O. 12291, the RFA, and the PRA.

Executive Order 12291

For the past three years, we conducted rulemaking activities in conformance with E.O. 12044. The emphasis in this Order was to integrate the analysis of problems and alternatives into the rulemaking process. The analysis was expected to: (1) describe the need for and the purpose of the regulation(s); (2) describe alternative ways of dealing with the problem(s); (3) analyze the economic consequences of each alternative; and (4) explain the



reasons for choosing the proposed regulatory approach.

Under E.O. 12291, a similar analysis of rules and alternatives has to be performed within a cost-benefit framework. The general requirements of the Order specify conditions for developing and reviewing rulemaking actions.

- o Regulatory action shall not be undertaken unless the potential benefits to society outweigh the potential costs to society;
- o Regulatory objectives shall be chosen to maximize the net benefits to society;
- o Alternatives shall be chosen involving the least net cost to society; and
- o Agencies shall set regulatory objectives with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future.

Although the Order emphasizes the importance of cost-benefit information, other factors such as biological effects, social values, institutional structures, and political consequences provide necessary information for our decisions to approve or disapprove rules. Benefit-cost estimates are one form of important data. Because of the unquantifiable nature of some fishery regulatory costs and benefits, we also will use other information to evaluate tradeoffs among rulemaking alternatives.

The Order also reinforces the policy set forth by the Secretary in his memorandum of January 29, 1981, which calls for, among other things, the reduction of unnecessary and ineffective regulations and places greater emphasis on the quality of the Department's economic reporting, analysis, and policy development.

The Regulatory Flexibility Act

The RFA requires regulations to reflect compliance capabilities of both small and large entities. This may necessitate regulations tiered to the size (capital stock or financial resources) of the regulated entities.

We are required to determine whether the regulations will have a "significant economic impact on a substantial number of small entities." If the regulations are expected to have a significant economic impact -- either positive or negative -- a "regulatory flexibility analysis" must be prepared. This analysis is sent to the Chief Counsel for Advocacy of the Small Business Administration for review. A regulatory flexibility analysis is not required if the agency head (Secretary of Commerce) certifies the rule will not have a significant economic impact.

The Paperwork Reduction Act

This Act, effective April 1, 1981, requires OMB to review all information collection requests specified in agency rules. All requests for OMB clearance are initiated with a Standard Form (SF) 83 (attachment).

We expect the PRA to have a significant impact on the FMP process because of certain questions on the SF 83. For example, we are required to:

- o Identify paperwork and reporting burdens;
- o Estimate the cost to the Federal government of information collection or rulemaking; and
- o Estimate compliance costs to the public.

The "cost to the Federal government" includes all the costs of developing, approving, and implementing an FMP, or amendment. OMB has informally defined these costs to include: (1) Council contracts; (2) Council administrative and programmatic funds; (3) NMFS administrative costs, enforcement costs, monitoring costs; and (4) data collection costs. We probably will receive formal guidance from OMB sometime this fall.

Recently, OMB informed us that the PRA applies to data reporting requirements for foreign fishing vessels. In developing or amending foreign fishing regulations containing information collection requests, we should identify the reporting burdens on the SF 83.

Applicability of Current Directives

Some of the regulatory procedures established in Departmental Administrative Order (DAO) 218-7 and the NOAA Rulemaking Directive 21-24 are inconsistent with E.O. 12291. We have been informed of the intention of DOC to revise DAO 218-7. This will incorporate the requirements of E.O. 12291, the RFA, and the PRA. A revised DAO is expected to be issued in draft form before August 1981. Until the new DAO is issued in final form and implemented through a new NOAA Rulemaking Directive, DAO 218-7 remains in force except where contradicted by E.O. 12291. Similarly, the NOAA Rulemaking Directive is effective.

I anticipate most of you may feel overwhelmed by the new procedural requirements; but they are necessary for the President's commitment to reduce regulatory burdens. We still do not know the full implications of E.O. 12291, the RFA, and the PRA because of limited guidance from OMB. Since we are working with interim guidelines, I would appreciate any suggestions for clarifying or improving them. All questions and comments concerning these guidelines should be directed to William G. Gordon (202-634-7218).

Attachments

REQUEST FOR OMB REVIEW

(Under the Paperwork Reduction Act and Executive Order 12291)

Important — Read instructions (SF-83A) before completing this form. *Submit the required number of copies of SF-83, together with the material for which review is requested to:*

Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D.C. 20503

| | |
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| Department/Agency and Bureau/Office originating request | 3. Name(s) and telephone number(s) of person(s) who can best answer questions regarding request |
| 2. 6-digit Agency/Bureau number (first part of 11-digit Treasury Account No.) | 4. 3-digit functional code (last part of 11-digit Treasury Account No.) |
| 5. Title of Information Collection or Rulemaking | C. <i>Is this a rulemaking submission under Section 3504(h) of P.L. 96-511? (Check one)</i> <input type="checkbox"/> No (Section 3507 submission) <input type="checkbox"/> Yes, NPRM. Expected date of publication: _____ <input type="checkbox"/> Yes, final rule. Expected date of publication: _____ Effective date: _____ |
| 6. A. <i>Is any information collection (reporting or recordkeeping) involved? (Check one)</i> <input type="checkbox"/> Yes and proposal is attached for review <input type="checkbox"/> Yes but proposal is not attached — skip to question D. <input type="checkbox"/> No — skip to question D. | D. <i>At what phase of rulemaking is this submission made? (Check one)</i> <input type="checkbox"/> Not applicable <input type="checkbox"/> Major rule, at NPRM stage <input type="checkbox"/> Major Final rule for which no NPRM was published <input type="checkbox"/> Major Final rule, after publication of NPRM <input type="checkbox"/> Nonmajor rule, at NPRM stage <input type="checkbox"/> Nonmajor rule, at Final stage |
| B. <i>Are the respondents primarily educational agencies or institutions or is the purpose related to Federal education programs?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No | |

COMPLETE SHADED PORTION IF INFORMATION COLLECTION PROPOSAL IS ATTACHED

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| 7. Current (or former) OMB Number Expiration Date | 8. Requested Expiration Date | 12. Agency report form number(s) |
| 9. Is proposed information collection listed in the information collection budget? <input type="checkbox"/> Yes <input type="checkbox"/> No | 10. Will this proposed information collection cause the agency to exceed its information collection budget allowance? (If yes, attach amendment request from agency head.) <input type="checkbox"/> Yes <input type="checkbox"/> No | 13. Are respondents only Federal agencies? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 11. Number of report forms submitted for approval | 14. Type of request (Check one) <input type="checkbox"/> preliminary plan <input type="checkbox"/> new (not previously approved or expired more than 6 months ago) <input type="checkbox"/> revision <input type="checkbox"/> extension (adjustment to burden only) <input type="checkbox"/> extension (no change) <input type="checkbox"/> reinstatement (expired within 6 months) | |

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| 15. a. Approximate size of universe (if sample) b. Size of sample c. Estimated number of respondents or record keepers per year d. Reports annually by each respondent (item 25) e. Total annual responses (item 15c x 15d) f. Estimated average number of hours per response g. Estimated total hours of annual burden in Fiscal Year (item 15e x 15f) | 16. Classification of Change in Burden (explain in supporting statement) <table style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td align="center">No. of Responses</td> <td align="center">No. of Reporting Hours</td> <td align="center">Cost to the Public</td> </tr> <tr> <td>a. In inventory</td> <td></td> <td></td> <td align="right">\$</td> </tr> <tr> <td>b. As proposed</td> <td></td> <td></td> <td align="right">\$</td> </tr> <tr> <td>c. Difference (b-a)</td> <td></td> <td></td> <td align="right">\$</td> </tr> <tr> <td colspan="4">Explanation of difference (indicate as many as apply)</td> </tr> <tr> <td colspan="4">Adjustments</td> </tr> <tr> <td>d. Correction-error</td> <td align="center">+</td> <td align="center">+</td> <td align="right">+ \$</td> </tr> <tr> <td>e. Correction-reestimate</td> <td align="center">+</td> <td align="center">+</td> <td align="right">+ \$</td> </tr> <tr> <td>f. Change in use</td> <td align="center">+</td> <td align="center">+</td> <td align="right">+ \$</td> </tr> <tr> <td colspan="4">Program changes</td> </tr> <tr> <td>g. Increase</td> <td align="center">+</td> <td align="center">+</td> <td align="right">+ \$</td> </tr> <tr> <td>h. Decrease</td> <td align="center">-</td> <td align="center">-</td> <td align="right">- \$</td> </tr> </table> | | No. of Responses | No. of Reporting Hours | Cost to the Public | a. In inventory | | | \$ | b. As proposed | | | \$ | c. Difference (b-a) | | | \$ | Explanation of difference (indicate as many as apply) | | | | Adjustments | | | | d. Correction-error | + | + | + \$ | e. Correction-reestimate | + | + | + \$ | f. Change in use | + | + | + \$ | Program changes | | | | g. Increase | + | + | + \$ | h. Decrease | - | - | - \$ |
| | No. of Responses | No. of Reporting Hours | Cost to the Public | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| a. In inventory | | | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| b. As proposed | | | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| c. Difference (b-a) | | | \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Explanation of difference (indicate as many as apply) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Adjustments | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| d. Correction-error | + | + | + \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| e. Correction-reestimate | + | + | + \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| f. Change in use | + | + | + \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Program changes | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| g. Increase | + | + | + \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| h. Decrease | - | - | - \$ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

17. Abstract—Needs and Uses (50 words or less)

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| 18. Related report form(s) (give OMB number(s), IRCN(s), internal agency report number(s) or symbol(s)) | 20. Catalog of Federal Domestic Assistance Program Number |
| 19. Type of affected public (Check as many as apply) 1 <input type="checkbox"/> individuals or households 2 <input type="checkbox"/> state or local governments 3 <input type="checkbox"/> farms 4 <input type="checkbox"/> businesses or other institutions (except farms) | 21. Small business or organization <input type="checkbox"/> Yes <input type="checkbox"/> No 22. Type of activity of affected public—indicate 3-digit Standard Industrial Classification (SIC) code(s) (up to 10) — if over 10, check <input type="checkbox"/> Multiple or <input type="checkbox"/> All _____ |

23. Brief description of affected public (e.g., "retail grocery stores," "State education agencies," "households in 50 largest SMSAs")

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| 24. Purpose (Check as many as apply. If more than one, indicate predominant by an asterisk) 1 <input type="checkbox"/> application for benefits 2 <input type="checkbox"/> program evaluation 3 <input type="checkbox"/> general purpose statistics 4 <input type="checkbox"/> regulatory or compliance 5 <input type="checkbox"/> program planning or management 6 <input type="checkbox"/> research | 26. Collection method (Check as many as apply) 1 <input type="checkbox"/> mail self-administered 2 <input type="checkbox"/> other self-administered 3 <input type="checkbox"/> telephone interview 4 <input type="checkbox"/> personal interview 5 <input type="checkbox"/> recordkeeping requirement: Required retention period: _____ years 6 <input type="checkbox"/> other—describe: |
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| 25. Frequency of Use 1 <input type="checkbox"/> Nonrecurring Recurring (check as many as apply) 2 <input type="checkbox"/> on occasion, 6 <input type="checkbox"/> semiannually 3 <input type="checkbox"/> weekly, 7 <input type="checkbox"/> annually 4 <input type="checkbox"/> monthly, 8 <input type="checkbox"/> biennially 5 <input type="checkbox"/> quarterly, 9 <input type="checkbox"/> other—describe: | 27. Collection agent (Check one) 1 <input type="checkbox"/> requesting Department/Agency 2 <input type="checkbox"/> other Federal Department/Agency 3 <input type="checkbox"/> private contractor 4 <input type="checkbox"/> recordkeeping requirement 5 <input type="checkbox"/> other—describe: |
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| 28. Authority for agency for information collection or rulemaking—indicate statute, regulation, judicial decree, etc. | 30. Do you promise confidentiality? (If yes, explain basis for pledge in supporting statement.) <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 29. Respondent's obligation to reply (Check as many as apply) 1 <input type="checkbox"/> voluntary 2 <input type="checkbox"/> required to obtain or retain benefit 3 <input type="checkbox"/> mandatory—cite statute, not CFR (attach copy of statutory authority) | 31. Will the proposed information collection create a new or become part of an existing Privacy Act system of records? (If yes, attach Federal Register notice or proposed draft of notice.) <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 32. Cost to Federal Government of information collection or rulemaking \$ _____ |

COMPLETE ITEMS 33 THRU 35 ONLY IF RULEMAKING SUBMISSION

| | | |
|--|---|---|
| 33. Compliance costs to the public \$ _____ | 34. Is there a regulatory impact analysis attached? <input type="checkbox"/> Yes <input type="checkbox"/> No | 35. Is there a statutory or judicial deadline affecting issuance? <input type="checkbox"/> Yes. Enter date: _____ <input type="checkbox"/> No |
|--|---|---|

CERTIFICATION BY AUTHORIZED OFFICIALS SUBMITTING REQUEST— We certify that the information collection or rulemaking submitted for review is necessary for the proper performance of the agency's functions, that the proposal represents the minimum public burden and Federal cost consistent with need, and is consistent with applicable OMB and agency policy directives. Signature and title of:

| | | | |
|--------------------------------------|------|---------------------|------|
| APPROVING POLICY OFFICIAL FOR AGENCY | DATE | SUBMITTING OFFICIAL | DATE |
|--------------------------------------|------|---------------------|------|

Interim Procedures for Complying with Executive Order 12291 (E.O. 12291)
the Regulatory Flexibility Act (RFA), and the
Paperwork Reduction Act (PRA) in the Preparation and Review of
Fishery Management Plans (FMPs)

A. Review and Processing Procedures.

Executive Order 12291 specifies procedures for issuing regulations responding to emergency situations and for processing regulations in a timely fashion through the Department of Commerce (DOC) and the Office of Management and Budget (OMB).

A.1. Issuance of emergency regulations under E.O. 12291 requires the following actions:

1. Identify whether the regulations are major/non-major under E.O. 12291; and prepare a Regulatory Impact Analysis if the determination is major. (see Section B for "major" criteria and analytical requirements).
2. Identify whether the regulations are expected to have a significant economic impact on a substantial number of small entities under the RFA? (see Sections B and D).
3. Identify whether the regulations contain an information collection request under the PRA.
4. Complete an SF 83.
5. Specify in the preamble to the emergency regulation in the Federal Register the reasons why it is impracticable to follow the procedures of E.O.12291.
6. Clear the emergency regulations with DOC.
7. Publish emergency regulations in the Federal Register.
8. Notify the Director of OMB of the action as soon as is practicable and transmit the regulations, appropriate analyses, and SF 83.

A.2. Regulations issued through normal DOC and OMB clearance channels require the following actions:

1. Identify whether the regulations are major or non-major and prepare a Regulatory Impact Analysis (RIA) if the determination is major (see Section B).
2. Identify whether the regulation will have a significant economic

impact on a substantial number of small entities and prepare a Regulatory Flexibility Analysis if the determination is significant(see Section B and D).

3. Identify whether the proposed regulations contain an information collection request.
4. (a) Major Rule. Transmit the preliminary RIA, the notice of proposed rulemaking and the Standard Form 83 to OMB at least 60 days prior to the publication of the notice, and a final RIA and the final rule at least 30 days prior to the publication of the final rule; or
 - (b) Non-major Rule. Transmit to OMB, at least 10 days prior to publication, a Standard Form 83, and every notice of proposed or final rulemaking.

A.3. Proposed rules with information collection requirements need clearances under E.O. 12291 and the PRA. OMB will provide an E.O. 12291 clearance and allow us to publish proposed rules only if the regulations indicate OMB is reviewing the information collection request. This review parallels the public public comment period on the proposed regulations. OMB has 60 days for the information collection clearance.

B. Criteria to Determine Whether Regulatory Actions are Major or Non-Major Under E.O. 12291.

B.1. Executive Order 12291 provides broad criteria for determining whether a proposed regulation is major. Any regulation is considered a "major" rule if it is likely to result in:

1. An annual effect on the economy of \$100 million or more;
2. A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
3. A significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

B.2. These criteria do not define the terms "major", "significant", or "adverse." We developed interim criteria scaled to the size of the fishing industry to obtain more accurate determinations of major regulations. The criteria, consistent with expected guidelines from DOC, are as follows:

Any FMP or amendment to a plan is a "major" rule if it is likely to result in:

1. An increase in total cost or price of goods or services to the national economy of \$5 million or more in any one year.
2. An increase in cost or price of goods or services of 10 percent or more, in any one year, in any industry or market, level of government, or geographic region; provided that the incremental cost of production exceeds \$1 million annually or incremental total expenditures paid for goods or services so affected exceeds \$1 million annually.
3. An adverse impact on competition. This is defined as a regulation that restricts entry into a fishery or imposes a limited entry system, or in any way directly limits the number of U.S. fishing vessels that may participate in a fishery.
4. An adverse impact on employment. This is defined as a regulation that reduces employment in a fishery, either at the harvesting or processing level, by 10 percent in any one year, measured from a base year representative of historical employment levels in the fishery.
5. An adverse impact on investment. This is defined as a regulation that significantly reduces the incentive to invest in innovative gear and equipment or increases the risk of investment.
6. An adverse impact on productivity. This is defined as a regulation that reduces gross revenues to the participants in a fishery by 10 percent or more in any one year, provided that the reduction in gross revenues is at least \$1 million (evaluated at the most recent prices).
7. Adverse impact on exports. This is defined as any regulation that constrains the ability of U.S. fishermen or processors to export fishery products; provided that the overall impact of such a constraint is a reduction in the annual level of exports of a given product of at least 20 percent over the reported export level of the previous year.

B.3. Because of the sensitivity, policy significance, or potential controversy of a regulation, an RIA may be prepared for a regulation even though it is considered non-major based on the above criteria.

B.4. An analysis will be required to determine whether any of the criteria for a major regulation have been triggered. This analysis will be similar to the "Regulatory Analysis" required by E.O. 12044 and will be called a Regulatory Impact Review (RIR). Depending on how each Council prepares its FMPs, the RIR can be incorporated directly into the text of the FMP or remain as a separate document. NMFS plans to develop guidelines for this analysis based on consultations with the DOC Chief Economist, the Office of Regulatory Policy, and OMB. The detail of each analysis depends on the scope of the regulatory action contemplated in an FMP or amendment. We will not require an RIR for regulatory changes made within the scope of an approved FMP. Instead,

the action memorandum should contain a brief supporting statement for the regulatory changes. This statement also will be used in the preamble to the regulations. The RIR also will be used to satisfy the requirements for a regulatory flexibility analysis (Section D), as necessary.

C. Determinations Under E.O. 12291.

The Assistant Administrator for Fisheries will make an initial determination, subject to the concurrence of the Administrator, whether the FMP or amendment is major or non-major on the basis of the information in the RIR.

1. If the determination is major, the title of the RIR will be changed to a "Regulatory Impact Analysis."
2. If the determination is non-major, the RIR remains intact.

D. Determination of Whether Regulatory Actions Have a Significant Economic Impact Under the RFA.

The Assistant Administrator for Fisheries will make an initial certification on the basis of an analysis supporting the management regime proposed in an FMP or amendment. This analysis has to address questions concerning the impacts of management action on small entities or small businesses at regional and local economic levels. The definition of "significant economic impacts," however, will vary by fishery because of their relative sizes and complexities.

D.1. The RFA defines small businesses, small organizations, and small governmental jurisdictions as follows:

1. Small Business: This is a small business concern which is independently owned and operated and which is not dominant in its field of operation.
2. Small Organization: This is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.
3. Small Governmental Jurisdiction: This is a governmental jurisdiction with a population of less than fifty thousand.

D.2. We have received minimal guidance for determining which rules have a "significant economic impact" on a "substantial number of small entities. We plan to use the following factors to determine significant economic impacts:

1. Direct and indirect costs of compliance with the rule, calculated both as absolute costs and as a percentage of revenue of the regulated small entity;
2. Direct and indirect costs of completing paperwork or recordkeeping requirements;

3. Effect of the rule on the competitive position of small entities in relation to larger entities; and
4. Effect of the rule on the ability of a small entity to remain in the market at all.

D.3. The following factors may be used to determine what are a substantial number of small entities.

1. Total number of entities in the affected sector compared with the number of small entities in the sector;
2. Number of geographic areas affected by the rule; and
3. Number of industries affected by the rule.

E. PRA Requirements.

The PRA requires that we determine the paperwork burden of the regulations on businesses and the public. OMB is authorized to approve each information collection request imposing a burden.

An information collection request (and rulemaking approval) is initiated with an SF83. This section provides some guidance in estimating costs of the information collection and rulemaking for the SF 83.

E.1. Rulemaking Costs:

Federal cost of rulemaking is defined as the total cost of developing, reviewing, implementing, and monitoring an FMP or amendment. Cost estimates should be for a specific time period.

Rulemaking Costs include:

1. Council: administration, programs, and contracts.
2. NMFS: administration, programs, contracts, data collection (program development and actual collection), enforcement (NMFS and Coast Guard) and monitoring.
3. GCF: administration, programs.

E.2. Information Collections Costs:

1. Information collection design;
2. Testing;
3. Printing forms;

4. Mailing list compilation and maintenance;
5. Mailing or enumeration;
6. Editing, coding, tabulating;
7. Analysis; and
8. Publication of results.

E.3. Compliance Costs

The direct costs of compliance include all one-time and recurring costs incurred by the private sector in complying with the proposed rule. Do not include costs incurred by the Federal Government in administering the rule; these costs should be included in rulemaking costs.

E.3.1 Private Sector Costs

1. Investments in research and development, and physical plant and equipment necessary to comply with the rule.
2. Annual costs such as operating and maintenance expenditures.
3. Administrative costs to complete reporting requirements.

E.3.2. Public Costs

1. Reporting
2. Recordkeeping

E.3.3 State and Local Government Costs for Units that Oversee Compliance

Note: These costs categories are based on informal guidance from OMB. They may be revised at OMB's discretion.