

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 10/30/2008

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Suzanne Hilding
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 10/10/2008

ACTION REQUESTED: New collection (Request for a new OMB Control Number)

TYPE OF REVIEW REQUESTED: Emergency

ICR REFERENCE NUMBER: 200807-0648-013

AGENCY ICR TRACKING NUMBER:

TITLE: Implementation of Vessel Speed Restrictions to Reduce the Threat of Ship Collisions with North Atlantic Right Whales

LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change

OMB CONTROL NUMBER: 0648-0580

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 04/30/2009

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	0	0	0
New	3,047	254	0
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	3,047	254	0
Change due to Agency Adjustment	0	0	0
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: Kevin F. Neyland
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Logbook entry when necessary to exceed speed limit			50 CFR 224.105

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
IMPLEMENTATION OF SPEED RESTRICTIONS TO REDUCE THE THREAT
OF SHIP COLLISIONS WITH NORTH ATLANTIC RIGHT WHALES
OMB CONTROL NO. 0648-xxxx**

INTRODUCTION

The National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) requests an emergency review of an information collection request for the provisions contained in Final Rule 0648-AS36, to address the threat of ship collisions with North Atlantic right whales.

To assure that the collection-of-information is cleared in advance of the final rule publishing, we are requesting clearance of the collection-of-information request by August 8, 2008.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The North Atlantic right whale is a highly depleted species: only about 300 individuals exist. NMFS relies on the best available scientific information to assess North Atlantic right whale abundance, status and threats. Primarily, this includes Stock Assessment Reports (SAR), required by provisions of the Marine Mammal Protection Act (MMPA), and the peer reviewed scientific literature. The SAR for North Atlantic right whales is updated annually and reviewed both internally and externally by teams of scientists. NMFS also considered additional population analyses and modeling exercises that were conducted and published in the peer-reviewed literature (e.g., Caswell *et al.*, 1999; Fujiwara and Caswell, 2001).

Collisions with vessels (i.e., “ship strikes”) are a major cause of serious injury and death, and therefore are the greatest threat to the species: nineteen known ship strikes-related right whale deaths occurred between 1986 and 2005; the actual number is almost certainly higher as not all carcasses are detected. Evidence implicates vessel speed as a primary factor in the strikes and indicates that the occurrence and severity of ship strikes can be reduced if vessels are traveling 10 knots or less. As a result, National Oceanic and Atmospheric Administration (NOAA)’s National Marine Fisheries Service (NMFS) has prepared and is promulgating regulations via Final Rule 0648-AS36 to restrict vessel speed in certain times and locations along the United States (U.S.) eastern seaboard to reduce the threat of lethal ship collisions with North Atlantic right whales. Vessels 65 feet or greater in overall length will be required to travel at 10 knots or less in certain key areas where right whales occur.

In its proposed rulemaking, NMFS requested comments on the vessel speed restrictions. Public and interagency comment on a proposed rule indicated that in certain sea and weather conditions a large ship may lose maneuverability at such speeds. Therefore, NMFS has decided that under such conditions a ship, at the captain’s discretion, may opt not to abide by the speed restrictions. If s/he chooses to do so, s/he will be required to make an entry into the ship’s log, providing the reasons for the deviation, the speed at which the vessel is operated, the area, and the time and duration of such deviation. The U.S. Coast Guard (USCG) will collect information from the log book during routine port boardings. NOAA is making an emergency request to collect this

information so that collection may begin as soon as possible after the final rule becomes effective.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information will be collected by USCG personnel, or in some cases NOAA's Office of Law Enforcement (OLE), during routine port boardings. The USCG will make note of location(s) and circumstance(s) for not adhering to speed restrictions and provide the information to the NMFS and/or NOAA's OLE. NMFS will review the information and if warranted (i.e., failure to adhere to required speed limits in situations without sufficient reason) will issue a letter for each violation reminding the ship captain and agent of the need for the restrictions and possible fines that could be levied for subsequent violations. If failure to adhere to the restrictions was warranted (i.e., sea and wind conditions threatened vessel maneuverability), NMFS will retain the information for later analysis (e.g., on a quarterly or annual basis) of the number of times conditions prevented captains from adhering to the restrictions.

As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NMFS decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to [Section 515 of Public Law 106-554](#).

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

There will be no electronic, automated, or mechanical techniques used in this information collection.

4. Describe efforts to identify duplication.

The restrictions being promulgated by this rulemaking are new. No such restrictions exist. Therefore, duplication of this type of recordkeeping is not possible.

Captains need only make a single entry for each circumstance in which conditions did not allow compliance with restrictions. So, in this regard, there will be no duplication. Records will be kept by NMFS as to when and where ships were boarded to review logbooks, thereby ensuring duplication will not occur.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Involvement of small businesses and other small entities is described in the Final Regulatory Flexibility Act (FRFA) analysis described in the final rule and environmental impact statement. The collection of information will not constitute a significant burden to small businesses.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

This recordkeeping is essential to the program's ability to implement this rulemaking and to the protection of endangered north Atlantic right whales.

As noted above, vessel speed restrictions are vital to reducing the threat of ship strikes to right whales. Exceptions have been granted in certain circumstances. Logbook notations will be the only means to assess if, when and how often restrictions were not adhered to due to poor weather or high sea state. Also, it is the only means through which NMFS will be able to assess whether a lack of compliance was legitimate. Without this measure, ship's captains may choose not to comply, and the promulgating and regulation enforcing agency would have no recourse. Conducting the recordkeeping less frequently would significantly undermine the effectiveness of enforcing the exemption conditions.

As noted below, logbook entries for this purpose are expected to take on the order of minutes, in situations and by means that are routinely and periodically made by ships' crews. Therefore, the requirement is not expected to be overly burdensome and conducting it less frequently is not expected to significantly relieve burden to recordkeepers.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

None.

8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

No proposed rulemaking, or any other process for public comment, sought comment on this recordkeeping.

The recordkeeping requirement is new and was necessitated by a change in the rulemaking between the proposed and final rules. The need was identified as a result of public and interagency comment on the proposed rule. That is, the exemption to the speed restrictions, and therefore the need for the new recordkeeping, was not contemplated until the need to modify the rule arose during public comment on Proposed Rule 0648-AS36.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

None.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Information provided by respondents will not include personal or other confidential or private data; thus, there is no need for assurance of confidentiality.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No such information will be collected.

12. Provide an estimate in hours of the burden of the collection of information.

USCG vessel arrival data were used to determine the number of arrivals affected by this rule. Based upon that determination, an estimated 3,047 respondents are expected to make a total of 3,047 responses*, with an estimated burden of 5 minutes per entry, for an annualized total burden of 254 hours (3,047 x 5/60).

* These records do not identify vessels making the trips, only the number of trips; therefore we are assuming a one-to-one correspondence between vessels and trips.

At an estimated \$25 per hour in labor costs, total annual labor costs would be \$6,350.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

There is no recordkeeping/reporting expense expected.

14. Provide estimates of annualized cost to the Federal government.

The recordkeeping requirement in this final rule is expected to have no cost to the Federal government that is not already subsumed in ordinary Federal personnel duties. Ordinary Federal personnel duties would include USCG or NOAA OLE officers/personnel summarizing the logbook information and providing it to NMFS.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This is a new collection.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The information will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exceptions to the certification statement are identified.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical analysis will be performed on the collected information.

Stock Assessments

16 U.S.C. 1386

Sec. 117. (a) IN GENERAL. — Not later than August 1, 1994, the Secretary shall, in consultation with the appropriate regional scientific review group established under subsection (d), prepare a draft stock assessment for each marine mammal stock which occurs in waters under the jurisdiction of the United States. Each draft stock assessment, based on the best scientific information available, shall—

- (1) describe the geographic range of the affected stock, including any seasonal or temporal variation in such range;
- (2) provide for such stock the minimum population estimate, current and maximum net productivity rates, and current population trend, including a description of the information upon which these are based;
- (3) estimate the annual human-caused mortality and serious injury of the stock by source and, for a strategic stock, other factors that may be causing a decline or impeding recovery of the stock, including effects on marine mammal habitat and prey;
- (4) describe commercial fisheries that interact with the stock, including—
 - (A) the approximate number of vessels actively participating in each such fishery;
 - (B) the estimated level of incidental mortality and serious injury of the stock by each such fishery on an annual basis;
 - (C) seasonal or area differences in such incidental mortality or serious injury; and
 - (D) the rate, based on the appropriate standard unit of fishing effort, of such incidental mortality and serious injury, and an analysis stating whether such level is insignificant and is approaching a zero mortality and serious injury rate;
- (5) categorize the status of the stock as one that either—
 - (A) has a level of human-caused mortality and serious injury that is not likely to cause the stock to be reduced below its optimum sustainable population; or
 - (B) is a strategic stock, with a description of the reasons therefor; and
- (6) estimate the potential biological removal level for the stock, describing the information used to calculate it, including the recovery factor.

(b) PUBLIC COMMENT. —

(1) The Secretary shall publish in the Federal Register a notice of the availability of a draft stock assessment or any revision thereof and provide an opportunity for public review and comment during a period of 90 days. Such notice shall include a summary of the assessment and a list of the sources of information or published reports upon which the assessment is based.

(2) Subsequent to the notice of availability required under paragraph (1), if requested by a person to which section 101(b) applies, the Secretary shall conduct a proceeding on the record prior to publishing a final stock assessment or any revision thereof for any stock subject to taking under section 101(b).

(3) After consideration of the best scientific information available, the advice of the appropriate regional scientific review group established under subsection (d), and the

comments of the general public, the Secretary shall publish in the Federal Register a notice of availability and a summary of the final stock assessment or any revision thereof, not later than 90 days after—

(A) the close of the public comment period on a draft stock assessment or revision thereof; or

(B) final action on an agency proceeding pursuant to paragraph (2).

(c) REVIEW AND REVISION. —

(1) The Secretary shall review stock assessments in accordance with this subsection—

(A) at least annually for stocks which are specified as strategic stocks;

(B) at least annually for stocks for which significant new information is available; and

(C) at least once every 3 years for all other stocks.

(2) If the review under paragraph (1) indicates that the status of the stock has changed or can be more accurately determined, the Secretary shall revise the stock assessment in accordance with subsection (b).

(d) REGIONAL SCIENTIFIC REVIEW GROUPS. —

(1) Not later than 60 days after the date of enactment of this section [June 29, 1994], the Secretary of Commerce shall, in consultation with the Secretary of the Interior (with respect to marine mammals under that Secretary's jurisdiction), the Marine Mammal Commission, the Governors of affected adjacent coastal States, regional fishery and wildlife management authorities, Alaska Native organizations and Indian tribes, and environmental and fishery groups, establish three independent regional scientific review groups representing Alaska, the Pacific Coast (including Hawaii), and the Atlantic Coast (including the Gulf of Mexico), consisting of individuals with expertise in marine mammal biology and ecology, population dynamics and modeling, commercial fishing technology and practices, and stocks taken under section 101(b). The Secretary of Commerce shall, to the maximum extent practicable, attempt to achieve a balanced representation of viewpoints among the individuals on each regional scientific review group. The regional scientific review groups shall advise the Secretary on—

(A) population estimates and the population status and trends of such stocks;

(B) uncertainties and research needed regarding stock separation, abundance, or trends, and factors affecting the distribution, size, or productivity of the stock;

(C) uncertainties and research needed regarding the species, number, ages, gender, and reproductive status of marine mammals;

(D) research needed to identify modifications in fishing gear and practices likely to reduce the incidental mortality and serious injury of marine mammals in commercial fishing operations;

(E) the actual, expected, or potential impacts of habitat destruction, including marine pollution and natural environmental change, on specific marine mammal species or stocks, and for strategic stocks, appropriate conservation or management measures to alleviate any such impacts; and

(F) any other issue which the Secretary or the groups consider appropriate.

(2) The scientific review groups established under this subsection shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C.).

(3) Members of the scientific review groups shall serve without compensation, but may be reimbursed by the Secretary, upon request, for reasonable travel costs and expenses incurred in performing their obligations.

(4) The Secretary may appoint or reappoint individuals to the regional scientific review groups under paragraph (1) as needed.

(e) EFFECT ON SECTION 101(b). — This section shall not affect or otherwise modify the provisions of section 101(b).

Taking of Marine Mammals Incidental to Commercial Fishing Operations

16 U.S.C. 1387

Sec. 118. (a) IN GENERAL. —

(1) Effective on the date of enactment of this section [April 30, 1994], and except as provided in section 114 and in paragraphs (2), (3), and (4) of this subsection, the provisions of this section shall govern the incidental taking of marine mammals in the course of commercial fishing operations by persons using vessels of the United States or vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824(b)). In any event it shall be the immediate goal that the incidental mortality or serious injury of marine mammals occurring in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate within 7 years after the date of enactment of this section [April 30, 2001].

(2) In the case of the incidental taking of marine mammals from species or stocks designated under this Act as depleted on the basis of their listing as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), both this section and section 101(a)(5)(E) of this Act shall apply.

(3) Sections 104(h) and title III, and not this section, shall govern the taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

(4) This section shall not govern the incidental taking of California sea otters and shall not be deemed to amend or repeal the Act of November 7, 1986 (Public Law 99-625; 100 Stat. 3500).

(5) Except as provided in section 101(c), the intentional lethal take of any marine mammal in the course of commercial fishing operations is prohibited.

(6) Sections 103 and 104 shall not apply to the incidental taking of marine mammals under the authority of this section.

TITLE 5--GOVERNMENT ORGANIZATION AND EMPLOYEES

PART I--THE AGENCIES GENERALLY

CHAPTER 6--THE ANALYSIS OF REGULATORY FUNCTIONS

Sec. 604. Final regulatory flexibility analysis

(a) When an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as described in section 603(a), the agency shall prepare a final regulatory flexibility analysis. Each final regulatory flexibility analysis shall contain--

- (1) a succinct statement of the need for, and objectives of, the rule;
- (2) a summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;
- (3) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available;
- (4) a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and
- (5) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

(b) The agency shall make copies of the final regulatory flexibility analysis available to members of the public and shall publish in the Federal Register such analysis or a summary thereof.

(Added Pub. L. 96-354, Sec. 3(a), Sept. 19, 1980, 94 Stat. 1167; amended Pub. L. 104-121, title II, Sec. 241(b), Mar. 29, 1996, 110 Stat. 864.)

References in Text

The internal revenue laws, referred to in subsec. (a), are classified generally to Title 26, Internal Revenue Code.

Amendments

1996--Subsec. (a). Pub. L. 104-121, Sec. 241(b)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ``When an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, the agency shall prepare a final regulatory flexibility analysis. Each final regulatory flexibility analysis shall contain--

- ``(1) a succinct statement of the need for, and the objectives of, the rule;
- ``(2) a summary of the issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; and
- ``(3) a description of each of the significant alternatives to the rule consistent with the stated objectives of applicable statutes and designed to minimize any significant economic impact of the rule on small entities which was considered by the agency, and a statement of the reasons why each one of such alternatives was rejected. ''

Subsec. (b). Pub. L. 104-121, Sec. 241(b)(2), substituted ``such analysis or a summary thereof. '' for ``at the time of publication of the final rule under section 553 of this title a statement describing how the public may obtain such copies. ''

Effective Date of 1996 Amendment

Amendment by Pub. L. 104-121 effective on expiration of 90 days after Mar. 29, 1996, but inapplicable to interpretative rules for which a notice of proposed rulemaking was published prior to Mar. 29, 1996, see section 245 of Pub. L. 104-121, set out as a note under section 601 of this title.