

Economic and Threshold Analysis For Final Resource Management Planning Rule

Introduction

By statute and executive order¹, an agency proposing a significant regulatory action is required to provide a qualitative and quantitative assessment of the anticipated costs and benefits of that action. Executive Order 12866 requires agencies to assess the benefits and costs of regulatory actions, and for significant regulatory actions, submit a detailed report of their assessment to the Office of Management and Budget (OMB) for review. A rule may be significant under Executive Order 12866 if it meets any of four criteria. A significant regulatory action is any rule that may:

- Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

For a major rule, as defined by the Small Business Regulatory Enforcement Fairness Act (SBREFA), the agency must prepare an initial regulatory flexibility analysis. For SBREFA, a rule may be major and require a deeper analysis if it may:

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

The Regulatory Flexibility Act (RFA) requires agencies to analyze the economic impact of proposed and final regulations, determine the extent to which there is a significant economic impact on a substantial number of small entities, and to consider regulatory alternatives that would achieve the agency's goal while minimizing the burden on small entities. Executive Order 13272 reinforces executive intent that agencies give serious attention to the impacts on small entities and develop regulatory alternatives to reduce the regulatory burden on small entities. When the proposed regulation will impose a significant economic impact on a

¹ Executive Order 12866, Regulatory Planning and Review, the Unfunded Mandates Reform Act, and the Small Business Regulatory Enforcement Fairness Act.

substantial number of small entities, the agency must evaluate alternatives that would accomplish the objectives of the rule without unduly burdening small entities. Inherent in the RFA is a desire to remove barriers to competition and encourage agencies to consider ways of tailoring regulations to the size of the regulated entities.

In order to certify a rule as having “no impact” under the RFA, an agency must describe the affected entities and the impacts, and in that description clearly justify the certification. The agency should state explicitly its reasoning and assumptions underlying its certification in order to obtain appropriate public comments. The agency could use this information to re-evaluate the certification. To meet these requirements, the agency must either conduct a regulatory flexibility analysis or certify that the final rule will not have “a significant economic impact on a substantial number of small entities.”

The BLM prepared this analysis to provide information needed to understand the potential costs and benefits associated with the final rule, recognizing that not all benefits and costs can be described in monetary or even in quantitative terms. This information contributes to agency decisions based on reasonably obtainable scientific, technical, economic, and other information.

Statement of Need

Circular A-4, OMB’s guidance on the development of regulatory analyses under Executive Order 12866, instructs the agency to explain the need for the policy action. This action is to amend existing regulations, which describe the principles and procedures required for developing, amending and maintaining the Bureau of Land Management’s (BLM) resource management plans. The changes are needed to improve this governmental process.

The BLM manages more than 245 million acres of public land and 700 million acres of sub-surface mineral estate. The Federal Land Policy and Management Act of 1976 (FLPMA), as amended, establishes the agency’s mission to manage the public lands on the basis for multiple-use and sustained yield unless otherwise specified by law. Section 202(a) of FLPMA requires the Secretary of the Interior, with public involvement, to “develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands” (43 U.S.C. 1712(a)). Section 202(f) of FLPMA directs the BLM to provide for public involvement and to establish procedures by regulation “to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands” (43 U.S.C. 1712(f)).

The BLM issued regulations establishing a land use planning system for BLM-managed public lands in 1979 (44 FR 46386). These regulations established the term “resource management plan” for the land use plans mandated by FLPMA, to replace the existing “management framework plans” (MFPs). The BLM revised these regulations in 1983 (48 FR 20364), and again in 2005 (70 FR 14561).

As described in the preamble, the final rule responds to needs identified in a 2011 BLM review of the land use planning process and in recent Department of the Interior and BLM policies and

strategies. Through its Planning 2.0 initiative, the BLM seeks to improve the resource management planning process, including the development, amendment, and maintenance of resource management plans, thereby improving the BLM's ability to establish effective management direction for the public lands. To achieve the goals guiding the Planning 2.0 initiative, the final rule revises specific provisions of the land use planning regulations.

Background

Resource management plans are generally established based on a BLM Field Office or District Office boundary and prepared by an interdisciplinary team under the direction of a BLM field or district manager. Currently, it takes an average of 8.25 years to move from the initial public notice that begins the planning process to final approval of the resource management plan.

Following approval of the resource management plan, the BLM conducts monitoring and evaluation at intervals established in the resource management plan to assess the need for maintenance, revision, or amendment of the resource management plan. Maintenance is provided as needed to address minor changes in data. An amendment is initiated in response to monitoring, new data, new or revised policy, a change in circumstances, or a proposed action that would not be in conformance with the approved resource management plan. The BLM approves an average of 21 Environmental Assessment or Environmental Impact Statement level plan amendments each year. The BLM undertakes a plan revision when monitoring and evaluation findings, new data, new or revised policy and changes in circumstances affect the entire plan or major portions of the plan. The BLM completes an average of six plan revisions each year.²

Summary of Final Rule Changes

The BLM is amending its existing land use planning regulations in order to help achieve three goals: (1) Improve the BLM's ability to respond to change in a timely manner; (2) Increase meaningful opportunities for other Federal agencies, State and local governments, Indian Tribes, and the public to be involved in the development of BLM resource management plans; and (3) Improve the BLM's ability to apply landscape-scale approaches to resource management. Among other things, the changes advance the role of science in the planning process and emphasize the importance of evaluating the resource, environmental, ecological, social, and economic conditions before preparing a resource management plan. The changes add new opportunities for public involvement in the land use planning process in order to gather input during early stages and make planning more efficient and responsive to public needs. Changes also emphasize use of electronic communications and information technology to increase transparency and efficiency.

The final rule revises existing 43 CFR subpart 1601, Planning, and subpart 1610, Resource Management Planning. The Preamble for the final rule discusses rationale for specific

² Statistics in the two paragraphs preceding this footnote are taken from the BLM's *Land Use Planning Challenge: A Benchmark Assessment of the National Planning Program and Path to a More Durable Planning Process*. February 2012.

provisions. The following provides a brief section-by-section summary of the changes, as they are relevant to the economic analysis.

Section	Summary of changes	Economic effect
1601.0-1	Minor changes only	None
1601.0-2	Changes to describe the objectives of resource management planning consistent with statutory direction provided in FLMPA.	None
1601.0-3	No changes	None
1601.0-4	Change to increase flexibility for BLM staff responsible for planning tasks and specify responsibilities for determination of deciding officials, responsible officials, and planning areas	None, changes are procedural
1601.0-5	Change to definitions of terms used in the rule, including new definitions, removal of existing definitions, and changes to existing definitions.	None, changes are procedural
1601.0-6	Minor changes only	None
1601.0-7	No changes	None
1601.0-8	Revised language that requires the BLM to consider the impacts of resource management plans on resource, environmental, ecological, social and economic conditions at relevant scales and on adjacent or nearby lands	Possible effects on individuals or groups as discussed below
1610.1-1(a)	Editorial and clarifying changes as well as changes for consistency with other changes and changes to affirm that guidance must be consistent with applicable Federal laws and regulations and to remove requirements that guidance be reconsidered during the planning process.	None, changes are procedural
1610.1(b) (existing)	Change to remove the Field Office as the default planning area	Possible effects on individuals or groups as discussed below
1610.1-1(b)	Minor changes only	None
1610.1-1(c)	Change to require the use of high quality information.	None
1610.1-2	Change to establish plan components	None, changes are procedural

1610.2 through 1610.2-2	Changes related to when and how the BLM would provide public involvement opportunities	Possible effects on individuals or groups as discussed below
1610.3-1	Change to provide that the BLM initiate consultation with Indian tribes.	None
1610.3-2(a)	Changes to affirm that coordination must be consistent with Federal laws and regulations applicable to public lands, as well as editorial, clarifying, and other minor changes	None
1610.3-2(b)	Changes for consistency with the DOI NEPA implementing regulations (43 CFR 46.225) and to consolidate cooperating agency references into a single section	None
1610.3-2(c)	Minor changes only	None
1610.3-1(d) (existing)	Changes to remove guidance from the provisions on coordination	None
1610.3-3(a)	Changes for consistency with statutory direction provided in FLPMA.	None
1610.3-3(b)	In addition to editorial and procedural changes related to the Governor's consistency review, changes for consistency with other changes and to allow the Governor to waive or reduce the 60 day period reserved for the consistency review	Possible effects on individuals or groups as discussed below
1610.4	Changes to develop a new planning assessment step, to provide additional public involvement opportunities related to providing existing data and information to the BLM during the planning assessment, to identify public views concerning conditions of the planning area, and to make additional information available to the public.	Possible effects on individuals or groups as discussed below
1610.5-1 through 1610.5-3	Changes providing additional public involvement opportunities related to the preliminary statement of purpose and need, preliminary resource management plan alternatives, preliminary rationale for alternatives, and the "basis for analysis"	Possible effects on individuals or groups as discussed below
1610.5-4 and 1610.5-5	Changes explain the steps for preparation of the draft resource management plan and allowing for the selection of one or more preferred alternatives if one or more exists	None, changes are procedural
1610.6-1	Minor changes and changes to remove internal review procedures	None

1610.6-2	Changes to allow for electronic submission of protests, to clarify what may be protested, to specify what must be included in the protest, and to require protests be made available to the public, as well as changes for consistency with other changes	Possible effects on individuals or groups as discussed below
1610.6-3	Minor changes and changes for consistency with other changes	None
1610.6-4	Changes to require that the evaluation of the resource management plan evaluate whether the plan objectives are being met and is documented in a report made available to the public and changes for consistency with other changes	None, changes are procedural
1610.6-5	Changes to clarify that plan maintenance includes typographical and mapping errors, and minor changes to data and mapping	None
1610.6-6	Minor changes, changes for consistency with other changes, and changes to remove the requirement that EIS-level amendments always follow the same procedures as preparation of a resource management plan	None, changes are procedural
1610.6-7	Minor changes only	None
1610.6-8	Changes for consistency with other changes and to allow the BLM to rely on another agency's resource assessment	None
1610.7	Editorial changes only	None
1610.8-1	Editorial changes only	None
1610.8-2	Changes to require ACECs be identified during the planning assessment, to change the minimum public comment period when a potential ACEC is being considered for designation, and changes for consistency with statutory direction provided in FLPMA.	Possible effects on individuals or groups do to change in comment period for potential ACEC designation. See discussion under Section 1610.2 below.
1610.9	Editorial changes, and some additions to specify how to manage the transition to the new planning rule	None, changes will only affect BLM internal processes

Benefits and Costs

The existing and final planning rules describe the process through which the BLM conducts its land use planning activity. As summarized in the table above, the final rule affects the procedures used to develop resource management plans, but would not directly affect the land management decisions themselves. As a result, none of the changes will result in direct

monetary impacts on any individual or group. Many of the changes are either editorial or would only affect internal BLM processes. These will have no significant economic impact.

There are seven elements of the final rule that may affect individuals or groups that either participate in the planning process through public involvement opportunities, or may be affected by action eventually proposed to implement the results of the BLM planning process. These potential effects are not quantifiable, so this section provides a qualitative analysis.

1. Section 1601.0-8. Addition to consider the impacts of resource management plans on resource, environmental, ecological, social and economic conditions at relevant scales and on adjacent or nearby lands.

The existing regulations state that the “development, approval, maintenance, amendment and revision of resource management plans will provide for public involvement and shall be consistent with the principles described in section 202 of the Federal Land Policy and Management Act of 1976. Additionally, the impact on local economies and uses of adjacent or nearby non-Federal lands and on non-public land surface over federally-owned mineral interests shall be considered.” The final rule adds language stating that “the BLM shall consider the impacts of resource management plans on resource, environmental, ecological, social and economic conditions at relevant scales. The BLM also shall consider the impacts of resource management plans on, and the uses of, adjacent or nearby Federal and non-Federal lands, and non-public land surface over federally-owned mineral interests.” As such, the final rule will require the BLM to consider information that might not have been considered under the existing regulations. The existing regulations did not, however, preclude the BLM from considering this information.

Neither the existing nor final rule dictates land management decisions. However, it is possible that considering these impacts could lead to different planning decisions than would be made under the current planning rule. Many diverse individuals and groups are affected by BLM’s land management decisions, including, but not limited to:

- those associated with the mineral, energy, recreation, and grazing industries
- those who value conservation and preservation of natural resources
- those who recreate on the public lands
- those who live or work near the public lands

We cannot reasonably predict how this consideration of resource, environmental, ecological, social and economic conditions at relevant scales and on adjacent or nearby lands might change eventual planning decisions. Any discussion of the costs or benefits to specific individuals or groups would be purely speculative. Because impacts will depend on the specific context of a resource management plan and, more importantly, the specific character of any action proposed for implementation once the plan is approved, it is not likely that the possible effects of such implementation, when realized across all future plans, will unduly burden any individual or group. While some individuals or groups may be indirectly affected by this change, as it could affect the information to be considered in planning, it is not possible to evaluate specific changes.

There are no benefits or costs expected for the BLM as a result of this change as it will not change the tasks required in the planning process.

2. *Existing Section 1610.1(b) Changes to remove the default planning area.*

The existing regulations establish the resource or field office area as the default planning area for a resource management plan, and allow the State Director to authorize a more appropriate area. The final rule authorizes the Director to establish the planning area for resource management plans and plan amendments that cross State boundaries, and the Deciding Official to establish the planning area for all other plan amendments. Under the final rule, the BLM will consider a number of factors to identify a preliminary planning area for use as the basis for the planning assessment. The field office boundaries will no longer serve as the default planning boundary. This change will primarily affect internal BLM processes. However, this change could lead to changes in the overall number of planning areas and the size of each area. The BLM envisions a shift towards a broader geographic extent of planning areas, and this change would allow for fewer plans. If this does occur, it may benefit individuals and groups that are concerned about issues at a regional or national scale. There would be fewer plans and public involvement opportunities for them to track. However, it may be a burden to some individuals or groups if the implementation results in public involvement opportunities being held further from their location (e.g., the same number of public meetings to cover a larger area). This burden would be at least partially mitigated by the increased opportunities for electronic involvement included in other changes. It may also mean that consistent data is needed for a larger geographic area for a single planning area. Regardless, any burden that might exist is unknowable at this time, and likely negligible.

Alternatively, this change could result in a *greater* number of plans, which would increase the total number of public involvement opportunities. However, because public involvement is voluntary, this is not considered a burden. Finally, this change could result in no changes to the planning area. In which case there would be no impact on the public.

This change may provide benefits to the BLM due to efficiencies gained from fewer planning areas and planning efforts. There are no expected costs to the BLM as a result of the rule change.

3. *Section 1610.2 Changes to the public involvement process*

The changes specify the steps in the planning process during which public involvement activities would occur, and distinguish in the regulations between making a document available for public review and specifically requesting public comments. This clarification is consistent with contemporary case law interpreting the requirements of NEPA. The changes also explicitly require the BLM to announce opportunities for public involvement on the BLM's website, in addition to current methods of notification (e.g., posting notices in newspapers). Changes also state that when resource management plans and plan amendments are made available to the public, they will be available electronically in addition to current practice.

These changes could affect individuals and groups who choose to participate in public involvement opportunities. It is possible that the number, timing, and nature of the opportunities would be different under the final rule as compared to the current regulations. For each planning

effort, the number of opportunities for public involvement will not decrease and the length of time allowed for public involvement will not be shortened. The two exceptions are the minimum time provided for public comment on EIS level amendments will be shortened from 90 days to 60 days, which complies with CEQ timing requirements; and for potential ACECs being considered for designation the minimum time provided for public comment would be shortened from 60 days to 30 days. Because public involvement remains a voluntary action, and opportunities for involvement will generally increase or stay the same, we estimate no significant burden from this change. Similarly, allowing for electronic posting of plans and electronic communication of public involvement opportunities, in addition to current practice, can only benefit the planning process and the public.

Under the final rule, the number of opportunities for public involvement in a given planning effort will likely increase. This could increase the total cost of the planning process to the BLM. However, the change in planning area may lead to fewer plans overall (see discussion so 1610.1(b)). At this time it is not possible to quantify the potential change in net costs. The changes to public involvement are intended to improve the overall efficiency of the planning process and make plans more responsive to public input. Any additional costs due to increased public involvement in a given planning effort should be at least partially offset by reduced costs at other steps in planning process or by a reduced number of plans overall.

4. Section 1610.3-3(b) Addition to allow for waiver of 60-day period for the Governor's consistency review

The final rule specifically provides an opportunity for Governors to waive or reduce the 60-day period provided to review plans, revisions, or amendments and identify inconsistencies with state plans, policies, or programs. The final rule will not place any new requirements on the public. Allowing for voluntary waiver or shortening of the consistency review period may reduce the overall time needed to complete the planning process. This would benefit any individual or group involved with or affected by the planning process.

There are no costs expected for the BLM as a result of this change as it will not change the tasks required in the planning process. It may benefit the BLM by reducing the time spent on resource management plan development.

5. Section 1610.4 Additional opportunities for public involvement during the planning assessment

The final rule provides additional opportunities for public involvement during a planning assessment. Individuals and groups who choose to participate in these opportunities may face time or other costs associated with their involvement. The BLM will seek to minimize these costs by providing multiple avenues for participation. It is not possible to estimate the costs associated with participation in an individual public involvement opportunity, or even to predict the number of individuals who may choose to participate in these activities.

While there may be costs to the BLM associated with providing and responding to this additional public involvement, these will be at least partially offset by benefits derived from greater efficiency during other parts of the planning process.

6. Sections 1610.5-1 through 1610.5-3 Additional opportunities for public involvement during the preparation of a resource management plan.

The final rule provides additional opportunities for public involvement during the preparation of a resource management plan. Individuals and groups who choose to participate in these opportunities may face time or other costs associated with their involvement. The BLM will seek to minimize these costs by providing multiple avenues for participation. The BLM cannot reasonably estimate the costs associated with participation in an individual public involvement opportunity, or predict the number of individuals who may choose to participate in these activities.

While there may be costs to the BLM associated with providing and responding to this additional public involvement, these will be at least partially offset by benefits derived from greater efficiency during other parts of the planning process.

7. Section 1610.6-2 Revision of the protest process

The final rule clarifies the necessary elements of a protest, specifies that a valid protest must concisely explain why one or more plan components is believed to be inconsistent with Federal laws or regulations applicable to public lands, or the purposes, policies and programs implementing such laws and regulations, and allow for electronic submission of protests. While these changes do not dictate land management decisions, they may impact individuals or groups who are affected by BLM's decisions in that they change some elements of the protest procedures.

The clarification of what elements must be included will assist interested parties in preparing protests. This will reduce time spent developing protests that do not meet legal and policy requirements and should improve the efficiency of the process. In addition, allowing for electronic submission of protests can only be a benefit to the public, as it increases acceptable means of participation. The changes revise the scope of what can and cannot be protested. Specifically, protests are intended to focus the BLM Director's attention on aspects of a proposed resource management plan that may be inconsistent with Federal laws or regulations applicable to public lands, or the purposes, policies and programs implementing such laws and regulations.

We cannot reasonably predict which individuals or groups may be affected by this change when implemented across all future planning efforts. Currently, an average of 8 resource management plans and plan amendments are protested each year. For those that are protested, the BLM receives an average of 13 protest submissions. We cannot predict how these numbers may change under the final rule. To the extent there may be effects upon individuals, we anticipate any negative effect would be minimal because of the additional public involvement opportunities provided under the final rule.

If this change causes a change in the number of protests filed each year, the BLM may accrue benefits or costs associated with a decrease or increase in time spent responding to protests. Allowing for electronic submission of protests, in particular, may increase the overall number of protests submitted, but make it easier to manage and respond to each protest. Clarification of what constitutes a valid protest may also reduce the number of protests or the time spent

responding to protests. It is not possible to quantify how the number of protests may change, and therefore any associated benefits or costs cannot be quantified.

Potential Impact on Small Entities

The Small Business Administration (SBA) has developed size standards to carry out the purposes of the Small Business Act, which can be found in 13 CFR 121.201. For a specific industry identified by the North American Industry Classification System (NAICS), small entities are defined by the SBA as an individual, limited partnership, or small company considered at “arm’s length” from the control of any parent company, which meet certain size standards. The size standards are expressed either in number of employees or annual receipts. The final rule could affect any entity that elects to participate in the BLM’s planning process. The industries most likely to be directly affected are listed in the table below along with the relevant SBA size standards. Other industries, such as transportation or manufacturing, may be indirectly affected and are not listed below.

Industry	Size standards in millions of dollars	Size standards in number of employees
Beef Cattle Ranching and Farming	\$0.75	
Forest Nurseries and Gathering of Forest Products	\$11.0	
Logging		500
Oil and Gas Extraction		500
Mining (except Oil and Gas)		500
Drilling Oil and Gas Wells		500
Support Activities for Oil and Gas Operations	\$38.5	
Support Activities for Coal Mining	\$20.5	
Support Activities for Metal Mining	\$20.5	
Support Activities for Nonmetallic Minerals (except Fuels)	\$7.5	
Hydroelectric Power Generation		500
Fossil Fuel Electric Power Generation		750
Solar, Wind, Geothermal Power Generation		250
Electric Bulk Power Transmission and Control		500
Electric Power Distribution		1000
Natural Gas Distribution		500
Environmental Consulting	\$15.0	

Services		
Other Amusement and Recreation Industries	\$7.5	
Environment, Conservation and Wildlife Organizations	\$15.0	

These industries may include a large number of small entities. In addition to determining whether a substantial number of small entities are likely to be affected by this final rule, the BLM must also determine whether the final rule is anticipated to have a significant economic impact on those small entities. For the reasons identified above, the magnitude of the impact on any individual or group, including small entities, is expected to be negligible. The changes are to the planning regulations, not to management actions or other policies. The actual impacts cannot reasonably be predicted at this stage, as they will depend on the specific context of each planning effort, and even then, it would be difficult to determine how a change in the planning process would or would not directly contribute to a change in land management decisions. However, there is no reason to expect that these changes, when implemented across all future planning efforts, would place undue burden on any specific individual or group, including small entities.

Based on the available information, we conclude that the final rule will not have a significant impact on a substantial number of small entities. Therefore, a final Regulatory Flexibility Analysis is not required, and a Small Entity Compliance Guide is not required.

Conclusion

Current regulations (43 CFR part 1600) lay out the procedures the BLM uses to prepare, revise, or amend land use plans pursuant to FLPMA. Likewise, the final rule is entirely procedural. One of the expressed goals of this final rule is to make these procedures more efficient. None of the changes will have direct monetary impacts. This analysis identified seven elements of the changes that may affect individuals or groups that either participate in public involvement opportunities or that may be affected by actions eventually proposed to implement planning decisions. These impacts cannot be quantified as they depend on the specific context of individual plans, and, more importantly, the specific nature of any action proposed for implementation after a plan is approved. Some of these impacts would be positive, and none of the changes to the planning process itself are expected to be significantly negative. There is no reason to expect these procedural changes would place undue burden on any specific individual or group.

We estimate the annual effect on the economy of the regulatory changes will be less than \$100 million and will not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities. The final rule will not create inconsistencies or otherwise interfere with an action taken or planned by another agency. The final rule does not change the relationships of the BLM's planning efforts with other agencies' actions. These relationships are included in agreements and memoranda of understanding that would not change with the final rule. In addition, the final rule will not materially affect the budgetary impact of entitlements,

grants, loan programs, or the rights and obligations of their recipients. We make this determination based on our analysis discussed above.

The RFA requires agencies to analyze the economic impact of proposed and final regulations to determine the extent to which there is anticipated to be a significant economic impact on a substantial number of small entities. Although the final rule has the potential to affect most, if not all, entities involved in the BLM's planning process, and most of those individual, companies and other organizations are small entities as defined by the SBA, we do not expect the impact to be significant. Based on the available information, we conclude that the final rule will not have a significant impact on a substantial number of small entities. Therefore, a final Regulatory Flexibility Analysis is not required, and a Small Entity Compliance Guide is not required.

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