Regulatory Amendment to Remove Outdated Regulations in 50 CFR part 679

Regulatory Impact Review

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Abstract: This Regulatory Impact Review (RIR) evaluates the costs and benefits of a regulatory amendment to remove outdated regulations in 50 CFR part 679. This analysis addresses the requirements of Presidential Executive Order 12866.

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Executive Summary

This Regulatory Impact Review (RIR) evaluates the costs and benefits of a regulatory amendment to remove outdated regulations in 50 CFR part 679.

The preferred action does not add to or subtract from the numbers of regulated entities, and would not increase the regulatory burden on any regulated entity. There would be no direct adverse effects on regulated entities, or indirect adverse effects on unregulated entities.

There will be a small benefit for persons reading the regulations, because the language would be less cluttered and potentially confusing. Because there are no costs, and a small benefit is anticipated, this action will likely have a net positive benefit.

Consistent with guidance from the President's Office of Management and Budget, this regulatory action is taken in furtherance of improved governmental efficiency.

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1 Introduction

This Regulatory Impact Review (RIR) evaluates the costs and benefits of a regulatory amendment to remove outdated regulations at 50 CFR 679.20. This RIR addresses the requirements of Presidential Executive Order 12866.[1]

2 What is a Regulatory Impact Review?

This RIR is required under Presidential Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993). The requirements for all regulatory actions specified in E.O. 12866 are summarized in the following statement from the order:

> In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nonetheless essential to consider. Further, in choosing among alternative regulatory approaches agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach.

E.O. 12866 requires that the Office of Management and Budget review proposed regulatory programs that are considered to be “significant.” A “significant regulatory action” is one that is likely to:

- 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, 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 this Executive Order.

3 Statutory authority for this action

The National Marine Fisheries Service (NMFS) manages the U.S. groundfish fisheries of the Gulf of Alaska and the Bering Sea and Aleutian Islands management areas in the Exclusive Economic Zone (EEZ; 3 nm to 200 nm) under the fishery management plans (FMPs) for those areas. The North Pacific Fishery Management Council prepared the FMPs under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations implement the

[1] NMFS intends to waive notice of proposed rulemaking for this action and to proceed directly to final rulemaking because the changes to the regulations are minor changes that do not substantively change the regulatory requirements. Therefore, an Initial Regulatory Flexibility Analysis (IRFA) or certification (pursuant to the Regulatory Flexibility Act) have not been prepared. An Environmental Assessment (EA), pursuant to NEPA, has not been performed. NMFS has prepared a categorical exclusion for this action.

FMPs at 50 CFR part 679. General regulations that also pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

Consistent with guidance from the President's Office of Management and Budget, this regulatory action is taken in furtherance of improved governmental efficiency.

4 Purpose and need for this action

Purpose: With the passage of time, and the completion of regulatory activities, certain regulatory text becomes dated and no longer relevant. This action eliminates text, which is now outdated, from several regulations. **Need:** Unless regulatory actions are taken to remove obsolete text, regulations will become unnecessarily complex and unwieldy.

5 Description of the alternatives under consideration

Alternative 1. No action

No changes would be made to regulations.

Alternative 2. Preferred.

This final rule removes the following text from 50 CFR 679.20:

Location	Status	Topic
679.20(a)(5)(i)(D), (E), and (F)	Delete	Remove from CFR, because (F) was applicable only through December 31, 2002, and (D) and (E) are reserved. By removing (F), paragraphs (D) and (E) are also removed.
679.20(a)(5)(iv)(C)	Delete	Remove from CFR, because this paragraph was applicable only through December 31, 2002
679.20(c)(2)	Delete	Remove from CFR, because this paragraph was only applicable until April 1, 2005.
679.20(c)(5) and (c)(6)	Revise	Remove the phrase "(Effective April 1, 2005)," because these regulations are now effective.

NMFS has not been able to identify additional reasonable and substantive alternatives for this action. The purpose of this action is to eliminate outdated text from regulations. No other alternatives would accomplish this purpose.

6 Analysis of the alternatives

The preferred action does not add to or subtract from the numbers of regulated entities, and would not increase the regulatory burden on any regulated entity. There would be no direct adverse effects on regulated entities, or indirect adverse effects on unregulated entities.

There will likely be a small benefit for persons reading the regulations, because the language would be less cluttered and potentially confusing. Because there are no costs, and a small benefit is expected to accrue, this action will likely have a net positive benefit.

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