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**To:** [Doug Wetmore](#)  
**Cc:** [Mike Murray](#); [AJ North](#)  
**Subject:** Additional RFA comment from Nathan  
**Date:** 12/20/2011 01:40 PM  
**Attachments:** [RFA from Nathan.docx](#)

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RFA from Nathan.docx

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**Regulatory Flexibility Act (RFA).**

According to the RFA and subsequent court decisions, NPS must assess the impacts on directly regulated entities, but is not required to analyze in a regulatory flexibility analysis the indirect effects on small entities resulting from rules (see Small Business Administration [2003] for a discussion of indirect versus direct impacts). No entities, small or large, are directly regulated by the final rule. Accordingly, NPS certifies that the final rule will not have a significant impact on a substantial number of small entities, as defined by the RFA and interpreted by the courts. The Department of the Interior (DOI) certifies that this document will not have a significant economic effect on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This certification is based on information contained in the report entitled “Benefit-Cost Analysis of Final ORV Use Regulations in Cape Hatteras National Seashore,” available for review online at <http://www.parkplanning.nps.gov/caha>. As stated in that report, no entities, small or large, are directly regulated by the final rule, which only regulates visitors’ use of ORVs.

[NOTE: and the section continues for several more paragraphs]