

Department of the Interior Departmental Manual

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Series: Administrative Procedure

Part 318: Federal Register Documents

Chapter 2: Regulatory Planning

Originating Office: Office of the Executive Secretariat and Regulatory Affairs

318 DM 2

2.1 **Purpose.** This chapter contains requirements for the rulemaking planning process required by Executive Order 12866, as amended.

2.2 **Scope.** This chapter applies to all Department of the Interior (DOI) regulatory documents drafted for publication in the Federal Register.

2.3 **Authority.** The Regulatory Flexibility Act (5 U.S.C. 601 – 612) requires preparation of the semiannual regulatory agenda. Executive Orders 12866 and 13563 contain specific details about regulatory planning and coordination.

2.4 **Definitions.** The definitions in 318 DM 1.4 also apply to this chapter.

2.5 **Policy.** The policy of the Department is to use the regulatory planning process to ensure that each regulation we publish is necessary and appropriate and to provide advance notification of anticipated rulemaking activities whenever possible.

2.6 **Overview of the regulatory planning process.** In drafting a regulation, each bureau/office must follow the process outlined in this section. Mandatory detailed procedures are in the handbook, *How to Prepare Regulations and Federal Register Notices*. The following steps are required:

- A. Submit a Regulatory Action Alert form and obtain a regulation identifier number (RIN).
- B. Coordinate throughout the drafting process with other bureaus and other Federal agencies that may be affected.
- C. Include the rule in the semiannual regulatory agenda submitted to the Office of Management and Budget.
- D. Include the rule in the quarterly Office of Management and Budget regulatory report.

- E. Prepare and circulate any additional documents required by law or Executive Order.
- F. Circulate the rule for surname, approval, and signature.
- G. Obtain the Secretary's Office approval.
- H. Obtain the Office of Management and Budget approval, if required.
- I. Follow applicable publication and post-publication requirements.

2.7 Responsibilities.

- A. Office of the Executive Secretariat and Regulatory Affairs (OES).
 - (1) Develops written procedures related to preparing regulatory planning documents.
 - (2) Manages and coordinates preparation and submission of the semiannual regulatory agenda, regulatory plan, and all other required regulatory planning documents.
 - (3) Monitors adherence to commitments made in the semiannual regulatory agenda and other rulemaking planning documents submitted to the Office of Management and Budget.
 - (4) Ensures that regulatory planning documents have all required approvals from the appropriate Departmental officials.
 - (5) Performs other functions necessary to manage the Department's regulatory planning process.
- B. Office of the Solicitor. Provides legal advice on regulatory planning documents.
- C. Assistant Secretaries. Review and surname all regulatory planning documents published by the bureaus they oversee.
- D. Heads of Bureaus and Offices. Review and suname all regulatory planning documents.
- E. Bureau/Office Managers. Bureau/office managers that prepare regulatory planning documents ensure that these documents are properly prepared and reviewed and comply with instructions.
- F. Bureau /Office Regulatory Contacts. Work with program offices to compile required submissions; work with OES to prepare Departmental submissions; and coordinate review, surnaming, and publication of regulatory planning documents on behalf of the bureau/office head.

