

Department of the Interior Departmental Manual

Effective Date: 3/11/2022

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](#), [Executive Order 13563](#), and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

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

2.3 **Authority.** Executive Order 12866, "Regulatory Planning and Review," September 30, 1993 (58 FR 51735), requires covered agencies to prepare an agenda of all regulations under development or review. Executive Orders 12866 and 13563, along with the implementing memo [M-11-10](#), contain specific details about regulatory planning and coordination. Additionally, please refer to the [Administrative Procedure Act \(5 U.S.C. Sec. 551 et seq.\)](#).

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 procedures are detailed in the Departmental handbook, [318 DM HB](#), *How to Prepare Regulations and Federal Register Notices*. The following steps are required:

A. Submit a Regulation Identifier Number Request Form and obtain a regulation identifier number (RIN) in advance of drafting.

B. Coordinate as needed throughout the drafting process with other Bureaus and other Federal agencies that may be affected.

C. Include the rule in the semiannual regulatory agenda, which is submitted to the Office of Management and Budget (OMB).

- D. Include the rule in the quarterly OMB regulatory report.
- E. Prepare and circulate any additional supporting documents required by law or Executive Order.
- F. Circulate the rule package through the Department's approved tracking system for surname, approval, and signature.
- G. Obtain Office of the Executive Secretariat and Regulatory Affairs (OES) approval.
- H. Obtain the Secretary's Office approval to send the package to the Office of the Federal Register (OFR) for publication.
- I. Obtain the OMB approval, if required.
- J. Follow applicable publication and post-publication requirements.

2.7 Responsibilities.

- A. OES.
 - (1) Develops written procedures related to preparing regulatory planning documents.
 - (2) Manages, reviews 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 OMB.
 - (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. Office of Performance, Planning and Analysis. Provides reviews and advice on the development of regulatory impact analyses.
- D. Assistant Secretaries. Review and surname all regulatory planning documents published by the Bureaus they oversee.

E. Heads of Bureaus and Offices. Review and surname all regulatory planning documents.

F. Bureau/Office Managers. Bureau/office managers that prepare regulatory planning documents ensure that these documents are properly prepared, reviewed, and comply with instructions.

G. 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.