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Department of the Interior

Departmental Manual

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Part 318: Federal Register Documents

Chapter 8: Review of Rules

Originating Office: Executive Secretariat and Office of Regulatory Affairs

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8.1 What does this chapter do? This chapter provides guidance for the periodic review of Department rules to ensure that they are needed, up to date and easily understood. In this chapter, "you" refers to a bureau in the Department of the Interior.

8.2 How often must I review my rules? Each bureau must review its existing rules on a cyclical basis. Secretarial Officers must ensure that bureau reviews are conducted and approve the results of each review.

A. Review Cycle. You must review each CFR part at least every five years. A bureau or Secretarial Officer may establish more frequent reviews or special reviews of selected rules.

B. Review Schedule. You must develop a review schedule that provides for review of each CFR part at some point during each five-year period. You must update this schedule annually. You must identify in the semiannual agenda (see Section 2.8) those CFR parts that you are reviewing.

8.3 How long may I take to review an individual CFR part? You must complete each review within one year of its inception.

A. If you need more than one year to review a CFR part that has a significant economic effect on a substantial number of small entities, then you must publish a notice to that effect in the Federal Register. Your Secretarial Officer must approve the notice.

B. Your Secretarial Officer may extend the completion date of the review under this paragraph by one year at a time for a total of not more than five years.

8.4 What criteria should I consider when reviewing a rule? When reviewing an existing CFR part, consider the factors below.

A. Is the rule well organized, clearly written, and visually appealing? Does the rule use minimal jargon and as many visual aids (e.g., tables or charts) as possible? Does each section address only one topic? Are items within each section listed rather than strung out as narrative?

B. Is the regulation required by law or made necessary by some compelling public need? If so, is there a feasible alternative that will achieve the same result without using a regulation?

C. What are the benefits of the regulation, and do these outweigh its costs? Did you develop a cost/benefit analysis when you published the rule and, if so, is the analysis still valid?

D. Are there inconsistencies or duplications with other Federal, State, tribal, or local laws or regulations that can be resolved in the regulation without adversely affecting the Federal program?

E. Does the regulation (either by itself or in conjunction with other Federal, State, tribal, or local regulations) impose an excessive burden on small business?

F. Have statutory or other authorities authorizing or requiring the program been repealed, amended, or superseded?

G. Have economic or other conditions changed, requiring amendments to fee schedules or other provisions?

H. Have industry, environmental, or other standards upon which the regulation is based been changed or become clearly outdated?

I. Have Administration policies changed?

8.5 What do I do with the results of my review? You must detail the results of each review in a written report. The report must address the criteria in section 8.4. After your Secretarial Officer approves the report, you must send us a copy.

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