

Subpart B—Procedures

§ 10.6 Initiation of rulemaking.

Rulemaking proceedings may be initiated on the Secretary's motion, or on the recommendation of a Federal, State, or local government or government agency, or on the petition of any interested person.

§ 10.7 Advance Notice of Proposed Rulemaking.

An Advance Notice of Proposed Rulemaking issued in accordance with § 10.1 of this part is published in the FEDERAL REGISTER and briefly outlines:

- (a) The proposed new program or program changes, and why they are needed;
- (b) The major policy issues involved;
- (c) A request for comments, both specific and general, as to the need for the proposed rule and the provisions that the rule might include;
- (d) If appropriate, a list of questions about the proposal that will elicit detailed comments;
- (e) If known, an estimate of the reporting or recordkeeping requirements, if any, that the rule would impose; and
- (f) Where comments should be addressed and the time within which they must be submitted.

§ 10.8 Notice of proposed rulemaking.

Each notice of proposed rulemaking required by statute or by § 10.1 is published in the FEDERAL REGISTER and includes:

- (a) The substance or terms of the proposed rule or a description of the subject matter and issues involved;
- (b) A statement of how and to what extent interested persons may participate in the proceeding;
- (c) Where participation is limited to written comments, a statement of the time within which such comments must be submitted;
- (d) A reference to the legal authority under which the proposal is issued; and
- (e) In a proceeding which has provided Advance Notice of Proposed Rulemaking, an analysis of the principal issues and recommendations raised by the comments, and the manner in which they have been addressed in the proposed rulemaking.

§ 10.10 Participation by interested persons.

(a) Unless the notice otherwise provides, any interested person may participate in rulemaking proceedings by submitting written data, views or arguments within the comment time stated in the notice. In addition, the Secretary may permit the filing of comments in response to original comments.

(b) In appropriate cases, the Secretary may provide for oral presentation of views in additional proceedings described in § 10.12.

§ 10.12 Additional rulemaking proceedings.

The Secretary may invite interested persons to present oral arguments, appear at informal hearings, or participate in any other procedure affording opportunity for oral presentation of views. The transcript or minutes of such meetings, as appropriate, will be kept and filed in the Rules Docket.

§ 10.14 Hearings.

(a) The provisions of 5 U.S.C. 556 and 557, which govern formal hearings in adjudicatory proceedings, do not apply to informal rule making proceedings described in this part. When opportunity is afforded for oral presentation, such informal *hearing* is a non-adversary, fact-finding proceeding. Any rule issued in a proceeding under this part in which a hearing is held is not based exclusively on the record of such hearing.

(b) When a hearing is provided, the Secretary will designate a representative to conduct the hearing, and if the presence of a legal officer is desirable, the General Counsel will designate a staff attorney to serve as the officer.

§ 10.16 Adoption of a final rule.

All timely comments are considered in taking final action on a proposed rule. Each preamble to a final rule will contain a short analysis and evaluation of the relevant significant issues set forth in the comments submitted, and a clear concise statement of the basis and purpose of the rule.