

**FISH AND WILDLIFE SERVICE
ADMINISTRATIVE PROCEDURE**

5.1 What is the purpose of this chapter? This chapter provides guidance on using the Federal Docket Management System (FDMS) to comply with electronic rulemaking requirements.

5.2 What are the objectives of this chapter? Our objectives are to:

- A. Explain what FDMS is,
- B. Briefly describe our responsibilities for entering and maintaining data in FDMS, and
- C. Provide resources to enable employees to use FDMS successfully.

5.3 What is the authority for this chapter? The authority for this chapter is the eGovernment Act of 2002 (44 U.S.C. 3601 et seq.).

5.4 What is FDMS? FDMS:

- A. Is a Governmentwide electronic rulemaking system.
- B. Is the agency side of Regulations.gov. Regulations.gov is a Web site that the public can visit to get information on Federal rulemaking and to comment electronically on any rulemaking document currently open for public comment.
- C. Enables Federal agencies to manage their administrative records electronically and to post public comments that the public can then view on Regulations.gov.

5.5 Who is responsible for FDMS?

A. The Assistant Director for Budget, Planning and Human Capital oversees the management of FDMS.

B. The Chief, Division of Policy and Directives Management (PDM):

- (1) Designates an Agency Administrator for FDMS from PDM. :
- (2) Ensures PDM personnel are available to answer users' questions;
- (3) Staffs the Public Comments Processing Unit, which scans, uploads, and posts written public submissions we receive through the U.S. mail;
- (4) Arranges training; and
- (5) Ensures PDM personnel keep up-to-date on changes to FDMS.

C. The Agency FDMS Administrator:

- (a) Has access to FDMS to maintain the agency-specific configuration and manage users in the system;
- (b) Serves as a liaison with the Department and the lead agency for FDMS (the Environmental Protection Agency);
- (c) Performs all of the functions of a Docket Manager (see 202 FW 1);

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(d) Creates dockets and phases for rulemakings and other Federal Register documents. We sometimes refer to a docket as an administrative record (see [282 FW 5](#) for information on administrative records). A docket is a storage area for documents or other information related to a specific rulemaking activity. In FDMS, a docket generally consists of:

- (i)** A Federal Register publication or publications (such as a proposed rule and final rule),
 - (ii)** Supporting materials for the rulemaking activity (such as references cited, petitions, reports and studies), and
 - (iii)** Public submissions (also known as public comments);
- (e)** Moves published Federal Register documents from the FDMS sandbox into the appropriate docket. The sandbox is:
- (i)** A folder to put documents not associated with any specific docket, and
 - (ii)** Where your Federal Register document will appear on the day it is published.
- (f)** Uploads and posts relevant supporting materials that the programs provide into FDMS dockets (see [202 FW 1](#)); and
- (g)** Sends requests to the FDMS contractor for bulk extracts of comments when a program wants them;

D. Program offices:

- (1)** Provide information about new Federal Register documents to the Agency Administrator for new docket IDs or docket phases using [FWS 3-2198](#);
- (2)** Send relevant supporting materials for FDMS dockets to the Agency Administrator (see [202 FW 1](#)); and
- (3)** Review all comments received on their Federal Register documents.

5.6 What terms do I need to know to understand this chapter? See 202 FW 1 if you need a definition for a term we use in this chapter.

5.7 What types of actions must the programs ensure are entered into FDMS? At this time, only documents that publish in the “Proposed Rules” or “Rules and Regulations” sections of the Federal Register are uploaded into FDMS. This includes:

- A.** Proposed rules,
- B.** Advance notices of proposed rulemaking,
- C.** Interim rules,
- D.** Emergency rules,
- E.** Direct final rules,
- F.** Final rules,

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- G. Documents that reopen comment periods for proposed rules,
- H. Petition findings (see section 5.13 for more information), and
- I. Other documents associated with proposed rules or that may lead to rulemaking. The Agency FDMS Administrator may enter notices manually when the program wants the public to be able to submit comments using Regulations.gov.

5.8. How do I log on to the system? FDMS is located at <http://www.fdms.gov>. You need a user name and password to log on to FDMS. See section 5.9 for how to request access to the system. You should type www.fdms.gov into your browser to log on to the system. Do not use a bookmark (favorite) because it often does not allow you access.

5.9 How do I request access to FDMS? Complete the following steps to request access to FDMS:

- A. Go to the FDMS start page (<http://www.fdms.gov>), and click on the link that says “click here to register.”
- B. Fill out the required fields (marked with red asterisks), and the following fields:
 - (1) Under User Information, select “FISH AND WILDLIFE SERVICE” (not Department of the Interior or any other agency) as your Agency Name. In the “Other” field, type your program name (e.g., Endangered Species, Migratory Birds).
 - (2) Under Supervisory POC [Point of Contact] Information, complete all of the fields with your supervisor’s information. For some supervisors, the Telephone Ext. field is not applicable.
 - (3) Select the appropriate level of access, i.e., “Reg Writer” (see 202 FW 1 for definition).
 - (4) When you have completed the necessary fields, click on the Submit button.
- C. After you complete steps A and B, the Agency FDMS Administrator will grant you access to FDMS.
- D. After you have access to FDMS, log on to the system and read the Agency Help Guide. You can view the Guide by clicking on the HELP link at the top of your screen.

5.10 When do I request a docket for my action? Request a docket from PDM when you are drafting your regulatory document. Use [FWS Form 3-2198](#), Federal Document Review Request. You will need the FDMS Docket ID number for the headings of your Federal Register document (see 202 FW 3).

5.11 When do I send the FDMS Administrator supporting materials for a docket? Send supporting materials before your Federal Register document publishes. On the day of publication, the Administrator posts the supporting materials. You may email the Administrator additional supporting materials at any time, but be sure to include the Docket ID when you send them.

5.12 When is the Federal Register document available in Regulations.gov? The Administrator moves your published Federal Register document from the sandbox into the appropriate docket on the day of publication. It and any supporting material are then visible on Regulations.gov.

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5.13 Will all rulemakings in FDMS receive public submissions electronically through Regulations.gov?

A. No. Sometimes no one comments on a document we publish in the Federal Register. It is also possible that a document we publish in the Federal Register could receive public submissions only by U.S. mail or hand-delivery; PDM scans and uploads those public submissions into FDMS (see section 5.15). Other publications, such as final rules, do not request public submissions.

B. Regulations.gov recognizes only those documents with specific dates for the beginning and ending of a comment period as open for public submissions during that timeframe. If a document, such as a not-warranted petition finding, states that we will accept public submissions at any time on the action, Regulations.gov will not allow the public to comment electronically through the Web site on that document.

5.14 How often and when should I review public submissions received on a document?

A. If you have a document open for public comment on Regulations.gov, log on to FDMS at least once a week to see if you have received any public submissions. You should review new submissions each week. You may also go to Regulations.gov to view comments.

B. If you expect a large number of public submissions, you should check at least twice a week. If you receive a large number of public submissions at one time, review them as soon as possible.

C. You may request a bulk extract of your public submissions at any time during or after the comment period. Email your request to the FDMS Administrator and include the Docket ID and timeframe of the public submissions you want.

(1) After you make the request, you will receive an email with a link to a download site.

(2) When you link to that site, a .zip folder will be downloaded to your hard disk.

(3) There is an Excel spreadsheet in the .zip folder that has a record for each public submission. The .zip folder also includes individual files for actual submissions.

5.15 What happens to public submissions mailed to the Service?

A. PDM:

(1) Receives, scans, uploads, and posts mailed public submissions to FDMS for the program offices; and

(2) Mails the original public submissions to the person listed under FOR FURTHER INFORMATION CONTACT in the Federal Register document. PDM typically sends comments once a week.

B. Program offices:

(1) Review comments in FDMS or on Regulations.gov;

(2) If a program office receives a public submission in hard copy, scan and email the file to PDM to upload and post; and

(3) May request bulk extracts of comments any time during or after the comment time period. Send an email to the FDMS Administrator stating the Docket ID and whether you want all comments or just a specified time period.

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Part 202 The Federal Register

Chapter 5 Federal Docket Management System (FDMS)

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5.16 Where can I find more information on using FDMS, including instructions on how to perform actions in the system? Visit PDM's [FDMS Web site](#) on the Intranet. The Web site includes resources to help our FDMS users.

/sgd/ Hannibal Bolton
ACTING DIRECTOR

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