



# **National Archives and Records Administration**

**Office of the Federal Register**

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# **Federal Register Document Drafting Handbook**

October 1998 Revision

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Office of the Federal Register

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## Federal Register Document Drafting Handbook

October 1998 Revision; Chapters 5 and 6, 2011 Revision

### Table of Contents

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#### I. FEDERAL REGISTER PUBLICATION REQUIREMENTS

A. Introduction.....	iii
B. Examples used in this version of the Document Drafting Handbook .....	iii
C. How do I know what is an Office of the Federal Register requirement versus recommendation?.....	iv
D. How Do I Provide Feedback, Comments, and Suggestions? .....	iv
E. What is the Federal Register/Code of Federal Regulations publication system? .....	iv
Chapter 1 : How do I write a document for the proposed rules category? .....	1-1
Chapter 2 : How do I write a document for the rules category?.....	2-1
Chapter 3 : How do I write a document for the notices category? .....	3-1
Chapter 4 : How do I correct my document?.....	4-1
Chapter 5 : Can I Submit a Computer File? .....	5-1
Chapter 6 : What is Incorporation by Reference, and how do I do it? .....	6-1
Chapter 7 : Illustrations, Forms, Footnotes, Appendices, and Tables .....	7-1
Chapter 8 : Frequently Asked Questions .....	8-1
Appendix A: Model letters .....	A-1
Appendix B: What Services Does the Office of the Federal Register Provide? .....	B-1
Appendix C: Laws That Affect Federal Register Publication .....	C-1
Appendix D: What's New in this October 1998 Revision?.....	D-1
Appendix E: Procedure for Submittal of Documents to the Federal Register During a Continuity Emergency .....	E-1

#### II. MAKING REGULATIONS READABLE .....

MRR-1

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# **Federal Register Document Drafting Handbook**

October 1998 Revision

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## **Introduction**

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### **A. What is the Document Drafting Handbook (DDH)?**

The DDH provides Federal agencies with guidance and examples for complying with the Office of the Federal Register's format and editorial requirements for Federal Register documents.

All the information you need to prepare a particular type of document (proposed rule, rule, or notice) is in one place. For example, to write a proposed rule, refer to "Chapter 1: How do I write a document for the proposed rules category?"

To download this handbook or refer to it on-line, from <http://www.nara.gov/fedreg>, select "Document Drafting Resources," and then "Document Drafting Handbook." Because we distribute this book as PDF (Portable Document Format) files, you need Acrobat Reader, published by Adobe Systems Inc., to read or print it. You can download Acrobat Reader from <http://www.adobe.com>.

To help you comply with the President's Memorandum of June 1, 1998 -- Plain Language in Government Writing, see Part II of the DDH, "Making Regulations Readable." In addition, the National Partnership for Reinventing Government (NPR), Office of Information and Regulatory Affairs (Office of Management and Budget), the OFR, and other agencies developed expanded guidance, "Writing User-Friendly Documents," available at <http://www.plainlanguage.gov>.

This edition of the Document Drafting Handbook was prepared by Laurice Clark, Vince Greenwald, Sandra Jablonski, Ernie Sowada, and Barbara Suhre.

It is issued under the Federal Register Act (44 U.S.C. chapter 15) and the rules of the Administrative Committee of the Federal Register (1 CFR chapter I).

### **B. How do I know what is required versus recommended?**

Whenever we present requirements from the Administrative Committee of the Federal Register's regulations in 1 CFR, we use "must" instead of "shall" because "must" imposes a legal obligation. We use "may" instead of "should" to indicate discretion to act. We use "should" to indicate when we strongly recommend that you comply with a procedure that is optional.

### **C. How Does this October 1998 Revision Differ from the April 1997 Revision?**

In this edition, we have expanded our coverage of several topics, and provided more detailed examples of how to format certain types of documents.

We rewrote many sections in plain language, using active voice and personal pronouns, and phrasing titles as questions.

For a complete list of changes, see Appendix D.

### **D. How Do I Provide Feedback, Comments, and Suggestions?**

We want to provide a useful tool for persons who prepare documents for the *Federal Register*. To achieve this goal, we need to know how well this publication meets your needs.

Send comments and suggestions to [info@fedreg.nara.gov](mailto:info@fedreg.nara.gov), or to

FEDERAL REGISTER (NF)  
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
700 PENNSYLVANIA AVE NW  
WASHINGTON DC 20408-0001

### **E. What is the Federal Register/Code of Federal Regulations publication system?**

The Federal Register system is composed of two major publications, the annually revised Code of Federal Regulations and the daily *Federal Register*. Together, the two publications provide a current version of each Federal agency's regulations.

**The Code of Federal Regulations.** The Code of Federal Regulations (CFR) is the foundation of the Federal Register publication system. The CFR is an annual codification of the rules of each Federal agency.

**The Federal Register.** The daily *Federal Register* (FR) contains four categories of documents: regulations (rules), proposed rules, notices, and Presidential documents. Rules published in the *Federal Register* keep the CFR current. Proposed rules solicit public comment on an agency's rules and encourage public participation in the rulemaking process. Notices provide information of interest to the public.

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# Federal Register Document Drafting Handbook

October 1998 Revision

## Chapter 1: How do I write a document for the proposed rules category?

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1.1 What types of documents go in the proposed rules category? . . . . . 1-3

1.2 What are the requirements for a document in the proposed rules category? . . . . . 1-3

### *Billing Code*

1.3 What is a billing code and how do I get one? . . . . . 1-4

### *Headings*

1.4 What information should go in the headings section at the beginning of my proposed rule? 1-4

### *Preamble*

1.5 What are the preamble requirements for a document in the proposed rules category? . . . . 1-6

- AGENCY caption . . . . . 1-7
- ACTION caption . . . . . 1-7
- SUMMARY caption . . . . . 1-8
- DATES caption . . . . . 1-8
- ADDRESSES caption . . . . . 1-10
- FOR FURTHER INFORMATION CONTACT caption . . . . . 1-12
- SUPPLEMENTARY INFORMATION caption . . . . . 1-12

### *List of Subjects*

1.6 What is the List of Subjects and what am I required to do with it? . . . . . 1-13

### *Words of Issuance*

1.7 What are "words of issuance"? . . . . . 1-15

*Regulatory Text*

1.8 What do I include in the regulatory text? .....	1-15
1.9 Headings .....	1-15
1.10 Table of contents .....	1-17
1.11 Authority citation .....	1-18
1.12 Numbering of rules .....	1-22
1.13 Amendatory language .....	1-24
1.14 Asterisks .....	1-33
1.15 Cross-references .....	1-37

*Signature Block*

1.16 Who can sign my document? .....	1-40
1.17 Do I need a signature date? .....	1-41

*Style and Format Requirements*

1.18 What should my proposed rule document look like? .....	1-42
1.19 Example of a proposed rule document .....	1-46
1.20 Checklist for proposed rule documents. ....	1-49

# Chapter 1: How do I write a document for the proposed rules category?

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**Notes:** In this chapter, “we,” “our,” or “OFR” refer to the Office of the Federal Register, National Archives and Records Administration, and “you” or “your” refer to Federal agencies that prepare documents for publication in the *Federal Register*.

Use the examples in this chapter as models for style, not content. Although many of these are single-spaced for visual impact, you must double-space your document.

## 1.1 What types of documents go in the proposed rules category?

This category contains documents that propose changes to your agency’s regulations in the Code of Federal Regulations (CFR) and request public comment on those proposed changes. Your document may propose regulatory text or describe the subjects and issues involved. The OFR publishes in the proposed rules any document that serves as the first public notice of a rulemaking proceeding and invites public input. Typical documents in this category are:

- Advance notices of proposed rulemaking, notices of inquiry, notices of intent.
- Proposed rules.
- Petitions for rulemaking.
- Unified Agenda of Federal Regulatory and Deregulatory Actions.
- Documents that affect other documents previously published in the proposed rules category. These documents:
  - Extend the comment deadline.
  - Announce a meeting or hearing.
  - Publish or announce the availability of supplemental information.
  - Withdraw or terminate a proposed rule.
  - Correct a previously published proposed rule.
- Negotiated rulemaking documents. These documents:
  - Establish committees.
  - Announce committee meetings.

## 1.2 What are the requirements for a document in the proposed rules category?

A document published in the proposed rules category should include the following items:

- Billing Code.
- Headings.
- Preamble.
- List of Subjects.
- Words of Issuance.
- Regulatory Text.
- Signature Block.

Remember, your document may propose regulatory text or describe the subjects and issues involved.

## *Billing Code*

### **1.3 What is a billing code and how do I get one?**

The Government Printing Office (GPO) assigns each agency that publishes in the *Federal Register* a billing code which GPO uses to bill your agency for printing costs. Your agency must identify an individual as your Printing Officer, the liaison between your agency and GPO for all billing matters. GPO gives your Printing Officer the billing code for your agency.

Your billing code must appear on each document submitted for publication in the *Federal Register*.

- Obtain your billing code from your agency Printing Officer.
- Type the billing code at the top of the first page of the original(s) and the certified copies of each document.
- Type a "P" (WordPerfect), "F" (Coded), or "U" (Uncoded or ASCII) after your billing code when submitting a disk with your document. (See chapter 5.)
- Remember that your billing code may change each year.

## *Headings*

### **1.4 What information should go in the headings section at the beginning of my proposed rule?**

Begin each proposed rule document with headings that identify your agency and the subject matter of your document. The headings of a proposed rule document also identify the CFR title and part your document proposes to amend. Present the headings for a proposed rule document in this format.

- Department Name.
- Subagency Name.
- CFR Citation.
- Agency Docket Number (optional).
- Regulation Identifier Number (RIN).
- Subject Heading.

**or**

- Agency Name.
- CFR Citation.
- Agency Docket Number (optional).
- Regulation Identifier Number (RIN).
- Subject Heading.

The "Department" and "Subagency" headings for a document must reflect the department and subagency names as shown in the CFR chapter the document that proposes to amend. If your agency is not a cabinet-level department, do not use a subagency heading.

If the CFR chapter is assigned to a subagency of a cabinet-level department, the department name must still appear in the document headings. (See example 1.)

The "CFR Citation" heading contains the number of the CFR title and the number of each part the document proposes to amend. Even if the document affects only one paragraph within a part, include that part number.

The "Agency Docket Number" heading is the internal file number your agency may assign. This heading is optional.

The "RIN Number" is assigned by the Regulatory Information Service Center and identifies each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions.

The "Subject Heading" is a brief statement describing the document. You may use the CFR part heading if it describes the content of the document. However, use more specific information when the document amends several parts or when the part heading is too general.

Example 1: Headings for a proposed rule document from a cabinet-level department.

DEPARTMENT OF COMMERCE	Department Name
National Oceanic and Atmospheric Administration	Subagency Name
15 CFR Part 946	CFR Citation
RIN 0648-AI90	RIN Number
Coastal Energy Impact Program	Subject Heading

Example 2: Headings for a proposed rule document from a non-cabinet agency.

FEDERAL RESERVE SYSTEM	Agency Name
12 CFR Part 220	CFR Citation
[No. 85-959]	Agency Docket Number (Optional)
RIN 0648-FR22	RIN Number
Credit by Brokers and Dealers	Subject Heading

If you issue a follow-up document, duplicate the headings of the earlier document, and add a distinguishing phrase to the subject heading.

Example 3: Headings for a follow-up proposed rule document.

FEDERAL RESERVE SYSTEM	Agency Name
12 CFR Part 220	CFR Citation
[No. 85-959]	Agency Docket Number (Optional)
RIN 0648-FR22	RIN Number
Credit by Brokers and Dealers; Extension of Time for Comments	Subject Heading

If there are multiple agencies and CFR citations in the heading, see section 8.14.

### *Preamble*

#### **1.5 What are the preamble requirements for a document in the proposed rules category?**

Each agency document published in the proposed rules category of the *Federal Register* must contain a preamble. The preamble follows the subject heading of the document. It explains the basis and purpose of the regulatory text, but contains no regulatory text. It arranges basic information on the "who, what, where, when, and why" of a document for the reader's convenience. The preamble captions are:

- AGENCY:
- ACTION:
- SUMMARY:
- DATES:
- ADDRESSES:
- FOR FURTHER INFORMATION CONTACT:
- SUPPLEMENTARY INFORMATION:

These captions must appear in the order shown. An explanation and examples of what must appear within each caption follow.

## **AGENCY caption.**

The AGENCY caption states the "who" of a document by identifying the agency issuing it.

This caption usually repeats the name of the agency as carried in the document's headings. When the name of a subagency and cabinet-level department appear together, carry the subagency name first and then the department's commonly used acronym or shortened name. For organizational clarity, you may choose to include in this caption the name of an office which is not listed in the document's headings.

### Example 4.

AGENCY: Office of the Secretary, USDA.  
AGENCY: National Archives and Records Administration.  
AGENCY: Consumer Product Safety Commission.  
AGENCY: Environmental Protection Agency.  
AGENCY: National Park Service, Interior.  
AGENCY: Bureau of Public Debt, Fiscal Service, Treasury.

## **ACTION caption.**

The ACTION caption identifies the type of document. It does not summarize the substance of a document.

The following examples represent typical captions for a proposed rule document. Others are possible.

### Example 5.

ACTION: Proposed rule.  
ACTION: Proposed rule; extension of comment period.  
ACTION: Proposed rule; correction.  
ACTION: Proposed rule; notice of hearing (or meeting).  
ACTION: Proposed rule; withdrawal (or termination).  
ACTION: Notice of proposed rulemaking.  
ACTION: Advance notice of proposed rulemaking.  
ACTION: Petition for rulemaking.  
ACTION: Petition for rulemaking; denial.  
ACTION: Petition for rulemaking; withdrawal.  
ACTION: Proposed policy statement.  
ACTION: Proposed rule; availability of supplemental information.

## **SUMMARY caption.**

Under the SUMMARY caption you explain the "what," "why," and "effect" of the document. In the SUMMARY, you must answer these three questions:

- What action is being taken?
- Why is this action necessary?
- What is the intended effect of this action?

Use the following guidelines in preparing a SUMMARY.

- Use language a non-expert will understand.
- Describe what the document does, not how it affects the CFR.
- Refer to an act of Congress by the popular name of the act.
- Do not use legal citations.
- State what your document does; do not include regulatory history or extensive background.
- Do not include qualifications, exceptions, or specific details.
- Be brief.

You may not use the SUMMARY to prove a point or argue a case. Supporting information, details, discussion of the regulatory history, and precise legal citations are essential in an adequate preamble but do not belong in the SUMMARY. Extended discussion of the proposed rule belongs in the SUPPLEMENTARY INFORMATION section.

Example 6.

SUMMARY: The Coast Guard proposes to amend the uninspected vessel rules by requiring emergency position indicating radio beacons (EPIRBs). The Emergency Position Indicating Radio Beacons on Uninspected Vessels Requirements Act amends the shipping laws of the United States by requiring uninspected commercial vessels to have the number and type of EPIRBs prescribed by rule. These rules will ensure rapid and effective search and rescue during emergency situations.

## **DATES caption.**

The DATES caption presents the "when" of a document. Include the dates that are essential to the document.

Include the following dates, if appropriate:

- Comment deadlines.
- Extension of comment deadlines.
- Request for a hearing (or meeting) deadline.
- Public hearing (or meeting) dates.
- Other dates the public may need to know.

OFR computes and inserts dates tied to *Federal Register* publication or OFR filing using the "Table of Effective Dates and Time Periods." This table appears in the Reader Aids section of the

first *Federal Register* issue each month. In computing the date, we count the day after publication as the first day. When a date falls on a weekend or a Federal holiday, we use the next Federal business day. If we are to compute and insert a date, present the date as shown in example 7. We compute dates based **only** on OFR filing or publication in the *Federal Register*.

Example 7.

DATES: Submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Example 8.

DATES: The agency must receive comments on or before October 20, 199x.

A public hearing will be held at 9 a.m., October 9, 199x.

Submit requests to present oral testimony on or before October 2, 199x.

Place no more than four dates under the captions "DATES."

Example 9: Format in proposed rule with four dates.

DATES: The hearing dates are:

1. March 26, 199x, 9:30 a.m. to 5 p.m., Philadelphia, PA.
2. April 3, 199x, 9:30 a.m. to 5 p.m., Chicago, IL.
3. April 8, 199x, 9:30 a.m. to 5 p.m., Atlanta, GA.
4. April 15, 199x, 9:30 a.m. to 5 p.m., Denver, CO.

If you have more than four dates, place them in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Public Participation" or "Hearings." **This requirement generally does not apply to comment deadlines.**

Example 10.

DATES: See Supplementary Information section for hearing dates.

Do not include information other than dates in the DATES caption. Place any discussion of meeting agenda, content of material available for inspection, etc. in the SUPPLEMENTARY INFORMATION section.

Remember that DATES and ADDRESSES are separate captions. All date information must appear in the DATES caption.

## **ADDRESSES caption.**

The ADDRESSES caption contains the "where" of the document. Include any address that the public needs to know. You may include addresses for:

- Mailing public comments.
- Hand-delivering public comments.
- Attending a public hearing (or meeting).
- Examining any material available for public inspection.

Do not include information other than addresses in the ADDRESSES caption. Place any discussion of how to submit comments, how to register for a meeting, meeting agenda, content of material available for inspection, etc. in the SUPPLEMENTARY INFORMATION section. If you are accepting electronic comments, place electronic addresses in the ADDRESSES section, and detailed requirements in the SUPPLEMENTARY INFORMATION section. (See examples 15 and 16.)

Place no more than four addresses under the caption "ADDRESSES."

Example 11: Format in proposed rule with four addresses.

ADDRESSES: The hearing locations are:

1. Philadelphia -- Ramada Inn (Meadows Ballroom, Section A & B), 76 Industrial Highway, Essington, PA 19029.

2. Chicago -- O'Hare Ramada Inn (Penthouse Ballroom, 9th Floor), 6600 Mannheim Road, Des Plaines, IL 60018.

3. Atlanta -- Ramada Inn Central (Georgian Ballroom), I-85 at Monroe Drive, Atlanta, GA 30324.

4. Denver -- Main Post Office Building (2nd Floor Auditorium, Room 269), 1823 Stout Street, Denver, CO 80202.

If you have more than four addresses, place them in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Public Participation" or "Hearings."

Example 12.

ADDRESSES: See Supplementary Information section for hearing addresses.

Remember that ADDRESSES and DATES are separate captions. All address information must appear in the ADDRESSES caption.

Example 13.

ADDRESSES: Address all comments concerning this proposed rule to Nell C. Commentary, Commissioner, Rehabilitation Services Administration, Mary E. Switzer Building, Room 3325, 330 C Street SW., Washington, DC 20202-2735.

Send a copy of any comments that concern information collection requirements to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Information.

Example 14.

ADDRESSES: Mail comments and requests to testify to Hearing Clerk, Room 000, Department of XXXXX, Washington, DC 20000; the hearing will be held in Room 000, 000 Independence Avenue, SW., Washington, DC.

Place detailed information about electronic access and filing in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Electronic Access and Filing Addresses."

Example 15.

ADDRESSES: Submit electronic comments and other data to oppdocket@epamail.epa.gov. See SUPPLEMENTARY INFORMATION for file formats and other information about electronic filing.

Example 16.

SUPPLEMENTARY INFORMATION:

\* \* \* \* \*

[Asterisks Indicate Text Not Reprinted.]

Electronic Access and Filing

You may submit comments and data by sending electronic mail (E-mail) to: oppdocket@epamail.epa.gov.

Submit comments as an ASCII file avoiding the use of special characters and any form of encryption. The OPP also accepts comments and data on disks in WordPerfect 5.1 file format or ASCII file format. Identify all comments and data in electronic form by the docket number [PP 4F4327/R2253]. You may file electronic comments on this proposed rule online at many Federal Depository Libraries. File an electronic copy of objections and hearing requests with the Hearing Clerk at: oppdocket@epamail.epa.gov.

## **FOR FURTHER INFORMATION CONTACT caption.**

Under the FOR FURTHER INFORMATION CONTACT caption, you must include the name and telephone number of a person within your agency who can answer questions about the document. You may list two or more persons to contact concerning different aspects of a document.

Example 17.

FOR FURTHER INFORMATION CONTACT: John Regwriter, 202-000-0000.

**or**

FOR FURTHER INFORMATION CONTACT:

Technical information: John Regwriter, 202-000-0000.

Legal information: Mary Regulatory, 202-000-0001.

## **SUPPLEMENTARY INFORMATION caption.**

In this section, include the regulatory history of this rulemaking proceeding. You should present the background information and detail necessary to give adequate notice of the issues to be commented on as required by the Administrative Procedure Act. Present this information in language that the reader can easily understand, with descriptive headings to highlight and organize topics. If a reference to the *Federal Register* or Code of Federal Regulations is necessary, use the format shown in examples 66 and 67.

You may use the SUPPLEMENTARY INFORMATION section to provide additional information that is required by law, agency policy, or Executive order.

Answering some of these questions may help you draft your SUPPLEMENTARY INFORMATION.

- What law or directive authorizes the rulemaking?
- What existing regulations address the problem?
- What problem does the rulemaking address?
  - What issues are connected with the problem?
  - What facts, surveys, or studies identify and define the problem?
- How does this rulemaking attempt to solve the problem?
  - Were other solutions considered?
  - Why was this solution chosen?
  - Is this solution cost-effective?
  - How will this solution affect the regulated parties?

- Does this rulemaking contain penalties for noncompliance?
  - Are penalty provisions essential?
  - Can the requirements be monitored?
  - Can the penalty provisions be enforced?
- Have you identified other documents in this rulemaking, and included their *Federal Register* citations? (See example 66.)
  - Did you publish an Advance Notice of Proposed Rulemaking?
  - Have you announced meetings or hearings?
- Have you discussed all necessary regulatory analysis and review requirements?
- What other statutes apply to this rulemaking?
- How will public participation be handled?
  - Are there special instructions for mailing public comments?
  - Are there formal or informal hearings?
  - Are there procedures for requesting a public hearing?
  - Are there any instructions for filing comments or making oral presentations?
  - Will transcripts of the hearing be made available?
- Have you used subject headings to break up a lengthy SUPPLEMENTARY INFORMATION section? For example:
  - Background.
  - Statutory authority.
  - Request for comments.
  - Related documents.
  - Topical headings.
  - Drafting information.
  - Public participation.

### *List of Subjects*

#### **1.6 What is the List of Subjects and what am I required to do with it?**

Each proposed rule document must contain a list of index terms (List of Subjects) for each CFR part number cited in the document's heading. These terms are contained in the "Federal Register Thesaurus of Indexing Terms," available at <http://www.nara.gov/fedreg/>, under "Document Drafting Resources." The terms provide a common vocabulary for indexing the rulemaking documents of all agencies and are the basis of the "CFR Index" prepared by the OFR. We will provide you with a list of appropriate terms for its existing CFR parts. For new CFR parts, you should select appropriate terms from the Thesaurus. You may include additional terms not contained in the Thesaurus for either existing or new CFR parts as long as you also include appropriate Thesaurus terms. When you select a term that is not in the Thesaurus, ask yourself, "Would I search for the subject matter using this term?"

The List of Subjects is the last item in the SUPPLEMENTARY INFORMATION section of the preamble. Put the List of Subjects terms in alphabetical order and separate them with commas. Capitalize only the first word of each term. End the terms with a period. (See example 18.)

You do not need a list of subjects for a document that:

- Has no regulatory text.
- Only presents nomenclature changes.
- Corrects a previous document.

You must include all the established Thesaurus terms for a part that you are removing from the CFR. A List of Subjects is set out separately for each CFR part affected. (See example 19.) However, if the terms used are identical for several CFR parts, you may consolidate. (See example 19.)

Example 18: List of subjects in a document citing a single CFR part.

List of Subjects in 40 CFR Part 262

Hazardous waste, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

Example 19: List of subjects in a document citing two or more CFR parts.

List of Subjects

15 CFR Part 370

Administrative practice and procedure, Exports.

15 CFR Parts 372 and 386

Exports, Reporting and recordkeeping requirements.

## *Words of Issuance*

### **1.7 What are "words of issuance"?**

The words of issuance provide:

- The tie between this proposed rule and the CFR units that could be affected.
- The bridge between the preamble of this document and the regulatory changes that it proposes.

Words of issuance are always in the present tense.

Example 20.

For the reasons stated in the preamble, the Federal Energy Regulatory Commission proposes to amend 18 CFR chapter I as set forth below:

For the reasons discussed in the preamble, the Nuclear Regulatory Commission proposes to amend 10 CFR part 430 as follows:

## *Regulatory Text*

### **1.8 What do I include in the regulatory text?**

Regulatory text is the section of your document that sets out your agency's proposed changes to the CFR. It can include:

- Headings.
- Table of Contents.
- Authority citation.
- Numbering of rules.
- Amendatory language.
- Asterisks.
- Cross-references.

### **1.9 Headings.**

Provide a heading for each part, subpart, section, and appendix that you propose to amend. You may use a heading for a paragraph. A heading is a brief statement that accurately describes the content of the CFR unit. A change in the heading requires an amendment to the CFR.

Example 21: Headings in regulatory text.

PART 970--DEEP SEABED MINING  
REGULATIONS FOR EXPLORATION  
LICENSES

Part

Subpart A--What Applications Must I  
complete to Obtain My Exploration  
Licenses?

Subpart Heading (Optional)

§970.103 Which deep seabed mining  
activities are prohibited and which  
ones are restricted?

Section

**Part.** Each part heading should contain subject terms that identify the agency's rules in a manner consistent with the terms used by other agencies to identify similar material. The OFR has developed a thesaurus of subject terms that we use to index the CFR and related publications. Use the Thesaurus to obtain subject terms that identify the content of the proposed rule document, and use the appropriate subject terms in the part heading.

**Subpart.** You may use subpart headings to separate ideas within a part. Subparts are not required.

**Undesignated Center Heading.** You may use undesignated center headings to break up a large subpart and group together sections concerning a particular subject area. Undesignated center headings are not required.

**Appendix.** An appendix may appear at the section, subpart, or part level. Designate each appendix with a capital letter, identify whether it belongs to a section, subpart, or part, and give it a descriptive heading. Do not carry the heading for an appendix to a section in the table of contents. If your agency has established a uniform designation system for its appendices, follow the established system. (See chapter 7.)

Example 22: Appendix headings.

Appendix B to Subpart A of Part 915 -- Illustrations of Infant Highchair Designs

Appendix A to §315.2 --Model Air Pollution Control Plan

Appendix A to Part 2 -- Flammability Statistics for Floor-Cleaning Fluids

**Section.** Descriptive section headings are signposts for the reader. They help readers identify the particular regulatory text that applies to them. End each section heading with a period or question mark.

**Paragraph.** You may use headings at the paragraph level. Be consistent. If you use a heading for one paragraph, be sure to use a heading for all paragraphs at that level. End paragraph headings with a period and underline them in the document. In the *Federal Register*, the underlined headings are printed in italics.

### **1.10 Table of contents.**

You need a table of contents for a document that:

- Adds a new part or subpart, or
- Revises an existing part or subpart.

Include the following in your table of contents:

- Section headings,
- Subpart headings,
- Undesignated center headings, and
- Appendix headings to parts and subparts.

Table of contents entries are identical to the section headings, subpart headings, undesignated center headings, and appendix headings in the regulatory text. Do not list paragraph headings or appendix-to-section headings in the table of contents.

Do not provide a table of contents in a document that adds or amends a single section or miscellaneous sections. We change the table of contents when these amendments are included in the CFR.

## 1.11 Authority citation.

You must cite the authority that authorizes your agency to change the CFR. Give the authority citation in the shortest form. Placement of the authority citation depends on what unit of the CFR you are amending.

There are two types of authority:

- Statutory:
  - Public law.
  - United States Code.
- Nonstatutory:
  - Presidential Executive order.
  - Presidential Administrative order.
  - Presidential Memorandum.
  - Agency delegation, policy, or directive.
  - Office of Management and Budget circular.
  - CFR regulations.

Your agency is responsible for maintaining accurate and current authority citations.

Present the authority citation at one of two central places:

- Part level, or
- Subpart level.

You may give citations of authority for particular subparts and sections within the central authority citation. (See examples 23 and 24.)

### Example 23.

Authority: 42 U.S.C. 2201; 45 U.S.C. 5841.  
Subpart A also issued under 5 U.S.C. 552; 31 U.S.C. 9701.  
Subpart B also issued under 5 U.S.C. 552a.  
Subpart C also issued under 5 U.S.C. 552b.

### Example 24.

Authority: 42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282, 5841, 5842, 5846.  
Section 30.7 also issued under 42 U.S.C. 5851.  
Section 30.34(b) also issued under 42 U.S.C. 2234.  
Section 30.61 also issued under 42 U.S.C. 2237.

## Statutory authority.

Each citation of statutory authority must use the United States Code citation, if one exists. To determine the United States Code citation, use one of the following:

- The current edition of the United States Code or its supplement.
- The slip law, for recently signed public laws.

Example 25.

Authority: 44 U.S.C. 2101-2118; 50 U.S.C. 6909.

We generally recommend that you use only the United States Code citation. (See example 25.). When a United States Code citation does not exist (for example, for appropriations laws), you must cite the section of the public law, if appropriate, the public law, and the U.S. Statutes at Large. Do not cite the popular name of a public law. (See example 26.)

Example 26.

Authority: Sec. 8067, Pub. L. 98-473, 98 Stat. 1937.

If you choose to cite the public law and the U.S. Statutes at Large in addition to the United States Code, present them in the order shown in example 27.

Example 27.

Authority: Sec. 8, Pub. L. 98-328, 82 Stat. 470 (34 U.S.C. 21).

If you cite two different laws where one has a United States Code citation and the other does not, place the United States Code citation first. (See example 28.)

Example 28.

Authority: 42 U.S.C. 2996; Pub. L. 104-208, 110 Stat. 3009; Pub. L. 104-134, 110 Stat. 1321.

## Nonstatutory authority.

Cite nonstatutory authority by document designation, *Federal Register* citation, and CFR citation. (See example 29.)

Example 29.

Authority: E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105.

If you include both statutory and nonstatutory citations in the same authority citation, place the statutory citation first. (See example 30.)

Example 30.

Authority: 8 U.S.C. 1161(f); 29 U.S.C. 1801-1872; Secretary's Order 6-84, 49 FR 32473.

If you need to deviate from the standard authority citation format, submit a letter requesting the deviation and explaining the need to the Director of the Federal Register.

### **Placement of the authority citation.**

**Whole CFR part.** If a document adds or revises an entire CFR part, place the authority citation directly after the table of contents and before the regulatory text. (See example 31.)

Example 31.

PART 54--ALLOTMENTS FOR CHILD AND SPOUSAL SUPPORT

Sec.

54.1 Purpose.

54.2 Applicability and scope.

54.3 Definitions.

54.4 Policy.

54.5 Responsibilities.

54.6 Procedures.

Authority: 15 U.S.C. 1673; 37 U.S.C. 101; 42 U.S.C. 665.

**CFR section.** If a document amends only certain sections within a CFR part, set out the authority citation for the part as the **first numbered item** in the list of amendments for the part. (See examples 32 and 33.)

Example 32.

PART 4--SERVICES TO THE PUBLIC

1. The authority citation for part 4 is revised to read as follows:

Authority: 44 U.S.C. 1508.

Example 33.

PART 4--SERVICES TO THE PUBLIC

1. The authority citation for part 4 continues to read as follows:

Authority: 44 U.S.C. 1502.

**Subparts.** If a document adds or revises an entire subpart, using the **same** authority citation as the CFR part, set out the authority citation for the part as the first numbered item in the list of amendments for the part. (See examples 32 and 33.)

If a document adds or revises an entire subpart using a **different** authority citation, set out the authority citation for the subpart directly after the heading to the subpart and before the regulatory text of the subpart. (See example 34.)

Example 34.

Subpart B--Supportive Services for  
Minority, Disadvantaged, and Women  
Business Enterprises

Table of Contents

Sec.  
230.201 Purpose.  
230.202 Definitions.  
230.203 Policy.

Subpart B--Supportive Services for  
Minority, Disadvantaged, and Women  
Business Enterprises

Subpart Heading

Authority: 23 U.S.C. 101, 140(c),  
304, 315; 49 CFR 1.48(b).

Subpart B Authority Citation

§230.201 Purpose.

Text of Section

This subpart prescribes the policies,  
procedures, and guidance to develop, conduct,  
and administer supportive services assistance  
programs for minority, disadvantaged, and  
women business enterprises.

\* \* \* \* \*

[Asterisks Indicate Text Not Reprinted.]

**Parts removed.** If you propose to remove a part, you must give your agency's authority for the action. Place the authority in the "words of issuance." (See examples 35 and 36.)

Example 35.

Accordingly, under the authority 10 U.S.C. 8013, the XXX Agency proposes to amend XX CFR chapter VII by removing part 837.

Example 36.

Under 42 U.S.C. 541 and as discussed in the preamble, the Department of the XXX proposes to amend XX CFR chapter II as follows:

### 1.12 Numbering of rules.

The regulatory text of your document must conform with the structure of the CFR.

**Code of Federal Regulations structure.** The basic structure of the CFR consists of a hierarchy of designated CFR units. The CFR numbering system is **not** based on a decimal numbering system. The following table illustrates the CFR structure.

CFR Unit	CFR Designation	Description
Title	12	Broad area subject to Federal regulation
Chapter	III	Rules of a single issuing agency
Part	303	Unified body of rules concerning a single function or specific subject
Section	303.1	Short presentation of one regulatory function. The section is the basic unit of the CFR. The content of a section is a short, simple presentation of a single regulatory function.

Each section number includes the number of the part followed by a period and a sequential number.

Example 37: Section number.

§25.1.

Hyphenated numbers (§117-2.1 or §117-3.15) or numbers with alpha characters (part 115a, §115a.1, or §115.1a) are not permitted in designating units within the CFR system.

The Director of the OFR must approve any deviation from standard CFR structure. Submit a request for approval in writing before you begin drafting.

**Paragraph structure of a section.** If you have more than one paragraph, designate each one as show in example 38. Indent each designated paragraph within a section.

The paragraph structure within a section allows six levels of designation. **We strongly recommend that you do not use more than 3 paragraph levels.** Use of more than 3 paragraph levels makes your rule hard to read and use. Use more sections as a drafting technique to avoid using excessive paragraph levels. Use the paragraph structure chart in example 38.

Sections consisting of a single paragraph or the introductory text of a section do not require a designation. However, we no longer permit an undesignated concluding paragraph.

Indicate italics by underlining in a typewritten document.

Example 38: Paragraph structure of a section.

level 1	(a), (b), (c), etc.
level 2	(1), (2), (3), etc.
level 3	(i), (ii), (iii), etc.
level 4	(A), (B), (C), etc.
level 5	( <u>1</u> ), ( <u>2</u> ), ( <u>3</u> ), etc.
level 6	( <u>i</u> ), ( <u>ii</u> ), ( <u>iii</u> ), etc.

**Definitions.** For a discussion of definitions, see section 8.15.

**Notes.** Label notes in CFR text to show whether they apply to the whole section or to the preceding paragraph. (See example 39.)

Example 39.

Note to §30.1.  
Note to paragraph (f).  
Note to paragraph (b)(2).

### 1.13 Amendatory language.

A proposed rule document usually proposes to make changes or additions to the CFR. The regulatory text of a document must fit into the current text of the CFR. You should precisely identify and describe the changes made to the CFR. While the words of issuance describe the general effect of the document, the amendatory language uses standard terms to give specific instructions on how to change the CFR. Do not include in the amendatory language a discussion of why the changes are made. This belongs in the SUPPLEMENTARY INFORMATION section.

Your agency's current CFR text is not necessarily what appears in the latest edition of the CFR, since your agency publishes changes to the CFR in the daily *Federal Register*.

The "List of CFR Sections Affected" (LSA) is a cumulative **monthly** numerical index to rules and proposed rules. Use it to determine if any changes have been made since the revision date of your CFR. The "CFR Parts Affected" is a cumulative **daily** numerical index to rules and proposed rules published in the Reader Aids section of the *Federal Register*. Use it to check for changes in any month not covered by the LSA.

Before you begin drafting amendatory language, consult the latest version of the CFR and the LSA, and the latest *Federal Register* for any month not covered by your LSA. This gives you the current and official version of the CFR regulations you are changing.

Base amendatory language on the current text of a rule. You must:

- Identify the specific CFR unit being changed.
- Place amendments in CFR numbering order.
- Use one of the standard terms to describe the change.
- Address all regulatory text set out in your document.

For extensive changes, revise the text in full rather than prepare fragmentary amendments. The reader will then have the complete text of the amended unit.

Don't use the word "proposed" in each amendatory instruction. Use it only in the words of issuance. (See section 1.7.)

## Use of “Amend.”

"Amend" means that an existing CFR unit is changed. Because it is an introductory term, it cannot stand alone. Use it with one of the specific amendatory terms to precisely describe the change to the CFR unit.

Example 40: Amend.

Amend §791.27 to revise paragraph (b)(3) and to add paragraph (d)(4) to read as follows:

## Specific amendatory terms.

Use the following terms in amendatory language. Each term is a precise instruction to change a CFR unit.

- Add.
- Redesignate.
- Remove.
- Republish.
- Reserve.
- Revise.
- Withdraw.

**Add.** "Add" means that a new CFR unit is inserted in the CFR.

Example 41: Add.

Add part 1812 to read as follows:

Add §5.26 under the undesignated center heading "How To Apply For a Permit" to read as follows:

Add §20.89 to subpart H to read as follows:

In §18.13, add paragraph (e) to read as follows:

Add new paragraph (f)(5) to §210.14 to read as follows:

Add §4.8(a)(3)(iii) to read as follows:

**Redesignate.** "Redesignate" transfers a CFR unit to a vacant position and assigns a new designation. A redesignation table may also be used.

Example 42: Redesignate.

PART 80 [REDESIGNATED AS PART 90 AND AMENDED]

2. Redesignate part 80 as part 90 and amend the references as indicated in the table below:

3. In §100.5, redesignate paragraphs (a) through (c) as paragraphs (d) through (f) and add new paragraphs (a) through (c) to read as follows:

4. Redesignate part 20 as part 30 and revise it to read as follows:

§§226.3 through 226.5 [Removed]

§§226.6 through 226.8 [Redesignated as §§226.3 through 226.5]

5. Remove §§226.3 through 226.5 and redesignate §§226.6 through 226.8 as §§226.3 through 226.5, respectively.

§45.3 [Amended]

6. In §45.3, redesignate paragraphs (a) through (c) as paragraphs (a)(1) through (a)(3). In redesignated paragraph (a)(1), further redesignate paragraphs (1) and (2) as paragraphs (a)(1)(i) and (ii).

**Remove.** "Remove" means that an existing CFR unit is being taken out of the CFR.

Example 43: Remove.

§300.12 [Removed]

Remove §300.12.

§495.73 [Amended]

In §495.73, remove paragraphs (a)(5) and (e).

**Republish.** "Republish" means that an unchanged CFR unit is set out for the convenience of the reader, often to provide the context for an amendment. Therefore, you must present the republished text accurately.

Example 44: Republish.

In §2.1, the introductory text of paragraph (a) is republished and paragraphs (a)(1) and (a)(3) are revised to read as follows:

**Reserve.** "Reserve" is a term used to fill in gaps in CFR numbering. Removing a subpart or a paragraph may leave a gap which could confuse the reader. To avoid confusion in your

amendatory language, you should remove and reserve the subpart or paragraph. (See example 45.)

Example 45: Reserve (when removing a CFR unit).

Subpart Q--[Removed and Reserved]

Remove and reserve subpart Q, consisting of §§103.10 through 103.25.

You may also use "reserve" when adding or revising a CFR unit to indicate where future text will be added. (See example 46.)

Example 46: Reserve (when adding or revising a CFR unit).

Add and reserve subpart E and add subpart F, consisting of §§25.100 through 25.130, to read as follows:

**Revise.** "Revise" means that an existing CFR unit is replaced in its entirety. It is important that you specifically identify the CFR unit being revised.

Example 47: Revise.

Revise part 105 to read as follows:

Revise §80.100(e)(1)(iii) to read as follows:

In §15.4, revise paragraph (b) and the introductory text of paragraph (f)(2) to read as follows:

**Withdraw.** "Withdraw" indicates that a previously published proposed rule will not be issued as a final rule and will not become effective or enforceable.

### **Addition or revision of a part or subpart.**

**Parts.** If you add or revise a part, use these elements in the order shown. (See example 48.)

- Amendatory language.
- Part heading.
- Table of contents.
- Authority citation.
- Regulatory text.

**Subparts.** If a part has a single authority citation at the end of the table of contents and you want to add or revise a subpart in that part, use these elements in the order shown:

- Part heading.
- Authority citation for the part.
- Amendatory language.
- Subpart heading.
- Table of contents.
- Regulatory text.

**or**

If each subpart in a part has its own authority citation and you want to add or revise a subpart in that part, use these elements in the order shown:

- Part heading.
- Amendatory language.
- Subpart heading and table of contents.
- Subpart heading.
- Authority citation for the subpart.
- Regulatory text.

Example 48: Revision of a part.

Revise part 3 to read as follows:	Amendatory Language
PART 3--SERVICES TO THE PUBLIC	Part Heading
Sec.	Table of Contents
3.1 Information services.	
3.2 Public inspection of documents.	
3.3 Reproduction and certification of copies of acts and documents.	
Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530 , 19 FR 2709, 3 CFR, 1954-1958 Comp., p.189.	Authority Citation
<u>§ 3.1 Information services.</u>	Regulatory Text
(a) The Office of the Federal Register (OFR) provides information on:	
(1) Publications in §2.5 of this chapter;	
and	

(2) Original acts and documents filed with the OFR.

(b) The OFR cannot provide excessive information or do extensive research.

(c) The staff may not summarize or interpret substantive text of any act or document.

### § 3.2 Public inspection of documents.

(a) During the OFR's office hours, documents filed with the OFR pursuant to law are available for public inspection at 800 North Capitol Street, NW., Suite 700, Washington, DC. There are no formal inspection procedures or requirements.

(b) By direction of the Director of the Office of the Federal Register, the OFR staff must file for public inspection documents received and processed not later than the working day preceding the publication day for that document.

(c) By direction of the Director of the Office of the Federal Register, the OFR staff must place on the original and certified copies of each document a notation of the day and hour when it was filed and made available for public inspection.

(d) Customers may view, photocopy, or make excerpts of documents on public inspection.

### § 3.3 Reproduction and certification of copies of acts and documents.

The regulations for the public use of records in the National Archives and Records Administration (36 CFR parts 1252 through 1258) also govern the furnishing of reproductions of acts and documents and certificates of authentication for them. Section 1258.14 of those regulations provides for the advance payment of appropriate fees for reproduction services and for certifying reproductions.

## **Amendment to a section.**

If you amend a section, use these elements in the order shown:

- Part heading.
- Authority citation.
- Amendatory language.
- Section heading.
- Regulatory text.

If you add or revise a section, use the format shown in example 49.

If you add a section to a part which contains subparts or undesignated center headings, identify the subpart or undesignated center heading which will contain the new section.

Example 49: Revision of a section.

PART 133--TOLLS FOR USE OF CANAL

Part Heading

1. The authority citation for part 133 is revised to read as follows:

Authority Citation

Authority: 22 U.S.C. 3791; E.O. 12215, 45 FR 36043, 3 CFR, 1980 Comp., p. 257.

2. Section 133.34 is revised to read as follows:

Amendatory Language

§133.34 What are the tolls for vessels in ballast?

Section Heading

In order for a vessel to secure the reduced rate of toll for vessels in ballast, it may not carry any passengers or cargo nor any fuel for its own consumption in a quantity which exceeds:

Regulatory Text

(a) 125 percent of the volume of its engine room as measured and as shown on its Panama Canal tonnage certificate; or

(b) The spaces on the vessel which are available for the carriage of fuel.

**Multiple Amendments.** Describe **all** changes to one section in a single instruction, and display changed text for the section immediately following the instruction. (See instruction 2 in example 51.) If there are many changes to one section, use a list format. (See example 50.)

Example 50.

§941.103 [Amended]

3. Amend §941.103 as follows:

a. Remove the definitions of "Allocation area", "Application", "Central city allocation area", "Community", "Field Office", "Housing Assistance Plan", "Household type", and "Housing type";

b. Remove the parenthetical phrase "(in the form prescribed by HUD)" from the definition "Construction Contract" and "Contract of sale"; and

c. Remove from the definition of "Total development cost (TDC)" the term "The Field Office" and add in its place the term "HUD", and remove from that definition the parenthetical sentence at the end.

When there are changes to several sections, use separate numbered instructions for each section, and display the changed text for each section after the instruction. (See instructions 2 through 4 in example 51.)

Example 51: Changes to several sections.

PART 1258--FEES

1. The authority citation for part 1258 continues to read as follows:

Authority: 44 U.S.C. 2116(c).

2. Amend §1258.2 by revising paragraphs (a) and (c)(3) to read as follows:

§1258.2 Applicability.

(a) Except as stated in this section, fees for the reproduction of NARA administrative records, archival records, donated historical materials, and records filed with the Office of the Federal Register are in §1258.12.

\* \* \* \* \*

(c) \* \* \*

(3) Motion picture, sound, and video recording materials are among the holdings of the National Archives and Records Administration. Obtain prices for reproduction of these materials from the Motion Picture and Sound and Video Branch, National Archives and Records Administration, Washington, DC 20408.

\* \* \* \* \*

3. Amend §1258.4 by revising paragraph (b) to read as follows:

§1258.4 Exclusions.

\* \* \* \* \*

(b) When NARA wishes to disseminate information about its activities to the general public through press, radio, television, and newsreel representatives;

\* \* \* \* \*

4. Amend §1258.10 by revising paragraph (a) to read as follows:

§1258.10 Mail orders.

(a) The agency charges a minimum fee of \$6.00 per order for reproductions it mails to the customer.

\* \* \* \* \*

Group all amendments to the same CFR unit together in one instruction. (See examples 52 and 53.)

Example 52.

Revise paragraphs (a), (d), (e), and (n) of §150.5 to read as follows:

Example 53.

Remove and reserve §§33.1, 33.5 and 33.10.

**Introductory text.** If you revise the introductory text of a section or a paragraph, and not the whole section or paragraph, specify the introductory text. (See example 54.)

Example 54.

In §1020.3, revise paragraph (a) introductory text, paragraphs (a)(1) and (a)(4) to read as follows:

§1020.3 What are the qualifications and duties of the Small Business Ombudsman?

(a) The Chairman will appoint a senior, full-time Commission employee as Small Business Ombudsman. The Ombudsman must:

(1) Know the Commission's statutes and regulations;

\* \* \* \* \*

(4) Perform the Ombudsman duties in addition to, and consistently with, other Commission responsibilities.

\* \* \* \* \*

## 1.14 Asterisks.

If you add or revise only certain units of a section, the amendatory language must state exactly which units are added or revised, and only those units are printed. Use asterisks to represent text which is not changed.

**Use of 5 asterisks.** Use 5 asterisks to show that a whole paragraph, including its subordinate paragraphs, is unchanged.

In example 55, the 5 asterisks before revised paragraph (d) show that paragraphs (a), (b) and (c) remain unchanged. The 5 asterisks that follow revised paragraph (d) show that the remaining text in the section is also unchanged.

Example 55: Use of 5 asterisks.

Revise paragraph (d) of §166.15 to read as follows:

§ 166.15 State status.

\* \* \* \* \*

(d) The following States issue licenses under cooperative agreements with the Animal and Plant Health Inspection Service, but do not have primary enforcement responsibility under the Act: Kentucky, Maryland, Puerto Rico, Texas, and Washington.

\* \* \* \* \*

**Use of 3 asterisks.** Use 3 asterisks when you change text at a subordinate level. This shows that the higher level paragraphs remain unchanged.

In example 56, the 5 asterisks before paragraph (b) show that paragraph (a) remains unchanged. The 3 asterisks following “(b)” show that (b)(1) through (b)(4) remain unchanged, and the 3 asterisks following “(5)” show that the introductory text of (b)(5) is unchanged.

The 5 asterisks that follow revised paragraph (b)(5)(i) show that the remaining text in the section is unchanged.

Example 56: Use of 3 asterisks.

Revise §202.3(b)(5)(i) to read as follows:

§ 202.3 Registration of copyright.

\* \* \* \* \*

(b) \* \* \*

(5) \* \* \*

(i) The Library of Congress receives two complimentary copies promptly after publication of each issue of the serial.

\* \* \* \* \*

**We strongly recommend that you use no more than 3 paragraph levels.** Use of more than 3 paragraph levels makes your rule hard to read and use. (See the paragraph structure chart in example 38.)

**The smallest unit you may revise is a sentence.** When you revise only a sentence of a paragraph, use 3 asterisks to show that the remaining sentences in the paragraph are unchanged. (See example 57.)

Example 57.

Revise the first sentence of §416.916 to read as follows:

§ 416.916 What will happen if I fail to submit medical and other evidence?

You (and, if you are a child, your parent, guardian, relative, or other person acting on your behalf) must cooperate in furnishing us with, or in helping us to obtain or identify, available medical or other evidence about your impairment(s). \* \* \*

Example 58: Use of both 3 and 5 asterisks in the same document.

PART 216--REGULATIONS GOVERNING THE TAKING

Part Heading

AND IMPORTING OF MARINE MAMMALS

1. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361-1407.

2. Revise paragraph (b)(1)(v), the first sentence of paragraphs (b)(3) and (c)(2), and paragraph (c)(4)(i) introductory text; and add paragraph (b)(1)(vi) to §216.24 to read as follows:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(v) Category 5: Other gear. Commercial fishing operations utilizing trolling, gill nets, hook and line gear, and any gear not classified under paragraphs (b)(1)(i) and (b)(1)(ii) of this section.

(vi) Category 6: Commercial passenger fishing vessel operation. Commercial fishing operations from a commercial passenger fishing vessel for the purpose of active sport fishing as defined in §216.3.

\* \* \* \* \*

Authority Citation

Amendatory Language

Section Heading

Indicates Paragraph  
(a) Unchanged

Indicates Paragraph  
(b) Introductory Text  
Unchanged

Indicates Paragraphs  
(b)(1) Introductory Text  
And (b)(1)(i) through (iv)  
Unchanged

Revises Paragraph  
(b)(1)(v)

Adds Paragraph  
(b)(1)(vi)

Indicates Paragraph  
(b)(2) Unchanged

(3) Submit the original and two copies of the application for general permit to the Assistant Administrator.\* \* \*

Revises First Sentence of Paragraph (b)(3)  
Indicates Remainder of Paragraph (b)(3)  
Unchanged

\* \* \* \* \*

Indicates Paragraphs (b)(4) through (7)  
Unchanged

(c) \* \* \*

Indicates Paragraph (c) Introductory Text and (c)(1) Unchanged

(2) Operator's certificate of inclusion.  
You must hold a valid operator's certificate of inclusion if you are the person in charge of and actually controlling fishing operations (after this referred to as the operator) on a vessel engaged in commercial fishing operations for which a Category 2 or Category 6 general permit is required under this subpart. You may not transfer this certificate. You have a valid certificate only for a vessel having a valid vessel certificate of inclusion for the same category. In order to receive a certificate of inclusion, the operator must satisfactorily complete required training. You must renew your operator's certificate of inclusion annually.

Revises Paragraph (c)(2).

\* \* \* \* \*

Indicates Paragraph (c)(3) Unchanged

(4) \* \* \*

Indicates Paragraph (c)(4) Introductory Text Unchanged

(i) Category 1, 3, 4, 5, and 6 applications:

Revises Paragraph (c)(4)(i) Introductory Text

\* \* \* \* \*

Indicates Remainder of Section Unchanged

## 1.15 Cross-references.

We permit you to cross-reference your own or another agency's rules in limited situations. If you are applying the referenced rules to current or future situations, you may only reference rules that are **currently in effect**.

If you must modify the referenced rules, you cannot use a cross-reference. You must publish the modified rules in full.

You may cross-reference the rules of another agency only if the reference meets any of the following conditions specified in 1 CFR 21.21:

- The reference is required by court order, statute, Executive order, or reorganization plan;
- The reference is to rules promulgated by an agency with the exclusive legal authority to regulate in a subject matter area, but the referencing agency needs to apply those rules in its own programs;
- The reference is informational or improves clarity rather than being regulatory;
- The reference is to test methods or consensus standards produced by a Federal agency that have replaced or preempted private or voluntary test methods or consensus standards in a subject matter area; or
- The reference is to the departmental level from a subagency.

When cross-referencing, you must identify the CFR unit being cited by the proper CFR unit designation in each reference. Do not use a nonspecific reference, such as "herein," "above," or "below." Example 59 illustrates the proper style for each common type of cross-reference.

Example 59: CFR cross-references.

References to a different TITLE

In title 6, when referencing title 1, chapter I	write ...	1 CFR chapter I
In title 6, when referencing title 1, chapter I, part 2	write ...	1 CFR part 2
In title 6, when referencing title 1, chapter I, part 2, §2.7	write ...	1 CFR 2.7
In title 6, when referencing title 1, chapter I, part 2, §2.7, paragraph (a)(2)	write ...	1 CFR 2.7(a)(2)

References within the same TITLE

In chapter I, when referencing chapter II	write ...	chapter II of this title
In part 100 (chapter I), when referencing part 300 (chapter III)	write ...	part 300 of this title
In §250.10 (chapter I), when referencing §300.19 (chapter III)	write ...	§300.19 of this title

References within the same CHAPTER

In part 20, when referencing part 30	write ...	part 30 of this chapter
In §20.10, when referencing subpart A of part 30	write ...	part 30, subpart A of this chapter
In §20.10, when referencing §30.19	write ...	§30.19 of this chapter

References within the same PART

In §20.5, when referencing subpart A of part 20	write ...	subpart A of this part
In §20.5, when referencing §20.15	write ...	§20.15
In §20.5, when referencing §20.15, paragraph (a)	write ...	§20.15(a)
In §20.5, when referencing Appendix A to part 20	write ...	Appendix A of this part

References within the same SECTION

In paragraph (a), when referencing paragraph (b)	write ...	paragraph (b) of this section
In paragraph (a), when referencing paragraph (b)(1)	write ...	paragraph (b)(1) of this section
In paragraph (a)(1), when referencing paragraph (a)(2)	write ...	paragraph (a)(2) of this section
In paragraph (a)(1)(i), when referencing paragraph (a)(1)(ii)	write ...	paragraph (a)(1)(ii) of this section

Example 60: Citing text within a section.

**Note.** For purposes of this example, we display citations in bold type. Do not do this in your document .

§ 233.17 Noncompliance and program reporting by the Director.

The Director must prepare quarterly and annual reports as detailed in **paragraphs (a) and (b) of this section** and must submit them to the Regional Administrator.

(a) Quarterly reports for State 404 programs. The Director must submit noncompliance reports for section 404 discharges specified under **§233.24(f)(1)(i) through (iv)** containing the following information:

(1) Name, location, and permit number of each noncomplying permittee; and

(2) A brief description and date of each instance of noncompliance, which must include the following:

(i) Any unauthorized discharges of dredged or fill material subject to the State's jurisdiction or any noncompliance with permit conditions; and

(ii) A description of investigations conducted and of any enforcement actions taken or contemplated.

(b) Annual report for State 404 programs. The State Director must submit an annual report assessing the cumulative impacts of the State's permit program on the integrity of State regulated waters. This report must include:

(1) The number and nature of individual permits issued by the State during the year;

(2) The number of acres for each of the categories of waters in **paragraph (b)(1) of this section** which were filled or which received any discharge of dredge material during the year;

(3) The number and nature of permits issued under emergency conditions, as provided in **§234.38 of this chapter**; and

(4) The approximate number of persons in the State discharging dredged or fill material under general permits and an estimate of the cumulative impacts of these activities.

## *Signature Block*

### **1.16 Who can sign my document?**

Your agency determines who may sign a document submitted for publication in the *Federal Register*.

The signer must sign in ink. (See section 8.5.) We recommend that the signer use blue ink. A signature in black ink is often difficult to distinguish from a photocopy.

Type the name and title of the person signing the document directly beneath the handwritten signature. (See example 61.)

When a person signs a document for another person, type the name and title of the person who actually signs the document beneath the signature. (See example 62.)

We will reject a document signed by one person for another. We will not accept your document if you sign someone else's name and you place your initials by the signature.

Example 61.

*Cynthia James*  
Cynthia James,  
Director.

Example 62.

*Thomas Shadwell*  
Thomas Shadwell,  
Deputy Director.

**or**

*Thomas Shadwell*  
Thomas Shadwell,  
Acting Director.

Do not place a signature block on a page by itself. Placing text on the signature page helps to ensure the integrity of the document.

You may place the signature block either at the end of the document (See example 63.) or between the preamble and the rest of the document. (See example 64.)

**Example 63.**

Preamble  
Text  
Signature

**Example 64.**

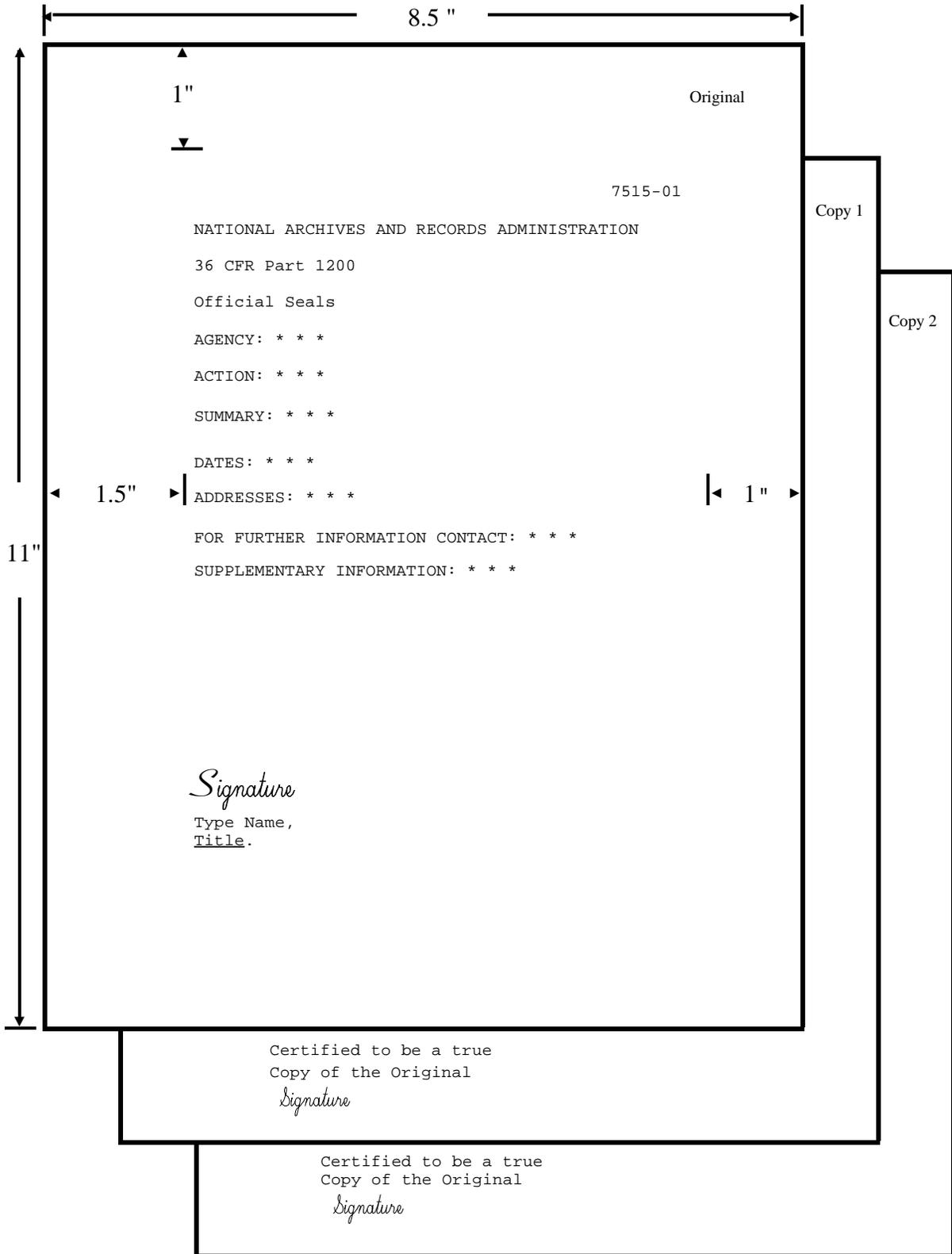
Preamble  
Signature  
Text

**1.17 Do I need a signature date?**

We recommend but do not require a signature date. When you furnish one, use the date of actual signature. We will not accept a postdated signature or change a signature date. If there is a problem with a signature date, we will return your document to your Liaison Officer.

*Style and Format Requirements*

**1.18 What should my proposed rule document look like?**



**Capitals.** Type in all capital letters:

- The name of the agency or cabinet-level department (but not the name of the subagency) in the heading of a document.
- "FEDERAL REGISTER" in the parenthetical for dates that we are to compute.
- Preamble captions:

Example 65: Preamble captions.

AGENCY :

ACTION :

SUMMARY :

DATES :

ADDRESSES :

FOR FURTHER INFORMATION CONTACT :

SUPPLEMENTARY INFORMATION :

**Copies.** Provide legible copies.

**Correction or adhesive tape.** Do not use correction or adhesive tape.

**Double-spacing.** Type the text of your document double-spaced.

**Headings.**

- Type document headings centered or flush with the left margin.
- Type section headings:
  - Flush with the left margin.
  - Underlined.
  - On a line separate from the text of the section.
  - Using the § symbol.

**Margins.**

- One inch at the top, bottom, and right side.
- One and one-half inches on the left side.

**Page numbers.** Number the pages consecutively in one of the following places:

- Centered top.
- Centered bottom.
- Upper right-hand corner.

**Paper.** You must prepare your documents on 8½" × 11" white paper.

**Quotation marks.** Use quotation marks for names of books, journals, articles, and similar items.

**Quoted material.** Type quoted material:

- Single-spaced.
- Centered-block style.
- Without quotation marks.

**Single-sided copy.** You must type your document on one side only.

**Single-spacing.** Type the following single-spaced:

- Quoted material.
- Footnotes.
- Tables of contents.
- Examples.
- Tables.
- Notes to Tables.
- Authority citations.
- Notes.
- Formulas.

**Underlining.** Underlining instructs the printer to present material in italics. Use underlining for:

- Definitions. (Underline only the terms.)
- Paragraph headings.
- Scientific terms.
- Ordering statements.
- Court cases.
- The section heading in the text of the rule (the heading will appear in bold type in the *Federal Register*).
- Federal Register, when referring to the name of the publication (except type in all capital letters in the parenthetical for dates that we are to compute).

Do not use underlining for:

- Emphasis.
- Names of books.
- Foreign phrases.

## **Abbreviations.**

Use the following abbreviations in the *Federal Register*.

- FR is *Federal Register*. (Do not use Fed. Reg. or F.R.) (See example 66.)
- CFR is Code of Federal Regulations. (Do not use C.F.R.) (See example 67.)

- U.S.C. is United States Code.
- Pub. L. is Public Law. (Do not use P.L.)
- Stat. is U.S. Statutes at Large.
- a.m. or p.m. is time designation.
- E.O. is Executive order.
- Proc. is Proclamation.
- sec. is section of a Public Law or the United States Code.

Use the abbreviations for "Pub. L.", "E.O.", and "Proc." only in the authority citation. All other times you must spell them out. (See examples 28 and 29.)

### **§ Symbol.**

Use the § symbol only for a CFR section and §§ symbol only for multiple sections. However, do not use a § symbol to begin a sentence; instead, spell out the word. Do not use the § symbol or the word "section" when the reference follows a title number and CFR as in 36 CFR 1200.1.

### **Style.**

Use the "U.S. Government Printing Office Style Manual" as a guide for punctuation, capitalization, spelling, compounding, and other style matters. You may obtain the GPO Style Manual from the Superintendent of Documents, Government Printing Office.

### **References.**

If your document relates to a previously published *Federal Register* document, you must cite the earlier document. A reference in a preamble to a previously published *Federal Register* document must identify the volume number, page number, and date of the issue in which the document appeared. (See example 66.)

Example 66: Reference to a previously published *Federal Register* document.

6x FR 12345, Jul. 23, 199x

A reference in a preamble to material contained in the CFR should identify the CFR title and part or section number. (See example 67.)

Example 67: Reference to material contained in the CFR.

36 CFR part 1200  
36 CFR 1200.1

## 1.19 Example of a proposed rule document.

7515-01

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1254

RIN 3095-AA37

Use of NARA Research Rooms

AGENCY: National Archives and Records Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Archives and Records Administration (NARA) proposes to amend its regulations on the use of personal equipment and other types of personal items that may be brought into research rooms in the National Archives and Records Administration Building and Washington National Records Center. We also propose to add procedures for use of the self-service high-volume copier in the NARA Building. These changes enhance the security of records being used by the public and ensure proper handling of records while they are being reproduced.

DATES: Submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Send comments to Director, Program Policy and Evaluation Division, National Archives and Records Administration, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Nan Archives, 202-000-0000.

SUPPLEMENTARY INFORMATION: This proposed rule is not a major rule for the purposes of Executive Order 12866. As required by the Regulatory Flexibility Act, NARA certifies that this proposed rule will not have a significant impact on small business entities.

List of Subjects in 36 CFR Part 1254

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend 36 CFR part 1254 as follows:

PART 1254--AVAILABILITY OF RECORDS AND DONATED HISTORICAL MATERIALS

1. The authority citation for part 1254 continues to read as follows:

Authority: 44 U.S.C. 2101-2118.

2. Add § 1254.26 to read as follows:

§ 1254.26 Additional rules for use of certain research rooms in the National Archives and Records Administration Building and the Washington National Records Center.

(a) You must follow these procedures for use of all archival research rooms in the National Archives and Records

Administration Building and in the Washington National Records Center except the Microfilm Research Room and the Motion Pictures Research Room in the National Archives and Records Administration Building. These procedures are in addition to the procedures specified elsewhere in this part.

(b) All researchers entering the National Archives and Records Administration Building must complete the Equipment Log at the guard's desk in the lobby in order to bring personal typewriters, tape recorders, cameras, etc., into the building. The guard uses the log as evidence of personal ownership and checks your equipment against the log to verify ownership of equipment before you can leave the building.

(c) Researchers must present a valid researcher identification card to the guard or research room staff on entering the building.

Dated: July 2, 199x.

*Signature*

Type name,

Title.

## **1.20 Checklist for proposed rule documents.**

Use the following checklist to review your proposed rule document before you submit it to us:

**Billing code.** Is the billing code at the top of the first page in the right-hand corner? (See sections 1.3, 1.18, and 1.19.)

**Headings.** Are the correct headings used? (See section 1.4.)

**Preamble.** Are all required elements of the preamble included? Does the SUMMARY answer all three questions? (See section 1.5.)

**List of subjects.** Are subject terms listed for each CFR part affected? Are they placed at the end of the preamble? (See section 1.6.)

**Words of issuance.** Have you provided a link between the preamble and the proposed regulatory text? (See section 1.7)

**Authority citation.** Is the authority citation correctly placed in the document? ( See section 1.11.)

**Amendatory language.** (See section 1.13.)

- Does it specify the exact CFR unit being changed?
- Does it use the correct terms?

**Table of contents.** Is the table of contents included for each subpart or part being set out in full? (See section 1.10.) Do entries agree with the regulatory text?

**Paragraphs.** Are all paragraphs of regulatory text indented and lettered or numbered correctly? (See section 1.12.)

**Asterisks.** Have you set out section headings and asterisks for partial section amendments? (See section 1.14)

**Cross-references.** (See section 1.15.)

- Is the correct style used?
- Do references meet the our criteria?

**Tables and illustrations.** (See chapter 7)

- Are they placed exactly where they are to be printed?
- Are they completely legible?
- Are charts and maps of photographic quality?

**OMB Control Number.** If included with the regulatory text, is it placed properly and in the correct style? (See section 8.19.)

**Signature and title.** (See section 116.)

- Is the original signature (handwritten in ink) included on the document? (One person may not sign for another or initial a signature.)
- Is the signer's name and title typed beneath the signature?
- If a signature date is given, is it correct?

**Quality.** (See section 1.18.)

- Are original(s) and certified copies legible?
- Is the document free of correction or adhesive tape?
- Are ink changes printed, dated, and initialed on all three copies? (See chapter 4.)
- Is the document double-spaced?

**Page numbers.** Are all pages numbered consecutively? (See section 1.18.)

**Matching copies and certification.** (See sections 1.18 and 8.5.)

- Are the original and two copies identical? Are all pages included?
- Are the copies properly signed or certified?

**Disks.** (See chapter 5.) If you have included a disk with your document:

- Is every document on a separate disk?
- Is the file on the disk identical to the signed original document?
- Did you include the verification/certification letter, stating that the file and document are identical?
- Is your document the only file on the disk?
- Did you save the file to the disk in ASCII or WordPerfect 6.1 format?
- Does the disk have a label that identifies your agency, the document's subject, the file name, and file format?
- Is the disk virus-free?
- Are the file and disk free of password protection or other security measures?

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# Federal Register Document Drafting Handbook

October 1998 Revision

## Chapter 2: How do I write a document for the rules category?

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2.1 What types of documents go in the rules category? .....	2-3
2.2 What are the requirements for a document in the rules category? .....	2-3

### *Billing Code*

2.3 What is a billing code and how do I get one? .....	2-4
--	-----

### *Headings*

2.4 What information should go in the headings section at the beginning of my rule? .....	2-4
---	-----

### *Preamble*

2.5 What are the preamble requirements for a document in the rules category? .....	2-6
• AGENCY caption .....	2-7
• ACTION caption .....	2-7
• SUMMARY caption .....	2-8
• DATES caption .....	2-9
• ADDRESSES caption .....	2-14
• FOR FURTHER INFORMATION CONTACT caption .....	2-16
• SUPPLEMENTARY INFORMATION caption .....	2-17

### *List of Subjects*

2.6 What is the List of Subjects and what am I required to do with it? .....	2-18
--	------

### *Words of Issuance*

2.7 What are "words of issuance"? .....	2-19
---	------

*Regulatory Text*

2.8 What do I include in the regulatory text? . . . . . 2-20  
2.9 Headings . . . . . 2-20  
2.10 Table of contents . . . . . 2-21  
2.11 Authority citation . . . . . 2-22  
2.12 Numbering of rules . . . . . 2-27  
2.13 Amendatory language . . . . . 2-28  
2.14 Asterisks . . . . . 2-40  
2.15 Cross-references . . . . . 2-44

*Signature Block*

2.16 Who can sign my document? . . . . . 2-47  
2.17 Do I need a signature date? . . . . . 2-48

*Style and Format Requirements*

2.18 What should my rule document look like? . . . . . 2-49  
2.19 Example of a rule document . . . . . 2-53

*Interim Rule and Direct Final Rule*

2.20 Interim rule . . . . . 2-57  
2.21 Direct final rule. . . . . 2-58

*Checklist for rule documents*

2.22 Checklist for rule documents. . . . . 2-60

## Chapter 2: How do I write a document for the rules category?

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**Notes:** In this chapter, “we,” “our,” or “OFR” refer to the Office of the Federal Register, National Archives and Records Administration, and “you” or “your” refer to Federal agencies that prepare documents for publication in the *Federal Register*.

Use the examples in this chapter as models for style, not content. Although many of these are single-spaced for visual impact, you must double-space your document.

### 2.1 What types of documents go in the rules category?

This category contains documents having general applicability and legal effect. The terms "rules" and "regulations" have the same meaning within the Federal Register publication system. Typical documents in this category are:

- Documents that amend the CFR by adding new text or by revising or removing existing text.
- Temporary rule documents that are effective immediately for a short or definable period of time.
- Interim rule documents that are effective immediately and may request comments.
- Direct final rule documents that request comments before the rule becomes effective.
- Documents that affect other documents previously published in the rules category. These documents:
  - Correct a previously published rule.
  - Change the effective date.
  - Change the comment deadline of an interim rule or direct final rule.
  - Suspend a previously published rule.
  - Withdraw a rule not yet in effect.
  - Petition for reconsideration.
- Documents that have no regulatory text and do not amend the CFR but affect your agency. These documents include:
  - General policy statements.
  - Interpretations of agency rules.
  - Clarifications of agency rules.
  - Waivers of agency rules that are generally applicable.

### 2.2 What are the requirements for a document in the rules category?

A document published in the rules category should include the following items:

- Billing Code.
- Headings.
- Preamble.
- List of Subjects.
- Words of Issuance.
- Regulatory Text.
- Signature Block.

*Billing Code*

### **2.3 What is a billing code and how do I get one?**

The Government Printing Office (GPO) assigns each agency that publishes in the *Federal Register* a billing code which GPO uses to bill your agency for printing costs. Your agency must identify an individual as your Printing Officer, the liaison between your agency and GPO for all billing matters. GPO gives your Printing Officer the billing code for your agency.

Your billing code must appear on each document submitted for publication in the *Federal Register*.

- Obtain your billing code from your agency Printing Officer.
- Type the billing code at the top of the first page of the original(s) and the certified copies of each document.
- Type a "P" (WordPerfect), "F" (Coded), or "U" (Uncoded or ASCII) after your billing code when submitting a disk with your document. (See chapter 5.)
- Remember that your billing code may change each year.

### *Headings*

### **2.4 What information should go in the headings section at the beginning of my rule?**

Begin each rule document with headings that identify your agency and the subject matter of your document. The headings of a rule document also identify the CFR title and part your document amends. Present the headings for a rule document in this format.

- Department Name.
- Subagency Name.
- CFR Citation.
- Agency Docket Number (optional).
- Regulation Identifier Number (RIN).
- Subject Heading.

**or**

- Agency Name.
- CFR Citation.
- Agency Docket Number (optional).
- Regulation Identifier Number (RIN).
- Subject Heading.

The "Department" and "Subagency" headings for a document must reflect the department and subagency names as shown in the CFR chapter the document that amends. If your agency is not a cabinet-level department, do not use a subagency heading.

If the CFR chapter is assigned to a subagency of a cabinet-level department, the department name must still appear in the document headings. (See example 1.)

The "CFR Citation" heading contains the number of the CFR title and the number of each part the document amends. Even if the document affects only one paragraph within a part, include that part number.

The "Agency Docket Number" heading is the internal file number your agency may assign. This heading is optional.

The "RIN Number" is assigned by the Regulatory Information Service Center and identifies each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions.

The "Subject Heading" is a brief statement describing the document. You may use the CFR part heading if it describes the content of the document. However, use more specific information when the document amends several parts or when the part heading is too general.

Example 1: Headings for a rule document from a cabinet-level department.

DEPARTMENT OF COMMERCE	Department Name
National Oceanic and Atmospheric Administration	Subagency Name
15 CFR Part 946	CFR Citation
RIN 0648-AI90	RIN Number
Coastal Energy Impact Program	Subject Heading

Example 2: Headings for a rule document from a non-cabinet agency.

FEDERAL RESERVE SYSTEM	Agency Name
12 CFR Part 220	CFR Citation
[No. 85-959]	Agency Docket Number (Optional)
RIN 0648-FR22	RIN Number
Credit by Brokers and Dealers	Subject Heading

If you issue a follow-up document, duplicate the headings of the earlier document, and add a distinguishing phrase to the subject heading.

Example 3: Headings for a follow-up rule document.

FEDERAL RESERVE SYSTEM	Agency Name
12 CFR Part 220	CFR Citation
[No. 85-959]	Agency Docket Number (Optional)
RIN 0648-FR22	RIN Number
Credit by Brokers and Dealers; Confirmation of Effective Date	Subject Heading

If there are multiple agencies and CFR citations in the heading, see section 8.14.

### *Preamble*

## **2.5 What are the preamble requirements for a document in the rules category?**

Each agency document published in the rules category of the *Federal Register* must contain a preamble. The preamble follows the subject heading of the document. It explains the basis and purpose of the regulatory text, but contains no regulatory text. It arranges basic information on the "who, what, where, when, and why" of a document for the reader's convenience. The preamble captions are:

- AGENCY:
- ACTION:
- SUMMARY:
- DATES:
- ADDRESSES:
- FOR FURTHER INFORMATION CONTACT:
- SUPPLEMENTARY INFORMATION:

These captions must appear in the order shown. An explanation and examples of what must appear within each caption follow.

## **AGENCY caption.**

The AGENCY caption states the "who" of a document by identifying the agency issuing it.

This caption usually repeats the name of the agency as carried in the document's headings. When the name of a subagency and cabinet-level department appear together, carry the subagency name first and then the department's commonly used acronym or shortened name. For organizational clarity, you may choose to include in this caption the name of an office which is not listed in the document's headings.

### Example 4.

AGENCY: Office of the Secretary, USDA.  
AGENCY: National Archives and Records Administration.  
AGENCY: Consumer Product Safety Commission.  
AGENCY: Environmental Protection Agency.  
AGENCY: National Park Service, Interior.  
AGENCY: Bureau of Public Debt, Fiscal Service, Treasury.

## **ACTION caption.**

The ACTION caption identifies the type of document. It does not summarize the substance of a document.

Example 5 shows typical ACTION captions for a rule document. Others are possible.

### Example 5.

ACTION: Final rule.  
ACTION: Final rule; delay of effective date.  
ACTION: Final rule; suspension of effectiveness.  
ACTION: Final rule; confirmation of effective date.  
ACTION: Final rule; correction.  
ACTION: Final rule; interpretation.  
ACTION: Final rule; petition for reconsideration.  
ACTION: Interim rule.  
ACTION: Interim rule with request for comments.  
ACTION: Direct final rule.  
ACTION: Temporary rule.  
ACTION: Policy statement.  
ACTION: Interpretation.  
ACTION: Clarification.

## **SUMMARY caption.**

Under the SUMMARY caption you explain the "what," "why," and "effect" of the document. In the SUMMARY, you must answer these three questions:

- What action is being taken?
- Why is this action necessary?
- What is the intended effect of this action?

Use the following guidelines in preparing a SUMMARY.

- Use language a non-expert will understand.
- Describe what the document does, not how it affects the CFR.
- Refer to an act of Congress by the popular name of the act.
- Do not use legal citations.
- State what your document does; do not include regulatory history or extensive background.
- Do not include qualifications, exceptions, or specific details.
- Be brief.

You may not use the SUMMARY to prove a point or argue a case. Supporting information, details, discussion of the regulatory history, and precise legal citations are essential in an adequate preamble but do not belong in the SUMMARY. Extended discussion of the rule belongs in the SUPPLEMENTARY INFORMATION section.

### Example 6.

SUMMARY: The Coast Guard amends the uninspected vessel rules by requiring emergency position indicating radio beacons (EPIRBs). The Emergency Position Indicating Radio Beacons on Uninspected Vessels Requirements Act amends the shipping laws of the United States by requiring uninspected commercial vessels to have the number and type of EPIRBs prescribed by rule. These rules ensure rapid and effective search and rescue during emergency situations.

SUMMARY: This document amends the Customs rules by adding Pakistan to the list of nations whose vessels may transport empty cargo vans, empty lift vans, and empty shipping tanks between points embraced within the coastwise laws of the United States. The Department of State supplied Customs with evidence that Pakistan places no restrictions on the carriage of empty cargo vans, empty lift vans, and empty shipping tanks by vessels of the United States between ports in Pakistan. This amendment recognizes the United States granting reciprocal privileges for vessels registered in Pakistan.

## **DATES caption.**

The DATES caption presents the "when" of a document. Include the dates that are essential to the document.

Include the following dates, if appropriate:

- Effective dates.
- Comment deadlines for an interim rule or direct final rule.
- Extension of comment deadlines on an interim rule or direct final rule.
- Expiration dates.
- Compliance dates.
- Confirmation of effective date.
- Other dates the public may need to know.

Place no more than four dates under the caption "DATES."

Example 7: Format in rule with four dates.

DATES:

Effective Date: July 10, 199x.

Compliance Workshops:

1. March 26, 199x, 9:30 a.m. to 5 p.m., Philadelphia, PA.
2. April 3, 199x, 9:30 a.m. to 5 p.m., Chicago, IL.
3. April 8, 199x, 9:30 a.m. to 5 p.m., Atlanta, GA.

If you have more than four dates, place them in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Compliance Workshops." **This requirement generally does not apply to effective dates.**

Example 8.

DATES: See Supplementary Information section for Compliance Workshop dates.

Do not include information other than dates in the DATES caption. Place any discussion of meeting agenda, content of material available for inspection, etc. in the SUPPLEMENTARY INFORMATION section.

Remember that DATES and ADDRESSES are separate captions. All date information must appear in the DATES caption.

**Effective dates.** Provide an effective date for each rule document. (See example 9.) You must provide an effective date for each regulatory change if the date is not the same. (See example 10.)

The effective date is the date that amendments in the rule document affect the current CFR. The current CFR consists of the rules published in the latest CFR volume and any effective amendments published in the *Federal Register* since the revision date of the latest CFR volume.

Example 9.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Example 10.

DATES: This rule is effective November 22, 199x, except for § 22.5(a) which is effective December 23, 199x.

OFR computes and inserts dates tied to *Federal Register* publication or OFR filing using the "Table of Effective Dates and Time Periods." This table appears in the Reader Aids section of the first *Federal Register* issue each month. In computing the date, we count the day after publication as the first day. When a date falls on a weekend or a Federal holiday, we use the next Federal business day. If we are to compute and insert a date, present the date as shown in example 11. We compute dates based **only** on OFR filing or publication in the *Federal Register*.

Example 11.

DATES: This rule is effective [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

If a specific effective date is dependent upon Congressional action or a dispositive Federal Court decision, your agency must promptly publish a *Federal Register* document announcing the establishment of or change to the effective date. (See example 12.)

Example 12.

DATES: This rule takes effect either March 4, 199x, or later if Congress takes certain adjournments. If you want to know the effective date of this rule, call or write the [INSERT AGENCY] contact person. The [INSERT AGENCY] will publish a document announcing the effective date in the Federal Register.

DATES: This rule has been classified as a major rule subject to congressional review. The effective date is [INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. However, at the conclusion of the congressional review, if the effective date has been changed, the [INSERT AGENCY] will publish a document in the Federal Register to establish the actual effective date or to terminate the rule.

**Compliance dates and applicability dates.** Some rules include both an effective date and a compliance or applicability date. Your effective date is the date that your amendments affect the current CFR. Your compliance or applicability date is the date that the affected person must start following the rule. Place the compliance or applicability date after the effective date. (See example 13.)

Example 13: DATES sections that include applicability or compliance dates.

DATES: This regulation is effective [INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. However, compliance for juice other than apple juice or apple cider is not required until [INSERT DATE 120 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

DATES: Effective Date: This rule is effective on July 30, 199x.

Applicability Date: Subpart A of part 124 applies to all applications for 8(a) business development program pending as of July 30, 199x.

DATES: EFFECTIVE Date: This rule is effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Compliance Date: Any labels that require revision as a result of these revocations shall comply no later than January 1, 199x.

DATES:

Effective Date: [INSERT 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Comment Date: Comments due on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Compliance Date: Mandatory compliance [INSERT DATE 120 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

This table summarizes the differences between effective dates and compliance or applicability dates.

<b>An Effective Date:</b>	<b>A Compliance or Applicability Date:</b>
Addresses the CFR placement.	Addresses the person who must comply.
Is the date the rule affects the current CFR.	Is the date the person must comply.
Is required by OFR.	Is not required by OFR.
Must appear in DATES; may appear in CFR text.	May appear in DATES and CFR text.

**Information collection requirements.** If a rule contains information collection requirements which are not yet effective, use the wording in example 14.

Example 14.

DATES: Effective June 1, 199x, except for §232.48(g) which contains information collection requirements that have not been approved by OMB. The Environmental Protection Agency will publish a document in the Federal Register announcing the effective date.

**Delays and Stays.** In this discussion of Delays and Stays, the term “Delay” is interchangeable with “Postpone,” as is “Compliance Date” with “Applicability Date.”

**Delay of effective dates.** You may Delay only effective dates that have not yet taken place.

If you did not include the effective date as part of the CFR text, you need only announce the Delay in the DATES section:

Example 15.

DATES: The effective date of the rule amending 47 CFR Part 600 published at 64 FR 12345, May 15, 1999 is delayed until May 15, 2000.

If the Delay is indefinite, you must state that you will furnish the date in a future *Federal Register*.

Example 16.

DATES: The effective date of §201.64, added at 6x FR 12345, July 23, 199x, is delayed indefinitely. The Administration will publish a document in the Federal Register announcing the new effective date.

If you also stated the effective date as part of CFR text, you must also amend the CFR text:

Example 17.

Section 600.1 is amended in paragraph (c) by removing the date "July 1, 199x" and adding in its place "September 1, 199x."

**Stay of CFR text.** You may Delay only effective dates that have not yet taken place. If the effective date has already taken place, you must Stay the CFR unit instead.

Example 18.

Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], 21 CFR 101.65(d)(2)(ii)(C) and (d)(4)(ii)(B) are stayed until January 1, 199x.

If, when Staying an amendment or revision to CFR text, you wish to restore the previous text, you must add the previous text back to the CFR, using a CFR paragraph or section number different from the Stayed text.

**Stay or Delay of compliance dates.** If you decide to Delay a compliance date:

If you originally stated the compliance date in the DATES section but not in the CFR text, you may state that the date is Delayed or Postponed:

Example 19.

DATES: The compliance date for the rule amending 21 CFR Part 600 published at 64 FR 12345 on May 15, 1999 is delayed until May 15, 2000.

If the date is indefinite, you must state that you will furnish the date in a future *Federal Register*.

If the compliance date is in the CFR text and the effective date of the CFR change has passed, you may Stay (not Delay) the CFR text unit.

If you decide to change a compliance date that is in the CFR text, you must amend the CFR in a formal amendment.

Example 20.

Section 20.5 is amended in paragraph (e) by removing the date "March 1, 199x" and adding in its place "March 15, 199x."

Use the following table to help decide whether to Stay or Delay effective dates or compliance dates.

<b>Delay</b>	<b>Stay</b>
Use Delay when an effective date or compliance date has not yet passed:	Use Stay when an effective date or compliance date has passed:
<p><b>Effective Date.</b> State the Delay in the DATES section.</p> <p>If you have also stated the effective date in CFR text, amend the CFR.</p>	<p><b>Effective Date.</b> You must Stay the CFR unit or amend the CFR.</p> <p>You may not Stay an effective date after that date has passed.</p>
<p><b>Compliance Date.</b> State the Delay in the DATES section.</p> <p>If you have also stated the compliance date in CFR text, amend the CFR.</p>	<p><b>Compliance Date:</b> You may Stay a compliance date, even after it has passed (a compliance date affects the user, not the CFR).</p> <p>State the Stay of compliance in the DATES section.</p>

### **ADDRESSES caption.**

The ADDRESSES caption contains the "where" of the document. Include any address that the public needs to know. You may include addresses for:

- Mailing public comments on an interim rule or direct final rule.
- Hand-delivering public comments on an interim rule or direct final rule.
- Attending a public hearing (or meeting).
- Examining any material available for public inspection.

Do not include information other than addresses in the ADDRESSES caption. Place any discussion of how to submit comments, how to register for a meeting, meeting agenda, content of material available for inspection, etc. in the SUPPLEMENTARY INFORMATION section. If you are accepting electronic comments, place electronic addresses in the ADDRESSES section, and detailed requirements in the SUPPLEMENTARY INFORMATION section. (See examples 25 and 26.)

This caption is optional for a rule document unless you are requesting comments on an interim rule, post-publication review of the effectiveness of an interim rule, or a direct final rule.

Place no more than four addresses under the caption "ADDRESSES."

Example 21: Format in rule with four addresses.

ADDRESSES: The compliance workshop locations are:

1. Philadelphia -- Ramada Inn (Meadows Ballroom, Section A & B), 76 Industrial Highway, Essington, PA 19029.
2. Chicago -- O'Hare Ramada Inn (Penthouse Ballroom, 9th Floor), 6600 Mannheim Road, Des Plaines, IL 60018.
3. Atlanta -- Ramada Inn Central (Georgian Ballroom), I-85 at Monroe Drive, Atlanta, GA 30324.
4. Denver -- Main Post Office Building (2nd Floor Auditorium, Room 269), 1823 Stout Street, Denver, CO 80202.

If you have more than four addresses, place them in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Compliance Workshops."

Example 22.

ADDRESSES: See Supplementary Information section for Compliance Workshop addresses.

Remember that ADDRESSES and DATES are separate captions. All address information must appear in the ADDRESSES caption.

Example 23.

ADDRESSES: Address all comments concerning this interim rule to Nell C. Commentary, Commissioner, Rehabilitation Services Administration, Mary E. Switzer Building, Room 3325, 330 C Street SW., Washington, DC 20202-2735.

Send a copy of any comments that concern information collection requirements to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Information.

Example 24.

ADDRESSES: Mail comments and requests to testify to Hearing Clerk, Room 000, Department of XXXXX, Washington, DC 20000; the hearing will be held in Room 000, 000 Independence Avenue, SW., Washington, DC.

Place detailed information about electronic access and filing in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Electronic Access and Filing Addresses."

Example 25.

ADDRESSES: Submit electronic comments and other data to oppdocket@epamail.epa.gov. See SUPPLEMENTARY INFORMATION for file formats and other information about electronic filing.

Example 26.

SUPPLEMENTARY INFORMATION:

\* \* \* \* \*

[Asterisks Indicate Text Not Reprinted.]

Electronic Access and Filing

You may submit comments and data by sending electronic mail (E-mail) to: oppdocket@epamail.epa.gov.

Submit comments as an ASCII file avoiding the use of special characters and any form of encryption. The OPP also accepts comments and data on disks in WordPerfect 5.1 file format or ASCII file format. Identify all comments and data in electronic form by the docket number [PP 4F4327/R2253]. You may file electronic comments on this proposed rule online at many Federal Depository Libraries. File an electronic copy of objections and hearing requests with the Hearing Clerk at: oppdocket@epamail.epa.gov.

**FOR FURTHER INFORMATION CONTACT caption.**

Under the FOR FURTHER INFORMATION CONTACT caption, you must include the name and telephone number of a person within your agency who can answer questions about the document. You may list two or more persons to contact concerning different aspects of a document.

Example 27.

FOR FURTHER INFORMATION CONTACT: John Regwriter, 202-000-0000.

**or**

FOR FURTHER INFORMATION CONTACT:

Technical information: John Regwriter, 202-000-0000.

Legal information: Mary Regulatory, 202-000-0001.

## **SUPPLEMENTARY INFORMATION caption.**

In this section, include the regulatory history of this rulemaking, and a statement of the rule's basis and purpose. Present this information in language that the reader can easily understand, with descriptive headings to highlight and organize topics. If a reference to the *Federal Register* or Code of Federal Regulations is necessary, use the format shown in examples 78 and 79.

You may use the SUPPLEMENTARY INFORMATION section to provide additional information that is required by law, agency policy, or Executive order.

Answering some of these questions may help you draft your SUPPLEMENTARY INFORMATION. Some of the questions **only apply to an interim rule** requesting comments or to a rule for which your agency is doing a post-publication review of the rule's effectiveness.

- What law or directive authorizes the rule?
- What existing regulations address the problem?
- What problem does the rule address?
  - What issues are connected with the problem?
  - What facts, surveys, or studies identify and define the problem?
- How does this rule attempt to solve the problem?
  - Were other solutions considered?
  - Why was this solution chosen?
  - Is this solution cost-effective?
  - How will this solution affect the regulated parties?
- Does this rule contain penalties for noncompliance?
  - Are penalty provisions essential?
  - Can the requirements be monitored?
  - Can the penalty provisions be enforced?
- Have you identified other documents in this rulemaking, and included their *Federal Register* citations? (See example 78.)
  - Did you publish an Advance Notice of Proposed Rulemaking?
  - Did you publish a proposed rule?
  - Have you announced meetings or hearings?
- Have you discussed all necessary regulatory analysis and review requirements?
- What other statutes apply to this rulemaking?

- How will public participation be handled?
  - How was public participation handled?
  - Are there special instructions for mailing public comments?
  - Are there formal or informal hearings?
  - Are there procedures for requesting a public hearing?
  - Are there any instructions for filing comments or making oral presentations?
  - Will transcripts of the hearing be made available?
- Have you used subject headings to break up a lengthy SUPPLEMENTARY INFORMATION section? For example:
  - Background.
  - Statutory authority.
  - Discussion of comments.
  - Related documents.
  - Topical headings.
  - Drafting information.
  - Public participation.

### *List of Subjects*

#### **2.6 What is the List of Subjects and what am I required to do with it?**

Each rule document must contain a list of index terms (List of Subjects) for each CFR part number cited in the document's heading. These terms are contained in the "Federal Register Thesaurus of Indexing Terms," available at <http://www.nara.gov/fedreg/>, under "Document Drafting Resources." The terms provide a common vocabulary for indexing the rulemaking documents of all agencies and are the basis of the "CFR Index" prepared by the OFR. We will provide you with a list of appropriate terms for its existing CFR parts. For new CFR parts, you should select appropriate terms from the Thesaurus. You may include additional terms not contained in the Thesaurus for either existing or new CFR parts as long as you also include appropriate Thesaurus terms. When you select a term that is not in the Thesaurus, ask yourself, "Would I search for the subject matter using this term?"

The List of Subjects is the last item in the SUPPLEMENTARY INFORMATION section of the preamble. Put the List of Subjects terms in alphabetical order and separate them with commas. Capitalize only the first word of each term. End the terms with a period. (See example 28.)

You do not need a list of subjects for a document that:

- Has no regulatory text.
- Only presents nomenclature changes.
- Corrects a previous document.

You must include all the established Thesaurus terms for a part that you are removing from the CFR. A List of Subjects is set out separately for each CFR part affected. (See example 29.)

However, if the terms used are identical for several CFR parts, you may consolidate. (See example 29.)

Example 28: Format for document citing a single CFR part.

List of Subjects in 40 CFR Part 262

Hazardous waste, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

Example 29: Format for document citing two or more CFR parts.

List of Subjects

15 CFR Part 370

Administrative practice and procedure, Exports.

15 CFR Parts 372 and 386

Exports, Reporting and recordkeeping requirements.

### *Words of Issuance*

## **2.7 What are "words of issuance"?**

The words of issuance provide:

- The tie between this rule and the CFR units that it affects.
- The bridge between the preamble of this document and the regulatory changes.

Words of issuance are always in the present tense.

Example 30.

For the reasons stated in the preamble, the Federal Energy Regulatory Commission amends 18 CFR chapter I as set forth below:

For the reasons discussed in the preamble, the Nuclear Regulatory Commission amends 10 CFR part 430 as follows:

## *Regulatory Text*

### **2.8 What do I include in the regulatory text?**

Regulatory text is the section of your document that sets out your agency's changes to the CFR. It can include:

- Headings.
- Table of Contents.
- Authority citation.
- Numbering of rules.
- Amendatory language.
- Asterisks.
- Cross-references.

### **2.9 Headings.**

Provide a heading for each part, subpart, section, and appendix that you amend. You may use a heading for a paragraph. A heading is a brief statement that accurately describes the content of the CFR unit. A change in the heading requires an amendment to the CFR.

Example 31: Headings in regulatory text.

PART 970--DEEP SEABED MINING  
REGULATIONS FOR EXPLORATION  
LICENSES

Part

Subpart A--What Applications Must I  
complete to Obtain My Exploration  
Licenses?

Subpart Heading  
(Optional)

§970.103 Which deep seabed mining  
activities are prohibited and which  
ones are restricted?

Section

**Part.** Each part heading should contain subject terms that identify the agency's rules in a manner consistent with the terms used by other agencies to identify similar material. The OFR has developed a thesaurus of subject terms that we use to index the CFR and related publications. Use the Thesaurus to obtain subject terms that identify the content of the rule document, and use the appropriate subject terms in the part heading.

**Subpart.** You may use subpart headings to separate ideas within a part. Subparts are not required.

**Undesignated center heading.** You may use undesignated center headings to break up a large subpart and group together sections concerning a particular subject area. Undesignated center headings are not required.

**Appendix.** An appendix may appear at the section, subpart, or part level. Designate each appendix with a capital letter, identify whether it belongs to a section, subpart, or part, and give it a descriptive heading. Do not carry the heading for an appendix to a section in the table of contents. If your agency has established a uniform designation system for its appendices, follow the established system. (See chapter 7.)

Example 32: Appendix headings.

Appendix B to Subpart A of Part 915 -- Illustrations of Infant Highchair Designs

Appendix A to §315.2 --Model Air Pollution Control Plan

Appendix A to Part 2 -- Flammability Statistics for Floor-Cleaning Fluids

**Section.** Descriptive section headings are signposts for the reader. They help readers identify the particular regulatory text that applies to them. End each section heading with a period or question mark.

**Paragraph.** You may use headings at the paragraph level. Be consistent. If you use a heading for one paragraph, be sure to use a heading for all paragraphs at that level. End paragraph headings with a period and underline them in the document. In the *Federal Register*, the underlined headings are printed in italics.

## 2.10 Table of contents.

You need a table of contents for a document that:

- Adds a new part or subpart.
- Revises an existing part or subpart.

Include the following in your table of contents:

- Section headings.
- Subpart headings.
- Undesignated center headings.
- Appendix headings to parts and subparts.

Table of contents entries are identical to the section headings, subpart headings, undesignated center headings, and appendix headings in the regulatory text. Do not list paragraph headings or appendix-to-section headings in the table of contents.

Do not provide a table of contents in a document that adds or amends a single section or miscellaneous sections. We change the table of contents when these amendments are included in the CFR.

## **2.11 Authority citation.**

You must cite the authority that authorizes your agency to change the CFR. Give the authority citation in the shortest form. Placement of the authority citation depends on what unit of the CFR you are amending.

There are two types of authority:

- Statutory:
  - Public law.
  - United States Code.
- Nonstatutory:
  - Presidential Executive order.
  - Presidential Administrative order.
  - Presidential Memorandum.
  - Agency delegation, policy, or directive.
  - Office of Management and Budget circular.
  - CFR regulations.

Your agency is responsible for maintaining accurate and current authority citations.

Present the authority citation at one of two central places:

- Part level, or
- Subpart level.

You may give citations of authority for particular subparts and sections within the central authority citation. (See examples 33 and 34.)

Example 33.

Authority: 42 U.S.C. 2201; 45 U.S.C. 5841.  
Subpart A also issued under 5 U.S.C. 552; 31 U.S.C. 9701.  
Subpart B also issued under 5 U.S.C. 552a.  
Subpart C also issued under 5 U.S.C. 552b.

Example 34.

Authority: 42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282, 5841, 5842, 5846.

Section 30.7 also issued under 42 U.S.C. 5851.

Section 30.34(b) also issued under 42 U.S.C. 2234.

Section 30.61 also issued under 42 U.S.C. 2237.

### **Statutory authority.**

Each citation of statutory authority must use the United States Code citation, if one exists. To determine the United States Code citation, use one of the following:

- The current edition of the United States Code or its supplement.
- The slip law, for recently signed public laws.

Example 35.

Authority: 44 U.S.C. 2101-2118; 50 U.S.C. 6909.

We generally recommend that you use only the United States Code citation. (See example 35.) When a United States Code citation does not exist (for example, for appropriations laws), you must cite the section of the public law, if appropriate, the public law, and the U.S. Statutes at Large. Do not cite the popular name of a public law. (See example 36.)

Example 36.

Authority: Sec. 8067, Pub. L. 98-473, 98 Stat. 1937.

If you choose to cite the public law and the U.S. Statutes at Large in addition to the United States Code, present them in the order shown in example 37.

Example 37.

Authority: Sec. 8, Pub. L. 98-328, 82 Stat. 470 (34 U.S.C. 21).

If you cite two different laws where one has a United States Code citation and the other does not, place the United States Code citation first. (See example 38.)

Example 38.

Authority: 42 U.S.C. 2996; Pub. L. 104-208, 110 Stat. 3009; Pub. L. 104-134, 110 Stat. 1321.

## **Nonstatutory authority.**

Cite nonstatutory authority by document designation, *Federal Register* citation, and CFR citation. (See example 39.)

Example 39.

Authority: E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105.

If you include both statutory and nonstatutory citations in the same authority citation, place the statutory citation first. (See example 40.)

Example 40.

Authority: 8 U.S.C. 1161(f); 29 U.S.C. 1801-1872; Secretary's Order 6-84, 49 FR 32473.

If you need to deviate from the standard authority citation format, submit a letter requesting the deviation and explaining the need to the Director of the Federal Register.

## **Placement of the authority citation.**

**Whole CFR part.** If a document adds or revises an entire CFR part, place the authority citation directly after the table of contents and before the regulatory text. (See example 41.)

Example 41.

PART 54--ALLOTMENTS FOR CHILD AND SPOUSAL SUPPORT

Sec.  
54.1 Purpose.  
54.2 Applicability and scope.  
54.3 Definitions.  
54.4 Policy.  
54.5 Responsibilities.  
54.6 Procedures.

Authority: 15 U.S.C. 1673; 37 U.S.C. 101; 42 U.S.C. 665.

**CFR section.** If a document amends only certain sections within a CFR part, set out the authority citation for the part as the **first numbered item** in the list of amendments for the part. (See examples 42 and 43.)

Example 42.

PART 4--SERVICES TO THE PUBLIC

1. The authority citation for part 4 is revised to read as follows:

Authority: 44 U.S.C. 1508.

Example 43.

PART 4--SERVICES TO THE PUBLIC

1. The authority citation for part 4 continues to read as follows:

Authority: 44 U.S.C. 1502.

**Subparts.** If a document adds or revises an entire subpart, using the **same** authority citation as the CFR part, set out the authority citation for the part as the first numbered item in the list of amendments for the part. (See examples 42 and 43.)

If a document adds or revises an entire subpart using a **different** authority citation, set out the authority citation for the subpart directly after the heading to the subpart and before the regulatory text of the subpart. (See example 44.)

Example 44.

Subpart B--Supportive Services for  
Minority, Disadvantaged, and Women  
Business Enterprises

Table of Contents

Sec.  
230.201 Purpose.  
230.202 Definitions.  
230.203 Policy.

Subpart B--Supportive Services for  
Minority, Disadvantaged, and Women  
Business Enterprises

Subpart Heading

Authority: 23 U.S.C. 101, 140(c),  
304, 315; 49 CFR 1.48(b).

Subpart B Authority  
Citation

§230.201 Purpose.

Text of Section

This subpart prescribes the policies,  
procedures, and guidance to develop, conduct,  
and administer supportive services assistance  
programs for minority, disadvantaged, and  
women business enterprises.

\* \* \* \* \*

[Asterisks Indicate Text Not Reprinted.]

**Parts removed.** If you remove a part in a rule document, you must give your agency's authority for the action. Place the authority in the "words of issuance." (See examples 45 and 46.)

Example 45.

Accordingly, under the authority 10 U.S.C. 8013, amend XX CFR chapter VII by removing part 837.

Example 46.

Under 42 U.S.C. 541 and as discussed in the preamble, amend XX CFR chapter II as follows:

## 2.12 Numbering of rules.

The regulatory text of your document must conform with the structure of the CFR.

**Code of Federal Regulations structure.** The basic structure of the CFR consists of a hierarchy of designated CFR units. The CFR numbering system is **not** based on a decimal numbering system. The following table illustrates the CFR structure.

CFR Unit	CFR Designation	Description
Title	12	Broad area subject to Federal regulation
Chapter	III	Rules of a single issuing agency
Part	303	Unified body of rules concerning a single function or specific subject
Section	303.1	Short presentation of one regulatory function. The section is the basic unit of the CFR. The content of a section is a short, simple presentation of a single regulatory function.

Each section number includes the number of the part followed by a period and a sequential number.

Example 47: Section number.

§25.1.

Hyphenated numbers (§117-2.1 or §117-3.15) or numbers with alpha characters (part 115a, §115a.1, or §115.1a) are not permitted in designating units within the CFR system.

The Director of the OFR must approve any deviation from standard CFR structure. Submit a request for approval in writing before you begin drafting.

**Paragraph structure of a section.** If you have more than one paragraph, designate each one as shown in example 48. Indent each designated paragraph within a section.

The paragraph structure within a section allows six levels of designation. **We strongly recommend that you do not use more than 3 paragraph levels.** Use of more than 3 paragraph levels makes your rule hard to read and use. Use more sections as a drafting technique to avoid using excessive paragraph levels. Use the paragraph structure chart in example 48.

Sections consisting of a single paragraph or the introductory text of a section do not require a designation. However, we no longer permit an undesignated concluding paragraph.

Indicate italics by underlining in a typewritten document.

Example 48: Paragraph structure of a section.

level 1 (a), (b), (c), etc.  
level 2 (1), (2), (3), etc.  
level 3 (i), (ii), (iii), etc.  
level 4 (A), (B), (C), etc.  
level 5 (1), (2), (3), etc.  
level 6 (i), (ii), (iii), etc.

**Definitions.** For a discussion of definitions, see section 8.15.

**Notes.** Label notes in CFR text to show whether they apply to the whole section or to the preceding paragraph. (See example 49.)

Example 49.

Note to §30.1.  
Note to paragraph (f).  
Note to paragraph (b)(2).

## 2.13 Amendatory language.

A rule document often makes changes or additions to the CFR. The regulatory text of a document must fit into the current text of the CFR. You should precisely identify and describe the changes made to the CFR. While the words of issuance describe the general effect of the document, the amendatory language uses standard terms to give specific instructions on how to change the CFR. Do not include in the amendatory language a discussion of why the changes are made. This belongs in the SUPPLEMENTARY INFORMATION section.

Your agency's current CFR text is not necessarily what appears in the latest edition of the CFR, since your agency publishes changes to the CFR in the daily *Federal Register*.

The "List of CFR Sections Affected" (LSA) is a cumulative **monthly** numerical index to rules and proposed rules. Use it to determine if any changes have been made since the revision date of your CFR. The "CFR Parts Affected" is a cumulative **daily** numerical index to rules and proposed rules published in the Reader Aids section of the *Federal Register*. Use it to check for changes in any month not covered by the LSA.

Before you begin drafting amendatory language, consult the latest version of the CFR and the LSA, and the latest *Federal Register* for any month not covered by your LSA. This gives you the current and official version of the CFR regulations you are changing.

Base amendatory language on the current text of a rule. You must:

- Identify the specific CFR unit being changed.
- Place amendments in CFR numbering order.
- Use one of the standard terms to describe the change.
- Address all regulatory text set out in your document.

For extensive changes, revise the text in full rather than prepare fragmentary amendments. The reader will then have the complete text of the amended unit.

### **Use of "Amend."**

"Amend" means that an existing CFR unit is changed. Because it is an introductory term, it cannot stand alone. Use it with one of the specific amendatory terms to precisely describe the change to the CFR unit.

Example 50: Amend.

Amend §791.27 to revise paragraph (b)(3) and to add paragraph (d)(4) to read as follows:

### **Specific amendatory terms.**

Use the following terms in amendatory language. Each term is a precise instruction to change a CFR unit.

- Add.
- Correct.
- Nomenclature change.
- Redesignate.
- Remove.
- Republish.
- Reserve.
- Revise.
- Stay or Suspend.
- Withdraw.

**Add.** "Add" means that a new CFR unit is inserted in the CFR.

**Example 51: Add.**

Add part 1812 to read as follows:

Add §5.26 under the undesignated center heading "How To Apply For a Permit" to read as follows:

Add §20.89 to subpart H to read as follows:

In §18.13, add paragraph (e) to read as follows:

Add new paragraph (f)(5) to §210.14 to read as follows:

Add §4.8(a)(3)(iii) to read as follows:

**Correct.** The term "correct" fixes a clerical or typographical error in a recently published document. Corrections to the regulatory text must identify the CFR unit being corrected. (See chapter 4.)

**Example 52: Correct.**

**Nonregulatory text:**

On page 00000, in the second column, on line 5, correct the reference "§39.10(a)(1)" to read "§44.10".

**Regulatory text:**

§20.15 [Corrected]

On page 00000, in the third column, in §20.15(c)(1), correct "Director" to read "Acting Director".

**Delay.** Do not use "Delay" in amendatory language. Use it in the preamble under the DATES caption to Delay an effective date that has not yet taken place. See section 2.5, and see also "Stay or Suspend" in this section.

**Nomenclature change.** A nomenclature change directs a change to a term or phrase throughout a CFR unit. It is commonly used to change an office designation or the title of an agency official.

**Example 53: Nomenclature Change.**

§720.7 [Amended]

In 12 CFR 720.7(c)(2) remove the words "Deputy Administrator" and add, in their place, the words "Vice-Chairman of the National Credit Union Administration Board".

§§720.7, 720.20, 720.22, 720.24, 720.26, and 720.27 [Amended]

In addition to the amendments set forth above, in 12 CFR part 720 remove the words "Assistant Administrator for Administration" and add, in their place, the words "Director of the Office of Administration" in the following places:

- a. Section 720.7(a)(1), (c)(2), and (c)(3);
- b. Section 720.20(b) introductory text;
- c. Section 720.22(a);
- d. Section 720.24(a) and (b)(3);
- e. Section 720.26(a); and
- f. Section 720.27(a) and (c).

**PART 315--[AMENDED]**

In part 315, revise all references to "Domestic Commerce" to read "Domestic Business Development".

§§780.40, 780.41, and 780.42 [Amended]

In the table below, for each section indicated in the left column, remove the title indicated in the middle column from wherever it appears in the section, and add the title indicated in the right column:

Section	Remove	Add
780.40	Assistant Secretary for Housing Production and Mortgage Credit	Assistant Secretary for Housing
780.41	Assistant Secretary for Housing Production and Mortgage Credit (HPMC) -- Federal Housing Commissioner	Assistant Secretary for Housing -- Federal Housing Commissioner
780.42	Deputy Assistant Secretary for Housing Production and Mortgage Credit -- Deputy Federal Housing Commissioner	Deputy Assistant Secretary for Housing -- Deputy Federal Housing Commissioner

**Redesignate.** “Redesignate” transfers a CFR unit to a vacant position and assigns a new designation. A redesignation table may also be used.

Example 54: Redesignate.

PART 80 [REDESIGNATED AS PART 90 AND AMENDED]

2. Redesignate part 80 as part 90 and amend the references as indicated in the table below:

3. In §100.5, redesignate paragraphs (a) through (c) as paragraphs (d) through (f) and add new paragraphs (a) through (c) to read as follows:

4. Redesignate part 20 as part 30 and revise it to read as follows:

§§226.3 through 226.5 [Removed]

§§226.6 through 226.8 [Redesignated as §§226.3 through 226.5]

5. Remove §§226.3 through 226.5 and redesignate §§226.6 through 226.8 as §§226.3 through 226.5, respectively.

§45.3 [Amended]

6. In §45.3, redesignate paragraphs (a) through (c) as paragraphs (a)(1) through (a)(3). In redesignated paragraph (a)(1), further redesignate paragraphs (1) and (2) as paragraphs (a)(1)(i) and (ii).

**Remove.** "Remove" means that an existing CFR unit is being taken out of the CFR.

Example 55: Remove.

§300.12 [Removed]

Remove §300.12.

§495.73 [Amended]

In §495.73, remove paragraphs (a)(5) and (e).

**Republish.** "Republish" means that an unchanged CFR unit is set out for the convenience of the reader, often to provide the context for an amendment. Therefore, you must present the republished text accurately.

Example 56: Republish.

In §2.1, the introductory text of paragraph (a) is republished and paragraphs (a)(1) and (a)(3) are revised to read as follows:

**Reserve.** "Reserve" is a term used to fill in gaps in CFR numbering.

Removing a subpart or a paragraph may leave a gap which could confuse the reader. To avoid confusion in your amendatory language, you should remove and reserve the subpart or paragraph. (See example 57.)

You may also use "reserve" when adding or revising a CFR unit to indicate where future text will be added. (See example 58.)

Example 57: Reserve (when removing a CFR unit).

Subpart Q--[Removed and Reserved]

Remove and reserve subpart Q, consisting of §§103.10 through 103.25.

Example 58: Reserve (when adding or revising a CFR unit).

Add and reserve subpart E and add subpart F, consisting of §§25.100 through 25.130, to read as follows:

**Revise.** "Revise" means that an existing CFR unit is replaced in its entirety. It is important that you specifically identify the CFR unit being revised.

Example 59: Revise.

Revise part 105 to read as follows:

Revise §80.100(e)(1)(iii) to read as follows:

In §15.4, revise paragraph (b) and the introductory text of paragraph (f)(2) to read as follows:

**Stay or Suspend.** "Stay" or "Suspend" stops a CFR unit temporarily or indefinitely. The amendatory language must cite the CFR unit affected. The content of the CFR unit is not changed. During the suspension, the CFR unit is not in effect or enforceable. Consult with us when using the term "Stay." For a discussion of Stays versus Delays, see the DATES caption in section 2.5.

**Withdraw.** "Withdraw" indicates that a previously published rule which is not in effect is removed from the Federal Register publication system and will not become effective or enforceable.

## **Addition or revision of a part or subpart.**

**Parts.** If you add or revise a part, use these elements in the order shown. (See example 60.)

- Amendatory language.
- Part heading.
- Table of contents.
- Authority citation.
- Regulatory text.

**Subparts.** If a part has a single authority citation at the end of the table of contents and you want to add or revise a subpart in that part, use these elements in the order shown:

- Part heading.
- Authority citation for the part.
- Amendatory language.
- Subpart heading.
- Table of contents.
- Regulatory text.

**or**

If each subpart in a part has its own authority citation and you want to add or revise a subpart in that part, use these elements in the order shown:

- Part heading.
- Amendatory language.
- Subpart heading and table of contents.
- Subpart heading.
- Authority citation for the subpart.
- Regulatory text.

Example 60: Revision of a part.

Revise part 3 to read as follows:	Amendatory Language
PART 3--SERVICES TO THE PUBLIC	Part Heading
Sec. 3.1 Information services. 3.2 Public inspection of documents. 3.3 Reproduction and certification of copies of acts and documents.	Table of Contents
Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530 , 19 FR 2709, 3 CFR, 1954-1958 Comp., p.189.	Authority Citation
<u>§ 3.1 Information services.</u>	Regulatory Text
(a) The Office of the Federal Register (OFR) provides information on:  (1) Publications in §2.5 of this chapter; and  (2) Original acts and documents filed with the OFR.  (b) The OFR cannot provide excessive information or do extensive research.  (c) The staff may not summarize or interpret substantive text of any act or document.	
<u>§ 3.2 Public inspection of documents.</u>	
(a) During the OFR's office hours, documents filed with the OFR pursuant to law are available for public inspection at 800 North Capitol Street, NW., Suite 700, Washington, DC. There are no formal inspection procedures or requirements. (b) By direction of the Director of the Office of the Federal Register, the OFR staff must file for public inspection documents received and processed not later than the working day preceding the publication day for that document.  (c) By direction of the Director of the Office of the Federal Register, the OFR staff must place on the original and certified copies of each document a notation of the day and hour when it was filed and made available for public inspection.  (d) Customers may view, photocopy, or make excerpts of documents on public inspection.	
<u>§ 3.3 Reproduction and certification of copies of acts and documents.</u>	

The regulations for the public use of records in the National Archives and Records Administration (36 CFR parts 1252 through 1258) also govern the furnishing of reproductions of acts and documents and certificates of authentication for them. Section 1258.14 of those regulations provides for the advance payment of appropriate fees for reproduction services and for certifying reproductions.

### **Amendment to a section.**

If you amend a section, use these elements in the order shown:

- Part heading.
- Authority citation.
- Amendatory language.
- Section heading.
- Regulatory text.

If you add or revise a section, use the format shown in example 61.

If you add a section to a part which contains subparts or undesignated center headings, identify the subpart or undesignated center heading which will contain the new section.

Example 61: Revision of a section.

PART 133--TOLLS FOR USE OF CANAL

Part Heading

1. The authority citation for part 133 is revised to read as follows:

Authority Citation

Authority: 22 U.S.C. 3791; E.O. 12215, 45 FR 36043, 3 CFR, 1980 Comp., p. 257.

2. Section 133.34 is revised to read as follows:

Amendatory Language

§133.34 What are the tolls for vessels in ballast?

Section Heading

In order for a vessel to secure the reduced rate of toll for vessels in ballast, it may not carry any passengers or cargo nor any fuel for its own consumption in a quantity which exceeds:

Regulatory Text

(a) 125 percent of the volume of its engine room as measured and as shown on its Panama Canal tonnage certificate; or

(b) The spaces on the vessel which are available for the carriage of fuel.

**Multiple amendments.** Describe **all** changes to one section in a single instruction, and display changed text for the section immediately following the instruction. (See instruction 2 in example 63.) If there are many changes to one section, use a list format. (See example 62.)

Example 62.

§941.103 [Amended]

3. Amend §941.103 as follows:

a. Remove the definitions of "Allocation area", "Application", "Central city allocation area", "Community", "Field Office", "Housing Assistance Plan", "Household type", and "Housing type";

b. Remove the parenthetical phrase "(in the form prescribed by HUD)" from the definition "Construction Contract" and "Contract of sale"; and

c. Remove from the definition of "Total development cost (TDC)" the term "The Field Office" and add in its place the term "HUD", and remove from that definition the parenthetical sentence at the end.

When there are changes to several sections, use separate numbered instructions for each section, and display the changed text for each section after the instruction. (See instructions 2 through 4 in example 63.)

Example 63: Changes to several sections.

PART 1258--FEES

1. The authority citation for part 1258 continues to read as follows:

Authority: 44 U.S.C. 2116(c).

2. Amend §1258.2 by revising paragraphs (a) and (c)(3) to read as follows:

§1258.2 Applicability.

(a) Except as stated in this section, fees for the reproduction of NARA administrative records, archival records, donated historical materials, and records filed with the Office of the Federal Register are in §1258.12.

\* \* \* \* \*

(c) \* \* \*

(3) Motion picture, sound, and video recording materials are among the holdings of the National Archives and Records Administration. Obtain prices for reproduction of these materials from the Motion Picture and Sound and Video Branch, National Archives and Records Administration, Washington, DC 20408.

\* \* \* \* \*

3. Amend §1258.4 by revising paragraph (b) to read as follows:

§1258.4 Exclusions.

\* \* \* \* \*

(b) When NARA wishes to disseminate information about its activities to the general public through press, radio, television, and newsreel representatives;

\* \* \* \* \*

4. Amend §1258.10 by revising paragraph (a) to read as follows:

§1258.10 Mail orders.

(a) The agency charges a minimum fee of \$6.00 per order for reproductions it mails to the customer.

\* \* \* \* \*

Group all amendments to the same CFR unit together in one instruction. (See examples 64 and 65.)

Example 64.

Revise paragraphs (a), (d), (e), and (n) of §150.5 to read as follows:

Example 65.

Remove and reserve §§33.1, 33.5 and 33.10.

**Introductory text.** If you revise the introductory text of a section or a paragraph, and not the whole section or paragraph, specify the introductory text. (See example 66.)

Example 66.

In §1020.3, revise paragraph (a) introductory text, and paragraphs (a)(1) and (a)(4) to read as follows:

§1020.3 What are the qualifications and duties of the Small Business Ombudsman?

(a) The Chairman will appoint a senior, full-time Commission employee as Small Business Ombudsman. The Ombudsman must:

(1) Know the Commission's statutes and regulations;

\* \* \* \* \*

(4) Perform the Ombudsman duties in addition to, and consistently with, other Commission responsibilities.

\* \* \* \* \*

## 2.14 Asterisks.

If you add or revise only certain units of a section, the amendatory language must state exactly which units are added or revised, and only those units are printed. Use asterisks to represent text which is not changed.

**Use of 5 asterisks.** Use 5 asterisks to show that a whole paragraph, including its subordinate paragraphs, is unchanged.

In example 67, the 5 asterisks before revised paragraph (d) show that paragraphs (a), (b) and (c) remain unchanged. The 5 asterisks that follow revised paragraph (d) show that the remaining text in the section is also unchanged.

Example 67: Use of 5 asterisks.

Revise paragraph (d) of §166.15 to read as follows:

§ 166.15 State status.

\* \* \* \* \*

(d) The following States issue licenses under cooperative agreements with the Animal and Plant Health Inspection Service, but do not have primary enforcement responsibility under the Act: Kentucky, Maryland, Puerto Rico, Texas, and Washington.

\* \* \* \* \*

**Use of 3 asterisks.** Use 3 asterisks when you change text at a subordinate level. This shows that the higher level paragraphs remain unchanged.

In example 68, the 5 asterisks before paragraph (b) show that paragraph (a) remains unchanged. The 3 asterisks following “(b)” show that (b)(1) through (b)(4) remain unchanged, and the 3 asterisks following “(5)” show that the introductory text of (b)(5) is unchanged.

The 5 asterisks that follow revised paragraph (b)(5)(i) show that the remaining text in the section is unchanged.

Example 68: Use of 3 asterisks.

Revise §202.3(b)(5)(i) to read as follows:

§ 202.3 Registration of copyright.

\* \* \* \* \*

(b) \* \* \*

(5) \* \* \*

(i) The Library of Congress receives two complimentary copies promptly after publication of each issue of the serial.

\* \* \* \* \*

**We strongly recommend that you use no more than 3 paragraph levels.** Use of more than 3 paragraph levels makes your rule hard to read and use. (See paragraph structure chart in example 48.)

**The smallest unit you may revise is a sentence.** When you revise only a sentence of a paragraph, use 3 asterisks to show that the remaining sentences in the paragraph are unchanged. (See example 69.)

Example 69.

Amend §416.916 by revising the first sentence to read as follows:

§ 416.916 What will happen if I fail to submit medical and other evidence?

You (and, if you are a child, your parent, guardian, relative, or other person acting on your behalf) must cooperate in furnishing us with, or in helping us to obtain or identify, available medical or other evidence about your impairment(s). \* \* \*

Example 70: Use of both 3 and 5 asterisks in the same document.

PART 216--REGULATIONS GOVERNING THE TAKING  
AND IMPORTING OF MARINE MAMMALS

Part Heading

1. The authority citation for part 216  
continues to read as follows:

Authority Citation

Authority: 16 U.S.C. 1361-1407.

2. Revise paragraph (b)(1)(v), the  
first sentence of paragraphs (b)(3)  
and (c)(2), and paragraph (c)(4)(i)  
introductory text; and add paragraph  
(b)(1)(vi) to §216.24 to read as follows:

Amendatory Language

§ 216.24 Taking and related acts incidental  
to commercial fishing operations.

Section Heading

\* \* \* \* \*

Indicates Paragraph  
(a) Unchanged

(b) \* \* \*

Indicates Paragraph  
(b) Introductory Text  
Unchanged

(1) \* \* \*

Indicates Paragraphs  
(b)(1) Introductory Text  
And (b)(1)(I) through  
(Iv) Unchanged

(v) Category 5: Other gear. Commercial  
fishing operations utilizing trolling, gill  
nets, hook and line gear, and any gear not  
classified under paragraphs (b)(1)(i) and  
(b)(1)(ii) of this section.

Revises Paragraph  
(b)(1)(v)

(vi) Category 6: Commercial passenger  
fishing vessel operation. Commercial fishing  
operations from a commercial passenger  
fishing vessel for the purpose of active  
sport fishing as defined in §216.3.

Adds Paragraph  
(b)(1)(vi)

\* \* \* \* \*

Indicates Paragraph  
(b)(2) Unchanged

(3) Submit the original and two  
copies of the application for general  
permit to the Assistant Administrator.\* \* \*

Revises First Sentence  
of Paragraph (b)(3)  
Indicates Remainder of  
Paragraph (b)(3)  
Unchanged

\* \* \* \* \*

Indicates Paragraphs  
(b)(4) through (7)  
Unchanged

(c) \* \* \*

Indicates Paragraph (c)  
Introductory Text and  
(c)(1) Unchanged

(2) Operator's certificate of inclusion.  
You must hold a valid operator's certificate of inclusion if you are the person in charge of and actually controlling fishing operations (after this referred to as the operator) on a vessel engaged in commercial fishing operations for which a Category 2 or Category 6 general permit is required under this subpart. You may not transfer this certificate. You have a valid certificate only for a vessel having a valid vessel certificate of inclusion for the same category. In order to receive a certificate of inclusion, the operator must satisfactorily complete required training. You must renew your operator's certificate of inclusion annually.

Revises Paragraph  
(c)(2).

\* \* \* \* \*

Indicates Paragraph  
(c)(3) Unchanged

(4) \* \* \*

Indicates Paragraph  
(c)(4) Introductory  
Text Unchanged

(i) Category 1, 3, 4, 5, and 6 applications:

Revises Paragraph  
(c)(4)(i)  
Introductory Text

\* \* \* \* \*

Indicates Remainder of  
Section Unchanged

## 2.15 Cross-references.

We permit you to cross-reference your own or another agency's rules in limited situations. If you are applying the referenced rules to current or future situations, you may only reference rules that are **currently in effect**.

If you must modify the referenced rules, you cannot use a cross-reference. You must publish the modified rules in full.

You may cross-reference the rules of another agency only if the reference meets any of the following conditions specified in 1 CFR 21.21:

- The reference is required by court order, statute, Executive order, or reorganization plan;
- The reference is to rules promulgated by an agency with the exclusive legal authority to regulate in a subject matter area, but the referencing agency needs to apply those rules in its own programs;
- The reference is informational or improves clarity rather than being regulatory;
- The reference is to test methods or consensus standards produced by a Federal agency that have replaced or preempted private or voluntary test methods or consensus standards in a subject matter area; or
- The reference is to the departmental level from a subagency.

When cross-referencing, you must identify the CFR unit being cited by the proper CFR unit designation in each reference. Do not use a nonspecific reference, such as "herein," "above," or "below." Example 71 illustrates the proper style for each common type of cross-reference.

Example 71: CFR cross-references.

References to a different TITLE

In title 6, when referencing title 1, chapter I	write ...	1 CFR chapter I
In title 6, when referencing title 1, chapter I, part 2	write ...	1 CFR part 2
In title 6, when referencing title 1, chapter I, part 2, §2.7	write ...	1 CFR 2.7
In title 6, when referencing title 1, chapter I, part 2, §2.7, paragraph (a)(2)	write ...	1 CFR 2.7(a)(2)

References within the same TITLE

In chapter I, when referencing chapter II	write ...	chapter II of this title
In part 100 (chapter I), when referencing part 300 (chapter III)	write ...	part 300 of this title
In §250.10 (chapter I), when referencing §300.19 (chapter III)	write ...	§300.19 of this title

References within the same CHAPTER

In part 20, when referencing part 30	write ...	part 30 of this chapter
In §20.10, when referencing subpart A of part 30	write ...	part 30, subpart A of this chapter
In §20.10, when referencing §30.19	write ...	§30.19 of this chapter

References within the same PART

In §20.5, when referencing subpart A of part 20	write ...	subpart A of this part
In §20.5, when referencing §20.15	write ...	§20.15
In §20.5, when referencing §20.15, paragraph (a)	write ...	§20.15(a)
In §20.5, when referencing Appendix A to part 20	write ...	Appendix A of this part

References within the same SECTION

In paragraph (a), when referencing paragraph (b)	write ...	paragraph (b) of this section
In paragraph (a), when referencing paragraph (b)(1)	write ...	paragraph (b)(1) of this section
In paragraph (a)(1), when referencing paragraph (a)(2)	write ...	paragraph (a)(2) of this section
In paragraph (a)(1)(i), when referencing paragraph (a)(1)(ii)	write ...	paragraph (a)(1)(ii) of this section

Example 72: Citing text within a section.

**Note.** For purposes of this example, we display citations in bold type. Do not do this in your document.

§ 233.17 Noncompliance and program reporting by the Director.

The Director must prepare quarterly and annual reports as detailed in **paragraphs (a) and (b) of this section** and must submit them to the Regional Administrator.

(a) Quarterly reports for State 404 programs. The Director must submit noncompliance reports for section 404 discharges specified under **§233.24(f)(1)(i) through (iv)** containing the following information:

(1) Name, location, and permit number of each noncomplying permittee; and

(2) A brief description and date of each instance of noncompliance, which must include the following:

(i) Any unauthorized discharges of dredged or fill material subject to the State's jurisdiction or any noncompliance with permit conditions; and

(ii) A description of investigations conducted and of any enforcement actions taken or contemplated.

(b) Annual report for State 404 programs. The State Director must submit an annual report assessing the cumulative impacts of the State's permit program on the integrity of State regulated waters. This report must include:

(1) The number and nature of individual permits issued by the State during the year;

(2) The number of acres for each of the categories of waters in **paragraph (b)(1) of this section** which were filled or which received any discharge of dredge material during the year;

(3) The number and nature of permits issued under emergency conditions, as provided in **§234.38 of this chapter**; and

(4) The approximate number of persons in the State discharging dredged or fill material under general permits and an estimate of the cumulative impacts of these activities.

## *Signature Block*

### **2.16 Who can sign my document?**

Your agency determines who may sign a document submitted for publication in the *Federal Register*.

The signer must sign in ink. (See section 8.5.) We recommend that the signer use blue ink. A signature in black ink is often difficult to distinguish from a photocopy.

Type the name and title of the person signing the document directly beneath the handwritten signature. (See example 73.)

When a person signs a document for another person, type the name and title of the person who actually signs the document beneath the signature. (See example 74.)

We will reject a document signed by one person for another. We will not accept your document if you sign someone else's name and you place your initials by the signature.

Example 73.

*Cynthia James*  
Cynthia James,  
Director.

Example 74.

*Thomas Shadwell*  
Thomas Shadwell,  
Deputy Director.

**or**

*Thomas Shadwell*  
Thomas Shadwell,  
Acting Director.

Do not place a signature block on a page by itself. Placing text on the signature page helps to ensure the integrity of the document.

You may place the signature block either at the end of the document (See example 75.) or between the preamble and the rest of the document. (See example 76.).

Example 75.

Preamble  
Text  
Signature

Example 76.

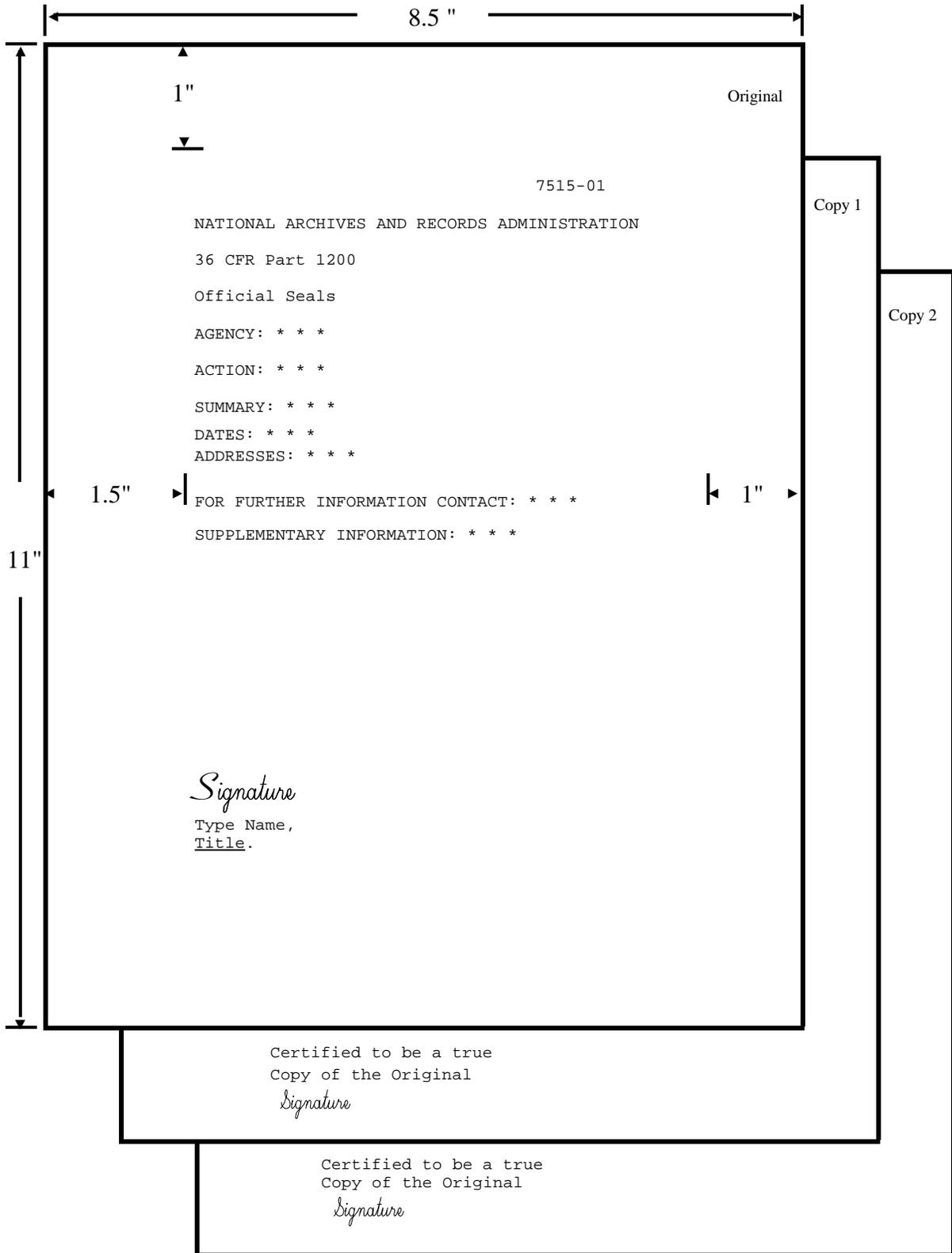
Preamble  
Signature  
Text

## **2.17 Do I need a signature date?**

We recommend but do not require a signature date. When you furnish one, use the date of actual signature. We will not accept a postdated signature or change a signature date. If there is a problem with a signature date, we will return your document to your Liaison Officer.

*Style and Format Requirements*

**2.18 What should my rule document look like?**



**Capitals.** Type in all capital letters:

- The name of the agency or cabinet-level department (but not the name of the subagency) in the heading of a document.
- "FEDERAL REGISTER" in the parenthetical for dates that we are to compute.
- Preamble captions:

Example 77: Preamble captions.

AGENCY :

ACTION :

SUMMARY :

DATES :

ADDRESSES :

FOR FURTHER INFORMATION CONTACT :

SUPPLEMENTARY INFORMATION :

**Copies.** Provide legible copies.

**Correction or adhesive tape.** Do not use correction or adhesive tape.

**Double-spacing.** Type the text of your document double-spaced.

**Headings.**

- Type document headings centered or flush with the left margin.
- Type section headings:
  - Flush with the left margin.
  - Underlined.
  - On a line separate from the text of the section.
  - Using the § symbol.

**Margins.**

- One inch at the top, bottom, and right side.
- One and one-half inches on the left side.

**Page numbers.** Number the pages consecutively in one of the following places:

- Centered top.
- Centered bottom.
- Upper right-hand corner.

**Paper.** You must prepare your documents on 8½" × 11" white paper.

**Quotation marks.** Use quotation marks for names of books, journals, articles, and similar items.

**Quoted material.** Type quoted material:

- Single-spaced.
- Centered-block style.
- Without quotation marks.

**Single-sided copy.** You must type your document on one side only.

**Single-spacing.** Type the following single-spaced:

- Quoted material.
- Footnotes.
- Tables of contents.
- Examples.
- Tables.
- Notes to Tables.
- Authority citations.
- Notes.
- Formulas.

**Underlining.** Underlining instructs the printer to present material in italics. Use underlining for:

- Definitions (underline only the terms)
- Paragraph headings
- Scientific terms
- Ordering statements
- Court cases
- The section heading in the text of the rule (the heading will appear in bold type in the *Federal Register*)
- Federal Register, when referring to the name of the publication (except type in all capital letters in the parenthetical for dates that we are to compute).

Do not use underlining for:

- Emphasis
- Names of books
- Foreign phrases.

## Abbreviations.

Use the following abbreviations in the *Federal Register*.

- FR is *Federal Register*. (Do not use Fed. Reg. or F.R.) (See example 78.)
- CFR is Code of Federal Regulations. (Do not use C.F.R.) (See example 79.)
- U.S.C. is United States Code.
- Pub. L. is Public Law. (Do not use P.L.)
- Stat. is U.S. Statutes at Large.
- a.m. or p.m. is time designation.
- E.O. is Executive order.
- Proc. is Proclamation.
- sec. is section of a Public Law or the United States Code.

Use the abbreviations for "Pub. L.", "E.O.", and "Proc." only in the authority citation. All other times you must spell them out. (See examples 37 and 39.)

## § Symbol.

Use the § symbol only for a CFR section and §§ symbol only for multiple sections. However, do not use a § symbol to begin a sentence; instead, spell out the word. Do not use the § symbol or the word "section" when the reference follows a title number and CFR as in 36 CFR 1200.1.

## Style.

Use the "U.S. Government Printing Office Style Manual" as a guide for punctuation, capitalization, spelling, compounding, and other style matters. You may obtain the GPO Style Manual from the Superintendent of Documents, Government Printing Office.

## References.

If your document relates to a previously published *Federal Register* document, you must cite the earlier document. A reference in a preamble to a previously published *Federal Register* document must identify the volume number, page number, and date of the issue in which the document appeared. (See example 78.)

Example 78. Reference to a previously published *Federal Register* document.

6x FR 12345, Jul. 23, 199x

A reference in a preamble to material contained in the CFR should identify the CFR title and part or section number. (See example 79.)

Example 79. Reference to material contained in the CFR.

36 CFR part 1200  
36 CFR 1200.1

## 2.19 Example of a rule document.

7515-01

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1253

RIN 3095-AA64

Suitland Research Room Closure

AGENCY: National Archives and Records Administration.

ACTION: Final rule.

SUMMARY: The National Archives and Records Administration (NARA) will close the Suitland Research Room at the Washington National Records Center and establish an appointment system for using archival records remaining in the Washington National Records Center. We will also establish new public research room hours at the Washington National Records Center. The use of the research room has declined since moving the archival records of the Washington National Records Center to archival facilities in Washington, DC, and College Park, MD. After May 1, researcher use of the remaining archival records at the Washington National Records Center is expected to be no more than three visits per week.

DATES: [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Sharon Records, 301-000-0000.  
SUPPLEMENTARY INFORMATION: Beginning May 6, 199x, researchers must make advance arrangements for the use of any archival Federal records remaining in the Washington National Records Center. The last transfer of archival records from Suitland is August 30, 199x. Call the Suitland Reference Branch at 301-000-0000, Monday through Friday, 8:00 a.m. to 4:30 p.m. for information on the availability of archival records or advance arrangements to use archival records which have not yet been closed for move preparation. Normally NARA requires one-day notice. When feasible you may make same day arrangements.

Agencies or researchers needing access to agency records still stored at the Washington National Records Center continue to call 301-000-0000 or 301-000-0001 for appointments.

After May 3, 199x, shuttle service for researchers from the National Archives and Records Administration Building in Washington, DC to the Washington National Records Center will be discontinued.

It is not cost-effective to operate the research room on its current schedule, 8:00 a.m. to 4:30 p.m., Monday through Friday, for the expected use of the room. There will be little or no impact on the public because archival records will continue to be made available to researchers.

The National Archives and Records Administration considers this rule to be a procedural rule which is exempt from notice-and-comment under 5 U.S.C. 533(b)(3)(A). This rule is not a significant rule for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, NARA certifies that these regulatory amendments will not have a significant impact on small business entities.

List of Subjects in 36 CFR Part 1253

Archives and records.

For the reasons set forth in the preamble, amend part 1253 of title 36 of the Code of Federal Regulations as follows:

PART 1253--LOCATION OF RECORDS AND HOURS OF USE

1. The authority citation for part 1253 continues to read:

Authority: 44 U.S.C. 2104(a).

2. Revise §1253.4 to read as follows:

§1253.4 Washington National Records Center.

Washington National Records Center, 4205 Suitland Road, Suitland, MD. Mailing address: Washington National Records Center, 4205 Suitland Road, Washington, DC 20409-0002. Hours: 8:30 a.m. to 4 p.m., Monday through Friday. From May 6,

199x, through August 30, 199x, make appointments to use archival records at the center by calling the Suitland Reference Branch at 301-000-0000.

Dated: March 27, 199x.

*Signature*

Type name,

Title.

## *Interim Rule and Direct Final Rule*

### **2.20 Interim rule.**

The interim rule responds to an emergency situation and is usually followed by a rule document which confirms that the interim rule is final and may include further amendments. You may request comments in an interim rule and address the comments received in the final rule that adopts the interim rule as final. Or, based on the comments, you may decide to keep the interim rule effective while going through proposed rulemaking. If an interim rule is in effect as of the revision date of the CFR Title it amends, we will include it in the CFR.

Example 80: Interim rule adopted as final without change.

PART 78 -- BRUCELLOSIS

Accordingly, the interim rule amending 9 CFR part 78 which was published at 6x FR 12345 on February 11, 199x, is adopted as a final rule without change.

Example 81: Interim rule adopted as final with change.

Accordingly, the interim rule amending 9 CFR part 51 which was published at 6x FR 12345 on November 26, 199x, is adopted as a final rule with the following change:

PART 51 -- ANIMALS DESTROYED BECAUSE OF BRUCELLOSIS

1. The authority citation for part 51 continues to read as follows:

Authority: 42 U.S.C. 594.

2. Amend §51.9 by revising paragraph (h) to read as follows:

§51.9 Claims not allowed.

\* \* \* \* \*

(h) In the opinion of the Veterinarian in charge, a brucellosis reactor animal may remain in the herd if a reasonable search has been made for the brucellosis reactor animal and the brucellosis reactor animal could not be found and removed.

## 2.21 Direct final rule.

A direct final rule is not preceded by a proposed rule. It may be used for routine and noncontroversial regulations that your agency believes will not generate adverse comment. A direct final rule becomes effective on a specific future date, unless adverse comment is received on the rule within a specified comment period before that date. If adverse comment is received, your agency withdraws the rule before its effective date.

A confirmation document is optional. If you receive no adverse comment, your agency is not required to confirm the effective date of the direct final rule, unless you stated in the rule that you would follow-up with a confirmation document.

**Special requirements.** In addition to the general requirements for rule documents, some special requirements apply. You must:

- Provide both an effective date and a comment date.
- Explain that the rule is conditional on the nonreceipt of adverse comments.
- State that if your agency does receive adverse comments, it will publish a timely *Federal Register* document that withdraws the rule.
- Provide an address for comments.

See example 82 for a recommended DATES caption in a direct final rule.

Example 82: DATES caption in a direct final rule.

DATES: This rule is effective [INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER] without further action, unless adverse comment is received by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. If adverse comment is received, [YOUR AGENCY] will publish a timely withdrawal of the rule in the Federal Register.

**Withdrawal of a direct final rule.** A "timely withdrawal" means that your agency commits to publish a document in the Rules category of the *Federal Register* withdrawing the direct final rule **on or before** its effective date. If you fail to withdraw the rule by its effective date, you must amend the CFR to restore the previous regulatory text or remove any text added by the direct final rule.

Allow enough time between the close of the comment period and the rule's effective date to prepare and publish a withdrawal document, if one is needed. We recommend you allow at least 60 days between the close of the comment period and the effective date.

Withdraw the **entire** rule if a withdrawal is necessary. Withdrawing only a portion can be confusing to the regulated public. If partial withdrawal is essential, you may only withdraw text that was to be added -- at the CFR paragraph level or higher -- or an entire amendatory instruction and the text that follows it.

If you must withdraw a direct final rule, you may issue another direct final rule, or a separate proposed rule document, on the same subject.

You may publish a companion proposed rule document in the same issue of the *Federal Register* as the direct final rule. Then, if you withdraw the direct final rule, that proposed rule can be the prerequisite for a regular final rule. This technique may minimize delays in establishing a final effective date.

Example 83: DATES caption in a withdrawal of a direct final rule.

DATES: The direct final rule published at 6x FR 12345, May 15, 199x is withdrawn, effective [SPECIFY A DATE ON OR BEFORE THE EFFECTIVE DATE OF THE DIRECT FINAL RULE].

## 2.22 Checklist for rule documents.

Use the following checklist to review your rule document before you submit it to us:

**Billing code.** Is the billing code at the top of the first page in the right-hand corner? (See sections 2.3, 2.18, and 2.19.)

**Headings.** Are the correct headings used? (See section 2.4.)

**Preamble.** Are all required elements of the preamble included? Does the SUMMARY answer all three questions? (See section 2.5.)

**List of subjects.** Are subject terms listed for each CFR part affected? Are they placed at the end of the preamble? (See section 2.6.)

**Words of issuance.** Have you provided a link between the preamble and the regulatory text? Do not use “proposed” in a rule document’s words of issuance . (See section 2.7)

**Authority citation.** Is the authority citation correctly placed in the document? ( See section 211.)

**Amendatory language.** (See section 2.13.)

- Does it specify the exact CFR unit being changed?
- Does it use the correct terms?

**Table of contents.** Is the table of contents included for each subpart or part being set out in full? (See section 2.10.) Do entries agree with the regulatory text?

**Paragraphs.** Are all paragraphs of regulatory text indented and lettered or numbered correctly? (See section 2.12.)

**Asterisks.** Have you set out section headings and asterisks for partial section amendments? (See section 1.14)

**Cross-references.** (See section 2.15.)

- Is the correct style used?
- Do references meet our criteria?

**Tables and illustrations.** (See chapter 7)

- Are they placed exactly where they are to be printed?
- Are they completely legible?
- Are charts and maps of photographic quality?

**OMB Control Number.** If included with the regulatory text, is it placed properly and in the correct style? (See section 8.19.)

**Signature and title.** (See section 2.16.)

- Is the original signature (handwritten in ink) included on the document? (One person may not sign for another or initial a signature.)
- Is the signer's name and title typed beneath the signature?
- If a signature date is given, is it correct?

**Quality.** (See section 2.18.)

- Are original(s) and certified copies legible?
- Is the document free of correction or adhesive tape?
- Are ink changes printed, dated, and initialed on all three copies? (See chapter 4.)
- Is the document double-spaced?

**Page numbers.** Are all pages numbered consecutively? (See section 2.18.)

**Matching copies and certification.** (See sections 2.18 and 8.5.)

- Are the original and two copies identical? Are all pages included?
- Are the copies properly signed or certified?

**Disks.** (See chapter 5.) If you have included a disk with your document:

- Is every document on a separate disk?
- Is the file on the disk identical to the signed original document?
- Did you include the verification/certification letter, stating that the file and document are identical?
- Is your document the only file on the disk?
- Did you save the file to the disk in ASCII or WordPerfect 6.1 format?
- Does the disk have a label that identifies your agency, the document's subject, the file name, and file format?
- Is the disk virus-free?
- Are the file and disk free of password protection or other security measures?

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# Federal Register Document Drafting Handbook

October 1998 Revision

## Chapter 3: How do I write a document for the notices category?

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3.1 What types of documents go in the notices category? .....	3-3
3.2 What are the requirements for a document in the notices category? .....	3-3

### *Billing Code*

3.3 What is a billing code and how do I get one? .....	3-3
--	-----

### *Headings*

3.4 What information should I include in the headings section of my notice? .....	3-4
---	-----

### *Authority Citation*

3.5 Must I cite the authority that authorizes my agency to issue a notice? .....	3-5
--	-----

### *Text*

3.6 Must I use the preamble format in my notice document? .....	3-7
• AGENCY caption .....	3-7
• ACTION caption .....	3-8
• SUMMARY caption .....	3-8
• DATES caption .....	3-9
• ADDRESSES caption .....	3-10
• FOR FURTHER INFORMATION CONTACT caption .....	3-12
• SUPPLEMENTARY INFORMATION caption .....	3-12

### *Signature Block*

3.7 Who can sign my document? .....	3-13
3.8 Do I need a signature date? .....	3-14

*Style and Format Requirements*

3.9 What should my notice document look like? . . . . . 3-15  
3.10 Example of a notice document . . . . . 3-19

*Sunshine Act Meetings and Privacy Act Documents*

3.11 Sunshine Act meetings . . . . . 3-21  
3.12 Privacy Act documents . . . . . 3-23

*Checklist for Notice Documents*

3.13 Checklist for notice documents . . . . . 3-24

## Chapter 3: How do I write a document for the notices category?

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**Notes:** In this chapter, “we,” “our,” or “OFR” refer to the Office of the Federal Register, National Archives and Records Administration, and “you” or “your” refer to Federal agencies that prepare documents for publication in the *Federal Register*.

Use the examples in this chapter as models for style, not content. Although many of these are single-spaced for visual impact, you must double-space your document.

### 3.1 What types of documents go in the notices category?

Use the notices category to provide information of public interest.

This category contains documents that do not have regulatory text, do not impose requirements with general applicability and legal effect, and do not affect a rulemaking proceeding. Some notices are required to be published by law.

Typical notice documents announce:

- Meetings.
- Availability of applications.
- Issuance or revocation of a license.
- Grant application deadlines.
- Availability of certain environmental impact statements.
- Certain petitions.
- Orders or decisions affecting named parties.

### 3.2 What are the requirements for a document in the notices category?

A document published in the notices category should include the following items:

- Billing Code.
- Headings.
- Authority Citation.
- Text.
- Signature Block.

#### *Billing Code*

### 3.3 What is a billing code and how do I get one?

The Government Printing Office (GPO) assigns each agency that publishes in the *Federal Register* a billing code which GPO uses to bill your agency for printing costs. Your agency must identify an individual as your Printing Officer, the liaison between your agency and GPO for all billing matters. GPO gives your Printing Officer the billing code for your agency.

Your billing code must appear on each document submitted for publication in the *Federal Register*.

- Obtain your billing code from your agency Printing Officer.
- Type the billing code at the top of the first page of the original(s) and the certified copies of each document.
- Type a "P" (WordPerfect), "F" (Coded), or "U" (Uncoded or ASCII) after your billing code when submitting a disk with your document. (See chapter 5.)
- Remember that your billing code may change each year.

## *Headings*

### **3.4 What information should I include in the headings section of my notice?**

Begin each notice document with headings that identify your agency and the subject matter of the document. Present headings for a notice document in this format.

- Department Name.
- Subagency Name.
- Agency Docket Number (optional).
- Subject Heading.

**or**

- Agency Name.
- Agency Docket Number (optional).
- Subject Heading.

The "Department" and "Subagency" headings for a document reflect the names of the issuing agency.

If your agency is a cabinet-level department, the subordinate agency is the Subagency heading. If your agency is not a cabinet-level department, you do not need a Subagency heading.

The "Agency Docket Number" heading is the internal file number your agency may assign. This heading is optional.

The "Subject Heading" is a brief statement describing the contents of the document.

Example 1: Headings for a notice document from a cabinet-level department.

DEPARTMENT OF AGRICULTURE	Department Name
Food Safety and Inspection Service	Subagency Name
[Docket No. 85-008N]	Agency Docket Number (optional)
Transportation Accidents	Subject Heading

Example 2: Headings for a notice document from a non cabinet-level agency

FEDERAL RESERVE SYSTEM	Agency Name
[No. 85-959]	Agency Docket Number (optional)
ABC Corporation	Subject Heading

If you issue a follow-up document, duplicate the headings of the earlier document, and add a distinguishing phrase to the subject heading.

Example 3: Headings for a follow-up notice.

FEDERAL RESERVE SYSTEM	Agency Name
[No. 85-959]	Agency Docket Number (optional)
ABC Corporation; Additional Filings	Subject Heading

### *Authority Citation*

## **3.5 Must I cite the authority that authorizes my agency to issue a notice?**

You must cite the authority that authorizes your agency to issue your notice.

There are two types of authority:

- Statutory:
  - Public Law.
  - United States Code.
- Nonstatutory:
  - Presidential Executive order.
  - Presidential Administrative order.
  - Presidential Memorandum.
  - Agency delegation, policy, or directive.
  - Office of Management and Budget circular.

- CFR regulations.

Give the authority citation in the shortest form. The authority citation may appear within the notice or in a parentheses on a separate line at the end of the notice before the signature block.

**Statutory authority.** For notices **only**, you may cite a public law, popular law name, or the U.S. Statutes at Large.

Each citation of statutory authority must use the United States Code citation, if one exists. To determine the United States Code citation, use one of the following:

- The current edition of the United States Code or its supplement.
- The slip law, for recently signed public laws.

Example 4.

Authority: 44 U.S.C. 2101-2118; 50 U.S.C. 6909.

We generally recommend that you use only the United States Code citation. (See example 4.). When a United States Code citation does not exist (for example, for appropriations laws), you must cite the section of the public law, if appropriate, the public law, and the U.S. Statutes at Large. (See example 5.)

Example 5.

Authority: Sec. 8067, Pub. L. 98-473, 98 Stat. 1937.

If you choose to cite the public law and the U.S. Statutes at Large in addition to the United States Code, present them in the order shown in example 6.

Example 6.

Authority: Sec. 8, Pub. L. 98-328, 82 Stat. 470 (34 U.S.C. 21).

If you cite two different laws where one has a United States Code citation and the other does not, place the United States Code citation first. (See example 7.)

Example 7.

Authority: 42 U.S.C. 2996; Pub. L. 104-208, 110 Stat. 3009; Pub. L. 104-134, 110 Stat. 1321.

**Nonstatutory authority.** Cite nonstatutory authority by document designation, *Federal Register* citation, and CFR citation. (See example 8.)

Example 8.

(Authority: E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105)

If you include statutory and nonstatutory citations in the same authority citation, place the statutory citation first. (See example 9.)

Example 9.

(Authority: 8 U.S.C. 1161(f); 29 U.S.C. 1801-1872; Secretary's Order 6-84, 49 FR 32473)

### *Text*

#### **3.6 Must I use the preamble format in my notice document?**

You may present the text of your notice document in any organized and logical format. Your use of our preamble format to present the text of a notice is optional. However, we recommend that you use the following preamble format.

- AGENCY:
- ACTION:
- SUMMARY:
- DATES:
- ADDRESSES:
- FOR FURTHER INFORMATION CONTACT:
- SUPPLEMENTARY INFORMATION:

If you use the preamble captions, follow the order shown. You may omit preamble captions which are not applicable. Present the remaining captions in the proper sequence. Do not create new captions. Place material not identified by the existing captions in the SUPPLEMENTARY INFORMATION section. An explanation and examples of what must appear within each caption follow:

#### **AGENCY caption.**

The AGENCY caption states the "who" of a document by identifying the agency issuing it.

This caption usually repeats the name of the agency as carried in the document's headings. When the name of a subagency and Cabinet-level department appear together, carry the subagency name first and then the department's commonly used acronym or shortened name. For organizational clarity, you may choose to include in this caption the name of an office which is not listed in the document's headings.

Example 10.

AGENCY: Office of the Secretary, USDA.  
AGENCY: National Archives and Records Administration.  
AGENCY: Consumer Product Safety Commission.  
AGENCY: Environmental Protection Agency.  
AGENCY: National Park Service, Interior.  
AGENCY: Bureau of Public Debt, Fiscal Service, Treasury.

### **ACTION caption.**

The ACTION caption identifies the type of document. It does not summarize the substance of a document.

The following examples represent typical captions for a notice document. Others are possible.

Example 11.

ACTION: Notice.  
ACTION: Announcement of meeting.  
ACTION: Availability of survey.  
ACTION: Solicitation of applications.

### **SUMMARY caption.**

Under the SUMMARY caption you explain the "what," "why," and "effect" of the document.

In the SUMMARY, you should answer these three questions.

- What action is being taken?
- Why is this action necessary?
- What is the intended effect of this action?

Use the following guidelines in preparing a SUMMARY.

- Use language a non-expert will understand.
- Refer to an act of Congress by the popular name of the act.
- Do not use legal citations.
- State what your document does; do not include extensive background.
- Do not include qualifications, exceptions, or specific details.
- Be brief.

You may not use the SUMMARY to prove a point or argue a case. Supporting information, details, discussions, and precise legal citations do not belong in the SUMMARY. Extended discussion of the notice document belongs in the SUPPLEMENTARY INFORMATION section.

### **DATES caption.**

The DATES caption presents the "when" of a document. Include the dates that are essential to the document.

Include the following dates, when appropriate:

- Comment deadlines.
- Extension of comment deadlines.
- Request for a hearing (or meeting) deadline.
- Public hearing (or meeting) dates.
- Other dates the public may need to know.

OFR computes and inserts dates tied to *Federal Register* publication or OFR filing using the "Table of Effective Dates and Time Periods." This table appears in the Reader Aids section of the first *Federal Register* issue each month. In computing the date, we count the day after publication as the first day. When a date falls on a weekend or a Federal holiday, we use the next Federal business day. If we are to compute and insert a date, present the date as shown in example 12. We compute dates based **only** on OFR filing or publication in the *Federal Register*.

Example 12.

DATES: Submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Example 13.

DATES: The agency must receive comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Place no more than four dates under the caption "DATES."

Example 14: Format in notice with four dates.

DATES: The meeting dates are:

1. March 26, 199x, 9:30 a.m. to 5 p.m., Philadelphia, PA.
2. April 3, 199x, 9:30 a.m. to 5 p.m., Chicago, IL.
3. April 8, 199x, 9:30 a.m. to 5 p.m., Atlanta, GA.
4. April 15, 199x, 9:30 a.m. to 5 p.m., Denver, CO.

If you have more than four dates, place them in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Meetings".

Example 15.

DATES: See Supplementary Information section for meeting dates.

Do not include information other than dates in the DATES caption. Place any discussion of meeting agenda, content of material available for inspection, etc. in the SUPPLEMENTARY INFORMATION section.

Remember that DATES and ADDRESSES are separate captions. All date information should appear in the DATES caption.

### **ADDRESSES caption.**

The ADDRESSES caption contains the "where" of the document. Include any address that the public needs to know. You may include addresses for:

- Mailing public comments.
- Hand-delivering public comments.
- Attending a public hearing (or meeting).
- Examining any material available for public inspection.

Do not include information other than addresses in the ADDRESSES caption. Place any discussion of how to submit comments, how to register for a meeting, meeting agenda, content of material available for inspection, etc. in the SUPPLEMENTARY INFORMATION section. If you are accepting electronic comments, place electronic addresses in the ADDRESSES section, and detailed requirements in the SUPPLEMENTARY INFORMATION section. (See examples 20 and 21.)

Place no more than four addresses under the caption "ADDRESSES."

Example 16: Format in notice with four addresses.

ADDRESSES: The meeting locations are:

1. Philadelphia -- Ramada Inn (Meadows Ballroom, Section A & B), 76 Industrial Highway, Essington, PA 19029.
2. Chicago -- O'Hare Ramada Inn (Penthouse Ballroom, 9th Floor), 6600 Mannheim Road, Des Plaines, IL 60018.
3. Atlanta -- Ramada Inn Central (Georgian Ballroom), I-85 at Monroe Drive, Atlanta, GA 30324.
4. Denver -- Main Post Office Bldg. (2nd Floor Auditorium, Room 269), 1823 Stout Street, Denver, CO 80202.

If you have more than four addresses, place them in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Meetings."

Example 17.

ADDRESSES: See Supplementary Information section for meeting addresses.

Remember that ADDRESSES and DATES are separate captions. All address information must appear in the ADDRESSES caption.

Example 18.

ADDRESSES: Address all comments concerning this notice to Nell C. Carney, Commissioner, Rehabilitation Services Administration, Mary E. Switzer Building, Room 3325, 330 C Street SW., Washington, DC 20202-2735.

Example 19.

ADDRESSES: Mail comments and requests to participate to Meeting Clerk, Room 000, Department of XXXXX, Washington, DC 20000; the meeting will be held in Room 000, 000 Independence Avenue, SW., Washington, DC.

Place detailed information about electronic access and filing in the SUPPLEMENTARY INFORMATION section of the preamble under a heading such as "Electronic Access and Filing Addresses."

Example 20.

ADDRESSES: Submit electronic comments and other data to oppdocket@epamail.epa.gov. See SUPPLEMENTARY INFORMATION for file formats and other information about electronic filing.

Example 21.

SUPPLEMENTARY INFORMATION:

\* \* \* \* \*

[Asterisks Indicate Text Not Reprinted.]

Electronic Access and Filing Addresses

You may submit comments and data by sending electronic mail (e-mail) to: oppdocket@epamail.epa.gov

Submit comments as an ASCII file avoiding the use of special characters and any form of encryption. The OPP also accepts comments and data on disks in WordPerfect 5.1 file format or ASCII file format. Identify all comments and data in electronic form by the docket number [PP 4F4327/R2253]. You may file electronic comments on this notice online at many Federal Depository Libraries.

File an electronic copy of objections and hearing requests with the Hearing Clerk at: oppdocket@epamail.epa.gov

**FOR FURTHER INFORMATION CONTACT caption.**

Under the FOR FURTHER INFORMATION CONTACT caption, you should include the name and telephone number of a person within your agency who can answer questions about the document. You may list two or more persons to contact concerning different aspects of a document.

Example 22.

FOR FURTHER INFORMATION CONTACT: John Noticewriter, 202-000-0000.

**or**

FOR FURTHER INFORMATION CONTACT:

Technical Information: John Noticewriter, 202-000-0000.

Logistical Information: Mary B. Helpful, 202-000-0001.

### **SUPPLEMENTARY INFORMATION caption.**

In this section, include background information and necessary details in language easily understood by the reader. Use descriptive headings to highlight topics or organize text. If a reference to the *Federal Register* or Code of Federal Regulations is necessary, use the format shown in examples 28 and 29.

You may use the SUPPLEMENTARY INFORMATION section to provide additional information to satisfy law, agency policy, or Executive order.

## *Signature Block*

### **3.7 Who can sign my document?**

Your agency determines who may sign a document submitted for publication in the *Federal Register*.

The signer must sign in ink. (See section 8.5.) We recommend that the signer use blue ink. A signature in black ink is often difficult to distinguish from a photocopy.

Type the name and title of the person signing the document directly beneath the handwritten signature. (See example 23.)

When a person signs a document for another person, type the name and title of the person who actually signs the document beneath the signature. (See example 24.)

We will reject a document signed by one person for another. We will not accept your document if you sign someone else's name and you place your initials by the signature.

Example 23.

*Cynthia James*  
Cynthia James,  
Director.

Example 24.

*Thomas Shadwell*  
Thomas Shadwell,  
Deputy Director.

**or**

*Thomas Shadwell*  
Thomas Shadwell,  
Acting Director.

Do not place a signature block on a page by itself. Placing text on the signature page helps to ensure the integrity of the document.

Place the signature block either at the end of the document (See example 25.) or between the preamble and the rest of the document. (See example 26.)

Example 25.

Preamble  
Text  
Signature

Example 26.

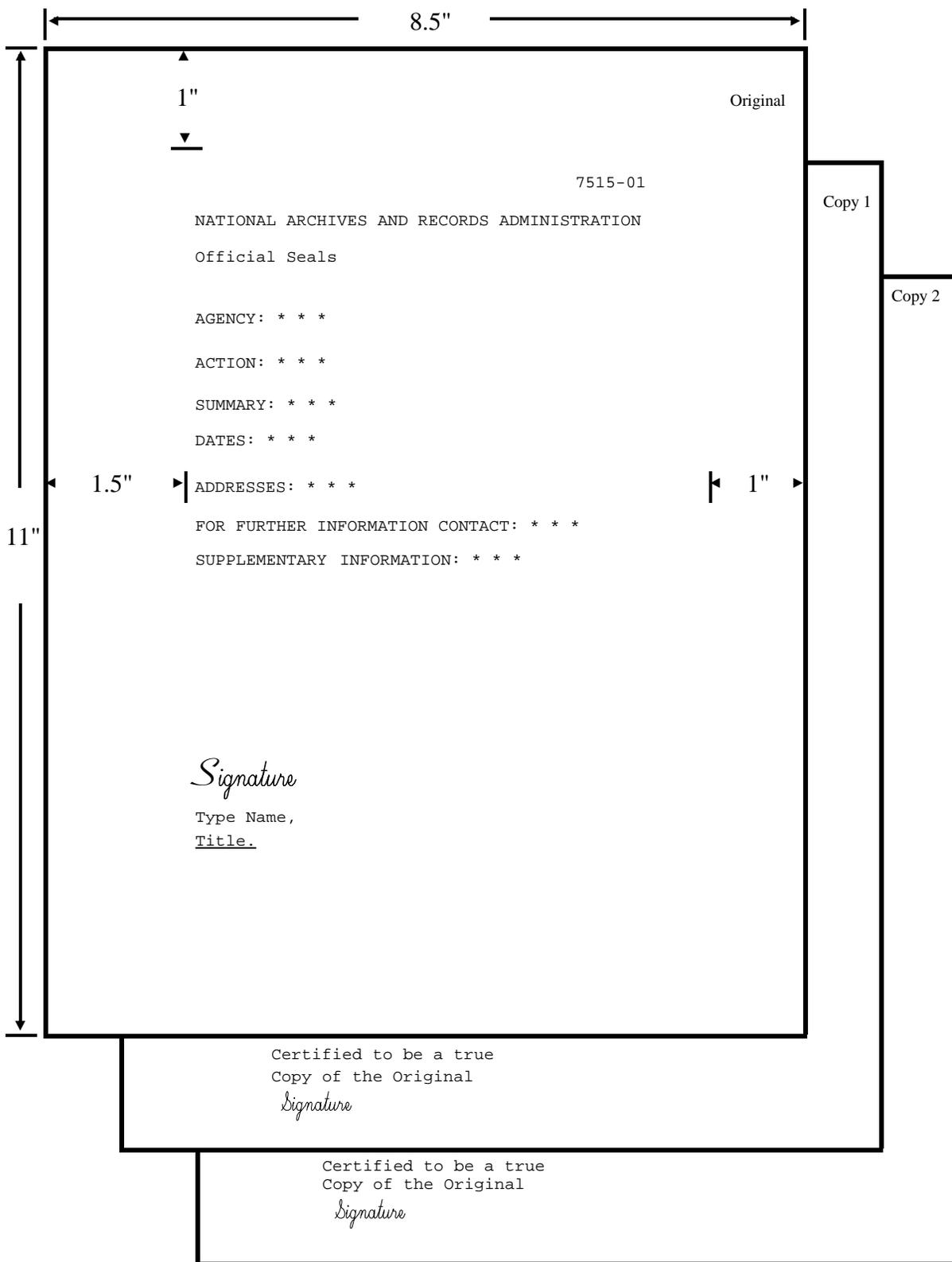
Preamble  
Signature  
Text

### **3.8 Do I need a signature date?**

We recommend but do not require a signature date. When you furnish one, use the date of actual signature. We will not accept a postdated signature or change a signature date. If there is a problem with a signature date, we will return your document to your Liaison Officer.

Style and Format Requirements

3.9 What should my notice document look like?



**Capitals.** Type in all capital letters:

- The name of the agency or cabinet-level department (but not the name of the subagency) in the heading of a document.
- "FEDERAL REGISTER" in the parenthetical for dates that we are to compute.
- Preamble captions.

Example 27.

AGENCY :

ACTION :

SUMMARY :

DATES :

ADDRESSES :

FOR FURTHER INFORMATION CONTACT :

SUPPLEMENTARY INFORMATION :

**Copies.** Provide legible copies.

**Correction or adhesive tape.** Do not use correction or adhesive tape.

**Double-spacing.** Type the text of your document double-spaced.

**Headings.** Type document headings centered or flush with the left margin.

**Margins**

- One inch at the top, bottom, and right side.
- One and one-half inches on the left side.

**Page numbers.** Number the pages consecutively in one of the following places:

- Centered top.
- Centered bottom.
- Upper right-hand corner.

**Paper.** You must prepare your documents on 8½" × 11" white paper.

**Quotation marks.** Use quotation marks for names of books, journals, articles, and similar items.

**Quoted material.** Type quoted material:

- Single-spaced.
- Centered-block style.
- Without quotation marks.

**Single-sided copy.** You must type your document on one side only.

**Single-spacing.** Type the following single-spaced:

- Quoted material.
- Footnotes.
- Tables of contents.
- Examples.
- Tables.
- Notes to tables.
- Notes.
- Formulas.
- Authority citations.

**Underlining.** Underlining instructs the printer to present material in italics. Use underlining for:

- Definitions (underline only the terms).
- Scientific terms.
- Ordering statements.
- Court cases.
- Federal Register, when referring to the name of the publication (except type in all capital letters in the parenthetical for dates that we are to compute).

Do not use underlining for:

- Emphasis.
- Names of books.
- Foreign phrases.

### **Abbreviations.**

Use the following abbreviations in the *Federal Register*.

- FR is Federal Register. Do not use Fed. Reg. or F.R. (See example 28.)
- CFR is Code of Federal Regulations. Do not use C.F.R. (See example 29.)
- U.S.C. is United States Code.
- Pub. L. is public law. (Do not use P.L.)
- Stat. is U.S. Statutes at Large.
- a.m. or p.m. is time designation.
- E.O. is Executive order.
- Proc. is Proclamation.
- sec. is section of a public law or the United States Code.

Use the abbreviations for "Pub. L.", "E.O.", and "Proc." only in the authority citation. All other times you must spell them out. (See examples 6 and 8.)

## **§ Symbol.**

Use the § symbol only for a CFR section and §§ symbol only for multiple sections. However, do not use a § symbol to begin a sentence; instead, spell out the word. Do not use the § symbol or the word "section" when the reference follows a title number and CFR as in 36 CFR 1200.1.

## **Style.**

Use the "U.S. Government Printing Office Style Manual" as a guide for punctuation, capitalization, spelling, compounding, and other style matters. You may obtain the GPO Style Manual from the Superintendent of Documents, Government Printing Office.

## **References.**

If your document relates to a previously published *Federal Register* document, you must cite the earlier document. A reference in a notice document to a previously published *Federal Register* document must identify the volume number, page number, and date of the issue in which the document appeared. (See example 28.)

Example 28. Reference to a previously published *Federal Register* document.

6x FR 12345, Jul. 23, 199x

A reference in a notice document to material contained in the CFR should identify the CFR title and part or section number. (See example 29.)

Example 29. Reference to material contained in the CFR.

36 CFR part 1200  
36 CFR 1200.1

### 3.10 Example of a notice document.

7515-01

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Public Meeting With Interested Vendors for Ordering  
Reproductions of Still Photographs, Aerial Film, Maps, and  
Drawings

AGENCY: National Archives and Records Administration.

ACTION: Notice of meeting.

SUMMARY: The National Archives and Records Administration (NARA) will hold a meeting to discuss the continued privatization of reproduction services for still pictures, aerial film, maps, and drawings. On March 6, 199x, NARA began a test phase of new procedures for the delivery of reproduction services for records which NARA customers request from the Still Picture Branch, the Cartographic and Architectural Branch, and the Nixon Presidential Materials Staff. The National Archives and Records Administration permitted vendors to set up work stations in College Park, MD, where the still photographs, cartographic, and architectural records are housed and made available. The three units referred customer requests for reproduction of these media to the vendors, who determined fees, collected payments, performed the copying work, and mailed the reproductions to the customers. The purpose of this one-year

trial program was to: verify the degree to which the privatization of the reproduction order fulfillments could improve customer service; and ascertain the extent to which digital scanning can satisfy requirements from NARA's customers. The program is extended for one more year, with some changes. All vendors interested in the program, including vendors already participating, are invited to attend the next scheduled meeting. A follow-up meeting has also been scheduled to answer any remaining questions from possible vendors, and to distribute copies of the memorandum of agreement.

DATES: The meeting will be held on Wednesday, January 24, 199x, at 2 p.m. The follow-up meeting will be held on Thursday, February 15, 199x, at 2 p.m.

ADDRESSES: The meetings will be held in Archives II, Lecture Rooms D and E, located at 8601 Adelphi Road, College Park, MD.

FOR FURTHER INFORMATION CONTACT: Michael Meetings, 301-000-0000.

Dated: January 2, 199x.

*Signature*

Type name,

Title.

## *Sunshine Act Meetings and Privacy Act Documents*

### **3.11 Sunshine Act meetings.**

The Government in the Sunshine Act requires certain agencies to publish notices of meetings (See Appendix C). The law requires that these notices be publicly announced one week prior to the meeting and submitted immediately for publication in the *Federal Register*. To speed publication, we have developed standard formats for Sunshine Act documents.

Sunshine Act documents received before 4 p.m. are published on a 2-day publication schedule and Sunshine Act documents received after 4 p.m. are placed on a 3-day publication schedule.

Format 1 -- Announces a meeting either completely open or completely closed to the public.

Billing Code

[NAME OF YOUR AGENCY]

Sunshine Act Meetings

TIME AND DATE:

PLACE:

STATUS:

MATTERS TO BE CONSIDERED:

CONTACT PERSON FOR MORE INFORMATION:

[SIGN]

Type name,

Title.

Format 2 -- Announces a meeting that is partially open and partially closed to the public.

Billing Code

[NAME OF YOUR AGENCY]

Sunshine Act Meetings

TIME AND DATE:

PLACE:

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC:

PORTIONS CLOSED TO THE PUBLIC:

CONTACT PERSON FOR MORE INFORMATION:

[SIGN]

Type name,

Title.

Format 3 -- Announces a change to a previously announced meeting.

Billing Code

[NAME OF YOUR AGENCY]

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:

CHANGES IN THE MEETING:

CONTACT PERSON FOR MORE INFORMATION:

[SIGN]

Type name,

Title.

### 3.12 Privacy Act documents.

The Privacy Act requires each agency to publish its systems of records in the *Federal Register*. (See Appendix C.) Each system of records has specific information which we identify as data elements. We provide a standard caption heading for each data element. Include all information required in a system of records notice under one of these data elements. You must present the data element as shown including capitalization and punctuation. Do not use any other data elements. The system of records data elements follows:

[YOUR AGENCY'S UNIQUE SYSTEM NUMBER]

System name:

Security classification:

System location:

Categories of individuals covered by the system:

Categories of records in the system:

Authority for maintenance of the system:

Purpose(s):

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure to consumer reporting agencies:

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Retrievability:

Safeguards:

Retention and disposal:

System manager(s) and address:

Notification procedure:

Record access procedures:

Contesting record procedures:

Record source categories:

Exemptions claimed for the system:

## *Checklist for notice documents*

### **3.13 Checklist for notice documents.**

Use the following checklist to review your notice document before you submit it to us:

**Billing code.** Is the billing code at the top of the first page in the right-hand corner? (See sections 3.3, 3.10, and 3.11.)

**Headings.** Are the correct headings used? (See section 3.4.)

**Preamble.** Are all elements of the preamble included? Does the SUMMARY answer all three questions? (See section 3.7.)

**Authority citation.** Do you have your authority citation? (See section 3.5.)

**References.** Is the correct style used? (See section 3.10.)

**Tables and illustrations.** (See chapter 7.)

- Are they placed exactly where they are to be printed?
- Are they completely legible?
- Are charts and maps of photographic quality?

**Signature and title.** (See section 3.8.)

- Is the original signature (handwritten in ink) included on the document? (One person may not sign for another or initial a signature.)
- Is the signer's name and title typed beneath the signature?
- If signature date is given, is it correct?

**Quality.** (See section 3.10.)

- Are the original(s) and certified copies legible?
- Is the document free of correction or adhesive tape?
- Are ink changes printed, dated, and initialed on all three copies?
- Is the document double-spaced?

**Page numbers.** Are all pages numbered consecutively? (See section 3.10.)

**Matching copies and certification.** (See section 3.10.)

- Are the original(s) and two certified copies identical? Are all pages included?
- Are the copies properly signed or certified?

**Disks.** (See chapter 5.) If you have included a disk with your document:

- Is every document on a separate disk?
- Is the file on the disk identical to the signed original document?
- Did you include the verification/certification letter, stating that the file and document are identical?
- Is your document the only file on the disk?
- Did you save the file to the disk in ASCII or WordPerfect 6.1 format?
- Does the disk have a label that identifies your agency, the document's subject, the file name, and file format?
- Is the disk virus-free?
- Are the file and disk free of password protection or other security measures?

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# Federal Register Document Drafting Handbook

October 1998 Revision

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## Chapter 4: How do I correct my document?

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### *Correcting a Document Before Publication*

4.1 Correcting a document before submission . . . . .	4-1
4.2 Correcting a document after submission but before publication . . . . .	4-1
4.3 Withdrawing a document from publication . . . . .	4-2

### *Correcting a Document After Publication*

4.4 OFR corrections to a published document . . . . .	4-3
4.5 Agency corrections to a published document . . . . .	4-3
4.6 Corrections to a rule . . . . .	4-4
4.7 Corrections to a proposed rule . . . . .	4-8
4.8 Corrections to a notice . . . . .	4-10

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**Notes:** In this chapter, “we,” “our,” or “OFR” refer to the Office of the Federal Register, National Archives and Records Administration, and “you” or “your” refer to Federal agencies that prepare documents for publication in the *Federal Register*.

Use the examples in this chapter as models for style, not content. Although many of these are single-spaced for visual impact, you must double-space your document.

### *Correcting a Document Before Publication*

#### **4.1 Correcting a document before submission.**

If you find an error before you submit your document to the OFR, you or your agency’s Federal Register Liaison Officer may make a legible ink change to the document. Write your initials and the date in the right-hand margin where you made the change.

#### **4.2 Correcting a document after submission but before publication.**

If you find a substantive error in a document that you have submitted to us that is not yet published, immediately contact your agency's Federal Register Liaison Officer.

**Before filing.** If we have not yet filed the document for public inspection, your Liaison Officer may make simple corrections by telephoning the OFR or by submitting corrected pages, a corrected disk, and a verification/certification letter.

**After filing.** If we have filed the document for public inspection, your Liaison Officer may correct it **only** by submitting a letter detailing the change. (See Appendix A for a model letter.)

An official with authority to sign *Federal Register* documents or the Liaison Officer must sign this letter. It must reach the OFR **before 12 noon** of the workday before the document's scheduled publication date. The Liaison Officer must also telephone us as soon as possible to confirm that the letter has been sent.

When we receive your letter, we time-stamp it and place it on public inspection with the document it corrects. The document and letter remain on inspection until the end of the day the corrected document appears in the *Federal Register*. The OFR retains both the original document and the letter of correction.

**Extensive changes are difficult to make in the final production stages.** If you need to make extensive changes, we may withdraw the document from publication.

#### **4.3 Withdrawing a document from publication.**

If necessary, you may completely withdraw a document from publication. If we have not placed the document on file for public inspection, we will return it to you. If we have already placed the document on file for public inspection, we will withdraw it from publication, but the document remains on file through the originally scheduled publication date, and we cannot return it to you.

**Before filing.** If we have not yet filed the document for public inspection, your Liaison Officer may telephone the OFR during regular office hours (8:45 a.m. to 5:15 p.m. ET) to request that we withdraw the document from publication.

The Liaison Officer must follow up immediately with a letter requesting the withdrawal and telling us how to return the document to you. (See Appendix A for a model letter.) An official with authority to sign Federal Register documents or the Liaison Officer must sign this letter.

We will not withdraw the document until we receive your letter.

**After filing.** If we have filed the document for public inspection, your Liaison Officer may withdraw it from publication only by submitting a letter requesting the withdrawal. (See Appendix A for a model letter.) An official with authority to sign Federal Register documents or the Liaison Officer must sign this letter. The Liaison Officer must also telephone us as soon as possible to confirm that the letter has been sent.

The letter must reach the OFR during regular office hours (8:45 a.m. to 5:15 p.m. ET) **before noon** on the workday **before** the document's scheduled publication date. We will not withdraw the document until we receive your letter.

When we receive your letter, we time-stamp it and place it on public inspection with the document it withdraws. The document and letter remain on inspection until the end of the day on which the document was originally scheduled to publish. The OFR retains both the original document and the letter of withdrawal.

If you decide to publish the document on a later date, you must submit a new document for publication (original and certified copies or duplicate originals).

### *Correcting a Document After Publication*

#### **4.4 OFR corrections to a published document.**

As soon as possible after publication, proofread the published document against a copy of the document that you submitted.

If you find a significant printing error, your Liaison Officer must call us to arrange for a correction. We will prepare and publish a correction that conforms to your original document. We use a unique correction format and place our corrections in a separate section of the *Federal Register* to reduce confusion. **Do not use the OFR format to prepare your agency's corrections.**

#### **4.5 Agency corrections to a published document.**

As soon as possible after publication, proofread the published document against a copy of the document that you submitted.

If you find an error in your original document, you must issue a signed document correcting the error. Use the format appropriate for the section of the *Federal Register* where the original document appeared. **Do not use the OFR format to prepare your agency's corrections.**

## 4.6 Corrections to a rule.

**Nonsubstantive errors.** If you discover obvious misspellings or other **nonsubstantive** errors in CFR text as set out in a rule document, your Liaison Officer should contact our Code of Federal Regulations unit. We sometimes make these corrections in the next edition of the CFR without requiring a *Federal Register* correction.

**Substantive errors.** You must publish a document in the *Federal Register* to correct substantive errors in your original document. A document that corrects a previously published rule must:

- Repeat the agency headings of the document being corrected.
- Carry a CFR heading for only the CFR parts affected by the correction (list all CFR parts if the preamble is corrected).
- Repeat the subject heading of the document being corrected with a semicolon and the word "Correction" added at the end.
- Follow the preamble requirements for a rule. The effective date for a rule correction may not be earlier than the effective date of the rule you are correcting.
- Cite the *Federal Register* date, page, column, CFR section, paragraph, and line or sentence in the correcting instruction.
- Present a correction to an entire sentence or larger unit of CFR text as an amendment. Use the amendatory term “correct,” set out the section heading, and use asterisks. See sections 2.13, Amendatory Language, and 2.14, Asterisks, of this handbook.

There are two different formats for correcting regulatory text in a rule document. Both require signed documents. The format used depends on whether the revision date of the CFR volume affected has occurred since the original rule document was published.

**If the revision date of the CFR volume has not occurred** since the original rule was published, use the format for corrections to the *Federal Register*.

Example 1: Corrections to the *Federal Register*.

The revision date of CFR Title 40, containing EPA Regulations, occurs on July 1. Suppose that on July 15 EPA discovers it must correct the regulatory text in a final rule that it published in the July 3 *Federal Register*. Because the CFR revision date will not occur until next July 1, the amendments made by the July 3 rule are not printed in the latest revision of 40 CFR. Therefore, EPA publishes a correction to the *Federal Register*, and uses the format in this Example 1.

6560-50

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPPTS-00173A; FRL-5379-5]

Technical Amendments to TSCA Regulations to Update Addresses; Correction  
AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: The Environmental Protection Agency published in the Federal Register of July 3, 199x, a document concerning updating addresses in the Toxic Substances Control Act (TSCA) regulations. Inadvertently §799.1285 was amended. This document removes that amendment.

DATES: Effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Susan Regulatory, 202-000-0000; TDD: 202-000-0001; E-mail: TSCA\_Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The EPA published a document in the Federal Register of June 19, 199x, (xx FR 31924) removing §799.1285. In FR Doc. 9x-16287, published in the Federal Register of July 3, 199x, (xx FR 34462), §799.1285 was inadvertently amended. This correction removes the amendment published on July 3, 199x.

In rule FR Doc. 9x-16287 published on July 3, 199x, (xx FR 34462) make the following correction. On page 34467, in the first column, remove amendatory instruction c. and the amendment to §799.1285.

Dated: June 14, 199x.

[SIGN]

Type name,  
Title.

**If the revision date of the CFR volume has occurred** since the original rule was published, use the format for correcting amendments to the CFR (sometimes called "technical amendments").

Example 2: Correcting amendment to the CFR.

The revision date of CFR Title 26, containing IRS Regulations, occurs on April 1. Suppose that on April 15 IRS discovers it must correct the regulatory text in a final rule that it published in the March 26 *Federal Register*. Because the April 1 revision date has already occurred, the amendments made by the March 26 rule are already printed in the latest revision of 26 CFR. Therefore, IRS publishes correcting amendments to the CFR and uses the format in this Example 2.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8323]

RIN 1545-AL06

Information Reporting on Real Estate Transactions; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations (T.D. 12345), which were published in the Federal Register of Thursday, March 26, 199x, (xx FR 12345). The regulations related to the information reporting requirements for real estate transactions contained in section 6045(e) of the Internal Revenue Code.

DATES: Effective on January 1, 199x.

FOR FURTHER INFORMATION CONTACT: Arthur E. Tax, 202-000-0000 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections superseded §1.6045-3T on the effective date and affect persons required to make returns of information under section 6045(e) of the Internal Revenue Code. Section 6045(e) was added to the Internal Revenue Code by section 1521 of the Tax Reform Act of 1986 (Public Law 99-514, 100 Stat. 2746). Section 6045(e) was amended by section 1015(e) of the Technical and Miscellaneous Revenue Act of 1988 (Public Law 100-647, 102 Stat. 3342).

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and need to be clarified.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1--INCOME TAXES

1. The authority citation for part 1 continues to read as follows:

Authority: 26 U.S.C. 7805.

2. Revise paragraph (b)(2)(ii) of §1.6045-2 to read as follows:

§1.6045-2 Furnishing statement required with respect to certain substitute payments.

\* \* \* \* \*

(b) \* \* \*

(2)\* \* \*

(ii) Determination of whether a person is described in paragraph (b)(2)(i) of this section. The determination of whether a person is described in paragraph (b)(2)(i) of this section shall be made in the manner provided in Sec. 5f.6045-1(c)(3)(i)(B) of the Temporary Income Tax Regulations under the Tax Equity and Fiscal Responsibility Act of 1982.

\* \* \* \* \*

3. Revise paragraph (a)(4)(vii) of §1.6045-2 to read as follows:

§1.6045-2 Furnishing statement required with respect to certain substitute payments.

(a) \* \* \*

(4) \* \* \*

(vii) The term exempt-interest dividend means an exempt-interest dividend as defined in section 852(b)(5)(A).

\* \* \* \* \*

§1.6045-4 [Corrected]

4. In §1.6045-4, paragraph (r), example (4)(i), in the first sentence, remove the figure "\$20,000" and add, in its place, "\$10,000".

Dated: December 14, 199x

[SIGN]

Type name,  
Title.

#### **4.7 Corrections to a proposed rule.**

A document that corrects a previously published proposed rule must:

- Repeat the agency headings of the document being corrected.
- Carry a CFR heading for only the CFR parts affected by the correction (list all CFR parts if the preamble is corrected).
- Repeat the subject heading of the document being corrected, followed by a semicolon and the word "Correction."
- Follow the preamble requirements for a proposed rule.
- Cite the *Federal Register* date, page, column, CFR section, paragraph, and line or sentence in the correcting instruction.
- Present a correction to an entire sentence or larger unit of CFR text as an amendment. Use the amendatory term "correct," set out the section heading, and use asterisks. See sections 1.13, Amendatory Language, and 1.14, Asterisks, of this handbook.

Example 3: Proposed rule correction.

4310-02

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 290

RIN 1076-AD14

Tribal Revenue Allocation Plans; Correction

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the preamble to a proposed rule published in the Federal Register of June 7, 199x, regarding Tribal Revenue Allocation Plans. This correction clarifies that the proposed rule applies prospectively to plans submitted for approval from the effective date of the final rule.

FOR FURTHER INFORMATION CONTACT: Nancy Jones, 202-000-0000.

Correction

In proposed rule FR Doc. 9x-14061, beginning on page 12345 in the issue of June 7, 199x, make the following correction, in the Supplementary Information section. On page 12346 in the 3rd column, add at the end of the second paragraph the following:

"This rule applies to Tribal Revenue Allocation Plans submitted and approved after the effective date of the final rule. You need not resubmit previously approved Tribal Revenue Allocation Plans for review and approval by the BIA. The previously approved plans remain in effect. However, submit amendments to approved Tribal Revenue Allocation Plans to the BIA for approval under the proposed regulation."

Dated: July 1, 199x.

[SIGN]

Type name,  
Title.

## 4.8 Corrections to a notice.

A correction to a notice document must:

- Repeat the agency and subject headings of the document being corrected with a semicolon and the word "Correction" at the end of the subject heading.
- Cite the *Federal Register* date, page, column, and location (paragraph, sentence, or line) in the correction instruction.

Example 4: Notice correction.

7710-12

POSTAL SERVICE

Specification for Postal Security Devices and Indicia (Postmarks);  
Correction

AGENCY: Postal Service.

ACTION: Notice; correction.

SUMMARY: The Postal Service published a document in the Federal Register of July 2, 199x, concerning request for comments on specifications for postal security devices and indicia (postmarks). The document contained incorrect dates.

FOR FURTHER INFORMATION CONTACT: John Stamp, 202-000-0000.

Correction

In the Federal Register of July 2, 199x, in FR Doc. 9x-12345, on page 23456, in the second column, correct the "Dates" caption to read:

DATES: Submit comments on the two specifications on or before September 30, 199x. Submit comments addressing intellectual property issues on or before August 15, 199x. A general meeting on this subject is planned for July 19, 199x, in Washington, DC. Interested parties may submit questions by July 17, 199x.

Dated: July 5, 199x.

[SIGN]

Type name,  
Title.

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# Federal Register Document Drafting Handbook

January 2011 Revision

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## Chapter 5: Can I Submit a Computer File?

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5.1 Can I submit a computer file for publication in the <i>Federal Register</i> ? .....	5-1
5.2 What are the requirements for submitting computer files? .....	5-2
Document drafting guidelines .....	5-2
File format .....	5-2
Billing code .....	5-3
5.3 What are the specific requirements for electronic originals? .....	5-3
5.4 What are the specific requirements for certified electronic copies? .....	5-4
Verification / Certification letter .....	5-4
Type of disk .....	5-4
Disk preparation .....	5-5
Disk labeling .....	5-5
5.5 How do I make changes to an electronic submission? .....	5-5
5.6 Checklist for submitting a computer file .....	5-6

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**Notes:** In this chapter, “we,” “our,” or “OFR” refer to the Office of the Federal Register, National Archives and Records Administration (NARA) and “you” or “your” refer to federal agencies that prepare documents for publication in the *Federal Register*.

Use the examples in this chapter as models for style, not content. Although many of these examples are single-spaced, you must double-space your document.

---

### 5.1 Can I submit a computer file for publication in the *Federal Register*?

---

You should submit a computer file as an electronic original document (digitally authenticated) or as an electronic certified copy on disk or CD.

Electronic originals must be digitally signed, and can be submitted via e-mail or the web. Submitting an electronic original eliminates the need for paper copies. For more information, see *section 5.3*.

Electronic certified copies, submitted on disk (CD, floppy diskette), accompany a paper original and certified paper copies. For more information, see *section 5.4*.

**Note:** For continuity of operations purposes, including pandemic readiness, agencies should implement our currently available digital signature technology for *Federal Register* documents. The Federal Register system is a National Essential Function, which must be sustained under all conditions. Agencies should make digitally signed *Federal Register* documents a part of their daily business process to satisfy Presidential continuity directives (NSPD-51/HSPD-20).

*We will add at least one extra day to the publication schedule for documents submitted in paper-only form, to allow time for conversion to electronic form.* Paper-only submissions qualify as technical impediments under 1 CFR 17.7 and will be processed under the deferred publication schedule. Conforming documents, submitted in paper with a certified copy on disk or sent as a digitally signed document, will continue to be published on the regular three day schedule.

---

## 5.2 What are the requirements for submitting computer files?

---

### *Document drafting guidelines.*

Follow the drafting guidelines in Chapter 1, 2, or 3 of this handbook when you draft any *Federal Register* document, whether you plan to submit it on paper or as a computer file.

### *File format.*

OFR accepts electronic originals or electronic certified copies in MS-Word format. We will not erase any hidden data or “scrub” your documents before they are displayed online for public inspection. Your agency is responsible for any underlying metadata in your documents before and after they arrive at the Office of the Federal Register.

Make sure that your documents do not have any comments or remaining “tracked” changes left in them from the agency editing process. Also, you must remove or disable any macros. We will not accept macro-enabled documents or documents with comments or remaining tracked changes for publication.

**MS-Word.** MS-Word is the word processing application you should use to create your document file, prepared according to your agency’s requirements, with no GPO typesetting codes. The OFR can process files created from the 2003, 2007, and 2010 editions of MS-Word. If you have a newer version of MS-Word, contact us to see if we can accept it.

**Metadata.** Metadata is hidden information embedded in an MS-Word document and can include personal information about the author of the document.

**Macros.** Macros are sets of computer instructions that will automatically run in MS-Word, usually used to generate or format content.

***Billing code.***

For detailed information about billing codes, *see section 1.3, 2.3, or 3.3 of this handbook.* To assist GPO in billing your agency correctly, change the final letter of the billing code to reflect the document's file format. For MS-Word, use "P."

<b>Example 5.1: Billing code for electronic documents.</b>
BILLING CODE 4000-01-P

---

### **5.3 What are the specific requirements for electronic originals?**

---

You may submit electronic original documents via e-mail or the web. These must be signed with a medium assurance level digital signature certificate, cross-certified by the Federal Bridge Certification Authority. Because this electronic file is the original document, submitting in this manner eliminates the need for paper copies.

You must agree to comply with OFR's procedures for submitting electronic originals and your agency must acquire appropriate digital signature certificates. For up-to-date information, contact OFR's Technical Services Staff at (202) 741-6020.

OFR only accepts MS-Word files as digitally signed originals.

***Graphics, appendices, and annexes***

If your document contains graphics, appendices, or annexes, include them in the document where they should appear in print. Do not send them as separate files in addition to your text.

---

## 5.4 What are the specific requirements for certified electronic copies?

---

If you submit a signed paper original and two certified paper copies, you may include a certified electronic copy on CD-ROM or floppy diskette. Submitting this certified electronic copy may reduce your printing costs and promote accuracy.

Certified electronic copies must follow these requirements:

### *Certification letter.*

The certified electronic copy on disk should be saved from the same file used to print the signed paper original. Include a certification letter certifying that the electronic copy on disk is an identical version of the enclosed paper original. The Certifying Officer, Liaison Officer, or signer of the document may sign this letter. (*See Appendix A for a model letter.*)

**Note:** Certifying a disk as a true copy is a formal legal attestation. Certifiers must take extraordinary care to ensure that the copy on disk is exactly the same as the signed paper original. The certified copy is used as evidentiary material, both for Public Inspection and in the published edition of the *Federal Register*, and is relied upon by the regulated public. It will stand as evidence of your agency's action, unless your agency discovers and corrects discrepancies in a timely manner. If OFR finds any discrepancies in the certified disk copy prior to publication, we may immediately remove the document from production stream, and issue notice of the agency error if the document has been placed on public inspection.

### *Type of disk.*

#### **CD-ROM.**

OFR accepts certified electronic copies on CD-ROM and similar optical disk formats. Finalize the CD so it can be read without proprietary software.

#### **High Density 3.5 Diskettes.**

OFR accepts certified electronic copies on high density (HD), 3.5 inch diskettes, formatted for PC. We cannot accept double density (DD) diskettes. Use new or reformatted diskettes to ensure that we receive a readable diskette with no extra files. Scan the diskette to ensure that it is virus-free.

OFR does not accept any other type of disk, including flash drives and SD cards.

### ***Disk Preparation.***

If the document spans two or more files, merge these as a single file, in sequence to match the paper original. If files are too large to fit on floppy diskette, submit it on CD-ROM.

Submit only one document per disk. Send a separate disk and include a separate certification letter for each document.

The certified electronic copy must be the only file on the disk. Delete drafts, supporting documents, and any other files before you send the disk to OFR.

Do not submit password protected or encrypted files or files with track-changes or comments.

Do not submit files with metadata.

Do not submit macro-enabled files.

### ***Disk Labeling.***

Include the following information on the label of the disk:

Name of your agency.

Name of the file on the disk.

File format: MS-Word.

Subject heading, CFR citation, or agency docket number, tying it to the paper document.

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## **5.5 How do I make changes to an electronic submission?**

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To correct any document, you must follow the procedures in *section 4.2*. The following requirements also apply to documents accompanied by disk submissions.

If the changes are extensive, we may require you to submit a new original document, a new certified electronic copy, and a new certification letter, or we may return your submission to you for correction and resubmission.

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## 5.6 Checklist for Electronic Submissions

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- ✓ Submit only one file per disk.
- ✓ Use a CD-ROM or High Density 3.5" diskette.
- ✓ If your document contains graphics, appendices, or annexes, include them in the document where they should appear in print. Do not send them as separate files in addition to your text.
- ✓ Do not submit a "read only" file.
- ✓ Do not submit a macro-enabled file.
- ✓ When drafting your document do not use the automatic formatting features of your word-processing program.
- ✓ Accept all tracked changes before submitting the electronic file.
- ✓ Make sure there are no comments in the file before submitting it.
- ✓ Take the necessary precautions regarding the metadata before submitting the file.

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# Federal Register Document Drafting Handbook

January 2011 Revision

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## Chapter 6: What is Incorporation by Reference, and How do I do it?

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6.1 Purpose .....	6-1
6.2 Eligibility .....	6-2
6.3 How to submit a request .....	6-3
6.4 Drafting requirements .....	6-5
6.5 Formatting your incorporation by reference .....	6-6
6.6 Removing an incorporation by reference from the CFR .....	6-11
6.7 Checklist .....	6-13

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**Notes:** In this chapter, “we,” “our,” or “OFR” refer to the Office of the Federal Register, National Archives and Records Administration (NARA), and “you” or “your” refer to federal agencies that prepare documents for publication in the *Federal Register*.

Use the examples in this chapter as models for style, not content. Although many of these examples are single-spaced, you must double-space your document.

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### 6.1 Purpose.

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Incorporation by reference (IBR) allows Federal agencies to comply with the requirement to publish rules in the *Federal Register* by referring to materials already published elsewhere. The legal effect of incorporation by reference is that the material is treated as if it were published in the *Federal Register*. This material has the force and effect of law, just like regulations published in the CFR. Congress authorized incorporation by reference in the Freedom of Information Act to reduce the volume of material published in the *Federal Register* and Code of Federal Regulations (CFR). Incorporation by reference is only available if the regulations are published in the CFR.

We encourage regulation drafters and agency liaisons to contact us as early as possible when considering using an incorporation by reference in a regulation. Since this is a technical subject area, it sometimes creates confusion that can significantly delay IBR request review and approval of your final rule document.

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## 6.2 Eligibility.

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The Director of the Federal Register decides when an agency may incorporate material by reference *in a final rule to be codified in the CFR*. The Director may approve an IBR request if the material:

Is published data, criteria, standards, specifications, techniques, illustrations, or similar material;

Is reasonably available to and usable by the class of persons affected by the publication;

Does not reduce the usefulness of the Federal Register publication system;

Benefits the Federal Government and members of affected classes; and

Substantially reduces the volume of material published in the *Federal Register*.

### *Web-based materials.*

We may, in some cases, approve web-based materials. You must clearly identify the materials, including a version number and date (when applicable). You must also provide a paper or read-only electronic copy for our records. If you want to submit an electronic copy, contact the legal staff at the OFR for the proper procedure. Finally, we encourage you to establish a means of storing and archiving the material within your agency. Web-based materials must meet all other IBR requirements.

### *Software/applications.*

We may approve open-source code for applications. You must clearly identify the version and provide us a read-only copy of the code. The application code must meet all other IBR requirements. We will not approve software in application-form.

Please contact us as soon as possible if you are considering IBR'ing web-based materials or software/applications so that we can resolve any issues related to your IBR request.

We will approve an agency-produced publication for IBR, only if:

We are satisfied that it meets the requirements above and possesses other unique or highly unusual qualities; or

It is impossible or impractical to print using the Federal Register/Code of Federal Regulations printing system.

We will **not** approve an IBR of any of the following materials;

Material published previously in the *Federal Register*; or

Material published in the United States Code.

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### 6.3 How to submit a request.

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You must request our approval for each IBR before you publish the related final rule, and you may not publish the final rule before receiving our approval. Request approval by submitting a letter to the Director of the Federal Register. *See Example 6.1. Make sure to use the mailing address found in the sample letter. However, you may hand deliver or courier your IBR package to our office in Washington DC.*

Among the signatures we will accept are those from OFR liaison officers, program staff, or an agency attorney. The request letter does not have to be signed by the head of your agency.

We must receive your request at least 20 working days before you submit the rule document to us for publication. The 20-day period begins when we receive:

A letter requesting approval of the incorporation;

A copy of the material to be incorporated; and

A copy of your **DRAFT** rule document that uses the proper language of incorporation.

***Failure to follow this procedure will delay the processing of your request.*** IBR approval requests do not qualify for expedited processing.

We will notify you of the decision to approve or disapprove an IBR request within 20 working days after you submitted the request and all required materials.

Before you submit a request, carefully review your materials to make sure they are:

Legible;

Complete; and

Clearly identified by the title, date, edition, author, publisher, and identification number of the publication.

**Example 6.1: Incorporation by reference request.**

*AGENCY LETTERHEAD*

December 25, 2xxx

Raymond A. Mosley, Director  
Office of the Federal Register (NF)  
The National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

Dear Mr. Mosley:

In accordance with 1 CFR part 51, we request that you approve the incorporation by reference of the material listed below into Title(s) XX of the Code of Federal Regulations (CFR). An original copy of the material is enclosed. The following material will be referenced in [LIST EACH SECTION (including your centralized IBR section if you have one) WHERE THE MATERIAL WILL BE REFERENCED. THIS REFERENCE SHOULD INCLUDE DETAILS TO ANY SUBPARAGRAPH LEVELS, FOR EXAMPLE 63.1234(c)(1)(ii)(B)]:

[INSERT THE NAME OF EACH STANDARD TO BE INCORPORATED INCLUDING TITLE, DATE, AUTHOR, PUBLISHER, AND IDENTIFICATION NUMBER OF THE PUBLICATION.]

We have also enclosed a draft of the final rule that incorporates the material into the CFR.

Please contact [INSERT NAME] of my staff at [TELEPHONE NUMBER] or by email at [INSERT EMAIL ADDRESS] if you have any questions.

Sincerely,

[SIGN]

Type name,  
Title

---

## 6.4 Drafting requirements.

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The regulatory text in your rule must do all of the following:

Include the words “incorporation by reference.”

Identify the standard and/or material to be incorporated, by title, date, edition, author, publisher, and identification number of the publication. This must EXACTLY match the title page or cover sheet of your document.

Contain statements of availability stating where:

The document can be inspected at your agency AND

Where copies can be purchased from the publisher.

Include in the statements of availability:

Agency address where the public can view the material AND

Agency phone number for questions from the public regarding the material;

Publisher address, phone number, email, and internet address

Refer to 5 U.S.C. 552(a) and include a statement that the Director of the Federal Register approves the incorporation by reference. *See Example 6.2.*

### **Example 6.2: Incorporation by reference language.**

You must proceed in accordance with [INSERT THE NAME OF THE STANDARD AND/OR MATERIAL TO BE INCORPORATED INCLUDING TITLE, DATE, EDITION, AUTHOR, PUBLISHER, AND IDENTIFICATION NUMBER OF THE PUBLICATION]. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from [PUBLISHER CONTACT INFORMATION]. You may inspect a copy at [AGENCY CONTACT INFORMATION] or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to:  
[http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

The preamble of the rule document must refer to incorporation by reference in both the DATES section and in the List of Subjects.

The DATES section must include an approval statement that indicates the effective date of the IBR as approved by the Director of the Federal Register. It is not necessary to name each publication in the DATES section. *The effective date of the document and the effective date of the incorporation by reference are always the same date. See Example 6.3.*

<p><b>Example 6.3: Preamble DATES caption language.</b></p>
<p>DATES: This regulation is effective July 3, 200x. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of July 3, 200x.</p>

The List of Subjects at the end of the preamble (*see section 2.6*) must include the term “Incorporation by reference.”

If your agency needs to update material incorporated by reference, you must:

Publish an amendment to the CFR in the *Federal Register*;

Give the Office of the Federal Register a copy of the incorporated material, as amended or revised, for our files; and

Request an updated approval from the Director of the Federal Register in writing, in the format provided above.

If your agency removes the rule containing the IBR or the rule does not go into effect, you must notify the Director of the Federal Register in writing within 5 working days.

---

## 6.5 Formatting your incorporation by reference.

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### *One standard incorporated in one section.*

If you are incorporating a single document by reference, place the required IBR language immediately after the first reference that you make in the document. See *Example 6.4*.

**Example 6.4: One standard incorporated in one section.**

**Title 33: Navigation and Navigable Waters**

PART 1 01—MARITIME SECURITY: GENERAL

Subpart C—Communication (Port—Facility—Vessel)

**§ 101.310 Additional communication devices.**

(a) *Alert Systems*. Alert systems, such as the ship security alert system required in Safety of Life at Sea (“SOLAS”) Chapter XI-2, Regulation 6 may be used to augment communication and may be one of the communication methods listed in a vessel or facility security plan under part 104, 105, or 106 of this subchapter. SOLAS Chapter XI-2, Regulation 6 (2006) is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 5 1. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the *Federal Register* and the material must be available to the public. All approved material is available for inspection at [INSERT NAME, ADDRESS OF AGENCY, PROGRAM OFFICE OR DIVISION, AND PHONE NUMBER WHERE COPIES ARE ON FILE] and is available from the International Maritime Organization (IMO) Publications Section, 4 Albert Embankment, London SE 1 7SR, United Kingdom, ADD PHONE NUMBER AND WEBSITE IF AVAILABLE]. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741 -6030 or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(b) *Automated Identification Systems (AIS)*. AIS may be used to augment communication, and may be one of the communication methods listed in a vessel security plan under part 104 of this subchapter. \* \* \*

\* \* \* \* \*

### ***How to incorporate multiple standards.***

When you incorporate multiple standards into your document, you can include the IBR statements in any of the following ways:

By using the format above for each document;

By including the IBR statement for the documents in a separate paragraph or

By including the IBR statement for the documents in a separate section (what we call a “Centralized IBR section”).

### ***Using a separate paragraph.***

If you decide to include the IBR statement in a separate paragraph, the paragraph must be either the first or last paragraph within the section. *See example 6.5.*

#### **Example 6.5: Multiple standards incorporated by reference in one section.**

##### **Title 46: Shipping**

##### **PART 183—ELECTRICAL INSTALLATION**

##### **Subpart A—General Provisions**

##### **§ 183.130 Alternative standards.**

(a) A vessel, other than a high speed craft, of not more than 19.8 meters (65 feet) in length carrying not more than 12 passengers, may comply with the following requirements instead of complying with the requirements of this part in their entirety:

(1) Section 183.420; and

(2) The following American Boat and Yacht Council (ABYC) Projects where applicable:

(i) E-8, “Alternating Current (AC) Electrical Systems on Boats;”

(ii) E-9, “Direct Current (DC) Electrical Systems on Boats;” and

(iii) A-16, “Electrical Navigation Lights.”

(b) A vessel with an electrical installation operating at less than 50 volts may meet the requirements in 33 CFR 183.430 instead of those in §183.340 of this part.

(c) The standards required in this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of

change in the *Federal Register* and the material must be available to the public. All approved material is available for inspection at [INSERT NAME OF AGENCY, PROGRAM OFFICE OR DIVISION, AND PHONE NUMBER WHERE COPIES ARE ON FILE] and is available from the sources indicated below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(1) The following standards are available from the American Boat and Yacht Council (ABYC), 3069 Solomons Island Rd., Edgewater, MD 21037, [ADD PHONE NUMBER AND WEBSITE IF AVAILABLE].

(i) E-8, "Alternating Current (AC) Electrical Systems on Boats" (1994).

(ii) E-9, "Direct Current (DC) Electrical Systems on Boats" (2000).

(iii) A-1 6, "Electrical Navigation Lights" (2001).

(2) [Reserved]

### *Using a separate section.*

If you are incorporating multiple standards by reference in a part or subpart, you can create a separate incorporation by reference section. A centralized IBR section allows you to publish the standard approval language and list the publisher information only once for a group of sections. A centralized incorporation by reference section must:

Contain the required approval language in the first paragraph;

List each publisher along with its address information in "(a)" level paragraphs

List the publisher's incorporated standards separately in "(1)" level paragraphs under the publisher's information paragraph. *See example 6.6.*

Include all the required information about the standard; and

List all sections that require the use of the standard.

To help us process your request in a timely manner, your request letter should include cross references to the subparagraph level in the section that requires the use of the standard, 40 CFR 63.17(b)(1)(iii)(A). However, your centralized IBR section should cross reference to the paragraph level, 40 CFR 63.17(b).

In specific sections where you require the use of the standard, add the following phrase after the standard's title, "(incorporated by reference, see [INSERT THE CENTRALIZED IBR SECTION NUMBER])." The cross reference back to the centralized IBR section allows the

reader to quickly find the approval language and information regarding the standard's publisher.

A poorly drafted centralized IBR section may create problems for you. It can be difficult to amend, especially if the centralized incorporation by reference section and the section that requires the use of the standard do not cross-reference each other.

**Example 6.6: Multiple standards incorporated by reference in multiple sections.**

**Title 46: Shipping**

**PART 107—INSPECTION AND CERTIFICATION**

**Subpart B—Inspection and Certification**

**§ 107.1 15 Incorporation by reference.**

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the Federal Register and the material must be available to the public. All approved material is available for inspection at [INSERT NAME OF AGENCY, PROGRAM OFFICE OR DIVISION, AND PHONE NUMBER WHERE COPIES ARE ON FILE], and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(b) The American Bureau of Shipping, ABS Plaza, 16855 Northchase Drive, Houston, TX 77060, [ADD PHONE NUMBER AND WEBSITE IF AVAILABLE].

(1) Rules for Building and Classing Mobile Offshore Drilling Units, 1978, IBR approved for § 107.205(b).

(2) U.S. Supplement to ABS Rules for Mobile Offshore Drilling Units, November 1, 1998, IBR approved for § 107.205(b).

(c) The American Petroleum Institute, 1220 L Street NW., Washington, D.C. 20005-4070.

(1) API RP2D - Recommended Practice for Operation and Maintenance of Offshore Cranes, 1972 ("API RP2D"), IBR approved for § 107.259.

(2) API Spec 2C - Specification for Offshore Cranes, 1972 ("API Spec 2C"),

IBR approved for § 107.309.

\* \* \* \* \*

**Title 46: Shipping**  
PART 107—INSPECTION AND CERTIFICATION  
Subpart B—Inspection and Certification

**§ 107.259 Crane inspection and testing.**

(a) Each crane must be inspected and tested in accordance with Section 3 of the API RP 2D (incorporated by reference, see § 107.1 15), except that the rated load test must be performed in accordance with § 107.260.

(b) The tests are witnessed and the inspections are conducted by— \* \* \*

\* \* \*

---

## 6.6 Removing an incorporation by reference from the CFR.

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If your agency needs to remove material incorporated by reference, you must:

Notify the Director of the Federal Register in writing (*see example 6.7*); and

Provide a copy of the draft rule removing that material to the Office of the Federal Register *before* you submit the rule for publication. If you are removing material from a centralized IBR, make sure you remove the affected paragraphs from that centralized section using the correct amendatory instructions (*see example 6.8 and Chapter 2.13*).

**Example 6.7: Notification of removal of material incorporated by reference in the CFR.**

*AGENCY LETTERHEAD*

December 25, 2xxx

Raymond A. Mosley, Director  
Office of the Federal Register (NF)  
The National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

Dear Mr. Mosley:

In accordance with 1 CFR 51.11, we are removing the standards listed below from the following CFR sections [LIST EACH SECTION WHERE THE MATERIAL IS CURRENTLY REFERENCED. THIS REFERENCE SHOULD INCLUDE DETAILS TO ANY SUBPARAGRAPH LEVELS, FOR EXAMPLE 63.1234(c)(1)(ii)(B)]:

[INSERT THE NAME OF EACH STANDARD INCORPORATED INCLUDING TITLE, DATE, AUTHOR, PUBLISHER, AND IDENTIFICATION NUMBER OF THE PUBLICATION.]

We have also enclosed a draft of the final rule that removes this [these] material(s) from the CFR.

Please contact [INSERT NAME] of my staff at [TELEPHONE NUMBER] or by email at [INSERT EMAIL ADDRESS] if you have any questions.

Sincerely,

[SIGN]

Type name,  
Title

**Example 6.8: Amendatory instructions to remove standards from a centralized IBR section.**

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

2. Amend § 63.14 by removing paragraphs (a)(5) and (e)(27).

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## 6.7 Checklist.

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Assemble your IBR approval request package, including:

- ✓ One copy of your unsigned *DRAFT* final rule;
- ✓ A signed IBR approval request letter (including the CFR title and ALL affected CFR sections); and
- ✓ Complete copies of all standards—including title pages

Submit the package *at least 20* working days before you want to have the final rule published.

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# Federal Register Document Drafting Handbook

October 1998 Revision

## Chapter 7: Illustrations, Forms, Footnotes, Appendices, and Tables

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7.1 Format, placement, and quality	7-1
7.2 Illustrations	7-2
7.3 Forms	7-2
7.4 Redesignation tables	7-3
7.5 Distribution and derivation tables	7-3
7.6 If/Then tables	7-6
7.7 Footnotes	7-8
7.8 Appendices	7-9

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**Notes:** In this chapter, “we,” “our,” or “OFR” refer to the Office of the Federal Register, National Archives and Records Administration, and “you” or “your” refer to Federal agencies that prepare documents for publication in the *Federal Register*.

Use the examples in this chapter as models for style, not content. Although many of these are single-spaced for visual impact, you must double-space your document.

### 7.1 Format, placement, and quality.

If you submit tables, illustrations, or forms in your document you must:

- Submit legible material.
- Submit original artwork (camera copy) for photographing.
- Place the table, illustration, or form exactly where it is to appear in the printed document. Do not split sentences or paragraphs.
- Prepare tables and forms according to the "United States Government Printing Office Style Manual."

## 7.2 Illustrations.

Illustrations include maps, diagrams, graphs, or other pictorial material.

- All details of an illustration, such as captions, numbers, place names, and keys, must be completely legible.
- If you amend an illustration, submit a completely new illustration with the amendatory document.
- If you want the original artwork for a proposed rule or notice returned, attach a letter and a self-addressed envelope to the original document asking the OFR to return the artwork. We do not return original artwork for a rule; we use it in the CFR.
- If you have several illustrations in a CFR part, the OFR recommends placing them at the end of the part. Place a heading before the illustrations. (See example 1.) Label each illustration. (See example 2.)

Example 1.

Illustrations to Part 312

Example 2.

Figure 1 -- Ramp Specification for Wheelchairs

## 7.3 Forms.

Because forms are usually photographed for publication in the *Federal Register* and then reduced for inclusion in the CFR, in a rule document, the OFR accepts only forms that are completely legible and suitable for use as camera copy for publication. To ensure that forms are acceptable for publication, follow these steps:

- If the form is pre-printed, obtain an original form, not a photocopy.
- If you type the form yourself, use the original typed pages or a legible copy (first generation photocopy).
- If the form has printing on both sides of the page, prepare a collated, one-sided set of pages. Use an original form for each page. Lightly cross through the page not being printed with an editor's blue pencil. This pencil will not photocopy.
- If an overlay is used, attach one overlay to each page of the form.
- Place all original artwork in the copy of the document labeled "Printer's Copy." Using an editor's blue pencil, **on the "Printer's Copy" only**, number your pages in order on the back of each page to be photographed. Make clear and legible photocopies of the form as prepared for the "Printer's Copy" and insert them in the original document and in the second duplicate copy.

Remember, when your artwork is reduced for the *Federal Register* and, if a rule document, for the CFR, every word in the artwork must be legible.

## 7.4 Redesignation tables.

When you rearrange and renumber your agency's rules, you may use a redesignation table. A redesignation table is a listing of the old CFR unit numbers with the corresponding new CFR unit numbers.

You may use a redesignation table in the amendatory instruction of a rule or proposed rule document. (See example 3.)

When you publish the rule document, your agency may request that the table be placed in the finding aids section of the appropriate CFR volume by contacting the CFR staff of the Office of the Federal Register.

Example 3: Redesignation table

§§1475.12 through 1475.20 [Redesignated]

Redesignate §§1475.12 through 1475.20 as follows:

Old section	New section
1475.12	1475.13
1475.13	1475.14
1475.14	1475.15
1475.15	1475.17
1475.16	1475.18
1475.17	1475.19
1475.18	1475.20
1475.19	1475.21
1475.20	1475.22

## 7.5 Distribution and derivation tables.

When you reorganize, rewrite, and set out rules on a large scale, you may want to use distribution and derivation tables in your preamble. (See examples 4 and 5.)

Distribution and derivation tables are complementary. A distribution table shows where each piece of the original material went and/or indicates why it is no longer needed. A derivation table shows where each piece of the revised material comes from. You may decide to use either or both.

Place distribution and derivation tables in the preamble under the SUPPLEMENTARY INFORMATION caption. Do not include them in the regulatory text as part of an amendatory instruction. Instead, use specific amendatory terms to state which CFR units are being removed, revised, or added. (See example 6.) For a complete discussion of amendatory terms, see sections 1.13 and 2.13.

Your Liaison Officer may request that derivation or distribution tables be placed in the Finding Aids section at the back of the appropriate CFR volume by contacting our CFR staff.

Example 4: Distribution table.

Old section	New section
-- -- --	Parts 11 and 12 (subchapter D)
3.4(a)	11.1
3.4(b) introductory text	Removed
3.4(b)(1)	Removed
3.4(b)(2)	Removed
3.4(b)(3)	11.2
3.4(b)(4) through (b)(8)	11.3 through 11.7
7.1	12.1(a)
7.4	12.1(b)
7.5	12.1(c)
7.6	12.1(d)
8.8	12.2
9.3(a)	12.3(a)
9.3(b)	12.3 (b) and (c)
9.3(c)	Removed

Example 5: Derivation table

New section	Old section
250.1	250.210(a).
250.3	250.210(b) (1st sentence).
250.5	250.210(b) (1st para.)(2d sentence preceding the words "...or the reasonable...").
	250.210(c)(except last sentence).
250.7	250.210(c) last sentence.
250.9	250.210(b)(2d para.)(1st sentence).
250.11	250.210(b)(2d para.)(except 1st sentence).
250.13	250.210(b)(1st para.)(2d sentence after "...such capital expenditures..." and next to last sentence).
250.15	250.210(b)(1st para.)(last sentence).
250.17	250.210(d).

Example 6: Amendatory instructions for changes described in example 4.

PART 3--SERVICES TO THE PUBLIC

1. The authority citation for part 3 continues to read as follows:

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709, 3 CFR, 1954-1958 Comp., p. 189.

§3.4 [Removed]

2. Remove §3.4.

PART 7--[REMOVED]

3. Remove part 7.

PART 8--CODE OF FEDERAL REGULATIONS

4. The authority citation for part 8 continues to read as follows:

Authority: 44 U.S.C. 1506, 1510; sec. 6, E.O. 10530, 19 FR 2709, 3 CFR, 1954-1958 Comp., p. 189.

§8.8 [Removed]

5. Remove §8.8.

PART 9--THE UNITED STATES GOVERNMENT MANUAL

6. The authority citation for part 9 continues to read as follows:

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709, 3 CFR, 1954-1958 Comp., p. 189.

7. Revise the part heading to read as shown above.

§9.3 [Removed]

8. Remove §9.3.

9. Add new subchapter D, consisting of parts 11 and 12, to read as follows:

SUBCHAPTER D--AVAILABILITY OF OFFICE OF THE FEDERAL REGISTER  
PUBLICATIONS

PART 11--SUBSCRIPTIONS

Sec.

- 11.1 Subscription by the public.
- 11.2 Federal Register.
- 11.3 Code of Federal Regulations.
- 11.4 The United States Government Manual.
- 11.5 Public Papers of the Presidents of the United States.
- 11.6 Weekly Compilation of Presidential Documents.
- 11.7 Federal Register Index.
- 11.8 LSA (List of CFR Sections Affected).

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709, 3 CFR, 1954-1958 Comp., p. 189.

\* \* \* \* \*

[Asterisks Indicate text not included in this example.]

## 7.6 If / Then tables.

If/Then tables present regulatory text in a columnar format. Each column must have a heading. The column heading may:

- Identify the type of information presented in each column (See example 7 ); or
- When read with the entry in the column present a complete sentence (See example 8).

Designate each entry in the If/Then table for ease of amendment (change).

If you do not designate each entry in the If/Then table, you can change the table **only by revising it** (reprinting the table in its entirety with the changes integrated). This is costly if your table is large.

Whichever type of If/Then table you use, be sure that each entry presents a complete and logical thought.

Example 7: Column headings that identify the information in the entries.

§114.103 Who may file a claim?

(a) If a claim is based on factors listed in the first column, then it may be presented by persons listed in the second column.

Claim factors	Claim presenters
(1) Injury to or loss of property.....	The owner of the property, his or her duly authorized agent, or legal representative.
(2) Personal injury.....	The injured person, his or her duly authorized agent, or legal representative.
(3) Death.....	The executor, administrator, or legal representative of the decedent's estate, or any other person entitled to assert the claim under applicable state law.
(4) Loss wholly compensated by an insurer with rights as a subrogee.	The parties individually, as their interests appear, or jointly.

\* \* \* \* \*

Example 8: Column headings that form a complete sentence when read with the entry.

§107.1150 Maximum amount of Leverage for a Section 301(c) Licensee.

(a) Maximum amount of Leverage. If you are a Section 301(c) Licensee, use the following table to determine the maximum amount of Leverage you may have outstanding at any time:

If your Leverageable Capital is:	Then your maximum Leverage is:
(1) Not over \$15,000,000.....	300% of Leverageable Capital.
(2) Over \$15,000,000 but not over \$30,000,000.....	\$45,000,000 + [200% of (Leverageable Capital - \$15,000,000)].
(3) Over \$30,000,000 but not over \$45,000,000.....	\$75,000,000 + [100% of (Leverageable Capital - \$30,000,000)].
(4) Over \$45,000,000.....	\$90,000,000.

\* \* \* \* \*

## 7.7 Footnotes.

Number footnotes separately for each unit listed below:

- Preamble
- Each CFR part
- Table
- Illustration
- Form
- Appendix

The first footnote in a CFR part starts with "1." The first footnote in each appendix starts with "1."

Number the footnotes in the preamble to a rule or proposed rule document independently from the footnotes in the regulatory text. Type footnotes to tables, illustrations, and forms at the end of the table, illustration, or form and not at the bottom of the page on which they appear.

Whenever a footnote number appears in regulatory text or tables, print the text of the footnote **even if there is no change to the footnote.**

**Do not include formulas or tables in footnotes.**

Make footnotes in a rule explanatory, not regulatory.

If you remove a footnote in the regulatory text, you must redesignate the remaining footnotes to close the gap. You cannot remove and reserve a footnote, nor can you add a footnote with an alpha character, for example, "9c."

Remember to separately number the footnotes for illustrations, forms, tables, and appendices. If you remove an illustration, form, table, or appendix, it will not disrupt the footnote numbering of the regulatory text.

## 7.8 Appendices.

**Rules and proposed rules.** Use an appendix to improve the quality or use of a rule but not to impose requirements or restrictions.

Use an appendix to present:

- Supplemental, background, or explanatory information which illustrates or amplifies a rule that is complete in itself.
- Forms or charts which illustrate the regulatory text.

You may not use the appendix as a substitute for regulatory text. Present regulatory material as an amendment to the CFR, not disguised as an appendix. Material in an appendix may not:

- Amend or affect existing portions of CFR text; or
- Introduce new requirements or restrictions into your regulations.

An appendix may appear at the part, subpart, or section level. Designate each appendix, identify whether it belongs to a part, subpart, or section, and give it a descriptive heading. (See example 9.) If you have an appendix to a part or subpart, list the appendix heading in the table of contents. Do not carry the heading for an appendix to a section in the table of contents. A complete appendix heading should:

- Conform to a uniform system of designation for appendixes throughout your agency's rules;
- Indicate the CFR unit to which the appendix is attached; and
- Provide a brief, descriptive subject heading.

Example 9.

Appendix A to Part 430 -- Insulation Adequacy Evaluation Criteria

Appendix B to Subpart C of Part 430 -- Test Procedures for Tire Traction

Appendix C to §430.4 -- Tire Tread Chart

Designate each paragraph in the text of an appendix. You may use the CFR numbering system or develop an alternate **logical** numbering system.

Place the appendix immediately following the CFR unit to which it is appended.

You may include an appendix at the end of a rule document and direct that the appendix not be reprinted in the CFR. However, do not reference in the regulatory text an appendix which will not appear in the CFR. If you do not want the appendix to appear in the CFR, place a note before the appendix heading stating you are not printing it in the CFR. (See example 10.)

Example 10.

Note: The following appendix will not appear in the Code of Federal Regulations.

APPENDIX HEADING

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# Federal Register Document Drafting Handbook

October 1998 Revision

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## Chapter 8: Frequently Asked Questions

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### *Federal Register Contacts*

- 8.1 Who is my agency's contact with the Federal Register Office? . . . . . 8-2
- 8.2 Who is my agency's contact with the Government Printing Office? . . . . . 8-2

### *Receipt, Filing, and Publication Schedules*

- 8.3 How many copies of my document must I submit? . . . . . 8-2
- 8.4 Where do I deliver my document? . . . . . 8-3
- 8.5 How can I get proof of receipt of my document? . . . . . 8-4
- 8.6 When is my document filed for public inspection? . . . . . 8-4
- 8.7 How can I get emergency filing? . . . . . 8-4
- 8.8 How can I delay filing? . . . . . 8-4
- 8.9 How do I know if my document is on file for public inspection? . . . . . 8-4
- 8.10 How do I correct or withdraw a document before publication? . . . . . 8-5
- 8.11 When will my document be published? . . . . . 8-5
- 8.12 Can I get emergency publication? . . . . . 8-6

### *Drafting Options*

- 8.13 Can a rule, proposed rule, or notice be combined in the same document? . . . . . 8-6
- 8.14 How can my agency issue a document jointly with one or more other agencies? . . . . . 8-6
- 8.15 How do I write a definitions section? . . . . . 8-7
- 8.16 How do I refer to a publication that is not incorporated by reference in my document? . . . . . 8-7
- 8.17 May I quote other material? . . . . . 8-7
- 8.18 What is an OMB control number and where do I put it? . . . . . 8-8
- 8.19 How can I get extra copies of a document that appeared in the *Federal Register* ? . . . . . 8-9

## Chapter 8: Frequently Asked Questions

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**Notes:** In this chapter, “we,” “our,” or “OFR” refer to the Office of the Federal Register, National Archives and Records Administration, and “you” or “your” refer to Federal agencies that prepare documents for publication in the *Federal Register*.

Use the examples in this chapter as models for style, not content. Although many of these are single-spaced for visual impact, you must double-space your document.

### *Federal Register Contacts*

#### **8.1 Who is my agency's contact with the Federal Register Office?**

Your agency must designate a Federal Register Liaison Officer and a Certifying Officer (1 CFR 16.1). Each Officer must have an Alternate.

Your agency must notify the Director of the Federal Register, in writing, of the name, title, address, telephone, and fax numbers of each person designated. You must also notify the Director of the Federal Register of any changes. (See Appendix A for a model letter.)

The Liaison Officer is the main contact between the agency and the OFR. Therefore, your agency should choose a person who is directly involved in the regulatory program. The Liaison Officer and the Alternate resolve any problems concerning documents that you submit for publication in the *Federal Register* or other problems concerning your agency's rules in the CFR.

The Certifying Officer ensures that copies of original documents and any disks submitted for publication are true and accurate copies. The Certifying Officer signs a statements at the bottom of the signature page on each copy: "Certified to be a true copy of the original." (See example 1.) The Certifying Officer also signs the certification letter that accompanies a disk. (See Appendix A for a model letter.)

#### **8.2 Who is my agency's contact with the Government Printing Office?**

The GPO requires that your agency designate a Printing Officer who is the liaison between your agency and GPO in all billing matters.

### *Receipt, Filing, and Publication Schedules*

#### **8.3 How many copies of my document must I submit?**

You must send one original and two certified copies **or** three originals of each document for filing and publication in the *Federal Register*. An official authorized to sign documents for publication in the *Federal Register* must sign the original document in ink. The OFR suggests using blue ink since a black ink signature may look like a photocopy.

**One Original and two certified copies.** If you send one original document, you must also submit two certified copies. Submit legible, complete, and single-sided copies that are identical to the original.

Certified copies are not signed by the issuing official. The name and title of the issuing official are typed or stamped on the signature page. The agency also places a signed certification statement on the signature page. (See example 1.) The agency's Certifying Officer signs the certification statement. The Certifying Officer attests that the copies are identical to the original document. Certification means that the copies match the original document ensuring that they are identical and complete.

Example 1: Certification statement.

Certified to be a true copy of the original document.

(Signature of Certifying Officer)

**Three originals.** You may choose to provide three identical original documents that the issuing official has signed in ink, with name and title typed below. In this case, you need no certification statement because all documents are originals.

#### **8.4 Where do I deliver my document?**

**U.S. Mail.** Address U.S. mail to:

FEDERAL REGISTER (NF)  
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
700 PENNSYLVANIA AVE NW  
WASHINGTON DC 20408-0001

Do not address U.S. mail to 800 N. Capitol St.

**Hand delivery.** Deliver letters or documents in person or by messenger to:

Office of the Federal Register  
800 North Capitol Street, NW., Suite 700  
Washington, DC 20001.  
(Three blocks north of Union Station Metro)

We are open to accept deliveries **only** between 8:45 a.m. and 5:15 p.m. ET, Monday through Friday, except Federal holidays.

## **8.5 How can I get proof of receipt of my document?**

Normally, you submit an original and two certified copies or three originals; if you want proof of receipt of your document, you must submit an additional copy of the document. An OFR staff person will place a stamp indicating receipt on this extra copy. Your messenger may wait for the stamped copy or you may submit a stamped or franked, self-addressed envelope so that the OFR may mail it to you.

## **8.6 When is my document filed for public inspection?**

The OFR files each document for public inspection at 8:45 a.m. on the workday before the date of publication (44 U.S.C. 1503 and 1504, see Appendix C). Our public inspection docket is located at:

Office of the Federal Register  
800 North Capitol Street, NW., Suite 700  
Washington, DC.

Anyone may inspect or copy filed documents during our business hours, 8:45 a.m. to 5:15 p.m. ET, Monday through Friday, except for Federal holidays.

We recommend that you notify your public affairs office that we do not release information concerning a document to the public until the document is on file for public inspection.

## **8.7 How can I get emergency filing?**

You may request earlier filing in writing. (See Appendix A for a model request.) We are able to file documents for public inspection **only** during official business hours, 8:45 a.m. to 5:15 p.m. ET, Monday through Friday, except for Federal holidays.

We place a document on file for public inspection only after we have reviewed it, resolved any problems, and assigned it a publication date.

## **8.8 How can I delay filing?**

You can only delay the filing of your document if you also delay the publication date. You may request a filing time later than 8:45 am, but the document cannot be published on the next working day. Each document must be on public inspection by 8:45 a.m. on the working day before the date of publication.

## **8.9 How do I know if my document is on file for public inspection?**

You can see a list of documents currently on file for public inspection at <http://www.nara.gov/fedreg>. Select the link for “Public Inspection List.” **You will only get a list of documents, not the text of those documents.** We update this list on a regular basis.

## 8.10 How do I correct or withdraw a document before publication?

If it is necessary for you to correct or withdraw a document that you have submitted to us for publication, immediately contact your agency's Liaison Officer. See Chapter 4 for detailed requirements and procedures.

## 8.11 When will my document be published?

The OFR assigns a publication date once a document meets our publication requirements.

**Regular schedule.** The OFR normally assigns each document to the regular publication schedule. Documents received before 2 p.m. are on a 3-day schedule, and those received after 2 p.m. are on a 4-day schedule.

Example 2: Regular publication schedule.

If we receive a document before 2 p.m. on:	We file it for public inspection at 8:45 a.m. on:	And publish it in the <i>Federal Register</i> on:
Monday	Wednesday	Thursday
Tuesday	Thursday	Friday
Wednesday	Friday	Monday
Thursday	Monday	Tuesday
Friday	Tuesday	Wednesday

This table does not reflect the changes caused by Federal holidays.

**Sunshine Act meeting notices.** (See section 3.11.) Sunshine Act meeting notices received before 4 p.m. are published on a 2-day publication schedule and Sunshine Act meeting notices received after 4 p.m. are placed on a 3-day publication schedule.

**Deferred schedule.** The OFR assigns your document to the deferred schedule if:

- You request delayed publication;
- The length of the document requires additional review and processing time. (A document of 100 double-spaced pages or more requires additional time.);
- The complexity of the document requires additional review and processing time; or
- Technical printing considerations require additional time for publication.

## 8.12 Can I get emergency publication?

If you need emergency publication, make your request by letter explaining the need for emergency handling. The letter must accompany the document. We do not approve all emergency requests. (See Appendix A for a model letter.)

### *Drafting Options*

## 8.13 Can I combine a rule, proposed rule, or notice in the same document?

No, the OFR does not accept any document for publication that combines material that would appear in different categories of the *Federal Register*. In cases where two categories are involved, submit two separate documents that cross-reference each other. (See example 3 for a model cross reference statement.)

You may request that the two documents be published in the same separate part of a *Federal Register* issue. (See Appendix A, Request for Special Handling Form.)

Example 3. Cross reference statement.

A [RULE, PROPOSED RULE, NOTICE] relating to [SUBJECT MATTER] is published elsewhere in this issue of the Federal Register.

## 8.14 How can my agency issue a document jointly with one or more other agencies?

**Your Liaison Officer must consult with us in advance for assistance when preparing common or jointly issued documents.** An authorized official from each agency must sign a jointly issued or common rule document. Identify each agency in the heading and preamble of the document. Carry the agencies in numerical order by CFR title number in both the heading and regulatory text.

#### Example 4: Adoption of identical regulations

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1312

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 296

Archaeological Resources Protection Act of 1979; Final Uniform Regulations

AGENCIES: Tennessee Valley Authority, and Forest Service, USDA.

ACTION: Final rule.

SUMMARY: These final regulations establish uniform procedures for implementing provisions of the Archaeological Resources Protection Act. \* \* \*

### 8.15 How do I write a definitions section?

In sections or paragraphs containing only definitions, we recommend that you do not use paragraph designations if you list the terms in alphabetical order. Begin the definition paragraph with the term that you are defining. If a definition contains subordinate paragraphs, number these paragraphs (1), (2), (3), etc. Underline the term to indicate italics. **Do not include substantive regulatory provisions in a definition.**

### 8.16 How do I refer to a publication that is not incorporated by reference in my document?

If you provide an informational reference to a publication in your document that is not incorporated by reference, include a statement of availability which:

- Identifies the title, edition, author, and publisher; and
- Contains the address where a copy may be obtained.

### 8.17 May I quote other material?

It is not appropriate to quote laws and rules in the text of *Federal Register* documents. Laws may be paraphrased and rules may be cross-referenced if they meet the requirements in section 1.15 or 2.15.)

## 8.18 What is an OMB control number and where do I put it?

The Paperwork Reduction Act (see Appendix C) requires that all agencies submit their information collection requirements and related forms to the Office of Management and Budget (OMB) for review. If OMB approves the information collection requirements, it assigns them a control number. You may either codify this OMB control number in the CFR or you may include it in the SUPPLEMENTARY INFORMATION section of the preamble.

To codify an OMB control number in the CFR:

- Place the approval statement and number parenthetically at the end of the appropriate section. (See example 5.);
- Display the number in a section devoted to OMB control numbers. (See example 6.); or
- Display the number in a CFR part devoted to OMB control numbers. (See example 7.)

Example 5: OMB number at the end of the appropriate section.

§264.51 Purpose and implementation of contingency plan.

(a) You as the owner or operator must have a contingency plan for your facility. You must design your contingency plan to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

(b) You must execute the provisions of the plan immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment. You must send XXX an annual report of the number of occurrences of hazards to human health or to the environment in your facility.

(Approved by the Office of Management and Budget under control number 2050-0011)

Example 6: Section devoted to OMB numbers.

§ 1942.500 OMB control number.

The information collection requirements in this part are approved by the Office of Management and Budget and assigned OMB control number 0575-0123.

Example 7: Part devoted to OMB numbers.

PART XX-OMB CONTROL NUMBERS

Sec.

§ XX.1 What is an OMB control number?

§ XX.2 Table of approved OMB control numbers in this chapter.

Authority: 44 U.S.C. 3501 et seq.

§ XX.1 What is an OMB Control Number?

[EXPLANATION OF OMB CONTROL NUMBERS]

§ XX.2 Table of approved OMB control numbers in this chapter.

This table lists the OMB Control Numbers assigned to the rules in this chapter.

CFR cite	OMB control no.
§3541.5	2050-11

**8.19 How can I get extra copies of a document that appeared in the *Federal Register* ?**

Your agency can purchase extra copies of a separate part of a *Federal Register*, or of an entire issue, by requesting a press overrun from GPO. These copies are available shortly after the issue is printed.

To arrange for an overrun of a separate part of a *Federal Register*, your Federal Register Liaison Officer must, when submitting a document to OFR:

- Request its publication as a separate part. (See Appendix A, Request for Special Handling.)
- Request from us its publication date and separate part number. (See Appendix A, Request for Special Handling.)
- Provide the publication date and separate part number to your agency's GPO Printing Officer.

Your Printing Officer orders the overrun by submitting a Standard Form 1 (SF-1) to GPO before noon on the workday before the publication date.

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# Federal Register Document Drafting Handbook

July 2012 Revision

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## Appendix A: Model Letters

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Emergency publication request.....	A-2
Emergency filing request. ....	A-3
Special Handling Request. ....	A-4
Disk Verification / Certification. ....	A-5
Correcting a Document After Filing.....	A-6
Withdrawing a Document From Publication	
Before filing:.....	A-7
After filing:.....	A-8
Federal Register Liaison Officer / Certifying Officer Designation.....	A-9
For incorporation by reference, see Chapter 6	

---

*Notes:* In this appendix, “we,” “our,” or “OFR” refer to the Office of the Federal Register, National Archives and Records Administration (NARA), and “you” or “your” refer to federal agencies that prepare documents for publication in the *Federal Register*.

Use the examples in this appendix as models for style, not content.

We offer these model letters to help you prepare written requests regarding Federal Register documents and other matters.

U.S. Mail. Address U.S. mail to:

FEDERAL REGISTER (F)  
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
8601 ADELPHI ROAD  
COLLEGE PARK, MD 20740-6001

Hand delivery. Deliver letters in person or via messenger service to:

Office of the Federal Register  
800 North Capitol Street, NW., Suite 700  
Washington, DC 20001.  
(Three blocks north of Union Station Metro)

We accept hand deliveries only between 8:45 a.m. and 5:15 p.m. ET,  
Monday through Friday, except Federal holidays.

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**EMERGENCY PUBLICATION REQUEST.**

---

*AGENCY LETTERHEAD*

December 25, 2xxx

Charley Barth, Director  
Office of the Federal Register (F)  
The National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

Dear Mr. Barth:

Please publish this [RULE, PROPOSED RULE, OR NOTICE] concerning  
[INSERT SUBJECT (including agency docket number, and, for rules and  
proposed rules, RIN number)] on the emergency publication schedule.

[EXPLAIN WHY YOU NEED EMERGENCY PUBLICATION.]

[GIVE ANY SPECIAL PRINTING AND/OR PROCESSING  
INSTRUCTIONS.]

Call [INSERT YOUR NAME] at [TELEPHONE NUMBER] to confirm  
the publication date and for answers to any questions.

Sincerely,

[SIGN]

Type name,  
Title

---

**EMERGENCY FILING REQUEST.**

---

*AGENCY LETTERHEAD*

December 25, 2xxx

Charley Barth, Director  
Office of the Federal Register (F)  
The National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

Dear Mr. Barth:

Please immediately file for public inspection this [RULE, PROPOSED  
RULE, OR NOTICE] concerning [INSERT SUBJECT (including agency  
docket number, and, for rules and proposed rules, RIN number)].

[EXPLAIN WHY YOU NEED IMMEDIATE FILING.]

[GIVE ANY SPECIAL PRINTING AND/OR PROCESSING  
INSTRUCTIONS.]

Call [INSERT YOUR NAME] at [TELEPHONE NUMBER] to confirm  
the publication date and file time and for answers to any questions.

Sincerely,

[SIGN]

Type name,  
Title

---

## SPECIAL HANDLING REQUEST.

---

I request the following special handling for this document:

- Deferred publication date:** Please publish this document on \_\_\_\_\_.
- Emergency publication:** Attached is a letter requesting and explaining why we need emergency publication.
- Immediate Filing:** Attached is a letter requesting and explaining why we need immediate filing.
- Separate part:** Please publish this document in a separate part of the Federal Register and call to tell me the separate part number.

Signed \_\_\_\_\_

Telephone number \_\_\_\_\_

---

## **DISK VERIFICATION / CERTIFICATION.**

---

One of the following agency officials may sign your letter:

- Federal Register Liaison Officer or Alternate;
- Federal Register Certifying Officer or Alternate; or
- Signer of the document. (See chapter 5.)

*AGENCY LETTERHEAD*

December 25, 2xxx

Charley Barth, Director  
Office of the Federal Register (F)  
The National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

Dear Mr. Barth:

This is to certify that the file furnished with the [RULE, PROPOSED RULE, NOTICE] concerning [INSERT SUBJECT (including agency docket number, and, for rules and proposed rules, RIN number)] is a true copy of the original signed document.

[GIVE ANY SPECIAL PRINTING AND/OR PROCESSING INSTRUCTIONS.]

Sincerely,

[SIGN]

Type name,  
Title

---

## CORRECTING A DOCUMENT AFTER FILING.

---

### *AGENCY LETTERHEAD*

December 25, 2xxx

Charley Barth, Director  
Office of the Federal Register (F)  
The National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

Dear Mr. Barth:

Please make the following corrections to the [RULE, PROPOSED RULE, OR NOTICE] concerning [INSERT SUBJECT (including agency docket number, and, for rules and proposed rules, RIN number)] that is currently on public inspection and scheduled to publish in the Federal Register on [INSERT DATE]:

1. On page 6, second paragraph, line 7, remove the phrase "outgoing mail".
2. On page 15, after the heading "Introduction" add the sentence:

"Indicated in the report is the percentage of correctly manually processed boxes versus correctly electronically processed boxes."

If you have any questions, please contact [INSERT NAME] at [TELEPHONE NUMBER].

Sincerely,

[SIGN]

Type name,  
Title

---

## WITHDRAWING A DOCUMENT FROM PUBLICATION.

---

*Before filing:*

*AGENCY LETTERHEAD*

December 25, 2xxx

Charley Barth, Director  
Office of the Federal Register (F)  
The National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

Dear Mr. Barth:

Please withdraw from publication the [RULE, PROPOSED RULE, NOTICE] concerning INSERT SUBJECT (including agency docket number, and, for rules and proposed rules, RIN umber)] which we submitted on [INSERT DATE].

A messenger will pick up this document. Print the following return information on the envelope:

[INSERT RETURN INFORMATION]

Sincerely,

[SIGN]

Type name,  
Title

*After filing:*

***AGENCY LETTERHEAD***

December 25, 2xxx

Charley Barth, Director  
Office of the Federal Register (F)  
The National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

Dear Mr. Barth:

Please withdraw from publication the [RULE, PROPOSED RULE, OR NOTICE] concerning INSERT SUBJECT (including agency docket number, and, for rules and proposed rules, RIN umber)] which is currently on public inspection and scheduled to publish in the Federal Register on [INSERT DATE].

[GIVE LEGAL JUSTIFICATION FOR REMOVING DOCUMENT FROM PUBLIC INSPECTION.]

Sincerely,

[SIGN]

Type name,  
Title

---

**FEDERAL REGISTER LIAISON OFFICER / CERTIFYING OFFICER DESIGNATION.**

---

*AGENCY LETTERHEAD*

December 25, 2xxx

Charley Barth, Director  
Office of the Federal Register (F)  
The National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

Dear Mr. Barth:

The [NAME OF AGENCY] designates the following individuals to work with the Office of the Federal Register:

Liaison Officer: [NAME, TITLE, ADDRESS, TELEPHONE NUMBER]

Alternate Liaison Officer: [NAME, TITLE, ADDRESS, TELEPHONE NUMBER]

Certifying Officer: [NAME, TITLE, ADDRESS, TELEPHONE NUMBER]

Alternate Certifying Officer: [NAME, TITLE, ADDRESS, TELEPHONE NUMBER]

The agency fax number is [FAX NUMBER] .

Sincerely,

[SIGN]

Type name,  
Title

---

# **Federal Register Document Drafting Handbook**

October 1998 Revision

## **Appendix B: What Services Does the Office of the Federal Register Provide?**

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### **Liaison Officer training.**

If you are a Federal Register Liaison Officer, contact us for more information.

### **Other services for agency regulations staff.**

Contact your agency's Federal Register Liaison Officer to arrange:

- Preliminary consultation on large projects, such as reorganizations or major revisions or additions.
- Technical assistance in drafting complex documents,
- Requests for special formatting.

### **Online publications.**

Our publications are available online via the GPO Access system, at <http://www.gpo.gov/nara>.

### **Online information.**

Visit our page on the National Archives and Records Administration (NARA) site, <http://www.nara.gov/fedreg>, for:

- Links to our publications on GPO Access.
- A description of our publications system, including prices and ordering information.
- A list of documents currently on file for public inspection.
- Federal Register indexes and tables of contents.
- Research information about public laws and presidential documents.
- A schedule of our public workshops.
- Our role in the electoral college and constitutional amendment processes.

## **Document drafting resources.**

Persons who use this handbook may find this area of our WWW site of special interest. From <http://www.nara.gov/fedreg>, select “Document Drafting Resources,” for:

- This Federal Register Document Drafting Handbook.
- “Drafting Legal Documents,” our guide to legal writing.
- The Federal Register Thesaurus of Indexing Terms.
- A link to our regulations in Title 1 of the CFR, online via GPO Access.

Select “Plain Language Tools” for information on compliance with the President’s Memorandum on Plain Language in Government Writing.

## **Public workshops.**

Our three-hour workshop, "The Federal Register: What It Is and How To Use It," open to the general public, covers:

- The regulatory process.
- The relationship between the daily *Federal Register* and the Code of Federal Regulations (CFR).
- A “tour” of a typical *Federal Register* issue, and CFR volume.
- An introduction to Federal Register finding aids.
- An introduction to online Federal Register publications and research tools.

Although these workshops are free, you must have a reservation to attend. For schedules and reservation information, see the inside front cover of the *Federal Register*, or from <http://www.nara.gov/fedreg>, select “Public Workshops.”

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# Federal Register Document Drafting Handbook

October 1998 Revision

## Appendix C: Laws That Affect Federal Register Publication

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This Appendix lists laws that you will use to determine what documents your agency may need to publish in the *Federal Register*, or the procedures you will use to publish in the *Federal Register*, or the procedures you will use to conduct a rulemaking. These laws are:

- Federal Register Act (44 U.S.C. chapter 15)
- Administrative Procedure Act (5 U.S.C. subchapter II)
- Federal Advisory Committee Act (5 U.S.C. appendix)
- Freedom of Information Act (5 U.S.C. 552)
- Privacy Act (5 U.S.C. 552a)
- Government in the Sunshine Act (5 U.S.C. 552b(e)(3))
- Negotiated Rulemaking Act (5 U.S.C. 561 *et seq.*)
- Small Business Regulatory Fairness Enforcement Act (5 U.S.C. 801 *et seq.*)
- Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)
- Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

The Federal Register Act and the Freedom of Information Act require that documents published in the *Federal Register* be official agency actions.

The Federal Register Act (44 U.S.C. chapter 15) requires publication of the following documents in the *Federal Register*:

- Presidential proclamations and Executive orders, except those not having general applicability and legal effect or effective only against Federal agencies or persons in their capacity as officers, agents, or employees of a Federal agency. For purposes of the act, every document that prescribes a penalty has general applicability and legal effect.
- Documents or classes of documents that the President may determine from time to time to have general applicability and legal effect.
- Documents or classes of documents that may be required to be published by Act of Congress.
- Documents authorized to be published by regulations except for comments and news items.

The Freedom of Information Act (5 U.S.C. 552) requires publication of the following documents in the *Federal Register*:

- Descriptions of central and field organizations of each Federal agency;
- Descriptions of the course and method by which each Federal agency's functions are channeled and determined;
- Rules of procedure and a description of forms available;
- Substantive rules of general applicability;
- Statements of general policy or interpretations of general applicability; and
- Each amendment, revision, or repeal of the above materials.

The Freedom of Information Act also authorizes the Director of the Federal Register to approve the incorporation by reference of eligible material in the *Federal Register*.

The regulations of the Administrative Committee of the Federal Register provide that whenever the Director of the Federal Register finds that publication of a document would be in the public interest, the document may be published in the *Federal Register*.

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# Federal Register Document Drafting Handbook

October 1998 Revision

## Appendix D: What's New in This October 1998 Revision?

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This revision of the Document Drafting Handbook is the result of feedback from Liaison Officers and other agency employees, as well as our own experience using the April 1997 revision. We expanded and clarified many sections, added new examples, and added some entirely new topics. This revision does not announce major new procedures or impose new requirements.

The most significant changes include:

- A detailed discussion of effective and compliance dates, as well as Stays and Delays, in the DATES caption in section 2.5.
- New sections 2.20, Interim rule, and 2.21, Direct final rule.
- An expanded and rearranged Chapter 4, corrections, including, in new section 4.6, Corrections to a rule, a discussion, with examples, of Technical CFR Amendment versus Federal Register correction, according to the CFR revision date.
- Revised Chapter 5, Disk submissions.

We have edited many sections to employ plain language techniques, such as using personal pronouns and active voice, and phrasing headings as questions. For example, many former references to “The OFR” now read “we” or “our.” We have codified undesignated material in shorter chapters as numbered sections, and divided long sections into shorter ones.

In the chapter-by-chapter list of changes that follows, section numbers are **old numbers from the April 1997 revision**, unless we use “new section.”

### Chapter 1 : How do I write a document for the proposed rules category?

**1.4 Headings.** We rewrote this section to clarify different requirements for cabinet departments and non-cabinet agencies, and added an example to illustrate follow-up headings.

**1.5 Preamble requirements.** We now include the E-mail address for electronic filing under the ADDRESSES caption, and continue to suggest that you keep detailed information under SUPPLEMENTARY INFORMATION.

**1.6 List of subjects.** We deleted reference to the FRENED Bulletin board.

**1.8 Regulatory text.** We divided former section 1.8 into new sections 1.8 through 1.15.

**Authority citation.** In new section 1.11, we rewrote the section on “statutory authority,” and added new headings and titles.

**Numbering of rules.** We added a new item about “Notes” at the end of new section 1.12.

**Amendatory language.** In new section 1.13, we now treat the term “Amend” separately from the list of specific amendatory terms. We deleted “correct,” “nomenclature change,” “stay,” and “suspend” from chapter 1, because these terms do not appear in proposed rules.

**Asterisks.** In new section 1.14, we expanded and reorganized our explanations of how asterisks represent unchanged regulatory text.

**Cross references.** In new section 1.15 we rewrote much of our explanation of how and when to use cross-references.

**1.13 Checklist for proposed rule documents.** To this checklist, redesignated as new section 1.20, we added new items for “words of issuance” and “asterisks,” and revised the item for “disks.”

## **Chapter 2 : How do I write a document for the rules category.**

**2.1 What types of documents go in the rules category?** We amended this section to include references to direct final rules.

**2.4 Headings.** We rewrote this section to clarify different requirements for cabinet departments and non-cabinet agencies, and added an example to illustrate follow-up headings.

**2.5 Preamble requirements.** We amended the ACTION caption to include direct final rules.

We now include the E-mail address for electronic filing under the ADDRESSES caption, and continue to suggest that you keep detailed information under SUPPLEMENTARY INFORMATION.

We rewrote and expanded the DATES caption to distinguish more clearly between Effective Dates and Compliance Dates, and to discuss in some detail the difference between Delays and Stays.

**2.6 List of subjects.** We deleted reference to the FRENED Bulletin board.

**2.8 Regulatory text.** We divided former section 2.8 into new sections 2.8 through 2.15.

**Authority citation.** In new section 2.11, we rewrote the section on “statutory authority,” and added new headings and titles.

**Numbering of rules.** We added a new item about “Notes” at the end of new section 2.12.

**Amendatory language.** In new section 2.13, we now treat the term “Amend” separately from the list of specific amendatory terms. We combined “stay,” and “suspend” because they have the same meaning, and included under “Delay” a cross reference to the DATES caption in section 2.5.

**Asterisks.** In new section 2.14, we expanded and reorganized our explanations of how asterisks represent unchanged regulatory text.

**Cross references.** In new section 2.15 we rewrote much of our explanation of how and when to use cross-references.

**Interim Rule and Direct Final Rule.** We added this new undesignated heading, and new sections 2.20 and 2.21.

**2.13 Checklist for proposed rule documents.** To this checklist, redesignated as new section 2.22, we added items for “words of issuance” and “asterisks,” and revised the item for “disks.”

### **Chapter 3 : How do I write a document for the notices category?**

**3.4 Headings.** We rewrote this section to clarify different requirements for cabinet departments and non-cabinet agencies, and added an example to illustrate follow-up headings.

**3.5 Authority citation.** We rewrote this section to clarify our requirements.

**3.6 and 3.7 Preamble.** We combined these two sections into new 3.6, and renumbered all remaining sections.

**3.11 Examples of Notice Documents.** We divided material from old section 3.11 into new sections 3.10, 3.11, and 3.12. The “Typical Notice Document” from old section 3.11 appears as new section 3.10.

**Sunshine Act Meetings.** We designated this material, part of old section 3.11, as new section 3.11.

**Privacy Act Documents.** We designated this material, part of old section 3.11, as new 3.12.

**3.12 Checklist for notice documents.** We revised the item for “disks.”

## **Chapter 4 : How do I correct my document?**

We designated bulleted topics as numbered sections, added italic headings, and rewrote and reorganized the entire chapter.

New section 4.3, withdrawing a document before publication, is based on old section 8.12.

We expanded our descriptions of agency corrections in new sections 4.5, 4.6, 4.7, and 4.8, especially in section 4.6 regarding correcting codified text before and after CFR revision date has passed.

## **Chapter 5 : Disk documents**

We completely rewrote and reorganized chapter 5, to clarify the difference between uncoded and fully coded documents, and to provide more detail about how to label and prepare disk submissions. We no longer state that we will accept MS Word documents, and we provide detailed instructions about how to save these as ASCII files.

## **Chapter 6 : What is Incorporation by Reference, and how do I do it?**

Although we codified the old bulleted entries as numbered sections, and did some minor editing, we made no major changes or additions to Chapter 6.

## **Chapter 7 : Illustrations, Forms, Footnotes, Appendices, and Tables**

We codified the old bulleted entries as numbered sections, and divided the old item, tables, into 7.4 Redesignation tables, 7.5 Distribution and derivation tables, and 7.6 If/Then tables. Other than minor editorial changes, we made no major additions or revisions to this chapter.

## **Chapter 8 : Frequently Asked Questions**

We rewrote many of the question titles, and made editorial changes throughout this chapter.

We rearranged the material in old 8.3 through 8.12, receipt, filing, and publication schedules, to follow the path of a document through our production process.

We deleted old 8.3, fax-on-demand, and replaced it with new 8.9, online public inspection list.

We rewrote and moved the material on withdrawing a document in old 8.12 to new 4.3.

### **Appendix A: Model letters**

We added introductory material to Appendix A, and revised the address in all letters to comply with U.S. Postal Service and National Archives and Records Administration guidelines.

### **Appendix B: What Services Does the Office of the Federal Register Provide?**

We rewrote and rearranged this section to include information about resources available on the World Wide Web, and to emphasize the role of the Federal Register Liaison Officer as the main point of contact to arrange many of our services.

### **Appendix C: Laws That Affect Federal Register Publication**

We made no changes to Appendix C.

### **Making Regulations Readable**

We changed the World Wide Web address at the end of this section.

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# Federal Register Document Drafting Handbook

2009 Revision

## Appendix E: Procedure for Submittal of Documents to the Federal Register During a Continuity Emergency

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*If the Office of the Federal Register facility at 800 N. Capitol Street is not operational.*

E.1 Where do I submit documents for publication if the Office of the Federal Register facility at 800 N. Capitol Street is not operational? ..... E-2

*If the Office of the Federal Register's facilities at 800 N. Capitol Street and GPO's N. Capitol Street buildings are not operational.*

E.2 Where do I submit documents for publication if the Office of the Federal Register's facilities at 800 N. Capitol Street and GPO's N. Capitol Street buildings are not operational? ..... E-3

E.3 Directions to the Alternate OFR/GPO Work Site in Laurel, MD ..... E-4

E.4 Directions to the NARA/OFR COOP Site in Rocket Center, WV ..... E-4

*For more information.*

E.5 Where do I direct questions about this? ..... E-5

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*Note:* In this appendix, “we,” “our,” or “OFR” refer to the Office of the Federal Register, National Archives and Records Administration (NARA), and “you” or “your” refer to Federal agencies that prepare documents for publication in the *Federal Register*.

*If the Office of the Federal Register facility at 800 N. Capitol Street is not operational.*

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### **E.1 Where do I submit documents for publication if the Office of the Federal Register facility at 800 N. Capitol Street is not operational?**

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If the Office of the Federal Register building at 800 N. Capitol Street, NW is destroyed, unsafe, or without power, or otherwise unavailable, the OFR will move to the 7th floor of the main Government Printing Office (GPO) building.

The OFR can be reached at 202-512-0625 at GPO. OFR phone lines also may be redirected to answer at GPO's switchboard (main OFR number: 202-741-6000). OFR email addresses ending in "@gpo.gov" will continue to function. OFR email addresses ending in "@nara.gov" should also be accessible.

Redirect document deliveries to:  
Government Printing Office  
7th Floor, Proof Room (C-741)  
732 North Capitol Street  
Washington, D.C. 20401

OFR will advise agencies of current conditions via *Federal Register* liaison officers who will be contacted by email and fax. OFR will use its web sites ([www.federalregister.gov](http://www.federalregister.gov), [www.archives.gov/federal-register](http://www.archives.gov/federal-register)), the GPO web site ([www.gpo.gov](http://www.gpo.gov)), and press releases to inform agencies and the public.

*Federal Register* regulations and document drafting requirements remain in place by law. Agencies must continue to submit original signed paper documents with two certified copies (and disk whenever possible). *Alternatively, agency signers enrolled in OFR's digital signature program may submit electronically authenticated documents via email or web portal ([www.fedreg.gov](http://www.fedreg.gov)).* Contact the OFR Information Services and Technology unit at 202-741-6020 for information about digital signature certificates offered or accepted by GPO.

Depending on the nature and duration of the emergency, OFR will prioritize the publication of documents with preference given to those relating to essential governmental functions. Agencies may be advised not to submit non-essential notices and proposed rules until normal operations resume.

If an attack or threat of attack on the United States severely affects *Federal Register* operations, the President may declare a national security emergency and activate the Emergency Federal Register (EFR) system in place of the daily *Federal Register*. See 44 U.S.C. 1505(c) and E.O. 12656. The purpose of the EFR is to preserve the rule of law and a constitutional form of government, as per NSPD-51/HSPD-20. The *Federal Register* would continue to carry out its basic functions at an alternate location, identified in this document, or at a classified location. Agencies would be

informed of status of the emergency publication system through pre-established COOP/COG channels.

*Note:* the EFR can only be activated under extreme national security conditions, and only the President may authorize suspension of the regular *Federal Register* publication system.

In an order activating the EFR system, the President specifies how the alternate publication system is to function and may authorize procedural modifications. Only those documents having the highest national priority will be published in the EFR. GPO may not be involved.

The OFR would activate a public web site, <http://Emergency-Federal-Register.gov>, to provide legal notice of Presidential actions, administrative rules and orders, and Acts of Congress. The OFR's emergency continuity website redirects to [www.archives.gov/federal-register](http://www.archives.gov/federal-register) when inactive. Copies of the EFR also would be distributed to agency COOP sites and the media.

*If the Office of the Federal Register's facilities at 800 N. Capitol Street and GPO's N. Capitol Street buildings are not operational.*

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## **E.2 Where do I submit documents for publication if the Office of the Federal Register's facilities at 800 N. Capitol Street and GPO's N. Capitol Street buildings are not operational?**

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If both the OFR and GPO buildings on North Capitol Street, NW are destroyed, unsafe, or without power, or otherwise unavailable, the OFR and GPO will move to alternate work sites. The local alternate site is in Laurel, MD at a GPO Book Warehouse. The regional alternate site is in Rocket Center, WV (near Cumberland, MD).

OFR will email and fax to agency liaison officers and COOP contacts the current operating status of the Federal Register. OFR will utilize its web sites ([www.federalregister.gov](http://www.federalregister.gov), [www.archives.gov/federal-register](http://www.archives.gov/federal-register), the GPO web site ([www.gpo.gov](http://www.gpo.gov)), and press releases to keep agencies and the public informed.

*Note:* For flu pandemic or similar conditions, OFR and GPO have plans to continue operations on North Capitol Street with reduced on-site staff and teleworkers, rather than relocating to an alternate site.

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### **E.3 Directions to the Alternate OFR/GPO Work Site in Laurel, MD.**

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*From New York Ave in NW Washington, or the Washington Beltway (I-495):*

Take the Baltimore-Washington Parkway north (MD-295).

At the MD-197 (Laurel/Bowie) exit, take the ramp for Laurel 0.3 miles.

Bear LEFT at Laurel/Bowie Road, and go 2.2 miles.

Turn LEFT onto Cherry Lane, and go 0.6 miles.

Look for the GPO Book Warehouse entrance to the right.

The OFR phone number at Laurel is: 301-317-3953. Additional lines are: 301-317-9635, 301-317-7940, and 301-317-9641; the OFR fax number at Laurel is: 301-317-6883. OFR's DC phone lines may be redirected to answer at Laurel. OFR email addresses ending in "@gpo.gov" should continue to function. OFR email addresses ending in "@nara.gov" should be accessible.

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### **E.4 Directions to the NARA/OFR COOP Site in Rocket Center, WV.**

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The NARA/OFR COOP site is located at the Allegany Ballistics Laboratory (ABL) in Rocket Center, WV. The facility is operated by Alliant Techsystems (ATK), for the Naval Sea Systems Command (NAVSEA). The NARA/OFR COOP site is approximately 145 miles from downtown Washington, DC.

*From the Washington Beltway:*

Take I-270 W toward Frederick.

Take exit 32 to merge onto I-70 W toward Hagerstown

Take exit 1A on the left to merge onto I-68 W/US-40 W toward Cumberland

Take exit 42 for Greene St/US-220 S

Turn left at MD-956/Patriot Pkwy (signs for MD-956 E).

Continue on WV-956 410 ft to Allegany Ballistics Lab Turn left into plant entrance and proceed to security check point.

NARA/OFR's mailing address is Robert C. Byrd Hilltop Office Complex, 610 State Route 956, Building 494, Rocket Center, WV, 26726. COOP Phones: 304-726-7800 (Operator); 304-726-7859 (OFR editor direct dial); 304-726-7863 (Managing Editor).

OFR will advise agencies of current conditions via *Federal Register* liaison officers who will be contacted by email and fax. OFR will use its web sites ([www.federalregister.gov](http://www.federalregister.gov), [www.archives.gov/federal-register](http://www.archives.gov/federal-register)), the GPO web site ([www.gpo.gov](http://www.gpo.gov)), and press releases to inform agencies and the public.

*Federal Register* regulations and document drafting requirements remain in place by law. Agencies must continue to submit original signed paper documents with two certified copies (and disk whenever possible). ***Alternatively, agency signers enrolled in OFR's digital signature program may submit electronically authenticated documents via email or web portal ([www.fedreg.gov](http://www.fedreg.gov)).*** Contact the OFR Information Services and Technology unit at 202-741-6020 for information about digital signature certificates offered or accepted by GPO.

Depending on the nature and duration of the emergency, OFR will prioritize the publication of documents with preference given to those relating to essential governmental functions. Agencies may be advised not to submit non-essential notices and proposed rules until normal operations resume.

If an attack or threat of attack on the United States severely affects *Federal Register* operations, the President may declare a national security emergency and activate the Emergency Federal Register (EFR) system in place of the daily *Federal Register*. See 44 U.S.C. 1505(c) and E.O. 12656. The purpose of the EFR is to preserve the rule of law and a constitutional form of government, as per NSPD-51/HSPD-20. The *Federal Register* would continue to carry out its basic functions at an alternate location identified in this document or a classified location. Agencies would be informed of status of the emergency publication system through pre-established COOP/COG channels.

**Note:** the EFR can only be activated under extreme national security conditions, and only the President may authorize suspension of the regular Federal Register publication system.

In an order activating the EFR system, the President specifies how the alternate publication system is to function and may authorize procedural modifications. Only those documents having the highest national priority will be published in the EFR. GPO may not be involved.

The OFR would activate a public web site, <http://Emergency-Federal-Register.gov>, to provide legal notice of Presidential actions, administrative rules and orders, and Acts of Congress. The OFR's emergency continuity website redirects to [www.archives.gov/federal-register](http://www.archives.gov/federal-register) when inactive. Copies of the EFR also would be distributed to agency COOP sites and the media.

***For more information.***

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## **E.5 Where do I direct questions about this?**

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Please direct any questions about this to the Legal Affairs and Policy Unit at 202-741-6030 or [Fedreg.legal@nara.gov](mailto:Fedreg.legal@nara.gov).

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# Federal Register Document Drafting Handbook

October 1998 Revision

## Making Regulations Readable

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**Note:** These instructions will help you comply with the President's Memorandum of June 1, 1998 -- Plain Language in Government Writing .

In the Memorandum, the President directs the Federal Government to send a clear message about what it is doing, what it requires, and what services it offers.

Remember, plain language saves the Government and the private sector time, effort and money. For more in-depth guidance on the elements of plain language, read the National Partnership for Reinventing Government's "Writing User-Friendly Documents,.." available at [http://www.blm.gov/nhp/NPR/wrtg\\_idx.html](http://www.blm.gov/nhp/NPR/wrtg_idx.html).

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Readable regulations help the public find requirements quickly and understand them easily. They increase compliance, strengthen enforcement, and decrease mistakes, frustration, phone calls, appeals, and distrust of government. Everyone gains.

Of the seven techniques below for writing readably, two do the most to improve the look and sound of a regulation:

- Sections as questions and answers.
- "You" for whoever must comply.

You may wish to introduce these techniques when subparts or more of your regulations come due for revision. They will cause some stylistic inconsistency, but it will be temporary. Over time, you will improve entire regulations and, in turn, public productivity and Government credibility.

## Craft the table of contents

The most difficult and most important part of writing a regulation comes at the start, as you think out the simplest way to get the results you seek. Your best tool is the table of contents. It is the outline that helps you to:

- ℄ *Include key topics.* Headings for sections and higher divisions appear in the table of contents, your reader's road map. Put key topics there, not in paragraphs. Aim the content at readers new to your regulation. You will be more likely to spell things out. When the Federal Communications Commission revised its regulation on citizens band radios, it added some recommended practices to the required ones and eliminated an entire handbook that had explained the earlier, spare regulation.
- ℄ *Group related topics.* Group long runs of sections, roughly ten or more, into parts or subparts. Typical groupings are by functions, organizations, and process stages. An especially helpful grouping is by type of readers. A regulation on loans might devote separate parts to borrowers, lenders, and the overseeing agency so each type of reader can go right to topics of interest. (The writer's challenge is to isolate each group's duties and avoid excessive repetition.)
- ℄ *Follow a logical order.* What do your readers need to know first, second, third, and so on? In the regulation on loans, sections might flow in many ways: from major matters to minor ones, from usual practices to rare or temporary ones, and (the most common way) from first step to last.
- *Avoid gaps, overlaps, and contradictions.* Can your reader move easily from one section to the next? Take these consecutive section headings: "Application," "Applicable criminal histories," and "Employment application." If *you* were a day-care operator who had to read those headings, could *you* tell them apart?

When you revise a regulation, go through it to strike outdated requirements and insert new ones. Your computer's redline function will help you keep track of changes. But once a regulation has undergone many piecemeal changes, the best revisions start with a blank computer screen. Rethink the content and structure with a reader's convenience in mind.

## Use questions and other informative headings

Few readers study a regulation from beginning to end; most want to go right to whatever interests them. Like drivers on unfamiliar roads, they need lots of signs.

You will give readers those signs by using lots of sections. Section headings offer the double advantage of appearing in both the text and the table of contents. Headings are not required for paragraphs, but they are a good idea.

Beware of any heading that is a vague word or two. It forces readers new to your regulation to study whatever follows in search of what might apply to them. A key to clarity is longer, informative headings:

- For "Uses," try "Where you may use an off-highway vehicle."
- For "Scope," try "What does this regulation cover?"

Questions, with their subjects and predicates, make headings uncommonly informative. They provide a consistent way not only to identify topics but to say something about them. Many people think in question and answers, which makes them a natural way to design sections. Writers report that questions and answers promote step-by-step thinking that helps them spot omissions. "I" questions and "you" answers help readers see where they fit into the writing.

Examples:

§3172.1 May I apply for a spacing unit?

You may apply for a spacing unit if....

§101.1. What special definitions apply to this part?

Applicant means someone who....

### Limit levels of paragraphs

Different levels of paragraphs clarify relative importance, allow pinpoint citations, and simplify revisions all while taking up little or no extra space. They are useful for identifying everything from steps and items to conditions and exceptions.

But avoid excessive levels of paragraphs. Rarely use three designated levels (a)(1)(i) and never use more. Create more sections instead. The example on the right simplifies the text and adds a heading to the table of contents:

§211.14 Who is liable? ...

- (a) an owner is liable for...
  - (1) The amount set by.
    - (i) The percentage of...
    - (ii) The portion of...

- (2) The special assessment by...

- (b) An operator is liable for...

§211.14 How is an owner liable?

- (a) The amount set by...
  - (1) The percentage of...
  - (2) The portion of.....
- (b) The special assessment by...

§211.15 How is an operator liable?

## Use more tables and illustrations

If-then tables display complex relationships simply. Their side-by-side arrangement helps writers and readers alike to sort out multiple options, steps, conditions, and choices. Study the next example for its capitalization, punctuation, paragraph designations, and limited use of lines (horizontal ones only, solid and dotted):

(d) To see whether your transportation is an incidental expense or separately reimbursable, follow this table:

IF YOU...	AND IF YOU...	THEN TRANSPORTATION IS...
(1) don't discuss business at the place where you obtain a meal	can obtain a suitable meal at your place of lodging or business	an incidental expense
(2) don't discuss business at the place where you obtain a meal	can't obtain a suitable meal at your place of lodging or business	separately reimbursable
(3) do discuss business at the place where you obtain a meal		separately reimbursable

Flow charts, with their boxes and branches, clarify complex processes. Whether or not one appears in your regulation you should imagine a flow chart for your regulation to make sure you understand how all the parts fit the whole.

## Use "you" for whoever must comply

Look for opportunities to write directly to "you," whoever must comply. The direct approach turns vague, passive statements of fact into pointed directions: "The plan must be followed [by whom?]" becomes "You must follow the plan" or "Follow the plan." With a fix on who is responsible, "you" will come naturally.

Write to one reader. Though you may regulate many thousands of people, only one of them reads your writing at any one time.

Here are a few ways to identify the "you":

- Use a definitions section. "You means a licensee."
- Use a section heading. "As a contracting officer, may I...?"
- Answer a section heading. "Who must follow this regulation? This regulation tells you, a lending institution, how to..."

To announce a new "you," use a heading or "if you are..." clause. Both appear in the following example:

### §211.13 Who is liable for royalties due on a lease?

This section establishes who is liable for royalty payments due on production from a lease:

(a) *Record title owner*. If you are a title owner of a lease, you are liable for...

(b) *Operating rights owner*. If you own operating rights that were...

"You" is easiest to use in simple procedures and hardest when different readers share overlapping duties. Still, the word so focuses thinking and writing that it is among your most powerful tools.

### **Rely on active verbs**

Limit passive verbs to a few per page. Sentences written with them do severe damage because they rarely say who or what does the verb's action. They assert vaguely that things "must *be requested*" or "may *be submitted*" or "will *be decided*." By whom? A passive verb has two parts:

- Any form of *to be* (*am, is, are, was, were, be, being, been*) PLUS
- The past participle of a main verb (most end in *-ed*).

Here are some ways to turn passive verbs into active ones:

- Put a doer before the verb. For "An arrangement must *be established*," try "You must establish an arrangement." For "After the forms *are received* by the control staff, they *are copied*," try "After the control staff receives the forms, the control staff copies them."
- Drop part of the verb. "The cancellation clause must be [~~included~~] in the basic contract."
- Change the verb. For "If you press Control-N, you *are shown* a blank screen," try "...you see a blank screen" or "...the computer shows you a blank screen.."

### **Control your sentences**

Three techniques will help you write sentences that are clear in a single reading.

First, average about 15 words a sentence, and let any one sentence run beyond 30 words only if it ends in a parallel list. To keep the average down, use fewer words and more periods:

~~[It has been determined that] [t] (T)his is not a major amendment under Executive Order 12291 [because this amendment] (. It) will not result in an annual effect on the economy of \$100 million or more [or a significant] (. Nor will it significantly) increase in costs for consumers; industry; or Federal, State, and local government agencies.~~

Second, put two or more complicated qualifications *after* the main clause. In the next example, the original sentence forces readers to hold too much in their minds before they reach the late main clause. The revision puts the main clause first (and, for a further improvement, it should list the two conditions vertically).

*(The courts generally will not find fraudulent intent when) [~~when~~] a taxpayer turns over all books and records or otherwise makes a full and complete disclosure of all of the facts to a third party to whom he or she has given the task of preparing the return [~~, the courts generally will not find fraudulent intent.~~]*

Third, keep subjects and verbs together and compound verbs together. In the next example, the original sentence interrupts the compound verb "may take." The interruption belongs elsewhere but not right after "The Director," where it would separate the subject and verb.

*(In accordance with the provisions set forth in part 104 of this chapter, the) [~~The~~] Director may [~~, in accordance with the provisions set forth in part 104 of this chapter,~~] take action against counsel for improper conduct in the course of an investigation.*

Further improvements include shrinking "in accordance with the procedures set forth in" to "under" and "in the course of" to "during." Improvements like these last ones and a good many others are covered in the expanded NPR guidance "Writing User-Friendly Documents," available at [http://www.blm.gov/nhp/NPR/wrtg\\_idx.html](http://www.blm.gov/nhp/NPR/wrtg_idx.html).