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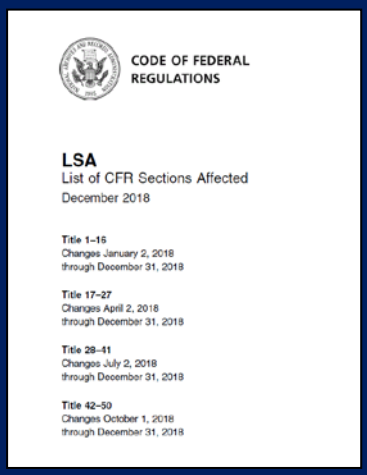
Document Drafting Handbook Annotated (DDHA)

Version 14, August 2018 (Revision 1, April 8, 2019)

The *Federal Register Document Drafting Handbook*,

Annotated and Indexed


CODE OF FEDERAL REGULATIONS

LSA
List of CFR Sections Affected
December 2018

Title 1–16
Changes January 2, 2018
through December 31, 2018

Title 17–27
Changes April 2, 2018
through December 31, 2018

Title 28–41
Changes July 2, 2018
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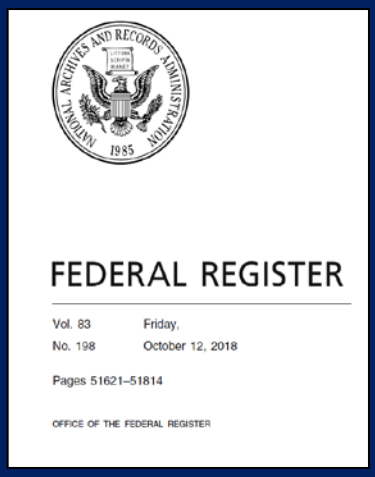
Title 42–50
Changes October 1, 2018
through December 31, 2018


FEDERAL REGISTER

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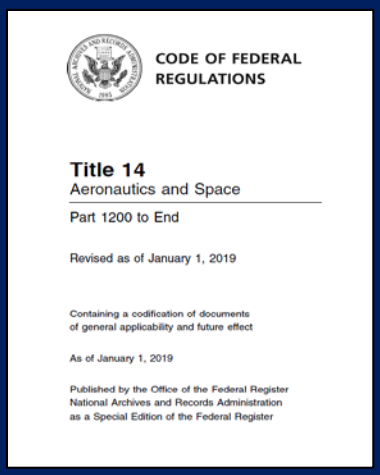
CODE OF FEDERAL REGULATIONS

Title 14
Aeronautics and Space
Part 1200 to End

Revised as of January 1, 2019

Containing a codification of documents
of general applicability and future effect

As of January 1, 2019

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What is the Document Drafting Handbook Annotated (DDHA)?

TRG's DDHA is an indexed and annotated version of the Office of the Federal Register's *Document Drafting Handbook* (DDH). Until May 2017, the Office of the Federal Register (OFR) had not updated the DDH in its entirety for nearly 20 years. The May 2017 DDH was a complete revision and update to the guidance. In August 2018, the OFR again revised the DDH in its entirety.

TRG first developed the DDHA for our regulatory consulting staff to use while working with client agencies on rulemaking projects. The DDHA became so popular with our consulting clients that we now include it in the materials for our very popular *Regulatory Drafting & Process Course*. We also sell copies directly to agencies and provide copies with course materials for some of our in-house courses.

If you have any suggestions for improving the DDHA, or if you have any questions about the Federal regulatory process, please share them with us by email (trg@reg-group.com) or phone (703-224-9000).

Two things about the DDHA

There are two things that make this 2019 DDHA an essential handbook for regulation writers.

First – Essential information.

The August 2018 Revision of the DDH, dated August 31, 2018, appears on pages 1 through 238 of the DDHA. The 2019 DDH revises instructions for digital submissions and adds a new Appendix C highlighting the stylistic and formatting conventions that the OFR no longer allows. However, this DDH presupposes understanding of the Federal Register/Code of Federal Regulations system. We include background information in the front pages to familiarize you with the system—how it works and how you can find out more about it. We also include GPO Circular Letter 991 (June 7, 2017) addressing printing costs.

Second – Annotations.

The DDHA is annotated. Most of the information in the DDHA is copied directly from the official DDH and other Federal documents. You will know when you are looking at an editorial note inserted by us because of the text box surrounding the note.

Other than the boxed notes, the only other information in the DDHA that can be attributed to us, as opposed to the official source, is the information on pages i-ix.

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The August 2018 revision of the DDH refers to some aspects of the Federal regulatory process or the Federal Register system without giving you the background that was available in earlier versions of the DDH. To help you navigate the system, we provide the following explanations.

What is the *Federal Register Publication System?*

The "Federal Register publication system" describes the relationship between two major publications, the *Code of Federal Regulations* and the daily *Federal Register*. Together, these two publications provide a complete, current version of each Federal agency's regulations.
The *Code of Federal Regulations (CFR)* is the foundation of the Federal Register system—the codification of the rules of each Federal agency. The OFR updates and publishes the CFR annually, in 50 titles. It is available online at https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR. The OFR also updates the CFR electronically as rules become effective. The eCFR is available at https://www.ecfr.gov/cgi-bin/ECFR?page=browse.

The *Federal Register* is the Federal Government's daily newspaper, published every business day by the National Archives and Records Administration (NARA), containing legal documents and notices pertaining to Federal agencies. Rules published in the *Federal Register* keep the CFR current. Find the *Federal Register* online at https://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR.

The *FederalRegister* organizes documents into four categories.

The four categories are:

- **Presidential Documents** - this category includes Executive orders, memoranda, and proclamations.

- **Proposed Rules** - this category includes notices of proposed rulemakings (NPRM or NPR), petitions for rulemaking, and other advance proposals. This section is where you would also find supplemental notices of proposed rulemaking (SNPRM or SNPR) and advanced notices of proposed rulemaking (ANPRM or ANPR). Guidance for drafting "Proposed Rules" appears in Chapter 2 of the DDH, which starts on page 19 of the DDHA.

- **Rules and Regulations** - this category includes rules and regulations, policy statements, and interpretations of rules. The terms "regulation" and "rule" have the same meaning (1 CFR 1.1). This section is where you would first find Final Rules, Interim Final Rules, and Direct Final Rules. Guidance for drafting "Rules and Regulations" appears in Chapter 3 of the DDH, which starts on page 79 of the DDHA.

- **Notices** - this category includes information about public hearings and meetings, grant applications, and administrative orders. The term notices here is not to be confused with the notices of proposed rulemaking. Guidance for drafting "Notices" appears in Chapter 4 of the DDH, which starts on page 150 of the DDHA.

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* Note that some of the format requirements for proposed rules, final rules, and notices is the same. Some of those requirements are in Chapter 1 of the DDH, which starts on page 8, but you will also see the same information occasionally repeated in the different chapters.

Terms Used by the DDHA

The eCFR is the unofficial, online version of the CFR. The OFR normally updates it soon after a rule or regulation becomes effective. The eCFR is available at https://www.ecfr.gov/cgi-bin/ECFR?page=browse.

Incorporation by Reference (IBR) allows Federal agencies to refer to materials in their regulations that are already published elsewhere. The referenced material is treated as if it were published in the *Federal Register* and the CFR and has the force and effect of law. IBR lets agencies include technical and complex requirements in regulations, for example, standards. IBR was removed from the DDH and placed in a separate IBR Handbook. You can download the IBR Handbook at https://www.archives.gov/files/federalregister/write/handbook/ibr.pdf.

The List of CFR Sections Affected (LSA) and the CFR Parts Affected are numerical indices to rules and proposed rules. The LSA is a cumulative and monthly numerical index. You would use it to determine if any changes have been made since the revision date of your CFR title or to research a regulation's history online at https://www.gpo.gov/fdsys/browse/collection.action?collectionCode=LSA. The "CFR Parts Affected" is a cumulative daily numerical index published in the Reader Aids section of the *Federal Register*. You would use it to check for changes in the current month. It is in every *Federal Register*. Your agency's current CFR text is not necessarily what appears in the latest edition of the CFR or even in the eCFR. You use these two finding aids to see if there are any changes that affect your rulemaking.

The United States Code (U.S.C.) is the codification by subject matter of the general and permanent laws of the United States: available at https://www.gpo.gov/fdsys/browse/collectionUScode.action?collectionCode=USCODE.

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CIRCULAR LETTER NO. 991

June 7, 2017

TO: Publishing and Printing Officials of the Federal Government

SUBJECT: Open Requisitions (SF1) for Federal Register and Code of Federal Regulations

This letter is to notify you that **now is the time** to submit open requisitions for Fiscal Year 2018 for your agency's information (content) to be published in both the Federal Register (FR) and Code of Federal Regulations (CFR) publications (an individual open requisition is required for each publication). **You may know that GPO is required by law to publish Federal Register notices.[1] Also, by law, agencies are required to reimburse GPO for the services performed.[2]**

Reimbursement is only achievable with your cooperation by furnishing us with a Standard Form 1 (SF1) containing your valid BAC number.

Your requisitions (SF1) http://www.gpo.gov/customers/sf1.htm should be submitted to the Office of Official Journals (OJG), Room C-846, U.S. Government Publishing Office, Washington, DC 20401, faxed to 888.579.5907, or submitted to email address ojg@gpo.gov. To allow for sufficient time for processing and enable us to provide timely feedback to our customers, we have established a cut-off date of **September 1, 2017**, for receipt of all open requisitions.

NOTE: <u>All</u> agencies will be required to provide GPO with their TAS-BETC information for all IPAC transactions. Please refer to GPO Circular Letters No. 882, 893, 903 and 922.

The following information **must** appear on each requisition:

- A requisition number beginning with the number eight (8) to represent FY 2018 (e.g., 8-00001).
- Your Billing Address Code (BAC), which is necessary to properly identify your agency/bureau and a Line of Accounting Number (LOA if required by your agency).
- Credit Card information if using this method for payment.
- Clearly identify on the requisition in the "Title" box that it is for publishing in the FR or the CFR for FY 2018.
- A valid signature signed by your agency's authorized personnel as reflected in our agency signature files.
- Contact information (email, phone number).

If you have any questions concerning this circular please contact OFR Publishing Services, phone 202.512.2100 or email ojg@gpo.gov.

Rates for FY 2018 are as follows:

Federal Register		
MS Word submission	$477/per page	$159/per column
Manuscript Copy	$522/per page	$174/per column

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Camera Copy	$522/per page	$174/per column
Code of Federal Regulations	$85/per page	N/A

Sincerely,

BRUCE SEGER,
Managing Director, Customer Services

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1 Chapter 15, Title 44, United States Code. See specifically sections 1502, 1504

2 44 U.S.C. § 1509:

(a) The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and the Code of Federal Regulations, and, except as provided in subsection (b), other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this chapter shall be charged to [GPO's] revolving fund provided in section 309. Reimbursements for such costs and expenses shall be made by the Federal agencies and credited, together with all receipts, as provided in section 309(b).

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Regulatory Research Links

To find all of the links below and more go to

http://www.RegulationWriters.com/regulatory_reading_room

FDSYS - Federal Digital System ..... https://www.gpo.gov/fdsys/
Search FDSYS for:
Federal Register
Code of Federal Regulations
Public Laws
United States Code
Congressional Record

Office of the Federal Register, NARA..... https://www.archives.gov/federal-register/index.html

Office of the Federal Register..... https://www.OFR.gov/

Federal Register 2.0..... https://www.federalregister.gov/

Federal Register Document Drafting Handbook.....
..... https://www.archives.gov/federal-register/write/handbook/

Whitehouse..... https://www.whitehouse.gov/

Executive Orders..... https://www.archives.gov/federal-register/executive-orders/

Office of Information and Regulatory Affairs..... https://www.whitehouse.gov/omb/inforeg/

Electronic Code of Federal Regulations (E-CFR)..... https://www.eCFR.gov

Regulations.gov..... https://www.regulations.gov/

Incorporation By Reference Rules for Publications
in the FR & CFR..... http://www.RegulationWriters.com/downloads/1CFR51.pdf

RegInfo.gov – Office of Information & Regulatory Affairs, OMB..... https://www.reginfo.gov/
Search RegInfo for:
Unified Agenda of Regulatory and Deregulatory Actions
Regulatory Review under Executive Order 12866, Regulatory Planning and Review
Information Collection Review under the Paperwork Reduction Act

U.S. Government..... https://www.USA.gov/

United States Code..... http://uscode.house.gov

Congress..... https://www.Congress.gov

ABA Administrative Procedure Database
(Fla. State Univ. College of Law)..... fall.fsulawrc.com/admin/

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BIBLIOGRAPHY

Recommended reading for Federal agency rule writers

Writing Reference Books

H. Ramsey Fowler	The Little, Brown Handbook (Little, Brown)
Bruce Ross-Larson	Edit Yourself (W.W. Norton)
William B. Strunk and E.B. White	The Elements of Style (Allyn and Bacon)
William Zinsser	On Writing Well (Harper and Row)
Robert J. Martineau	Drafting Legislation and Rules in Plain English (West)
David Mellinkoff	Legal Writing: Sense and Nonsense (West)
Richard C. Wydick	Plain English for Lawyers (Carolina Academic Press)
David Mellinkoff	The Language of the Law (Little, Brown)
Veda R. Charrow and Myra K. Erhardt	Clear & Effective Legal Writing (Little, Brown)

Regulatory Process Reference Books

Administrative Conference Of the United States	Federal Administrative Procedure Sourcebook (U.S. Government Printing Office)
Administrative Conference Of the United States	Negotiated Rulemaking Sourcebook (U.S. Government Printing Office)
Pike & Fischer	Administrative Law: Third Series (Pike & Fischer)
Gary J. Edles and Jerome Nelson	Federal Regulatory Process: Agency Practices and Procedures (Prentice Hall)
Jeffrey S. Lubbers	A Guide to Federal Agency Rulemaking (ABA Publishing)
Cornelius M. Kerwin	How Government Agencies Write Law and Make Policy (CQ Press)
Congressional Quarterly	Federal Regulatory Directory (CQ Press)
John Dufy and Michael Herz	A Guide to Judicial and Political Review of Federal Agencies (ABA Publishing)

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Document Drafting Handbook

August 2018 Edition
(Revision 1, dated April 8, 2019)
Office of the Federal Register
National Archives and Records Administration

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INTRODUCTION

What is the Document Drafting Handbook (DDH)?

The DDH gives Federal agencies guidance and examples for drafting *Federal Register* documents. This guidance explains how to follow the submission, format, and editorial requirements established in 44 U.S.C. chapter 15 (the Federal Register Act) and 1 CFR chapter I.

In this edition, we have: completely revised the instructions for digital submissions; changed how we will process rules with information collections requirements that haven't been approved by OMB; and added an appendix to highlight some stylistic, formatting, and structural conventions that are no longer allowed and must be corrected in your regulations. We have also clarified existing language and formatting requirements.

In this revision, we've added a category for final rules issued under the Congressional Review Act, formalized how long an agency has to notify us of when we cause an error in the CFR, clarified the use of notes, footnotes, and appendices, and provided additional details regarding appropriate titles in a signature block. We've also noted other technical restrictions and have reorganized some of chapter 5.

***Note**: In this handbook, "we," "our," and "OFR" all refer to the Office of the Federal Register, National Archives and Records Administration (NARA), and "you" and "your" both refer to Federal agencies that prepare documents for publication in the Federal Register. GPO refers to the Government Publishing Office.*

How do I know what is required?

We use "must" to indicate a requirement. We use "should" to indicate a strong recommendation. We use "may" to indicate an option.

How do I know if I have the current version? Can I use an older version?

You can find the most current version of the DDH on our website. We include a brief summary of the changes we made. Our FAQs page tells you which version(s) of the DDH you can use.

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Who do I contact for help?

You can find writing resources, including plain language tools, including the DDH companion document Making Regulations Readable, on our For Federal Agencies page.

If you have questions about the Federal Register Act or our regulations, including incorporation by reference, contact the Legal Affairs and Policy Division (202-741-6030; fedreg.legal@nara.gov).

Find Regulatory Links on page 238 and OFR resources at https://www.archives.gov/federal-register/write/.

If you can't find the answers online, for:

Liaison Officers

Contact the OFR Scheduling Unit (202-741-6060; fedreg.liaison@nara.gov) for:

- Questions about drafting or submitting documents or
- Scheduling a Liaison training workshop.

Other agency staff

Contact your agency's *Federal Register* Liaison Officer for:

- Preliminary consultation on large projects, such as reorganizations, major revisions, additions, or joint or common rules,
- Technical assistance in drafting complex documents, or
- Requests for special formatting.

Accessibility

You can always adjust the display of this document, including the color scheme (to use high contrast, your Windows theme, or create your own color scheme), using your PDF viewer.

To change the color scheme:

1. Choose Edit > Preferences (Windows) or Acrobat > Preferences (Mac OS).
2. Click Accessibility.
3. Select Replace Document Colors and then select the option you wish to use.

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Chapter 1: What are the requirements for drafting any document?

1.1 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 1-1**).

You may request that the two documents be published in the same separate part of a *Federal Register* issue (see **Appendix A: Special Handling Request**).

Example 1-1: Cross reference statement
A [RULE, PROPOSED RULE, NOTICE] relating to [SUBJECT MATTER] is published elsewhere in this issue of the *Federal Register*.

1.2 How can my agency issue a document jointly with one or more other agencies?

Your Liaison Officer should consult with us in advance for assistance when preparing common or jointly issued documents. **Example 1-2** provides a sample of the headings used in a joint rule.

- Make sure an authorized official from each agency has signed 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.

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Example 1-2: Adoption of jointly issued 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** **AGENCY:** 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. * * *

1.3 Billing codes

GPO assigns agencies a Billing Address Code (BAC), a six-digit alphanumeric code which identifies your agency or bureau's financial contact and billing information. Each agency has a Printing Officer who works with GPO to identify and generate the correct BAC's for each document. Some agencies have multiple billing codes depending on what part of the agency is submitting the document, so it is important to check with your Printing Officer for the correct code.

- Your BAC must appear on each document submitted for publication in the *Federal Register*.
- Type the BAC at the top of the first page of the original(s) and the certified copies of each document.
- Following the BAC include the letter "P" for Microsoft Word submissions; an "M" for Manuscript Copy; or a "C" for Camera Copy.
- You may include multiple BACs on a jointly-issued document.

If you do not know your BAC, please consult with your Federal Register Liaison, Printing Officer, or financial unit. In addition, if you do not know who your Liaison is, contact the OFR at fedreg.liaison@nara.gov.

For rates for printing, see GPO Circular Letter 991 on page 236.

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1.4 Document headings

Begin each document with headings that identify your agency and the subject matter of your document (which are shown below in bold). The headings that appear in italics may or may not be required, depending on your document type. Follow the specific instructions (**Chapter 2: How do I write a document for the Proposed Rules category? Chapter 3: How do I write a document for the Rules and Regulations category?** or **Chapter 4: How do I write a document for the Notices category?**) that are applicable to your document. Present the headings using the appropriate format, in the following order:

Table 1-1: List of document headings

Department Name	OR	**Agency Name**
Subagency Name		*CFR Citation*
CFR Citation		*Agency Docket Number*
Agency Docket Number		*Regulation Identifier Number (RIN)*
Regulation Identifier Number (RIN)		**Subject Heading**
Subject Heading		

Department or agency name

The "Department" is the highest-level agency. This is either a cabinet-level agency (usually, but not always, a Department) or an agency that stands alone (see **Example 1-3, Example 1-4**). This heading shows who has issued and signed a document. To include an agency or office that has not signed the document, use the AGENCY line (see **sections 2.4, 3.4, 4.5**).

Example 1-3: Headings for a document from a cabinet-level agency

DEPARTMENT OF COMMERCE	Department Name
15 CFR Part 946	*CFR Citation*
RIN 0648-AI90	*RIN*
National Weather Service	Subject Heading

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

SUBAGENCY NAME

The "Subagency" heading is only used if your agency is part of a larger agency – usually a department. Subagencies have specific legal authority to publish in the CFR and are usually assigned a distinct billing code. If you are in doubt as to whether or not your agency should use a "Subagency" heading, check with your liaison before contacting the OFR Scheduling unit (see **Example 1-5, Example 1-6**).

DEPARTMENT OF COMMERCE	Department Name
15 CFR Part 946	*CFR Citation*
RIN 0648-AI90	*RIN*
National Weather Service	Subject Heading

DEPARTMENT OF ENERGY	Department Name
Office of the Secretary	Subagency Name
10 CFR Part 6	*CFR Citation*
RIN 0000-AA00	*RIN*
Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation	Subject Heading
AGENCY: Office of the Secretary, DOE	Agency with Billing Code, Department

***Note**: The "Subagency" heading is different from the "AGENCY:" preamble caption. The "AGENCY:" line can include as specific an office as your agency prefers, regardless of agency status or document signature (see **Example 1-7**).*

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Example 1-7: Headings from document with other office in AGENCY caption	
DEPARTMENT OF ENERGY	Department Name
10 CFR Chapter I	CFR Citation
[DOE-2015-00959]	*Agency Docket Number*
RIN 1904-AC38	*RIN*
Energy Conservation Program: Test Procedure for Automatic Commercial Ice Makers	Subject Heading
AGENCY: Office of Energy Efficiency, DOE	Office w/o Billing Code, Department

Even if the document is issued by a subagency, the department name appears in the document headings (see **Example 1-3**).

Subject heading

The "subject heading" is a title for your document that briefly and accurately describes its subject matter. Do not use legal citations in this or other headings (see **sections 2.10, 3.10**). If your document amends several parts or if the part heading is too general, try to include specific information, while still being concise. We may edit for style, but otherwise we use your subject heading verbatim as the index entry in the *Federal Register* Table of Contents and indices. If your heading is too long, it will truncate automatically, which may change your intended meaning. Your subject heading should not include language that sets out its effect on the regulations, so avoid phrases like "Amendments to…" "Revisions to…" or "Changes to the Regulations Concerning…"

If you issue a follow-up document (an extension or supplemental document, for example), duplicate the headings of the earlier document and add a distinguishing phrase to the subject heading (see **Example 1-8**).

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Example 1-8: Headings for a document extending a comment period	
FEDERAL RESERVE SYSTEM	Agency Name
12 CFR Part 220	*CFR Citation*
[FRS-2015-00959]	*Agency Docket Number*
RIN 0648-FR22	*RIN*
Credit by Brokers and Dealers; Extension of Comment Period	Subject Heading

If there are multiple agencies and CFR citations in the heading, see **Example 1-2**.

1.5 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/date/year, author, and publisher; and
- Contains the information where to find the reference. You may include a website, but if there is a relevant physical address and phone number, you include those as well.

If the reference is required to comply with the regulations, you must follow the incorporation by reference requirements in the IBR Handbook.

See the IBR Handbook https://www.archives.gov/federal-register/write/handbook/ibr.pdf

1.6 Signature and certification

Your agency determines who may sign a document sent for publication in the *Federal Register*. The signer must be a Federal employee with the authority to take action for the agency.[1] The title in the signature block must be related to the authority to sign the document. Do not include honorary titles or titles associated with a different agency role.

If we have questions about the title in the signature block, we will contact you. You may be required to validate the title used in the signature block by sending a letter, on agency letterhead, detailing the authority to use the title. We may reject documents with an invalid title in the signature block.

[1] 1 CFR 18.7.

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For paper documents, the signature must be in ink; it cannot be from an image file or a photocopy. We recommend blue ink since 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 1-9, Example 1-10**). If you are sending in 1 original and 2 certified copies of your document, certify the signature on the copies' signature page (see **Example 1-14, Example 8-1**). You cannot send a photocopy of the certification.

If you are interested in our pilot program that allows you to certify electronic copies, contact our Scheduling Unit.

We will reject a document signed as one person for another. This means that we will not accept your document if you sign someone else's name and place your initials by the signature (see **Example 1-11**).

Note: *Certifying a copy of the original document is separate from sending in a certification letter with a disk. The certification letter certifies that the Word document on the disk is an exact duplicate of the signed original document and is not a substitute for certifying the paper copies. See* ***Chapter 6: Electronic files and online submissions*** *for more information on certifying an electronic file.*

For digitally-signed documents, the signature block must match the signer's full name as it appears in the digital signature with limited exceptions described below. However, your authorized web portal user[2] can be different from the person who signed the document (see **Example 1-13**).

If a first name, middle name, or maiden name appears in full in the digital signature, the signature block can contain that name or the first initial of the name. The signature block can add or drop a middle or maiden name, but cannot drop a first name. (See **Table 1-2**).

However the signature block cannot add a first name or first initial that is not in the digital signature. The signature block cannot use a nickname instead of the name on the digital signature (for example, we will not accept Kathy for Katherine or Bill for William). The signature block cannot use the initial of the first name and then add a middle initial or full middle name that is not on the card.

[2] See **section 1.7. Chapter 6: Electronic files and online submissions**, and **Appendix B: PKI and Digital Signature - Introduction and FAQs**

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To use a signature block that does not meet the requirements, the agency must send a formal deviation request letter that includes the exact form of the digital signature and the preferred, non-compliant, signature block name, as well as why the signature block cannot match the digital signature (see **Appendix A: Deviation Request letter)**. If you have questions about a specific name, contact fedreg.legal@nara.gov.

Example 1-9: Valid signature of authorized agency official (Cynthia James)
Cynthia James Cynthia James, Director.

Thomas Shadwell Thomas Shadwell, Deputy Director.	or	*Thomas Shadwell* Thomas Shadwell, Acting Director.

Thomas Shadwell For Cynthia James, Director.	or	*Cynthia James* Cynthia James *ts* Director.

Table 1-2: Valid digital signature/signature block

Digital Signature	Signature Block
Cynthia James	C. James Cynthia Ann James Cynthia A. James
Thomas Stewart Shadwell	Thomas S. Shadwell T. S. Shadwell Thomas Shadwell T. Shadwell

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For manuscript documents, 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 or between the preamble and the rest of the document. In the case of a joint document which requires multiple signatures, do not separate the signatures. All agencies should sign in the same place. If all agencies are signing at the end of the regulatory text, contact the Scheduling Unit for the best way to prepare the signature pages (see **Example 1-12**).

Example 1-12: Placement of the signature block		
Preamble Regulatory text Signature[s] Signature date	or	Preamble Signature[s] Regulatory text

We recommend but do not require a signature date. If you use one, use the date of actual signature. We will not accept a postdated signature, and we will not change a signature date. If the date is more than 3 months old, we will add an editorial note indicating when we actually received the document. If the date is more than 12 months old, or if there is another problem with the date, we will immediately remove the document from the production process and make it available for pick-up.

Example 1-13: Valid digital signature	
Document Cynthia James, Director.	**Digital Signature** Web Portal submission on: 04/03/2018 16:16:04; From: jane.doe@agency.gov; Signed By: Cynthia James

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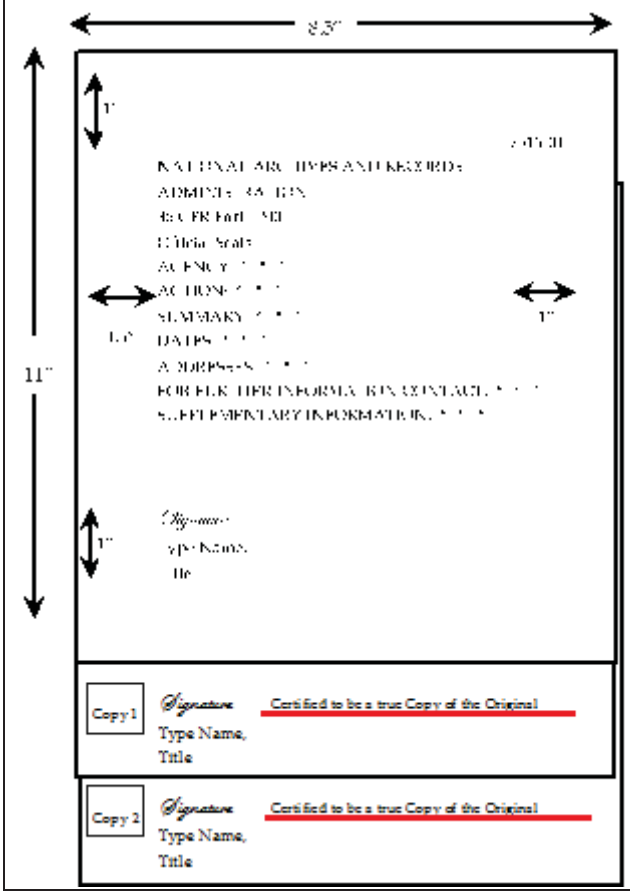
Example 1-14: Placement of certification of copies



1.7 Digital submission

The Federal Register Document Submission Portal (web portal) lets agencies securely submit documents and special handling letters online. It also allows agencies to receive immediate feedback on the status of their documents while saving resources such as paper, toner, CDs, and courier costs. Using the web portal also eliminates delayed delivery during inclement weather and helps ensure continuity of operations during emergency situations.

All agency documents must have a valid signature, including submissions through the web portal. We will only accept documents signed with a medium assurance level digital signature certificate, cross-certified by the Federal Bridge Certification Authority in PKCS#7 open standard. Most Federal Government-issued HSPD-12 Personal Identity Verification ID cards meet this level of certification. For the purpose of digital submission to the Federal Register, this process is abbreviated as Public Key Infrastructure, or PKI.

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The name in the signature block in the document must meet the name-matching requirements for PKI signatures provided in **section 1.6** (see **Table 1-2** and **Example 1-13**). All the rules for drafting documents still apply to documents that are digitally signed and submitted through the web portal.

For more information on digital submission requirements and procedures (including how to get a digital signature), see **Chapter 6: Electronic files and online submissions**.

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Chapter 2: How do I write a document for the Proposed Rules category?

2.1 Proposed Rule category documents

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. We publish ***any*** document that serves as the first public notice of a rulemaking proceeding and invites public input in the proposed rules category.[3] Typical documents in this category include:

- Advance notices of proposed rulemaking
- General regulatory review (including review prescribed by executive orders)
- Proposed rules
- Petitions for rulemaking
- Documents that affect other documents previously published in the proposed rules category - these documents:
    - Extend or reopen the comment period
    - Announce a meeting or hearing directly related to a proposed rule
    - Publish or announce the availability of supplemental information
    - Withdraw or terminate a proposed rule
    - Correct a previously published proposed rule
- Negotiated rulemaking documents, which:
    - Establish committees
    - Announce committee meetings

2.2 Document requirements

In addition to the requirements of **Chapter 1: What are the requirements for drafting any document?,** documents published in the proposed rules category must include the following items[4]:

- Document Headings
- Preamble
- List of Subjects (for documents with proposed regulatory text)
- Words of Issuance (for documents with proposed regulatory text)

[3] 1 CFR 5.9.
[4] 1 CFR parts 18, 21, and 22.

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- A description of the proposed changes or the proposed regulatory text (for documents proposing to amend the CFR)

2.3 Document headings

In addition to the requirements of **Chapter 1: What are the requirements for drafting any document?,** the headings of a proposed rule document also identify the CFR title and part that your document proposes to amend or that your document is related to. Present the headings for a proposed rule document using the appropriate format, as follows:

Table 2-1: List of document headings		
Department Name	OR	Agency Name
Subagency Name		**CFR Citation**
CFR Citation		**Agency Docket Number**
Agency Docket Number		**Regulation Identifier Number (RIN)**
Regulation Identifier Number (RIN)		Subject Heading
Subject Heading		

CFR CITATION

The "CFR citation" contains the number of the CFR title and the number of each part the document proposes to amend or is directly related to. Even if the document affects only one paragraph within a part, include that part number. Or, you may include the full chapter number in place of specific parts.

AGENCY DOCKET NUMBER

The "agency docket number" is your agency's internal file number, which may be assigned by FDMS.gov. If you have an agency docket number, you must include it as shown in **Example 1-4, Example 1-7, and Example 1-8**. If you have questions about docket numbers, speak with your agency. We do not know if you have one or if you need one.

RIN

The "RIN" is assigned by the Regulatory Information Service Center (also known as RISC) and identifies each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions. Your agency, in consultation with the Office of Management and

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Budget (OMB), determines if you need a RIN. If you have a RIN, you must include it as shown in **Example 1-3, Example 1-4, Example 1-6, Example 1-7, and Example 1-8**. We do not know if you have a RIN or if you need one.

2.4 Preamble requirements

Each 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 proposed 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.

Do not include quotations of regulatory or statutory text in the preamble (see **section 2.6**).

Section 2.6 specifies no "lengthy or excessive quotation."

The preamble captions are:

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

These captions must appear in the order shown, and you must use each preamble caption. The following are examples and explanations of information which must be contained within captions.

AGENCY

AGENCY identifies the "who" of a document by specifying the issuing agency. This caption usually repeats the name of the department or non-departmental agency as carried in the document's headings (see **Example 1-3, Example 1-4**), as well as the subagency name if applicable (see **Example 1-6**). However, unlike the headings section, you may choose to include in this caption the name of offices or agencies which are not listed in the document's heading (see **Example 1-7**) and which have not signed the document. When these names appear together, put them in order of smallest to largest, using the department's acronym or commonly-used name (see **Example 2-1**).

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Example 2-1: AGENCY caption	
AGENCY: Office of the Secretary, USDA.	Subagency, Department
AGENCY: Environmental Protection Agency.	Department
AGENCY: National Park Service, Interior.	Agency, Department
AGENCY: Bureau of Public Debt, Fiscal Service, Treasury.	Bureau, Subagency, Department

ACTION

ACTION identifies the type of document by stating what the document does. It does not summarize the substance of a document. Do not allow this caption to become too long.

Example 2-2: Frequently used lines for ACTION caption	
ACTION:	Proposed rule.
ACTION:	Proposed rule; extension of comment period.
ACTION:	Supplemental notice of proposed rulemaking.
ACTION:	Proposed rule; correction[5].
ACTION:	Proposed rule; public meeting (or hearing).
ACTION:	Proposed rule; withdrawal.
ACTION:	Notice of proposed rulemaking.
ACTION:	Advanced 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.
ACTION:	Regulatory review.
ACTION:	Regulatory review; [subject].

This is not an exclusive list of available ACTION lines. If you use a different line, do not include the word "Notice." In the proposed rules category, you can only use "Notice" in the ACTION line with the phrase "Notice of proposed rulemaking." If you are unsure of using a different ACTION line, check with the Scheduling Unit.

[5] For more information on correction documents, see **Chapter 5: How do I correct a document?**.

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SUMMARY

In SUMMARY, you explain the "what," "why," and "effect" of the document within the *Federal Register*/CFR publication system (see **Example 2-3**). Your SUMMARY should not be longer than a paragraph and must answer these three questions:

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

Table 2-2: SUMMARY

Use the following guidelines in preparing a SUMMARY	
DO	DON'T
Be brief.	Use numbered or bulleted lists.
Use language a non-expert will understand.	Include qualifications, exceptions, or specific details.
Describe what the document does, not how it affects the CFR.	Use legal citations (for example, do not use 40 CFR part 52 or 5 U.S.C. 552) or footnotes
Refer to an act of Congress by the popular name of the act.	Quote
Be brief.	Include more detail than in SUPPLEMENTARY INFORMATION

You may not use 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 SUPPLEMENTARY INFORMATION.

Example 2-3: SUMMARY caption

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 ensure rapid and effective search and rescue during emergency situations.

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DATES

DATES presents the "when" of a document. Include ***all*** dates that are essential to the document in DATES (see **Example 2-4**). All proposed rule documents must have at least one date.

Include the following dates, as applicable:

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

Note: *When extending or reopening a comment period, include the FR citation, including the publication date of the original document, in DATES to link the two documents.*

Example 2-4: DATES caption format with multiple dates

DATES: *Comments*: Send comments by April 30, 20XX.
Public testimony: Send requests to present oral testimony by March 15, 20xx.
Public Meetings:

1. March 26, 20xx, 9:30 a.m. to 5 p.m., Washington, DC.
2. April 3, 20xx, 9:30 a.m. to 5 p.m., Pittsburgh, PA.
3. April 8, 20xx, 9:30 a.m. to 5 p.m., Hudson, WI.
4. April 15, 20xx, 9:30 a.m. to 5 p.m., Madison, WI.

Only include date information in DATES.

Group dates according to type of date (such as deadline for public comments dates, public meeting dates, and registration deadlines). Place any discussion related to the dates (for example, meeting location, docket access, meeting agenda, content of material available for inspection) in ADDRESSES or SUPPLEMENTARY INFORMATION, as applicable.

Calculated dates vs. specific dates

We only calculate and insert dates tied to *Federal Register* publication or filing on public inspection. In calculating the date, we count the day after publication as the first day, and then each succeeding day, including Saturdays, Sundays, and holidays. When the computed date falls on a weekend or a Federal holiday, we use the next Federal business day. You can use the "Table of Effective Dates and Time Periods" to see which date we will use. This table appears in the Reader Aids section of the first *Federal Register* issue each month and

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is available at www.federalregister.gov. If you need us to calculate and insert a date, present the date as shown in **Example 2-5**. If your agency is using a specific date, or dates, (frequently referred to as a date certain) for your proposed rule, use the format in **Example 2-6**.

Example 2-5: DATES caption with an OFR-calculated date
DATES: Send comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

Example 2-6: DATES caption for a document with agency-provided dates
DATES: The agency must receive comments on or before October 20, 20xx. A public meeting will be held at 9 a.m., October 9, 20xx. Send requests to present oral testimony on or before October 2, 20xx.

Example 2-7: DATES caption for withdrawing a proposed rule
DATES: The Fish and Wildlife Service is withdrawing the proposed rule published October 2, 2012 (77 FR 60208) as of October 2, 2013.

Example 2-8: DATES caption for extending the comment period
DATES: The comment period for the proposed rule published June 27, 2016, at 81 FR 41651, is extended. Comments should be received on or before September 26, 2016.

ADDRESSES

ADDRESSES contains the "where" of the document. All proposed rules must have at least one address.

Include the following types of address (including electronic), as applicable, needed for:

- Mailing public comments
- Sending public comments electronically
- Hand-delivering public comments

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- Attending a public hearing (or meeting)
- Examining any material available for public inspection, including material to be incorporated by reference.

Only include address information in ADDRESSES.

Include the electronic address and only brief instructions for how to send comments via www.Regulations.gov, an agency website, or email, and group them by type (see **Example 2-9, Example 2-10**). If you need to include detailed instructions, add them to SUPPLEMENTARY INFORMATION. Place any discussion related to the addresses (for example, how to register for a meeting, meeting agenda, or content of material available for inspection) in the SUPPLEMENTARY INFORMATION section (see **Example 2-13**).

Example 2-9: ADDRESSES caption in a document with multiple 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.

OMB has issued a directive that requires agencies to use the "ADDRESSES" template displayed in **Example 2-10** when drafting regulatory actions that offer opportunity for public comment.

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Example 2-10: OMB-required ADDRESSES template for regulatory actions offering the opportunity for public comment
ADDRESSES: You may send comments, identified by [docket number and/or RIN number], by any of the following methods: • Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for sending comments. • Agency Web Site: [*Complete URL*]. Follow the instructions for sending comments on the [*Agency electronic docket site / website*]. • E-mail: [*E-mail Address*]. Include [*docket number and/or RIN number*] in the subject line of the message. • Fax: [*Fax Number*]. • Mail: [*Mailing Address for paper, disk, or CD-ROM submissions*]. • Hand Delivery / Courier: [*Street Address*]. *Instructions*: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to [*Complete URL*], including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Public Participation" heading of the SUPPLEMENTARY INFORMATION section of this document. *Docket*: For access to the docket to read background documents or comments received, go to [*Complete URL(s) and/or Street Address(es)*].

Remember to:

- Substitute appropriate information for the bracketed items
- List all applicable submission methods
- State full URLs:
  - http://www.xxxxx.gov
  - http://documents.xxxx.gov
  - ftp://www.xxx.gov

Long, detailed, or complicated instructions go into SUPPLEMENTARY INFORMATION.

You may include brief instructions following bulleted items or in the optional Instructions paragraph. You may also use the optional Instructions and Docket paragraphs to highlight or cross-reference agency-specific instructions and to provide access to rulemaking dockets. Detailed or lengthy instructions (which could include for documents issued by more than one agency) may need to go into SUPPLEMENTARY INFORMATION.

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Example 2-11: Format with different addresses for comments and information collection.
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 2-12: Format with one address for multiple purposes.
ADDRESSES: Mail comments and requests to testify to Hearing Clerk, Room 000, Department of XXXXX, 000 Independence Avenue, SW, Washington, DC 20553-0002; the hearing will be held in Room 111, 000 Independence Avenue, SW, Washington DC 20553-0002.

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" (see **Example 2-13**).

Example 2-13: Format directing the public to SUPPLEMENTARY INFORMATION for details on how to submit electronic comments and data.
ADDRESSES: Submit electronic comments and other data to oppdocket@epamail.epa.gov. See SUPPLEMENTARY INFORMATION for file formats and other information about electronic filing. [omitted preamble text] **SUPPLEMENTARY INFORMATION:** [omitted preamble text] 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 Word 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.

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FOR FURTHER INFORMATION CONTACT

In FOR FURTHER INFORMATION CONTACT, you must include the name, and telephone number of a **person** within your agency who can answer questions about the document. You should also include their email address. This email address may appear in both this section and the ADDRESSES section if your point-of-contact manages another aspect of the document, such as the location to send email comments. You may list two or more persons to contact concerning different aspects of a document (see **Example 2-14**). You may also include a group email address.

Example 2-14: FOR FURTHER INFORMATION CONTACT caption
FOR FURTHER INFORMATION CONTACT: John Regwriter, 202-000-0000, John.Regwriter@agency.gov. **FOR FURTHER INFORMATION CONTACT**: *Technical information*: John Regwriter, 202-000-0000, John.Regwriter@agency.gov. *Legal information*: Mary Regulatory, 202-000-0001, mregulatory@agency.gov.

SUPPLEMENTARY INFORMATION

Under SUPPLEMENTARY INFORMATION, include the regulatory history of this rulemaking, and a statement of the proposed rule's basis and purpose. Present this information in plain 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 **Example 2-67 and Example 2-68**.

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

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?

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- 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 2-67**.
    - 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 was, or 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 meeting?
    - 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
    - Regulatory analysis

2.5 What is an OMB control number and where do I put it?

The Paperwork Reduction Act 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. For OMB control numbers included as part of a rule document, you may either codify this OMB control number in the CFR or you may include it in the SUPPLEMENTARY INFORMATION section of the preamble.

The Regulatory Group offers training on Paperwork Reduction Act compliance. To learn more, go to www.RegulationWriters.com or call (703) 224-9000.

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To codify an OMB control number in the CFR[6]:

- Place the approval statement and number parenthetically at the end of the appropriate section (see **Example 2-15**);
- Display the number in a section devoted to OMB control numbers (see **Example 2-16**); or
- Display the number in a CFR part devoted to OMB control numbers (see **Example 2-17**).

Example 2-15: 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 2-16: 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.

[6] 1 CFR 21.31, 22.7

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Example 2-17: 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 2050-1

2.6 When can I use direct quotes?

The OFR does not allow lengthy or excessive quotation from Federal regulations or Federal law. This includes text from regulatory documents published in the *Federal Register*. However, if your agency has a compelling legal reason to extensively quote this type of material, contact OFR's Legal Affairs and Policy Division (fedreg.legal@nara.gov) before you submit your document for publication.

2.7 List of Subjects

Each proposed rule document that contains regulatory text must contain a list of index terms (List of Subjects) for each CFR part number cited in the document's heading.[7] These 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. You can find the terms online at Federal Register Thesaurus of Indexing Terms. You can also find a list of current terms for each CFR part.

Document Drafting Resources
https://www.archives.gov/federal-register/write/

For new CFR parts, you must select appropriate terms from the Thesaurus. You may then add other terms not contained in the Thesaurus for either existing or new CFR parts. When you select a term that is not in the Thesaurus, ask yourself, "Would I search for the subject matter using this term?"

Thesaurus of Indexing Terms organized by CFR title:
https:www.archives.gov/federal-register/cfr/

[7] 1 CFR 18.20.

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The List of Subjects is the last item under SUPPLEMENTARY INFORMATION in the preamble. You must include a List of Subjects for each CFR part affected by the document. However, if several CFR parts use identical lists of terms, you may consolidate the lists. Put the List of Subjects terms in alphabetical order and separate them with commas. Capitalize only the first word of each term. End the list with a period (see **Example 2-18, Example 2-19**).

A List of Subjects is **not** required for a document that:

- Contains no regulatory text (excluding documents that only remove regulatory text)
- Only presents nomenclature changes
- Corrects a previous document

Example 2-18: List of Subjects for a single CFR part
List of Subjects in 40 CFR Part 262 Hazardous waste, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

Example 2-19: List of Subjects for multiple 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.

2.8 Words of issuance

The "words of issuance" is an expression that connects the preamble to the regulatory text and the tie between the proposed rule and the CFR units you propose to change. The words of issuance provide:

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

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Words of issuance are **always** in the present tense, and use the word "propose" or "proposes" (see **Example 2-20, Example 2-21, Example 2-22**).

***Note**: **Amend** means change. **Add**, **Revise**, and **Remove** are 3 ways to **Amend**.*

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:

For the reasons discussed in the preamble, the Federal Communications Commission proposes to revise 47 CFR part 430 to read as follows:

For the reasons stated in the preamble, and under the authority of 5 U.S.C. 501, the Environmental Protection Administration proposes to remove 40 CFR part 63.

***Note**: Use **Example 2-22** if the only action you are taking is to remove something (see also **Example 2-36**).*

For deviations from this general format see **section 2.14**.

2.9 Regulatory text

The "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 regulations

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- Amendatory language
- Asterisks
- Cross-references

***Note**: You cannot reference a* Federal Register *document in regulatory text.*

2.10 Regulatory headings

You must provide a heading for each part, subpart, section, and appendix[8] that you propose to amend. You may add paragraph headings. A heading is a brief statement that accurately describes the content of that CFR unit (see **Example 2-23**). You may not use phrases or expressions that are not descriptive, including "Regulations under the Act," "Regulations governing…," "Rules applicable to…," or similar phrases.[9]

The only way to change a heading is to amend the CFR.

Example 2-23: Regulatory headings	
PART 970—CREATION AND MAINTANCE OF FEDERAL RECORDS	Part Heading
Subpart A—Identifying Federal Records	Subpart Heading
§ 1222.12 What types of documentary materials are Federal records?	Section Heading
(a) *General*.	Paragraph Heading

Part headings

A part heading is usually a phrase, rather than a statement or question. Consider using terms that you included in your List of Subjects (see **section 2.7**).

Subpart headings

Subparts separate ideas within a part, so the heading should be more specific than the part heading. These headings can be a specific topic, phrase, statement, or question.

[8] Subparts and appendices are optional, but if you choose to use such a unit, you must include a heading.
[9] 1 CFR 21.19 and 22.7.

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Undesignated center headings

You may use undesignated center headings to break up a large subpart and group together sections concerning a particular subject area. Although we permit undesignated center headings, we strongly discourage their use.

Note that undesignated center headings are now discouraged.

Appendix headings

An appendix may appear at the subpart or part level. Designate each appendix with a capital letter, identify whether it belongs to a subpart or part, and give it a descriptive heading (see **Example 2-24**). If your agency has established a uniform designation system for CFR appendices to the specific part or subpart, follow that established system (see **Chapter 7: Figures, forms, tables, notes, and appendices**).

Note: *Even if you have only one appendix, you must still designate it as "Appendix A." However, we will not require you to reserve "Appendix B" in this situation.*

Example 2-24: Appendix headings
Appendix B to Subpart A of Part 915—Illustrations of Infant Highchair Designs
Appendix A to Part 2—Flammability Statistics for Floor-Cleaning Fluids

Section headings

Descriptive section headings are signposts for the reader.[10] They help readers identify the particular regulatory text that applies to them. End each section heading with a period or question mark.

Paragraph headings

You may use headings at the paragraph level. If you use a heading for one paragraph, you must use a heading for all paragraphs at that level. End paragraph headings with a period and italicize them in the document.

[10] 1 CFR 21.10 and 22.7.

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2.11 Table of Contents

You must provide a table of contents[11] for actions that:

- Add a new part or subpart
- Revise 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

Note: *This is not the same as table of contents in the preamble.*

Table of contents entries are identical to the section headings, subpart headings, and appendix headings in the regulatory text (see **Example 2-25**). Do not include units smaller than a section in your 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 incorporated into the CFR.

Example 2-25: Table of Contents – part, subpart, and appendix

PART 82 —PROTECTION OF STRATOSPHERIC OZONE
Subpart B —SERVICING OF MOTOR VEHICLE AIR CONDITIONERS

Sec.
82.30 Purpose and scope.
82.32 Definitions.
82.34 Prohibitions and required practices.
82.36 Approved refrigerant handling equipment.
82.38 Approved independent standards testing organizations.
82.40 Technician training and certification
82.42 Certification, recordkeeping and public notification requirements.
Appendix A to Subpart B —Standard for Recycle/Recover Equipment

[11] 1 CFR 21.18 and 22.7.

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2.12 Authority citations

You must cite the authority that allows your agency to amend the CFR.[12] 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 (U.S.C.)
- Non-statutory:
  - Presidential Executive order[13]
  - 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
- Subpart level

You may give citations of authority for particular subparts (see **Example 2-26**) and sections (see **Example 2-27**) within the central authority citation.

Example 2-26: Authority citation for a subpart
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.

[12] 1 CFR 21.40, 22.5, and 22.7.

[13] The citation for E.O. 12372, which appears across CFR titles, may have an error. If your citation includes "(48 FR 15887)" in the "as amended" portion, and you don't know the correct citation for your part, contact OFR for a possible solution.

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Example 2-27: Authority citation for a section
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 a U.S.C. citation, if one exists.[14] To determine the U.S.C. citation, use one of the following:

- The current edition of the U.S.C. or its supplement
- The slip law for recently signed public laws

We generally recommend that you use only the U.S.C. citation (see **Example 2-28**). When a U.S.C. 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 2-29**). Do not cite the popular name of a public law.

Example 2-28: Authority citation using U.S.C.
Authority: 44 U.S.C. 2101-2118; 50 U.S.C. 6909.

Example 2-29: Authority citation using Public Law and U.S. Statutes at Large
Authority: Sec. 8067, Pub. L. 98-473, 98 Stat. 1937.

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 2-30**).

Example 2-30: Authority citation with U.S.C. primary
Authority: 42 U.S.C. 2996; Pub. L. 104-208, 110 Stat. 3009; Pub. L. 104-134, 110 Stat. 1321.

[14] 1 CFR 21.52 and 22.7.

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NON-STATUTORY AUTHORITY

Cite non-statutory authority by document designation, *Federal Register* citation, and CFR citation[15] (see **Example 2-31**).

Example 2-31: Authority citation with non-statutory sources
Authority: E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105.

If you include both statutory and non-statutory citations in the same authority citation, place the statutory citation first[16] (see **Example 2-32**).

Example 2-32: Authority citation with statutory and non-statutory sources
Authority: 8 U.S.C. 1161(f); 29 U.S.C. 1801-1872; Secretary's Order 6-84, 49 FR 32473.

PLACEMENT OF THE AUTHORITY CITATION: ADDING OR REVISING

Part: If a document adds or revises an entire part, place the authority citation directly after the table of contents and before the regulatory text[17] (see **Example 2-33**).

Example 2-33: Authority citation when adding or revising a part
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.

[15] 1 CFR 21.53 and 22.7.
[16] 1 CFR 21.45 and 22.7.
[17] 1 CFR 21.43(a)(1) and 22.7.

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Subpart. 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 **Example 2-55**).

Sometimes adding or revising an entire subpart uses a different authority citation than the authority citation for the whole part. If this is the case, 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 2-34**).

Example 2-34: Authority citation when adding or revising a subpart; different citation than part
Subpart B—Supportive Services for Minority, Disadvantaged, and Women Business Enterprises Sec. 230.201 Purpose. 230.202 Definitions. 230.203 Policy Authority: 23 U.S.C. 101, 140(c), Subpart B Authority 23 U.S.C. 304, 315; 49 CFR 1.48(b). **§ 230.201 Purpose.** This subpart prescribes the policies, procedures, and guidance to develop, conduct, and administer supportive services assistance programs for minority, disadvantaged, and women business enterprises. * * * * *

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[18] (see **Example 2-35**).

[18] 1 CFR 21.43(a)(2) and 22.7.

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Example 2-35: Authority citation when amending only certain sections
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. **PART 4—SERVICES TO THE PUBLIC** 1. The authority citation for part 4 **continues** to read as follows: Authority: 44 U.S.C. 1502.

PLACEMENT OF THE AUTHORITY CITATION: REMOVING

Parts. If you remove a part, you must give your agency's authority for the action. Place the authority in the "words of issuance" (see **Example 2-22, Example 2-36**).

Example 2-36: Authority citation when removing a part (becomes part of Words of Issuance)
Accordingly, under the authority 10 U.S.C. 8013, XX CFR chapter VII is proposed to be amended by removing part 837. Under 42 U.S.C. 541 and as discussed in the preamble, XX CFR chapter II is proposed to be amended as follows:

The amendatory instruction for the authority citation must indicate if it is "revised" or "continues to read."

2.13 Numbering

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

CFR UNITS

The basic structure of the CFR consists of a hierarchy of designated CFR units, not based on a decimal numbering system[19] (see **Table 2-3**).

[19] 1 CFR 21.11 and 22.7.

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Table 2-3: CFR units and numbering		
Unit	**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.

As shown in **Table 2-3**, each section number includes the number of the part followed by a period and a sequential number.

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

In some cases, you may use "T" after a section number to indicate that the section is temporary (for example § 234.1T, § 232.4T). You must have our approval to use this numbering convention before you send us your document for publication. Approval may depend on the length of time you will need the temporary section.

The Director of the OFR must approve any deviation from standard CFR structure. Send or email a signed request letter to the Director for approval in writing before you begin drafting. **We must receive your request at least five working days before your agency intends to submit your document for publication** and you must include a copy of the document showing the deviation. The Director will inform you if your request is approved or denied[20] (see **Appendix A: Deviation Request letter**).

PARAGRAPH STRUCTURE OF A SECTION

[20] 1 CFR 21.14 and 22.7.

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If you have more than one paragraph, designate each one as shown in **Table 2-4**. Indent each designated paragraph within a section (see **Example 2-37**).

You may use up to six levels of designation in a section.[21] **We strongly recommend that you do not use more than 3 paragraph levels.** Using 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.

Sections that consist of a single paragraph or the introductory text of a section do not require a designation. You must designate all other text within a section.

Table 2-4: List of paragraph levels

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. [italicized]
level 6	(*i*), (*ii*), (*iii*), etc. [italicized]

[21] 1 CFR 21.11(h) and 22.7.

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Example 2-37: Section with paragraph levels

§ 233.17 Noncompliance and program reporting by the Director.	
The Director shall prepare quarterly and annual reports as detailed in this section and shall submit them to the Regional Administrator.	**Level 1 intro text**
(a) Quarterly reports for State 404 programs. The Director shall submit noncompliance reports for section 404 discharges under § 233.24(f)(1)(i)(A) through (E) containing the following information:	**Level 1 paragraph (a) intro text**
(1) Name, location, and permit number of each noncomplying permittee;	
(2) A brief description and date of each instance of noncompliance, which should include the following:	**Level 2 paragraph (a)(2) intro text**
(i)Any unauthorized discharges of dredged or fill material subject to the State's jurisdiction or any noncompliance with permit conditions; and	**Level 3 paragraph (a)(2)(i)**
* * * * *	

OTHER DESIGNATION

Definitions. 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 beginning with the second level, in a dedicated definitions section (see **Table 2-4**), or the next appropriate level based on the definitions paragraph within a section, and italicize the term (see **Example 2-38**). Do not include substantive regulatory provisions in a definition. If a definitions section contains only one definition, it should not have introductory text or (a)-level codification (see **Example 2-39**).

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Example 2-38: Definitions section

§ 89.2 Definitions.

* * * * *

Marine engine means a nonroad engine that is installed or intended to be installed on a marine vessel. This includes a portable auxiliary marine engine only if its fueling, cooling, or exhaust system is an integral part of the vessel. There are two kinds of marine engines:

(1) Propulsion marine engine means a marine engine that moves a vessel through the water or directs the vessel's movement.

(2) Auxiliary marine engine means a marine engine not used for propulsion.

* * * * *

Nonroad engine means:

(1) Except as discussed in paragraph (2) of this definition, a nonroad engine is any internal combustion engine:

(i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

(ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(iii) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(2) An internal combustion engine is not a nonroad engine if:

(i) the engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Act; or

* * * * *

Example 2-39: Definitions section – single definition

§ 89.2 Definitions.

Marine engine means a nonroad engine that is installed or intended to be installed on a marine vessel. This includes a portable auxiliary marine engine only if its fueling, cooling, or exhaust system is an integral part of the vessel. There are two kinds of marine engines:

(1) Propulsion marine engine means a marine engine that moves a vessel through the water or directs the vessel's movement.

(2) Auxiliary marine engine means a marine engine not used for propulsion.

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*For more information on notes, appendices, tables, or figures, see **Chapter 7: Figures, forms, tables, notes, and appendices.***

Notes: Notes are not regulatory and must appear after the unit they explain. Label them using CFR designations to show whether they apply to the whole section or to the preceding paragraph. Number them consecutively within the section (see **Example 2-40**). Notes should not be more than one or two paragraphs and should never have multiple paragraph levels. Complex notes that cannot be restructured into a simple paragraph should be codified, included in an appendix, or removed from the CFR.

Tables: Tables that contain codified paragraphs must maintain a consistent structure throughout the table. Only one level of codification can appear in a column and that paragraph level cannot appear in any other column (see **Example 7-5**). Position them within the section in the location of the codified text that they contain.

Tables that do not contain codified paragraphs must appear after the unit they illustrate, explain, or expand. Designated tables are numbered consecutively throughout the section (so that you only have one "Table 1" in a section) and then labeled using CFR designations to show where they are located within the section and to which paragraph(s) of the section they apply to (see **Example 2-41, section 7.4**).

Keep in mind that more complex tables are more difficult to amend and may require being photographed instead of typeset.

Figures*:* Figures must appear after the unit they explain or illustrate. Label them using CFR designations to show whether they apply to the whole section or to the preceding paragraph. Number them consecutively within the section (see **Example 2-42**).

Non-codified, structured text: You may amend individual elements (paragraphs or sentences) of a non-standard section ***only if*** each element has a unique designation that falls logically within the structure of the section. While you do not have to use standard CFR paragraph designations, you do need to designate elements consistently across the structured text. We strongly encourage you to review the structure periodically to see if newer publication techniques would be a better solution for including the content in the CFR.

Appendices: Appendices may only appear at the part or subpart level. Designate each appendix and identify whether it belongs to a part or subpart (for example, Appendix A to part 51) and give it a descriptive heading (see **Example 7-8**).

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Note: *Even if you have only one note, appendix, table, or figure, you must still designate it as "Note 1", "Appendix A", etc.*

Example 2-40: Labeling for Notes
Note 1 to § 30.1. Note 2 to paragraph (f). Note 3 to paragraph (h)(2).

Example 2-41: Labelling for Tables
Table 1 to § 30.1. Table 2 to paragraph (f). Table 3 to paragraph (h)(2).

Example 2-42: Labelling for Figures
Figure 1 to § 30.1. Figure 2 to paragraph (f). Figure 3 to paragraph (h)(2).

2.14 Amendatory Language

Language

A proposed rule document usually proposes changes to the CFR. The regulatory text of a document must fit into the current text of the CFR, so you must precisely identify and describe the changes proposed for the CFR.[22] While the words of issuance describe the

[22] 1 CFR 21.20 and 22.7.

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general effect of the document, the amendatory language uses standard terms to give specific instructions on how to change the CFR. Each of these terms have very specific meanings within our publication system and cannot be interchanged even if they are interchangeable at your agency.

Amendatory instructions only detail your proposed changes. You cannot discuss why you are proposing these changes in the amendatory language. Any discussion belongs in SUPPLEMENTARY INFORMATION (see **section 2.4**).

Make sure you are proposing changes to the current version of your regulations. Before you begin drafting amendatory language (and if you do not send your document soon after it is drafted), consult the eCFR or the latest version of the CFR, the LSA, and the latest *Federal Register*[23] for any month not covered by your LSA.

Base your amendatory language on the current text of your regulations. 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

The amendatory instruction for the authority citation must indicate if it is "revised" or "continues to read."

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.

***Note**: Only use the word "propose" or "proposed" in the Words of Issuance, not in the amendatory instructions.*

AMEND

Use **Amend** with one of the amendatory terms in **Table 2-5** to change content in the CFR. But remember that **Amend** is an introductory term and cannot stand alone (see **Example 2-43, Example 2-44**). Think of **Amend** as a general category for all amendatory actions and the other terms as the instructions that detail the changes you are making.

[23] *Federal Register* documents (1936-present), the CFR (1997-present), and LSA (1986-present) are on GovInfo.gov.

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***Note**: Do not confuse **Amend** with **Revise**. **Amend** is not an amendatory instruction. It simply means "change" and must be used in conjunction with amendatory terms to describe the change. **Revise** means to replace an entire unit.*

Example 2-43: Incorrect instruction with **Amend** (w/o **Add**, **Revise**, or **Remove**)
Amend part 105 to read as follows: Amend § 80.100(e)(1)(iii) to read as follows: In § 15.4, amend paragraph (b) and the introductory text of paragraph (f)(2) to read as follows:

Example 2-44: Correct instruction with **Amend**
Amend § 791.27 by revising paragraph (b)(3) and by adding paragraph (d)(4) to read as follows:

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Specific amendatory terms

Table 2-5: Table of Amendatory Terms	
Add	Inserts new content into the CFR. **Example 2-45**
Revise	Replaces an existing CFR unit in its entirety. The smallest unit is a sentence. **Example 2-47, Example 2-55, Example 2-56, Example 2-57**
Remove	Removes an existing CFR unit. **Example 2-48**
Redesignate	Transfers a CFR unit to a new designation. You CANNOT redesignate a CFR unit to a designation already in use. **Example 2-49**
Reserve	Fills gaps in CFR numbering. **Example 2-50, Example 2-51, Example 2-51**
Republish	Sets out an unchanged CFR unit for the convenience of the reader, often to provide the context for an amendment. If you make a change to the republished text, it will not appear in the CFR. **Example 2-53**
Withdraw	Cancels a previously published proposed rule, signaling that the agency is no longer proposing those changes. **Example 2-7**
Nomenclature Change	Changes a term or phrase throughout a CFR unit. It is commonly used to change an office designation, a telephone number, or the title of an agency official. If the term occurs only in a handful of sections, do not amend the part; amend those specific sections. **Example 2-52**
Correct	Corrects errors in a previously published proposed rule document. Do not use this term to propose a correction to CFR text (see **Chapter 5: How do I correct a document?** for more information). **Example 2-54**

For authority citations only, use "continues to read" to show that an authority citation is not changed.

Add

Use **Add** to insert new content into the CFR (see **Example 2-45**).

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Example 2-45: **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 paragraph (f)(5) to § 210.14 to read as follows: Add § 4.8(a)(3)(iii) to read as follows: In § 17.23(b), add the word "not" after the word "do" in the first sentence.

Revise

Use **Revise** to replace a complete CFR unit. You cannot revise anything smaller than a sentence (see **Example 2-47**).

***Note**: Do not confuse **Amend** with **Revise**. **Amend** is not an amendatory instruction and must be used in conjunction with amendatory terms to describe a change. **Revise** can stand alone and will replace an entire unit of content.*

Because **Revise** will replace the entire unit, make sure to specify the smallest unit that you need to change. If you need to revise a 3rd level paragraph, give an instruction to that 3rd level. If you give an instruction to revise a higher level in that paragraph, you may replace text that you did not intend.

Example 2-46: Paragraph (a) with 3 levels
(a) *Quarterly reports for State 404 programs*. The Director shall submit noncompliance reports for section 404 discharges under § 233.24(f)(1)(i)(A) through (E) containing the following information: (1) Name, location, and permit number of each noncomplying permittee; (2) A brief description and date of each instance of noncompliance, which should 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) [One more condition added here].

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Example 2-47: Effect of **Revising** different units
Revise paragraph (a): replaces all of the text in **Example 2-46** Revise the introductory text of paragraph (a): replaces only the introductory text before (a)(1) Revise paragraph (a)(2): replaces the introductory text of (a)(2) as well as (a)(2)(i) and (a)(2)(ii)

Remove

Use **Remove** to take existing content out of the CFR (see **Example 2-48**).

Example 2-48: **Remove**
§ 300.12 [Removed] Remove § 300.12. **§ 495.73 [Amended]** Amend § 495.73 by removing paragraphs (a)(5) and (e).

Redesignate

Use **Redesignate** to move a CFR unit to a new designation. You **cannot** redesignate a CFR unit to an existing unit. We strongly recommend that you use a redesignation table. Redesignate to the final location of the unit of text; do not redesignate the same text multiple times. This may mean that you must address amendments to higher sections first instead of amending the sections in numerical order (see **Example 2-49**).

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E1 **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:

E2 **§ § 1475.12 through 1475.20 [Redesignated]**
2. 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

(note that this leaves § 1475.16 empty)

E3 **§ 100.5 Appeal procedures.**
2. In § 100.5, redesignate paragraphs (a) through (c) as paragraphs (d) through (f) and add new paragraphs (a) through (c) to read as follows:

E4 **PART 20 [REDESIGNATED AS PART 30]**
2. Redesignate part 20 as part 30.

E5 **§ § 226.3 through 226.5 [Removed]**
2. Remove § § 226.3 through 226.5
§ § 226.6 through 226.8 [Redesignated as § § 226.3 through 226.5]
3. Redesignate § § 226.6 through 226.8 as § § 226.3 through 226.5, respectively.

E6 **§ 45.3 [Amended]**
2. In § 45.3:
a. Redesignate paragraphs (a)(1) and (2) as paragraphs (a)(1)(i) and (ii); and
b. Redesignate paragraphs (a) through (c) as paragraphs (a)(1) through (3) .

***Note**: If a redesignation is overly complex, as shown in **Example 2-49, number E6**, we strongly encourage you to make a revision instead.*

Reserve

Use **Reserve** to fill in gaps in CFR numbering. This shows that the gap is deliberate and assures readers that content is not missing. You can create a gap when adding text, to leave

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room for future amendments or when removing text without replacing it. To avoid confusion in your amendatory language, you should always reserve subparts and paragraphs (see **Example 2-50, Example 2-51**).

Example 2-50: **Reserve** when removing
Subpart Q—[Removed and Reserved] Remove and reserve subpart Q, consisting of § § 103.10 through 103.25.

Example 2-51: **Reserve** when adding
Add and reserve subpart E and add subpart F, consisting of § § 25.100 through 25.130, to read as follows:

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, a telephone number, an address, or the title of an agency official. If the term occurs only in a handful of sections, do not amend the part; amend those specific sections (see **Example 2-52**).

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Example 2-52: 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

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Republish

Use **Republish** to set out unchanged text for the convenience of the reader, often to provide context for your regulatory changes. In **Example 2-53**, our editors will only codify the amendments to paragraphs (a)(1) and (3) and will not make any changes to the introductory text of paragraph (a).

Example 2-53: **Republish**
In § 2.1, introductory text of paragraph (a) is republished and paragraphs (a)(1) and (3) are revised to read as follows:

Correct

Use **Correct** to fix a clerical or typographical error in a recently published document. Although you can propose to fix errors in the CFR in a proposed rule, you cannot use the amendatory instruction **Correct**. See **Chapter 5: How do I correct a document?** for more information.

Example 2-54: **Correct**
Preamble 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".

Structure

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 2-55**):

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

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Subparts (same authority as part): 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

Subparts (different authority than part): 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

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Example 2-55: **Revision** of a part	
2. 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**
§ 3.1 Information services. Except in cases where the time required would be excessive, information concerning the publications described in § 2.5 of this chapter and the original acts and documents filed with the Office of the Federal Register is provided by the staff of that Office. However, 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, as well as on the Internet. 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.	**Regulatory Text**

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Amendment to a section

If you **amend** a section in any way, use these elements in the order shown (see **Example 2-56**):

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

Example 2-56: **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: 22 U.S.C. 3791; E.O. 12215, 45 FR 36043, 3 CFR, 1980 Comp., p. 257.	**Authority Citation**
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: (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.	**Regulatory Text**

If you **add** a section to a part which contains subparts, identify the subpart which will contain the new section if the subpart is not obvious to the reader.

Revision to 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 2-57**).

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Example 2-57: Instruction for **revising** introductory text
In § 1020.3, revise the introductory text of paragraph (a) and paragraphs (a)(1) and (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. * * * * *

***Note**: You may use the phrase "paragraph (_) introductory text" in lieu of "introductory text of paragraph (_)".*

Multiple amendments

Describe all changes to one section in a single instruction, and display changed text for the section immediately following the instruction (see **Example 2-57, Example 2-60**). Group all amendments to the same CFR unit together in one instruction (see **Example 2-58**). For many changes to one section, use a list format (see **Example 2-59**). For changes to several sections, use separate numbered instructions for each section, and display the changed text for each section after the instruction (see **Example 2-60**).

Example 2-58: Group amendments
Amend § 150.5 by revising paragraphs (a), (d), (e), and (n) to read as follows: Remove and reserve § § 33.1, 33.5, and 33.10.

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Example 2-59: Multiple amendments, single section – list
§ 941.103 [Amended] 3. Amend § 941.103 as follows: a. Remove the definitions of "Allocation area", "Application", "Central city allocation area", "Community",; b. Remove the parenthetical phrase "(in the form prescribed by HUD)" from the definition "Construction Contract" and "Contract of sale"; c. Remove the definitions of "Field Office", "Housing Assistance Plan", "Household type", and "Housing type"; and d. Remove from the definition of "Total development cost (TDC)" the term "The Field Office" and add in its place the term "HUD"

Note: *List instructions in alpha-numeric order. Do not group and list by action.*

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Example 2-60: Multiple amendments, multiple 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.
* * * *

Alternative instructions for Example 2-60 #3 and #4:
3. Revise § 1258.4(b) to read as follows:
4. Revise § 1258.10(a) to read as follows:

2.15 Asterisks

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

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Table 2-6: Number of Asterisks	
# of Asterisks	***When to use***
5 asterisks * * * * *	To show that a whole paragraph, including its subordinate paragraphs is unchanged.
3 asterisks * * *	To show that the higher level paragraphs remain unchanged when you change text at a subordinate level.
7 asterisks * * * * * * *	To show that a whole row of a table is unchanged (see **section 7.4, Example 7-7**)

USE OF 5 ASTERISKS

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

In **Example 2-61,** 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. However, if paragraph (d) is the last paragraph in the section, asterisks following it are unnecessary.

Example 2-61: Using 5 asterisks
Amend § 166.15 by revising paragraph (d) 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 2-62**, the 5 asterisks before paragraph (b) show that paragraph (a) remains unchanged. The 3 asterisks following "(b)" show that (b)(1) through (4) remain unchanged, and the 3 asterisks following "(5)" show that the introductory text of (b)(5) is unchanged.

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

Example 2-62: Using 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. * * * * *

The smallest unit you may revise is a sentence. If you revise only a sentence of a paragraph, use 3 asterisks to show that the preceding or remaining sentences (or both) in the paragraph are unchanged (see **Example 2-63**).

Example 2-63: Using asterisks to revise a sentence
Amend § 416.916 by revising the first sentence to read as follows: **§ 416.916 What will happen if I fail to send 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). * * *

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Example 2-64: Using asterisks

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: 16 U.S.C. 1361-1407.	**Authority Citation**
2. Amend § 216.24 by: a. Revising paragraph (b)(1)(v); b. Adding paragraph (b)(1)(vi); and c. Revising the first sentence of paragraph (b)(3), paragraph (c)(2), and introductory text of paragraph (c)(4)(i). The revisions and addition 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, gillnets, hook and line gear, and any gear not classified under paragraphs (b)(1)(i) and (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) Send 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**

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(c) * * *	**Indicates Paragraph (c) Introductory Text and Paragraph (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**

2.16 Cross-references

We permit you to cross-reference your own or another agency's rules in limited 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 is[24]:

- required by court order, statute, Executive order, or reorganization plan;
- 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;
- informational or improves clarity rather than being regulatory;
- to test methods or consensus standards produced by a Federal agency, and not eligible for incorporation by reference under 1 CFR part 51, that have replaced or

[24] 1 CFR 21.21 and 22.7.

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preempted private or voluntary test methods or consensus standards in a subject matter area; or
- to the departmental level from one of its subagencies.

When cross-referencing, you must properly identify the CFR unit being cited. Do not use a nonspecific reference, such as "herein," "above," or "below."[25] When cross-referencing spans of sections or paragraphs, use "through" rather than a hyphen and avoid repeating paragraph levels when possible.

Table 2-7: Cross-reference across Titles	
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)

Table 2-8: Cross-reference within a 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
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

[25] 1 CFR 21.21(a).

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Table 2-9: Cross-reference within a 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

Table 2-10: Cross-reference within 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
In paragraph (a), when referencing paragraph (a) write ...	... this paragraph (a)

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Example 2-65: Cross-references in regulatory text

§ 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 send them to the Regional Administrator.

(a) *Quarterly reports for State 404 programs.* The Director must send 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 send 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.

Note. *We used bold in this example as a reader aid, to help you identify the cross-references.* ***Do not do this in your document.***

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2.17 What should my proposed rule document look like?

Documents

Paper documents must be 8.5" by 11"

Paper documents must be:

- In triplicate
- Legible
- Single-sided (if you submit an original and 2 certified copies, the copies may be double-sided)
- Double-spaced
- Accompanied by a disc with the Word file (unless you are submitting a manuscript document)

Electronic documents must be:

- Double-spaced

Abbreviations

Use the following abbreviations in the *Federal Register*:

- FR is *Federal Register*. (Do not use Fed. Reg. or F.R.) See example
- CFR is Code of Federal Regulations. (Do not use C.F.R.) See example
- U.S.C. is United States Code. See examples
- Pub. L. is Public Law. (Do not use P.L.) See examples
- Stat. is U.S. Statutes at Large. See examples
- a.m. or p.m. is time designation. See example
- E.O. is Executive order. See example
- Proc. is Proclamation
- sec. is section of a Public Law or the United States Code

Capitals

Type the following 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

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Example 2-66: Preamble captions
AGENCY: **ACTION:** **SUMMARY:** **DATES:** **ADDRESSES:** **FOR FURTHER INFORMATION CONTACT:** **SUPPLEMENTARY INFORMATION:**

Headings

Document headings are:

- Centered or
- Flush with the left margin

Section headings:

- Are flush with the left margin
- Are on a line separate from the text of the section
- Use the § symbol

Italics

Use italics (we no longer require underlining) for:

- Definitions
- Paragraph headings
- 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 italics for:

- Emphasis
- Names of books
- Foreign phrases

Margins

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

Page numbers (required for manuscript documents only)

Number the pages consecutively in one of the following places:

- Centered top
- Centered bottom

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- Upper right-hand corner

Quotation marks

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

Quoted material

Quoted material that is appropriate for the preamble (see **section 2.6**) should be:

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

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 2-67**). Do not use legal citations or footnotes in SUMMARY.

Example 2-67: References to a previously published *Federal Register* document
8x FR 12345, July 23, 20xx 8x FR 12345 (July 23, 20xx)

A reference in a preamble to material contained in the CFR should identify the CFR title and part or section number (see **Example 2-68**).

Example 2-68: References to material contained in the CFR
36 CFR part 1200 36 CFR 1200.1

Signature

The signature on your document must match the name in the signature block. For digitally-signed documents, the signature block must meet the name-matching requirements for the digital signature specified in **section 1.6**.

If you are sending in 1 original and 2 certified copies of your document, certify the signature on the copies.

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Single-spacing

Single-space the following material:

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

§ Symbol

Put a space between the section symbol (§) and the section number. Sometimes the DDH does not show these spaces. To create a non-breaking space, hold down the Control and Shift keys and hit the space bar.

Use the § symbol only for CFR citations. A § is for a single section and § § is for multiple sections. However, do not use a § symbol to begin a sentence; instead, spell out the word "Section". Do not use the § symbol or the word "section" in a full citation, for example 36 CFR 1200.1. Do not use the § in any regulatory table of contents. (See **Table 2-11**.)

***Note**: While § § is for multiple sections, use only one § symbol when citing multiple paragraphs within a single section twist. Also use only a single section twist when citing sections with "or" instead of "and".*

Table 2-11: § symbol

Use	Don't use
Revise § 1200.1 to read as follows: OR Section 1200.1 is revised to read as follows:	Part 1200 § 1 is revised to read as follows:

The section symbol (§) can be made on most computers by holding down the Alt key and typing 21 on the number keypad.

Style

Use the GPO Style Manual as a guide for punctuation, capitalization, spelling, compounding, and other style matters not addressed in this Handbook. The GPO Style Manual is available free online.

Find Regulatory Links on page 238 and OFR resources at https:www.archives.gov/federal-register/write/

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2.18 Example of a proposed rule document

Example 2-69: Proposed 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: Proposed rule.

SUMMARY: The National Archives and Records Administration (NARA) proposes to 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 plan to 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.

DATES: Comments will be accepted until [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Sharon Records, 301-000-0000, Sharon.Records@nara.gov.

SUPPLEMENTARY INFORMATION: Beginning May 6, 20xx, researchers would need to 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 planned to begin August 30, 20xx.

Agencies or researchers needing access to agency records stored at the Washington National Records Center would need to call 301-000-0000 or 301-000-0001 for appointments.

After May 3, 20xx, shuttle service for researchers from the National Archives and Records Administration Building in Washington, DC to the Washington National Records Center would be discontinued.

It is not cost-effective to operate the research room on its current schedule, 8 a.m. to 4:30 p.m., Monday through Friday, for the expected use of the room. There would be little or no impact on the public because archival records would continue to be made available to researchers.

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This proposed 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, the National Archives and Records Administration proposes to 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, 20xx, through August 30, 20xx, make appointments to use archival records at the center appointments to use archival records at the center by calling the Suitland Reference Branch at 301-000-0000.

Dated: March 27, 20xx.

Signature
Type name,
Title.

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2.19 Checklist for proposed rule documents

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

- ✓ ***Billing code.*** *See* **section 1.3**.
  - ☐ Is the billing code at the top of the first page in the right-hand corner?
- ✓ ***Headings.*** *See* **sections 1.4, 2.3**.
  - ☐ Are the correct headings used?
- ✓ ***Preamble.*** *See* **section 2.4**.
  - ☐ Are all required elements of the preamble included?
  - ☐ Does the SUMMARY answer all three questions?
- ✓ ***List of Subjects.*** *See* **section 2.7**.
  - ☐ Are subject terms listed for each CFR part affected?
  - ☐ Are they placed at the end of the preamble?
- ✓ ***Words of issuance.*** *See* **section 2.8**.
  - ☐ Have you provided a link between the preamble and the regulatory text?
  - ☐ Have you used "proposed" or "proposes" in the words of issuance?
- ✓ ***Authority citation.*** *See* **section 2.12**.
  - ☐ Is the authority citation correctly placed in the document?
- ✓ ***Amendatory language.*** *See* **section 2.14**.
  - ☐ Does it specify the exact CFR unit being changed?
  - ☐ Does it use the correct terms?
- ✓ ***Table of contents.*** *See* **section 2.11**.
  - ☐ Is the table of contents included for each subpart or part being set out in full?
  - ☐ Do entries agree with the regulatory text?
- ✓ ***Paragraphs.*** *See* **section 2.13**.
  - ☐ Are all paragraphs of regulatory text indented and lettered or numbered correctly?
- ✓ ***Asterisks.*** *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.*** *See* **section 2.5**.
  - ☐ If included with the regulatory text, is it placed properly and in the correct style?
- ✓ ***Signature and title***. *See* **sections 1.6, 1.7**.

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- ☐ Is the original signature (handwritten in ink, preferably blue) 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 and not post-dated?

✓ ***Digital signature.*** *See* **sections 1.6, 1.7 and Chapter 6***.*

- ☐ Have you properly set up your digital signature for our web portal?
- ☐ Does the signature name in the document match the digital signature applied to the document?

✓ ***Quality.*** *See* **section 2.17***.*

For All Documents

- ☐ Are original(s) and certified copies legible?
- ☐ Is the document double-spaced?
- ☐ Are the page numbers placed correctly (for manuscript documents)?
- ☐ Are all pages numbered consecutively?
- ☐ Are all pages included?
- ☐ Are the copies properly signed or certified?

For Documents Physically Submitted

- ☐ Are there matching copies and certification? *See* **section 8.2***.*
- ☐ Are the original and two copies (or 3 originals) identical?
- ☐ Are ink changes printed, dated, and initialed on all three copies with the changes reflected in the companion Word document? *See* **Chapter 5***.*

✓ ***Disks.*** *See* **Chapter 6***.* If you have included a disk or CD with your document:

- ☐ Is your file in Microsoft Word? We do not accept *.pdf format.
- ☐ Is every document on a separate disk or CD?
- ☐ Is the file on the disk identical to the signed original document?
- ☐ Did you include the certification/verification letter stating that the file and document are identical?
- ☐ Is your document the only file on the disk or CD?
- ☐ Does the disk have a label that identifies your agency, the document's subject, and the file name?
- ☐ Is the disk virus-free?
- ☐ Are the file and disk or CD free of password protection or other security measures?
- ☐ Is the file scrubbed clean of hidden meta-data?

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Chapter 3: How do I write a document for the Rules and Regulations category?

3.1 Rules and Regulations category documents

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 include:

- Documents that amend the CFR by adding new text or by revising or removing existing text Temporary rule documents which 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

3.2 Document Requirements

In addition to the requirements of **Chapter 1: What are the requirements for drafting any document?**, documents published in the rules and regulations category must include the following items:[26]

- Document Headings

[26] 1 CFR parts 18 and 21.

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- Preamble
- List of Subjects (for documents with regulatory text)
- Words of Issuance (for documents with regulatory text)
- Regulatory text (for documents amending the CFR)

3.3 Document Headings

In addition to the requirements of **Chapter 1: What are the requirements for drafting any document?**, the headings of a rule document also identify the CFR title and part that your document amends or that your document is related to. Present the headings for a rule document using the appropriate format, as follows:

Table 3-1: List of document headings		
Department Name	OR	Agency Name
Subagency Name		**CFR Citation**
CFR Citation		**Agency Docket Number**
Agency Docket Number		**Regulation Identifier Number (RIN)**
Regulation Identifier Number (RIN)		Subject Heading
Subject Heading		

CFR CITATION

The "CFR citation" contains the number of the CFR title and the number of each part the document amends or is directly related to. Even if the document affects only one paragraph within a part, include that part number. Or, you may include the full chapter number in place of specific parts.

AGENCY DOCKET NUMBER

The "agency docket number" is your agency's internal file number, which may be assigned by FDMS.gov. If you have an agency docket number, you must include it as shown in **Example 1-4, Example 1-7, and Example 1-8**. If you have questions about docket numbers, speak with your agency. We do not know if you have one or if you need one.

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RIN

The "RIN" is assigned by the Regulatory Information Service Center (also known as RISC) and identifies each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions. Your agency, in consultation with the Office of Management and Budget (OMB), determines if you need a RIN. If you have a RIN, you must include it as shown in **Example 1-3, Example 1-4, Example 1-6, Example 1-7, and Example 1-8**. We do not know if you have a RIN or if you need one.

3.4 Preamble requirements

Each document published in the Rules and Regulations 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.

Do not include quotations of regulatory or statutory text in the preamble (see **section 3.6**).

Section 3.6 specifies no "lengthy or excessive quotation."

The preamble captions are:

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

These captions must appear in the order shown, and, with the exception of ADDRESSES, you must use each preamble caption. You must use ADDRESSES only if you have an address relevant to the document. The following are examples and explanations of information which must be contained within captions.

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AGENCY

AGENCY identifies the "who" of a document by specifying the issuing agency. This caption usually repeats the name of the department or non-departmental agency as carried in the document's headings (see **Example 1-3, Example 1-4**), as well as the subagency name if applicable (see **Example 1-6**). However, unlike the headings section, you may choose to include in this caption the name of offices or agencies which are not listed in the document's heading (see **Example 1-7**) and which have not signed the document. When these names appear together, put them in order of smallest to largest (see **Example 3-1**).

Example 3-1: AGENCY caption	
AGENCY: Office of the Secretary, USDA.	Subagency, Department
AGENCY: Environmental Protection Agency.	Department
AGENCY: National Park Service, Interior.	Agency, Department
AGENCY: Bureau of Public Debt, Fiscal Service, Treasury.	Bureau, Subagency, Department

ACTION

ACTION identifies the type of document by stating what the document does. It does not summarize the substance of a document. Do not allow this caption to become too long.

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Example 3-2: Frequently used lines for ACTION caption	
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[27].
ACTION:	Interim final rule; request for comments.
ACTION:	Final rule; withdrawal.
ACTION:	Interpretive rule.
ACTION:	Direct final rule.
ACTION:	Final rule; petition for reconsideration.
ACTION:	Final rule; denial of reconsideration.
ACTION:	Petition for rulemaking; withdrawal.
ACTION:	Policy.
ACTION:	Temporary rule.

This is not an exclusive list of available ACTION lines. If you use a different line, do not include the word "Notice." If you are unsure of using a different ACTION line, check with the Scheduling Unit.

SUMMARY

In SUMMARY, you explain the "what," "why," and "effect" of the document within the *Federal Register*/CFR publication system (see **Example 3-3**). Your SUMMARY should not be longer than a paragraph and must answer these three questions:

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

[27] For more information on correction documents, see **Chapter 5: How do I correct a document?**.

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Table 3-2: SUMMARY	
Use the following guidelines in preparing a SUMMARY	
DO	DON'T
Be brief.	Use numbered or bulleted lists.
Use language a non-expert will understand.	Include qualifications, exceptions, or specific details.
Describe what the document does, not how it affects the CFR.	Use legal citations (for example, do not use 40 CFR part 52 or 5 U.S.C. 552) or footnotes.
Refer to an act of Congress by the popular name of the act.	Quote
Be brief.	Include more detail than in SUPPLEMENTARY INFORMATION

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 SUPPLEMENTARY INFORMATION.

Example 3-3: SUMMARY caption

SUMMARY: The Coast Guard is amending 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.

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DATES

DATES presents the "when" of a document. Include ***all*** dates that are essential to the document in DATES (see **Example 3-4**). All documents in the rules category must have at least one date.

Include the following dates, as applicable:

- Effective dates.
- Incorporation by reference approval date (see IBR Handbook).
- 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, such as a suspension or a stay.

Note: *When extending or reopening a comment period or when delaying an effective date, include the FR citation, including the publication date of the original document in DATES to link the two documents.*

Example 3-4: DATES caption format with multiple dates

DATES: *Effective date: July 10, 20xx.*
Compliance Workshops:

1. March 26, 20xx, 9:30 a.m. to 5 p.m., Washington, DC.
2. April 3, 20xx, 9:30 a.m. to 5 p.m., Pittsburgh, PA.
3. April 8, 20xx, 9:30 a.m. to 5 p.m., Hudson, WI.
4. April 15, 20xx, 9:30 a.m. to 5 p.m., Madison, WI.

Only include date information in DATES. While all rule category documents need a date, only documents that specifically impact the CFR can have an effective date.

Group dates according to type of date (such as effective dates and compliance). Place any discussion related to the dates (for example, meeting location, docket access, meeting agenda, content of material available for inspection) in ADDRESSES or SUPPLEMENTARY INFORMATION, as applicable.

Effective date

The effective date of a *Federal Register* document is the date that we:

- Amend the CFR by following your amendatory instructions (final rule; stay)

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- Discard or postpone amendatory instructions set to become effective in the future (withdrawal; delay)

Therefore, effective dates cannot be retroactive and only rule category documents that amend the CFR have effective dates.

Note: *If you need to make an action described in a document effective, contact us to work out appropriate language.*

Calculated dates vs. specific dates

We only compute and insert dates tied to *Federal Register* publication or filing on public inspection. In computing the date, we count the day after publication as the first day, and then each succeeding day, including Saturdays, Sundays, and holidays. When the computed date falls on a weekend or a Federal holiday, we use the next Federal business day. You can use the "Table of Effective Dates and Time Periods" to see which date we will use. This table appears in the Reader Aids section of the first *Federal Register* issue each month and is available at www.federalregister.gov. If you need us to compute and insert a date, present the date as shown in **Example 3-5**. If your agency is using a specific date, or dates, (frequently referred to as a date certain) for your rule, use the format in **Example 3-6**.

Example 3-5: DATES caption with an OFR-calculated effective date
DATES: This rule is effective [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

Example 3-6: DATES caption for a document with agency-provided date and multiple effective dates
DATES: This rule is effective [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], except for the amendment to § 21.30(e) which is effective on January 1, 20xx.

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 3-7**).

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Example 3-7: DATES caption for a major rule subject to Congressional review
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.

Example 3-8: DATES caption withdrawing a final rule
DATES: Effective on November 14, 2008, EPA withdraws the direct final rule published at 73 FR 53140, on September 15, 2008.

Compliance dates and applicability dates

Some rules include a compliance or applicability date in addition to an effective date. The compliance or applicability date is the date that the affected classes must comply with the rule. Place the compliance or applicability date after the effective date (see **Example 3-9**).

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Example 3-9: DATES captions 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, 20xx. *Applicability Date*: Subpart A of part 124 applies to all applications for 8(a) business development program pending as of July 30, 20xx. **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, 20xx. **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].

Table 3-3: Differences between effective dates and compliance or applicability dates	
Effective Date	Compliance/Applicability Date
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 not be retroactive.	May appear in DATES and CFR text.

Information collection requirements

If a rule contains information collection requirements which have not been approved by OMB, you may delay the effectiveness of the provisions with those requirements use the wording in **Example 3-10**. You may also make the provisions effective and address

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compliance as a separate issue. Discuss OMB approval, compliance, and other related issues in SUPPLEMENTARY INFORMATION.[28]

Example 3-10: DATES caption for a rule with information collection requirements that have not been approved by OMB
DATES: Effective June 1, 20xx, except for § 232.48(g) which is delayed. We will publish a document in the *Federal Register* announcing the effective date.

Delays and Stays

***Note**: 1) In this discussion of **Delays** and **Stays**, the term **Delay** is the equivalent of "Postpone."*
2) Anything that applies to a Compliance date can also apply to an Applicability date.

Delay of effective dates. You may only **Delay** 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 (see **Example 3-11**).

Example 3-11: Rule with a **delay** of effective date
DATES: The effective date of the rule amending 47 CFR part 600 published at 76 FR 12345, May 15, 20xx, is delayed until May 15, 20xx.

If the **Delay** is indefinite, you must state that you will furnish the date in a future *Federal Register* document (see **Example 3-12**).

Example 3-12: Rule with an indefinitely **delayed** effective date
DATES: The effective date of § 201.64, added at 76 FR 12345, July 23, 20xx, is delayed indefinitely. The Administration will publish a document in the *Federal Register* announcing the new effective date.

If you included the effective date as part of CFR text, you must also amend the CFR text (see **Example 3-13**).

[28] We will no longer include an Effective Date note with OMB approval information to provisions in the CFR.

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Example 3-13: Rule with a **delayed** effective date as part of the CFR text
Section 600.1(c) is amended by removing the date "July 1, 20xx" and adding in its place "September 1, 20xx".

Stay of CFR text. If the effective date has already taken place, you cannot **Delay** it; you must **Stay** the CFR text instead (see **Example 3-14**).

Example 3-14: Rule with a **stay** of CFR provisions
DATES: *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, 20xx.

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.

If you do not include an expiration date when you enact a **Stay**, you must publish another document to lift the **Stay** (see **Example 3-15**),

Example 3-15: Rule lifting **stay** of CFR provisions
DATES: *Effective* [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], the stay of 21 CFR 101.65(d)(2)(ii)(C) and (d)(4)(ii)(B) is lifted.

Delay of compliance dates. 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 (see **Example 3-16**).

Example 3-16: Rule with a **delay** of compliance date
DATES: The compliance date for the rule amending 21 CFR Part 600 published at 64 8x FR 12345 on May 15, 20xx is delayed until May 15, 20xx.

If the date is indefinite, you must state that you will furnish the date in a future *Federal Register* document (as in **Example 3-12**).

Stay of compliance dates. If the compliance date is in the CFR text and the effective date of the CFR amendment has passed, you may **Stay** the CFR text unit. You can only do that by amending the CFR (see **Example 3-17**).

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Example 3-17: Rule with a **delay** or **stay** of compliance date as part of the CFR text
Section 20.5 is amended in paragraph (e) by removing the date "March 1, 20xx" and adding in its place "March 15, 20xx".

Example 3-18: Rule with **stay** and effective date for new material
DATES: Effective August 15, 2016, 40 CFR 52.145(k)(6) and Appendix A to 40 CFR 52.145 are stayed until November 14, 2016. The addition of 40 CFR 52.145(n) in this rule is also effective from August 15, 2016 until November 14, 2016.

Example 3-19: Rule with stay and effective date for temporary section
DATES: Effective August 15, 2016, 49 CFR 171.145 is stayed until November 14, 2016. The addition of 49 CFR 171.145T in this rule is also effective from August 15, 2016 until November 14, 2016.

Table 3-4: When to Stay and when to Delay

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

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ADDRESSES

ADDRESSES contains the "where" of the document. If you have an address relevant to the document, you must include ADDRESSES.

Include the following types of address (including electronic), as applicable, needed for:

- Mailing public comments
- Sending public comments electronically
- Hand-delivering public comments
- Attending a public hearing (or meeting)
- Examining any material available for public inspection, including material to be incorporated by reference.

Only include address information in ADDRESSES.

Include the electronic address and only brief instructions for how to send comments via www.Regulations.gov, an agency website, or email, and group them by type (see **Example 3-21**). If you need to include detailed instructions, add them to SUPPLEMENTARY INFORMATION. Place any discussion related to the addresses (for example, how to register for a meeting, meeting agenda, or content of material available for inspection) in the SUPPLEMENTARY INFORMATION section (see **Example 3-23**).

OMB has issued a directive that requires agencies to use the "ADDRESSES" template displayed in **Example 3-20** when drafting regulatory actions that offer opportunity for public comment.

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Example 3-20: OMB-required ADDRESSES template for regulatory actions offering the opportunity for public comment
ADDRESSES: You may send comments, identified by [docket number and/or RIN number], by any of the following methods: • Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for sending comments. • Agency Web Site: [*Complete URL*]. Follow the instructions for sending comments on the [*Agency electronic docket site / website*]. • E-mail: [*E-mail Address*]. Include [*docket number and/or RIN number*] in the subject line of the message. • Fax: [*Fax Number*]. • Mail: [*Mailing Address for paper, disk, or CD-ROM submissions*]. • Hand Delivery / Courier: [*Street Address*]. *Instructions*: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to [*Complete URL*], including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Public Participation" heading of the SUPPLEMENTARY INFORMATION section of this document. *Docket*: For access to the docket to read background documents or comments received, go to [*Complete URL(s) and/or Street Address(es)*].

Remember to:

- Substitute appropriate information for the bracketed items
- List all applicable submission methods
- State full URLs:
  - http://www.xxxxx.gov
  - http://documents.xxxx.gov
  - ftp://www.xxx.gov

You may include brief instructions following bulleted items or in the optional Instructions paragraph.

You may also use the optional Instructions and Docket paragraphs to highlight or cross-reference agency-specific instructions and to provide access to rulemaking dockets. Detailed or lengthy instructions (which could include for documents issued by more than one agency) may need to go into SUPPLEMENTARY INFORMATION.

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Example 3-21: Format with different addresses for comments and information collection.
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 3-22: Format with one address for multiple purposes.
ADDRESSES: Mail comments and requests to testify to Hearing Clerk, Room 000, Department of XXXXX, 000 Independence Avenue, SW, Washington DC 20553-0002; the hearing will be held in Room 111, 000 Independence Avenue, SW, Washington DC 20553-0002.

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" (see **Example 3-23**).

Long, detailed or complicated instructions should go into Supplementary Information.

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Example 3-23: Format directing the public to SUPPLEMENTARY INFORMATION for details on how to submit electronic comments and data.

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

In FOR FURTHER INFORMATION CONTACT, you must include the name and telephone number of a **person** within your agency who can answer questions about the document. You should also include their email address. This email address may appear in both this section and the ADDRESSES section if your point of contact manages another aspect of the document, such as the location to send email comments. You may list two or more persons to contact concerning different aspects of a document (see **Example 3-24**). You may also include a group email address.

Example 3-24: FOR FURTHER INFORMATION CONTACT caption with contact information

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

FOR FURTHER INFORMATION CONTACT:
Technical information: John Regwriter, 202-000-0000, John.Regwriter@agency.gov.
Legal information: Mary Regulatory, 202-000-0001, mregulatory@agency.gov.

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SUPPLEMENTARY INFORMATION

Under SUPPLEMENTARY INFORMATION, include the regulatory history of this rulemaking, and a statement of the proposed rule's basis and purpose. Present this information in plain 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 **Example 3-77, Example 3-78**.

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

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 3-77**.
    - 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 was, or 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 meeting?
    - Are there any instructions for filing comments or making oral presentations?
    - Will transcripts of the hearing be made available?

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- 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
  - Regulatory analysis

3.5 What is an OMB control number and where do I put it?

The Paperwork Reduction Act 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. For OMB control numbers included as part of a rule document, 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[29]:

- Place the approval statement and number parenthetically at the end of the appropriate section (see **Example 3-25**);
- Display the number in a section devoted to OMB control numbers (see **Example 3-26**); or
- Display the number in a CFR part devoted to OMB control numbers (see **Example 3-27**).

The Regulatory Group offers training on Paperwork Reduction Act compliance. To learn more, go to www.RegulationWriters.com or call (703) 224-9000.

[29] 1 CFR 21.31

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Example 3-25: 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 3-26: 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 3-27: 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	2050-1

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3.6 When can I use direct quotes?

The OFR does not allow lengthy or excessive quotation from Federal regulations or Federal law. This includes text from regulatory documents published in the *Federal Register*. However, if your agency has a compelling legal reason to extensively quote this type of material, contact OFR's Legal Affairs and Policy Division (fedreg.legal@nara.gov).

3.7 List of Subjects

Each rule document that contains regulatory text must contain a list of index terms (List of Subjects) for each CFR part number cited in the document's heading.[30] These 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. You can find the terms online at Federal Register Thesaurus of Indexing Terms. You can also find a list of current terms for each CFR part.

Document Drafting Resources
https:www.archives.gov/federal-register/write

For new CFR parts, you must select appropriate terms from the Thesaurus. You may then add other terms not contained in the Thesaurus for either existing or new CFR parts. When you select a term that is not in the Thesaurus, ask yourself, "Would I search for the subject matter using this term?"

Thesaurus of Indexing Terms organized by CFR title
https:www.archives.gov/federal-register/cfr/

The List of Subjects is the last item under SUPPLEMENTARY INFORMATION in the preamble. You must include a List of Subjects for each CFR part affected by the document. However, if several CFR parts use identical lists of terms, you may consolidate the lists. Put the List of Subjects terms in alphabetical order and separate them with commas. Capitalize only the first word of each term. End the list with a period (see **Example 3-28, Example 3-29**).

A List of Subjects is not required for a document that:

- Contains no regulatory text (excluding documents that only remove regulatory text)
- Only presents nomenclature changes
- Corrects a previous document

[30] 1 CFR 18.20.

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Example 3-28: List of Subjects for a single CFR part

List of Subjects in 40 CFR Part 262

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

Example 3-29: List of Subjects for multiple 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.

3.8 Words of issuance

The "words of issuance" is an expression that connects the preamble to the regulatory text and the tie between the rule and the CFR units you are changing. 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 (See **Example 3-30, Example 3-31, Example 3-32**).

***Note**: **Amend** just means change. **Add**, **Revise**, and **Remove** are 3 ways to **Amend**.*

Example 3-30: Words of issuance - amending

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:

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For the reasons discussed in the preamble, the Federal Communications Commission revises 47 CFR part 430 to read as follows:

For the reasons stated in the preamble, and under the authority of 5 U.S.C. 501, the Environmental Protection Administration removes 40 CFR part 63.

*Note: Use **Example 3-32** if the only action you are taking is to remove something (see also **Example 3-46**).*

For deviations from this general format see **section 3.14.**

3.9 Regulatory text

The "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 regulations
- Amendatory language
- Asterisks
- Cross-references

***Note**: You cannot reference a* Federal Register *document in regulatory text.*

3.10 Regulatory headings

You must provide a heading for each part, subpart, section, and appendix[31] that you are amending. You may add paragraph headings. A heading is a brief statement that accurately describes the content of that CFR unit (see **Example 3-33**). You may not use phrases or

[31] Subparts and appendices are optional, but if you choose to use such a unit, you must include a heading.

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expressions that are not descriptive, including "Regulations under the Act," "Regulations governing…," "Rules applicable to…," or similar phrases.[32]

The only way to change a heading is to amend the CFR.

Example 3-33: Regulatory Headings	
PART 970—CREATION AND MAINTANCE OF FEDERAL RECORDS	Part Heading
Subpart A—Identifying Federal Records	Subpart Heading
§ 1222.12 What types of documentary materials are Federal records?	Section Heading
(a) *General*.	Paragraph Heading

Part headings

A part heading is usually a phrase, rather than a statement or question. Consider using terms that you included in your List of Subjects (see **section 3.7*)***.

Subpart headings

Subparts separate ideas within a part, so the heading should be more specific than the part heading. These headings can be a specific topic, phrase, statement, or question.

Undesignated center headings

You may use undesignated center headings to break up a large subpart and group together sections concerning a particular subject area. Although we permit undesignated center headings, we strongly discourage their use.

Note that undesignated center headings are now discouraged.

Appendix headings

An appendix may appear at the subpart or part level. Designate each appendix with a capital letter, identify whether it belongs to a subpart or part, and give it a descriptive

[32] 1 CFR 21.19.

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heading (see **Example 3-34**). If your agency has established a uniform designation system for CFR appendices the specific part or subpart, follow that established system (see **Chapter 7: Figures, forms, tables, notes, and appendices**).

Note: *Even if you have only one appendix, you must still designate it as "Appendix A." However, we will not require you to reserve "Appendix B" in this situation.*

Example 3-34: Appendix headings
Appendix B to Subpart A of Part 915—Illustrations of Infant Highchair Designs Appendix A to Part 2—Flammability Statistics for Floor-Cleaning Fluids

Section headings

Descriptive section headings are signposts for the reader.[33] They help readers identify the particular regulatory text that applies to them. End each section heading with a period or question mark.

Paragraph headings

You may use headings at the paragraph level. If you use a heading for one paragraph, you must use a heading for all paragraphs at that level. End paragraph headings with a period and italicize them in the document.

3.11 Table of Contents

You must provide a table of contents[34] for actions that:

- Add a new part or subpart
- Revise 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

[33] 1 CFR 21.10.
[34] 1 CFR 21.18.

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Table of contents entries are identical to the section headings, subpart headings, and appendix headings in the regulatory text (see **Example 3-35**). Do not include units smaller than a section in your 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 incorporated into the CFR.

Note: *This is not the same as table of contents in the preamble.*

Example 3-35: Table of Contents – part, subpart, and appendix

PART 82 —PROTECTION OF STRATOSPHERIC OZONE
Subpart B —SERVICING OF MOTOR VEHICLE AIR CONDITIONERS

Sec.
82.30 Purpose and scope.
82.32 Definitions.
82.34 Prohibitions and required practices.
82.36 Approved refrigerant handling equipment.
82.38 Approved independent standards testing organizations.
82.40 Technician training and certification
82.42 Certification, recordkeeping and public notification requirements.
Appendix A to Subpart B —Standard for Recycle/Recover Equipment

3.12 Authority citations

You must cite the authority that allows your agency to amend the CFR.[35] 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 (U.S.C.)
- Non-statutory:

[35] 1 CFR 21.40.

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- Presidential Executive order[36]
- 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 (see **Example 3-36**) and sections (see **Example 3-37**) within the central authority citation.

Example 3-36: Authority citation for a subpart
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 3-37: Authority citation for a section
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 a U.S.C. citation, if one exists.[37] To determine the U.S.C. citation, use one of the following:

[36] The citation for E.O. 12372, which appears across CFR titles, may have an error. If your citation includes "(48 FR 15887)" in the "as amended" portion, and you don't know the correct citation for your part, contact OFR for a possible solution.

[37] 1 CFR 21.52.

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- The current edition of the U.S.C. or its supplement
- The slip law for recently signed public laws

We generally recommend that you use only the U.S.C. citation (see **Example 3-38**). When a U.S.C. 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 3-39**). Do not cite the popular name of a public law.

Example 3-38: Authority citation using U.S.C.
Authority: 44 U.S.C. 2101-2118; 50 U.S.C. 6909.

Example 3-39: Authority citation using Public Law and U.S. Statutes at Large
Authority: Sec. 8067, Pub. L. 98-473, 98 Stat. 1937.

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 3-40**).

Example 3-40: Authority citation with U.S.C. primary
Authority: 42 U.S.C. 2996; Pub. L. 104-208, 110 Stat. 3009; Pub. L. 104-134, 110 Stat. 1321.

NON-STATUTORY AUTHORITY

Cite non-statutory authority by document designation, *Federal Register* citation, and CFR citation[38] (see **Example 3-41**).

Example 3-41: Authority citation with non-statutory sources
Authority: E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105.

[38] 1 CFR 21.53.

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If you include both statutory and non-statutory citations in the same authority citation, place the statutory citation first[39] (see **Example 3-42**).

Example 3-42: Authority citation with statutory and non-statutory sources
Authority: 8 U.S.C. 1161(f); 29 U.S.C. 1801-1872; Secretary's Order 6-84, 49 FR 32473.

PLACEMENT OF THE AUTHORITY CITATION: ADDING OR REVISING

Part: If a document adds or revises an entire part, place the authority citation directly after the table of contents and before the regulatory text[40] (see **Example 3-43**).

Example 3-43: Authority citation when adding or revising a part
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.

Subpart. 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 **Example 3-65**).

Sometimes adding or revising an entire subpart uses a different authority citation than the authority citation for the whole part. If this is the case, 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 3-44**).

[39] 1 CFR 21.45.
[40] 1 CFR 21.43(a)(1).

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Example 3-44: Authority citation when adding or revising a subpart; different citation than part

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

Sec.
230.201 Purpose.
230.202 Definitions.
230.203 Policy

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

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

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[41] (see **Example 3-45**).

The amendatory instruction for the authority citation must indicate if it is "revised" or "continues to read."

Example 3-45: Authority citation when amending only certain sections

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.

PART 4—SERVICES TO THE PUBLIC

1. The authority citation for part 4 **continues** to read as follows:
Authority: 44 U.S.C. 1502.

[41] 1 CFR 21.43(a)(2).

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PLACEMENT OF THE AUTHORITY CITATION: REMOVING

Parts. If you remove a part, you must give your agency's authority for the action. Place the authority in the "words of issuance" (see **Example 3-32, Example 3-46**).

Example 3-46: Authority citation when removing a part (becomes part of Words of Issuance)
Accordingly, under the authority 10 U.S.C. 8013, amend XX CFR chapter VII by removing part 837. Under 42 U.S.C. 541 and as discussed in the preamble, amend XX CFR chapter II as follows:

3.13 Numbering

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

CFR UNITS

The basic structure of the CFR consists of a hierarchy of designated CFR units, not based on a decimal numbering system[42] (see **Table 3-5**).

Table 3-5: CFR units and numbering

Unit	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.

As shown in **Table 3-5**, each section number includes the number of the part followed by a period and a sequential number.

[42] 1 CFR 21.11.

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

In some cases, you may use "T" after a section number to indicate that the section is temporary (for example § 234.1T, § 232,4T). You must have our approval to use this numbering convention before you send us your document for publication. Approval may depend on the length of time you will need the temporary section.

The Director of the OFR must approve any deviation from standard CFR structure. Send or email a signed request letter to the Director for approval in writing before you begin drafting. **We must receive your request at least five working days before your agency intends to submit your document for publication** and you must include a copy of the document showing the deviation. The Director will inform you if your request is approved or denied[43] (see **Appendix A: Deviation Request letter**).

Paragraph structure of a section

If you have more than one paragraph, designate each one as shown in **Table 3-6**. Indent each designated paragraph within a section (see **Example 3-47**).

You may use up to six levels of designation in a section.[44] **We strongly recommend that you do not use more than 3 paragraph levels.** Using 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.

Sections that consist of a single paragraph or the introductory text of a section do not require a designation. You must designate all other text within a section. (See **Chapter 7: Figures, forms, tables, notes, and appendices** if you have specific language that regulated parties are required to use to comply with the regulations.)

[43] 1 CFR 21.14.
[44] 1 CFR 21.11(h).

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Table 3-6: List of paragraph levels	
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. [italicized]
level 6	(*i*), (*ii*), (*iii*), etc. [italicized]

Example 3-47: Section with paragraph levels	
§ 233.17 Noncompliance and program reporting by the Director.	
The Director shall prepare quarterly and annual reports as detailed in this section and shall submit them to the Regional Administrator.	**Level 1 intro text**
(a) *Quarterly reports for State 404 programs*. The Director shall submit noncompliance reports for section 404 discharges under § 233.24(f)(1)(i)(A) through (E) containing the following information:	**Level 1 paragraph (a) intro text**
(1) Name, location, and permit number of each noncomplying permittee;	
(2) A brief description and date of each instance of noncompliance, which should include the following:	**Level 2 paragraph (a)(2) intro text**
(i)Any unauthorized discharges of dredged or fill material subject to the State's jurisdiction or any noncompliance with permit conditions; and	**Level 3 paragraph (a)(2)(i)**
* * * * *	

Other designation

Definitions. 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 beginning with the second level, in a dedicated definitions section (see **Table 3-6**), or the next appropriate level based on the definitions paragraph within a section, and italicize the term (see **Example 3-48**). Do not

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include substantive regulatory provisions in a definition. If a definitions section contains only one definition, it should not have introductory text or (a)-level codification (see **Example 3-49**).

Example 3-48: Definitions section

§ 89.2 Definitions.
* * * * *

Marine engine means a nonroad engine that is installed or intended to be installed on a marine vessel. This includes a portable auxiliary marine engine only if its fueling, cooling, or exhaust system is an integral part of the vessel. There are two kinds of marine engines:

(1) Propulsion marine engine means a marine engine that moves a vessel through the water or directs the vessel's movement.

(2) Auxiliary marine engine means a marine engine not used for propulsion.

* * * * *

Nonroad engine means:

(1) Except as discussed in paragraph (2) of this definition, a nonroad engine is any internal combustion engine:

(i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

(ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(iii) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(2) An internal combustion engine is not a nonroad engine if:

(i) the engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Act; or

* * * * *

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§ 89.2 Definitions.

Marine engine means a nonroad engine that is installed or intended to be installed on a marine vessel. This includes a portable auxiliary marine engine only if its fueling, cooling, or exhaust system is an integral part of the vessel. There are two kinds of marine engines:

(1) Propulsion marine engine means a marine engine that moves a vessel through the water or directs the vessel's movement.

(2) Auxiliary marine engine means a marine engine not used for propulsion.

For more information on notes, appendices, tables, or figures, see ***Chapter 7: Figures, forms, tables, notes, and appendices****.*

Notes. Notes are not regulatory and must appear after the unit they explain. Label them using CFR designations to show whether they apply to the whole section or to the preceding paragraph. Number them consecutively within the section (see **Example 3-50**). Notes should not be more than one or two paragraphs and should never have multiple paragraph levels. Complex notes that cannot be restructured into a simple paragraph should be codified, included in an appendix, or removed from the CFR.

Tables: Tables that contain codified paragraphs must maintain a consistent structure throughout the table. Only one level of codification can appear in a column and that paragraph level cannot appear in any other column (see **Example 7-5**). Position them within the section in the location of the codified text that they contain.

Tables that do not contain codified paragraphs must appear after the unit they illustrate, explain, or expand. Designated tables are numbered consecutively throughout the section (so that you only have one "Table 1" in a section) and then labeled using CFR designations to show where they are located within the section and to which paragraph(s) of the section they apply to (see **Example 3-51, section 7.4**).

Keep in mind that more complex tables are more difficult to amend and may require being photographed instead of typeset.

Figures*:* Figures must appear after the unit they explain or illustrate. Label them using CFR designation to show whether they apply to the whole section or to the preceding paragraph (see **Example 3-52**).

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Non-codified, structured text: You may amend individual elements (paragraphs or sentences) of a non-standard section ***only if*** each element has a unique designation that falls logically within the structure of the section. While you do not have to use standard CFR paragraph designations, you do need to designate elements consistently across the structured text. We strongly encourage you to review the structure periodically to see if newer publication techniques would be a better solution for including the content in the CFR.

Appendices: Appendices may only appear at the part or subpart level. Designate each appendix and identify whether it belongs to a part or subpart (for example, Appendix A to part 51) and give it a descriptive heading (see **Example 7-8**).

Note: *Even if you have only one note, appendix, table, or figure, you must still designate it as "Note 1", "Appendix A", etc.*

Example 3-50: Labeling for Notes
Note 1 to § 30.1. Note 2 to paragraph (f). Note 3 to paragraph (h)(2).

Example 3-51: Labelling for Tables
Table 1 to § 30.1. Table 2 to paragraph (f). Table 3 to paragraph (h)(2).

Example 3-52: Labelling for Figures
Figure 1 to § 30.1. Figure 2 to paragraph (f). Figure 3 to paragraph (h)(2).

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3.14 Amendatory Language

Language

A rule document usually changes the CFR. The regulatory text of a document must fit into the current text of the CFR, so you must precisely identify and describe the changes to the CFR.[45] 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. Each of these terms have very specific meanings within our publication system and cannot be interchanged even if they are interchangeable at your agency.

Amendatory instructions only detail your changes. You cannot discuss why you are proposing these changes in the amendatory language. Any discussion belongs in SUPPLEMENTARY INFORMATION.

Make sure you are changing the current version of your regulations. Before you begin drafting amendatory language (and again if you do not send your document soon after it is drafted), consult the eCFR or the latest version of the CFR, the LSA, and the latest *Federal Register*[46] for any month not covered by your LSA.

Base your amendatory language on the current text of your regulations. 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. This will reduce the likelihood of mistakes and the reader will then have the complete text of the amended unit.

The LSA and CFR Parts Affected let you research the history of changes to any CFR unit. See page iii for information.

Amend

Use **Amend** with one of the amendatory terms in **Table 3-7** to change content in the CFR. But remember that **Amend** is an introductory term and cannot stand alone (see **Example**

[45] 1 CFR 21.20.
[46] *Federal Register* documents (1936-present), the CFR (1997-present), and LSA (1986-present) are on GovInfo.gov.

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3-53, Example 3-54). Think of **Amend** as a general category for all amendatory actions and the other terms as the instructions that detail the changes you are making.

***Note**: Do not confuse **Amend** with **Revise**. **Amend** is not an amendatory instruction. It simply means "change" and must be used in conjunction with amendatory terms to describe the change. **Revise** means to replace an entire unit.*

Example 3-53: Incorrect instruction with **Amend** (w/o **Add**, **Revise**, or **Remove**)
Amend part 105 to read as follows: Amend § 80.100(e)(1)(iii) to read as follows: In § 15.4, amend paragraph (b) and the introductory text of paragraph (f)(2) to read as follows:

Example 3-54: Correct instruction with **Amend**
Amend § 791.27 by revising paragraph (b)(3) and by adding paragraph (d)(4) to read as follows:

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Specific amendatory terms

Table 3-7: **Table of Amendatory Terms**	
Add	Inserts new content into the CFR. **Example 3-55**
Revise	Replaces an existing CFR unit in its entirety. The smallest unit is a sentence. **Example 3-57, Example 3-65, Example 3-66, Example 3-67**
Remove	Removes an existing CFR unit. **Example 3-58**
Redesignate	Transfers a CFR unit to a new designation. You CANNOT redesignate a CFR unit to a designation already in use. **Example 3-58**
Reserve	Fills gaps in CFR numbering. **Example 3-60, Example 3-61**
Republish	Sets out an unchanged CFR unit for the convenience of the reader, often to provide the context for an amendment. If you make a change to the republished text, it will not appear in the CFR. **Example 3-63**
Withdraw	Cancels a previously published rule, signaling that those amendments will not go into effect. **Example 3-8**
Stay	Temporarily or indefinitely suspends a CFR unit but leaves the text in place. The CFR unit is not legally effective and is not enforceable. Stayed text is frozen and cannot be amended. **Example 3-14, Example 3-18**
Nomenclature Change	Changes a term or phrase throughout a CFR unit. It is commonly used to change an office designation, a telephone number, or the title of an agency official. If the term occurs only in a handful of sections, do not amend the part; amend those specific sections. **Example 3-62**
Correct	Corrects errors in a previously published rule document (see **Chapter 5: How do I correct a document?** for more information). **Example 3-64**

Add

For authority citations only, use "continues to read" to mean that an authority citation is not changed.

Use **Add** to insert new content into the CFR (see **Example 3-55**).

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Example 3-55: **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 paragraph (f)(5) to § 210.14 to read as follows: Add § 4.8(a)(3)(iii) to read as follows: In § 17.23(b), add the word "not" after the word "do" in the first sentence.

Revise

Use **Revise** to replace a complete CFR unit. You cannot revise anything smaller than a sentence (see **Example 3-57**).

***Note**: Do not confuse **Amend** with **Revise**. **Amend** is not an amendatory instruction and must be used in conjunction with amendatory terms to describe a change. **Revise** can stand alone and will replace an entire unit of content.*

Because **Revise** will replace the entire unit, make sure to specify the smallest unit that you need to change. If you need to revise a 3rd level paragraph, give an instruction to that 3rd level. If you give an instruction to a higher level in that paragraph, you may replace text that you did not intend.

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Example 3-56: Paragraph from Example 3-47
(a) *Quarterly reports for State 404 programs*. The Director shall submit noncompliance reports for section 404 discharges under § 233.24(f)(1)(i)(A) through (E) containing the following information: (1) Name, location, and permit number of each noncomplying permittee; (2) A brief description and date of each instance of noncompliance, which should 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) One more condition added here

Example 3-57: Effect of **Revising** different units
Revise paragraph (a): replaces all of the text in **Example 3-56** Revise introductory text of paragraph (a): replaces only the introductory text before (a)(1) Revise paragraph (a)(2): replaces the introductory text of (a)(2) as well as (a)(2)(i) and (a)(2)(ii)

Remove

Use **Remove** to take existing content out of the CFR (see **Example 3-58**).

Example 3-58: **Remove**
§ 300.12 [Removed] Remove § 300.12. **§ 495.73 [Amended]** Amend § 495.73 by removing paragraphs (a)(5) and (e).

Redesignate

Use **Redesignate** to move a CFR unit to a new designation. You **cannot** redesignate a CFR unit to an existing unit. We strongly recommend that you use a redesignation table. Redesignate to the final location of the unit of text; do not redesignate the same text multiple times. This may mean that you must address amendments to higher sections first instead of amending the sections in numerical order (see **Example 3-59**).

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E1 **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:

E2 **§ § 1475.12 through 1475.20 [Redesignated]**
2. 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

(note that this leaves § 1475.16 empty)

E3 **§ 100.5 Appeal procedures.**
2. In § 100.5, redesignate paragraphs (a) through (c) as paragraphs (d) through (f) and add new paragraphs (a) through (c) to read as follows:

E4 **PART 20 [REDESIGNATED AS PART 30]**
2. Redesignate part 20 as part 30.

E5 **§ § 226.3 through 226.5 [Removed]**
2. Remove § § 226.3 through 226.5
§ § 226.6 through 226.8 [Redesignated as § § 226.3 through 226.5]
3. Redesignate § § 226.6 through 226.8 as § § 226.3 through 226.5, respectively.

E6 **§ 45.3 [Amended]**
2. In § 45.3:

a. Redesignate paragraphs (a)(1) and (2) as paragraphs (a)(1)(i) and (ii); and
b. Redesignate paragraphs (a) through (c) as paragraphs (a)(1) through (3).

Note**: If a redesignation is overly complex, as shown in Example 3-59* ***number E6, *we strongly encourage you to make a revision instead.*

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Reserve

Use **Reserve** to fill in gaps in CFR numbering. This shows that the gap is deliberate and assures readers that content is not missing. You can create a gap when adding text to leave room for future amendments or when removing text without replacing it. To avoid confusion in your amendatory language, you should always reserve subparts and paragraphs (see **Example 3-60, Example 3-61**).

Example 3-60: **Reserve** when removing
Subpart Q—[Removed and Reserved] Remove and reserve subpart Q, consisting of § § 103.10 through 103.25.

Example 3-61: **Reserve** when adding
Add and reserve subpart E and add subpart F, consisting of § § 25.100 through 25.130, to read as follows:

Stay

Use **Stay** (synonymous with Suspend) to place a hold on a CFR unit temporarily or indefinitely. We do not remove or otherwise amend the content that is stayed, but we do add an Editorial Note and we freeze the text. During the stay, the CFR unit is not legally effective and is not enforceable. You cannot amend the content at all (even to remove it) until you lift the stay. However, it is possible to lift a stay and amend the text in a single instruction. Consult with us when using the term **Stay**.

To impose a Stay: the amendatory language (and the DATES caption) must cite the CFR unit affected. The amendatory instruction will state that the CFR unit is stayed until a specified date or is stayed indefinitely. The smallest CFR unit you may stay is a paragraph.

To lift a Stay: your agency must publish a document that explicitly states that the stay is lifted as of a date certain. The instruction to lift the stay appears in the amendatory language (and in the DATES caption).

To change Stayed content: your agency must first lift the stay. Then you can revise or remove the text as desired. If necessary, your agency may immediately re-impose a stay on

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the newly revised text by stating the action in the amendatory language (and in the DATES caption).

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, a telephone number, an address, or the title of an agency official. If the term occurs only in a handful of sections, do not amend the part; amend those specific sections (see **Example 3-62**).

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Example 3-62: 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

Republish

Use **Republish** to set out unchanged text for the convenience of the reader, often to provide context for your regulatory changes. In **Example 3-63**, our editors will only codify the amendments to paragraphs (a)(1) and (3) and will not make any changes to the introductory text of paragraph (a).

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Example 3-63: **Republish**
In § 2.1, the introductory text of paragraph (a) is republished and paragraphs (a)(1) and (3) are revised to read as follows:

Correct

Use **Correct** to fix a clerical or typographical error in a recently published document. See **Chapter 5: How do I correct a document?** for more information.

Example 3-64: **Correct**
Preamble 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".

Structure

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 3-65**).

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

Subparts (same authority as part): 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

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- Table of contents
- Regulatory text

Subparts (different authority than part): 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

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Example 3-65: **Revision** of a part	
2. 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**
§ 3.1 Information services. Except in cases where the time required would be excessive, information concerning the publications described in § 2.5 of this chapter and the original acts and documents filed with the Office of the Federal Register is provided by the staff of that Office. However, 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, as well as on the Internet. 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.	**Regulatory Text**

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Amendment to a section

If you **amend** a section in any way, use these elements in the order shown (see **Example 3-66**):

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

Example 3-66: **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: 22 U.S.C. 3791; E.O. 12215, 45 FR 36043, 3 CFR, 1980 Comp., p. 257.	**Authority Citation**
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: (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.	**Regulatory Text**

If you **add** a section to a part which contains subparts, identify the subpart which will contain the new section.

Revision to 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 3-67**).

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Example 3-67: Instruction for **revising** introductory text
In § 1020.3, revise introductory text of paragraph (a) and paragraphs (a)(1) and (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. * * * * *

***Note**: You may use the phrase "paragraph (_) introductory text" in lieu of "introductory text of paragraph (_)".*

Multiple amendments

Describe all changes to one section in a single instruction, and display changed text for the section immediately following the instruction (see **Example 3-67, Example 3-70**). Group all amendments to the same CFR unit together in one instruction (see **Example 3-68**). If there are many changes to one section, use a list format (see **Example 3-69**). 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 **Example 3-70**).

Example 3-68: Group amendments
Amend § 150.5 by revising paragraphs (a), (d), (e), and (n) to read as follows: Remove and reserve § § 33.1, 33.5, and 33.10.

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Example 3-69: Multiple amendments, single section – list

§ 941.103 [Amended]
3. Amend § 941.103 as follows:
a. Remove the definitions of "Allocation area", "Application", "Central city allocation area", "Community";
b. Remove the parenthetical phrase "(in the form prescribed by HUD)" from the definition "Construction Contract" and "Contract of sale";
c. Remove the definitions of "Field Office", "Housing Assistance Plan", "Household type", and "Housing type"; and
d. Remove from the definition of "Total development cost (TDC)" the term "The Field Office" and add in its place the term "HUD"

Note: *List instructions in alpha-numeric order. Do not group and list by action.*

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Example 3-70: Multiple amendments, multiple 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.
* * * * *

Alternative instructions for Example 3-70 #3 and #4:
3. Revise § 1258.4(b) to read as follows:
4. Revise § 1258.10(a) to read as follows:

3.15 Asterisks

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

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Table 3-8: Number of Asterisks	
# of Asterisks	***When to use***
5 asterisks * * * * *	To show that a whole paragraph, including its subordinate paragraphs is unchanged.
3 asterisks * * *	To show that the higher level paragraphs remain unchanged when you change text at a subordinate level.
7 asterisks * * * * * * *	To show that a whole row of a table is unchanged (see **section 7.4, Example 7-7**)

USE OF 5 ASTERISKS

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

In **Example 3-71**, 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. However, if paragraph (d) is the last paragraph in the section, asterisks following it are unnecessary.

Example 3-71: Using 5 asterisks
Amend § 166.15 by revising paragraph (d) 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 3-72**, the 5 asterisks before paragraph (b) show that paragraph (a) remains unchanged. The 3 asterisks following "(b)" show that (b)(1) through (4) remain unchanged, and the 3 asterisks following "(5)" show that the introductory text of (b)(5) is unchanged.

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

Example 3-72: Using 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. * * * * *

The smallest unit you may revise is a sentence. If you revise only a sentence of a paragraph, use 3 asterisks to show that the preceding or remaining sentences (or both) in the paragraph are unchanged (see **Example 3-73**).

Example 3-73: Using asterisks to revise a sentence
Amend § 416.916 by revising the first sentence to read as follows: **§ 416.916 What will happen if I fail to send 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). * * *

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Example 3-74: Using asterisks

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: 16 U.S.C. 1361-1407.	**Authority Citation**
2. Amend § 216.24 by: a. Revising paragraph (b)(1)(v); b. Adding paragraph (b)(1)(vi); and c. Revising the first sentence of paragraph (b)(3), paragraph (c)(2), and introductory text of paragraph (c)(4)(i). The revisions and addition 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, gillnets, hook and line gear, and any gear not classified under paragraphs (b)(1)(i) and (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) Send 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**

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(c) * * *	**Indicates Paragraph (c) Introductory Text and Paragraph (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**

3.16 Cross-references

We permit you to cross-reference your own or another agency's rules in limited 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 is[47]:

- required by court order, statute, Executive order, or reorganization plan;

[47] 1 CFR 21.21.

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- 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;
- informational or improves clarity rather than being regulatory;
- to test methods or consensus standards produced by a Federal agency, and not eligible for incorporation by reference under 1 CFR part 51, that have replaced or preempted private or voluntary test methods or consensus standards in a subject matter area; or
- to the departmental level from one of its subagencies.

When cross-referencing, you must properly identify the CFR unit being cited. Do not use a nonspecific reference, such as "herein," "above," or "below."[48] When cross-referencing spans of sections or paragraphs, use "through" rather than a hyphen and avoid repeating paragraph levels when possible.

Table 3-9: Cross-reference across Titles	
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)

Table 3-10: Cross-reference within a 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
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

[48] 1 CFR 21.21(a).

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Table 3-11: Cross-reference within a 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 to this part

Table 3-12: Cross-reference within 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
In paragraph (a), when referencing paragraph (a) write ...	... this paragraph (a)

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Example 3-75: Cross-references in regulatory text

§ 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 send them to the Regional Administrator.

(a) *Quarterly reports for State 404 programs*. The Director must send 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 send 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.

Note. *We used bold in this example as a reader aid, to help you identify the cross-references.* ***Do not do this in your document.***

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3.17 What should my rule document look like?

Documents

Paper documents must be:

- In triplicate
- Legible
- Single-sided (if you submit an original and 2 certified copies, the copies may be double-sided)
- Double-spaced
- Accompanied by a disc with the Word file (unless you are submitting a manuscript document)

Paper documents must by 8.5" by 11"

Electronic documents must be:

- Double-spaced

Abbreviations

Use the following abbreviations in the *Federal Register*:

- FR is *Federal Register*. (Do not use Fed. Reg. or F.R.) See example
- CFR is Code of Federal Regulations. (Do not use C.F.R.) See example
- U.S.C. is United States Code. See examples
- Pub. L. is Public Law. (Do not use P.L.) See examples
- Stat. is U.S. Statutes at Large. See examples
- a.m. or p.m. is time designation. See example
- E.O. is Executive order. See example
- Proc. is Proclamation
- sec. is section of a Public Law or the United States Code

Capitals

Type the following 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

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Example 3-76: Preamble captions
AGENCY: **ACTION:** **SUMMARY:** **DATES:** **ADDRESSES:** **FOR FURTHER INFORMATION CONTACT:** **SUPPLEMENTARY INFORMATION:**

Headings

Document headings are:

- Centered or
- Flush with the left margin

Section headings:

- Are flush with the left margin
- Are on a line separate from the text of the section
- Use the § symbol

Italics

Use italics (we no longer require underlining) for:

- Definitions
- Paragraph headings
- 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 italics for:

- Emphasis
- Names of books
- Foreign phrases

Margins

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

Page numbers (required for manuscript documents only)

Number the pages consecutively in one of the following places:

- Centered top

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- Centered bottom
- Upper right-hand corner

Quotation marks

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

Quoted material

Quoted material that is appropriate for the preamble (see **section 3.6**) should be:

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

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 3-77**). Do not use legal citations or footnotes in SUMMARY.

Example 3-77: References to a previously published *Federal Register* document
8x FR 12345, July 23, 20xx 8x FR 12345 (July 23, 20xx)

A reference in a preamble to material contained in the CFR should identify the CFR title and part or section number (see **Example 3-78**).

Example 3-78: References to material contained in the CFR
36 CFR part 1200 36 CFR 1200.1

Signature

The signature on your document must match the name in the signature block. For digitally-signed documents, the signature block must meet the name-matching requirements for the digital signature specified in **section 1.6**.

If you are sending in 1 original and 2 certified copies of your document, certify the signature on the copies.

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Single-spacing

Single-space the following material:

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

Put a space between the section symbol (§) and the section number. Sometimes the DDH does not show these spaces, but they should be there. To create a non-breaking space, hold down the Control and Shift keys and hit the space bar.

The section symbol (§) can be made on most computers by holding down the Alt key and typing 21 on the number keypad.

§ Symbol

Use the § symbol only for CFR citations. A § is for a single section and § § is for multiple sections. However, do not use a § symbol to begin a sentence; instead, spell out the word "Section". Do not use the § symbol or the word "section" in a full citation, for example 36 CFR 1200.1. Do not use the § in any regulatory table of contents. (See **Table 3-13**.)

***Note**: While § § is for multiple sections, use only one § symbol when citing multiple paragraphs within a single section twist. Also use only a single section twist when citing sections with "or" instead of "and".*

Table 3-13: § symbol

Use	Don't use
Revise § 1200.1 to read as follows: OR Section 1200.1 is revised to read as follows:	Part 1200 § 1 is revised to read as follows:

Style

Use the GPO Style Manual as a guide for punctuation, capitalization, spelling, compounding, and other style matters not addressed in this Handbook. The GPO Style Manual is available free online.

Find Regulatory Links on page 238 and OFR resources at https://www.archives.gov/federal-register/write/

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3.18 Example of a rule document

Example 3-79: 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) is closing the Suitland Research Room at the Washington National Records Center and establishing an appointment system for using archival records remaining in the Washington National Records Center. We are establishing 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.

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

FOR FURTHER INFORMATION CONTACT: Sharon Records, 301-000-0000, Sharon.Records@nara.gov.

SUPPLEMENTARY INFORMATION: Beginning May 6, 20xx, 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, 20xx. Call the Suitland Reference Branch at 301-000-0000, Monday through Friday, 8 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, 20xx, shuttle service for researchers from the National Archives and Records Administration Building in Washington, DC to the Washington National Records Center will be discontinued.

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It is not cost-effective to operate the research room on its current schedule, 8 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, the National Archives and Records Administration amends 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, 20xx, through August 30, 20xx, make appointments to use archival records at the center appointments to use archival records at the center by calling the Suitland Reference Branch at 301-000-0000.

Dated: March 27, 20xx.

Signature
Type name,
Title.

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3.19 Other types of rule documents

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 (see **Example 3-80, Example 3-81**).

Example 3-80: Interim rule adopted as final without change.

PART 78—BRUCELLOSIS
Accordingly, the interim rule amending 9 CFR part 78 which was published at 8x FR 12345 on February 11, 20xx, is adopted as final without change.

Example 3-81: Interim rule adopted as final with change.

Accordingly, the interim rule amending 9 CFR part 51 which was published at 8x FR 12345 on November 26, 20xx, is adopted as final 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.

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

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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 to direct final rules. You must:

- Provide both an effective date and a comment date.
- Explain that the rule is conditional on the non-receipt 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 3-82** for a recommended DATES caption in a direct final rule.

Example 3-82: 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 (see **Example 3-83**). 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.

Make sure that you 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 a partial withdrawal is essential, you

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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 on the same subject withdrawing the previous rule. Or you may issue a separate proposed rule document on that subject.

You may publish a companion proposed rule document in the same issue of the *Federal Register* as the initial 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 3-83: DATES caption in a document withdrawing a direct final rule.
DATES: Effective [SPECIFY A DATE ON OR BEFORE THE EFFECTIVE DATE OF THE DIRECT FINAL RULE], the direct final rule published at 8x FR 12345, May 15, 20xx is withdrawn.

TEMPORARY RULE

A temporary rule responds to a situation that requires a rule be effective for a short, definable period of time. A temporary rule should contain both a beginning effective date and an end date, on which the rule expires (see **Example 3-84**). All regulatory text (additions, revision, nomenclature changes, etc) associated with a temporary rule will be removed from the CFR on the end date. However, text removed or replaced by the temporary rule will not be restored.

You cannot **revise** an authority citation in a temporary rule. If you do revise the authority citation in a temporary rule, the authority citation for the part is removed with the expiration of the temporary rule.

Example 3-84: DATES caption in a temporary rule
DATES: Effective June 1, 2009 through noon on September 1, 2009.

Adding a "T" to the section designation to identify a section as temporary requires deviation approval and an expiration date in DATES.

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CRA Revocation

Under the Congressional Review Act (CRA), Congress can disapprove, nullify, and revoke regulations that already in effect. But, as with any change in circumstance, we can only take action to remove those regulations following explicit agency instructions in a final rule document.

Contact OFR's Legal Division while you are drafting the rule for publication, to ensure all issues are addressed during the drafting process.

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3.20 Checklist for rule documents

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

- ✓ ***Billing code.*** *See* **section 1.3**.
  - ☐ Is the billing code at the top of the first page in the right-hand corner?
- ✓ ***Headings.*** *See* **sections 1.4, 3.3**.
  - ☐ Are the correct headings used?
- ✓ ***Preamble.*** *See* **section 3.4**.
  - ☐ Are all required elements of the preamble included?
  - ☐ Does the SUMMARY answer all three questions?
- ✓ ***List of Subjects.*** *See* **section 3.7**.
  - ☐ Are subject terms listed for each CFR part affected?
  - ☐ Are they placed at the end of the preamble?
- ✓ ***Words of issuance.*** *See* **section 3.8**.
  - ☐ Have you provided a link between the preamble and the regulatory text?
  - ☐ Have you removed "proposed" or "proposes" in the words of issuance?
- ✓ ***Authority citation.*** *See* **section 3.12**.
  - ☐ Is the authority citation correctly placed in the document?
- ✓ ***Amendatory language.*** *See* **section 3.14**.
  - ☐ Does it specify the exact CFR unit being changed?
  - ☐ Does it use the correct terms?
- ✓ ***Table of contents.*** *See* **section 3.11.**
  - ☐ Is the table of contents included for each subpart or part being set out in full?
  - ☐ Do entries agree with the regulatory text?
- ✓ ***Paragraphs.*** *See* **section 3.13**.
  - ☐ Are all paragraphs of regulatory text indented and lettered or numbered correctly?
- ✓ ***Asterisks.*** *See* **section 3.15**.
  - ☐ 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.*** *See* **section 3.5**.

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- ☐ If included with the regulatory text, is it placed properly and in the correct style?

✓ ***Signature and title***. *See* **sections 1.6, 1.7**.

- ☐ Is the original signature (handwritten in ink, preferably blue) 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 and not post-dated?

✓ ***Digital signature.*** *See* **sections 1.6, 1.7 and Chapter 6**.

- ☐ Have you properly set up your digital signature for our web portal?
- ☐ Does the signature name in the document match the digital signature applied to the document?

✓ ***Quality.*** *See* **section 3.17**.

For All Documents

- ☐ Are original(s) and certified copies legible?
- ☐ Is the document double-spaced?
- ☐ Are the page numbers placed correctly (for manuscript documents)?
- ☐ Are all pages numbered consecutively?
- ☐ Are all pages included?
- ☐ Are the copies properly signed or certified?

For Documents Physically Submitted

- ☐ Are there matching copies and certification? *See* **section *8.2***.
- ☐ Are the original and two copies identical?
- ☐ Are ink changes printed, dated, and initialed on all three copies with the changes reflected in the companion Word document? *See* **Chapter 5**.

✓ ***Disks.*** *See* **Chapter 6**. If you have included a disk or CD with your document:

- ☐ Is your file in Microsoft Word? We do not accept *.pdf format.
- ☐ Is every document on a separate disk or CD?
- ☐ Is the file on the disk identical to the signed original document?
- ☐ Did you include the certification/verification letter stating that the file and document are identical?
- ☐ Is your document the only file on the disk or CD?
- ☐ Does the disk have a label that identifies your agency, the document's subject, and the file name?
- ☐ Is the disk virus-free?
- ☐ Are the file and disk or CD free of password protection or other security measures?
- ☐ Is the file scrubbed clean of hidden meta-data?

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Chapter 4: How do I write a document for the Notices category?

4.1 Notice category document

Use the notices category to provide information of public interest.

Notice documents 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.
- Deadlines for grant applications.
- Availability of certain environmental impact statements.
- Certain petitions.
- Orders or decisions affecting named parties.

4.2 Document requirements

In addition to the requirements of **Chapter 1: What are the requirements for drafting any document?**, the headings of a document published in the notices category must include the following items:

- Document Headings
- Authority Citation
- Content

4.3 Document Headings

Begin each notice document with headings that identify your agency and the subject matter of the document. If you have information in addition to the requirements of **Chapter 1: What are the requirements for drafting any document?**, present headings for a notice document using the appropriate format, as follows:

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Table 4-1: List of document headings		
Department Name	OR	Agency Name
Subagency Name		**Agency Docket Number**
Agency Docket Number		**Regulation Identifier Number (RIN)**
Regulation Identifier Number (RIN)		Subject Heading
Subject Heading		

AGENCY DOCKET NUMBER

The "agency docket number" is your agency's internal file number, which may be assigned by FDMS.gov. If you have an agency docket number, you must include it as shown in **Example 1-4, Example 1-7, and Example 1-8**. If you have questions about docket numbers, speak with your agency. We do not know if you have one or if you need one.

RIN

The "RIN" is assigned by the Regulatory Information Service Center (also known as RISC) and identifies each regulatory action listed in the Unified Agenda of Federal Regulatory and Deregulatory Actions. Your agency, in consultation with the Office of Management and Budget (OMB), determines if you need a RIN. If you have a RIN, you must include it as shown in **Example 1-3, Example 1-4, Example 1-6, Example 1-7, and Example 1-8**. We do not know if you have a RIN or if you need one.

4.4 Authority Citations

You must cite the authority that authorizes your agency to issue your notice.[49] There are two types of authority:

- Statutory:
  - Public Law.
  - United States Code.
- Non-Statutory:

[49] 1 CFR 22.2.

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- 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 in narrative form within the notice or in a parenthesis on a separate line at the end of the notice before the signature block.

STATUTORY AUTHORITY

Notices are the only document where 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 4-1: Statutory authority – U.S. Code
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 4-1**). When a United States Code citation does not exist (for example, in 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 4-2**).

Example 4-2: Statutory authority – Public Law
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 4-3**.

Example 4-3: Statutory authority – Public Law with U.S. Code (same provision)
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 4-4**).

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Example 4-4: Statutory authority – Public Law with U.S. Code (different provisions)
Authority: 42 U.S.C. 2996; Pub. L. 104-208, 110 Stat. 3009; Pub. L. 104-134, 110 Stat. 1321.

NON-STATUTORY AUTHORITY

Cite non-statutory authority by document designation, *Federal Register* citation, and CFR citation (see **Example 4-5**).

Example 4-5: Non-statutory authority – Executive Order
Authority: E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105.

If you include statutory and non-statutory citations in the same authority citation, place the statutory citation first (see **Example 4-6**).

Example 4-6: Statutory and non-statutory authority
Authority: 8 U.S.C. 1161(f); 29 U.S.C. 1801-1872; Secretary's Order 6-84, 49 FR 32473.

4.5 Content format

You may present the text of your notice document in any organized and logical format. If you choose to use OFR's standard preamble headings, you must use them in the correct order. We recommend that you use the standard headings since your readers can find information more easily and we can tag and share the data electronically.

The preamble captions are:

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

These captions must appear in the order shown, but each is optional for a Notice document. The following are examples and explanations of information for each caption.

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AGENCY

AGENCY identifies the "who" of a document by specifying the issuing agency. This caption usually repeats the name of the department or non-departmental agency as carried in the document's headings (see **Example 1-3, Example 1-4**), as well as the subagency name if applicable (see **Example 1-6**). However, unlike the headings section, you may choose to include in this caption the name of offices or agencies which are not listed in the document's heading (see **Example 1-7**) and which have not signed the document. When these names appear together, put them in order of smallest to largest (see **Example 4-7**).

Example 4-7: AGENCY caption	
AGENCY: Office of the Secretary, USDA.	Subagency, Department
AGENCY: Environmental Protection Agency.	Department
AGENCY: National Park Service, Interior.	Agency, Department
AGENCY: Bureau of Public Debt, Fiscal Service, Treasury.	Bureau, Subagency, Department

ACTION

ACTION identifies the type of document by stating what the document does. It does not summarize the substance of a document. Do not allow this caption to become too long.

Example 4-8: Frequently used lines for ACTION caption	
ACTION:	Announcement of meeting.
ACTION:	Availability of survey.
ACTION:	Solicitation of applications.
ACTION:	Notice of availability; request for comments.

This is not an exclusive list of available ACTION lines. If you use a different line, we recommend that you not include the word "Notice" by itself. If you are unsure of using a different ACTION line, check with the Scheduling Unit.

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SUMMARY

In SUMMARY, you explain the "what," "why," and "effect" of the document (see **Example 4-9**). Your SUMMARY should not be longer than a paragraph and should answer these three questions:

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

Table 4-2: SUMMARY

Use the following guidelines in preparing a SUMMARY	
DO	DON'T
Be brief.	Use numbered or bulleted lists.
Use language a non-expert will understand.	Include qualifications, exceptions, or specific details.
Describe what the document does, not how it affects the CFR.	Use legal citations (for example, do not use 40 CFR part 52 or 5 U.S.C. 552) or footnotes.
Refer to an act of Congress by the popular name of the act.	Quote
Be brief.	Include more detail than in SUPPLEMENTARY INFORMATION

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 SUPPLEMENTARY INFORMATION.

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Example 4-9: SUMMARY caption

SUMMARY: NMFS has received an update to an application for a direct take permit, in the form of a Hatchery and Genetic Management Plan (HGMP), from the Chelan County Public Utility District (PUD) pursuant to the Endangered Species Act (ESA). The HGMP specifies the operation of a portion of a hatchery program rearing salmon in the Methow Basin within the State of Washington. The update to the existing permit application is available for public comment before NMFS will decide whether to issue the permit for the proposed hatchery program. NMFS intends to issue a separate ESA permit to the Confederated Tribes and Bands of the Yakama Nation for operation of a component of the program described in the application update.

DATES

DATES presents the "when" of a document. Include ***all*** dates that are essential to the document in DATES.

Include the following dates, as applicable:

- Meeting dates.
- Comment deadlines.
- Extension of comment deadlines.
- Expiration dates.
- Other dates the public may need to know.

Note: *Most Notice documents should not include an "effective" date. The "effective" date is the date that the document specifically impacts the CFR and our editors amend the CFR. So, only documents that amend the CFR should have an "effective" date. In some circumstances, you may make an action* **described** *in a Notice document effective. If you need to make an action described in a document effective, contact us to work out appropriate language.*

Example 4-10: DATES caption format with multiple dates

DATES: *Comments due: July 10, 20xx.*
Workshops:

1. March 26, 20xx, 9:30 a.m. to 5 p.m., Washington, DC.
2. April 3, 20xx, 9:30 a.m. to 5 p.m., Pittsburgh, PA.
3. April 8, 20xx, 9:30 a.m. to 5 p.m., Hudson, WI.
4. April 15, 20xx, 9:30 a.m. to 5 p.m., Madison, WI.

Only include date information in DATES.

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Group dates according to type of date (such as comment and meeting). Place any discussion related to the dates (for example, meeting location, docket access, meeting agenda, content of material available for inspection) in ADDRESSES or SUPPLEMENTARY INFORMATION, as applicable.

Calculated dates vs. specific dates

We only calculate and insert dates tied to *Federal Register* publication or filing on public inspection. In calculating the date, we count the day after publication as the first day, and then each succeeding day, including Saturdays, Sundays, and holidays. When the calculated date falls on a weekend or a Federal holiday, we use the next Federal business day. You can use the "Table of Effective Dates and Time Periods" to see which date we will use. This table appears in the Reader Aids section of the first *Federal Register* issue each month and is available at www.federalregister.gov. If you need us to calculate and insert a date, present the date as shown in **Example 4-11**. If your agency is using a date, or dates, (frequently referred to as a date certain) for your document, use the format in **Example 4-12**.

Example 4-11: DATES caption with an OFR-calculated effective date
DATES: Comments are due by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

Example 4-12: DATES caption for a document with agency-provided date
DATES: Comments due by January 1, 20xx.

ADDRESSES

ADDRESSES contains the "where" of the document. If you have an address relevant to the document, you must include ADDRESSES.

Include the following types of address (including electronic), as applicable, needed for:

- Mailing public comments
- Sending public comments electronically

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

Only include address information in ADDRESSES.

Include the electronic address and only brief instructions for how to send comments via www.Regulations.gov, an agency website, or email, and group them by type (see **Example 4-14**). If you need to include detailed instructions, add them to SUPPLEMENTARY INFORMATION. Place any discussion related to the addresses (for example, how to register for a meeting, meeting agenda, or content of material available for inspection) in the SUPPLEMENTARY INFORMATION section (see **Example 4-16**).

OMB has issued a directive that requires agencies to use the "ADDRESSES" template displayed in **Example 4-13** when drafting regulatory actions that offer opportunity for public comment. Even though Notice documents are not classified as regulatory actions under 1 CFR 5.9, you may still need to publish Notice documents that OMB has determined need public comment. You can tailor the following template for your Notice document.

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Example 4-13: OMB-required ADDRESSES template for actions offering the opportunity for public comment
ADDRESSES: You may send comments, identified by [docket number and/or RIN number], by any of the following methods: • Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for sending comments. • Agency Web Site: [*Complete URL*]. Follow the instructions for sending comments on the [*Agency electronic docket site / website*]. • E-mail: [*E-mail Address*]. Include [*docket number and/or RIN number*] in the subject line of the message. • Fax: [*Fax Number*]. • Mail: [*Mailing Address for paper, disk, or CD-ROM submissions*]. • Hand Delivery / Courier: [*Street Address*]. *Instructions*: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to [*Complete URL*], including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Public Participation" heading of the SUPPLEMENTARY INFORMATION section of this document. *Docket*: For access to the docket to read background documents or comments received, go to [*Complete URL(s) and/or Street Address(es)*].

Remember to:

- Substitute appropriate information for the bracketed items
- List all applicable submission methods
- State full URLs:
  - http://www.xxxxx.gov
  - http://documents.xxxx.gov
  - ftp://www.xxx.gov

You may include brief instructions following bulleted items or in the optional Instructions paragraph. You may also use the optional Instructions and Docket paragraphs to highlight or cross-reference agency-specific instructions and to provide access to rulemaking dockets. Detailed or lengthy instructions (which could include for documents issued by more than one agency) may need to go into SUPPLEMENTARY INFORMATION.

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Example 4-14: Format with different addresses for comments and information collection
ADDRESSES: Address all comments concerning this Notice 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 4-15: Format with one address for multiple purposes.
ADDRESSES: Mail comments and requests to testify to Hearing Clerk, Room 000, Department of XXXXX, 000 Independence Avenue, SW, Washington DC 20553-0002; the hearing will be held in Room 111, 000 Independence Avenue, SW, Washington DC 20553-0002.

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" (see **Example 4-16**).

Long, detailed or complicated instructions should go into Supplementary Information.

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Example 4-16: Format directing the public to SUPPLEMENTARY INFORMATION for details on how to submit electronic comments and data.

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

In FOR FURTHER INFORMATION CONTACT, you must include the name and telephone number of a **person** within your agency who can answer questions about the document. You should also include their email address. This email address may appear in both this section and the ADDRESSES section if your point-of-contact manages another aspect of the document, such as the location to send email comments. You may list two or more people to contact concerning different aspects of a document (see **Example 4-17**). You may also include a group email address.

Example 4-17: FOR FURTHER INFORMATION CONTACT caption with contact information

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

FOR FURTHER INFORMATION CONTACT:
Technical information: John Regwriter, 202-000-0000, John.Regwriter@agency.gov.
Legal information: Mary Regulatory, 202-000-0001, mregulatory@agency.gov.

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SUPPLEMENTARY INFORMATION

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 CFR is necessary, use the format shown in **Example 4-19, Example 4-20**.

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

4.6 What is an OMB control number and where do I put it?

The Paperwork Reduction Act 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.

The Regulatory Group offers training on Paperwork Reduction Act compliance. To learn more go to www.RegulationWriters.com or call (703) 224-9000.

4.7 When can I use direct quotes?

The OFR does not allow lengthy or excessive quotation from Federal regulations or Federal law. This includes text from regulatory documents published in the *Federal Register*. However, if your agency has a compelling legal reason to extensively quote this type of material, contact OFR's Legal Affairs and Policy Division (fedreg.legal@nara.gov) before you submit your document for publication.

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4.8 What should my notice document look like?

Documents

Paper documents must be 8.5" by 11"

Paper documents must be:

- In triplicate
- Legible
- Single-sided (if you submit an original and 2 certified copies, the copies may be double-sided)
- Double-spaced
- Accompanied by a disc with the Word file (unless you are submitting a manuscript document)

Electronic documents must be:

- Double-spaced

Abbreviations

Use the following abbreviations in the *Federal Register*:

- FR is *Federal Register*. (Do not use Fed. Reg. or F.R.) See example
- CFR is Code of Federal Regulations. (Do not use C.F.R.) See example
- U.S.C. is United States Code. See examples
- Pub. L. is Public Law. (Do not use P.L.) See examples
- Stat. is U.S. Statutes at Large. See examples
- a.m. or p.m. is time designation. See example
- E.O. is Executive order. See example
- Proc. is Proclamation
- sec. is section of a Public Law or the United States Code

Capitals

Type the following 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

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Example 4-18: Preamble captions
AGENCY: **ACTION:** **SUMMARY:** **DATES:** **ADDRESSES:** **FOR FURTHER INFORMATION CONTACT:** **SUPPLEMENTARY INFORMATION:**

Headings

Document headings are:

- Centered or
- Flush with the left margin

Italics

Use italics (we no longer require underlining) for:

- Definitions
- Paragraph headings
- 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 italics for:

- Emphasis
- Names of books
- Foreign phrases

Margins

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

Page numbers(required for manuscript documents only)

Number the pages consecutively in one of the following places:

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

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Quotation marks

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

Quoted material

Quoted material should be:

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

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 4-19**). Do not use legal citations or footnotes in SUMMARY.

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Example 4-19: References to a previously published *Federal Register* document
8x FR 12345, July 23, 20xx 8x FR 12345 (July 23, 20xx)

A reference in a preamble to material contained in the CFR should identify the CFR title and part or section number (see **Example 4-20**).

Example 4-20: References to material contained in the CFR
36 CFR part 1200 36 CFR 1200.1

Signature

The signature on your document must match the name in the signature block. For digitally-signed documents, the signature block must meet the name-matching requirements for the digital signature specified in **section 1.6**.

If you are sending in 1 original and 2 certified copies of your document, certify the signature on the copies.

Single-spacing

Single-space the following material:

- Quoted material
- Footnotes
- Tables of contents
- Examples
- Tables
- Notes to Tables
- Authority citations (if not in narrative form)
- Notes
- Formulas

§ Symbol

Use the § symbol only for CFR citations. A § is for a single section and § § is for multiple sections. However, do not use a § symbol to begin a sentence; instead, spell out the word "Section". Do not use the § symbol or the word "section" in a full citation, for example 36 CFR 1200.1. (See **Table 4-3**.)

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***Note**: While § § is for multiple sections, use only one § symbol when citing multiple paragraphs within a single section twist. Also use only a single section twist when citing sections with "or" instead of "and".*

Table 4-3: § symbol	
Use	Don't use
In § 1200.1, which provides that… OR Section 1200.1 provides that …	1200 § 1 provides that …
Under 36 CFR 1200.1, we can …	Under 36 CFR Section 1200.1, we can … OR Under 36 CFR § 1200.1, we can …

Style

Use the GPO Style Manual as a guide for punctuation, capitalization, spelling, compounding, and other style matters not addressed in this Handbook. The GPO Style Manual is available free online.

Find Regulatory Research Links on page 238 and OFR resources at https://www.archives.gov/federal-register/write

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4.9 Example of a notice document

Example 4-21: Notice document

[Billing Code]

DEPARTMENT OF EDUCATION
[Docket No.: ED–2016–ICCD–0042]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for Strengthening Historically Black Graduate Institutions (HBGI)

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before May 18, 2016.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED– 2016–ICCD–0042. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E–103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Win Sherry, 202–555–5555.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and

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provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application Package for Strengthening Historically Black Graduate Institutions (HBGI).

OMB Control Number: 1840–NEW. Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 24.

Total Estimated Number of Annual Burden Hours: 576.

Abstract: The Strengthening Historically Black Graduate Institutions (HBGI) Program provides grants to assist institutions in establishing and strengthening their physical plants, development offices, endowment funds, academic resources and student services so that they may continue to participate in fulfilling the goal of equality of educational opportunity in graduate education.

Dated: March 27, 20xx.

Signature
Type name,
Title.

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4.10 Special types of notice documents

Sunshine Act Notices

The Government in the Sunshine Act requires certain agencies to publish notices of meetings. 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.

There are three formats for Sunshine Act documents: one for meetings completely open or closed to the public (see **Example 4-22**), one partially open or closed to the public (see **Example 4-23**), and one for changes to a previously announced meeting (see **Example 4-24**). You may also use our standard document and content headings, but you may NOT use some standard headings and some Sunshine Act headings.

Example 4-22: Completely open or 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:
Signature
Type name,
Title

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Example 4-23: Partially open or 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:
Signature
Type name,
Title

Example 4-24: Change to 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:
Signature
Type name,
Title

Privacy Act documents

The Privacy Act requires each agency to publish its systems of records in the *Federal Register* in individual system of records notices (SORN).

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OMB Circular A-108[50] requires that each SORN published in the *Federal Register* must contain a preamble with all of the captions listed in **section 4.5** (also see **Example 4-18**). All SORNs have the same subject line: **Privacy Act of 1974; System of Records**. You must use an appropriate ACTION line from **Table 4-4**.

Table 4-4: SORN ACTION lines
ACTION: Notice of a new system of records. **ACTION:** Notice of a modified system of records. **ACTION:** Rescindment of a system of records notice. **ACTION:** Notice of a new matching program. **ACTION:** Notice of a modified matching program.

Each system of records has specific information which we identify as data elements. OMB has provided a standard caption heading for each data element, along with a description of the information that goes with each caption. Include all required information in your SORN under one of these data elements (see **Example 4-25, Example 4-26**). You must present the data element as shown including capitalization and punctuation. You must use the data elements designated with asterisks. Do not use any other data elements.

See the Regulatory Research Links on page 238 for more information on laws that affect FR publication.

[50] 81 FR 94424 (December 23, 2016).

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Example 4-25: The system of records data elements

***SYSTEM NAME AND NUMBER**: [A name for the system that is unambiguous and clearly identifies the purpose or character of the system, and the number of the system].

***SECURITY CLASSIFICATION**: [An indication of whether any information in the system is classified].

***SYSTEM LOCATION**: [The address of the agency and/or component responsible for the system, as well as the address of any third-party service provider].

***SYSTEM MANAGER(S)**: [The title, business address, and contact information of the agency official who is responsible for the system].

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: [The specific authority that authorizes the maintenance of the records in the system].

PURPOSE(S) OF THE SYSTEM: [A description of the agency's purpose(s) for maintaining the system].

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: [The categories of individuals on whom records are maintained in the system].

CATEGORIES OF RECORDS IN THE SYSTEM: [The categories of records maintained in the system and, if practicable and useful for public notice, specific data elements].

RECORD SOURCE CATEGORIES: [The categories of sources of records in the system].

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES: [Each routine use of the records contained in the system, including the categories of users and the purpose of such use].

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: [The policies and practices of the agency regarding the storage of records].

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: [The policies and practices of the agency regarding retrieval of records].

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS: [The policies and practices of the agency regarding retention and disposal of records].

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ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS: [A description of the administrative, technical, and physical safeguards to which the system is subject].

RECORD ACCESS PROCEDURES: [The agency procedures whereby an individual can be notified at his or her request how he or she can gain access to any record pertaining to him or her in the system].

CONTESTING RECORD PROCEDURES: [The agency procedures whereby an individual can be notified at his or her request how he or she can contest the content of any record pertaining to him or her in the system].

NOTIFICATION PROCEDURES: [The agency procedures whereby an individual can be notified at his or her request if the system contains a record pertaining to him or her].

EXEMPTIONS PROMULGATED FOR THE SYSTEM: [Any Privacy Act exemptions promulgated for the system].

***HISTORY**: [Citation(s) to the last full Federal Register notice that includes all of the elements that are required to be in a SORN, as well as any subsequent notices of revision].

Example 4-26: Matching program data elements

***PARTICIPATING AGENCIES**: [The name of the participating agency or agencies, including any non-Federal agencies].

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM: [The specific authority for conducting the matching program].

PURPOSE(S): [A plain-language description of the agency's purpose(s) for conducting the matching program].

CATEGORIES OF INDIVIDUALS: [The categories of individuals whose information is involved in the matching program].

CATEGORIES OF RECORDS: [The categories of records involved in the matching program and the specific data elements that are matched].

SYSTEM(S) OF RECORDS: [The names of all relevant systems of records and a citation of the system of records notices].

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Modifying or rescinding a system of records

Agencies may choose to not publish the entire SORN when modifying a system of records. However, this option is **only** available **if** the original SORN was published following this format that OMB established in December 2016. Agencies must clearly establish in the modified SORN that the document only revises the data elements included and does not revise the entire SORN. When using this format, you must include the data elements in **Example 4-27** and any other relevant data elements.

When rescinding a system of records, include only the data elements in **Example 4-28**.

Example 4-27: Required data elements for modifying a system of records

SYSTEM NAME AND NUMBER: [A name for the system that is unambiguous and clearly identifies the purpose or character of the system, and the number of the system].

SECURITY CLASSIFICATION: [An indication of whether any information in the system is classified].

SYSTEM LOCATION: [The address of the agency and/or component responsible for the system, as well as the address of any third-party service provider].

SYSTEM MANAGER(S): [The title, business address, and contact information of the agency official who is responsible for the system].

* * * * * *

[Review the other elements in **Example 4-25** and include elements for which revisions are necessary. For example, if you are modifying the categories of records in the system, include that element in the revised SORN.]

* * * * *

HISTORY: [Citation(s) to the last full Federal Register notice that includes all of the elements that are required to be in a SORN, as well as any subsequent notices of revision].

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Example 4-28: Required data elements for rescinding a system of records
SYSTEM NAME AND NUMBER: [The name and number of the system that is being discontinued]. **HISTORY**: [Citation(s) to the last full Federal Register notice that includes all of the elements that are required to be in a SORN, as well as any subsequent notices of revision].

Modifying a matching program

Agencies may choose to not publish the entire Matching Program notice when issuing a modification. However, this option is **only** available **if** the original Matching Program notice was published following this format that OMB established in December 2016. Agencies must clearly establish in the Notice of modification that the document only revises the data elements included and does not revise the entire Matching Program. When using this format, you must include the data elements in **Example 4-29** and any other relevant data elements.

Example 4-29: Required data elements for modifying a matching program
PARTICIPATING AGENCIES: [The name of the participating agency or agencies, including any non-Federal agencies]. * * * * * * [Review the other elements in **Example 4-26** and include elements for which revisions are necessary. For example, if you are modifying the categories of records involved in the matching program, include that element in the revised SORN.]

A computer matching program is a computerized comparison of two or more automated systems of records, or of a system of records with non-Federal records, to establish or verity eligibility or compliance for a Federal benefit program. If a Federal agency conducts a computer matching program, the Privacy Act of 1974 requires that notice be published in the Federal Register.

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4.11 Checklist for notice documents

Use the following checklist to review your notice document before you send it to us:

- ✓ ***Billing code.*** *See* **section 1.3**.
  - ☐ Is the billing code at the top of the first page in the right-hand corner?
- ✓ ***Headings.*** *See* **sections 1.4, 4.3**.
  - ☐ Are the correct headings used?
- ✓ ***Preamble.*** *See* **section 4.5**.
  - ☐ Are all required elements of the preamble included?
  - ☐ Does the SUMMARY answer all three questions?
- ✓ ***Authority citation.*** *See* **section 4.4**.
  - ☐ Is the authority citation correctly placed in the document?
- ✓ ***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.*** *See* **section 4.6**.
- ✓ ***Signature and title***. *See* **sections 1.6, 1.7**.
  - ☐ Is the original signature (handwritten in ink, preferably blue) 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 and not post-dated?
- ✓ ***Digital signature.*** *See* **sections 1.6, 1.7 and Chapter 6**.
  - ☐ Have you properly set up your digital signature for our web portal?
  - ☐ Does the signature name in the document match the digital signature applied to the document?
- ✓ ***Quality.*** *See* **section *4.8.***
  For All Documents
  - ☐ Are original(s) and certified copies legible?
  - ☐ Is the document double-spaced?
  - ☐ Are the page numbers placed correctly (for manuscript documents)?
  - ☐ Are all pages numbered consecutively?
  - ☐ Are all pages included?
  - ☐ Are the copies properly signed or certified?

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For Documents Physically Submitted

- ☐ Are there matching copies and certification? *See* **section 8.2**.
- ☐ Are the original and two copies identical?
- ☐ Are ink changes printed, dated, and initialed on all three copies with the changes reflected in the companion Word document? *See* **Chapter 5**.

✓ ***Disks.*** *See* **Chapter 6**. If you have included a disk or CD with your document:

- ☐ Is your file in Microsoft Word? We do not accept *.pdf format.
- ☐ Is every document on a separate disk or CD?
- ☐ Is the file on the disk identical to the signed original document?
- ☐ Did you include the certification/verification letter stating that the file and document are identical?
- ☐ Is your document the only file on the disk or CD?
- ☐ Does the disk have a label that identifies your agency, the document's subject, and the file name?
- ☐ Is the disk virus-free?
- ☐ Are the file and disk or CD free of password protection or other security measures?
- ☐ Is the file scrubbed clean of hidden meta-data?

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Chapter 5: How do I correct a document?

5.1 Correcting a document before submission

If you find an error before you send 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.

5.2 Correcting a document after submission but before publication

If you find a substantive error in an unpublished document, immediately contact your agency's Federal Register Liaison Officer.[51]

Before filing

If we have not yet filed the document for public inspection, your Liaison Officer may request minor corrections by a letter (pdf of signed letter on agency letterhead), including the first page of the document and the page with the correction, to fedreg.liaison@nara.gov. We will make the corrections as time and resources permit.

Extensive changes are difficult to make once we have assigned a publication date for your document. If you need to make extensive changes to your document, we may withdraw the document from publication and ask you to resubmit the document for publication after you have made the corrections.

After filing

If we have filed the document for public inspection, your Liaison Officer may make minor corrections by emailing a letter detailing the change.

The letter must be on agency letterhead and be signed (and scanned as a pdf) and we must receive it before 12 noon of the workday before the document's scheduled publication date.

[51] 1 CFR 18.13(a).

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Your Liaison Officer must also telephone us as soon as possible to confirm that we have received the letter (see **section 5.4**).

When we receive your letter, if we are able, we make corrections and re-post your document on public inspection with an editorial note. The OFR retains both the original document and the letter of correction.[52]

Extensive changes are difficult to make once we have assigned a publication date for your document. If you need to make extensive changes to your document, we may withdraw the document from publication and ask you to resubmit the document for publication after you have made the corrections.

5.3 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 make it available for pick-up. If we have already placed the document on file for public inspection, we will withdraw it and it will not publish in the *Federal Register*. We will replace your document with a document stating the fact of the withdrawal. That document remains on public inspection through the date it was originally scheduled to publish. Further, the document becomes our record, so we cannot return it to you.[53]

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 signed letter on agency letterhead (scanned as pdf and emailed) requesting the withdrawal (see **section 5.4**). If you are requesting withdrawal on the business day before your document is scheduled to file, we must receive your letter before 4:00 pm to ensure that we can remove from the next day's public inspection list.

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[52] 1 CFR 18.13(b).
[53] 1 CFR 18.13(a).

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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 emailing a pdf (preferred method) or faxing the signed letter requesting the withdrawal (see **section 5.4**).

The letter must reach the OFR **before 12 noon** on the business day before the document's scheduled publication date.

We will not withdraw the document until we receive your letter.

If you wish to publish the document on a later date, we consider that a new document. You must send a new document package and request for publication, following the procedures in **Chapter 8: How do I publish a document in the Federal Register?**.

5.4 Letter requirements for corrections and withdrawals

Signatures

OFR's standard signature policies apply to letters withdrawing or correcting documents. An employee with authority to submit *Federal Register* documents must sign this letter and that signature must match the name on the letter; usually this is your agency's Liaison Officer. If your agency's Liaison Officer or alternate is not available to sign the letter, contact OFR's Scheduling Unit to verify the authority of the signer.

Letters

If we require a letter to correct or withdraw a document, please email us a scanned PDF file of the signed letter. If you cannot email a scanned letter, please fax it and contact our office to ensure that we received the fax. We cannot accept correction letters through the web portal. Please follow these steps to submit a letter via email:

- Follow the appropriate format in **Appendix A: Model Letters**.
- Print and sign your letter. Make sure the name in the signature block and the signature name match.
- Scan the letter and save it as a .pdf file.

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- Email the file to the Office of the Federal Register. If you have already been in contact with a staff member and have discussed the corrections with them, you may send it to them directly. If you have not been in contact with a staff member, please email it to the general scheduling email (fedreg.liaison@nara.gov).

5.5 Who is responsible for correcting my document?

Generally, the party making the error has the responsibility to correct it.[54]

OFR CORRECTIONS TO A PUBLISHED DOCUMENT

If the OFR or GPO makes a processing error that changes the text of a document, then we will fix it with an OFR correction.

Note: *Non-substantive edits that conform to GPO style requirements are not processing errors and we will not issue a correction to address these edits.*

As soon as possible after publication, proofread the published document against a copy of the document that was sent.

If you find a significant printing error, your Liaison Officer must contact 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 to reduce confusion. Do not use this format to prepare corrections that your agency is responsible for.[55]

However, if the processing error was caused by hidden characters or fields or because of information or code in document headers or footers, we may decline to publish a correction.

AGENCY CORRECTIONS TO A PUBLISHED DOCUMENT

As soon as possible after publication, proofread the published document against a copy of the document that was sent.

[54] 1 CFR 18.15(c).
[55] 1 CFR 18.15(b).

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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.

5.6 Corrections to a rule

NON-SUBSTANTIVE ERRORS

If you discover obvious misspellings or other non-substantive 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.[56]

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).
- Carry a Docket number if the original document carried a Docket number.
- Carry a RIN if the original document carried a RIN.
- 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.
- Provide an Effective Date:
    - For CFR text (even if the preamble is also corrected), the date must match the original effective date
    - For preamble corrections only, you may have a different effective date
- To correct an entire paragraph, set out the section heading, and use asterisks (see **section 3.15**).

[56] 1 CFR 18.15(a).

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There are two different formats for correcting regulatory text in a rule document. Both require signed documents. The format used depends on whether the effective date of the rule has occurred.

Note: *If you are correcting only a docket number or preamble text, use the format in* ***Example 5-1****, even if the effective date has passed.*

If the effective date of the rule you are correcting has not yet occurred, use the format for corrections to the *Federal Register* in **Example 5-1, Example 5-2***.*

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Example 5-1: Corrections to the *Federal Register* - amendatory instruction 1 sentence
The Food and Drug Administration published a rule on December 23, 20xx which will become effective one year later on December 23, 20XX. On April 14, 20XX (before the effective date), FDA published a correction to the Federal Register.

BILLING CODE

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Food and Drug Administration
21 CFR Part 341
[Docket No. 76N-052G]
RIN 0910-AA01
Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Final Monograph for Combination Drug Products; Correction
AGENCY: Food and Drug Administration, HHS.
ACTION: Final rule; correction.
SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the *Federal Register* on December 23, 20XX. The document issued a final monograph that established conditions under which over-the-counter (OTC) cold, cough, allergy, bronchodilator, and antiasthmatic (cough-cold) combination drug products are generally recognized as safe and effective and not misbranded as part of its ongoing review of OTC drug products.
DATES: Effective December 23, 20XX.
FOR FURTHER INFORMATION CONTACT: Cazemiro R. Martin or Gerald M. Rachanow, Center for Drug Evaluation and Research (HFD-560), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-2222.
SUPPLEMENTARY INFORMATION: In FR Doc. 02-32158 appearing on page 78158 in the *Federal Register* of Monday, December 23, 20xx, the following corrections are made:
§ 341.40 [Corrected]
1. On page 78168, in the second column, in part 341, in amendment 2, the instruction "Section 341.40 is added to subpart C to read as follows:" is corrected to read "Section 341.40 is added to subpart B to read as follows:"

§ 341.70 [Corrected]
2. On page 78170, in the second column, in § 341.70, in paragraph (b), "Repeat every hour as needed or as directed by a doctor." is corrected to read "Repeat every 2 hours as needed or as directed by a doctor."
Dated: April 8, 20XX.
Name,
Title

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Example 5-2: Corrections to the Federal Register – paragraph
[PREAMBLE] **Federal Register Correction** Effective March 13, 2018, in rule document 2016-28714 at 81 FR 90126 in the issue of December 13, 2016, on page 90172, in the third column, in amendatory instruction 18, paragraph (e)(1) is corrected to read as follows: **§ 91.175 [Corrected]** (e) * * * (1) Whenever operating an aircraft pursuant to paragraph (c) of this section or § 91.176 of this part, and the requirements of that paragraph or section are not met at either of the following times: (i) When the aircraft is being operated below MDA; or (ii) Upon arrival at the missed approach point, including a DA/DH where a DA/DH is specified and its use is required, and at any time after that until touchdown.

If the effective date of the rule you are correcting has already occurred, **see section 5.9**

5.7 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).
- Carry a Docket number if the original document carried a Docket number.
- Carry a RIN if the original document carried a RIN.
- 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 **section 2.15**).

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Example 5-3: Proposed rule correction

[BILLING CODE]

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, 20xx, 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.
DATES: January 29, 20XX.
FOR FURTHER INFORMATION CONTACT: Nancy Jones, 202-000-0000.
SUPPLEMENTARY INFORMATION:
Correction
In proposed rule FR Doc. 9x-14061, beginning on page 12345 in the issue of June 7, 20xx, 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 23, 20xx.
[SIGN]
Type name,
Title.

5.8 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.
- Carry a Docket number if the original document carried a Docket number.
- Carry a RIN if the original document carried a RIN.
- Cite the *Federal Register* date, page, column, and location (paragraph, sentence, or line) in the correction instruction.

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Example 5-4: Notice correction

[BILLING CODE]

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 23, 20xx, 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.
SUPPLEMENTARY INFORMATION:
Correction
In the *Federal Register* of July 2, 20xx, 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, 20xx. Submit comments addressing intellectual property issues on or before August 15, 20xx. A general meeting on this subject is planned for July 19, 20xx, in Washington, DC. Interested parties may submit questions by July 17, 20xx.
Dated: July 5, 20xx.
[SIGN]
Type name,
Title.

5.9 Corrections to the CFR

Agency corrections to the CFR

If your agency did not catch an error, or was not able to publish a correction, before the CFR was amended, use the format for correcting amendments to the CFR (frequently called "technical amendments") in **Example 5-5**. Or amend the affected provisions in the next final rule affecting that CFR part.

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Example 5-5: Correcting amendment to the CFR
The Federal Communications Commission published a rule on April 21, 20XX which became effective on May 21, 20XX. The FCC published a correction on January 29, 20XX as a correcting amendment to the CFR.

[BILLING CODE]

FEDERAL COMMUNICATIONS COMMISSION
47 CFR Part 90
[WT Docket No. 01-146; RM-9966; FCC 03-35]
Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450-470 MHz Band; Corrections
AGENCY: Federal Communications Commission.
ACTION: Correcting amendments.
SUMMARY: On April 21, 20XX, the Federal Communications Commission revised Commission rules. That document inadvertently failed to update the station class for frequency 464.575 MHz and incorrectly listed a cross-reference. This document corrects the final regulations.
DATES: Effective on January 29, 20XX.
FOR FURTHER INFORMATION CONTACT: Brian Marenco, Acting Associate Division Chief, Public Safety and Critical Infrastructure Division at (202) 418-0838.
SUPPLEMENTARY INFORMATION: This is a summary of the FCC's Erratum, FCC 03-35, published April 21, 20XX (68 FR 19444). This is the second set of corrections. The first set of corrections was published in the *Federal Register* on September 25, 20XX (68 FR 55319). This document augments the corrections which were published in the *Federal Register* on September 25, 20XX (68 FR 55319).
List of Subjects in 47 CFR Part 90
FCC equipment, Radio, Reporting and recordkeeping requirements.
Accordingly, 47 CFR part 90 is corrected by making the following correcting amendments:
PART 90–PRIVATE LAND MOBILE RADIO SERVICE
1. The authority citation for part 90 continues to read as follows:
Authority: Sections 4(i), 11, 303(g), 303(r) and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).
2. In § 90.35, amend paragraph (b)(3) by adding entry 464.575 to the table to read as follows:
§ 90.35 Industrial/Business Pool.
* * * * *
(b) * * *
(3) * * *
Industrial/Business Pool Frequency Table

Frequency or band Class of station(s) Limitations Coordinator
---

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* * * * * * *
464.575..... Base or mobile..... 62.....
* * * * * * *
---
3. Revise paragraph (e)(3) of § 90.267 to read as follows:
§ 90.267 Assignment and use of frequencies in the 450-470 MHz band for low power use.
* * * * *
(e) * * *
(3) The frequencies in Group C that are subject to the provisions of § 90.35(c)(67) will not be available for itinerant use until the end of the freeze on the filing of high power applications for 12.5 kHz offset channels in the 460-470 MHz band.
* * * * *
Federal Communications Commission.
Name
Title.

OFR CORRECTIONS TO THE CFR

If you discover errors in CFR text that differs from how it published in a rule document, your Liaison Officer should contact our Code of Federal Regulations unit as soon as possible. We may be able to correct errors up to 10 years old, if we can establish that we caused the error. Any error more than 10 years old is the responsibility of the issuing agency, regardless of who caused the original error. The 10-year period is calculated from the revision date of the CFR volume where the amendment(s) first appeared incorrectly incorporated into the CFR. For example, an error that first appeared in a volume revised as of April 1, 2009 must be reported to OFR by April 1, 2019.

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Chapter 6: Electronic files and online submissions

6.1 Submitting files

Paper documents with certified electronic file

If you submit a paper document for publication, we strongly encourage you to also send a Word file on a disk or CD, along with a certification letter that the electronic file matches the original, legal paper document (see **section 6.3**).

If you do not send a certified electronic file: Your document will be billed at the manuscript rate because GPO must manually retype the entire document. It won't go on the regular publication schedule until we have the electronic file back from GPO. We can't estimate how much longer your document will take to process because that depends on a number of factors that are not under our control.

Digitally-signed files submitted online

You can submit a document for publication as an electronic original document (digitally signed), using our web portal at webportal.fedreg.gov. Submitting an electronic original eliminates the need for paper copies, disks, certification letters, and preparing and shipping a package. For detailed information regarding how to get a digital signature and the submission process, *see* **Appendix B: PKI and Digital Signature - Introduction and FAQs**.

Note: *For continuity of operations purposes, including pandemic readiness, agencies should implement our currently available digital signature technology for Federal Register documents. Agencies should make digitally signed Federal Register documents a part of their daily business process to satisfy Presidential continuity directives (NSPD-51/HSPD-20).*

Anyone at your agency who is authorized to sign physical documents can obtain a digital signature; in fact, they probably already have one on their HSPD-12 PIV ID card. And, your agency can have multiple people authorized to sign a document. The OFR does not determine who is authorized to sign documents, only that the name on the document matches the name of the digital signature.

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Remember: Once the document is digitally signed it is secure and cannot be edited. If anyone edits the document after it has been signed, the digital signature is automatically removed and the file will be rejected by our web portal unless the edited document is resigned.

6.2 Submission requirements for all electronic files

Document drafting guidelines

Follow the drafting requirements and guidelines in **Chapter 1: What are the requirements for drafting any document?**, and **Chapter 2: How do I write a document for the Proposed Rules category? Chapter 3: How do I write a document for the Rules and Regulations category?** or **Chapter 4: How do I write a document for the Notices category?** of this handbook when you draft any *Federal Register* document, whether you plan to submit it on paper or as a computer file.

You can also use image files (.gif, .jpeg., .bmp). See section 7.1 on page 193.

File format

Your electronic file must be an MS-Word file, specifically the current open standard format ending with the extension "docx.". We will not erase any hidden data or "scrub" your documents before they are displayed online for public inspection. Please remove all metadata from the files before you send them to our office.

Hidden characters, data, fields, and code, whether added deliberately or embedded in templates or from headers and footers, can cause unexpected processing errors. These errors ranging from how text displays to what does and does not print. You are responsible for removing all artifacts from your electronic file that are not required for publication in the Federal Register. If these artifacts cause errors in the publication process, you may be responsible for publishing any necessary corrections.

Your documents cannot have any comments or remaining "tracked" changes and your documents cannot have any enabled macros. We will not accept macro-enabled documents or documents with comments or remaining tracked changes for publication.

We cannot accept anything other than a.docx file. We will reject .pdf, .doc,.docm and .p7m files.

See GPO Circular Letter No. 991 on page 236 for information on pricing.

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6.3 Paper documents with certified electronic file

If you submit your document with a paper original and include an electronic file, you must follow these requirements:

CERTIFICATION LETTER

The file on the disk should be saved from the same file used to print the signed paper original. In order for us to use the file in the publication process, you must include a letter certifying that the electronic file on the 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*: Disk Verification / Certification)***.

Note: *Certifying the file on a disk as a true copy of the original is a formal legal statement. Certifiers must take extraordinary care to ensure that the file on the disk is exactly the same as the signed paper original. This is a separate certification from certifying that the 2 paper copies of the document are copies of the original signed document. See section* ***1.6: Signature and certification*** *for more information on certifying paper copies.*

The electronic file is used as the basis of the Public Inspection document and the published *Federal Register* document. If there is a question about your agency sent for publication, we will use this electronic file for verification. If OFR finds any discrepancies between the certified electronic file and the legal paper original before publication, we will immediately remove the document from the production process and make it available for pick-up. We may also add an editorial note of the agency error if the document has been placed on public inspection.

TYPE OF DISK

CD-ROM, DVD-R, or DVD+R. OFR prefers Word files on optical disk. Make sure the optical disk can be read without proprietary software.

High Density 3.5 Diskettes. OFR can also accept Word files on high density (HD), 3.5 inch diskettes, formatted for PC. 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.

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***Note**: OFR does not accept any other type of media, including flash drives and SD cards, due to IT security concerns.*

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, you must use a CD-ROM.
- Send only one document per disk. Send a separate disk and include a separate certification letter for each document. The certified file 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 send password protected or encrypted files or files with track-changes or comments.
- Do not send 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.

6.4 Digitally-signed files submitted online

The Federal Register Document Submission Portal (web portal) lets agencies securely submit documents and special handling letters online instead of traditional delivery options such as US Mail or courier. It also allows agencies to receive immediate feedback on the status of their documents while saving resources such as paper, toner, and CDs.

***Note:** Only submit special handling letters when you submit your document. Never submit a letter through the portal without a document. Never email a special handling letter to the Scheduling Unit.*

When sending documents through the web portal, the digital signature is an important security measure that ensures the integrity of your document. We will only accept MS

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Word documents (.docx) signed with a medium assurance level digital signature certificate, cross-certified by the Federal Bridge Certification Authority in PKCS#7 open standard. Most Federal Government-issued HSPD-12 Personal Identity Verification ID cards meet this level of certification. For the purpose of digital submission to the Federal Register, this process is abbreviated as Public Key Infrastructure, or PKI. You may be required to purchase a card reader if your computer is not equipped with one.

Note: *This is NOT the same as a digital signature within Adobe Acrobat or MS Word. We can only accept PKCS#7 digital signatures.*

There are two ways to obtain a digital certificate. If your agency has issued FBCA HPSD-12 compliant PIV identification badges, you likely already have a digital signing certificate issued to you. Check with your IT Security group to verify. A PIV-card reader may also be needed if your machine is not equipped with one.

For users without PKI certificates, you can purchase FBCA-compliant certificates from GPO, which includes technical support from GPO. For more details on obtaining a GPO certificate, go to www.gpo.gov/docs/default-source/public-key-infrastructure-documents/getting-started-with-pki.pdf.

All the rules for drafting documents still apply to documents that are digitally signed and submitted through the web portal.

Note*: 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.*

Step-by-step instructions for digitally signing documents are provided at piv.idmanagement.gov/userguides/signworddoc-ofr/. Submission instructions are available on OFR's web portal site at webportal.fedreg.gov > Learn > How to Submit.If you have questions about digital submission, contact OFR's DDSA Division at ofrtechgroup@gpo.gov.

6.5 Making changes to electronic submissions

To correct any document, you must follow the procedures in **Chapter 5: How do I correct a document?** The standard correction requirements also apply to documents submitted online or documents accompanied by disk submissions.

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If the changes are extensive, we can immediately remove the document from the production process and make it available for pick-up. Once you've made necessary corrections, you can resubmit the document following normal submission procedures.

6.6 Definitions

MS-Word. MS-Word is the word processing application you must use to create your document file. The OFR can process files created from MS-Word 2010 or higher saved in open standard format (.docx).

Metadata. Metadata is hidden information embedded in an MS-Word document and can include personal information about the author of the document. Metadata is not accepted on *Federal Register* electronic documents.

Macros. Macros are sets of computer instructions that will automatically run in MS-Word, usually used to generate or format content.

6.7 Checklist for electronic submissions

- ✓ Submit only one file per disk.
- ✓ Use a CD-ROM, High Density 3.5" diskette, or the Document Submission Portal.
- ✓ 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, encrypted, or password-protected 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.
- ✓ Save your document in Microsoft Word open standard format (.docx).

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Chapter 7: Figures, forms, tables, notes, and appendices

7.1 Format, placement, and quality

Include all material within the Word file as you wish it to appear in the published document. (See **sections 2.13, 3.13** for more information about placement and designations.) Use Word formatting features for table- and text-based figures. You can also use image files (.gif, .jpg, .bmp). If you have a complex table, GPO may have difficulty reprinting it exactly, so we may recommend that you opt to use an image of the table or have GPO photo the table instead of using text.

***Note**: If you have an image that you need to include in a manuscript file, contact the Scheduling Unit as soon as possible to discuss your options before sending the document for publication.*

If you have specific language that regulated parties are supposed to use (for example, the warranty language that must be posted in the window of a used car for sale, 16 CFR 455.2 and 16 CFR 455.5 (81 FR 81679, Nov. 18, 2016), or specific clauses to use in certain types of contracts and written agreements), include that text in smaller font and add a thin border around the text. This will ensure that we treat this text like a figure and won't require that you add a label or other designation.

7.2 Figures

Figures include maps, diagrams, graphs, and other pictorial material, as well as text-based figures.

All details of a figure, such as captions, numbers, place names, and keys, must be completely legible.

If you amend a figure, submit a completely new figure with the amendatory document.

We do not recommend including illustrative material that uses color. Both online and in print, the *Federal Register* is a black and white publication. Medium reds and medium blues, for example, will render the identical medium gray.

Each figure needs a title, which indicates its relationship to the CFR structure. It can be:

- within a section, and related to a specific paragraph

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- at the end of a section, and related to the whole section
- within an appendix, and related to the structure of the appendix, or
- the appendix, and related to the part or subpart

Table 7-1: Label for a figure
Figure 1 to paragraph (b) – Specifications for ramps Figure 2 to § 201.3 – Map coordinates

7.3 Forms

GPO cannot recreate forms within regulatory text. If you need to add a specific form, usually as part of a Notice document or in an appendix, provide the OFR with a legible image file, included as part of the document you want published (for example 77 FR 73912).

7.4 Tables

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 7-1**).

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Example 7-1: Redesignation table	
§ § 1475.12 through 1475.20 [Redesignated]	
2. 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
(note that this leaves § 1475.16 empty)	

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 **Example 7-2, Example 7-3**).

Distribution and derivation tables are complementary. A distribution table shows where each piece of the original material went 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 SUPPLEMENTARY INFORMATION. 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 7-4**). For a complete discussion of amendatory terms see **sections 2.14, 3.14**.

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Example 7-2: Distribution table	
Old Section	New Section
-- -- --	Parts 11 and 12 (subchapter D)
3.4(a)	11.1
Introductory text of 3.4(b)	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 7-3: 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).

These tables are often referred to as cross-reference tables or crosswalks.These tables can be very effective means of explaining extensive revisions to your audience. Consider the possibility of placing these tables on your agency website.

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Example 7-4: Amendatory instructions for changes described in Example 7-2

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.

[omitted text not included.]

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If / Then tables

If/Then tables present regulatory text in a columnar format (see **Example 7-5**). Each column must have a heading. The column heading may:

- Identify the type of information presented in each column; or
- When read with the entry in the column present a complete sentence.

Designate each entry in the If/Then table to make it easier to amend.

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 7-5: 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.

Table 1 to paragraph (a)

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.

Data tables

If you arrange the data in a logical (usually alphanumeric) order, you do not need to designate each row. You can then amend a specific row of the table without having to amend the entire table.

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Example 7-6: Data table

§ 172.379 Vitamin D.

* * * * *

(c) The additive may be used as follows:

Table 2 to paragraph (c)

Category of Food	**Maximum Levels in Food (as Served)**
Soy beverages	50 International Units (IU)/100 grams (g)
Soy beverage products	89 IU/100 g
Soy-based butter substitute spreads	330 IU/100 g
Soy-based cheese substitutes and soy-based cheese substitute products	270 IU/100 g

Example 7-7: Amend table in Example 7-6 (7 asterisks)

2. In § 172.379, amend table 4 to paragraph (c) by adding entries for "Edible plant-based beverages intended as milk alternatives" and "Edible plant-based yogurt alternatives" in alphabetical order to read as follows:

§ 172.379 Vitamin D_2.

* * * * *

(c) * * *

Table 4 to paragraph (c)

Category of Food	**Maximum Levels in Food (as Served)**
Edible plant-based beverages intended as milk alternatives	84 IU/100 g
Edible plant-based yogurt alternatives	89 IU/100 g
* * * * * * *	

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7.5 Footnotes and Notes

Number footnotes separately for each unit listed below:

- Preamble
- Each CFR section
- Table
- Figure
- Form
- Appendix

Examples of labeling for notes are on pages 48 and 113.

The first footnote in a CFR section 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, figures, and forms at the end of the table, figure, 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***.

Note: *Do not include formulas or tables in footnotes.*

Footnotes and notes in the CFR must be explanatory; they **cannot** be 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 figures, forms, tables, and appendices. If you remove a figure, form, table, or appendix, it will not disrupt the footnote numbering of the regulatory text.

You can also add notes to paragraphs and to sections, in the same way you can add figures and tables. Notes should not be more than one or two paragraphs and should never have multiple paragraph levels. Complex notes that cannot be restructured into a simple paragraph should be codified, included in an appendix, or removed from the CFR.

You cannot add Editorial Notes. These can only be added or removed by the OFR.

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7.6 Appendices

We allow two types of appendices. Appendices to the regulatory text in rule and proposed rule documents that will appear in the CFR or appendices to the *Federal Register* document itself. An appendix to the *Federal Register* document, unlike an appendix to a CFR part or subpart, will not appear in the CFR.

You can use an appendix to improve the quality or utility of a document but you cannot use an appendix to impose requirements or restrictions[57].

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. Set out regulatory material in standard CFR sections, not in 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.

CFR APPENDICES

Anything not in a standard codification structure (i.e. CFR section) is an appendix, regardless of how your agency refers to it (for example, CFPB supplements, FAA SFARs). An appendix may appear at the part or subpart level. Designate each appendix and identify whether it belongs to a part or subpart (for example, Appendix A to part 51) and give it a descriptive heading (see **Example 7-8**). For a new or revised part or subpart, list the appendix heading in the table of contents. A complete appendix heading should:

- Conform to a uniform system of designation for appendices throughout your agency's CFR provisions;
- Indicate the CFR unit to which the appendix is attached; and
- Provide a brief, descriptive subject heading.

[57] 44 U.S.C. § 1510, 1 CFR 1.1, 5.2(c), 5.9(b) and (c), 8.1, and 21.11

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Example 7-8: Descriptive Headings for Appendices
Appendix A to Part 430—Insulation Adequacy Evaluation Criteria Appendix B to Subpart C of Part 430—Test Procedures for Tire Traction

Place the appendix immediately following the CFR unit to which it is appended.

Designating and amending CFR appendices

Designate each paragraph in the text of an appendix. You may use the CFR paragraph designations (see **sections 2.13, 3.13**) or develop an alternate *logical* numbering system.

You may amend individual paragraphs of an appendix ***only if*** each paragraph has a unique designation that falls logically within the structure of the appendix. While you do not have to use standard CFR paragraph designations, you do need to designate paragraphs consistently across paragraph levels.

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Example 7-9: Appendix paragraphs designated with numerals across levels

2. Testing conditions:

2.1 *Installation Requirements.* Install the dishwasher according to the manufacturer's instructions. A standard or compact under-counter or under-sink dishwasher must be tested in a rectangular enclosure constructed of nominal 0.374 inch (9.5 mm) plywood painted black. The enclosure must consist of a top, a bottom, a back, and two sides. If the dishwasher includes a counter top as part of the appliance, omit the top of the enclosure. Bring the enclosure into the closest contact with the appliance that the configuration of the dishwasher will allow.

2.2 *Electrical energy supply.*

2.2.1 *Dishwashers that operate with an electrical supply of 115 volts.* Maintain the electrical supply to the dishwasher at 115 volts ±2 percent and within 1 percent of the nameplate frequency as specified by the manufacturer.

2.2.2 *Dishwashers that operate with an electrical supply of 240 volts.* Maintain the electrical supply to the dishwasher at 240 volts ±2 percent and within 1 percent of its nameplate frequency as specified by the manufacturer.

2.3 *Water temperature.* Measure the temperature of the water supplied to the dishwasher using a temperature measuring device as specified in section 3.1 of this appendix.

2.3.1 *Dishwashers to be tested at a nominal 140 °F inlet water temperature.* Maintain the water supply temperature at 140° ±2 °F.

2.3.2 *Dishwashers to be tested at a nominal 120 °F inlet water temperature.* Maintain the water supply temperature at 120° ±2 °F.

2.3.3 *Dishwashers to be tested at a nominal 50 °F inlet water temperature.* Maintain the water supply temperature at 50° ±2 °F.

2.4 *Water pressure.* Using a water pressure gauge as specified in section 3.4 of this appendix, maintain the pressure of the water supply at 35 ±2.5 pounds per square inch gauge (psig) when the water is flowing.

2.5 *Ambient and machine temperature.* Using a temperature measuring device as specified in section 3.1 of this appendix, maintain the room ambient air temperature at 75° ±5 °F, and ensure that the dishwasher and the test load are at room ambient temperature at the start of each test cycle.

2.6 *Test Cycle and Load.*

2.6.1 *Non-soil-sensing dishwashers to be tested at a nominal inlet temperature of 140 °F.* These units must be tested on the normal cycle and truncated normal cycle without a test load if the dishwasher does not heat water in the normal cycle.

2.6.2 *Non-soil-sensing dishwashers to be tested at a nominal inlet temperature of 50 °F or 120 °F.* These units must be tested on the normal cycle with a clean load of eight place settings plus six serving pieces, as specified in section 2.7.1 of this appendix. If the capacity of the dishwasher, as stated by the manufacturer, is less than eight place settings, then the test load must be the stated capacity.

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You can also use a combination of alphanumeric and standard CFR paragraph numbering, as long as you use it consistently throughout the appendix and each paragraph has a unique designation.

Example 7-10: Appendix paragraphs designated with a mix of styles constituent across levels
S1. *Scope*. This standard specifies requirements for low-speed vehicles. S2. *Purpose*. The purpose of this standard is to ensure that low-speed vehicles operated on the public streets, roads, and highways are equipped with the minimum motor vehicle equipment appropriate for motor vehicle safety. S3. *Applicability*. This standard applies to low-speed vehicles. S4. [Reserved] S5. *Requirements*. (a) When tested in accordance with test conditions in S6 and test procedures in S7, the maximum speed attainable in 1.6 km (1 mile) by each low-speed vehicle shall not more than 40 kilometers per hour (25 miles per hour). (b) Each low-speed vehicle shall be equipped with: (1) Headlamps, (2) Front and rear turn signal lamps, (3) Taillamps, (4) Stop lamps, [text omitted]

If you cannot identify a specific paragraph by a unique designation that allows CFR editors to locate it within the appendix, you will not be able to amend that paragraph. Instead, you must revise the next-highest level that you can identify using a unique designation. In some cases, this could mean that you must republish the entire appendix.

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FEDERAL REGISTER DOCUMENT APPENDICES

You may include an appendix at the end of the preamble or at the end of a rule or proposed rule document. Appendices that appear at the end of the preamble are not part of the CFR amendments and are not included in the CFR. However, if you include the appendix at the end of the rule or proposed rule document, you must direct that the appendix not be reprinted in the CFR. Further, if an appendix does not appear in the CFR, you cannot reference it in your regulatory text. If you do not want the appendix to appear in the CFR, place a note before the appendix heading in your rule or proposed rule document stating it will not appear in the CFR (see **Example 7-11**).

Example 7-11: Format for an appendix following regulation text but not to be reprinted in the CFR
Note: The following appendix will not appear in the Code of Federal Regulations. APPENDIX HEADING

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Chapter 8: How do I publish a document in the *Federal Register*?

8.1 Who do I contact with questions?

At the Office of the Federal Register

Your agency must designate a Federal Register Liaison Officer and a Certifying Officer[58] 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: Disk Verification / Certification**).

The Liaison Officer is the main contact between your 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 or CDs submitted for publication are true and accurate copies. The Certifying Officer signs a statement at the bottom of the signature page on each copy: "Certified to be a true copy of the original" (see **Example 8-1**). The Certifying Officer also signs the certification letter that accompanies a disk (*see* **Appendix A: Disk Verification / Certification**). The certification is a legal declaration that the certified copy and disk (or CD) are identical to the original.

At the Government Publishing Office?

The GPO requires that your agency designate a Printing Officer who is the liaison between your agency and GPO in all billing matters.

[58] 1 CFR 16.1

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8.2 What do I need to send?

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 and complete copies that are identical to the original. Your certified copies may be double-sided.

Certified copies are not signed by the issuing official. Instead they contain a copy of the original signature. The agency also places a signed certification statement on the signature page (see **Example 8-1**). 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. This statement on the copy of the document is different from the letter certifying that the electronic file is the same as the paper file.

Example 8-1: 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.

Special handling letter

If you need anything special, like delayed filing or emergency publication, you need to request it in a special handling letter when you send in the document. Make sure you include a point of contact in your letter, especially if it is someone other than your Liaison Officer. You can combine this letter with the Disk Certification letter (*see* **Appendix A: Special Handling Request**).

Disk Certification letter

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If you include a disk with a Word file of your document, you need to certify that the electronic file is identical to the paper file you have submitted. You can combine this document with the Special Handling letter (*see* **Appendix A: Disk Verification / Certification**).

8.3 Where do I deliver my document?

U.S. Mail delivery

DO NOT ADDRESS U.S. MAIL to 7 G Street, NW. Your package will be delayed and you risk possible damage to documents and disks. But if you do use U.S. Mail, address your package to:

Office of the Federal Register (F)
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Hand delivery

Deliver letters or documents in person or by FedEx, UPS, etc., or messenger to:

Office of the Federal Register
7 G Street, NW, Suite A-734
Washington, DC 20401

(Two 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.

8.4 How can I get proof of receipt of my document?

You can request a receipt on delivery through the U.S. Post Office or your messenger service. We will sign a slip that you provide. We will not create a receipt for you.

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8.5 When is my document filed for public inspection?

The OFR files each document for public inspection at 8:45 a.m. on the business day before the date of publication (unless you have requested special filing). Our public inspection docket is online at www.federalregister.gov/public-inspection and physically located at:

Office of the Federal Register
7 G Street, NW, Suite A-734
Washington, DC 20401
(Two blocks north of Union Station Metro)

The Federal Register Act requires the OFR to file documents for public inspection at least one day before publication.

Anyone may inspect or copy[59] filed documents during our business hours, 8:45 a.m. to 5:15 p.m. ET, Monday through Friday, except for Federal holidays. We update the public inspection list throughout the day.

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.

8.6 How can I get emergency or immediate filing?

You may request earlier filing if you do so in a special handling letter that accompanies your submission package (*see* **Appendix A: Special Handling Request, Emergency Publication Request, Immediate Filing Request**[60]). 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.

8.7 How can I delay filing?

You may request a filing time that is later than 8:45am, but not later than 4:15pm, on the business day before publication, as long as you request the delayed filing as part of the special handling letter or ***before*** your document is assigned public inspection and publication dates. You can only delay the filing of your document to a different day if you

[59] OFR does not provide copies or photocopiers; individuals may use personal devices to make copies.
[60] An Immediate Filing Request is also known as an Emergency Filing Request.

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also delay the publication date. Once a publication date is assigned, you cannot delay the publication date.

8.8 When will my document be published, and how can I get confirmation of a publication date?

The OFR assigns a publication date once a document meets our publication requirements. The publication dates are based on the schedules described below.

We do not automatically contact agencies with the publication date. We send an automated email notification providing publication and filing information to the person your agency has designated as your Liaison Officer. Your agency must maintain this contact information.

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.

Table 8-1: 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 *Federal Register* 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 schedule

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 (see **section 4.10**).

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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.

8.9 Can I get emergency publication?

If you need emergency publication, include why you need emergency handling in the special request letter. You must briefly describe the emergency and the benefits attributed to emergency scheduling. We will consider your request based on our workload, the length and complexity of the document, and the amount of time it takes to resolve any problems with the document. We do not approve all emergency requests (*see* **Appendix A: Special Handling Request, Emergency Publication Request, Immediate Filing Request**).

8.10 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 the *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 the *Federal Register,* when you submit your document for publication, in your special handling letter (*see* **Appendix A: Special Handling Request***)*, you must:

- Request its publication as a separate part;
- Request a publication date and separate part number; and
- Provide the publication date and separate part number to your agency's 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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Appendix A: Model Letters

We offer these model letters to help you prepare written requests regarding *Federal Register* documents and other matters.

U.S. Mail:
FEDERAL REGISTER (F)
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
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COLLEGE PARK, MD 20740-6001

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Washington, DC 20401
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One of the following agency officials may sign your letter: Federal Register Liaison Officer or Alternate; Federal Register Certifying Officer or Alternate (for certification letters); or Signer of the document (see **section 5.4**, **Chapter 6: Electronic files and online submissions**).

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A.1 Emergency Publication Request

A G E N C Y L E T T E R H E A D

December 25, 20xx

[Insert full name of DIRECTOR], Director
Office of the Federal Register (F)
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Director [Insert last name of DIRECTOR]:

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

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A.2 Immediate Filing Request

A G E N C Y L E T T E R H E A D

December 25, 20xx

[Insert full name of DIRECTOR], Director
Office of the Federal Register (F)
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Director [Insert last name of DIRECTOR]:
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

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A.3 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]

Note: If you submit a document with only a special handling request and no certification letter, the special handling request must be on agency letterhead.

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A.4 Disk Verification / Certification

A G E N C Y L E T T E R H E A D

December 25, 20xx

[Insert full name of DIRECTOR], Director
Office of the Federal Register (F)
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Director [Insert last name of DIRECTOR]:

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

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A.5 Correcting a Document After Filing

A G E N C Y L E T T E R H E A D

December 25, 20xx

[Insert full name of DIRECTOR], Director
Office of the Federal Register (F)
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Director [Insert last name of DIRECTOR]:

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]:

On page 6, second paragraph, line 7, remove the phrase "outgoing mail".
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

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A.6 Withdrawing a Document from Publication

BEFORE FILING:

A G E N C Y L E T T E R H E A D

December 25, 20xx

[Insert full name of DIRECTOR], Director
Office of the Federal Register (F)
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Director [Insert last name of DIRECTOR]:

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

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AFTER FILING:

A G E N C Y L E T T E R H E A D

December 25, 20xx

[Insert full name of DIRECTOR], Director
Office of the Federal Register (F)
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Director [Insert last name of DIRECTOR]:

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

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A.7 Deviation Request letter

A G E N C Y L E T T E R H E A D

December 25, 20xx

[Insert full name of DIRECTOR], Director
Office of the Federal Register (F)
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Director [Insert last name of DIRECTOR]:

The [NAME OF AGENCY] is requesting a deviation from *Federal Register* publication requirements under 1 CFR 21.14.

[Describe the deviation you need, why you need it, for which document or series of documents you need it, and for how long you need it. Explain the unique situation that prevents you from following the publication requirements. Include any legal rationale.]

Sincerely,

[SIGN]
Type name, Title

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A.8 Designate Federal Register Liaison Officer / Certifying Officer

A G E N C Y L E T T E R H E A D

December 25, 20xx

[Insert full name of DIRECTOR] Director
Office of the Federal Register (F)
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Director [Insert last name of DIRECTOR]:

The [NAME OF AGENCY] designates the following individuals to work with the Office of the Federal Register:
Liaison Officer: [NAME, TITLE, ADDRESS, TELEPHONE NUMBER, EMAIL ADDRESS]
Alternate Liaison Officer: [NAME, TITLE, ADDRESS, TELEPHONE NUMBER, EMAIL ADDRESS]

Certifying Officer: [NAME, TITLE, ADDRESS, TELEPHONE NUMBER, EMAIL ADDRESS]
Alternate Certifying Officer: [NAME, TITLE, ADDRESS, TELEPHONE NUMBER, EMAIL ADDRESS]

The agency fax number is [FAX NUMBER].

The email address for scheduling notification is [EMAIL ADDRESS].

Sincerely,

[SIGN]
Type name, Title

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Appendix B: PKI and Digital Signature - Introduction and FAQs[61]

A Beginner's Guide, including Frequently Asked Questions (FAQs), to Public Key Infrastructure (PKI) for Digitally Signing Documents for Publication in the Federal Register

B.1 Introduction to PKI

What is PKI?

PKI stands for Public Key Infrastructure. "A PKI establishes and maintains a trustworthy networking environment by providing key and certificate management services that enable encryption and digital signature capabilities across applications — all in a manner that is transparent and easy to use." (Entrust website: www.entrust.com/products/entrust-authority-pki/) For information about the Federal PKI program, visit fpki.idmanagement.gov/.

What does PKI do as it relates to publication in the Federal Register?

PKI allows the user to sign a Word file digitally, with no pen and ink. The system is set up in a way that the signed file can be handled (attached, etc.) without invalidating the signature. This allows for electronic submission of digitally signed documents.

B.2 Benefits of PKI

Why should I use PKI?

- PKI can reduce the time between signature and publication depending on your agency's business process. This time savings occurs for a few reasons:
  - No package for staff to bundle (making copies, burning a CD, filling out and printing forms)
  - No mail required. File can be sent immediate via the web portal at webportal.fedreg.gov.
- PKI will save Agency resources by eliminating paper, toner, disks, and time spent putting a package together.

[61] Portions of this appendix were written by staff at the Environmental Protection Agency to address questions for the agency side of the PKI program. We want to thank them for their significant contribution to this appendix and to our PKI presentation.

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How much time does digital signature save?

This process could save some offices between 2-5 days in preparation time; in other words, it would eliminate 2-5 days between when the document is signed and when it is published. The amount of time depends on the usual method of submission (regional mailing vs. HQ hand-delivery).

How much money will digital signature save?

The cost savings of digital signature can vary based on the typical length of documents for an office and your agency's publication business process. Variations include:

- Do your regional offices mail their documents to a headquarters? If so, how does the headquarters get it to the OFR?
- Cost of toner, ink, printer maintenance.
- Staff time spent putting package together (making copies, burning CD, printing and filling out appropriate forms)

How much money does digital signature cost?

Probably nothing, unless your agency needs to purchase PKI certificates or card readers. The PKI process uses the native MS Word signing feature, so there is no special software needed to digitally sign.

Does embarking on the PKI digital signature program mean my office always has to use it?

PKI digital signature does not preclude offices from submitting documents with the normal paper and CDs.

B.3 Preparing and editing the Word file to be signed

Why does the file need to be submitted as a .docx?

OFR needs to edit the document, which is one of the reasons we do not accept .pdfs, .p7m or any other file than .docx. We cannot accept .docm, as these can contain harmful macros. This rule applies not only to the document being sent for publication, but also the special handling letter, if one is needed.

You can also use image files (.gif, .jpeg., .bmp).
See section 7.1 on page 193.

Use MS Word versions 2010 or later. Only submit ".docx" file types. Older versions of MS Word have no standard method to validate digital signatures. The old file type ".doc" is not compatible with OFR's digital validation process and is not accepted in the web portal.

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If OFR needs to edit the document, then why do I need to digitally sign it?

When your document arrives, with your digital signature still intact, we are able to confirm that

1) Your name matches the name printed as the signer in the document; and
2) Since your signature is intact, the contents of the document have not been tampered with.

Can I edit the document after I have signed it? Why or Why not?

Yes, but you must resign after edits are completed. Once the document has been digitally signed, you cannot edit the document without removing the digital signature. The web portal will reject unsigned files. However, if any "last-minute" changes or corrections are needed, you can remove the digital signature, make the edits, resave, and have the signer resign. Remember, we reject "for" signatures, so the person whose name is in the signature block must be the digital signer.

How can I make sure the signed document is the one I want to send?

A digitally signed .docx file can be viewed clearly in "read-only" mode. If the reader determines changes must be made, the digital signature can be removed so the file can be edited.

Who needs to obtain a digital signature certificate to submit electronically?

Anyone who is authorized to sign documents at your agency and whose name will appear in the signature block.

What if the only person who is authorized to sign the document is not available?

This is a business process question that is important for agencies to consider. Remember: **no one is authorized to use someone else's credentials to sign a document digitally on someone else's behalf.** This applies to both PIV card digital signing and "soft certificate" use such as GPO or Entrust certificates. So the signer MUST apply their digital signature themselves. Your agency may need to look at its delegations of authority to ensure that the individuals necessary can be available to sign documents when needed. **The person whose name is in the document MUST be the person whose digital signature is applied to the document.** If the names do not match, the document will be rejected by our office.

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B.4 Sending the signed file to the OFR

How do I know this will work?

We recommend to that all agencies starting their PKI program send a digitally signed test document to us for test validation at ofrtechgroup@gpo.gov. We will work with you to test if the digital signature validates, and if it does not, we will help you fix the issue. Do **not** submit a test document through the web portal. The web portal is only for documents to be published.

Do I need a Disk certification letter?

Since there is no disk and no paper copy, you do not need a certification letter for digital submission.

Can I still make special handling requests digitally?

Yes, you can still create special handling letters and attach them to individual documents in the web portal. Remember: **the special handling letter MUST be saved as a .docx file and digitally signed**, but the signer of the document and the special handling letter do not need to be the same person. For instance, a Director may sign the document, but a liaison can sign the special handling letter. In the web portal, you will see a checkbox option, "Requires Special Handling." Checking that box will open another file upload box specifically for the special handling letter.

How do I get the signed file to the OFR?

First, you need an account with our portal at webportal.fedreg.gov. Once you have created an account, we will verify your information and approve or reject the account set up. If you are approved, you will receive a link via e-mail to create a unique password.
Once your account has been created, you will be able to submit via the web portal. You can upload up to 20 documents at a time, as well as special handling letters, if required.

Do I need a digital certificate to send the document in the web portal?

No, you do not need a digital certificate to send the document. Digital certificates are only required to sign the document or the special handling letter.
For step-by-step instructions on digital signing, visit piv.idmanagement.gov/userguides/signworddoc-ofr/. Submission instructions are available on OFR's web portal site at webportal.fedreg.gov > Learn > How to Submit.

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Appendix C: Drafting conventions no longer permitted

The publication requirements in 1 CFR chapter I have changed over the years. When these changes impact the structure or content of the CFR, however, we do not require that agencies immediately update all regulations to meet the new standards. While we allow agencies to make conforming changes when they revise or otherwise amend an affected section, agencies must make conforming changes unless they have a formally-approved deviation. The following is a non-inclusive list of drafting conventions that are no longer permitted:

- Effective date contingent on OMB-approval
- Footnotes numbered consecutively throughout a part (instead of section-by-section)
- Footnotes that are [Reserved]
- Footnotes or notes that are multiple paragraphs long
- Footnotes or notes with multiple paragraph levels
- Footnotes or note with regulatory content
- Paragraph designations in the middle of a paragraph
- Section-level authority citations
- Section-level appendices
- Undesignated CFR text (with the exception of an introductory paragraph to a section)
- Undesignated subparts

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