



202 FW 1

Overview and Definitions for Publishing Federal Register Documents

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1.1 What is the purpose of this and the other chapters in Part 202? This chapter is one of seven chapters in part 202 that describe policies and procedures for preparing and issuing Federal Register documents.

A. Chapter 1, Overview and Definitions for Publishing Federal Register Documents, provides basic information on:

- (1) Legal authorities,
- (2) Service responsibilities, and
- (3) Definitions of terms we use in Part 202.

B. [Chapter 2](#), Preparation for Rulemaking, provides guidance on how to begin the process of amending the Code of Federal Regulations.

C. [Chapter 3](#), Composition and Content of Rulemaking Documents, expands on the guidance in [Part 318 of the Departmental Manual \(DM\)](#) and the Office of the Federal Register's [Document Drafting Handbook](#) on writing a rulemaking document.

D. [Chapter 4](#), Clearance Procedures for Rulemaking Documents, establishes the procedures that program offices must follow after writing a rulemaking document.

E. [Chapter 5](#), Federal Docket Management System, provides guidance on using the Federal Docket Management System (FDMS) to comply with e-rulemaking requirements.

F. [Chapter 6](#), Composition and Content of Notices, provides guidance on writing Federal Register notices.

G. [Chapter 7](#), Clearance Procedures for Federal Register Notices, establishes the procedures that program offices must follow after writing a notice for publication.

1.2 What is the scope of the chapters in Part 202?

A. The chapters in Part 202:

- (1) Apply to the preparation of Federal Register documents (see [section 1.3](#)) and
- (2) Supplement the laws, regulations, and guidelines we reference in [section 1.4](#).

B. Employees should consult all appropriate guidance when writing Federal Register documents.

1.3 What types of documents does the Service publish in the Federal Register? We publish documents in the Federal Register to issue regulations and inform the public about our policies, procedures, functions, and activities. The documents we publish most commonly are:

- A. Advance notices of proposed rulemaking.
- B. Proposed rules.
- C. Interim rules.
- D. Emergency rules.
- E. Final rules.
- F. Notices.

1.4 What are the authorities for this chapter?

- A. The Federal Register Act (FRA) ([44 U.S.C., Chapter 15](#)). (For details of the basic requirements of the FRA, see Exhibit 1.)
- B. The Administrative Procedure Act (APA) ([5 U.S.C. 551 et seq.](#)). (For details of the basic requirements of section 553, which is the section on informal rulemaking, see [Exhibit 1.](#))
- C. Congressional Review Act (CRA) ([5 U.S.C. 801 et seq.](#)). (For basic information about the CRA, see [Exhibit 1.](#))
- D. [318 DM](#), Federal Register Documents.
- E. [Title 1 of the Code of Federal Regulations \(CFR\), parts 18, 21, 22, and 51.](#)
- F. Office of the Federal Register (OFR) Document Drafting Handbook.
- G. [Executive Order \(E.O.\) 12866](#), Regulatory Planning and Review. (For basic information about E.O. 12866, see [Exhibit 1.](#))
- H. [Government Printing Office Style Manual.](#)
- I. The eGovernment Act of 2002 ([44 U.S.C. 3501](#)).

1.5 Who is responsible for Federal Register publication?

A. The **Assistant Secretary for Fish and Wildlife and Parks** (A/S) or a secretarial officer must issue (sign) rulemaking documents for the Service, except for those documents we describe in section 1.5B(1) of this chapter. The A/S also signs most major policy documents that we publish in the Federal Register.

B. The **Director**:

- (1) May sign rulemaking documents that pertain to adding, removing, or reclassifying species on the Lists of Threatened and Endangered Wildlife and Plants in [50 CFR 17](#).
- (2) Ensures that we write rules that are clear and easy for the public to understand.
- (3) Ensures that we develop rules and get approval according to the criteria and procedures in 318 DM and Part 202 of the Service Manual.
- (4) Ensures that we prepare regulatory analysis documents when required.
- (5) Requires the Chief, Division of Policy and Directives Management (PDM), to designate at least two employees to serve as principal and alternate Federal Register Liaison Officers.

C. The **Assistant Director, Budget, Planning and Human Capital** oversees the administration of the Federal Register document development and clearance process.

D. Assistant Directors, Regional Directors, Assistant Regional Directors, or their designees:

- (1) Determine the need for a rulemaking action.
- (2) Conduct the first review of Federal Register rule packages before sending them to Headquarters. This review ensures readability and compliance with the rulemaking requirements.
- (3) Sign Federal Register notices or delegate signature authority to field managers.

E. Assistant Directors or their designees are responsible for the content of rulemaking and notice documents under their areas of jurisdiction.

F. The Chief, Division of Policy and Directives Management:

- (1) Administers the Federal Register document publication process. PDM employees serve as principal and alternate Federal Register Liaison and certifying officers.
- (2) Assigns employees to be the point of contact for the Office of the Federal Register (OFR) and the Department of the Interior's Office of the Executive Secretariat and Regulatory Affairs (OES) on all matters related to Federal Register documents.
- (3) Advises and assists employees preparing and issuing Federal Register documents.
- (4) Reviews Federal Register documents for compliance with [318 DM](#), OFR's style and format requirements, and the many statutes and Executive Orders that govern the rulemaking process.
- (5) Prepares required reports and forecasts related to rulemaking.

1.6 What terms do I need to know to understand the chapters in Part 202? The table below provides definitions of several terms we use in Part 202.

DEFINITIONS OF TERMS: Click on a letter below to find a term.	
A B C D E F G H I J K L M N O P Q R S T U V W X Y Z	
A	Advance Notice of Proposed Rulemaking (ANPR). An ANPR is a document that describes the general idea of a proposed rulemaking and asks questions for the public to answer. We may choose to publish an ANPR if we have only a general idea of the direction we want to follow for an agency action. After we consider the public comments we receive and decide a course of action, we may then publish a proposed rule.
B	none
C	Certified copy (of a Federal Register document). A certified copy is a photocopy of the original document on which the certifying officer puts the following statement at the bottom of the signature page and signs and dates it: "Certified to be a true copy of the original." The same person who writes the disk verification or cover letter for a Federal Register document may also certify the copies of that document. Code of Federal Regulations (CFR). The CFR is a codification of the regulations Federal agencies issue in the daily Federal Register. The CFR is revised annually. A daily update of the CFR is available in print and online .
D	Direct final rule. A direct final rule (DFR) is a final rule that is not preceded by a proposed rule. Federal agencies publish DFRs for routine or noncontroversial regulations that should not generate adverse comment. A DFR becomes effective on a specific future date unless we receive any adverse comments on it within the specified comment period. If we receive any adverse comments during the DFR's public comment period, we must withdraw the DFR before its effective date and publish the regulations in the DFR as a proposed rule. Docket ID number. A docket ID number is a unique number that the Federal Docket Management System assigns to each docket in the system.

	<p>Docket Manager. Docket Manager is a level of access in the Federal Docket Management System. If you have Docket Manager access, you can create docket, manage work assignments, and post documents in the system.</p>
E	<p>Emergency rule. Certain legislation includes language allowing us to publish emergency rules. The Endangered Species Act (ESA), for example, allows us to publish emergency rules to protect species in imminent danger of extinction. An emergency rule under the ESA is effective for 240 days, during which time we may engage in informal rulemaking to provide more permanent protection for the species.</p>
F	<p>Final rule. A final rule is the last step in informal rulemaking. In a final rule, we address the comments we received on the proposed rule and issue the actual rule language that becomes part of the CFR. Final rules have the force of law.</p> <p>Formal review. If the Office of Management and Budget (OMB) designates a document for formal review, it means that OMB will review the rule under the parameters established in E.O. 12866 (see 202 FW 2). Significant rules generally undergo formal review.</p>
G - H	<p>none</p>
I	<p>Informal review. If OMB designates that an informal review is necessary, we must e-mail a copy of the rule to them. OMB generally reviews the document within 10 days and might make informal comments to the program office about the rule.</p> <p>Informal rulemaking. Informal rulemaking, also called “notice-and-comment rulemaking,” is the rulemaking process described in section 553 of the APA. We issue all our rules using this process.</p> <p>(1) The informal rulemaking process is intended to be a legislative-like process in which the rule maker, like a legislator, gives the public an opportunity to influence the making of a regulatory decision. Under the APA, any “interested person” may submit comments. In its simplest form, informal rulemaking involves:</p> <ul style="list-style-type: none"> (a) Publishing a proposed rule in the Federal Register, (b) Inviting public comment, (c) Considering the public comment received, and (d) Publishing a final rule in the Federal Register. <p>(2) Formal rulemaking is a type of rulemaking in which the agency, by statute, may issue a rule only after an opportunity for a hearing “on the record.” The agency must conduct a hearing according to the formal hearing provisions of the APA (5 U.S.C. 556–557). The Service does not engage in formal rulemaking.</p> <p>Information collection. The Office of Management and Budget defines “collection of information” in 5 CFR 1320.3(c). In general this term includes any requirement or request for people to obtain, maintain, retain, report, or publicly disclose information. An information collection may be in any form or format.</p> <p>Interim rule. An interim rule has the force and effect of a final rule and is published without publication of a proposed rule. The APA allows us to publish interim rules when “for good cause” we determine that publication of a proposed rule is unnecessary and contrary to the public interest (5 U.S.C. 553(b)(3)(B)). We solicit comments on the interim rule and then follow up with publication of a final rule that may or may not differ from the interim rule. Interim rules publish in the Rules and Regulations section of the Federal Register.</p>
J - M	<p>none</p>
N	<p>Nonsignificant rule. A nonsignificant rule is a rulemaking action that will cause an impact that is less than significant because it does not meet any of the four parameters of significance in E.O. 12866 (see section 1.6S). OMB does not conduct formal reviews of nonsignificant rules.</p>

	<p>Notice. Federal agencies publish notices in the “Notices” section of the Federal Register to advise the public of information or an event. We can use notices to publish material that is not regulatory or procedural and does not set requirements. Typical notices include those about hearings and meetings, the availability of documents, receipt or issuance of permit applications, information collections, and deadlines for grant applications. We may also publish notices to seek public comment on proposed policy documents (see 011 FW 3). A petition finding under the Endangered Species Act is the only notice that publishes in the “Proposed Rules” section of the Federal Register rather than the “Notices” section.</p>
O	none
P	<p>Pending_Post. Pending_Post means that only agency personnel can view the document(s) in the Federal Docket Management System.</p> <p>Proposed rule. A proposed rule is generally the first step in informal rulemaking. In this document, we establish the rule under consideration, describe the reason for it, and ask the public to comment. Although a proposed rule is sometimes called a Notice of Proposed Rulemaking, it is not a notice. Proposed rules publish in the “Proposed Rules” section of the Federal Register.</p>
Q	none
R	<p>Regulation or rule. In 1 CFR 1.1, E.O. 12866, and the OFR Document Drafting Handbook, “regulation” and “rule” have generally the same meaning. We issue a regulation, as authorized or required by law. A regulation is a requirement or set of requirements that has general applicability and future effect and which we intend to have the force and effect of law. A regulation is what appears in the CFR. A rule or rulemaking is the Federal Register document that includes both preamble and regulatory text. The rule puts the regulation into context. The rulemaking also enables the regulatory text to be incorporated into the CFR. Rules may be final rules, interim rules, or direct final rules, and they publish in the “Rules and Regulations” section of the Federal Register.</p> <p>Regulatory Action Alert form (FWS Form 3-2188). The Department requires this form, which describes a rulemaking action, any possible controversy or sensitivity, and the anticipated publication date. Its purpose is to provide information to other Departmental bureaus so they can decide if they want to participate in the development of the rule.</p> <p>Regulation Identifier Number (RIN). A RIN is a unique number that the Regulatory Information Service Center of the General Services Administration (GSA) assigns and that we use for all stages of a rulemaking. PDM gets the RIN from GSA. For a single rulemaking action, several documents will have the same RIN. For example, a proposed rule, a notice of the availability of documents pertinent to the proposed rule, a notice of a public meeting about the proposed rule, and the final rule will all have the same RIN. See “Proposed Rule” in this section.</p> <p>Regulatory Plan. The Department publishes the Regulatory Plan annually as part of the fall Unified Agenda. The Regulatory Plan contains the most important significant regulatory actions that the Department reasonably expects to issue in the next 12 months. The Plan contains a statement of regulatory priorities and separate entries for each action planned. The Department generally includes few if any Service rules in the Regulatory Plan.</p> <p>Rule Writer. Rule Writer, also known as Reg Writer, is a level of access in the Federal Docket Management System. If you have Rule Writer access, you can make limited changes to dockets and upload and manage documents in the system. Rule Writer access does not allow you to create dockets or post documents.</p>
S	<p>Semiannual agenda. See Unified Agenda.</p> <p>Significant rule. (1) E.O. 12866 defines significant rules. A rule can be significant in two ways: (a) Economically Significant: A rulemaking action that will have an annual effect on the economy of \$100 million or more or will adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public</p>

health or safety; or State, local, or tribal governments or communities. All economically significant rulemaking actions should appear in our Regulatory Plan. The Service rarely produces economically significant rules.

(b) Other than Economically Significant: A rulemaking action that is not economically significant but that OMB wants to review under E.O. 12866. We can decide whether or not to include these rules in the information we send to the Department for the Regulatory Plan.

(2) OMB bases its determination of whether it wants to review a rule on the following four criteria:

(a) Whether the rule will have an annual effect of \$100 million or more on the economy or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government.

(b) Whether the rule will create inconsistencies with other Federal agencies' actions.

(c) Whether the rule will materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients.

(d) Whether the rule raises novel legal or policy issues.

Supporting materials. Supporting materials are materials specifically referenced in the Federal Register publication(s) and materials that are the basis for the published action. Examples of supporting materials are:

(1) Environmental assessments;

(2) Environmental impact statements;

(3) Economic analyses;

(4) Other documents that support rulemaking, such as a Small Business Regulatory Enforcement Fairness Act analysis, a Statement of Energy Effects under [Executive Order 13211](#), a Small Government Agency Plan under the Unfunded Mandates Reform Act, a Takings Implications Assessment under [Executive Order 12630](#), or a Federalism Assessment under [Executive Order 13132](#); and

(5) Bibliographies of literature cited in the Federal Register publication.

T	none
U	Unified Agenda. E.O. 12866 requires that all Federal regulatory agencies publish a list of anticipated rulemaking actions for the upcoming 12-month period. The activities in the agenda are primarily those where we plan to publish an advance notice of proposed rulemaking, proposed rule, or final rule within the next 12 months. GSA publishes the Unified Agenda twice a year, in spring and fall.
V - W	none
X	XML tagging. Embedded coding in Microsoft Word documents that provides instructions to the U.S. Government Printing Office to print the document in the single-spaced, three-column format of the Federal Register. OFR publishes documents they receive with XML tagging at a reduced rate.
Y - Z	none

1.7 Who should I contact for answers to questions about publishing documents in the Federal Register? See the [PDM Web site](#) for current contact information.

For information on the content of this chapter, contact the Division of Policy and Directives Management.

[Directives Home](#)

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