

the Director concurs with a request for that action and it is feasible.

(c) Each document approved for emergency filing for public inspection shall be filed as soon as possible following processing and scheduling.

[54 FR 9680, Mar. 7, 1989]

**Subpart D—Deferred Schedule**

**§ 17.7 Criteria for deferred schedule.**

(a) A document may be assigned to the deferred schedule under the following conditions:

(1) There are technical problems, unusual or lengthy tables, or illustrations, or the document is of such size as to require extraordinary processing time.

(2) The agency concerned requests a deferred publication date.

(b) The Office of the Federal Register staff will notify the agency if its documents must be assigned to a deferred schedule.

[37 FR 23608, Nov. 4, 1972, as amended at 54 FR 9680, Mar. 7, 1989; 54 FR 23343, May 31, 1989]

**PART 18—PREPARATION AND TRANSMITTAL OF DOCUMENTS GENERALLY**

Sec.

- 18.1 Original and copies required.
- 18.2 Prohibition on combined category documents.
- 18.3 Submission of documents and letters of transmittal.
- 18.4 Form of document.
- 18.5 Certified copies.
- 18.6 Form of certification.
- 18.7 Signature.
- 18.8 Seal.
- 18.9 Style.
- 18.10 Illustrations, tabular material, and forms.
- 18.12 Preamble requirements.
- 18.13 Withdrawal or correction of filed documents.
- 18.15 Correction of errors in printing.
- 18.16 Reinstatement of expired regulations.
- 18.17 Effective dates and time periods.
- 18.20 Identification of subjects in agency regulations.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR, 1954-1958 Comp., p. 189.

SOURCE: 37 FR 23609, Nov. 4, 1972, unless otherwise noted.

**§ 18.1 Original and copies required.**

Except as provided in §19.2 of this subchapter for Executive orders and proclamations, each agency submitting a document to be filed and published in the FEDERAL REGISTER shall send an original and two duplicate originals or certified copies.<sup>1</sup> However, if the document is printed or processed on both sides, one of the copies sent by the agency must be a collated, single-sided copy.

[54 FR 9680, Mar. 7, 1989]

**§ 18.2 Prohibition on combined category documents.**

(a) The Director of the Federal Register will not accept a document for filing and publication if it combines material that must appear under more than one category in the FEDERAL REGISTER. For example, a document may not contain both rulemaking and notice of proposed rulemaking material.

(b) Where two related documents are to be published in the same FEDERAL REGISTER issue, the agency may insert a cross-reference in each document.

[54 FR 9680, Mar. 7, 1989]

**§ 18.3 Submission of documents and letters of transmittal.**

(a) Each document authorized or required by law to be filed for public inspection with the Office of the Federal Register and published in the FEDERAL REGISTER shall be sent to the Director of the Federal Register.

(b) Except for cases involving special handling or treatment, there is no need for a letter of transmittal for a document submitted for filing and FEDERAL REGISTER publication.

(c) Receipt dates are determined at the time a signed original and clear and legible copies are received.

[37 FR 23609, Nov. 4, 1972, as amended at 54 FR 9680, Mar. 7, 1989]

**§ 18.4 Form of document.**

(a) A printed or processed document may be accepted for filing for public inspection and publication if it is on

<sup>1</sup>Agencies with computer processed data are urged to consult with the Office of the Federal Register staff about possible use of the data in the publication process.

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**§ 18.12**

bond or similar quality paper, legible, and free of adhesive or correction tape.<sup>2</sup>

(b) A document in the form of a letter or press release may not be accepted for filing for public inspection or publication in the rules and regulations, proposed rules, or notices categories of the FEDERAL REGISTER.

(c) Original documents submitted by telecommunication and authenticated by digital signatures consistent with applicable Federal standards and Office of the Federal Register technical specifications may be accepted for publication.<sup>3</sup>

[54 FR 9681, Mar. 7, 1989, as amended at 61 FR 68119, Dec. 27, 1996]

**§ 18.5 Certified copies.**

The certified copies or duplicate originals of each document must be submitted with the original. Each copy or duplicate must be entirely clear and legible.

[54 FR 9681, Mar. 7, 1989]

**§ 18.6 Form of certification.**

Each copy of each document submitted for filing and publication, except a Presidential document or a duplicate original, must be certified as follows:

(Certified to be a true copy of the original)

The certification must be signed by a certifying officer designated under §16.1 of this chapter.

[54 FR 9681, Mar. 7, 1989]

**§ 18.7 Signature.**

The original and each duplicate original document must be signed in ink, with the name and title of the official signing the document typed or stamped beneath the signature. Initialed or impressed signatures will not be accepted. Documents submitted under §18.4(c) may be authenticated as

<sup>2</sup>Agencies with computer processed data are urged to consult with the Office of the Federal Register staff about possible use of the data in the publication process.

<sup>3</sup>At present, submission of documents by telecommunication is limited to selected pilot projects.

original documents by digital signatures.

[37 FR 23609, Nov. 4, 1972, as amended at 54 FR 9681, Mar. 7, 1989; 61 FR 68119, Dec. 27, 1996]

**§ 18.8 Seal.**

Use of a seal on an original document or certified copy is optional with the issuing agency.

**§ 18.9 Style.**

Each document submitted by an agency for filing and publication shall conform to the current edition of the U.S. Government Printing Office Style Manual in punctuation, capitalization, spelling, and other matters of style.

[54 FR 9681, Mar. 7, 1989]

**§ 18.10 Illustrations, tabular material, and forms.**

(a) If it is necessary to publish a form or illustration, a clear and legible original form or illustration, or a clear and completely legible reproduction approximately 8 ½ by 11 inches, shall be included in the original document and each certified copy.

(b) A document that includes tabular material may be assigned to the deferred publication schedule. See §17.7.

[54 FR 9681, Mar. 7, 1989]

**§ 18.12 Preamble requirements.**

(a) Each agency submitting a proposed or final rule document for publication shall prepare a preamble which will inform the reader, who is not an expert in the subject area, of the basis and purpose for the rule or proposal.

(b) The preamble shall be in the following format and contain the following information:

AGENCY: \_\_\_\_\_  
(Name of issuing agency)

ACTION: \_\_\_\_\_  
(Notice of Intent), (Advance Notice of Proposed Rulemaking), (Proposed Rule), (Final Rule), (Other).

SUMMARY: \_\_\_\_\_  
(Brief statements, in simple language, of: (i) the action being taken; (ii) the circumstances which created the need for the action; and (iii) the intended effect of the action.)

DATES: \_\_\_\_\_

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(Comments must be received on or before: \_\_\_\_\_.) (Proposed effective date: \_\_\_\_\_.) (Effective date: \_\_\_\_\_.) (Hearing: \_\_\_\_\_.) (Other: \_\_\_\_\_.)

ADDRESSES: \_\_\_\_\_  
(Any relevant addresses.)

FOR FURTHER INFORMATION CONTACT: \_\_\_\_\_

(For Executive departments and agencies, the name and telephone number of a person in the agency to contact for additional information about the document [Presidential Memorandum, 41 FR 42764, September 28, 1976].)

SUPPLEMENTARY INFORMATION: \_\_\_\_\_

(See paragraph (c) of this section.)

(c) The agency may include the following information in the preamble, as applicable:

- (1) A discussion of the background and major issues involved;
- (2) In the case of a final rule, any significant differences between it and the proposed rule;
- (3) A response to substantive public comments received; and
- (4) Any other information the agency considers appropriate.

[41 FR 56624, Dec. 29, 1976, as amended at 54 FR 9681, Mar. 7, 1989]

**§ 18.13 Withdrawal or correction of filed documents.**

(a) A document that has been filed for public inspection with the Office of the Federal Register but not yet published, may be withdrawn from publication or corrected by the submitting agency. Withdrawals or minor corrections may be made with a timely letter, signed by a duly authorized representative of the agency. Extensive corrections may require agency withdrawal of the document from publication.

(b) Both the originally filed document and the withdrawing or correcting letter shall remain on file. The original document and the withdrawing or correcting letter will be retained by the Office of the Federal Register after the public inspection period expires.

[54 FR 9681, Mar. 7, 1989]

**§ 18.15 Correction of errors in printing.**

(a) Typographical or clerical errors made in the printing of the FEDERAL

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REGISTER shall be corrected by insertion of an appropriate notation or a reprinting in the FEDERAL REGISTER published without further agency documentation, if the Director of the Federal Register determines that—

- (1) The error would tend to confuse or mislead the reader; or
  - (2) The error would affect text subject to codification.
- (b) The issuing agency shall review published documents and notify the Office of the Federal Register of printing errors found in published documents.

(c) If the error was in the document as submitted by the agency, the issuing agency must prepare and submit for publication a correction document.

[50 FR 12468, Mar. 28, 1985]

**§ 18.16 Reinstatement of expired regulations.**

Agencies may reinstate regulations removed from the Code of Federal Regulations data base which have expired by their own terms only by republishing the regulations in full text in the FEDERAL REGISTER.

[54 FR 9681, Mar. 7, 1989]

**§ 18.17 Effective dates and time periods.**

(a) Each document submitted for publication in the FEDERAL REGISTER that includes an effective date or time period should either set forth a date certain or a time period measured by a certain number of days after publication in the FEDERAL REGISTER. When a document sets forth a time period measured by a certain number of days after publication, Office of the Federal Register staff will compute the date to be inserted in the document as set forth in paragraph (b) of this section.

(b) Dates certain will be computed by counting the day after the publication day as one, and by counting each succeeding day, including Saturdays, Sundays, and holidays. However, where the final count would fall on a Saturday, Sunday, or holiday, the date certain will be the next succeeding Federal business day.

(c) In the event an effective date is dependent upon Congressional action, or an act of Congress or a dispositive Federal court decision establishes or

changes the effective date of an agency's regulation, the issuing agency shall promptly publish a document in the FEDERAL REGISTER announcing the effective date.

[37 FR 23609, Nov. 4, 1972, as amended at 54 FR 9681, Mar. 7, 1989]

#### § 18.20 Identification of subjects in agency regulations.

(a) *Federal Register documents.* Each agency that submits a document that is published in the Rules and Regulations section or the Proposed Rules section of the FEDERAL REGISTER shall—

(1) Include a list of index terms for each Code of Federal Regulations part affected by the document; and

(2) Place the list of index terms as the last item in the Supplementary Information portion of the preamble for the document.

(b) *Federal Register Thesaurus.* To prepare its list of index terms, each agency shall use terms contained in the Federal Register Thesaurus of Indexing Terms. Agencies may include additional terms not contained in the Thesaurus as long as the appropriate Thesaurus terms are also used. Copies of the Federal Register Thesaurus of Indexing Terms are available from the Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

[46 FR 7163, Jan. 22, 1981, as amended at 54 FR 9681, Mar. 7, 1989]

## PART 19—EXECUTIVE ORDERS AND PRESIDENTIAL PROCLAMATIONS

Sec.

19.1 Form.

19.2 Routing and approval of drafts.

19.3 Routing and certification of originals and copies.

19.4 Proclamations calling for the observance of special days or events.

19.5 Proclamations of treaties excluded.

19.6 Definition.

AUTHORITY: Secs. 1 to 6 of E.O. 11030, 27 FR 5847, 3 CFR, 1959-1963 Comp., p. 610; E.O. 11354, 32 FR 7695, 3 CFR, 1966-1970 Comp., p. 652; and E.O. 12080, 43 FR 42235, 3 CFR, 1978 Comp., p. 224.

SOURCE: 37 FR 23610, Nov. 4, 1972, unless otherwise noted.

#### § 19.1 Form.

Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) The order or proclamation shall be given a suitable title.

(b) The order or proclamation shall contain a citation of the authority under which it is issued.

(c) Punctuation, capitalization, spelling, and other matters of style shall, in general, conform to the most recent edition of the U.S. Government Printing Office Style Manual.

(d) The spelling of geographic names shall conform to the decisions of the Board on Geographic Names, established by section 2 of the Act of July 25, 1947, 61 Stat. 456 (43 U.S.C. 364a).

(e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations,"<sup>1</sup> prepared by the Bureau of Land Management, Department of the Interior.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 × 13 inches, shall have a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch, and shall be double-spaced except that quotations, tabulations, and descriptions of land may be single-spaced.

(g) Proclamations issued by the President shall conclude with the following-described recitation:

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_ day of \_\_\_\_, in the year of our Lord \_\_\_\_, and of the Independence of the United States of America the \_\_\_\_.

[37 FR 23610, Nov. 4, 1972, as amended at 54 FR 9681, Mar. 7, 1989]

#### § 19.2 Routing and approval of drafts.

(a) A proposed Executive order or proclamation shall first be submitted, with seven copies thereof, to the Director of the Office of Management and Budget, together with a letter, signed by the head or other properly authorized officer of the originating Federal

<sup>1</sup>Agencies with computer processed data are urged to consult with the Office of the Federal Register staff about possible use of the data in the publication process.