



## **Handbook on Publishing Documents in the Federal Register**

**Division of Policy, Economics, Risk Management, and Analytics  
Policy and Regulations Branch**

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## **I. Introduction**

This handbook provides detailed information on processes that lead to the publication of documents in the Federal Register, including the use of the Federal Docket Management System (FDMS). Employees should use this handbook in conjunction with 202 FW 1 and 2. The primary U.S. Fish and Wildlife Service (Service) office overseeing this process is the Policy and Regulations Branch (PRB) of the Division of Policy, Economics, Risk Management, and Analytics.

For a graphic overview of the informal rulemaking process, see [“The Reg Map, Informal Rulemaking.”](#)

## II. Getting Approval to Issue a Rulemaking Document

This chapter describes the procedures that program offices should follow to get approval to engage in the Federal rulemaking process. The first step in the process is getting a Regulation Identifier Number (RIN) assigned to the rule and then publishing an entry regarding the action in the Unified Agenda of Regulatory and Deregulatory Actions.

### A. Request for Approval of a New RIN.

(1) The Department of the Interior's (Department or DOI) Office of the Executive Secretariat (OES) requires that program offices prepare a Request for a Regulation Identifier Number (RIN) form at the initial stage of rulemaking (most commonly at the proposed rule stage). Send your request for the form template to [PRBDocs@fws.gov](mailto:PRBDocs@fws.gov). This form describes, among other things, any possible controversy or sensitivity and the anticipated publication date. Program offices should use this form to describe such things as how they plan to coordinate with other programs in the Service, other bureaus and offices in the Department, and other Federal and State agencies during the rulemaking process, and whether the action has any associated controversy. The form needs to include enough information about potential effects of the rule to help the Director and the Assistant Secretary make a decision regarding approval of the rulemaking action.

(2) Programs should submit completed forms to PRB, who will send them to the Director's Office (DO), the office of the Assistant Secretary for Fish and Wildlife and Parks (AS/FWP), and the Department's senior leadership via OES for approval. Send the forms to [PRBDocs@fws.gov](mailto:PRBDocs@fws.gov).

(3) Upon receiving approval from the DO, AS/FWP, and OES of a RIN request form, PRB issues a RIN for the new action.

**B. Unified Agenda.** [Executive Order \(E.O.\) 12866](#) requires that we publish information in the Unified Agenda of Regulatory and Deregulatory Actions, which is a list that the Office of Management and Budget (OMB) publishes in the spring and fall of each year and that includes all anticipated rulemaking actions for the upcoming 12-month period. You may access the Unified Agenda at [www.reginfo.gov](http://www.reginfo.gov).

(1) PRB prepares the Service's portion of the Unified Agenda. PRB typically requests data for the Unified Agenda from the program offices every February and July.

(2) PRB provides Agenda review reports to the programs for each of the rulemaking actions we published in the previous Unified Agenda. The programs must update the information on these forms and return them to PRB.

(3) Program offices must also get approval for new rulemaking actions that they anticipate publishing in some stage during the next 12 months. To do this, the programs

need to complete a Request for a Regulation Identifier Number (RIN) form (described in A.1.) and send it to PRB. This form needs to be completed only once, at the initial stage of rulemaking (most commonly at the proposed rule stage).

**C. OMB Regulatory Report.** E.O. 12866 also requires that we work with OMB to designate significance for rulemaking actions.

**(1)** OMB reviews rules that they designate as significant. We cannot publish a significant rule in the Federal Register until OMB has reviewed and approved it. OMB makes the final determination of significance. Significant rules are those that meet any of the four parameters listed in [Exhibit 1, 202 FW 1](#) (see definition of significant rule).

**(2)** We provide our initial determinations of significance to OMB through quarterly reports of upcoming regulatory actions and the Unified Agenda (see [II.B.](#)). PRB prepares the Service report and submits it to OES for incorporation into a single Departmental report. OES sends the Department's report to OMB.

**(3)** When PRB requests data for the OMB regulatory report, the program offices must provide the data in the format requested. PRB provides the required format when it sends out the data call to the programs. The needed data includes:

**(a)** The RIN of the rulemaking action, title, and citation for what part of the Code of Federal Regulations will be affected by the action (e.g., [50 CFR Part 17](#));

**(b)** The type/stage of the action;

**(c)** The anticipated OMB designation of significance under E.O. 12866 (significant or not significant);

**(d)** Whether the action has a court-ordered or statutory due date and what that date is;

**(e)** Any OMB past response for this action on a prior OMB regulatory report; and

**(f)** The date the document will be ready for the Department via OES or OMB review.

**(4)** OES sends the reports of upcoming regulatory actions to OMB for certain quarters of the fiscal year (i.e., any quarter when DOI is not actively working with OMB on a Unified Agenda).

**(5)** If OMB responds to the regulatory report with a request for a briefing or a change in any of the designations that we have proposed, PRB contacts the relevant program office(s).

**(6)** The program offices must track OMB's designations. When drafting a significant rule, the program offices must include certain language in the preamble, which is found in the *Departmental Handbook on How to Prepare Regulations and Federal Register Notices*, [318 DM](#) HB.

### III. Drafting a Rulemaking Document

This chapter describes requirements for drafting a rulemaking document to publish in the Federal Register. A rulemaking document consists of several parts, including the billing code, headings, preamble, list of subjects, words of issuance, regulatory text, and signature block.

**A. Required Document Headings.** All rulemaking documents published in the Federal Register must begin with certain headings, as shown in Figure III-1:

**Figure III-1: Required Headings**

<b>Billing Code 4333–15</b>
<b>DEPARTMENT OF THE INTERIOR</b>
<b>Fish and Wildlife Service</b>
<b>CFR citation (e.g., 50 CFR Part 17)</b>
<b>[Docket No. FWS-[region]-[program]-year-####; cost control structure]</b>
<b>RIN 1018-####</b>
<b>Subject heading (the title of the rule)</b>

**(1) Billing code:** Federal Register (FR) billing codes are unique to each Federal agency. These codes tell the U.S. Government Publishing Office (GPO) which agency to charge for printing services in the Federal Register. The unique code assigned to the Service is **4333–15**. All FR documents that we submit to OFR must include this code.

**(2) Federal Docket Management System (FDMS) Docket Number:** To obtain a docket number for your rule, contact PRB by sending an email to [PRBDocs@fws.gov](mailto:PRBDocs@fws.gov).

**(a)** A docket number is a series of letters and numbers with hyphens in between. The letters and numbers are abbreviations for the Service, the legacy Region issuing the rule, the program issuing the rule, the year that work on the rule began, and a chronological number issued by FDMS. The exact words “Docket No.” precede this series of numbers and letters in the FR document, and the entire line is in brackets.

**(b)** The assigned docket number should be inserted in the draft document in the appropriate places, which includes at the beginning of the document in the headings as shown in Fig. III-1 and also in ADDRESSES.

**(c)** The docket number remains the same on every document published for a specific rulemaking action (e.g., advance notice of proposal rulemaking (ANPR), proposed rule, final rule).

(3) *Cost control structure*: PRB uses this series of letters and numbers (which you get from your program’s administrative officer) to bill the programs for the cost of publishing their FR documents. Put these codes in brackets.

(4) *RIN*: This is a Regulation Identifier Number, which appears on every document published for a rulemaking action (e.g., proposed rule, final rule). You get a RIN from PRB following the process described in [II.A](#). All FWS RINs begin with 1018–; the rest of the RIN consists of two letters followed by two numbers that are automatically assigned via a database.

**B. Required Document Captions.** Following the headings discussed in Figure III-1, all rulemaking documents published in the Federal Register must begin with certain captions, as follows:

(1) **AGENCY**: In this area, put the following: Fish and Wildlife Service, Interior.

(2) **ACTION**: This caption describes the type of document. Consult the *Office of the Federal Register (OFR) Document Drafting Handbook (DDH)* for appropriate text. An example of an ACTION line is “Proposed rule.”

(3) **SUMMARY**: Keep this section brief. The summary for an FR document should answer only the following questions: What action is being taken? Why is this action necessary? What is the intended effect of this action? The SUMMARY should not prove a point or provide detailed supporting information. That information belongs in SUPPLEMENTARY INFORMATION. Do not put legal citations in the SUMMARY.

(4) **DATES**: Consult the [DDH](#).

(5) **ADDRESSES**: Consult the [DDH](#). OFR prefers that this caption include no more than four addresses. If you have more than four addresses, put them under SUPPLEMENTARY INFORMATION. Do not include any dates.

(6) **FOR FURTHER INFORMATION CONTACT**: At a minimum, a name, telephone number, and TTY/TDD/TeleBraille information are necessary. OFR also prefers inclusion of an email address. Example:

**FOR FURTHER INFORMATION CONTACT**: Jan Smith, 612–XXX–XXXX (phone); Jan\_Smith@fws.gov (email). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

(7) **SUPPLEMENTARY INFORMATION**: You should put all explanatory information for the rulemaking document in this section. Provide the scientific basis for the rule and our



rationale; both are vital to issuing defensible Federal regulations. The [DDH](#), 318 DM HB, and [202 FW 2](#) provide helpful information to keep in mind when drafting this section of a rulemaking document. You should also include information on how to send comments to the Service and the availability of public comments.

**(a)** Use this section:

**(i)** In proposed rules, to explain to the public why we are considering issuing the rule and how to submit comments. Include the language shown here:

**Public Comment Availability**

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**(ii)** In final rules, to address comments and any additional information received on the proposed rule. To satisfy the Administrative Procedure Act, the SUPPLEMENTARY INFORMATION section of a final rule must include a concise statement of the basis and purpose of the rule.

**(b)** Include in this section:

**(i)** Our determinations based on statutes and E.O.s that govern the rulemaking process. See 318 DM HB.

**(ii)** Information regarding information collection requirements, if any, under the Paperwork Reduction Act.

**C. Requirements for Significant Rules.** If OMB designates your rule as significant, you must state in the preamble that the rule is significant. Use this language verbatim:

**Regulatory Planning and Review ([Executive Orders 12866 and 13563](#))**

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is significant.

E.O. 13563 reaffirms the principles of E.O.12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible,

and consistent with regulatory objectives. E.O. 13563 also emphasizes that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

#### **D. Requirements for Proposed Rules with Information Collections.**

(1) If you include an information collection requirement in a regulation of general applicability, you must get OMB approval, no matter how many respondents you expect (even if you expect only one). If your regulation is applicable to fewer than 10 respondents and those respondents are identified in the regulation, you do not need to get OMB approval for the information collection.

(2) When a proposed rule contains an information collection requirement, you must submit an information collection request (ICR) to OMB at the same time the proposed rule publishes. Proposed rules should not be digitally signed until the Service Information Collection Clearance Officer has approved the ICR.

(3) You cannot publish a final rule until OMB has approved the information collection requirements. Because OMB does not usually approve the information collection at the proposed rule stage, you will likely have to submit another ICR to OMB. OMB must approve the ICR before you can send the final rule to OFR.

(4) For further information on information collections associated with rulemakings, see [281 FW 5](#). The Service's Information Collection Clearance Officer is in PRB and will work with you and OMB to get OMB approval.

**E. Words of Issuance.** At the end of the preamble, just before the regulatory language, include “words of issuance,” which are always in the present tense—e.g., “Therefore, for the reasons set forth in the preamble, we hereby amend part 17, subchapter B of chapter I, title [50 of the Code of Federal Regulations](#), as set forth below.” The *OFR Document Drafting Handbook* ([DDH](#)) includes other examples.

**F. Regulatory Text.** This section of the rule contains the actual requirements we are placing on the public. Clarity is vital. Federal regulations must be understandable and defensible. For help with drafting amendatory language, which instructs OFR about how to change the Code of Federal Regulations, consult the *OFR Document Drafting Handbook* ([DDH](#)). You must also adhere to [116 FW 1](#), Plain Language in Fish and Wildlife Service Documents, when writing your rule. Consult PRB staff for assistance.

**G. Formatting.** For all documents submitted for publication, OFR requires that you:

(1) Put page numbers in the bottom center, top center, or upper right corner of each page.

(2) Prepare text in accordance with the [GPO Style Manual](#).

## IV. Obtaining Clearance to Publish a Rulemaking Document

This chapter describes the procedures that program offices should follow to obtain approval to publish a rulemaking document.

**A. PRB Review.** When a program office is drafting a rulemaking document, review of your document in the Policy and Regulations Branch (PRB) is one of the first stages of the clearance process.

- (1) When the first draft of your document is complete, you must get whatever clearances are necessary within your program area. PRB does not determine the clearance process for rulemaking documents within program areas.
- (2) Once you get the necessary clearances within your program area, you must route the package to any other program areas that should see it. For example, you should allow the Office of Law Enforcement to review any rulemaking actions with law enforcement implications.
- (3) After your draft document has cleared all the affected divisions and offices in the Service, email the draft rulemaking document to [PRBDocs@fws.gov](mailto:PRBDocs@fws.gov).
- (4) PRB will review the document for compliance with the statutes and Executive orders that govern the rulemaking process, adherence to the style requirements of the OFR and the *GPO Style Manual*, consistency with other Service documents, internal consistency, and plain language. PRB will return a revised version of the document to the program, and at that point, PRB and the program will work together to resolve any concerns.
- (5) The program should use the document as revised by PRB as their master version and not attempt to transfer edits to another draft. PRB will provide a surname for the revised version of the document.

**B. Content of the Rulemaking Surname Package.** Program personnel must create a record in the FWS–FR Federal Register database of the Service’s electronic Document Tracking System (DTS) and upload the necessary attachments. The attachments should include:

- (1) A clean copy of the rule or proposed rule as revised by PRB.
- (2) Other pertinent documents. For example, for a proposed rule that carries out new statutory authority, include a copy of the authorizing legislation. For a final rule, include a copy of the published proposed rule. Other examples of relevant documents include economic or environmental analyses that support the rulemaking. Certain programs may require additional documents.

(3) A briefing paper for Headquarters (HQ)/Departmental clearance of Federal Register documents. The briefing paper should briefly explain, among other things, the purpose of the rulemaking action, any deadlines (e.g., court imposed) for submittal to OFR or for publication, and potential for controversy.

**C. The Surname Process.** When the package is complete, start it through the surname process.

(1) Submit the package first to your Assistant Director's (AD) office.

(2) Following clearance from your AD, you must clear it with the Solicitor's Office, the Director's Office, AS/FWP, and the Department via OES.

(3) The Service Correspondence Control Unit (CCU) will route the DTS record to the correct offices for clearance; be sure to instruct CCU which offices are necessary via a DTS routing comment.

(4) When all of the necessary Departmental officials have cleared the document, OES will notify PRB, who will notify you.

**D. The Signature Process.** The signature process is different for nonsignificant and significant rules.

(1) *For nonsignificant rules:* After receiving all the surnames described above, nonsignificant rules do not require further clearance. Following OES notification of Departmental clearance, route the DTS record to CCU with a routing comment specifying who needs to digitally sign the document. The signatory will usually be the Assistant Secretary or Director. After the appropriate official digitally signs your rulemaking document, email the digitally signed document to PRB at [PRBDocs@fws.gov](mailto:PRBDocs@fws.gov) to request submission of the document to OFR for publication.

(2) *For significant rules:* Under [E.O. 12866](#), OMB has 90 days to review rulemaking documents designated as significant. After receiving all the surnames described above, your document must be submitted to OMB for review and OMB must conclude its review before the document is digitally signed by the appropriate official.

(a) To submit a rulemaking document to OMB for review, send an electronic copy via email to PRB. PRB will upload the document to a database administered by OMB, and OES will submit the document to OMB.

(b) After OMB concludes its review, PRB will notify you either that OMB has made changes to your document or that it is cleared for publication without changes.

(c) If OMB makes changes to the document, OES will send the revised version for approval by Departmental officials. After that approval, OES will notify PRB that the document is cleared for publication, and PRB will notify you.

(d) After PRB notifies you that the document is cleared for publication, route the DTS record to CCU with a routing comment specifying who needs to digitally sign the document. The signatory will usually be the Assistant Secretary or Director. After the appropriate official digitally signs your rulemaking document, email the digitally signed document to PRB at [PRBDocs@fws.gov](mailto:PRBDocs@fws.gov) to request submission of the document to OFR for publication.

**E. Final Rules, Interim Rules, Direct Final Rules, and Emergency Rules.** In accordance with the Congressional Review Act ([5 U.S.C. 801 et seq.](#)), you must submit copies of final rulemaking actions at the time of publication to the U.S. Government Accountability Office (GAO) and both houses of Congress. To meet these requirements for final rules, interim rules, direct final rules, and emergency rules, you must take the following actions:

(1) *FWS Form 3–2393*: Complete the form for Submission of Federal Rules under the Congressional Review Act (CRA) ([FWS Form 3–2393](#)). Make three hardcopies of the CRA Form: One addressed to GAO, one addressed to the Speaker of the House of Representatives, and one addressed to the President of the Senate. Someone in your program office with knowledge of the rulemaking action should sign the forms in blue ink.

(2) *Delivery to Congress (House and Senate)*. Program offices submit their CRA submissions to Congress. Congress requires hardcopy CRA submissions. You need one complete CRA submission for the House and another complete CRA submission for the Senate.

**(a) Contents of submission:** For each CRA submission to the House and Senate, you need:

(i) A completed cover letter explaining that this is a Congressional Review Act submission (cover letter templates are provided on [PRB's SharePoint](#));

(ii) One original, signed (with a blue ink “wet” signature) copy of the completed CRA form (FWS Form 3–2393), with the appropriate box checked for the office to which the submission will be delivered; and

(iii) A copy of the signed final rule. (Use either the 3-column Federal Register publication or a single-spaced MS Word copy with the date and signer’s name inserted.)

**(b) Delivery:**

(i) *To hand-deliver CRA submissions*: Hand-deliver the CRA submissions to the Congressional Acceptance Site (CAS) located at 160 D St. NE, Washington, DC 20510 (across the street from the U.S. Capitol Police

Headquarters Building). The CAS has separate intake windows for the House and Senate.

**(ii)** *To send CRA submissions:* Use the U.S. Postal Service, UPS, or FedEx to submit your CRA submissions to the House and Senate at the addresses listed in the cover letters.

**(3) Delivery to GAO:** Program offices also must submit their CRA submissions to GAO. GAO requires electronic CRA submissions.

**(a)** Email your CRA submission to GAO. Your email must include:

**(i)** A subject line with the RIN and title of the rule;

**(ii)** A brief email message explaining that you are transmitting the rule for review under the CRA;

**(iii)** An attachment that is a scanned .pdf of the original, signed, completed CRA form (FWS Form 3–2393) with the "GAO" box checked at the top;

**(iv)** An attachment that is a .pdf (preferred) or MS Word attachment of your rule, as a link to a website is insufficient; and

**(v)** If applicable, any economic analyses.

**(b)** Send the email to [rulesC@gao.gov](mailto:rulesC@gao.gov), and copy [PRBDocs@fws.gov](mailto:PRBDocs@fws.gov) on the email.

**(c)** Archive your email message, as well as the return message you receive from GAO, and print out copies. These files are your proof of delivery to GAO, and you should keep them as part of the rulemaking record.

**(d)** Forward the email confirmation of receipt from GAO to [PRBDocs@fws.gov](mailto:PRBDocs@fws.gov).

**F. Submission to OFR and Scheduling.** Program offices work with PRB to submit documents to OFR using digital signature/electronic submission ([Chapter VI](#)). For information about scheduling and publication, see [Chapter VII](#).

## **V. Delegating Digital Signature of Federal Register Documents**

During situations when the Director is unavailable to sign a Federal Register (FR) document that is under the Director's authority for signature, the Director may delegate signature authority. The decision about whether this delegation of authority should occur is made between the Director's office and the Policy and Regulations Branch (PRB) of the Division of Policy, Economics, Risk Management, and Analytics (PERMA). Service programs do not make the decision about whether their FR documents may be signed under the approved process for delegated authority.

### **A. Required Preparations for Digital Signature Delegation.**

**(1)** The Director may delegate authority to digitally sign an FR document to the Chief, PRB (or Acting Chief, PRB), and the PRB Chief may delegate the authority to PRB's FR Liaison (or an alternate FR Liaison). The PRB Chief may not delegate this signature authority further down than the FR Liaison.

**(2)** An FR document may only be signed in this manner and submitted to OFR if the Director's surname is in the FR document's DTS record to indicate approval for the document to go to the OFR for publication. When that approval has been added to the DTS record, the Service CCU routes the approved document via DTS to PRB (i.e., AMAD-PERMA-PRB) for action.

**(a)** The Director's DTS surname eliminates the requirement for the Director to apply a digital signature to the final FR document.

**(b)** The Director's DTS surname is an official electronic authorization that is saved, stored, and searchable.

### **B. Executing a Delegated Digital Signature.**

**(1)** The intended signer (or administrative staff) must add a "Signing Authority" subsection at the end of the SUPPLEMENTARY INFORMATION section of the FR document.

**(a)** For rulemaking documents, place this subsection just before the subsection titled "List of Subjects."

**(b)** For notice documents, place this subsection just before the signature block.

**(2)** The name in the document signature block must match exactly the name on the personal identify verification (PIV) card of the person who will be executing the digital signature. Do not, for example, put "Tommy Jones" in the Word document if the PIV card has "Thomas Jones." There are limited exceptions. Consult the [DDH](#) for more information.

## C. Delegated Digital Signature Templates and Examples.

Templates and examples of how to set up the required language for delegated signature authority in an FR document follow:

### (1) *Template: U.S. Fish and Wildlife Service Director delegates digital signature.*

#### **Signing Authority**

The Director, U.S. Fish and Wildlife Service, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the U.S. Fish and Wildlife Service. [Insert Name of Director, Title], U.S. Fish and Wildlife Service, approved this document on [Month Day, Year], for publication.

[Name of actual signer—must match PIV card name, Title].

### (2) *Example: U.S. Fish and Wildlife Service Director delegates digital signature.*

#### **Signing Authority**

The Director, U.S. Fish and Wildlife Service, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the U.S. Fish and Wildlife Service. Martha Williams, Director, U.S. Fish and Wildlife Service, approved this document on January 20, 2022, for publication.

#### **Madonna Baucum,**

*Regulations and Policy Chief,*

*Division of Policy, Economics, Risk Management, and Analytics of the Joint Administrative Operations,*

*U.S. Fish and Wildlife Service.*

- **Important:** In the above example, Madonna Baucum used her PIV card to digitally sign the MS Word document. Martha Williams delegated signature authority to Madonna Baucum.



## VI. Digital Signature of FR Documents and Electronic Submission to the Office of the Federal Register

This chapter covers digital signature and electronic submission of documents to OFR. Programs are responsible for obtaining the correct digital signature for, or digitally signing, a Word document and transmitting it to the Policy and Regulations Branch (PRB) or to other staff with authority to submit it electronically to OFR for publication.

➤ **For assistance, contact PRBDocs@fws.gov.**

### A. Digital Signature.

#### (1) What each signer needs.

- (a) Federal Government-issued personal identity verification (PIV) card.
- (b) Desktop or laptop computer running MS Windows, with MS Word.
- (c) A Word version of the Federal Register document, which must:
  - (i) Be in .docx file format.
  - (ii) Be located at an easily accessible hard drive location. The document must be opened in Word while it is being signed, not in Teams or OneDrive.
  - (ii) Have no comments or track changes.
  - (iii) Be digitally signed by the same person whose name is typed in the signature block of the Word document.
  - (iv) Include a signature block that matches the name in the signer's PIV card certificate.  
*Examples:*
    - George Robert Wallace prefers to be called Rob Wallace, even professionally. However, his name on his PIV card is "George Wallace"; therefore, the Word document must show "George Wallace" in the signature block, not "Rob Wallace." If we submit the document to OFR with "Rob Wallace" in the signature block, OFR will reject it.
    - OFR will not accept nicknames, either—for example, if the PIV card has the first name "Thomas," OFR will not accept "Tom" or "Tommy."

**(2) Applying a digital signature.** The authorized agency official or designee will perform the steps below.

(a) Insert your Federal Government-issued PIV card into your card reader on your computer.

(b) Click **“File”** on the ribbon in Word at the top of your Federal Register document (Figure 1).

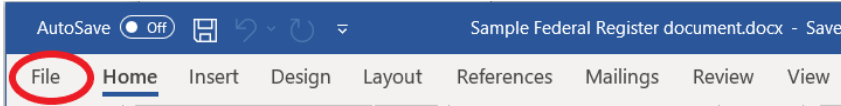


Figure 1.

You will see a dropdown list of options at left. Click on **“Info.”**

(c) The Info pane will appear (Figure 2). Click **“Protect Document.”**

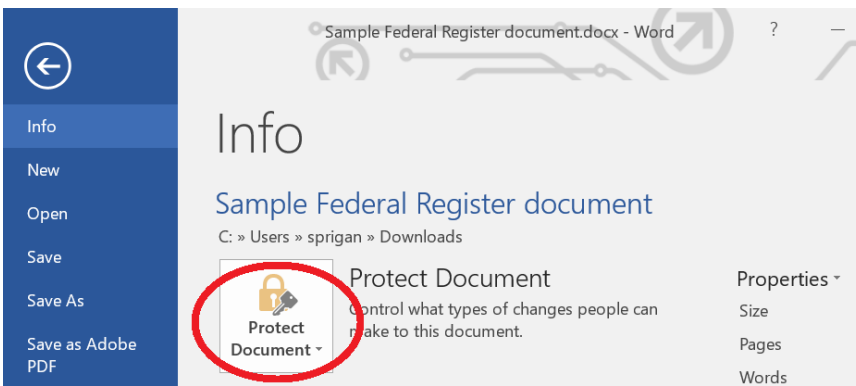


Figure 2.

(d) A dropdown menu will appear (Figure 3). Click **“Add a Digital Signature.”**  
(NOTE: Do **NOT** click “Always Open Read-Only,” “Encrypt with Password,” “Restrict Editing,” “Restrict Access,” or “Mark as Final.”)

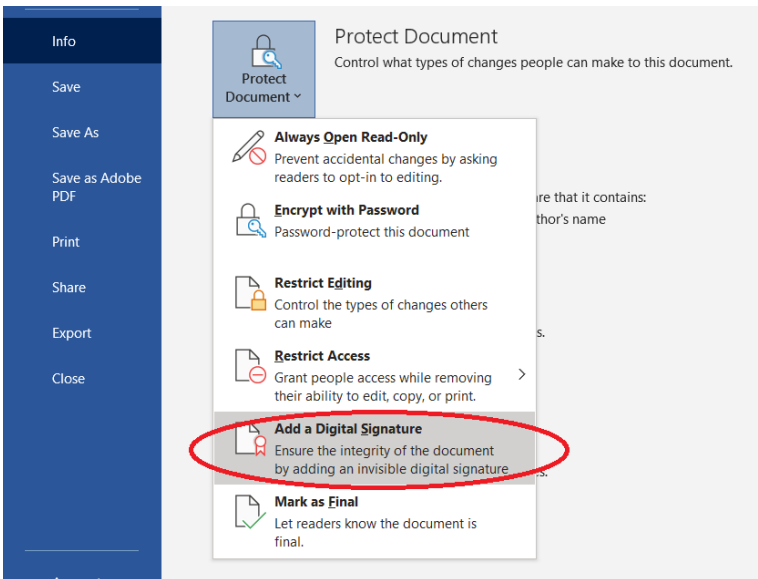


Figure 3.

(e) The Sign dialog box will appear (Figure 4).

If your name appears after “**Signing as:**” in the dialog box, skip to “(h)” in these instructions.

If your name does not appear after “**Signing as:**” in the dialog box (as shown in Figure 4), click the “**Change**” button.

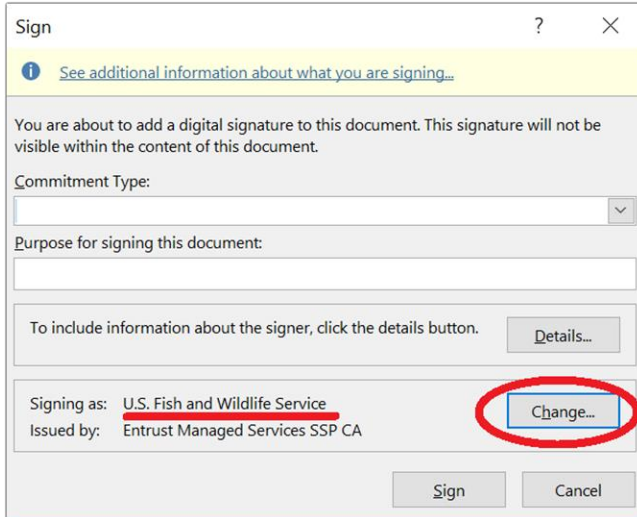


Figure 4.

(f) You will see the “**Windows Security/Microsoft Word/Select a certificate**” dialog box (Figure 5). Click “**More choices.**”

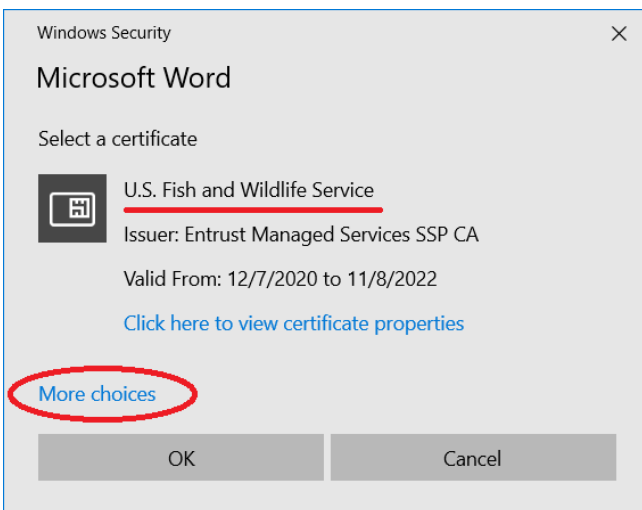


Figure 5.

(g) You will see multiple certificates (Figure 6). Scroll down and select the first unexpired certificate with **your name** (i.e., not “U.S. Fish and Wildlife Service”). Then click “OK.”

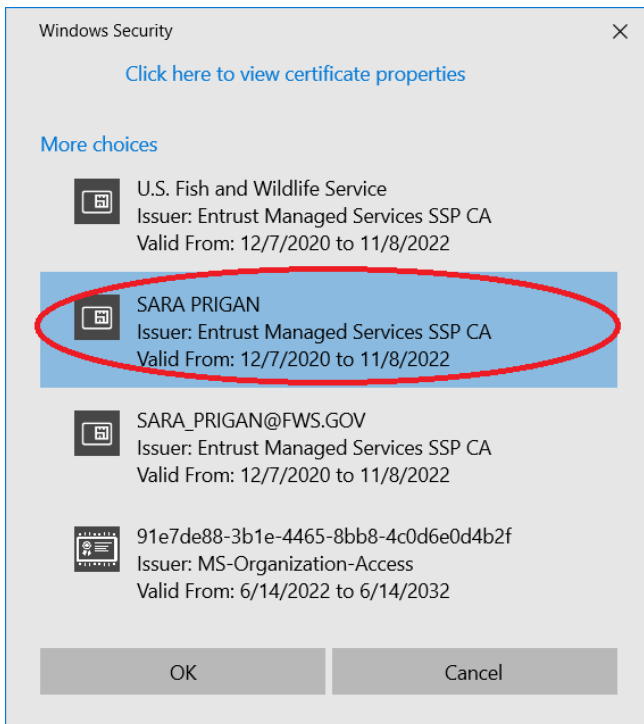


Figure 6.

(h) The Sign dialog box will appear (Figure 7). If your name appears after “**Signing as:**” in the dialog box, click the “**Sign**” button at the bottom of the dialog box. (The following fields/inputs are optional: Commitment Type, Purpose for signing document, and including information about the signer.)

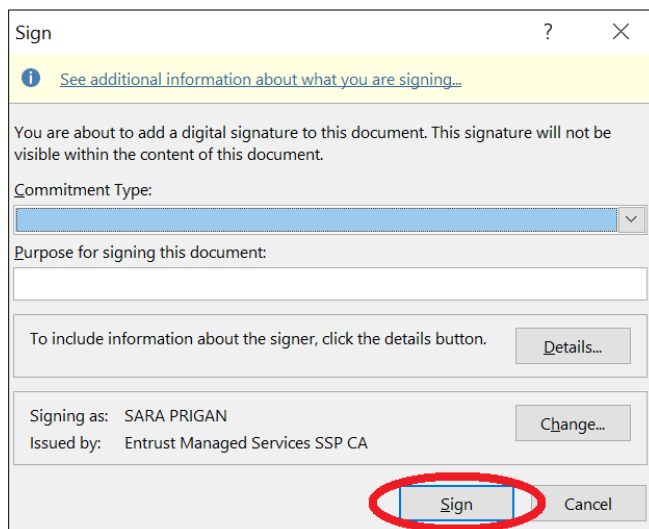


Figure 7.

(i) You will be prompted to enter your **“PIN”** (Figure 8). Enter your PIN and click **“OK.”**

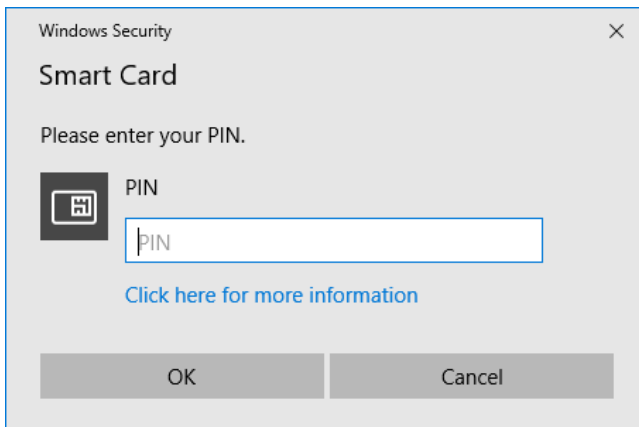


Figure 8.

(j) You will see the Signature Confirmation dialog box (Figure 9). Click **“OK.”**

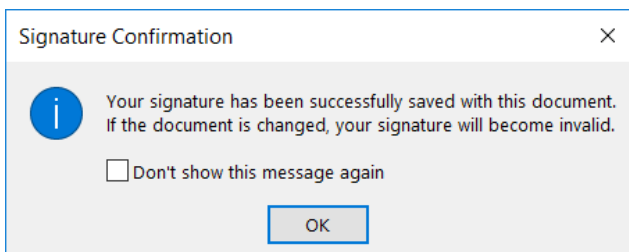


Figure 9

Digital signature is complete.

- **NOTE:** On the surface, a digitally signed Word file will not look different from an unsigned file. However, if someone else edits and/or re-saves your document and then tries to upload it to the Office of the Federal Register (OFR) portal, the OFR will reject the document. Likewise, if you edit the document without re-signing it, it will be an invalid document.

(k) **Do not save the document!** Close the document. Navigate to the folder where it is stored (e.g., Downloads), drag the document into a draft email message, and email it to PRBDocs@fws.gov or another appropriate office. Alternatively, upload it to DTS and route to the appropriate office.

## **B. Submission to OFR.**

After an FR document has been cleared for publication through the proper channels, and after digital signature, the following steps should be taken:

**(1) Program responsibilities.** Program uploads the digitally signed Word document to the DTS record and routes to AMAD–PERMA–PRB or other staff with authority to submit it electronically for FR publication.

**(a)** The program should put a note in the DTS routing stating that the document is ready to be uploaded to the OFR portal for publication.

**(b)** The originating program bears the responsibility to upload the correct version of the digitally signed document to the DTS record in order to maintain an official record and to ensure that PRB submits the correct version of the document to OFR.

**(c)** No cover letter to OFR is required unless the program is making a special/emergency request (see [C., Special Handling or Emergency Publication Letters](#)).

**(d)** In addition to routing the digitally signed Word document in DTS, the program must also email the digitally signed FR document (and letter, if any) to PRBDocs@fws.gov, or other authorized staff, with the statement that the document is ready for submission to the OFR. (This step provides backup in case the program does not correctly route to AMAD–PERMA–PRB in DTS.)

**(2) PRB responsibilities.** When PRB receives the digitally signed document from the program, PRB will take the following actions:

**(a)** PRB or other authorized staff checks the document for a valid digital signature.

**(b)** PRB or other authorized staff uploads the digitally signed document (and special handling or emergency letter, if any) to the OFR document submission portal.

**(c)** When PRB receives notification from OFR of the public inspection and publication dates for the document, PRB shares this information with the program.

**(3) After scheduling.** After a document has been scheduled for publication, follow these steps:

**(a)** For how to calculate any dates that the OFR will insert in the document upon publication, see [Chapter VII](#).

**(b)** For how to find published documents, see [Chapter VII](#). After publication, PRB will route the DTS record back to the program for filing/recordkeeping.

**(c)** After publication, the program should go to <https://www.federalregister.gov/>, download a copy of the three-column pdf version of the published document, and upload that to the DTS record for recordkeeping purposes.

### **C. Special Handling or Emergency Publication Letters.**

**(1)** Special handling and emergency publication letters are used to communicate special instructions to OFR, such as filing and/or publication on a certain day, and requests for immediate or expedited filing and/or emergency publication (essentially 1 day earlier than the normal publication schedule).

**(2)** If you do not have a special request, do not create a letter. Letters are not required for digital submission to OFR.

**(3)** If a letter is necessary for a digital OFR submission, PRB can provide a sample letter for program use and, if necessary, assist the program with the letter and/or provide an FR liaison officer to sign the letter. Email [PRBDocs@fws.gov](mailto:PRBDocs@fws.gov).

**(4)** The letter must be digitally signed. The signature block must include the signer's job title and program. The signer of the letter does not have to be the signer of the FR document.

**(5)** OFR does not guarantee to fulfill special or emergency requests. Fulfillment depends on OFR workload and staffing resources.

## VII. Publication and Associated Dates

This chapter includes information about expected timeframes after a document has been submitted to the Office of the Federal Register (OFR) for publication.

**A. Time Between Submission and Publication.** In most cases, a document will publish within 3–5 days after receipt by OFR. The most common timetable is publication 3 working days after receipt (if OFR receives the document by 2 p.m.) and public inspection 2 days after receipt.

(1) As required by the Federal Register Act, public inspection offers a preview of documents scheduled to publish in the next day's Federal Register. OFR makes documents on public inspection available in their office in Washington, DC, and also online as shown in B.(1), below.

(2) The timeframe for scheduling FR documents also depends on OFR workload and the length and complexity of the document (i.e., documents with multiple tables or graphics or more than 100 pages in length can take longer for scheduling).

**B. Notification from OFR.** A few days before publication, OFR notifies PRB of the date the document is scheduled to go on public inspection and the date of publication (these dates are normally consecutive). PRB notifies the programs of these dates.

(1) On the date the document is on file for public inspection, it can be found here: <https://www.federalregister.gov/public-inspection/current>

(2) On the date the document publishes, it can be found here: <https://www.federalregister.gov/documents/current>

(3) Before the document publishes, it may include dates that are not yet filled in—e.g., comment-period end dates. You may use this page to calculate those dates: <https://www.federalregister.gov/reader-aids/using-federalregister-gov/table-of-effective-dates-time-periods>



## VIII. Preparation of Notices

This chapter provides guidance on preparing Federal Register (FR) notices for clearance and publication. An FR notice is a nonregulatory document that consists of several parts, including the billing code, headings, text, and signature block.

**A. Billing Code.** FR billing codes are unique to each Federal agency. These codes tell the Government Printing Office (GPO) which agency to charge for printing services in the FR. When you submit a document to the Office of the Federal Register (OFR), put **4333–15** at the top of your document, as shown in Figure VIII-1. All Service notices get billing code 4333–15.

**B. Headings.** OFR specifies the headings that we must use in FR documents. Our FR document headings must include the separate lines shown in Figure VIII-1, and the lines must be in this order.

*Figure VIII-1. Headings*

<b>Billing Code 4333–15</b>
<b>DEPARTMENT OF THE INTERIOR</b>
<b>Fish and Wildlife Service</b>
<b>[Notice tracking number or Docket Number; Cost control structure]</b>
<b>Subject heading</b> (the title of the notice)

**(1)** Notice tracking number or Federal Docket Management System (FDMS) Docket Number:

**(a)** *Notice tracking number:* Get a tracking number from PRB. The notice tracking number consists of a series of letters and numbers with hyphens in between. Put this number-and-letter combination in brackets (e.g., [FWS-HQ-ES-2023-N195]).

**(b)** *Federal Docket Management System (FDMS) Docket Number:* If you want to take comments via Regulations.gov, you may request an FDMS docket number from PRB, by emailing [PRBDocs@fws.gov](mailto:PRBDocs@fws.gov).

**(i)** The assigned docket number should be inserted in the appropriate places of the draft document. A docket number is a series of letters and numbers with hyphens in between. The letters and numbers are abbreviations for the Service, the Region issuing the notice, the program issuing the notice, the year that work on the notice began, and a chronological number issued by FDMS. The exact words “Docket No.” precede this series of numbers and letters in the FR document, and the entire line is in brackets.

(ii) The docket number remains the same on every document published for a specific action (e.g., notice of intent for a habitat conservation plan/environmental impact statement, notice of availability of a habitat conservation plan/environmental impact statement, etc.). For more information about using FDMS/Regulations.gov, see [Chapter X](#).

(2) Cost control structure: PRB uses this series of letters and numbers to bill the programs for the cost of publishing their FR documents. Get this series of letters and numbers from your program's administrative officer and put it in brackets in the notice.

(3) No punctuation at end of headings: Do not use any punctuation at the end of any of these headings.

**C. Text.** Following the headings shown in Figure VIII-2, explain the basis and purpose of the notice. OFR requires that you word the captions as shown in the figure in this order. The text following each of the captions must end in a period (see Figure VIII-2).

*Figure VIII-2. Captions*

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:**

**SUMMARY:**

**DATES:**

**ADDRESSES:**

**FOR FURTHER INFORMATION CONTACT:**

**SUPPLEMENTARY INFORMATION:**

(1) **AGENCY:** In this area, put the following: Fish and Wildlife Service, Interior.

(2) **ACTION:** This caption describes the type of document. Consult OFR's [Document Drafting Handbook](#) (DDH) for appropriate text. An example of an ACTION line is "Notice; request for comments."

(3) **SUMMARY:** Keep this section brief. The summary should answer only the following questions: What action is being taken? Why is this action necessary? What is the intended effect of this action? The SUMMARY should not prove a point or provide detailed supporting information. That information belongs in SUPPLEMENTARY INFORMATION. Do not put legal citations in the SUMMARY.

**(4) DATES:** Consult the [DDH](#) for information.

**(5) ADDRESSES:** OFR prefers that you put no more than four addresses under this caption. If you have more than four addresses, put the additional addresses under SUPPLEMENTARY INFORMATION. Do not include any dates.

**(6) FOR FURTHER INFORMATION CONTACT:** At minimum, a name, telephone number, and TTY information are necessary. OFR also prefers inclusion of an email address. Example:

**FOR FURTHER INFORMATION CONTACT:** Jan Smith, 612-XXX-XXXX (phone); permitsRXES@fws.gov (email). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**(7) SUPPLEMENTARY INFORMATION:** Put all explanatory information in this section. Provide the legal authorities for the notice. If appropriate, you should also include information on filing and reviewing public comments. All notices that request comments must use the language in Figure VIII-3.

*Figure VIII-3. Required Language for Public Availability of Comments*

**Public Comment Availability**

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

## IX. Clearance of Notices

The following information describes the procedures that program offices should follow once they have drafted an FR notice.

- **NOTE:** PRB maintains an email list, to which PRB regularly sends out updates regarding the notice clearance process and a clearance log for FR notices. If you would like to be added to this email list, contact PRBDocs@fws.gov.

**A. Review of Draft by Policy and Regulations Branch (PRB).** Send your draft notice to PRB via email at PRBDocs@fws.gov. We suggest you do this early, before higher level edits have been made. Your draft should be in MS Word.

(1) PRB will review your draft notice to ensure it meets OFR formatting and plain language requirements and will edit the draft notice if necessary. You will also receive a notice tracking number or docket number (if you want to use Regulations.gov to collect comments) from PRB.

(2) Once you receive PRB's edits and the tracking or docket number, you must clear your notice and submit it for signature as described below.

**B. Clearance of the Draft.** You must get any clearances that are necessary within your program area. Required clearances vary by program area. PRB does not determine the clearance process for FR documents within program areas.

**C. Signature or Approval in the Region.** You may need to consult with managers within your program area to determine who is an appropriate signing or approval official for your document. Some programs allow field office managers to prepare and sign routine FR notices. Other programs require a Directorate member or Assistant Regional Director to sign notices.

### **D. After Regional Signature or Approval.**

(1) After the appropriate official signs or approves your notice and a solicitor has surnamed it (if required), you must route the notice and any required accompanying documents in DTS to AMAD-PERMA-PRB. For specific instructions, consult PRB. **DOI has prescribed requirements for approval of various notice types. For more information, contact PRB.**

(2) PRB coordinates clearance of your notice with any other required offices in the Service and/or Department. When the notice is cleared to go to the OFR for publication, PRB will notify you.

**E. Submission to the OFR and Scheduling.** Cleared documents must be digitally signed and will be submitted to OFR electronically ([Chapter VI](#)). For information about scheduling and publication, see Chapter VII.

## **X. Federal Docket Management System (FDMS)/Regulations.gov**

This chapter provides guidance on using the Federal Docket Management System (FDMS) to comply with electronic rulemaking requirements for Federal Register (FR) documents. FDMS is the Federal agency side of Regulations.gov, the Federal Government's website that provides the public an electronic means to participate in the Federal rulemaking process. Federal agencies store information about rulemaking actions and other FR documents in dockets, as described below. The public may access the dockets to learn about particular actions of interest and then provide comments via the system.

### **A. Program Responsibilities.**

- (1)** Send a request for a new docket ID or docket phase for an FR document to PRBDocs@fws.gov;
- (2)** Send relevant supporting materials for FR documents to be uploaded to FDMS dockets to Public\_Comments@fws.gov;
- (3)** Review comments received on their FR documents;
- (4)** When a hardcopy public submission is sent to the program instead of to PRB, scan and email the comment to Public\_Comments@fws.gov so that PRB can upload and post it; and
- (5)** When needed, request bulk extracts of comments any time during or after the comment period for an FR document by sending an email to Public\_Comments@fws.gov stating the Docket ID and the parameters of the request.

### **B. Policy and Regulations Branch (PRB) Responsibilities.**

- (1)** Designate a Service FDMS Administrator. That employee:
  - (a)** Maintains access to FDMS to manage the Service-specific configuration and users in the system.
  - (b)** Serves as a liaison with the Department of the Interior and the General Services Administration, which is the project management office for FDMS.
  - (c)** Creates dockets and phases for rulemakings and other FR documents. We sometimes refer to a docket as an administrative record (see [282 FW 5](#) for information on administrative records). A docket is a storage area for documents or other information related to a specific rulemaking activity. In FDMS, a docket generally consists of:
    - (i)** Published FR documents (such as a proposed rule, final rule, or notice),

(ii) Supporting materials for the rulemaking or non-rulemaking activity (such as lists of references cited, petitions, reports and studies, and economic or environmental analyses), and

(iii) Public submissions (also known as public comments).

(d) Moves published FR documents from the FDMS daily feed into the appropriate docket. The daily feed is:

(i) A folder in which to put documents not associated with any specific docket, and

(ii) Where a program's FR document will appear on the day it is published.

(e) Uploads and posts relevant supporting materials that the programs provide into FDMS dockets.

(f) Manages requests for bulk extracts of comments.

(2) Ensures PRB personnel maintain up-to-date knowledge of changes to FDMS and are available to answer questions about FDMS.

(3) Staffs the Public Comments Processing Unit, which scans, uploads, and posts written public submissions we receive through the U.S. mail.

**C. Types of Actions that Appear in FDMS.** Documents that publish in the "Proposed Rules" and "Rules and Regulations" and sometimes documents that publish in the "Notices" sections of the Federal Register are uploaded into FDMS. This includes:

(1) Proposed rules,

(2) Advance notices of proposed rulemaking,

(3) Interim rules,

(4) Emergency rules,

(5) Direct final rules,

(6) Final rules,

(7) Documents that reopen comment periods for proposed rules,

(8) Petition findings,

(9) Documents associated with proposed rules that may lead to rulemaking, or

(10) Other documents for which the Service wants the public to be able to submit comments using Regulations.gov.

**D. Requesting a Docket for a Rulemaking or Other FR Document.** Request an FDMS Docket ID number from PRB when you are drafting your regulatory document by emailing PRBDocs@fws.gov. You will need the FDMS Docket ID number for the headings of your FR document (see [Chapter III, Drafting a Rulemaking Document](#)).

**E. Sending the Service FDMS Administrator Supporting Materials for a Docket.**

Email supporting materials before your FR document publishes to [Public\\_Comments@fws.gov](mailto:Public_Comments@fws.gov).

(1) On the day of publication, the Administrator posts the supporting materials to Regulations.gov.

(2) You may email the Administrator additional supporting materials at any time but be sure to include the Docket ID when you send them.

**F. Document Availability on Regulations.gov.** The FDMS Administrator moves your published FR document from the daily Federal Register feed into the appropriate docket on the day of publication. The published document and any supporting materials are then visible on Regulations.gov.

**G. Some Rulemakings Do Not Receive Public Submissions through Regulations.gov.**

(1) Not all rulemakings receive public submissions through Regulations.gov. Sometimes no one comments on a document we publish in the Federal Register. It is also possible that a document we publish in the Federal Register could receive public submissions only by U.S. mail or hand-delivery; PRB scans and uploads those public submissions into FDMS. Other publications, such as final rules, do not request public submissions.

(2) Regulations.gov recognizes only those documents with specific dates for the beginning and ending of a comment period as open for public submissions during that timeframe. If a document, such as a not-warranted petition finding, states that we will accept public submissions at any time on the action, the program must notify the FDMS Administrator, who can administer FDMS to keep the comment period open.

**H. Reviewing Public Submissions.**

(1) If you have a document open for public comment, go to Regulations.gov at least once a week to see if you have received any public submissions. You should review new submissions weekly.

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

**(3)** You may request a bulk extract of your public submissions at any time during or after the comment period. Email your request to [Public\\_Comments@fws.gov](mailto:Public_Comments@fws.gov) and include the Docket ID and timeframe of the public submissions you want.

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

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

**(c)** The .zip folder will include an Excel spreadsheet that has a record for each public submission. The .zip folder also includes individual files of actual submissions.

## **I. Managing Public Submissions.**

### **(1) *Public Submissions Entered via Regulations.gov:***

**(a)** Public submissions from Regulations.gov are assigned to the FR document's docket as soon as the commenter completes the submission process on Regulations.gov. However, submissions are not visible to the public because the comment is in "Pending Post" status. This means the PRB FDMS staff must take action in FDMS to "post" them.

**(b)** "Posting" is a process that takes place in FDMS. PRB FDMS staff can see all the data and attachments while a public submission is in Pending Post status.

**(c)** PRB monitors all dockets open for public submissions on a daily basis—morning, noon, and late afternoon—to see if there are Pending Post submissions.

### **(2) *Public Submissions Mailed to the Service:***

**(a)** PRB receives, scans, uploads, and posts mailed public submissions to FDMS; and

**(b)** After they are posted, sends the original public submissions to the person listed under FOR FURTHER INFORMATION CONTACT in the FR document or previously identified as the FR document writer.

### **(3) *Making Submissions Visible on Regulations.gov:***

**(a)** The Service does not mandate information that commenters must provide, so PRB conducts only minimal review of the submission data for comments before posting, primarily to ensure comments are posted to the correct dockets and do not contain direct threats.



**(b)** PRB may review public submissions before or after posting, if time permits, to determine if there are any “mass mailings” or submissions that represent more than one commenter (e.g., the exact same language was submitted by multiple people). If a public submission is found to represent more than one commenter, PRB populates a metadata field in the public record with the number of commenters represented. Otherwise, that metadata field defaults to “1.”

**(c)** PRB posts all comments received in their entirety. If a comment is later found to contain a threat, is pornographic, or reveals sensitive information about habitat locations, PRB should be notified via email to [Public\\_Comments@fws.gov](mailto:Public_Comments@fws.gov), and the comment will be withdrawn from public view by changing the status to “Do Not Post.” The comment will not be visible to the public but will be part of the bulk extract for Service staff.

**(d)** Comments received from Department of the Interior bureaus are for internal review and will be put in “Do Not Post” status. The comment will not be visible to the public but will be part of the bulk extract for Service staff.

**(4) Handling Personally Identifiable Information (PII):**

**(a)** FR documents that collect comments must state that any PII may be visible to the public. See [III.B.\(7\)\(a\)\(i\) of this handbook](#).

**(b)** The public submission form on Regulations.gov includes language advising the public that submissions may be posted in their entirety even if they contain PII.

**(c)** There are no mandatory fields the Service requires on the public submission form. Comments can be submitted anonymously.

**(5) Handling Submissions That Represent More Than One Commenter, Such as Mass Mailings or Multiple Signers:**

**(a)** When an organization or group of people submits a comment that contains attachments with mail-merged letters or petition signatures, PRB creates one public submission record and populates the metadata fields with the group’s information.

**(b) PRB:**

**(i)** Verifies, either by reviewing the attachments or contacting the submitter, how many commenters are represented;

**(ii)** Populates the metadata field in the record with the number of commenters participating in the mass mailing;

**(iii)** Enters the words “Mass Mailing” in the title of the record; and

(iv) Attaches a sample of the letter(s) received and states the number of similar letters received.

**(6) Handling Duplicate Public Submissions:**

(a) During the comment period, groups sometimes submit batches of comments that represent additional commenters and that are similar to previously received public submissions. When this happens, PRB updates the metadata field in the original comment record that shows the number of commenters represented, increasing the count by the number of commenters in the subsequent public submission.

(b) The comment review process identifies multiple submissions made by the same person and also when the same comment is submitted via Regulations.gov and also by U.S. mail.

**J. More Information on FDMS.** Visit PRB's [FDMS website](#) on the intranet.