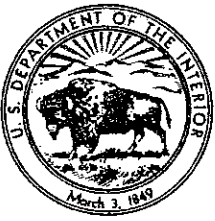


BUREAU DIRECTIVES

	Release No.	Release Date	Date Filed		
OBIAM SUPPL 1	1	09-22-75			
	2	06-04-80			
	3	09-12-80			
	4				
	5				
	6				
	7				
	8				
	9				
	10				
	11				
	12				
	13				
	14				
	15				
	16				
	17				
	18				
	19				
	20				
	21				
	22				
	23				
	24				
	25				



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245

IN REPLY REFER TO:

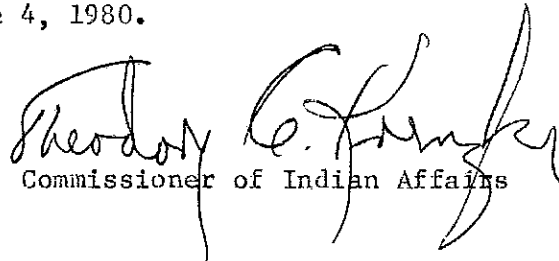
0 BIAM Supplement 1 Release 3

SEP 12 1980

Memorandum

To: Holders of 0 BIAM Supplement 1
Acting Deputy
From: Commissioner of Indian Affairs
Subject: Amendment of Federal Register Document Directive

This release amends the Federal Register Document directive by including a subsection on the Federal Domestic Assistance Catalog which was inadvertently omitted from release 2 issued June 4, 1980.


Commissioner of Indian Affairs

Filing Instructions:

- ✓(a) Remove superseded material:
Table of Contents, pages i - ii (dated 6/4/80) (1 sheet)
- ✓(b) Insert new material transmitted:
Table of Contents, pages i - ii (1 sheet)
Section 4.30 (1 sheet)
- (c) Pen-and-ink changes;
None

*Filed
7/20/81
pc.*

FEDERAL REGISTER DOCUMENTS
Table of Contents

TABLE OF CONTENTS

	<u>Page</u>
1. General.....	1
.1 Purpose.....	1
.2 Requirements.....	1
.3 Ruiz Decision.....	1
.4 Definitions.....	1
.5 Federal Register.....	3
A. Reader Aids in the Federal Register.....	3
B. List of CFR Section Affected.....	3
C. Federal Register - Index.....	4
.6 Corrections to Federal Register Documents.....	4
A. Correction Tape.....	4
B. Correction Fluid.....	4
C. Pen-and-ink.....	4
2. Responsibilities.....	5
.1 Department.....	5
.2 Bureau.....	5
3. Signatory Authority.....	8
.1 Area Directors.....	8
.2 Commissioner of Indian Affairs.....	8
.3 Director, Office of Indian Education Programs.....	9
.4 Assistant Secretary - Indian Affairs.....	9
.5 Secretary.....	10
4. Special Provisions.....	11
.1 Provisions Relating to Format.....	11
A. Guidance and Assistance.....	11
B. Types of Federal Register Documents.....	11
C. Format of Original.....	11
.2 Provisions Relating to Content.....	12
A. Preamble.....	12
B. Words of Issuance.....	12
C. Language.....	14
.3 Provisions Relating to Document Preparation.....	15
A. Short-Form Adoption Technique.....	15
B. Waiving Proposed Rulemaking.....	16
C. Immediate Effective Date.....	17
D. Copy Requirements.....	17

FEDERAL REGISTER DOCUMENTS

Table of Contents

	<u>Page</u>
E. Billing Code.....	18
F. Press Release.....	18
G. Background Material.....	18
H. Incorporation by Reference.....	18
I. "Emergency" Publication Schedule.....	19
J. Memorandum for Reviewers.....	19
K. Addresses.....	19
L. Distribution of Published Federal Register Documents to Tribes.....	20
M. Publishing Voluminous Material.....	20
N. Requesting Extra Copies of Rules.....	20
O. Reference to Catalog of Federal Domestic Assistance.....	20a
5. Clearance.....	21
.1 Documents Signed by Area Directors.....	21
.2 Documents Signed by the Commissioner of Indian Affairs.....	21
.3 Documents Signed by the Director, Office of Indian Education Programs.....	21
.4 Documents Signed by Assistant Secretary - Indian Affairs.....	22
A. General Notices.....	22
B. Proposed and Final Non-significant Rules.....	22
C. Significant Rules.....	23
.5 Documents Signed by the Secretary of the Interior.....	23
.6 Special Routing.....	24
.7 Routing Presidential Documents.....	24
.8 Certification.....	24
A. Documents Signed by Bureau Officials and the Assistant Secretary - Indian Affairs.....	24
B. Documents Signed by Secretarial Officials.....	24
6. Notices.....	25
.1 General Notices.....	25
A. Purposes.....	25
B. Type of Material.....	25
C. Issuance Authority.....	25
D. Time Period for Notice of Hearings.....	26
E. Codification and Reference.....	26
.2 Notice of Intent.....	26
7. Determination of Significance.....	27
.1 Purpose.....	27
.2 Statement of Significance.....	27
.3 Exceptions.....	27

FEDERAL REGISTER DOCUMENTS
Special Provisions

0. Reference to Catalog of Federal Domestic Assistance. Whenever the Bureau publishes a document in the Federal Register that implements or affects a program described in the Catalog of Federal Domestic Assistance (published by the Office of Management and Budget), the Federal Register document shall refer to the Catalog. The reference shall give the program number and title. It should be placed on a separate line immediately before or after the signature as follows:

"(Catalog of Federal Domestic Assistance Program No. 15.113,
Indian Social Services--General Assistance.)"

The purpose of the reference is to help State and local governments and others interested in these programs to relate Federal Register documents to the programs described in the Catalog.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20242

IN REPLY REFER TO:

O BIAM Supplement 1, Release 2

Memorandum

JUN 04 1980

To: Holders of O BIAM

From: Commissioner of Indian Affairs

Subject: Federal Register Document Drafting Handbook

This release transmits a completely revised handbook for use by all offices preparing documents for the Federal Register. Since this is a complete revision, all employees who prepare Federal Register documents should read it carefully to familiarize themselves with new procedures. In reading the handbook, pay special attention to these major changes:

- *New signatory responsibilities for the Assistant Secretary, Commissioner and Director, OIEP (see pp. 9-11).
- *New format requirements (see Illustrations).
- *Greater emphasis on clearly written rules (see p. 16).
- *New copy requirements (see Illustration 11).
- *Abolition of transmittal memo to signing official (see p. 21).
- *Revised routing for Federal Register documents (see section 5).
- *Procedures for determining significance and developing significant rules (see section 7 and 9).
- *New procedures for periodic review of rules and establishing semiannual agenda (see sections 10 and 11).

This release abolishes all previous issuances relating to Federal Register Documents and will be revised as necessary to reflect changes required by the Office of the Federal Register.

Acting Deputy

David C. Harrison
Commissioner of Indian Affairs

Filing Instructions:

- (a) Remove superseded material:
0 BIAM Supplement 1, all releases and bulletins (35 sheets)
- (b) Insert new material transmitted:
0 BIAM Supplement 1, Release 2 (57 sheets)
- (c) Pen-and-ink changes:
None

FEDERAL REGISTER DOCUMENTS
Table of Contents

TABLE OF CONTENTS

	<u>Page</u>
1. General.....	1
.1 Purpose.....	1
.2 Requirements.....	1
.3 Ruiz Decision.....	1
.4 Definitions.....	1
.5 Federal Register.....	3
A. Reader Aids in the Federal Register.....	3
B. List of CFR Section Affected.....	3
C. Federal Register - Index.....	4
.6 Corrections to Federal Register Documents.....	4
A. Correction Tape.....	4
B. Correction Fluid.....	4
C. Pen-and-ink.....	4
2. Responsibilities.....	5
.1 Department.....	5
.2 Bureau.....	5
3. Signatory Authority.....	8
.1 Area Directors.....	8
.2 Commissioner of Indian Affairs.....	8
.3 Director, Office of Indian Education Programs.....	9
.4 Assistant Secretary - Indian Affairs.....	9
.5 Secretary.....	10
4. Special Provisions.....	11
.1 Provisions Relating to Format.....	11
A. Guidance and Assistance.....	11
B. Types of Federal Register Documents.....	11
C. Format of Original.....	11
.2 Provisions Relating to Content.....	12
A. Preamble.....	12
B. Words of Issuance.....	12
C. Language.....	14
.3 Provisions Relating to Document Preparation.....	15
A. Short-Form Adoption Technique.....	15
B. Waiving Proposed Rulemaking.....	16
C. Immediate Effective Date.....	17
D. Copy Requirements.....	17

FEDERAL REGISTER DOCUMENTS

Table of Contents

	<u>Page</u>
F. Billing Code.....	19
F. Press Release.....	19
G. Background Material.....	19
H. Incorporation by Reference.....	19
I. "Emergency" Publication Schedule.....	19
J. Memorandum for Reviewers.....	19
K. Addresses.....	19
L. Distribution of Published Federal Register Documents to Tribes.....	20
M. Publishing Voluminous Material.....	20
N. Requesting Extra Copies of Rules.....	20
5. Clearance.....	21
.1 Documents Signed by Area Directors.....	21
.2 Documents Signed by the Commissioner of Indian Affairs.....	21
.3 Documents Signed by the Director, Office of Indian Education Programs.....	21
.4 Documents Signed by Assistant Secretary - Indian Affairs.....	22
A. General Notices.....	22
B. Proposed and Final Non-significant Rules.....	22
C. Significant Rules.....	23
.5 Documents Signed by the Secretary of the Interior.....	23
.6 Special Routing.....	24
.7 Routing Presidential Documents.....	24
.8 Certification.....	24
A. Documents Signed by Bureau Officials and the Assistant Secretary - Indian Affairs.....	24
B. Documents Signed by Secretarial Officials.....	24
6. Notices.....	25
.1 General Notices.....	25
A. Purposes.....	25
B. Type of Material.....	25
C. Issuance Authority.....	25
D. Time Period for Notice of Hearings.....	26
E. Codification and Reference.....	26
.2 Notice of Intent.....	26
7. Determination of Significance.....	27
.1 Purpose.....	27
.2 Statement of Significance.....	27
.3 Exceptions.....	27

FEDERAL REGISTER DOCUMENTS

Table of Contents

	<u>Page</u>
.4 Making the Determination of Significance.....	28
.5 Criteria for Determining Significance.....	28
.6 Criteria for Determining the Need for Regulatory Analysis.....	29
.7 Discretionary Use of Procedures for Significance and Regulatory Analysis.....	30
9. Development of Non-Significant Rules.....	31
.1 Types of Non-significant Rules.....	31
.2 Legislative Rules.....	31
A. Notice of Intent to Propose Rules.....	31
B. Proposed Rulemaking Documents.....	32
C. Final Rulemaking Documents.....	34
.3 Interpretative Rules and General Statements of Policy.....	36
A. Public Participation.....	36
B. Procedures for Public Participation.....	36
C. Effective Date.....	37
D. Codification.....	37
E. Publication Authority.....	37
.4 Rules of Agency Organization, Procedures and Practices.....	37
A. Public Participation.....	37
B. Procedures for Public Participation.....	37
C. Effective Date.....	37
D. Publication Authority.....	38
0. Developing Significant Rules and Regulatory Analyses.....	39
.1 Work Plan.....	39
A. Responsibility.....	39
B. Content of Plan.....	39
C. Approval.....	39
.2 Early Public Involvement.....	39
A. Use of Notice of Intent.....	39
B. Contents of Notice of Intent.....	40
C. Additional Publicity.....	40
.3 Preparing the Regulatory Analysis.....	40
A. Coordination with Rulemaking Process.....	40
B. Content of Regulatory Analysis.....	41
.4 Preparation of Proposed and Final Significant Rules.....	41
A. General.....	41
B. Proposed Significant Rules.....	42
C. Final Significant Rules.....	42

 FEDERAL REGISTER DOCUMENTS
 Table of Contents

10.	Periodic Review of Existing Rules.....	45
	.1 Responsibility.....	45
	.2 Elements to be Considered.....	45
	.3 Revision of Rules.....	45
11.	Semiannual Agenda.....	46
	.1 Requirement.....	46
	.2 Publication and Content.....	46
	.3 Responsibility.....	46

ILLUSTRATIONS

1.	Sample General Notice Document.....	
2.	Sample General Notice Document - Delegation of Authority from the Commissioner of Indian Affairs to Area Directors or Central Office Officials.....	
3.	Sample General Notice Document - Redelegation of Authority from Area Director to Superintendent.....	
4.	Preamble Format for Proposed and Final Rules.....	
5.	Sample Proposed Rulemaking Document.....	
6.	Sample Final Rulemaking Document.....	
7.	Sample Federal Register Document Showing Short Form Adoption Technique.....	
8.	Sample Notice of Intent to Propose Rules.....	
9.	Sample of Format for Proposed Significant Rules.....	
10.	Sample Final Significant Rule.....	
11.	Folder Assembly for Federal Register Documents.....	
12.	Sample of Form 5-0011.....	

FEDERAL REGISTER DOCUMENTS
General

1. GENERAL

1.1 Purpose. This manual supplement provides Bureau procedures for preparing and clearing Federal Register documents so that the Bureau is in compliance with Departmental policies and procedures. The purpose of publishing documents in the Federal Register is to inform and guide the public (especially the Indian people) of the Bureau's policies, organization, functions, delegations of authority, and rules of the Bureau.

1.2 Requirements. These procedures implement the requirements of the Administrative Procedure Act (5 U.S.C. 552, 553); Executive Order 12044 (March 23, 1978); and Title 43 of the Code of Federal Regulations (CFR) Part 14, regarding public information and rulemaking.

1.3 Ruiz Decision. It is very important that the Bureau of Indian Affairs comply with the provisions of the Administrative Procedure Act because of the Ruiz decision. The Ruizes were Papago Indians who had moved in 1940 about 15 miles away from the reservation to work in a copper mine. They kept close ties to the reservation, were full-blooded unassimilated Indians, and spoke little English. In 1969, Mr. Ruiz was unemployed by a strike and applied for Bureau of Indian Affairs welfare benefits. The Bureau determined he was not eligible for benefits based on 66 IAM 3.1.4 which states that such assistance is limited to Indians living on the reservation. In Morton v. Ruiz, the Supreme Court held that the limitation to reservation residents was invalid because it was contrary to the intent of Congress. In addition, the Court was critical of the Bureau's procedures in adopting eligibility criteria. The Court held that the criteria should be adopted in full conformity with the provisions of the Administrative Procedure Act. Since the Bureau had not published the welfare eligibility criteria in the Federal Register as required by the Administrative Procedure Act, Mr. Ruiz could not be denied welfare benefits because 5 U.S.C. 552(a)(1) provides:

"Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published."

The Court's comments have broader application for Bureau programs and point out the need for reviewing existing Bureau policy and procedures, as well as new policy and procedures being developed, for the need to publish in the Federal Register.

1.4 Definitions.

A. "Action office" means the office which actually prepares a Federal Register document.

Supp. 1, Release 2, 6-4-80

FEDERAL REGISTER DOCUMENTS
General

B. "Bureau" means the Bureau of Indian Affairs and the Office of Indian Education Programs.

C. "Commissioner" means the Commissioner of Indian Affairs.

D. "Department" means the Department of the Interior.

E. "Economic effects" means changes in the use of resources which would affect national income and which can be valued in dollar terms. For purposes of determining the necessity for regulatory analysis, economic effects do not include measures of consumers' willingness to pay in those cases where monetary values are concerned. If a regulatory analysis is necessary, consumers' willingness to pay will be measured or estimated when this data is of significance to the regulatory decision at hand, and measurement is practical.

F. "General statements of policy" means statements issued by the Bureau to advise the public of the manner in which the Bureau proposes to administer a discretionary power.

G. "Industry" means a 4-digit industry within the Standard Industrial Classification System established by the Office of Management and Budget (OMB), Standard Industrial Classification Manual (1972).

H. "Interpretative rules" means rules issued by the Bureau to advise the public of the Bureau's interpretation of statutes and rules which it administers.

I. "Lead official" or "Lead program official" means the individual who is assigned the responsibility for developing a rule (See 318 DM 2.2A.).

J. "Legislative rules" means rules, other than rules of agency organization, procedure or practice, which are issued under statutory authority and which implement the statute.

K. "Region" means a geographic area ordinarily covering more than one state, although for some rules a narrower interpretation may be appropriate. For example, a particular proposed rule might affect only one state; but the area affected could be as large, or the impact as great, as those areas where rules significantly affect a region comprised of more than one state. In this case, the state may be considered a region.

L. "Rule" means a statement of general or particular applicability and future effect which implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of the Department of the Interior (5 U.S.C. 551(4)).

M. "Rules of organization, procedures, and practice" are:

(1) Descriptions of the Department's central and field organization and the methods by which the public may obtain information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which the Department's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available; and

(3) Procedures, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and content of all papers, reports, or examinations.

N. "Secretarial Officer" means the Under Secretary, the Solicitor, or any of the Assistant Secretaries.

O. "Secretary" means the Secretary of the Interior.

1.5 Federal Register. The Federal Register is published five days a week, Monday through Friday (except holidays), by the Office of the Federal Register, National Archives and Records Service. General notices, notices of intent to propose rules, and proposed and final rules of Federal agencies are published in the Federal Register to comply with the requirements of the Administrative Procedures Act and 43 CFR 14. The Federal Register provides a uniform system, by which the public is kept informed and documents are made available, of regulations and legal notices issued by Federal agencies. Also published in the Federal Register are Presidential Proclamations and Executive Orders. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency. Sections 1 - 22 of 1 CFR describe fully the functions and services of the Office of the Federal Register. Final rules published in the Federal Register are codified in the CFR.

A. Reader Aids in the Federal Register. Each issue of the Federal Register contains a listing (following Contents) of those CFR parts affected, as well as Reader Aids, at the back of each issue, which lists those parts affected during the current month.

B. LSA, List of CFR Sections Affected. Another aid to assist the user in determining the currency of CFR sections affected by documents published since the revision date of each title is the LSA, List of CFR Sections Affected, which is published separately at the end of each month and is cumulative for 12 months. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles, except for 41 CFR, in which proposed rules follow each chapter.

Supp. 1, Release 2, 6-4-80

FEDERAL REGISTER DOCUMENTS
General

C. Federal Register - Index. The Index is a compilation of contents entries appearing in the January-November issues of the Federal Register, which is published monthly and is cumulative for 12 months. A general index to the entire Code of Federal Regulations is the CFR Index. It is revised as of July 1 of each year.

1.6 Corrections to Federal Register Documents.

A. Correction Tape. For those who do not have access to word processing machines or if one is not readily available, corrections may be made on the original with correction tape only if a photocopy is made to replace the entire corrected page. Correction tape may come off before printing and could cause errors.

B. Correction Fluid. Small errors may be corrected using correction fluid; however, careful application must be exercised to prevent the correction fluid from caking, since caked corrections may chip and cause errors.

C. Pen-and-Ink. Minor errors may be corrected by striking through the error, adding the correction, if any, and initialing the margin in ink.

FEDERAL REGISTER DOCUMENTS
Responsibilities

2. RESPONSIBILITIES

2.1 Department.

A. Office of the Assistant Secretary - Policy, Budget, and Administration has oversight responsibility for assuring compliance with Departmental requirements.

B. Office of the Assistant Secretary - Indian Affairs is responsible for assuring that Federal Register documents that add to or amend rules or regulations affecting Indian programs are reviewed in compliance with 318 DM. This responsibility includes the designation of a Federal Register Coordinator for the Assistant Secretary - Indian Affairs, who shall be responsible for assuring that documents receive all appropriate internal clearances before they are signed by a Secretarial Officer.

C. The Office of the Solicitor is responsible for reviewing all Federal Register documents to determine if they are legally proper and complete.

D. The Office of Policy Analysis is responsible for regulatory analysis reviews as prescribed in 318 DM 3 and 4.

E. Office of Administrative Services (PMO). The Division of Directives and Reports Management is responsible for administering and monitoring Federal Register procedural requirements as prescribed in 318 DM 1 - 7.

2.2 Bureau.

A. Commissioner. The Commissioner of Indian Affairs is responsible for assuring that rules are written in clear English and are understandable to those who are responsible for compliance, that reviews are made on a continuing basis, that rules required by statute are developed, that a regulatory analysis is prepared when required, and that Federal Register liaison officers are designated, as well as a Certifying Officer and alternate. The Commissioner shall also have these responsibilities for Federal Register documents originating in the Office of Indian Education Programs (OIEP).

B. Central Office Divisions and Offices. Affected divisions and staff offices in the Central Office are responsible for preparing notices and regulations, when needed, to insure that their programs comply with the requirements of the Administrative Procedure Act (see section 1.2) and any special statutory requirements. This responsibility applies to delegations of authority as well as other types of matter required to be published in the Federal Register.

FEDERAL REGISTER DOCUMENTS
Responsibilities

C. Federal Register Coordinator. A Federal Register Coordinator, appointed by the Assistant Secretary - Indian Affairs, is responsible for assuring that documents have received all appropriate internal clearances before they are signed by a Secretarial Officer.

D. Certifying Officers. A Bureau Certifying Officer and an alternate, designated by the Commissioner of Indian Affairs, shall carry out the responsibilities in 1 CFR 16, which include:

(1) Assuring that an original and two copies of each document are submitted for publication to the Federal Register.

(2) Certifying the two copies.

(3) Assuring the date of signature and the name and title of the signing official are typed or stamped on the original and the two copies.

(4) Listing the billing code on the copies sent to the Federal Register.

(5) Performing all duties related to certification for OIEP.

F. Division of Management Research and Evaluation (MR&E). This office is responsible for Bureauwide development, coordination, and managerial control of Federal Register requirements (130 DM 7.1F(2)). The division is responsible for performing the following functions:

(1) Serves as the contact point for the Departmental Liaison (Division of Directives and Reports Management (PMO)) on all matters pertaining to Federal Register documents and issuances;

(2) Provides advice and assistance to Bureau employees on the preparation of documents;

(3) Assures that determinations of significance and the decision on preparation of a regulatory analysis required by 318 DM 3 are approved by the Assistant Secretary - Indian Affairs (approval responsibility for particular types or classes of rules may be redelegated to the Commissioner);

(4) Assures that work plans on proposed significant rules are prepared and approved as required in 318 DM 3;

(5) Reviews all documents for format and compliance with the provisions of this supplement, 318 DM 1, 1 CFR 1 - 22, the Federal Register Document Drafting Handbook, and any other applicable instructions;

FEDERAL REGISTER DOCUMENTS
Responsibilities

(6) Assures that appropriate offices are included in the review and clearance of all documents as required by 318 DM 2;

(7) Assures that provisions are made to receive and obtain proper and adequate consideration of comments submitted in response to notices of intent to propose rulemaking and proposed rulemaking;

(8) Coordinates the review of rules and the preparation of the semiannual agenda as required in 318 DM 6;

(9) Assures that provisions are made for the certification of Federal Register documents and that they are properly prepared for publication in the Federal Register; and

(10) Assures that a resource file is maintained of published Federal Register documents pertaining to Indian Affairs, and reproduces and distributes copies when needed.

FEDERAL REGISTER DOCUMENTS
Signatory Authority

3. SIGNATORY AUTHORITY

Material prepared by the Bureau for publication in the Federal Register is signed by the Secretary of the Interior, the Assistant Secretary - Indian Affairs, the Commissioner, or the Area Director depending on the type and content of document. After signature, the name of the official who signed the document must be stamped or typed below his/her title. The following guide gives the types of documents which each official is authorized to sign.

3.1 Area Directors.

A. Notices.

(1) Area Directors may sign notices that delegate authority from an Area Director to a subordinate. These notices of redelegations of authority are subject to approval by the Commissioner of Indian Affairs. Notices of delegations of authority are issued under authority delegated to the Commissioner of Indian Affairs in 230 DM 2 and redelegated to Area Directors in 10 BIAM 3.

(2) Area education directors may sign notices which delegate their authority to a subordinate. The Director, OIEP, will approve these notices.

B. Proposed and Final Rules. Proposed and final rules which fix operation and maintenance charges at irrigation projects. These regulations are issued under authority delegated to the Commissioner of Indian Affairs in 230 DM 2 and redelegated to Area Directors in 10 BIAM 3. Area Directors may redelegate this authority.

3.2 Commissioner of Indian Affairs. The Commissioner is authorized to sign the following types of Federal Register documents:

A. Notices of delegations of authority by the Commissioner of Indian Affairs to Central Office or field officials. These delegations are issued under the authority delegated to the Commissioner of Indian Affairs in 230 DM 1.

B. Approval of notices of delegations of authority by Area Directors to their subordinate officials (See section 3.1A(1), above).

C. Other public notices relating to Indian affairs. Public notices are issued under the authority delegated to the Commissioner of Indian Affairs in 230 DM 2.

FEDERAL REGISTER DOCUMENTS
Signatory Authority

D. Other proposed and final rules (not including proposed and final significant rules) relating to Indian affairs for codification in Chapter I, Title 25 of the Code of Federal Regulations, except final rules under the following parts:

- (1) Part 2, Appeals from administrative actions.
- (2) Part 16, Estates of Indians of the Five Civilized Tribes.
- (3) Part 17, Action on wills of Osage Indians.

3.3 Director, OIEP. The Director, OIEP, is authorized to sign the following types of Federal Register documents:

A. Notices of delegations of authority by the Director of Indian Education to Central Office or field officials.

B. Approval of notices of delegations of authority by Area Education Directors to their subordinate officials.

C. Other public notices relating to Indian education.

D. Other proposed and final regulations (not including proposed and final significant rules) relating to Indian education for codification in Title 25 of the Code of Federal Regulations, except final regulations under the following parts:

- (1) Part 2, Appeals from administrative actions.
- (2) Part 16, Estates of Indians of the Five Civilized Tribes.
- (3) Part 17, Action on wills of Osage Indians.

3.4 Assistant Secretary - Indian Affairs. The Assistant Secretary - Indian Affairs is authorized to sign the following types of Federal Register documents:

A. Notices of delegations of authority from the Assistant Secretary - Indian Affairs to the Commissioner of Indian Affairs and the Director of Indian Education Programs. These delegations are issued under the authority delegated to the Assistant Secretary - Indian Affairs in 200 DM 1.

B. All proposed and final (significant and non-significant) rules relating to Indian affairs. These regulations are issued under the authority delegated to the Assistant Secretary - Indian Affairs in 209 DM 8.1A. The Assistant Secretary may not sign except those rules expressly reserved for the signature of the Secretary of the Interior.

FEDERAL REGISTER DOCUMENTS
Signatory Authority

3.5 Secretary. The following documents can only be signed at the Secretary level:

A. Notices of delegations of authority from the Secretary of the Interior to the Assistant Secretary - Indian Affairs.

B. Those proposed and final rules expressly reserved for the Secretary's signature by Statute or by Executive Order.

C. Proposed and final rules which Work Plans indicate are to be signed by the Secretary. (See section 9.1C3).

FEDERAL REGISTER DOCUMENTS
Special Provisions

4. SPECIAL PROVISIONS

4.1 Provisions Relating to Format.

A. Guidance and Assistance. Guidance in the preparation of Federal Register documents is available in this supplement and the Federal Register Document Drafting Handbook. Specific assistance may be obtained from the Bureau's Federal Register Liaison Officer, Division of Management Research and Evaluation.

B. Types of Federal Register Documents.

(1) General Notices. General notices are issued for the general public in the public interest. The material in general notices is not regulatory or procedural and does not set requirements to be followed. However, some notices are required by law to be published in the Federal Register. (See section 6 for more detailed information about notices.)

(2) Notices of Intent. Notices of intent to propose rulemaking give the public an opportunity to comment before proposed rules are issued. (See section 6 for notices.)

(3) Proposed Rules. Proposed rules are published in the Federal Register to give the public an opportunity to comment on them before they become final rules. (See sections 8 and 9 for proposed rules.)

(4) Final Rules. Final rules are general and permanent rules issued by the Bureau of Indian Affairs. Final rules are incorporated in the Code of Federal Regulations (CFR) and are reprinted in the following year's issue of the CFR. (See sections 8 and 9 of this supplement for final rules.)

(5) Presidential Documents. Presidential Proclamations, Executive Orders, and other Presidential documents are other types of documents required to be published in the Federal Register. These are not usually prepared by the Bureau.

C. Format of Original.

(1) Paper. All Federal Register documents are typed double-spaced on 8 1/2" x 11" plain bond paper.

(2) Margins. Leave 1" margins at the top, bottom, and right sides and a 1 1/2" margin at the left side.

(3) Spacing. Double space all text material; but single space the following types of material:

Supp. 1, Release 2, 6-4-80

FEDERAL REGISTER DOCUMENTS
Special Provisions

- (a) Tables of sections.
- (b) Authority statements in proposed and final rules.
- (c) Lists of items.
- (d) Quoted material, when set apart from the regular text (not when run into the regular text).
- (e) Footnotes and notes to tables.

(4) Page Numbering. Number each page consecutively, preferably centered at the bottom of the page.

4.2 Provisions Relating to Content.

A. Preamble. All rulemaking documents shall have a preamble that is as informative as possible. The preamble of a Federal Register document explains to the reader who is not an expert in the subject area what is being done and why. Each proposed and final rulemaking document is required to have a preamble. Preambles may be used for general notice documents, but they are not required. See Illustration 4 for a sample of the correct preamble format.

B. Words of Issuance. The term "words of issuance" refers to the language in the document by which a codified document is legally prescribed and tied to the CFR. The words of issuance are always in the present tense, since the document itself is the act of promulgation. The words of issuance are the very last sentence of the "Supplementary Information" section of the preamble and directly introduce the text. The eight items below define and illustrate eight of the most common words of issuance.

(1) Amended. "Amended" means that a CFR unit (a title, subtitle, chapter, subchapter, part, subpart, section or paragraph) is partially changed. For example:

(a) 44 CFR Chapter II is amended by adding a new Part 215, reading as follows:

(b) 44 CFR Part 200 is amended by revising §§200.4 and 200.6 to read as follows:

(2) Revised. "Revised" means that a CFR unit is completely rewritten and is being reissued in full. For example:

(a) The regulations on voluntary inspection, 44 CFR Part 105, are revised to read as follows:

FEDERAL REGISTER DOCUMENTS
Special Provisions

(b) In 44 CFR 15.4 paragraph (b) is revised to read as follows:

(3) Revoked. "Revoked" means that a CFR unit or provision is being removed from the CFR as an express act of legal termination. For example:

(a) 44 CFR Part 303 is hereby revoked.

(b) In 44 CFR 940.15 the last sentence reading, "This restriction shall apply until June 30, 1979," is revoked.

(4) Deleted. "Deleted" means that a CFR unit or provision is being removed from the CFR, but not necessarily because it has been legally terminated. For example:

(a) The authority for issuance of 44 CFR Part 410 (96 Stat. 333) has expired. Therefore, 44 CFR Part 410 is deleted from the Code of Federal Regulations.

(b) In 44 CFR 410.10 the third sentence reading, "A fee of 50 cents shall accompany each application filed prior to June 30, 1965," is deleted.

(5) Recodified. "Recodified" means major portions of regulations are being reorganized without substantive change. Recodification is used to untangle editorial confusion caused by many amendments, to make room for future changes, or to reflect major organizational or structural changes. Any major recodification should be discussed in advance with the Federal Register staff. Examples:

(a) 44 CFR Chapter III is recodified to reflect a rearrangement of the subchapters and a renumbering of the parts without substantive change. As recodified, 44 CFR Chapter III reads as follows:

(b) Because of the number and complexity of published amendments to 44 CFR Part 10 the part is recodified and republished. This recodification contains some editorial corrections but no substantive changes.

(6) Redesignated. "Redesignated" means a CFR unit is being transferred to another position and renumbered. Redesignation should not be used merely to fill gaps created by revocations or deletions or to make room for simple additions. Examples:

(a) In 44 CFR Chapter II, Part 20 is redesignated as Part 30.

(b) Part 501 of 44 CFR Chapter V is transferred to 44 CFR Chapter III and redesignated as Part 301. 44 CFR Chapter V is vacated and reserved.

FEDERAL REGISTER DOCUMENTS
Special Provisions

(7) Suspended. "Suspended" means that the effectiveness of a provision has been stayed temporarily or indefinitely. Examples:

(a) 44 CFR 1036.42(b)(1) and (b)(2) are suspended for the months of July through December 1979.

(b) The provisions of 44 CFR 1036.42(b)(1) are suspended indefinitely pending the outcome of a hearing.

(8) Corrected. "Corrected" indicates that the document is being published to correct a clerical or typographical error in a recently published document. The correction document should clearly identify the document being corrected by giving the appropriate headings, date of publication and Federal Register page number. Examples:

(a) The document revising 44 CFR Part 39 published in the Federal Register on August 18, 1975, as 40 FR 11781, is corrected by changing the reference in §40.4 from "\$40.10 to "\$40.20".

(b) FR Doc. 77-3456, published at page 3257 in the issue of Tuesday, February 29, 1977, is corrected by changing "Director" to read "Acting Director" in the first paragraph.

C. Language.

(1) Plain English words. For the sake of clarity use simple concise statements. Aim for short sections, short paragraphs, and short sentences. Avoid legalese, technical jargon, clause-ridden sentences or wandering paragraphs. Specialist areas - accounts, biologicals, contracts, dietetics, etc. - have special terms. These should be used only when necessary. In every case, review the draft from the standpoint of what it will mean to the reader. Following is a list of good drafting practices:

- (a) Make short statements.
- (b) Use positive rather than negative statements.
- (c) Use active rather than passive voice.
- (d) Use present tense as much as possible.
- (e) Use indicative mood as much as possible.
- (f) Use simple finite verbs rather than their infinitives, participles, or gerunds.
- (g) Use singular rather than plural nouns.
- (h) Use the same words consistently for the same meaning - avoid synonyms.
- (i) Avoid: Unnecessary modifiers, unnecessary definitions, unnecessary references, long and unfamiliar words, legalistic expressions, and circumlocutions.
- (j) Use words and forms of popular speech as much as possible.

FEDERAL REGISTER DOCUMENTS
Special Provisions

(2) Precise language. To prepare precise Federal Register material, the document drafter must write provisions so that the intended meaning is clearly understood. Concentrate efforts in the following two major areas:

(a) Avoid gobbledygook, legalese, ambiguity, circumlocution, and all other forms of foggy writing which can lead to a flood of inquiries. The rulemaking steps may have to be repeated, which means drafting more documents. Noncompliance may result, involving the agency in costly litigation, and in the end the courts may hold that the rules were not "sufficiently clear and unambiguous to justify a criminal prosecution."

(b) Be exact in amendatory language (i.e., "words of issuance"). The reader must know, without doubt, which CFR provisions are being affected and how they are being affected. The relationship between amendatory language and other words of issuance sometimes is very close.

They are often combined in the same statement, as in the case of documents containing only one amendment, as shown in the following example:

"Effective September 7, 1979, 44 CFR Part 205 is amended by revising §205.15 to read as follows:"

(3) References.

(a) Make references clear when citing provisions of the Code of Federal Regulations. Write the specific titles, chapters, parts, sections, and paragraphs concerned. Do not use nonspecific references, such as "herein," "above," "below," etc. They constitute poor usage at all times, and are more ambiguous when the text is fitted into the printed CFR.

(b) Reference to material not published in the CFR or the Federal Register should give the full title of the material and state where a copy may be inspected. (See 4.3G, below for the rules governing incorporation by reference.)

4.3 Provisions Relating to Document Preparation.

A. Short-Form Adoption Technique. When public comment results in few or no changes to the proposed rules, there is a way to avoid retyping the entire text of the rules. This method is called the "short-form adoption" technique. The Federal Register saves the type that was set to publish the proposed rule-making document and can use it again for final rules containing few or no changes. Since the text of the rule does not have to be retyped, this technique saves time, eliminates proofreading, and reduces the chance of typing errors. The short-form adoption technique insures that the final rules are identical to

FEDERAL REGISTER DOCUMENTS
Special Provisions

the proposed rules except where changes are made on purpose. See Illustration for instructions on preparing a document using the short-form adoption technique. The preamble of the document should cite any changes and explain why they are being made.

B. Waiving Proposed Rulemaking.

(1) Authority. Section (b) of 5 U.S.C. 553 requires most rules to be issued first as proposed rules. Federal Register documents containing final rules issued without the proposed rulemaking process must clearly state the reason and cite the authority. The authority cited should be one of the following subsections of Section 553(b), Title 5 of the United States Code, which applies in the particular case:

"(b) General notice of proposed rulemaking shall be published in the Federal Register, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. * * *

* * * * *

"Except when notice or hearing is required by statute, this subsection does not apply -

"(A) to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice; or

"(B) when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."

(2) Sample Statement. The following is an example of a justifying statement for final rules issued without the proposed rulemaking process:

"Since the rules contained in this new Part provide the means for conveying benefits on the former mixed-blood members of the Ute Tribe, advance notice and public comment would delay considerably the conveying of these benefits and have been deemed contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970)."

FEDERAL REGISTER DOCUMENTS
Special Provisions

C. Immediate Effective Date.

(1) Exceptions to Normal Effective Date. Section (d) of 5 U.S.C. 553 requires that final regulations not become effective less than 30 days after the date of publication in the Federal Register. However, if the final regulations fall under one of the following exceptions in 5 U.S.C. 553(d), they can be made effective less than 30 days from the publication date:

"(d) The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except -

(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

(2) interpretative rules and statements of policy; or

(3) as otherwise provided by the agency for good cause found and published with the rule."

(2) Required Statement. If the regulations are to become effective on the date of Federal Register publication or less than 30 days after publication, this must be stated in the preamble of the document and the reason clearly given. The appropriate subsection of 5 U.S.C. 553(d) which justifies not using the 30-day deferred effective date should be cited. For example, if the rule is a revision which relieves a restriction, the proper subsection to be cited is (d)(1). The citation would read as follows:

"Since this revision relieves a restriction, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(1) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the Federal Register."

D. Copy Requirements. See Illustration 11 for a list of copies required for all Federal Register documents. This illustration shows the correct assembly of copies. The preparing office, writer, typist and total distribution of copies should appear on each copy, except the original, two certified copies and any copies going outside the Department. Machine copies may be used in place of carbons to meet these requirements.

FEDERAL REGISTER DOCUMENTS
Special Provisions

E. Billing Code.

(1) Federal departments and agencies must pay to publish in the Federal Register and in the Code of Federal Regulations. To identify Bureau of Indian Affairs documents, the Federal Register has assigned billing code 4310-02 to the Bureau.

(2) The Bureau's billing code shall be typed or handwritten at the top of the first page of the original document and the two certified copies before the document is forwarded to the Office of the Federal Register. The certifying officer will ensure that the code is properly entered on each document.

F. Press Release. A press release shall be issued when there is enough public interest in a document to warrant additional publicity. If a press release is to be issued, the Bureau's Public Information Staff shall prepare the release and place it on the inside left of the folder, in front of the explanatory memorandum and background material. The release must be submitted with the document for review and approval. When press releases are issued, include the Office of Public Affairs in the distribution of file copies. If a press release is not needed, the Public Information Staff shall prepare a statement to that effect and place it on the inside left of the folder.

G. Background Material. Background material shall be placed on the inside left of the folder behind the explanatory memorandum, if any. When a Federal Register document amends an existing regulation, include a copy of the existing regulation marked with the insertions and deletions as part of the background material.

H. Incorporation by Reference. Material published elsewhere may be incorporated by reference into the Code of Federal Regulations. The material to be incorporated must be:

(1) Approved by the Director of the Federal Register;

(2) Published in its entirety in another publication which is readily available to interested parties; and

(3) So voluminous that reprinting the material in the CFR is not warranted.

A document incorporating another document by reference shall be accompanied by a letter of transmittal signed by the official authorized to sign the document.

FEDERAL REGISTER DOCUMENTS
Special Provisions

I. "Emergency" Publication Schedule. In special cases where early publication of a document is vital, the originating office may request publication under the "emergency" schedule. This means the document will be published within one or two days. A request for publication under the "emergency" schedule should be made only when absolutely necessary, and should be in the form of a memorandum to the Director of the Office of the Federal Register explaining the reasons for requesting rapid publication. This memorandum shall be signed by the official authorized to sign the Federal Register document and included in the folder with the document. The Director of the Office of the Federal Register will determine whether or not the request for early publication will be honored.

J. Memorandum for Reviewers. Do not include a transmittal memorandum to the signing official. However, an explanatory memorandum may accompany a document to furnish background information not included in the document, and to provide internal information and detailed data to aid reviewers. This memorandum is optional. Place the explanatory memorandum and its copies on the inside left of the folder, in front of any background material. Use a signature tab to indicate where the memorandum is to be signed. After the memorandum is signed and dated, the copies are distributed as appropriate, with the original remaining in front of the background material on the inside left of the folder.

K. Addresses. All documents shall be sent to the Office of the Federal Register by regular or interagency mail service unless other arrangements are made.

(1) Regular Mail Address. A proper sized envelope shall accompany all documents that are to be mailed and shall be addressed as follows:

Office of the Federal Register
National Archives and Records Service, GSA
Washington, D.C. 20408

(2) Interagency Mail Address. A messenger envelope shall accompany all documents that are to be sent through the interagency mail service and shall be addressed as follows:

Office of the Federal Register
Stop 220

FEDERAL REGISTER DOCUMENTS
Special Provisions

(3) Handcarry Address. If it is necessary to handcarry a document to the Office of the Federal Register, it shall be taken to the following location:

Office of the Federal Register
1100 L Street, NW. - Room 8401
Washington, D. C.

L. Distribution of Published Federal Register Documents to Tribes. Area Directors will review each Federal Register document published to identify those which could have an effect on or be of interest to tribes within their jurisdiction. This includes documents originated by agencies other than the Bureau of Indian Affairs. Area Offices will furnish copies of the documents, immediately upon identification, to the appropriate tribal chairman. This procedure will help keep Indian tribal leaders advised of Government actions relating to Indians and to advise them of an opportunity to comment on subjects of interest to them.

M. Publishing Voluminous Material. When publishing voluminous material, the originating office should contact the Division of Management Research and Evaluation early in the drafting process. MR&E will aid the originators in developing the document and make any special arrangements necessary with the Office of the Federal Register.

N. Requesting Extra Copies of Rules. When the originating office requires many copies of a Federal Register document (e.g., for wide distribution or comment) it may be less expensive to produce extra copies (a printing overrun) at the time of the original printing than to make machine copies later. The originating office may make arrangements with MR&E to print the document as a separate part to facilitate the printing overrun. In cases where extra copies of a document will be needed, the originating office must consult with the Division of Management Research and Evaluation to determine the most efficient way of making the copies. MR&E will:

(1) Coordinate with the Office of the Federal Register while preparing voluminous material. This shall be done as early as possible, before submission for publication. During this consultation period the Office of the Federal Register will establish a production schedule for the material to ensure publication in a smooth, efficient manner.

(2) Contact the Department's Authorized Officer, Division of Printing and Publication, and furnish him/her the specific Federal Register part number and publication date for the requested extra copies. Bureau coordination for printing must be handled through the Branch of General Services, Division of Property Management.

 FEDERAL REGISTER DOCUMENTS
 Clearance

5. CLEARANCE

5.1 Documents Signed by Area Directors. Area Directors are authorized to sign redelegations of their authority. Area Directors, or officials to whom they redelegate this authority, may sign proposed and final rules which fix operation and maintenance charges at irrigation projects (See 25 CFR 191). These documents must then be approved by the Commissioner and Assistant Secretary before publication. The originating office should route each redelegation notice in the following manner:

<u>Mail Code</u>	<u>Office</u>
850	Management Research and Evaluation
Appropriate Code	Concerned program director (if any)
130	Public Information Staff
100	Commissioner
100A	Correspondence Staff
850	Management Research and Evaluation

5.2 Documents Signed by Commissioner of Indian Affairs. Route Federal Register documents to be signed by the Commissioner in the following manner:

<u>Mail Code</u>	<u>Office</u>
850	Management Research and Evaluation
Appropriate Code	Concerned program director
130	Public Information Staff
SOL	Solicitor
100	Commissioner
100A	Bureau Correspondence Staff
850	Management Research and Evaluation

5.3 Documents Signed by the Director, OIEP. Route Federal Register documents to be signed by the Director of the Office of Indian Education Programs in the following manner:

<u>Mail Code</u>	<u>Office</u>
850	Management Research and Evaluation
Appropriate Code	Concerned program director
130	Public Information Staff
500	Director, Office of Indian Education Program
850	Management Research and Evaluation

FEDERAL REGISTER DOCUMENTS
Clearance

5.4 Documents Signed by the Assistant Secretary - Indian Affairs.

A. General Notices.

(1) General Notices Containing Delegations of Authority. General notices which concern delegation of authority above the Area Director level shall be routed in the following manner:

<u>Mail Code</u>	<u>Office</u>
850	Management Research and Evaluation
Appropriate Code	Concerned program director (if any)
130	Public Information Staff
SOL	Solicitor
100	Commissioner
IA-00	Assistant Secretary
100A	Correspondence Staff
850	Management Research and Evaluation

(2) Other General Notices. All general notices to be signed by the Assistant Secretary - Indian Affairs not containing delegations of authority shall be routed in the following order:

<u>Mail Code</u>	<u>Office</u>
850	Management Research and Evaluation
Appropriate Code	Concerned program director (if any)
130	Public Information Staff
100	Commissioner
IA-00	Assistant Secretary
SOL	Solicitor
PMO	Department Office of Directives and Reports Management
IA-00	Assistant Secretary
100A	Correspondence Staff
850	Management Research and Evaluation

B. Proposed and Final Non-Significant Rules. All proposed and final non-significant rules to be signed by the Assistant Secretary - Indian Affairs shall be routed from the originating office in the following order:

<u>Mail Code</u>	<u>Office</u>
850	Management Research and Evaluation

 FEDERAL REGISTER DOCUMENTS
 Clearance

Appropriate Code	Concerned program director (if any)
130	Public Affairs Staff
100	Commissioner
IA-00	Assistant Secretary
SOL	Solicitor
PMO	Department Division of Directives and Reports Management
IA-00	Assistant Secretary
100A	Correspondence Staff
850	Management Research and Evaluation

C. Significant Rules.

<u>Mail Code</u>	<u>Office</u>
850	Management Research and Evaluation
Appropriate Code	Program Director
130	Public Information Staff
100	Commissioner
IA-00	Assistant Secretary
SOL	Solicitor
PBA	Assistant Secretary - Policy, Budget and Administration
SEC or IA-00	Secretary or Assistant Secretary - Indian Affairs (See section 9.1C(3))
850	Management Research and Evaluation

5.5 Documents Signed by the Secretary of the Interior. Documents reserved for the signature of the Secretary shall be routed in the following order:

<u>Mail Code</u>	<u>Office</u>
850	Management Research and Evaluation
Appropriate Code	Concerned program director (if any)
130	Public Information Staff
100	Commissioner
IA-00	Assistant Secretary
SOL	Solicitor
PMO	Department Office of Directives and Reports Management
IA-00	Assistant Secretary
S-CO	Federal Register coordinator in the Office of the Secretary

 FEDERAL REGISTER DOCUMENTS
 Clearance

SEC	Secretary of Interior
SEC	Secretary's Mailroom
850	Management Research and Evaluation

5.6 Special Routing. Environmental Impact Statement Notices of Availability shall be routed from the originating office in the following order:

<u>Mail Code</u>	<u>Office</u>
850	Management Research and Evaluation
214	Environmental Quality Services
130	Public Information Staff
100	Commissioner
IA-00	Assistant Secretary - Indian Affairs
PBA	Assistant Secretary - Policy, Budget and Administration
PEP	Office of Environmental Project Review
850	Management Research and Evaluation

5.7 Routing Presidential Documents.

A. Proposed Presidential documents prepared in the Department shall be routed to the Office of Administrative Services (PMO). This office will coordinate review and clearance by other Department bureaus and offices and arrange for transmittal to the Office of Management and Budget for clearance.

B. Proposed Presidential documents which are submitted to the Department for concurrence or comment, including those referred by the Office of Management and Budget (OMB), should also be routed to the Office of Administrative Services (PMO) for review and response by the Assistant Secretary - Policy, Budget and Administration.

5.8 Certification.

A. Documents Signed by Bureau Officials - Commissioner of Indian Affairs and Director, OIEP. After signature, the document is forwarded to the Division of Management Research and Evaluation to be certified. The Certifying Officer certifies the document, sends the original and the two certified copies to the Office of the Federal Register, and makes distribution of the remaining file copies.

B. Documents Signed by Secretarial. After signature, the document is forwarded to the Certifying Officer in the Secretary's mailroom in the Office of Administrative Services who certifies the document and sends the original and the two certified copies to the Office of the Federal Register, and distributes the remaining file copies.

Supp. 1, Release 2, 6-4-80

FEDERAL REGISTER DOCUMENTS
Notices

6. NOTICES

6.1 General Notices. General notices advise the public of an event or of information that may be of public interest or concern and are not regulatory or procedural, nor do they set requirements to be followed. Some notices are required by law to be published in the Federal Register. These notices shall contain not only the citation of authority to publish but also shall cite the specific authority delegated by statute, or by executive delegation or other competent authority.

A. Purpose. This section provides guidelines for the preparation of general notices which are used to advise the public of an event or of information that may be of public interest or concern including notices of certifications of tribes for them to obtain assistance from the Law Enforcement Assistance Administration (LEAA); notices of awards granted to Indian tribes by the Court of Claims; notices of distribution plans of judgment funds awarded by the Court of Claims (and awards made by the former Indian Claims Commission) to any Indian tribe, etc.

B. Type of Material. Material not regulatory or procedural, which does not set requirements to be followed, may be published as notices in the Federal Register. Typical notices are:

- (1) Statements of organization (See Illustration 1 for a sample document of this type);
- (2) Notices of hearings and meetings, or availability of reports or other documents; and
- (3) Delegations of authority, when the delegation is considered to have a direct impact upon the public (See Illustrations 2 and 3 for sample documents of this type).

C. Issuance Authority. One of the following statements of issuance authority listed below must appear at the beginning of each notice:

(1) Notices Signed by the Area Director.

This notice is issued in exercise of authority delegated to the Commissioner of Indian Affairs in 230 DM 2 and redelegated by the Commissioner to Area Directors in 10 BIAM 3.

(2) Notices Signed by the Commissioner.

This notice is issued in exercise of authority delegated to the Assistant Secretary - Indian Affairs in 209 DM 8 and redelegated to the Commissioner of Indian Affairs in 230 DM 2.

FEDERAL REGISTER DOCUMENTS
Notices

(3) Notices Signed by the Assistant Secretary.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary - Indian Affairs in 209 DM 8.

D. Time Period for Notice of Hearings. The time period between Federal Register publication of the notice and the date given in the notice for the hearing or for ending the opportunity to be heard can not be less than -

(1) The time specified by the appropriate Act of Congress; or

(2) Fifteen days when the time is not specified by law. Notice of less than 15 days is allowed where a shorter period is reasonable. However, when a shorter time is considered reasonable under 44 U.S.C. §1508(2), the document should include a statement justifying the shorter period. The Office of the Federal Register may return documents with inadequate time periods and no justifying statement.

E. Codification and Reference. Material published as notices is not codified and reprinted in the Code of Federal Regulations (CFR). The only index reference to such material is the monthly, quarterly, and annual "Subject Index" published by the Office of the Federal Register.

6.2 Notice of Intent. Notices of intent to propose rulemaking which are subject to the same procedures as rulemaking documents may be developed and published for non-significant rulemaking documents. However, publication of a Notice of Intent is required for significant rulemaking documents. (See section 9.2 for further information).

FEDERAL REGISTER DOCUMENTS
Determination of Significance

7. DETERMINATION OF SIGNIFICANCE

7.1 Purpose. This section provides criteria and procedures for determining whether a rule is significant and whether a regulatory analysis is required. A statement of significance and a brief description of the basis for determining significance are required before developing a rulemaking document and must appear in the supplementary information section of each proposed and final rulemaking document. For rules determined to be significant, a statement is also required in the Supplementary Information section of the preamble to indicate whether a regulatory analysis is needed.

7.2 Statement of Significance. All final and proposed rulemaking documents and notices of intent to propose rules published in the Federal Register will state in the Supplementary Information section whether or not the rule is a significant rule. For rules determined to be significant, they will also state whether a regulatory analysis is required. One of the following certification statements, as appropriate, must appear in the Supplementary Information section of the preamble:

A. "The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14."

B. "The Department of the Interior has determined that this document is a significant rule and requires a regulatory analysis under Executive Order 12044 and 43 CFR Part 14."

C. "The Department of the Interior has determined that this document is a significant rule but does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14."

7.3 Exceptions. The procedures of this section do not apply to the following types of rules:

A. Rules that are required by statute to be made after an opportunity for a formal hearing under the procedures contained in 5 U.S.C. 556 and 557;

B. Rules involving a foreign or military affairs function of the United States; and

C. Rules related to agency management or personnel.

In addition, the Secretary or the Assistant Secretary - Indian Affairs may exempt the following rules from the procedures in this section:

Supp. 1, Release 2, 6-4-80

FEDERAL REGISTER DOCUMENTS
Determination of Significance

- D. Rules issued in response to an emergency;
- E. Rules governed by short-term statutory or judicial deadlines; and
- F. Rules which relate to Federal Government procurement.

7.4 Making the Determination of Significance.

A. Determinations of significance and decisions that a need exists for a regulatory analysis require the approval of the Assistant Secretary - Indian Affairs. The request for approval shall be made on Form 5-0011 (See Illustration 12 for a sample form) and shall state whether the rule is significant and briefly describe the basis for the determination.

B. Form 5-0011 must be completed before a proposed rule is formulated. Each office expecting to issue a proposed rule shall complete this form and forward it for signature using the routing for proposed rules (see section 5.3B). Upon receipt of the signed form 5-0011 from the Assistant Secretary, the originating office may begin to formulate the proposed rule. When the rule is formulated, a copy of the 5-0011 must be included on the left side of the folder in which the rule is forwarded for approval. The originating office shall also send copies of the signed 5-0011 to the Solicitor, the Office of Policy Analysis, PMO and MR&E as soon as possible.

C. The decision on whether an economic analysis is required is generally made at the same time as the decision on significance. In some cases, however, additional economic information may be needed to make this decision. If so, a decision on the preparation of a regulatory analysis can be postponed but must be made no later than the beginning of the drafting of the proposed rule. The result of the decision shall be recorded on Form 5-0011, along with the decision on significance.

D. The Assistant Secretary - Indian Affairs has the authority to sign Form 5-0011 recording the decisions on significance and the need for regulatory analysis. This authority may be delegated to the Commissioner for particular types or classes of rules, but the Commissioner may not redelegate this authority.

7.5 Criteria for Determining Significance. A rule is a "significant" rule if it falls within one of the following categories:

A. A rule is "significant" if it has a major and nation or regionwide impact on State or local governments. The following factors shall be considered in determining major impact:

- (1) Interstate relations;

Supp. 1, Release 2, 6-4-80

FEDERAL REGISTER DOCUMENTS
Determination of Significance

- (2) Relations between State and local governments;
 - (3) Internal organization of State and local governments,
 - (4) Personnel practices of State and local governments;
 - (5) Planning and fiscal activities of State and local governments;
 - (6) The role and functions of heads of State and local governments;
- and
- (7) Eligibility criteria for Federal financial assistance.

B. A rule is "significant" if it imposes major new recordkeeping or reporting requirements on individuals, businesses, organizations, or on state or local governments. In determining significance, consider such factors as the following:

- (1) The number of persons, businesses, organizations, or state or local governments covered;
- (2) The number and difficulty of items to be reported on or recorded;
- (3) The frequency of reporting or recording; and
- (4) Costs involved in the reporting or recording.

C. A rule is "significant" if it involves a potential conflict between environmental and other considerations and constitutes a major Federal action for which an environmental impact statement is required.

D. A rule is "significant" if it has a major impact on other programs of the Department, other Federal agencies, or on the allocation of Federal funds.

E. A rule is "significant" if it is likely to have a substantial economic effect on the entire economy or on an individual region, industry, or level of government.

7.6 Criteria for Determining the Need for Regulatory Analysis. Use the following criteria to determine the need for preparation of a regulatory analysis:

A. The likelihood that the rule will have substantial economic consequences on the entire economy or on an individual region, industry, or level of government. Consider the following factors:

- (1) Whether the rule will have an annual economic effect of \$100 million or more; or

FEDERAL REGISTER DOCUMENTS
Determination of Significance

(2) If the economic impact will be less than \$100 million, the potential economic effect of the rule on the economy or an individual region, industry, or level of government is sufficiently major as to require a formal analysis to assure that the objectives of the rule are achieved with minimum burden.

B. For those rules having an economic effect of less than \$100 million, close attention shall be given to such factors as:

(1) The present average level of real income of the region which may be affected and the potential change in average income for the region as a result of the rules;

(2) The present cost of doing business of an industry and the potential effect of the rules on the cost;

(3) The present cost of operating a level of government or a particular governmental program and the potential effect of the rules on that cost; and

(4) The estimated likelihood that the acceptable alternative which would impose the minimum economic burden would not be clearly chosen without formal regulatory analysis.

C. No specific quantitative levels or percentages are established for examining rules that will have an economic effect of less than \$100 million because the relative effect may be minor for some regions, industries, or levels of government, but major or critical for others. For example, if a particular method of regulation were to cause a very small increase in the cost of doing business for an industry and if a number of firms in that industry were marginal, a small increase in costs could drive these marginal firms out of business. Therefore, each case will need to be examined individually. If the least burdensome method of regulation is not obvious without formal analysis, a regulatory analysis shall be prepared.

7.7 Discretionary Use of Procedures for Significance and Regulatory Analysis.
Even though a rule may not meet the criteria for significance or for preparation of a regulatory analysis, the Secretary or the Assistant Secretary - Indian Affairs may require that the rule be developed using the procedures for development of significant rules or that a regulatory analysis be prepared, or both.

FEDERAL REGISTER DOCUMENTS
Development of Non-Significant Rules

8. DEVELOPMENT OF NON-SIGNIFICANT RULES

8.1 Types of Non-Significant Rules. Non-Significant rules include:

A. Legislative rules, which are rules issued under statutory authority and which implement the statute.

B. Interpretative rules, which are rules issued by the Bureau which advise the public of the Bureau's interpretation of the statutes and rules which it administers.

C. General statements of policy, which are statements issued by the Bureau to advise the public prospectively of the manner in which the Bureau proposes to administer a discretionary power.

D. Rules of agency organization, procedures and practices which include:

(1) Descriptions of the Bureau's central and field organization and the methods by which the public may obtain information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which the Bureau's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available; and

(3) Rules of procedures, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports or examinations.

8.2 Legislative Rules.

A. Notice of Intent to Propose Rules.

(1) When to Use the Notice of Intent. If proposed non-significant legislative rules are likely to be complex or controversial or to reflect major changes in existing rules, an opportunity for public comment before the publication of a notice of proposed rulemaking may be helpful in drafting the proposed rules. Before drafting such proposed legislative rules, the lead official should consider whether publication in the Federal Register of a notice of intent to propose rulemaking will be beneficial in the drafting process.

(2) Contents of Notice. A notice of intent will state the need for the rule, the subject matter of and the key issues presented by the anticipated rulemaking, and will advise the public where additional information may be obtained and where comments may be sent.

FEDERAL REGISTER DOCUMENTS
Development of Non-Significant Rules

B. Proposed Rulemaking Documents. A sample of this type of document is contained in Illustration 5.

(1) Administrative Procedure Act Requirement. Section 4 of the Administrative Procedure Act requires that the public be allowed an opportunity to comment on proposed legislative rules before final adoption. This requirement for comment does not apply to rules which deal with public property, loans, grants, benefits or contracts.

(2) Waiving Proposed Rulemaking. The requirement for comment may be waived if it is found, for good cause, that notice of and public comment on a proposed legislative rule are impractical, unnecessary or contrary to the public interest. (See 4.3B of this supplement for procedures to follow when waiving proposed rulemaking.)

(3) Period for Comment.

(a) Regular Comment Period. Except where another statute requires a longer notice period, the public will be given a minimum of 30 calendar days to comment on legislative rules. Whenever practical, each document should give a specific date instead of a time period measured by a certain number of days after Federal Register publication. For example, a document should allow the public to submit comments "on or before July 3, 1972" instead of "no later than 30 days after publication of this notice in the Federal Register." If a document gives a time period instead of a specific date, the Federal Register staff will insert a specific date. They will compute this date by counting the day after publication day as one day and by counting each succeeding day (including Saturdays, Sundays, and holidays). However, where the final day will be a Saturday, Sunday, or holiday, the date given will be the next succeeding Federal workday.

(b) Shorter Comment Period. A shorter period may be used only in special cases requiring more timely action. In such cases, the notice of proposed rulemaking will contain a statement of the reasons for the shorter period.

(4) Assuring Public Participation.

(a) Standard Statement. The following statement will be used in the Supplementary Information section of the preamble for proposed rules which solicit comments.

FEDERAL REGISTER DOCUMENTS
Development of Non-Significant Rules

"The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed (regulation) (revision) (amendment).

(b) Additional Actions to Encourage Public Participation. When a notice of intent to propose a rule or a notice of proposed rulemaking is to be published, the lead official will consider taking additional actions to assure meaningful public participation in the rulemaking process. These additional actions may include, but are not limited to:

- (i) Holding open conferences or public hearings;
- (ii) Sending press releases to newspapers of general circulation and other publications likely to be read by those affected;
- (iii) Directly notifying interested parties, including state and local governments; and
- (iv) Taking out paid advertisements in publications likely to be read by those affected.

(5) Publication Authority. The publication authority should be given first in the supplementary information section of the preamble. The publication authority varies according to the signing level.

(a) Area Directors. When an Area Director or an official to whom the Area Director has redelegated this authority signs proposed regulations fixing operation and maintenance charges at irrigation projects, the citation should read as follows:

"These proposed regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 2 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3."

(b) Commissioner. When the Commissioner signs a proposed rule, the citation should read as follows:

FEDERAL REGISTER DOCUMENTS
Development of Non-Significant Rules

"This proposed rule is published in exercise of rule-making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2."

(c) Assistant Secretary. Notices of proposed rulemaking signed by the Assistant Secretary should have a citation reading:

"This proposed rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary - Indian Affairs by 209 DM 8."

(d) Secretary. When a notice of proposed rulemaking is to be signed by the Secretary, no issuing authority is cited. Instead, the document begins with a citation of this type:

"Notice is hereby given that it is proposed to revise §252.16 of Part 252, Subchapter W, Chapter I, of Title 25 of the Code of Federal Regulations."

C. Final Rulemaking Documents.

(1) General. The Supplementary Information section of the rulemaking document for all final legislative rules must contain a concise statement of the basis and purpose for the rule and must also discuss all relevant and significant comments on the proposed rule.

(2) Effective Date. The rulemaking document must include a clear statement of the date on which the rule is to take effect. This date will be a minimum of 30 calendar days after the date of publication in the Federal Register unless:

(a) the rule grants or recognizes an exemption or relieves a restriction; or

(b) statutory provisions require a different effective date (e.g., regulations implementing P.L. 561); or

(c) other good cause for a shorter delay of the effective date exists. If a rule is to become effective less than 30 days from the date of publication, the reason for the earlier date will be explained in the Supplementary Information section (See section 4.3C).

FEDERAL REGISTER DOCUMENTS
Development of Non-Significant Rules

(3) Publication Authority. The issuing authority should be given first in the supplementary information section of the preamble of each final rulemaking document. The publication authority varies according to the signing level.

(a) Area Directors. When an Area Director signs final regulations fixing operation and maintenance charges at irrigation projects, the citation should read as follows:

"The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). These final rules are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 2 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3."

(b) Commissioner. Final rules signed by the Commissioner should have a citation reading:

"The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2."

(c) Assistant Secretary. Final rules signed by the Assistant Secretary - Indian Affairs should have a citation reading:

"The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary - Indian Affairs by 209 DM 8."

FEDERAL REGISTER DOCUMENTS
Development of Non-Significant Rules

(d) Secretary. Final rules signed by the Secretary of Interior should have a citation reading:

"The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9)."

(4) Specific Authority. In the preamble of final rules and regulations which change the Code of Federal Regulations (CFR), the specific provisions (statutory or non-statutory) under which the regulations are issued should be cited. The following is an example of this citation.

"These revisions are made pursuant to the authority contained in the Act of May 26, 1928 (45 Stat. 750, 25 U.S.C. 318a)."

8.3 Interpretative Rules and General Statements of Policy.

A. Public Participation. The Administrative Procedure Act does not require public participation (i.e., publication of a proposed rulemaking document) in the development of interpretative rules and general statements of policy. (See 4.3B for procedures to follow when waiving proposed rulemaking.) The lead official should, however, consider whether public participation in the development process will be beneficial. Factors which should be considered in making this decision include:

(1) The impact of the rule or policy on the public or on state and local governments;

(2) The complexity and pervasiveness of the rule or policy;

(3) The degree to which the rule or policy will modify existing interpretations or policies; and

(4) The confusion or controversy likely to be caused by practical difficulties of compliance with a new rule or policy.

B. Procedures for Public Participation. When it is determined that there should be an opportunity for public participation in the development of an interpretative rule or general statement of policy, the rulemaking procedures of paragraph 8.2B of this supplement shall be used.

FEDERAL REGISTER DOCUMENTS
Development of Non-Significant Rules

C. Effective Date. Final interpretative rules and general statements of policy may be made effective on the date of publication in the Federal Register. Except in emergency situations, consideration should, however, be given to delaying the effective date for 30 calendar days from the date of publication if:

(1) the adoption of the rules or statement was not preceded by an opportunity for comment; or

(2) the rule of statement substantially modifies an earlier interpretation or policy on which members of the public or state or local governments have relied.

D. Codification. Interpretative rules and general statements of policy should be codified in the Code of Federal Regulations if they have a substantial impact on, or are of continuing interest to, the public or state or local governments.

E. Publication Authority. Prepare publication authority statements for these rules according to the procedures in subparagraph 8.2C(3). If a proposed rulemaking document is used, follow the procedures in subparagraph 8.2B(5).

8.4 Rules of Agency Organization, Procedures and Practices.

A. Public Participation. The Administrative Procedure Act does not require public participation in the development of rules of agency organization, procedure and practice. The lead official should, however, consider whether initial publication of a proposed rule in the Federal Register will contribute to the process of developing the rule.

B. Procedures for Public Participation. When it is determined that there should be an opportunity for public comment on a proposed rule of organization, procedure or practice, follow the procedures given in paragraph 8.2B.

C. Effective Date. Final rules of organization, procedure and practice may be made effective on the date of publication in the Federal Register. Except in emergency situations, consideration should, however, be given to delaying the effective date for 30 calendar days from the date of publication if:

(1) the adoption of the rule or statement was not preceded by an opportunity for comment; or

(2) the rule substantially modifies an earlier procedure or practice.

FEDERAL REGISTER DOCUMENTS
Development of Non-Significant Rules

D. Publication Authority. Prepare publication authority statements for these rules according to the procedures in subparagraph 8.2C(3). If a proposed rulemaking document is used, follow the procedures in subparagraph 8.2B(5).

FEDERAL REGISTER DOCUMENTS
Developing Significant Rules and Regulatory Analyses

9. DEVELOPING SIGNIFICANT RULES AND REGULATORY ANALYSES

9.1 Work Plan

A. Responsibility. When a rule or amendment has been determined to be significant under the procedures in section 7, the lead program official will promptly prepare a work plan for the Secretary's review and approval.

B. Content of Plan. The work plan will state:

- (1) The need to develop the rule or amendment.
- (2) The principal issues and alternative approaches to be considered.
- (3) A tentative plan for public involvement.
- (4) Target dates for completion of steps in developing the rule or amendment.
- (5) Whether or not a regulatory analysis will be prepared or, if this determination has not been made, the process for making it.

C. Approval.

(1) The lead official will submit the work plan to the Secretary through the Assistant Secretary - Indian Affairs and the Assistant Secretary - Policy, Budget and Administration. The Assistant Secretary - Policy, Budget and Administration must review and approve the decision on whether a regulatory analysis is necessary during the review of the work plan. (The lead program official will send an advance copy of the work plan to the Office of Policy Analysis simultaneously with or before submission of the plan to the Assistant Secretary - Indian Affairs. This will expedite the Assistant Secretary - Policy, Budget and Administration's review.)

(2) After review of the plan by the two Assistant Secretaries, the Secretary will approve or disapprove the plan. The Secretary also may approve the plan subject to certain changes.

(3) When the Secretary approves a work plan, he/she will also indicate if he/she wants to approve the rule before Federal Register publication as a proposed and final rule or if the Assistant Secretary - Indian Affairs may approve it.

9.2 Early Public Involvement.

A. Use of Notice of Intent. Before a proposed significant rule is drafted, a notice of intent to propose rulemaking must be published in the Federal

FEDERAL REGISTER DOCUMENTS
Developing Significant Rules and Regulatory Analyses

Register. This step can be omitted if time constraints require immediate preparation of a proposed rule or if the general public has had a recent previous chance to comment.

B. Contents of Notice of Intent. The notice of intent will:

(1) State the need for the rulemaking, the subject matter and key issues.

(2) Advise the public where to obtain more information and where to send comments.

(3) Invite comment on the economic consequences of alternative regulatory approaches where a regulatory analysis must be prepared.

(4) Invite comment on whether the potential economic consequences of the rule require preparation of a regulatory analysis where no decision has been made.

A sample notice of intent is contained in Illustration 8.

C. Additional Publicity. When the notice of intent is published, the lead program official must consider additional ways of getting meaningful public participation in the rulemaking process, such as:

(1) Holding open conferences or public hearings.

(2) Publishing in newspapers and publications likely to be read by those affected through press releases or paid advertisements.

(3) Directly notifying interested parties (including state and local governments).

9.3 Preparing the Regulatory Analysis.

A. Coordination with Rulemaking Process. If a decision is made under the procedures in section 7.6 that a regulatory analysis is required:

(1) The draft regulatory analysis will ordinarily be prepared after receiving the public comments in response to the notice of intent to propose rulemaking (if one is published). However, the draft regulatory analysis may be prepared no later than the beginning of the drafting of the proposed rule.

(2) The final regulatory analysis will be prepared after the comment period on the proposed rules and draft regulatory analysis.

FEDERAL REGISTER DOCUMENTS

Developing Significant Rules and Regulatory Analyses

(3) The lead program official will be responsible for assuring that the preparation of the draft and final regulatory analysis is integrated with the preparation of the proposed and final rules.

(4) The lead program official will send advance copies of the draft and final regulatory analyses to the Office of Policy Analysis. The Assistant Secretary - Policy, Budget and Administration will not approve publication of proposed or final significant rules until he/she has reviewed the regulatory analysis or the decision that such an analysis is not necessary.

B. Content of Regulatory Analysis. The regulatory analysis will contain:

(1) A brief statement of the problem being addressed and objectives of the rule.

(2) A description of the major alternative ways of achieving the objectives that the Bureau considered.

(3) An analysis of the economic consequences of each alternative.

(4) A detailed explanation of the reasons for choosing one alternative over the others.

9.4 Preparation of Proposed and Final Significant Rules.

A. General.

(1) In supervising the preparation of proposed and final rules, the lead program official is responsible for assuring, at a minimum, that:

(a) The direct and indirect effects of the rule are adequately considered.

(b) Alternative approaches are considered and the least burdensome acceptable one chosen.

(c) Public comments are considered and the preamble of the final rulemaking document states the reason for accepting or rejecting these comments.

(d) The rule is written in clear English and will be understandable to those who must comply with it.

(e) Potential new reporting or recordkeeping burdens are considered and conform to the requirements of the Federal Reports Act.

FEDERAL REGISTER DOCUMENTS

Developing Significant Rules and Regulatory Analyses

(2) When the final rule is prepared, the lead program official is also responsible for developing a plan for periodically evaluating the rule after its issuance. The plan should take into account the review cycle for review of rules (See section 10.1).

B. Proposed Significant Rules.

(1) Approval. Notices of proposed significant rulemaking will be approved by the Secretary or, if the Secretary has so authorized, by the Assistant Secretary - Indian Affairs. Before submission for approval, notices of proposed rulemaking will be reviewed by the Assistant Secretary - Policy, Budget and Administration and the Solicitor. (Illustration 9 is a sample of the correct format for a proposed significant rule.)

(2) Publication. The public will be given a minimum of 60 calendar days after the date of publication in the Federal Register to comment on proposed significant rules. A shorter period may be used only in special cases requiring more timely action. In such cases, the preamble of the notice of proposed rulemaking will state the reason for the shorter period.

(a) The Preamble of a notice of proposed rulemaking will:

(i) State the alternative approaches considered in drafting the proposed rule.

(ii) Explain the basis for selecting the alternative used in the proposal.

(iii) State how to obtain copies of the draft regulatory analysis, if any, and ask for comments on it.

(b) The lead program official must also consider additional ways to get meaningful public comment on a proposed rule, such as those given in section 9.2C.

C. Final Significant Rules.

(1) Approval.

(a) Final significant rules will be approved by the Secretary or, if the Secretary has so authorized, by the Assistant Secretary - Indian Affairs. Before submission for this approval, final rules will be reviewed by the Assistant Secretary - Policy, Budget and Administration and the Solicitor.

FEDERAL REGISTER DOCUMENTS
Developing Significant Rules and Regulatory Analyses

(b) Before approving a final significant rule, the Secretary or Assistant Secretary - Indian Affairs should determine that:

- (i) The rule is needed.
- (ii) The direct and indirect effects of the rule have been adequately considered.
- (iii) Alternative approaches have been considered and the least burdensome acceptable one chosen.
- (iv) Public comments have been considered and there is an adequate discussion of the comments given in the preamble of the rulemaking document.
- (v) The rule is written in clear English and can be understood by those who must comply with it.
- (vi) An estimate has been made of the new reporting burdens or recordkeeping requirements necessary to comply with the rules.
- (vii) The name, address and telephone number of a knowledgeable agency official are included in the preamble.
- (viii) The name of the principal author of the rule is included in the preamble.
- (ix) A plan has been developed for evaluating the rule after its issuance.
- (x) The final regulatory analysis, if prepared, adequately considers the economic consequences of the final rule.

(b) To assist the Secretary or Assistant Secretary - Indian Affairs in reviewing final significant rules, each rule must be accompanied by a copy of the regulatory analysis and a memorandum:

- (i) Addressing each of the items listed in subparagraph 9.4C(1)(b) above.
- (ii) Analyzing the views of the public, citizens groups, user groups and elected officials.
- (iii) Summarizing the anticipated impact of the rule.

FEDERAL REGISTER DOCUMENTS

Developing Significant Rules and Regulatory Analyses

(2) Publication. The Supplementary Information section of the preamble of a final rulemaking document must include:

(a) A concise statement of the basis and purpose of the rule.

(b) A discussion of the reasons for accepting or rejecting all relevant and significant comments.

(c) An effective date at least 60 days after the date of publication in the Federal Register. If the rule must become effective before 60 days after the publication date, follow the procedure in 8.2C(2).

(d) A statement of where the public can get copies of the final regulatory analysis, if any.

Illustration 10 is a sample of the correct format for a final significant rule.

FEDERAL REGISTER DOCUMENTS
Periodic Review of Existing Rules

10. PERIODIC REVIEW OF EXISTING RULES

10.1 Responsibility. The Bureau is required to conduct a periodic review of existing rules to assure that they are needed, up-to-date and clear. All final rules appearing in 25 CFR Chapter I will be subject to the review in a five year cycle. More frequent reviews or special reviews of selected rules may be established as required. The Assistant Secretary - Indian Affairs and Program Directors are responsible for assuring that Bureau reviews are conducted and coordinated with the Division of Management Research and Evaluation (MR&E).

10.2 Elements to be Considered. Consideration must be given to several elements during the review of an existing rule. These elements include:

- A. The continued need for the rule.
- B. The type and number of complaints or suggestions received concerning the rule.
- C. Whether the rule can be simplified or clarified.
- D. The need to eliminate overlapping and duplicative rules.
- E. The length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule.
- F. The administrative and reporting burden which the rule imposes on the public.
- G. The need to eliminate sex-based criteria and gender-specific terminology.

10.3 Revision of Rules. If review of a rule indicates a need for repeal or revision, the procedures for development of significant rules (see section 9) or for development of non-significant rules (see section 8) will be used as appropriate.

FEDERAL REGISTER DOCUMENTS
Semiannual Agenda

11. SEMIANNUAL AGENDA

11.1 Requirement. The Bureau is required by Executive Order 12044 and 318 DM 6 to publish a semiannual agenda of rules selected for review and development during the subsequent six month period as requested by the Division of Directives and Reports Management, Office of Administrative Services (PMO). Information concerning the required format, number of copies of agenda and reporting dates will be furnished to program offices by MR&E.

11.2 Publication and Content. Agendas will be published in the Federal Register during January and July of each year and will:

- A. List all new or existing significant rules planned for development or revision.
- B. List all rules scheduled for review under the five-year cycle.
- C. Include any new rules planned for development which do not meet the criteria for significance.
- D. Include the need and legal basis for each action under consideration.
- E. State the name, telephone number and address of the knowledgeable official for each action.
- F. Indicate whether or not a regulatory analysis will be required.
- G. Show the expected date of revision, if known.
- H. Reflect the status of those rules previously listed.

11.3 Responsibility. The Division of Management Research and Evaluation (MR&E) will coordinate preparation of the Bureau's agenda and will submit the agenda through the Assistant Secretary - Indian Affairs for approval to the Assistant Secretary - Policy, Budget and Administration. Agendas are required by the Department no later than June 15 and December 15 of each year. After approval by the Secretary, the semiannual agenda for the Department will be published in the Federal Register.

SAMPLE GENERAL NOTICE DOCUMENT

- (1) Billing code.
- (2) Name of issuing Department. Type this name all in caps.
- (3) Name of subordinate bureau.
- (4) A suitable short heading clearly identifying the subject of the document. This should be typed all in caps.
- (5) An additional heading indicating the nature of the document -- how it concerns or affects the main subject.
- (6) Date of signature. This is stamped in after the document is signed.
- (7) - (8) Text of the notice. These general notices may vary widely in format and content.
- (7) Citation of issuance authority. The Commissioner's authority to publish notices in the Federal Register is cited. Omit this citation when the Secretary signs.
- (8) The change being made is stated clearly and precisely.
- (9) Title of official authorized to sign the document. This is typed five lines below the text so that the signature can be placed above the title. In this case, the title "Commissioner of Indian Affairs" is typed below the text. If the Deputy Commissioner or someone who is acting for the Commissioner signs the document, "Deputy" or "Acting" is stamped in front of "Commissioner".
- (10) Date of signature is stamped in the signing office when the document is signed.
- (11) Certification. Two copies of the Federal Register document are required for certified copies. "Certified to be a true copy of the original" should be typed three lines below the signing official's title and on the lefthand side. The title "Certifying Officer" should be typed five lines below "Certified to be a true copy of the original." Do not type the certification on the original.

SAMPLE GENERAL NOTICE DOCUMENT

① [4310-02]

② DEPARTMENT OF THE INTERIOR

③ Bureau of Indian Affairs

④ UTE MOUNTAIN UTE AGENCY

⑤ Notice of Name Change

⑥

⑦ This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

⑧ Pursuant to Resolution 1855 enacted by the Ute Mountain Tribal Council, the name of Ute Mountain Agency is changed in Ute Mountain Ute Agency.

⑨ Commissioner of Indian Affairs

⑩ (Stamped date of signature)

⑪ Certified to be a true copy of the original

Certifying Officer

SAMPLE GENERAL NOTICE DOCUMENT

Delegation of Authority from the Commissioner of Indian Affairs
to Area Directors or Central Office Officials

- (1) Billing code.
- (2) Name of issuing department. This name should be typed all in caps.
- (3) Name of subordinate bureau.
- (4) A suitable short heading clearly identifying the subject of the document. This should be typed in caps.
- (5) An additional heading indicating the nature of the document -- how it concerns or affects the main subject. (Optional)
- (6) Date of signature. This is stamped below the heading on the right or below and to the left of the signature after the document is signed.
- (7) Citation of issuance authority. The citation is of the Commissioner's authority to publish notices in the Federal Register.
- (8) This paragraph specifies what section of 10 BIAM was affected, in what way, and the reasons for the change.
- (9) This paragraph gives the Bureau of Indian Affairs Manual release number and date where the revision was made.
- (10) This paragraph refers to the Federal Register issue (volume, page number, and date) at which the notice being amended was published.
- (11) These paragraphs give the exact wording of the revision.

SAMPLE GENERAL NOTICE DOCUMENT

Delegation of Authority From the Commissioner to Area and Central
Office Officials

① [4310-02]

- ② DEPARTMENT OF THE INTERIOR
- ③ Bureau of Indian Affairs
- ④ AREA DIRECTORS AND PROJECT OFFICER, JOINT USE
ADMINISTRATIVE OFFICE
- ⑤ Restriction on Redelegation of Authority

⑥

⑦ This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

⑧ The Commissioner of Indian Affairs has revised the redelegation of program authority for Indian Affairs to the Area Directors and the Project Officer of the Joint Use Administrative Office by adding a Law and Order exception in 10 BIAM 3.3B(3) to restrict them from determining which Indian tribes perform law enforcement functions under section 601(d), Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (Pub. L. 90-351). This authority must be kept at the Washington office level since it requires coordination with the Justice Department.

⑨ The revision was issued by Bureau of Indian Affairs Manual Release 10-34, dated May 30, 1975.

⑩ The revision affected the redelegation in 10 BIAM 3 which was published beginning at page 17046 of the April 16, 1975, FEDERAL REGISTER (40 17046), as follows:

10 BIAM 3.3B was revised by adding a new paragraph (3) to restrict the Area Directors and the Project Office from exercising the authority given in the new paragraph (3) which reads as follows:

⑪ "(3) Determine which Indian tribes perform law enforcement functions under section 601(d), Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (Pub. L. 90-351)."

SAMPLE GENERAL NOTICE DOCUMENT

Delegation of Authority to Area Directors or Central Office Officials (Cont'd)

- (12) This paragraph gives the title, address, and telephone number of a Bureau official who can furnish additional information about the revision.
- (13) Date of signature is stamped in the signing office when the document is signed.
- (14) The title of "Commissioner of Indian Affairs" is typed 5 lines below the text. If the Deputy Commissioner or someone who is acting for the Commissioner signs the document, "Deputy" or "Acting" is stamped in front of "Commissioner".
- (15) Certification. Two copies of the Federal Register document are required for certified copies. "Certified to be a true copy of the original" should be typed three lines below the signing official's title and on the lefthand side. The title "Certifying Officer" should be typed five lines below "Certified to be a true copy of the original". Do not type the certification on the original.

SAMPLE GENERAL NOTICE DOCUMENT

Further information about the revision may be obtained from the Chief,

- (12) Division of Management Research and Evaluation, Bureau of Indian Affairs,
18th & C Streets, NW, Washington, D.C. 20240, telephone 202-343-4144.

(14) Commissioner of Indian Affairs

(13) (Stamped date of signature)

Certified to be a true copy
of the original

(15) Certifying Officer

SAMPLE GENERAL NOTICE DOCUMENT

Redelegation of Authority From Area Director to Superintendents, Et Al.

- (1) Billing code.
- (2) Name of issuing department. This name should be typed all in caps.
- (3) Name of subordinate bureau.
- (4) The Area redelegation order number and amendment number, if needed. This should be placed in parentheses.
- (5) A suitable short heading clearly identifying the subject of the document. This should be typed in caps.
- (6) An additional heading indicating the nature of the document -- how it concerns or affects the main subject.
- (7) Date of signature by Area Director. This is stamped in after the document is signed.
- (8) Citation of issuance authority. The Commissioner's authority to publish notices in the Federal Register is cited.
- (9) Citation of delegation authority. The Commissioner's authority to redelegate is cited. The redelegation to the Area Directors of the authority to redelegate is also cited.
- (10) This part of the document specifies what section of the redelegation order is involved and in what way that section is being affected. Reference is made to the first publication of the redelegation by citing the Federal Register volume and page which contained the previous notice. (For example, a citation to 34 FR 9219 refers to the notice in volume 34 of the Federal Register beginning on page 9219.) The date of the Federal Register issue is also given. When the section being amended has been amended so many times that references are unwieldy, the phrase "as amended" is substituted for the Federal Register citations to indicate the previous amendments.
- (11) The reason for the revision, background data, appropriate references, and other information which will help the reader understand the significance and impact of the change being made.
- (12) This part of the document is introductory to the revised text.
- (13) - (14) The revised text.
- (13) This section is not being changed but is being republished so that it will be clear who is being delegated the authority.

SAMPLE GENERAL NOTICE DOCUMENT

Redelegation of Authority From Area Director to Superintendents, Et Al.

① [4310-02]

② DEPARTMENT OF THE INTERIOR

③ Bureau of Indian Affairs

④ (Billings Area Office Redelegation Order 1, Amdt. 1)

⑤ SUPERINTENDENTS AND PROJECT ENGINEER

⑥ Delegation of Forestry Authority

⑦

This notice is published in exercise of authority delegated by the

⑧ Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

This delegation is issued under the authority delegated to the Commissioner

⑨ of Indian Affairs from the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3.

The Billings Area Office Redelegation Order 1 was published beginning at page 9219 of the June 11, 1969, Federal Register (34 FR 9219) and subsequently amended. It is being further amended by revising subsection (c) of Section

⑩ 2.80, Forest Management. The revision of subsection (c) gives the Superintendent of the Flathead Indian Agency the authority to approve timber sale contracts involving estimated stumpage volumes not to exceed 5 million feet, board measure. The revision also rescinds the authority previously redelegated to all Billings Area Superintendents to approve timber sales without advertisement pursuant to 25 CFR 141.9.

⑫ As amended, Part 2 reads as follows:

PART 2 -- AUTHORITY OF SUPERINTENDENTS AND PROJECT ENGINEER

⑬ Subject to the provisions of Part 1, Superintendents and Project Engineer may exercise the authority of the Area Director as indicated in this part.

* * * * *

SAMPLE GENERAL NOTICE DOCUMENT

Redelegation of Authority from Area Director (Cont'd)

- (14) Five asterisks spaced evenly across a line are used to indicate that a whole line or more of text has been omitted from the document because it is not affected by the amendment.

This particular document did not need an effective date statement.

- (15) The title of the official authorized to sign the document is typed five lines below the text so that the signature can be place above the title.
- (16) Date of signature will be stamped by signing office when document is signed.
- (17) Area redelegation orders require the approval of the Commissioner. Therefore, "Approved:" should be typed three lines below the signing official's title and on the lefthand side. The title "Commissioner of Indian Affairs" should be typed five lines below "Approved:". The date the document is signed as being approved should be stamped immediately following "Approved:" and on the same line.
- (18) Certification. Two copies of the Federal Register document are required for certified copies. "Certified to be a true copy of the original" should be typed three lines below the Commissioner's title on the lefthand side. The title "Certifying Officer" should be typed five lines below "Certified to be a true copy of the original." Do not type certification on the original.

SAMPLE GENERAL NOTICE DOCUMENT (Cont'd.)

FUNCTIONS RELATING TO FOREST MANAGEMENT

Sec. 2.80 Forest Management. All those matters set forth in 25 CFR 141.

General Forest Regulations, except:

- (14) * * * * *
- (c) Issue advertisements and approve timber sale contracts on approved forms involving estimated stumpage volumes in excess of 1 million feet, board measure, or involving harvest periods in excess of 5 years; except Flathead Reservation where the stumpage volume limit is set at 5 million feet, board measure, pursuant to 25 CFR 141.8, 141.13, and 141.17.
- * * * * *

(15) Area Director

(16) (Stamped date of signature)

(17) Approved: (Stamped date of approval)

Commissioner of Indian Affairs

Certified to be a true copy
of the original

(18)

Certifying Officer

PREAMBLE FORMAT FOR
PROPOSED AND FINAL RULES

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 32a

ADULT EDUCATION

Additional Heading (Optional)

AGENCY: Bureau of Indian Affairs

ACTION: (Proposed or Final Rule, as appropriate)

SUMMARY: (Action being taken, circumstances which created the need, intended effect.)

DATE: (Date for receipt of comments, effective date, hearing date, etc. To determine length of comment period, see 3.2B(3) in the text. To determine effective date, see 8.2C(2).)

ADDRESS: (For proposed rule, give address to which comments may be sent)

FOR FURTHER INFORMATION CONTACT: (Author or other knowledgeable person - Name, office, phone).

SUPPLEMENTARY INFORMATION: (Authority citations [see section 8.2B(5)], background, discussion of major issues involved, significance and regulatory analysis statements [see section 7.2], primary author [address and phone], words of issuance [see section 4.2B], other appropriate information. For final rules add the following: summary of differences between proposed and final rule, summary of significant public comments.)

* * * * *

TEXT OF RULE

* * * * *

SAMPLE PROPOSED RULEMAKING DOCUMENT

The instructions and comments below are numbered to correspond to the numbered items in the sample document opposite.

1. Lines 1-7 are called the heading. Type these lines flush with the left margin. Line 1 is always "DEPARTMENT OF THE INTERIOR" in capital letters.
2. Line 2 is always "Bureau of Indian Affairs," initial caps only.
3. On this line, type the title and part numbers of the CFR material affected.
4. On this line, in all capital letters, give the title of the part.
5. If there is a subheading, enter it on this line, using initial caps only.
6. Type "AGENCY:" in all caps. In initial caps, enter the Bureau's title.
7. The "ACTION:" will indicate a proposed rule. To separate the heading from the rest of the preamble, skip at least four lines before typing "Summary" in all caps.
8. After the word "SUMMARY:" provide a short, non-technical statement of:
 - a. The action being taken.
 - b. The circumstances which created the need for the action.
 - c. The intended effect of the action.
9. Enter any relevant dates on the "DATE:" line. Dates which might be entered here include:
 - a. Date by which comments must be received.
 - b. Dates of hearings.
10. The "ADDRESS:" line is used for an address to which comments may be sent or other pertinent addresses. There should always be an address for comments on proposed rules.
11. "FOR FURTHER INFORMATION CONTACT:" insert the name, address and phone number of a person who may be contacted for further information about the document.

SAMPLE PROPOSED RULEMAKING DOCUMENT

[4310-02]

- ① DEPARTMENT OF THE INTERIOR
 - ② Bureau of Indian Affairs
 - ③ (25 CFR Part 43)
 - ④ PREPARATION OF A ROLL OF PYRAMID LAKE PAIUTE INDIANS
 - ⑤ Preparation, certification and approval of roll
 - ⑥ AGENCY: Bureau of Indian Affairs
 - ⑦ ACTION: Proposed rule
-
- ⑧ SUMMARY: An awarded judgment to the Pyramid Lake Paiute Indian Tribe requires the Secretary of Interior to prepare a roll of members of the tribe eligible to share in funds awarded by the judgment. The Bureau of Indian Affairs proposes to add a new part to its regulations to establish procedures to govern preparation of this roll. The eligibility roll will determine the distribution of the judgment fund to tribal members.
 - ⑨ DATE: Comments must be received on or before (30 days after date of publication of this proposed rule in the Federal Register).
 - ⑩ ADDRESS: Written comments should be directed to the Chief, Division of Tribal Government Services, Bureau of Indian Affairs, 18th & C Streets N.W., Washington, D.C. 20240.
 - ⑪ FOR FURTHER INFORMATION CONTACT: Tribal Operations Officer, Bureau of Indian Affairs, Phoenix Area Office, 3030 N. Central, P.O. Box 7007, Phoenix, AZ 85012. Telephone: 602-283-4112.
 - ⑫ SUPPLEMENTARY INFORMATION: This proposed rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant

SAMPLE PROPOSED RULEMAKING DOCUMENT (Cont'd)

12. The "SUPPLEMENTARY INFORMATION:" section of each proposed rulemaking document must contain the following:

- a. A statement of the basis and purpose of the rule.
- b. A discussion of the background and major issues involved.
- c. A complete citation of the publication authority for issuing the document and the specific authority (see section 8.2B(5) of the text).
- d. A statement of significance (whether a rule is significant and whether a regulatory analysis is required.) (For information on determining significance, see section 7 of the text.)
- e. The identity and location of the primary author(s).
- f. The appropriate words of issuance (see section 4 of the text).

SAMPLE RULEMAKING DOCUMENT (Cont'd.)

12

Secretary - Indian Affairs by 209 DM 8. The Pyramid Lake Paiute Indian Tribe was awarded a judgment by the Indian Claims Commission in Docket 87-B. Funds to satisfy the award were appropriated by Congress and the plan for the use and distribution of the funds became effective on June 12, 1979. The plan requires that the Secretary of the Interior shall construct a tribal base roll as of January 1, 1935, and prepare in cooperation with the tribal governing body a roll of members of the Pyramid Lake Paiute Tribe as of June 12, 1979, the effective date of the plan. Enrollment criteria specified in the tribal constitution shall be used to determine eligibility for enrollment on the 1979 roll.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed rule.

The primary authors of this document are: Sharlot Johnson, Tribal Enrollment Specialist, Phoenix Area Office, Bureau of Indian Affairs telephone: (602) 241-4112; Allen Anspach, Tribal Operations Officer (Intern), Phoenix Area Office, Bureau of Indian Affairs telephone: (602) 241-4112; Janet L. Parks, Chief, Branch of Tribal Enrollment Services, Bureau of Indian Affairs telephone: 235-8275; and Kathleen L. Slover, Tribal Enrollment Specialist, Branch of Tribal Enrollment Services, Bureau of Indian Affairs telephone: 235-8275.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

SAMPLE PROPOSED RULEMAKING (Cont'd)

13. Words of issuance introduce the proposed rule.
14. Type the title of the signing official.
15. Stamp the date of signing after the document is signed.

SAMPLE PROPOSED RULEMAKING DOCUMENT (Cont'd.)

13

It is proposed to amend Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations by the addition of a new part to read as follows:

Part 43a--PREPARATION OF A ROLL OF PYRAMID LAKE PAIUTE INDIANS

Sec.
43a.1 Definitions.
43a.2 Purpose.
43a.3 Qualification for enrollment and the deadline for filing.
43a.4 Application form.
43a.5 Filing of applications.

* * * * *
TEXT OF RULE
* * * * *

14

Assistant Secretary - Indian Affairs

15

(Stamped dated of signing)

SAMPLE FINAL RULEMAKING DOCUMENT

The instructions and comments below are numbered to correspond to the numbered items in the sample document opposite.

1. Lines 1-7 are called the heading. These lines may or may not be centered. Typing them flush with the left margin may save time. Line 1 is always "DEPARTMENT OF THE INTERIOR" in capital letters.
 2. Line 2 is always "Bureau of Indian Affairs," initial caps only.
 3. On this line, type the title and part numbers of the CFR material affected.
 4. On this line, in all capital letters, give the title of the part.
 5. If there is a subheading, enter it on this line, using initial caps only.
 6. "AGENCY:" in all caps. In initial caps, enter the Bureau and Department's title.
 7. The "ACTION:" is "final rule."
 8. To separate the heading from the rest of the preamble, skip at least four lines before typing "SUMMARY." After the word "SUMMARY:" provide a short, non-technical statement of:
 - a. The action being taken.
 - b. The circumstances which created the need for the action.
 - c. The intended effect of the action.
 9. Enter any relevant dates on the "DATE:" line. For most final rules, the only date will be the effective date (for final rules, the designation "EFFECTIVE DATE" may be used). Try to give a specific date. If the date you desire is, for example, 30 days after the date of publication in the Federal Register, enter that phrase in parentheses (as was done in the sample). In this case, the Federal Register will fill in the date at the time of printing.
- The "ADDRESS:" line is used for any pertinent addresses. It may be eliminated if there is no address in connection with a final rule.
10. "FOR FURTHER INFORMATION CONTACT:" should be followed by the name, address and phone number of a person who may be contacted for further information about the document.

SAMPLE FINAL RULEMAKING DOCUMENT

[4310-02]

- ① DEPARTMENT OF THE INTERIOR
 - ② Bureau of Indian Affairs
 - ③ 25 CFR Part 43
 - ④ PREPARATION OF A ROLL OF PYRAMID LAKE PAIUTE INDIANS
 - ⑤ Preparation, certification and approval of roll
 - ⑥ AGENCY: Bureau of Indian Affairs
 - ⑦ ACTION: Final rule
-
- ⑧ SUMMARY: On January 4, 1980, the Bureau of Indian Affairs published in 45 FR 5754 proposed rules governing the preparation of a roll of members of the Pyramid Lake Paiute Tribe eligible to receive judgment funds awarded by the Indian Claims Commission. No comments on the rule were received from the public, and the rule is now being published in final form.
 - ⑨ EFFECTIVE DATE: (30 days after date of publication of this document in the Federal Register).
 - ⑩ FOR FURTHER INFORMATION CONTACT: Tribal Operations Officer, Bureau of Indian Affairs, Phoenix Area Office, 3030 N. Central, P.O. Box 7007, Phoenix, AZ 85012. Telephone: 602-283-4112.
 - ⑪ SUPPLEMENTARY INFORMATION: The authority to issue rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary - Indian Affairs by 209 DM 8.
The Pyramid Lake Paiute Indian Tribe was awarded a judgment by the Indian Claims Commission in Docket 87-B. Funds to satisfy the award were appropriated

SAMPLE FINAL RULEMAKING DOCUMENT (Cont'd)

11. The "SUPPLEMENTARY INFORMATION:" section of each proposed rulemaking document must contain the following:

- a. A statement of the basis and purpose of the rule.
- b. A discussion of the background and major issues involved.
- c. A complete citation of the authority for issuing the document. The citation would include the statutory general rulemaking authority as well as the specific rulemaking authority delegated by statute and any other executive delegations which link the statutory authority to the material being published.
- d. A statement of significance (whether a rule is significant and whether a regulatory analysis is required.) (For information on determining significance, see section 7 of the text.)
- e. The identity and location of the primary author(s).
- f. The appropriate words of issuance (see section 4 of the text).
- g. A summary of any significant differences between the proposed and final proposed rule.
- h. Reasons for an early effective date, if the rule is to take effect in less than 30 days.
- i. Reasons the public is not being given a chance to comment, if the document has not been published first as a proposed rule (See section 4.3B).
- j. A response to substantive comments received by the public.

12. Type the title of the signing official.

13. Stamp the date of signature after the document has been signed.

SAMPLE FINAL RULEMAKING DOCUMENT (Cont'd.)

(11) by Congress and the plan for the use and distribution of the funds became effective on June 12, 1979. The plan requires that the Secretary of the Interior shall construct a tribal base roll as of January 1, 1935, and prepare in cooperation with the tribal governing body a roll of members of the Pyramid Lake Paiute Tribe as of June 12, 1979, the effective date of the plan. Enrollment criteria specified in the tribal constitution shall be used to determine eligibility for enrollment on the 1979 roll.

The primary authors of this document are: Sharlot Johnson, Tribal Enrollment Specialist, Phoenix Area Office, Bureau of Indian Affairs telephone: (602) 241-4112; Allen Anspach, Tribal Operations Officer (Intern), Phoenix Area Office, Bureau of Indian Affairs, telephone: (602) 241-4112; Janet L. Parks, Chief, Branch of Tribal Enrollment Services, Bureau of Indian Affairs, telephone: 235-8275; and Kathleen L. Slover, Tribal Enrollment Specialist, Branch of Tribal Enrollment Services, Bureau of Indian Affairs, telephone: 235-8275.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of a new part to read as follows:

* * * * *
TEXT OF RULE
* * * * *

(12) Assistant Secretary - Indian Affairs

(13) (Stamped date of signature)

SAMPLE FEDERAL REGISTER
DOCUMENT SHOWING SHORT-FORM
ADOPTION TECHNIQUE

The next pages are a sample of a final rule which uses the short-form adoption technique outlined in section 4.3A of the text. The supplementary information section of this document mentions the minor corrections which were made. The signature is at the end of the supplementary information section. Following this are pages containing clippings of the proposed rule from the Federal Register, with deletions and corrections noted. Using this technique saves time for both the originating office and the Federal Register.

SAMPLE OF SHORT FORM ADOPTION TECHNIQUE (Cont'd.)

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 43a

PREPARATION OF A ROLL OF PYRAMID LAKE PAIUTE INDIANS

Preparation, certification and approval of roll

AGENCY: Bureau of Indian Affairs, Department of the Interior

ACTION: Final rule

SUMMARY: The Bureau of Indian Affairs is adding a new part to its regulations to establish procedures to govern preparation of a roll of persons eligible to share in the distribution of funds derived from an award to the Pyramid Lake Paiute Tribe.

EFFECTIVE DATE: The new regulations will become effective upon publication in the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Hunter, Superintendent, Western Nevada Agency, Bureau of Indian Affairs, Stewart, Nevada 89437, Telephone: 702-882-3411.

SUPPLEMENTARY INFORMATION: Proposed regulations for the preparation of a roll of members of the Pyramid Lake Paiute Indian Tribe were published for comment in the FEDERAL REGISTER on January 14, 1980 (45 FR 5754). On January 24, 1980, a correction to the proposed regulations was published in the FEDERAL REGISTER (45 FR 5754). The membership roll to be prepared will be used to distribute funds derived from an award to the Pyramid Lake Paiute Tribe by the Indian Claims Commission in Docket 87-B. Funds to satisfy the award were appropriated by Congress and the plan for the use and distribution of the funds became effective on June 12, 1979.

SAMPLE OF SHORT FORM ADOPTION TECHNIQUE (Cont'd.)

No comments or suggestions were received. The only changes in the regulations are the insertion in §43a.3(c) of the deadline for filing applications, July 15, 1980, and the correction of two typographical errors: changing §41a.1 to correctly read §43a.1 and deleting an "s" from "Applications" in the beginning of §43a.4(a).

The authority for issuing this amendment is contained in 5 U.S.C. 301 and sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9), and 209 DM 8.

The regulations impose a deadline for applying for enrollment to share in the judgment funds. The 30-day deferred effective date would curtail the filing period, which would not be in the public interest. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (a)(3) of 5 U.S.C. 553 (1970).

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The primary authors of this document are Sharlot Johnson, Tribal Enrollment Specialist and Allen Anspach, Tribal Operations Officer (Intern), Phoenix Area Office, Bureau of Indian Affairs; and Janet L. Parks, Chief, Branch of Tribal Enrollment Services, and Kathleen L. Slover, Tribal Enrollment Specialist, Branch of Tribal Enrollment Services, Bureau of Indian Affairs.

Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of a new part to read as set forth below.

Assistant Secretary - Indian Affairs

(Stamped date of signature)

SAMPLE OF SHORT FORM ADOPTION TECHNIQUE (Cont'd.)

DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
25 CFR Part 43a
Preparation, Certification and
Approval of Roll of Pyramid Lake
Paiute Indians
December 29, 1979.
AGENCY: Bureau of Indian Affairs,
Department of the Interior.
ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs proposes to add a new part to its regulations to establish procedures to govern preparation of a roll of persons eligible to share in the distribution of funds derived from an award to the Pyramid Lake Paiute Tribe.

DATE: Comments must be received on or before February 13, 1980.

ADDRESS: Written comments should be directed to the Chief, Division of Tribal Government Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT:
Tribal Operations Officer, Bureau of
Indian Affairs, Phoenix Area Office.

SAMPLE OF SHORT FORM ADOPTION TECHNIQUE (Cont'd.)

8889-N-Central P.O. Box 4887, Phoenix, Arizona, telephone: 802-283-4112.

SUPPLEMENTARY INFORMATION: The Pyramid Lake Paiute Indian Tribe was awarded a judgment by the Indian Claims Commission in Docket 87-B. Funds to satisfy the award were appropriated by Congress and the plan for the use and distribution of the funds became effective on June 12, 1979. The plan requires that the Secretary of the Interior shall construct a tribal base roll as of January 1, 1935, and prepare in cooperation with the tribal governing body a roll of members of the Pyramid Lake Paiute Tribe as of June 12, 1979, the effective date of the plan. Enrollment criteria specified in the tribal constitution shall be used to determine eligibility for enrollment on the 1979 roll.

The authority for issuing these regulations is contained in 5 U.S.C. 301 and sections 463 and 495 of the revised statutes (25 U.S.C. 2 and 9), and 209 DM 8.

The primary authors of this document are Sharlot Johnson, Tribal Enrollment Specialist, Phoenix Area Office, Bureau of Indian Affairs, Allen Anapach, Tribal Operations Officer (Intern), Phoenix Area Office, Bureau of Indian Affairs, Janet L. Parks, Chief, Branch of Tribal Enrollment Services, Bureau of Indian Affairs, and Kathleen L. Stover, Tribal Enrollment Specialist, Branch of Tribal Enrollment Services, Bureau of Indian Affairs.

The Department of the Interior has determined that this proposed rule does not significantly affect the quality of the human environment and, therefore, does not require the preparation of an Environmental Impact Statement under Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(c).

The Department of the Interior has determined that this document is not a significant rule and does not require regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of a new part as read as follows:

PART 43c—PREPARATION OF A ROLL OF PYRAMID LAKE PAIUTE INDIANS

- Etc.
- 43c.1 Definitions.
 - 43c.2 Purpose.
 - 43c.3 Qualification for enrollment and the deadline for filing.
 - 43c.4 Application form.
 - 43c.5 Filing of applications.
 - 43c.6 Burden of proof.
 - 43c.7 Action by the Tribe.
 - 43c.8 Action by the Superintendent.
 - 43c.9 Appeals.

SAMPLE OF SHORT FORM ADOPTION TECHNIQUE (Cont'd.)

§ 43a.1 →

Sec.
43a.10 Decision of the Secretary on appeals.
43a.11 Preparation of roll.
43a.12 Certification and approval of the roll.
43a.13 Special instructions.
Authority: 5 U.S.C. 301, 453 and 465 of revised statutes (25 U.S.C. 2 and 9), and 209 D.M.S.

~~§ 43a.1~~ Definitions.
As used in these regulations:
(a) "Plan" means the plan for the use and distribution of Pyramid Lake Paiute judgment funds awarded in Docket 87-B before the Indian Claims Commission, prepared pursuant to the Act of October 19, 1973, and effective June 12, 1979.
(b) "Secretary" means the Secretary of the Interior or his authorized representative.
(c) "Assistant Secretary" means the Assistant Secretary of the Interior for Indian Affairs or his authorized representative.
(d) "Director" means the Area Director, Phoenix Area Office, Bureau of Indian Affairs or his authorized representative acting under delegated authority.
(e) "Superintendent" means the Superintendent, Western Nevada Agency, Bureau of Indian Affairs or his authorized representative acting under delegated authority.
(f) "Staff Officer" means the Enrollment Officer or other person authorized to prepare the roll.
(g) "Tribe" means the Pyramid Lake Paiute Tribe of Nevada.
(h) "Tribal Council" means the governing body of the Pyramid Lake Paiute Tribe.
(i) "Tribal Enrollment Committee" means the tribal committee responsible for assisting the Tribal Council in enrollment.
(j) "Living" means born on or prior to and living on June 12, 1979.
(k) "Resident" means one who makes the Pyramid Lake Indian Reservation his fixed and permanent home and to which, if he is absent, he intends to return.
(l) "Constitution" means the written organizational framework for the governing of the tribe and/or any valid document, enrollment ordinance, or resolution the tribe may adopt pursuant to its constitution.
(m) "Sponsor" means a parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Superintendent, or other person who files an application for enrollment on behalf of another person.

§ 43a.2 Purpose.
The regulations in this part are to govern the compilation of a roll of members of the Pyramid Lake Paiute Tribe eligible to share in the distribution

SAMPLE OF SHORT FORM ADOPTION TECHNIQUE (Cont'd.)

	<p>of judgment funds awarded the Pyramid Lake Paiute Indians by the Indian Claims Commission in Docket No. 67-B.</p> <p>§ 49a.3 Qualifications for enrollment and deadline for filing.</p> <p>The roll shall contain the names of persons living on June 12, 1978, who meet the following requirements for enrollment:</p> <p>(a) The criteria specified in Article II, Section 1 of the Pyramid Lake constitution which provides that the membership of the tribe shall consist of:</p> <p>(1) All persons of Indian blood whose names appear on the official roll of the Pyramid Lake Reservation as of January 1, 1935.</p> <p>(2) All children born to any member of the Pyramid Lake Paiute Tribe who is a resident of the reservation at the time of the birth of said children; or</p> <p>(b) They are adopted into membership by the tribe pursuant to any ordinance adopted by the tribe in accordance with Article II, Section 2 of the constitution, and approved by the Secretary.</p> <p>(c) They file an application with the Superintendent, Western Nevada Agency, Stewart, Nevada 89437. Applications must be received by the Superintendent no later than close of business on the date to be assessed by the September 15, 1980. Applications received after that date will be rejected for inclusion on the roll being prepared for failure to file on time regardless of whether applicant otherwise meets the requirements for enrollment. However, persons rejected for late-filed applications may be considered for enrollment as members of the tribe for future purposes. If the filing deadline falls on a Saturday, Sunday, legal holiday or other nonbusiness day, the deadline will be the next working day thereafter.</p>
July 15, 1980.	
(delete "a")	<p>§ 49a.3 Application forms.</p> <p>(a) Application forms to be filed by applicants for enrollment will be furnished by the Superintendent, or other designated persons, upon written or oral request. Each person furnishing application forms shall keep a record of the names of individuals to whom applications are given, as well as the control numbers of the forms and the date furnished. Instructions for completing and filing applications shall be furnished with each form. The form shall indicate prominently the deadline for filing applications.</p> <p>(b) Among other information, each application shall contain:</p> <p>(1) Certification as to whether application is for a natural child or an adopted child of the parent through whom eligibility is claimed.</p>

SAMPLE OF SHORT FORM ADOPTION TECHNIQUE (Cont'd.)

(2) If the application is filed by a sponsor, the name, and address of sponsor and relationship to applicant.

(3) A control number for the purpose of keeping a record of applications furnished interested individuals.

§ 43a.5 Filing of applications.

(a) Any person who desires to be enrolled and who believes he meets the requirements for enrollment specified in the plan and the regulations in this part must file or have filed for him a completed application form with the Superintendent or other designated person on or before the deadline specified in § 43a.3.

(b) Written application forms for minors, mentally incompetent persons or other persons in need of assistance, for members of the Armed Services or other service of the U.S. Government and/or members of their families stationed in Alaska, Hawaii, or elsewhere outside the continental United States, or for a person who died after June 12, 1979, may be filed by the sponsor on or before the deadline.¹

(c) Every applicant or sponsor shall furnish the applicant's mailing address on the application. Thereafter, he shall promptly notify the Superintendent of any change in address, giving appropriate identification of the application, otherwise the address as stated shall be acceptable as the proper address.

§ 43a.6 Burden of proof.

The burden of proof of eligibility for enrollment rests upon the applicant. Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings or affidavits must be used to support claims for enrollment. Records of the Bureau of Indian Affairs may also be used to establish eligibility.

§ 43a.7 Action by the Tribe.

All applications received by the Superintendent shall be submitted to the Tribal Enrollment Committee for review and recommendation. The Tribal Enrollment Committee shall review all applications and present their written recommendations at the next regularly scheduled Tribal Council meeting after receipt of the applications. The Tribal Council, by resolution, will make their decision. The decision shall state the reason(s) for approval or rejection of the applicant for tribal membership. Within five (5) working days after the Tribal Council's action, the applications shall be returned to the Superintendent with

¹ Criminal penalties are provided by statute for knowingly filing false information in such settlements. (18 U.S.C. 1001).

SAMPLE OF SHORT FORM ADOPTION TECHNIQUE (Cont'd.)

the decision and any additional evidence used in determining eligibility for tribal membership.

§ 43a.8 Action by the Superintendent.

(a) The Superintendent shall consider each application, all documentation, and the Tribal Council's decision. The Superintendent shall accept the decision of the Tribal Council unless the decision is clearly erroneous. If the Superintendent overrules the Tribal Council's decision, he shall notify the Tribal Council of his actions and the reasons therefor. The determination of the Superintendent shall only affect the applicant's eligibility to share in the distribution of the judgment funds. Upon determining an applicant's eligibility, the Superintendent shall notify the applicant or sponsor, as applicable, in writing of his decision. If the decision is favorable, the name of the applicant shall be placed on the roll. If the Superintendent decides the applicant is not eligible, he shall notify the applicant or sponsor, as applicable, in writing by certified mail, to be received by the addressee only, return receipt requested, and shall explain fully the reasons for rejection and of the right to appeal to the Secretary. If correspondence is sent out of the United States, it may be necessary to use registered mail. If an individual files applications on behalf of more than one person, one notice of eligibility or rejection may be addressed to the person who filed the applications. However, said notice must list the name of each person involved.

(b) A notice of eligibility or rejection is considered to have been made on the date (1) of delivery indicated on the return receipt, (2) of acknowledgement of receipt, (3) of personal delivery, or (4) of the return by the post office of an undelivered certified or registered letter.

(c) In all cases where an applicant is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his client; and service of any document relating to the application shall be considered to be service on the applicant he represents. Where an applicant is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

(d) To avoid hardship or gross injustice, the Superintendent may waive technical deficiencies in applications or other submissions. Failure to file by the deadline does not constitute a technical deficiency.

§ 43a.9 Appeals.

Appeals from rejected applications must be in writing and must be filed pursuant to Part 42 of this subchapter. ■

SAMPLE OF SHORT FORM ADOPTION TECHNIQUE (Cont'd.)

copy of which shall be furnished with each notice of rejection.

§ 43a.10 Decision of the Secretary on appeals.

The decision of the Secretary on an appeal shall be final and conclusive, and written notice of the decision shall be given to the applicant or sponsor. When so directed by the Secretary, the Assistant Secretary shall cause to be entered on the roll the name of any person whose appeal has been sustained.

§ 43a.11 Preparation of roll.

The staff officer shall prepare a minimum of 5 copies of the roll of those persons determined to be eligible for enrollment, including those whose appeals were sustained. In addition to other information which may be shown, the complete roll shall contain for each person an identification number, name, address, sex, date of birth, date of death (if applicable), degree of tribal blood, and the authority for enrollment.

§ 43a.12 Certification and approval of the roll.

A certificate shall be attached to the roll by the Superintendent certifying that to the best of his knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Director shall approve the roll.

§ 43a.13 Special instructions.

To facilitate the work of the Superintendent the Assistant Secretary may issue special instructions not inconsistent with the regulations in this Part.

~~Forrest J. Caswell~~
~~Assistant Secretary - Indian Affairs.~~

~~[FR Doc. 69-10474, Part 1-11-69, 6:12 AM]~~

~~50 USC 2055-1011-02-11~~

SAMPLE NOTICE OF INTENT TO PROPOSE RULES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

(25 CFR Part 800)

SOUTHWEST ELECTRIC POWER COOPERATIVE

Notice of Intent to Propose Rules

AGENCY: Bureau of Indian Affairs

ACTION: Advance Notice of Proposed Rulemaking

SUMMARY: The President has directed the Bureau of Indian Affairs to issue regulations to implement the Southwest Electric Power Cooperative Act. The Act concerns the use and conservation of electric energy in the Southwest. Public comment is sought to assist the Bureau in preparing the proposed rules.

DATE: (Normally 30 days.)

ADDRESS: Send written comments to: Assistant Secretary for Indian Affairs, U.S. Department of the Interior, 18th & C Sts., N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: John E. Beaver, Bureau of Indian Affairs, Department of the Interior, Room 3550, Washington, D.C. 20240, 202-343-5555.

SUPPLEMENTARY INFORMATION: In an energy policy memorandum dated July 12, 1980, the President directed the Bureau of Indian Affairs to promulgate regulations by October 30, 1980, defining the requirements and procedures that must be met for full compliance with the Southwest Electric Power Cooperative Act.

SAMPLE NOTICE OF INTENT TO PROPOSE RULES (Cont'd.)

The regulations would be published under the significant rulemaking procedures as outlined in the Departmental manual (318 DM 4 Appendix 1) and Bureau of Indian Affairs manual part 0 BIAM Supplement 1.

(Follow with any background information that the public should be made aware of including: (1) views to be taken or requested; (2) alternatives; (3) any questions to address specific areas; and (4) direct references to significant criteria and regulatory analysis which the proposed rules may affect. See Illustration 6 for more detailed instructions on preamble format.

This notice of intent to propose rules is issued under authority of Executive Order 12044 and the Assistant Secretary's authority to publish FEDERAL REGISTER documents in 209 DM 8.

Assistant Secretary - Indian Affairs

(Stamped date of signature)

SAMPLE OF FORMAT FOR
PROPOSED SIGNIFICANT RULES

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

(25 CFR Part 000)

(ENTER TITLE OF PART)

AGENCY: Bureau of Indian Affairs

ACTION: Proposed rule

SUMMARY: Enter information concerning ACTION - CIRCUMSTANCES - INTENDED EFFECT. (The same information as entered for a regular or non-significant rule.)

DATE: Comments must be received on or before (minimum of 60 days after date of publication of proposed rule in the Federal Register).

ADDRESS: Address for comments.

FOR FURTHER INFORMATION CONTACT: Name, address, phone of knowledgeable official.

SUPPLEMENTARY INFORMATION: Enter the following information:

1. Publication authority
2. Primary author;
3. Policy for public comment;
4. Background;
5. Issues covered;
6. Statement of significance from section 7.2 of the text.

Relate the statement of significance to the criteria for significance given in section 7.5 of the text viz.:" These rules were determined to be significant because of their impact on the criteria established under the Bureau of Indian Affairs procedures for determination of significance which relate to (enter one) (a) rules which have a major and nation or regionwide impact on state or local governments; (b) rules which impose major new recordkeeping or reporting requirements on individuals, businesses, organizations or state or local governments; (c) rules which involve a potential conflict between environmental and other considerations and constitute a major Federal action for which an environmental impact statement is required by section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (2)(c)); (d) rules which will have a major impact on other programs of the Department, other Federal agencies or the allocation of Federal funds; (e) rules which are likely to have a substantial economic effect on the entire economy or on an individual region, industry or level of government."

* * * * *

TEXT OF RULE

* * * * *

Signature

(Stamped date of signing)

SAMPLE FINAL SIGNIFICANT RULE

The following pages contain a sample of a final significant rule document.

SAMPLE FINAL SIGNIFICANT RULE

1545

Federal Register / Vol. 45, No. 48 / Monday, March 10, 1980 / Rules and Regulations

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

38 CFR Part 1228

Urban Park and Recreation Recovery Act of 1978; Local Recovery Action Program

AGENCY: Heritage Conservation and Recreation Service, U.S. Department of the Interior.

ACTION: Final rule.

SUMMARY: This rule is published to report on comments received on the criteria for uniform preparation of local Recovery Action Programs required under the Urban Park and Recreation Recovery Program (Title X of the National Parks and Recreation Act of 1978, Pub. L. 95-625) printed in the July 5, 1979, Federal Register, (44 FR 39342) and also to finalize regulations for Recovery Action Program requirement.

EFFECTIVE DATE: April 9, 1980.

FOR FURTHER INFORMATION CONTACT:

Mr. Chris Soller, Division of Urban Programs, Heritage Conservation and Recreation Service, 440 G Street NW., Room 310, Box P, Washington, D.C. 20243, (202) 343-5971.

SUPPLEMENTARY INFORMATION: In his policy message of March 27, 1978, President Carter proposed a new federal grant program for urban communities to compete for funds to revive and rebuild parks and recreation facilities. On October 13, 1978, the National Parks and Recreation Act of 1978, Pub. L. 95-625, was passed by the Congress, and on November 10, 1978, the President signed the bill into law. Title X, the Urban Park and Recreation Recovery Act (UPARR) of 1978, authorized the Secretary of the Interior to establish a five-year program to provide Federal grants to economically hard-pressed communities specifically for the rehabilitation of critically needed recreation areas and facilities and the development of improved recreation programs. Section 1007(b) of the law directs the Secretary to publish in the Federal Register requirements for preparation, submission, and updating of local park and recreation recovery action programs. The Secretary of the Interior has delegated the responsibility for developing the Urban Park and Recreation Recovery Program to the Director, Heritage Conservation and Recreation Service.

Program Information

Information on eligibility for the Urban Park and Recreation Recovery Program was published in the Federal Register October 9, 1979 (44 FR 50088-94) and information on grant procedures was published August 9, 1979 (44 FR 47018-28).

Action Program Requirement

To apply for a rehabilitation or innovation grant, an eligible local government or discretionary applicant must submit evidence of its ongoing commitment to planning, rehabilitation, and operation of its urban park and recreation system. The submission is to be in the form of a Recovery Action Program. The local government shall submit evidence of its commitment to ongoing planning, rehabilitation, service, operation and maintenance programs as part of its Action Program. The Action Program will be viewed as a local government's official plan and program for the creation of an adequate park and recreation system. Rehabilitation and innovation projects must be part of and consistent with the Action Program.

Purpose of Action Programs

The purposes of the Urban Park and Recreation Recovery Program are at least two-fold: (1) To aid economically hard-pressed cities, counties and their neighborhoods in rehabilitating their existing park and recreation systems; and (2) to encourage local government planning for the long-range improvement of their park and recreation systems.

President Carter's proposal for the Urban Park and Recreation Recovery Program, included in his March 1978 Urban Policy message, emphasized the importance of *local commitments* to planning, rehabilitation and ongoing maintenance of urban park and recreation systems. The Urban Park and Recreation Recovery Act, Title X of Pub. L. 95-625, calls for the development of local park and recreation recovery Action Programs which formally express, and guide, these local commitments.

The local park and recreation Recovery Action Program will be the most important expression of a jurisdiction's commitment to revitalize its system. The Action Program will identify needs and problems through an active citizen participation process, define local priorities for meeting these needs, and establish an orderly plan for achieving goals related to comprehensive park and recreation system improvement.

The Action Program requirement is a means by which communities can

develop a continuous planning process. That ongoing process is a necessary commitment for the revitalization of park and recreation systems. As a community planning tool, the Action Program provides both policy-makers and citizens with a means for assessing community park and recreation problems, and a planned approach to solving them. The Action Program is not a way to judge how good or bad a community is but a benchmark against which a community can measure its progress in achieving its park and recreation goals and objectives. The solution to these problems, and a community's approach to its own recreation recovery goals, will vary from jurisdiction to jurisdiction.

These planning guidelines set forth uniform criteria for the preparation of local Action Programs. The expectation is that Action Programs will provide communities substantial additional benefits of greater efficiency, improved responsiveness and increased community-wide support for parks and recreation thereby qualifying communities for Urban Park and Recreation Recovery Program grants.

The Action Program Process

The requirements of the Action Program can best be accomplished through the development of a decision-making process. Such a process should demonstrate how the jurisdiction will allocate its park and recreation resources on a continuing basis. The process should address the following questions:

1. How will identified park and recreation needs be met in the future? It is important that the Action Program relate to an overall plan showing what areas, facilities and programs will be provided in relation to identified needs.
 2. How will citizens and public officials be involved in program decisions and the allocation of park and recreation resources?
 3. What mechanisms will be employed to insure coordination among park and recreation interests and other community revitalization efforts?
 4. How will the adopted goals, plans, strategies, and priorities be routinely monitored, evaluated and updated?
- To insure that the Action Program reflects active citizen participation, coordination and evaluation efforts, existing processes of citizen participation, coordination and evaluation should be utilized whenever possible.

A summary of public comments and responses on the criteria for preparation of Recovery Action Programs follows.

SAMPLE FINAL SIGNIFICANT RULE

Federal Register / Vol. 45, No. 48 / Monday, March 10, 1980 / Rules and Regulations 15457

Public Comment Summary

A total of 20 responses on the program were received within the time allotted for comments. Of these, 22 were information and application requests or duplicate letters.

Criteria for Local Recovery Action Programs and Other Comments

Four letters were received commenting on the Recovery Action Program criteria. One reviewer indicated that Massachusetts was left off the list of states covered by the Northeast Regional Office of the Heritage Conservation and Recreation Service. These regulations correct that oversight.

Another reviewer was concerned about compliance with Section 106 of the National Preservation Act of 1986. Section 106 addresses the Advisory Council of Historic Preservation's opportunity to comment on any Federal undertaking which affects a property listed or eligible for listing on the National Register of Historic Places. The criteria outline requirements for development of a Recovery Action Program. The Action Program is a local jurisdiction's plan for its park and recreation system. Compliance with Section 106 is addressed in the Grant Regulations published in the August 9, 1979 Federal Register (44 FR 47018).

Another reviewer noted that the regulations, if followed, would have no effect upon potential or listed *National Register* historical, archeological or cultural sites.

Another reviewer's comments discussed the scope of the criteria, stating they went beyond the needs of the Urban Park and Recreation Recovery Program and required too much unnecessary detail. The section of the regulations, Purpose of the Action Programs, addresses this issue. The publication of the Recovery Action Program development handbook will help clarify confusion communities may encounter regarding the necessary detail. There was also the concern that Implementation Strategies went beyond the requirements of the law. It has been made clear that not all national issues and concerns will be applicable to each eligible community and that it is unnecessary for a community to develop a strategy for a non-existent issue. These regulations address that concern.

Based upon comments received and the Heritage Conservation and Recreation Service's experience with implementation of the interim regulations, several minor modifications in § 1228.13, Action Plan, were made. The changes are a reordering of parts (b)

and (d). Also additional information is given on parts (b) thru (d). These non-substantive changes are intended to clarify the meaning and logical sequence of Action Plan components. They should help communities in understanding and implementing the Recovery Action Program requirement.

(Catalog of Federal Domestic Assistance 15.417)

Statement on Significance

The Department of the Interior has determined that this document is a significant rule but that it does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14; and, further, that it is not a major Federal action significantly affecting the quality of the human environment, which would require preparation of an Environmental Impact Statement.

Authorship Statement

The primary author of this document is Mr. Chris Soller of the Heritage Conservation and Recreation Service, 202/343-5971.

Dated: March 4, 1980.

Robert L. Herbst,
Assistant Secretary for Fish and Wildlife and Parks.

In consideration of the foregoing, new Subpart B is added to 38 CFR Chapter XII Part 1228 to read as follows:

PART 1228—URBAN PARK AND RECREATION RECOVERY ACT OF 1976

• • • • •

Subpart B—Local Recovery Action Program

- Sec.
- 1228.10 General requirements.
 - 1228.11 Action program components.
 - 1228.12 Assessment of needs, problems and issues.
 - 1228.13 Action plan.
 - 1228.14 [Reserved]
 - 1228.15 Preliminary action program.
 - 1228.16 Preliminary action program requirements.
 - 1228.17 Preliminary action program—Commitments to be included.
 - 1228.18 [Reserved]
- Authority: Sec. 1007 (a) and (b) of Title X, National Parks and Recreation Act of 1978, Pub. L. 95-625, 18 U.S.C. 2500.

Subpart B—Local Recovery Action Program

§ 1228.10 General requirements.
Any eligible jurisdiction or discretionary applicant desiring to apply for a grant must develop, submit and have approved a local Action Program. The Action Program must be submitted to the appropriate Heritage

Conservation and Recreation Service Regional Office where it will be evaluated and approved. This is a necessary requirement which must precede the awarding of any rehabilitation or innovation grant. Until October 1, 1980, this requirement may be satisfied with an approved Preliminary Action Program. The Preliminary Action Program must include a firm commitment by the local government to complete and adopt a full Action Program within one year of approval of the Preliminary Action Program. After October 1, 1980, no rehabilitation or innovation grant will be awarded without an approved Recovery Action Program on file with the appropriate Regional Office. Communities are required to submit four (4) copies of the Action Program. Regional Offices and their States are:

Northeast Regional

Federal Office Bldg., Room 9310, 600 Arch Street, Philadelphia, Pa. 19106.
Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

Southeast Regional

148 International Blvd., Atlanta, Ga. 30303.
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia Islands.

Lake Central Region

Federal Building, Ann Arbor, Michigan 48107.
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

Mid-Continent Region

Denver Federal Center, P.O. Box 25387, Denver, Colorado 80225.
Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, Wyoming.

Pacific Southwest Region

450 Golden Gate Avenue, San Francisco, Ca. 94102.
American Samoa, Arizona, California, Guam, Hawaii, Nevada.

Northwest Region

Federal Building, 915 Second Avenue, Seattle, Washington 98174.
Idaho, Oregon, Washington.

South Central Region

5000 Marble Avenue, NE, Albuquerque, New Mexico 87110.
Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Alaska Area Office

1011 E. Tudor, Suite 297, Anchorage, Alaska 99503.

§ 1228.11 Action program components.
The local government will submit an Action Program which documents the

SAMPLE FINAL SIGNIFICANT RULE

15450 Federal Register / Vol. 45, No. 48 / Monday, March 10, 1980 / Rules and Regulations

recreation needs of the community together with action plans to meet those identified needs. This Action Program will indicate how the park and recreation system will be revitalized and maintained. While the emphasis of the Action Program will be placed on the rehabilitation of deteriorating facilities, it also will describe how the rehabilitation effort is linked to the overall goals, priorities and strategies of the park and recreation system. The local government must develop the Action Program consistent with and linked to the objectives, needs, plans, and institutional arrangements of the community. The Action Program must present evidence of its consistency with the community's long-range goals and plans as expressed in its comprehensive plans and other documents. The Action Program consists of two sections which are the Assessment and the Action Plan.

§ 1228.12 Assessment of needs, problems and issues.

The Action Program should begin with an Assessment describing the existing park and recreation system and the pertinent park and recreation issues and problems confronting the system. The Assessment should summarize the entire system including: Operation and maintenance; employment and training; programs and services; rehabilitation of existing facilities; and the need for new facilities. The Assessment should also describe how the park and recreation system relates to other public and private services. The Assessment consists of six parts which are as follows:

(a) *Context.* The context should provide:

(1) A short description of the local jurisdiction including: population; economy; geographical location; type of government; how the park department fits into the government structure; how the planning for parks and recreation is achieved; and the relationship to the community's comprehensive planning effort.

(2) A brief descriptive overview of the park and recreation system which includes a discussion of: The populations being served both within and outside of the jurisdiction; the types of services being provided; the degree to which the system is available and accessible to the populations intended to be served; and projected changes in system use.

(3) A discussion of the elements of planning, financing, programming, operation and maintenance, acquisition and development, and other factors common to park and recreation systems

and other community services and prospects for future coordination.

(4) A discussion of the approaches and mechanisms used for citizen participation.

(b) *Physical Issues.* Summary information should be provided on existing facilities including:

(1) Types of facilities and the distribution of acreage and uses at different locations;

(2) Integration of park and recreation planning and facility use with other service agencies such as schools, transportation and housing;

(3) Special facilities for the handicapped or elderly as well as facilities which work to mainstream special populations;

(4) Heavily used non-public or quasi-public facilities;

(5) Facilities of historical and architectural significance which provide recreation and are managed by the park system;

(6) Dependence upon nearby recreation resources outside the local jurisdictions, including public and private resources;

(7) Deficiencies of existing facilities and the needs of the community for new facility development, expansion and/or closure of facilities and the effects of such activities.

(c) *Rehabilitation Issues.* Summary information should be provided on the need for rehabilitation of facilities. This should include:

(1) Geographic areas needing rehabilitation;

(2) Types of sites and properties for rehabilitation;

(3) Importance of rehabilitation in specific geographic areas; and

(4) Value of rehabilitation over replacement through new facility development.

(d) *Service Issues.* Summary information on existing services should outline activities and needs in the following areas:

(1) The type, extent and intended beneficiaries of recreation services;

(2) Special programs for the handicapped, elderly, minorities and mainstreaming programs for special populations;

(3) Relationship between and coordination with public and significant non-public programs and private sector groups;

(4) Extent to which park and recreation services relate to other community services including joint programs with schools, social service organizations, historic preservation groups, libraries, or community education facilities;

(5) Coordination with Federal, State (SCORP), regional, county and other jurisdictional plans and activities having direct and indirect impacts on parks and recreation.

(e) *Management Issues.* Management issues deal with operation of the park and recreation system. Information should summarize the needs and issues of:

(1) Process for developing procedures and policies;

(2) Staffing levels including full-time, seasonal and service personnel, and use of volunteers;

(3) Use of contractual services for recreation programming;

(4) Equipment maintenance and replacement policies; and

(5) Budgeting process, funding cycles and budgets for the past three years and methods of budgeting (such as zero based or performance budgeting).

(f) *Conclusions, Implications and Issues.* This section should state major conclusions of the discussions in previous sections, summarize the major problems and highlight the implications for actions needed to address the problems which have been outlined in the issues sections.

§ 1228.13 Action plan.

The purpose of the Assessment is to provide background and justification for an Action Plan. The Action Plan, which is the essential core of the Action Program, must be a clear statement of the community's specific objectives, priorities and implementation strategies in relation to the intent of the Urban Park and Recreation Recovery Program and the local government's overall recreation system goals. The Action Plan should be carefully tailored to the comprehensive community goals and directly responsive to the needs and problems identified in Section 1228.12. Citizen involvement in the development of the Action Plan is required and may include surveys, hearings, meetings, and/or consultation as appropriate. This involvement is essential in the development of goals, objectives and the setting of project priorities.

(a) *Goals for the System.* This section should set forth the overall goals and specific objectives for the system. Goals will clearly relate to the needs and issues identified in the Assessment and must be projected for at least the five-year life of the Action Program. The goals should be consistent with and, where appropriate, included in the general planning goals of the local government. Where local governments have developed, adopted and are utilizing an overall park and recreation plan, the goals of that plan may be

SAMPLE FINAL SIGNIFICANT RULE

Federal Register / Vol. 45, No. 48 / Monday, March 10, 1980 / Rules and Regulations 15459

appropriate for this requirement. Goals should be the basis for priorities, schedules and implementation strategies stated in the plan.

(b) *Strategies to Address National and Local Concerns.* This section should include a description of local strategies for recreation system recovery. A "strategy" defines the total approach to remedying system deficiencies and provides a rationale for priorities reflected in implementation schedules. Strategies should be devised which address the following national concerns:

(1) Ways in which park and recreation plans contribute to, and will be interrelated with, the local government's community development and urban revitalization efforts;

(2) The degree to which park and recreation plans serve citizens who reside in economically-distressed areas of the community and will improve access to park and recreation facilities and programs for minority groups, low- and moderate-income populations, and the handicapped;

(3) The extent to which the Action Program and its plan component will relate employment opportunities for minorities, youth and low- and moderate-income residents;

(4) How the plan seeks to obtain the widest range of beneficial uses of the natural environment and enhances and protects the natural environment;

(5) How park and recreation resources will be targeted in neighborhoods where other neighborhood revitalization efforts are occurring;

(6) How the plan seeks to restore outstanding or unique structures, landscapes, or similar features in parks of historical or architectural significance;

(7) Local commitments to innovative and cost-effective programs and projects on the neighborhood level which augment recovery of park and recreation systems;

(8) How the plan will be integrated with other Federally assisted projects to maximize recreation opportunities;

(9) Inducements to encourage the private sector to provide neighborhood park and recreation facilities and programs;

(10) How the plan will convert for recreation use, derelict and other public lands not designated for recreation; and

(11) How the plan will seek to preserve, restore and develop waterfront areas for recreation and open space.

If any of the above concerns are not of significance within a locality preparing the Recovery Action Program due to lack of the physical attributes described

in the above eleven (11) items, the Action Plan should indicate why such strategies are not appropriate. Most communities will also have their own special concerns and should develop strategies to address them. These should accompany the strategies discussed above and provide a focus for specific recommendations.

(c) *Recommendations.* Recommendations for improvement of the park and recreation system should be discussed. Each recommendation or group of recommendations should be accompanied by a discussion of the techniques the local government will use to implement the recommendations. Reference should be made to how the recommendations relate to deficiencies, needs, and opportunities identified in previous sections of the Action Program. A brief physical development plan for the entire park and recreation system should be included. This can be accomplished with a map which indicates where existing facilities and activities occur as well as where future developments are to occur. Particular reference shall be made to populations served and indicated deficiencies.

(d) *Program Priorities and Implementation Schedule.* A statement of system priorities and a schedule for implementation shall be included. These priorities, together with justifying objectives and strategies for implementation shall be presented. Priorities presented will be an important factor in the evaluation and approval of requests for UPARR funding. Active and continued citizen participation is necessary throughout the process. Specific projects to be undertaken and the programs to be improved, expanded, introduced, or eliminated through rehabilitation, physical, service, management, and coordination actions should be discussed. A clear assignment of agency responsibility and an estimate of the costs of implementation should accompany these priorities.

(e) *Evaluation and Updating of Action Program.* This section should outline a specific program for annual monitoring, evaluating, and updating of the complete Action Program, including both improvements needed in the Assessment and the Action Plan. Citizen involvement is essential in the evaluation and monitoring of the Action Program. Copies of approved Action Programs must be readily available to the public to insure adequate opportunities for citizen review and comment.

§ 1228.14 [Reserved]

§ 1228.15 Preliminary Action Program.

During an initial interim period, the Action Program requirements, as described in §§ 1228.11, 1228.12, and 1228.13 may be satisfied by local governments submission of a Preliminary Action Program. The initial interim period shall end on October 1, 1980. Communities are required to submit four (4) copies of the Preliminary Action Program.

§ 1228.16 Preliminary Action Program Requirements.

The following information must be submitted:

(a) *Evidence of physical deficiencies.* A general description of the problems confronted by the local government in bringing its facilities up to an adequate level of quality, the basis for the determination that certain facilities are deficient, and the general level of deficient facilities found within the jurisdictions. Maps and other graphics should be used to indicate where the deficiencies are located, particularly in reference to the populations to be served.

(b) *Level of resource support.* A summary of the public funds, including State and Federal, being spent by the jurisdiction on parks and recreation. A generalized description of the level of non-governmental support (neighborhood, voluntary and business) shall also be given.

(c) *Adoption of goals.* The existing park and recreation goals adopted by the governing body of the jurisdiction are to be included. Emphasis should be placed on what the local government is seeking to achieve in its parks and recreation systems, including the population it is attempting to serve, the facilities and services offered, and the providers (public agency or private sector).

(d) *Statement of priorities and implementation strategies.* Description of the priorities set by the local government as related to the deficiencies outlined above, and the strategies used to allocate available resources over time. Included should be a brief discussion of the relationship of the Preliminary Action Program to other related community development, historic preservation and urban revitalization efforts underway in the jurisdiction.

(e) *Evidence of public participation.* A description of the means by which citizens and public officials will be included early in the decision process for project selection, the setting of priorities and schedules, and the

SAMPLE FINAL SIGNIFICANT RULE

15460 Federal Register / Vol. 45, No. 48 / Monday, March 10, 1980 / Rules and Regulations

development of implementation strategies. Existing public participation efforts within the jurisdiction should be used.

**§ 1228.17 Preliminary Action Program—
Commitments To Be Included.**

Local governments may submit a Preliminary Action Program during the initial interim period in lieu of a full Action Program. The Preliminary Action Program must include a firm commitment by the local government to complete and adopt a full Action Program within one year of approval of the Preliminary Action Program. This commitment must include a schedule for the development of the full Recovery Action Program. The schedule should outline the activities which will be undertaken, the anticipated time frame for the development and completion of these activities, and the resources of people, money and support services necessary for the development and completion of the Recovery Action Program. Notwithstanding the foregoing provisions concerning the use of the Preliminary Action Program, local governments are encouraged to prepare, adopt and submit as soon as possible a full Action Program which complies with the provisions of §§ 1228.11, 1228.12, and 1228.13. Local governments which have already made a commitment to park and recreation systems by establishing ongoing planning, rehabilitation, service, operation and maintenance programs may use these as a starting point for meeting Action Program requirements.

§ 1228.18 [Reserved]

(FR Doc. 80-7294 Filed 3-7-80; 8:45 AM)
BILLING CODE 4310-02-48

FOLDER ASSEMBLY -- LEFT SIDE

1. Determination of Significance Statement (for proposed and final rules)
2. Press release, if any
3. Explanatory memorandum, if any
4. Background material

FOLDER ASSEMBLY -- RIGHT SIDE

1. Plastic cover
2. Original with signature tab appropriately placed
3. Plain white envelope
4. Two certified copies
5. Informational copies going outside Department, if any
6. Plain brown envelope (the brown envelope is an indicator to the surname copy)
7. Secretary's surname copy*
8. Two copies for Secretary's Reading File*
9. Bureau surname copy
10. Division chronological copy
11. Mailroom chronological copy
12. Copy for code 850 (Division of Management Research and Evaluation)
13. Other copies determined necessary by originating office or required by statute.
14. Envelope addressed to the Office of the Federal Register

*These copies are prepared in addition to the regular copies only when the document is to be signed by a Secretarial Officer.

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
Determination of Significance for Regulation

(Prepare 4 copies; Distribute Original to Lead Official, copy to 850, Solicitor's Office and Office of Policy Analysis)

To: Assistant Secretary -- Indian Affairs

From:

Subject: Determination of Significance

- New Rule
 Revised Rule

Rule:

(Cite CFR Part Number and Subject)

1. Purpose and authority for regulation - include purpose of revision

2. Need for regulation - (what alternatives were considered, i.e. directives, etc. if any?) If negative, give a brief response to the 5 criteria, A - E, listed on the reverse (If this regulation meets any of the criteria, contact MR&E immediately.)

3. In accordance with 43 CFR Part 14, I have determined that these regulations are:

- Not significant, no regulatory analysis needed.
 Significant, regulatory analysis is required.
 Significant, but does not require regulatory analysis.

4.

	Date	Signature
Recommended by Lead Official		
Concurred in by Program Director		
Approved by Asst. Secr. -- Indian Affairs		

5. Does the approving Secretarial Officer require the procedures for significant regulations to be followed even though the regulations are determined not significant? No Yes

A. Impacts on state and local governments.

State whether the regulation or revision will have impacts on state or local government, and whether these impacts are nation-wide, region-wide, or local. If the regulation will affect interstate relations; relations between state and local governments; internal organization, personnel practices, or planning and fiscal activities of state or local government; or eligibility criteria for Federal financial assistance, briefly describe these effects. State whether, on the basis of readily available information, the impacts on state or local government are judged to be major or minor. If they are major, and the impacts are nation-wide or region-wide, the regulation or revision is significant.

B. Recordkeeping and reporting requirements.

Describe whether the regulation or revision will impose new recordkeeping or reporting requirements on individuals, businesses, organizations, or state and local governments. If the regulation will impose new requirements, describe briefly (1) your preliminary estimate of the number of persons, businesses, organizations or state or local governments covered; (2) your preliminary estimate of the number and difficulty of items to be reported on or recorded; (3) the estimated frequency of reporting or recording; and (4) your preliminary estimate of costs involved in the reporting or recording. State whether the new record-keeping and reporting requirements are judged to be major or minor. If they are major, the regulation or revision is significant.

C. Environmental impacts.

State whether the promulgation of the regulation or revision is a major Federal action for which an environmental impact statement is required. If so, state whether the regulation or revision involves a potential conflict between environmental and other considerations. If an EIS is required and a potential conflict exists, the regulation or revision is significant.

D. Impacts on Federal programs.

State whether the regulation or revision will impact on other programs of the Department or the programs of other Federal agencies. Describe briefly the nature of these impacts and state, based on readily available data, whether they are judged to be major or minor. If the regulation or revision will affect the allocation of Federal funds, provide a preliminary estimate of these effects. If the impact on other programs or the allocation of Federal funds is major, the regulation or revision is significant.

E. Economic Impacts.

Part 1. Substantial Impacts Determination.

State whether the regulation or revision could have an economic impact on the entire economy, a particular region, an industry or group of industries, or a level of government. If economic impacts are anticipated, explain briefly how these impacts will result from the regulation, and describe how particular groups will be affected. State whether economic impacts are likely to be substantial, or not substantial. If the economic impacts are determined to be substantial, the regulation or revision is significant. Any necessary economic data should come from readily available sources. New data collection efforts are not expected for making determinations of significance. If data are scarce it should be so stated and an explanation of the judgement of significance given. If desired, the regulation can be determined to be significant and additional assessment of economic impacts can later serve to support the decision as to whether or not a regulatory analysis is required.

Optional Part 2. Regulatory Analysis Determination.

If sufficient information regarding economic impacts of the regulation or revision is known to support a determination as to whether a regulatory analysis is required, this section may be used to describe how the regulation or revision relates to the criteria for determining that a regulatory analysis is required, outlined in 318 DM 3 Appendix 1 and 0 BIAM Suppl. 1.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

0 BIAM Supp. 1, Release 1

IN REPLY REFER TO:

SEP 22 1975

Memorandum

To: Holders of 0 BIAM Supplement 1

From: Commissioner of Indian Affairs

Subject: Revision of Material on Federal Register Documents

This release revises the material in 33 BIAM 4 on preparing Federal Register documents and issues it as a new Supplement 1 to 0 BIAM. This material is issued as a supplement to allow for expanding the material on Federal Register documents and to place both these procedures and the procedures on the Bureau manual system under 0 BIAM, the manual part on the Bureau's directives system.

The procedures on Federal Register documents were revised to reflect new instructions on Federal Register documents from the Department and the Office of the Federal Register. Also, information on copy requirements and material to accompany the document for review have been added to help originating offices. Manual and CFR references are updated.

The illustrations have been revised to provide better examples and clearer instructions on preparation.

Morris Thompson
Commissioner of Indian Affairs

Filing Instructions:

- (a) Remove superseded material:
33 BIAM 4.1-4.7 and Illustrations 1-8 (15 Sheets)
- (b) Insert new material transmitted:
0 BIAM Supplement 1, Sec. 0-6.1 and Illustrations 1-8 (26 Sheets)
- (c) Pen-and-ink changes:
None

10/31/75

*9/22/75
I. reg. I. Inc
Sup. I. Rel. I.*



Save Energy and You

FEDERAL REGISTER DOCUMENTS

Table of Contents

1. Purpose and Responsibilities
 - .1 Purpose
 - .2 Requirements
 - .3 Ruiz Decision
 - .4 The Federal Register
 - .5 Responsibilities
 - A. Central Office Divisions and Offices
 - B. Area Offices
 - C. Central Office Division of Management Research and Evaluation
 - .6 Signing Authority
 - A. Area Directors
 - B. Commissioner
 - C. Secretary
2. Preparing Documents
 - .1 Types of Documents
 - A. Notices
 - B. Notices of Proposed Rulemaking
 - C. Rules and Regulations
 - D. Presidential Documents
 - .2 Preamble of Document
 - .3 Notices
 - A. Purpose
 - B. Type of Material
 - C. Citations in Preamble
 - D. Time Period for Notice of Hearings
 - E. Codification and Reference
 - .4 Notices of Proposed Rulemaking
 - A. Policy
 - B. Exceptions to Policy
 - C. Period for Comment
 - D. Statement in Notice
 - E. Citations in Preamble
 - .5 Final Rules and Regulations
 - A. Issuing Authority
 - B. General Rulemaking Authority
 - C. Affected CFR Sections
 - D. Specific Authority
 - E. Results of Comment Period
 - F. Waiving Proposed Rulemaking
 - G. Effective Date

FEDERAL REGISTER DOCUMENTS

Table of Contents

- .6 Reference to Catalog of Federal Domestic Assistance
 - .7 Format of Original
 - A. Paper
 - B. Margins
 - C. Spacing
 - D. Page Numbering
 - .8 Corrections
 - .9 Copy Requirements
 - A. Documents Signed by Bureau Official
 - B. Documents Signed by Department Official
 - .10 Incorporation by Reference
3. Accompanying Material
- .1 Summary Statements
 - A. Responsibility
 - B. Purpose
 - C. Format
 - D. Exceptions
 - E. Legal Effect
 - .2 Press Release
 - .3 Explanatory Memorandum
 - .4 Background Material
 - .5 Mailing Envelope
4. Routing and Distribution
- .1 Routing Documents for Commissioner's Signature
 - .2 Routing Documents for Secretary's Signature
 - .3 Routing Presidential Documents
 - .4 Distribution of Published Federal Register Documents to Tribes
5. Coordination Required Before Publication
- .1 Purpose
 - .2 Advisory Commission on Intergovernmental Relations (ACIR) Coordination
 - A. Criteria
 - B. Referral to ACIR
 - C. Other Requirements
 - D. Further Information
 - .3 Interagency Coordination Process
 - A. Criteria
 - B. Submission to Department
 - C. Submission to Federal Agencies
 - D. Submission to OMB
 - E. Publication in Federal Register
 - F. Further Information

FEDERAL REGISTER DOCUMENTS
Table of Contents

- .4 Consultation on New and Separately Published Material
- 6. Illustrations
 - .1 Explanation of Illustrations
 - Illustrations 1-8

Other Agency Directives Which Apply

Federal Register Handbook on Document Drafting
1 CFR 1-22
Part 013 of the Departmental Manual (013 DM 1-4)

FEDERAL REGISTER DOCUMENTS
Purpose and Responsibilities

1. PURPOSE AND RESPONSIBILITIES

1.1 Purpose. The purpose of this manual supplement is to give the Bureau procedures for preparing and clearing Federal Register documents. The purpose of publishing documents in the Federal Register is to inform the public (especially the Indian people) of the Bureau's organization, functions, delegations of authority, procedures, policies, and rules as required by law.

1.2 Requirements. The Public Information Section (5 U.S.C. 552) of the Administrative Procedure Act requires that each Agency publish the following in the Federal Register to guide the public:

A. Descriptions of organizations, and of places at which to get information, make requests, or get decisions.

B. Statements of functions performed and procedures used.

C. Rules of procedures, forms used, places to get forms, and instructions on reports and examinations.

D. Rules adopted as authorized by law and statements of policy or interpretations used.

1.3 Ruiz Decision. It is very important that the Bureau of Indian Affairs comply with the provisions of the Administrative Procedure Act because of the Ruiz decision. The Ruizes were Papago Indians who had moved in 1940 about 15 miles away from the reservation to work in a copper mine. They kept close ties to the reservation, were full-blooded unassimilated Indians, and spoke little English. In 1969, Mr. Ruiz was unemployed by a strike and applied for Bureau of Indian Affairs welfare benefits. The Bureau determined he was not eligible for benefits based on 66 IAM 3.1.4 which states that such assistance is limited to Indians living on the reservation. In Morton v. Ruiz, the Supreme Court held that the limitation to reservation residents was invalid because it was contrary to the intent of Congress. In addition, the Court was critical of the Bureau's procedures in adopting eligibility criteria. The Court held that the criteria should be adopted in full conformity with the provisions of the Administrative Procedure Act. Since the Bureau had not published the welfare eligibility criteria in the Federal Register as required by the Administrative Procedure Act, Mr. Ruiz could not be denied welfare benefits because 5 U.S.C. 552(a)(1) provides:

"Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published."

FEDERAL REGISTER DOCUMENTS
Purpose and Responsibilities

The Court's comments have broader application for Bureau programs and point out the need for reviewing existing Bureau policy and procedures, as well as new policy and procedures being developed, for the need to publish in the Federal Register.

1.4 The Federal Register. The Federal Register is published five days a week, Monday through Friday, by the Office of the Federal Register, National Archives and Records Service, General Services Administration. Notices, proposed rules, and final regulations of the Federal Government departments and agencies are published in the Federal Register to comply with the requirements of the Administrative Procedure Act (see section 1.2). The functions and services of the Office of the Federal Register are fully described in Title 1 of the Code of Federal Regulations (1 CFR 1-22).

The final rules published in the Federal Register are codified in the Code of Federal Regulations (CFR) which is published periodically.

1.5 Responsibilities.

A. Central Office Divisions and Offices. Affected divisions and staff offices in the Central Office are responsible for preparing notices and regulations when needed to insure that their programs comply with the requirements of the Administrative Procedure Act (see section 1.2). This responsibility applies to delegations of authority as well as other types of matter required to be published in the Federal Register.

B. Area Offices. The Area Offices are responsible for preparing the following:

(1) Notices containing delegations of authority from the Area Director to his subordinates under 10 BIAM 3.

(2) Proposed and final regulations which fix operation and maintenance charges at irrigation projects.

Wherever the term "Area Director" is used in this manual supplement, it includes the Project Officer of the Joint Use Administrative Office. Wherever the term "Area Office" is used, it includes the Joint Use Administrative Office.

C. Central Office Division of Management Research and Evaluation. The Central Office Division of Management Research and Evaluation is responsible for performing the following functions regarding Federal Register documents:

FEDERAL REGISTER DOCUMENTS
Purpose and Responsibilities

(1) Provide liaison with the Department's Office of Management Consulting and with the Office of the Federal Register on Federal Register documents.

(2) Provide advice and assistance to Bureau employees on preparing Federal Register documents and review the documents for format and compliance with applicable instructions or regulations.

(3) Certify documents signed by Bureau officials and transmit them to the Office of the Federal Register.

(4) Maintain a resource file of published Federal Register documents pertaining to Indian affairs and reproduce and distribute copies of them when needed.

1.6 Signing Authority. Material prepared by the Bureau for publication in the Federal Register is signed by the Secretary of the Interior, the Commissioner, or the Area Director depending on the type and content of the document. After signature, the name of the official who signed the document must be stamped or typed below his title. The following guide gives the types of documents which each official is authorized to sign.

A. Area Directors. Area Directors are authorized to sign:

(1) Notices of delegations of authority from Area Directors to their subordinate officials. These delegations are issued under authority delegated to the Commissioner from the Secretary in 230 DM 1 and redelegated by the Commissioner to Area Directors in 10 BIAM 3. These documents must be approved by the Commissioner before publication.

(2) Proposed and final regulations which fix operation and maintenance charges at irrigation projects. These regulations are issued under the authority delegated to the Commissioner by the Secretary in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3.

B. Commissioner. The Commissioner is authorized to sign:

(1) Notices of delegations of authority by the Commissioner to Central Office or field officials. These delegations are issued under the authority in 230 DM 1.

(2) Approval of notices of delegations of authority by Area Directors to their subordinate officials. See Section 1.6A(1).

FEDERAL REGISTER DOCUMENTS
Purpose and Responsibilities

(3) Other notices relating to Indian affairs. Public notices are issued under the authority delegated to the Commissioner by the Secretary of the Interior in 230 DM 2.

(4) Proposed and final regulations relating to Indian affairs for codification in Chapter I, Title 25 of the Code of Federal Regulations, except final regulations under the following parts:

- Part 2, Appeals from administrative actions.
- Part 16, Estates of Indians of the Five Civilized Tribes.
- Part 17, Action on wills of Osage Indians.

The Commissioner has been delegated the authority to issue regulations by the Secretary of the Interior in 230 DM 2.

C. Secretary. The following documents can only be signed at the Secretarial level:

(1) Notices of delegations of authority from the Secretary of the Interior to the Commissioner of Indian Affairs.

(2) Any other Federal Register document not covered elsewhere in this section.

FEDERAL REGISTER DOCUMENTS
Preparing Documents

2. PREPARING DOCUMENTS

2.1 Types of Documents. There are four types of Federal Register documents:

A. Notices. Notices of delegations of authority which are prepared by Bureau offices are shown in Illustrations 1 and 2. Illustration 3 gives a sample of the other notices issued by the Bureau. Notices of advisory committee meetings should be prepared in accordance with 5 BIAM 5.2. Section 2.3 of this supplement gives more detailed information on notices.

B. Notices of Proposed Rulemaking. These notices give the public an opportunity to comment on proposed rules and regulations before they become final (see Illustration 4). Section 2.4 of this supplement gives more detailed information on notices of proposed rule making.

C. Rules and Regulations. Bureau offices also prepare final rules and regulations to be incorporated into Title 25 or Part 14H of Title 41 of the Code of Federal Regulations (see Illustrations 5, 6, and 7). Section 2.5 of this supplement gives more detailed information on final rules and regulations.

D. Presidential Documents. Presidential documents (Executive Orders and Proclamations) are not usually prepared in the Bureau.

2.2 Preamble of Document. Material to appear in the Federal Register as rules and regulations or as proposed rulemaking should be as informative to the public as possible. The preamble of a Federal Register document is the introductory part which explains what is being done and why. The preamble should:

A. Describe the document clearly enough to inform the reader of the general subject matter.

B. State the reasons for the action taken.

C. Clearly describe the type of changes being made to existing regulations and to what extent. This could be a summary or a listing of specific changes.

D. Contain certain citations to give the full authority and basis for issuing the document. The citations needed vary according to the type of Federal Register document being issued and according to the signing level. The required citations are given in sections 2.3-2.5 of this supplement, depending on the type of Federal Register document being prepared.

FEDERAL REGISTER DOCUMENTS
Preparing Documents

2.3 Notices.

A. Purpose. The purpose of a notice is to inform the public of an event or some other matter which may interest or concern them.

B. Type of Material. Material which is not regulatory or procedural and which does not set requirements to be followed may be published as notices in the Federal Register. Typical notices include:

- (1) Statements of organization.
- (2) Notices of hearings or availability of reports or other documents.
- (3) Delegations and redelegations of authority which affect the public.

C. Citations in Preamble. The signing official's authority to issue a notice must be given in the preamble of the notice.

(1) Area Directors. In a notice containing a delegation of authority from the Area Director to subordinate field officials, the citation of authority should read:

"This delegation is issued under the authority delegated to the Commissioner of Indian Affairs from the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3."

(2) Commissioner. In all notices signed by the Commissioner, the citation of authority should read:

"This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2."

If the notice contains a delegation of authority from the Commissioner, the following citation of authority should be used in addition to and following the one given above:

"This delegation is issued under the authority delegated to the Commissioner by the Secretary in 230 DM 1."

FEDERAL REGISTER DOCUMENTS
Preparing Documents

D. Time Period for Notice of Hearings. 44 U.S.C. 1508 contains some requirements on a notice of a hearing or of an opportunity to be heard. The time period between Federal Register publication of the notice and the date given in the notice for the hearing or for ending the opportunity to be heard can not be less than-

(1) The time specified by the appropriate Act of Congress;
or

(2) 15 days when the time is not specified by law. Notice of less than 15 days is allowed where a shorter period is reasonable. However, when a shorter time is considered reasonable under §1508(2), the document should include a statement justifying the shorter period. The Office of the Federal Register may return documents with inadequate time periods and no justifying statement.

E. Codification and Reference. Material published as notices is not codified and reprinted in the Code of Federal Regulations (CFR). The only index reference to such material is the monthly, quarterly, and annual "Subject Index" published by the Office of the Federal Register.

2.4 Notices of Proposed Rulemaking.

A. Policy. It is the Bureau's policy to give the public an opportunity to comment before final rules and regulations are adopted. Notices of proposed rulemaking must be issued before regulations are officially adopted unless the procedure is clearly impracticable, contrary to the public interest, or unnecessary (see section 2.5F).

B. Exceptions to Policy. The Administrative Procedure Act does not require a notice of proposed rulemaking on matters relating to "public property, loans, grants, benefits or contracts." Despite these exceptions, notices of proposed rulemaking will be used to the fullest extent possible. The proposed rulemaking procedure may be dispensed with only when, after careful consideration, it is determined that the procedure would be impracticable, contrary to the public interest, or unnecessary. In such cases, a specific finding to that effect shall be published with the final regulations (see section 2.5F).

C. Period for Comment. No specific time period for comment is prescribed by law. The standard time period used in Bureau notices of proposed rulemaking will be thirty days. A shorter period may be fixed only in special circumstances requiring prompt action.

FEDERAL REGISTER DOCUMENTS

Preparing Documents

Whenever practicable, each document should give a specific date instead of a time period measured by a certain number of days after Federal Register publication. For example, a document should allow the public to submit comments "on or before July 3, 1972" instead of "no later than 30 days after publication of this notice in the Federal Register." If a document gives a time period instead of a specific date, the Federal Register staff will insert a specific date. They will compute this date by counting the day after publication day as one day and by counting each succeeding day (including Saturdays, Sundays, and holidays). However, where the final day will be a Saturday, Sunday, or holiday, the date given will be the next succeeding Federal workday.

D. Statement in Notice. In notices of proposed rulemaking, the following statement will be used to describe the policy and give the deadline for submitting comments:

"It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed (regulation, revision, or amendment) to the (organizational unit and address) (specific date)."

This statement should follow the citation of the authority for the proposed rule and brief description of its substance (see section 2.4E).

E. Citations in Preamble. The preamble of notices of proposed rulemaking should contain these citations:

(1) Issuing Authority. The issuing authority cited varies according to the signing level.

(a) Area Directors. When an Area Director signs proposed regulations fixing operation and maintenance charges at irrigation projects, the citation should read as follows:

"These regulations are proposed under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3."

(b) Commissioner. Notices of proposed rulemaking signed by the Commissioner should have a citation reading:

"This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2."

FEDERAL REGISTER DOCUMENTS
Preparing Documents

(c) Secretary. When a notice of proposed rulemaking is to be signed by the Secretary, no issuing authority is cited. Instead, the document begins with a citation of sections it is proposed to affect (see section 2.4E(2)).

(2) Affected CFR Sections. In notices proposing to change the Code of Federal Regulations (CFR), a statement should be made on what CFR sections are proposed to be affected and how. An example of this citation follows:

"Notice is hereby given that it is proposed to revise §252.16 of Part 252, Subchapter W, Chapter I, of Title 25 of the Code of Federal Regulations."

This citation should be followed by a brief statement of what change is being made and why.

(3) Specific Authority. In notices proposing to change the Code of Federal Regulations (CFR), the specific provisions (statutory or non-statutory) under which the regulations are proposed should be cited. The following is an example of this citation:

"This revision is proposed pursuant to the authority contained in the Act of May 26, 1928 (45 Stat. 750, 25 U.S.C. 318a)."

2.5 Final Rules and Regulations. Documents issuing final rules and regulations become part of the Code of Federal Regulations (CFR) and are reprinted in the following year's issue of the Code.

A. Issuing Authority. The issuing authority should be given first in the preamble of this document. The issuing authority varies according to the signing level.

(1) Area Directors. When an Area Director signs final regulations fixing operation and maintenance charges at irrigation projects, the citation should read as follows:

"These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3."

FEDERAL REGISTER DOCUMENTS

Preparing Documents

(2) Commissioner. Final rules and regulations signed by the Commissioner should have a citation reading:

"This notice is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2."

(3) Secretary. When final rules and regulations are to be signed by the Secretary, no issuing authority is cited. Instead, the document begins with a citation of the statutory general rulemaking authority for issuing regulations(see section 2.5B).

B. General Rulemaking Authority. In the preamble of final rules and regulations which change the Code of Federal Regulations (CFR), the statutory general rulemaking authority for issuing regulations should also be cited. This authority for regulations on Indian affairs is contained in 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). The citation of this authority should read as follows:

"The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9)."

This citation will be used in the preamble of all documents containing final rules and regulations, regardless of whether the documents will be signed by the Area Director, Commissioner, or Secretary.

C. Affected CFR Sections. The preamble of final rules and regulations which change the Code of Federal Regulations (CFR) should state what CFR sections are being affected and how. This citation would depend on whether or not the rules were published first as notices of proposed rulemaking.

(1) After Proposed Rulemaking. The following is an example of the citation for rules which were published first as a notice of proposed rulemaking:

"Beginning on page 3958 of the January 31, 1974, Federal Register (39 FR 3958), there was published a notice of proposed rulemaking to revise §162.2 and §§162.10-162.19 and to revoke §162.20 of Part 162, Subchapter O, Chapter I of Title 25 of the Code of Federal Regulations."

FEDERAL REGISTER DOCUMENTS
Preparing Documents

(2) Without Proposed Rulemaking. Rules issued without the proposed rulemaking procedure would have a citation as shown in the following example:

"Part 34, Subchapter E, Chapter I, of Title 25 of the Code of Federal Regulations is amended by revising §§34.5 and 34.9."

D. Specific Authority. In the preamble of final rules and regulations which charge the Code of Federal Regulations (CFR), the specific provisions (statutory or non-statutory) under which the regulations are issued should be cited. The following is an example of this citation.

"These revisions are made pursuant to the authority contained in the Act of May 26, 1928 (45 Stat. 750, 25 U.S.C. 318a)."

E. Results of Comment Period. The preamble of a document issuing final rules on which the public had a chance to comment (rules first published as a notice of proposed rulemaking) should describe in general terms the comments received, the suggestions which were incorporated in the final rules, and why other suggestions were rejected. The number and complexity of the changes made to reflect public comment determines whether or not the text of the proposed regulations needs to be retyped in full.

(1) Many or Complex Changes. When public comment results in many or complex changes to the proposed rules, the entire text of the rules will have to be retyped to include the changes.

(2) Few or No Changes. When public comment results in few or no changes to the proposed rules, there is a way to avoid retyping the entire text of the rules. This method is called the "short-form adoption" technique.

In actual practice, the Federal Register saves the type that was set to publish the proposed rulemaking notice and uses it again for the final rules. Since the text of the rule does not have to be retyped, this technique saves time, eliminates proofreading, and reduces the chance of typing errors. The short-form adoption technique insures that the final rules are identical to the proposed ones except where changes are made on purpose.

Copies of the Federal Register pages containing the proposed rules are used in place of retyping the text. See Pages 1-4 of Illustration 6 which show how to prepare a document using the short-form adoption technique where a few changes are made. The preamble of the document should cite the changes and explain why they are being made.

FEDERAL REGISTER DOCUMENTS

Preparing Documents

F. Waiving Proposed Rulemaking. Section (b) of 5 U.S.C. 553 requires most rules to be issued first as notices of proposed rulemaking. Federal Register documents containing rules issued without the proposed rulemaking process must clearly state the reason and cite the authority. The authority cited should be one of the following subsections of Section 553(b), Title 5 of the United States Code, which applies in that particular case:

"(b) General notice of proposed rule making shall be published in the Federal Register, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. * * *

* * * * *

"Except when notice or hearing is required by statute, this subsection does not apply -

"(A) to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice; or

"(B) when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."

The following is an example of a justifying statement for final rules issued without the proposed rulemaking process:

"Since the rules contained in this new Part provide the means for conveying benefits on the former mixed-blood members of the Ute Tribe, advance notice and public procedure thereon would delay considerably the conveying of such benefits and have been deemed contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970)."

G. Effective Date. Section (d) of 5 U.S.C. 553 requires that final regulations not become effective less than 30 days after the date of publication in the Federal Register. However, if the final regulations fall under one of the following exceptions in 5 U.S.C. 553(d), they can be made effective less than 30 days from the publication date:

FEDERAL REGISTER DOCUMENTS

Preparing Documents

"(d) The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except -

- (1) a substantive rule which grants or recognizes an exemption or relieves a restriction;
- (2) interpretative rules and statements of policy; or
- (3) as otherwise provided by the agency for good cause found and published with the rule."

All Federal Register documents which contain final regulations must clearly state the effective date of the regulations. Usually this will be 30 days after Federal Register publication. If the regulations are to become effective on the date of Federal Register publication or less than 30 days after publication, this must be stated in the preamble of the document and the reason clearly given. The appropriate subsection of 5 U.S.C. 553(d) which justifies not using the 30-day deferred effective date should be cited.

For example, if the rule is a revision which relieves a restriction, the proper subsection to be cited is (d)(1). The citation would read as follows:

"Since this revision relieves a restriction, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(1) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the Federal Register."

2.6 Reference to Catalog of Federal Domestic Assistance. Whenever the Bureau publishes a document in the Federal Register that implements or affects a program described in the Catalog of Federal Domestic Assistance (published by the Office of Management and Budget), the Federal Register document should refer to the Catalog. The reference should give the program number and title. It should be placed on a separate line immediately before or after the signature as follows:

"(Catalog of Federal Domestic Assistance Program No. 15.113, Indian Social Services--General Assistance.)"

The purpose of the reference is to help State and local governments and others interested in these programs to relate Federal Register documents to the programs described in the Catalog.

FEDERAL REGISTER DOCUMENTS
Preparing Documents

2.7 Format of Original.

A. Paper. The original of the Federal Register document will be typed on 8" x 10 1/2" plain bond paper.

B. Margins. There should be a 1" margin at the top, bottom, and right side and a 1 1/2" margin at the left side.

C. Spacing. All of the text should be doublespaced except the following should be singlespaced:

- (1) Tables of sections.
- (2) Authority statements in proposed and final regulation documents.
- (3) Lists of items.
- (4) Quoted material when set apart from the regular text, not run into the regular text.
- (5) Footnotes and notes to tables.

D. Page Numbering. All pages should be numbered consecutively.

2.8 Corrections. Correction fluid may be used to white out and correct small errors in documents before they are sent to the Office of the Federal Register. Correction tape may not be used since it may come off before printing and cause errors.

Minor changes may also be made to a document after it has been typed by marking the original and all copies neatly in ink. The person making the changes in ink must initial the margins opposite the change.

2.9 Copy Requirements. The following copies will be prepared for all Federal Register documents and assembled in the order indicated in A and B below. Good machine copies may be used in place of carbon copies to meet these requirements. The identification of the preparing office, writer, and typist and total distribution of copies must be shown on all copies except the original, the two certified copies, and any copies going outside the Department. Sections 1.12F and G of 15 BIAM Supplement 1 (the Bureau Correspondence Handbook) provide details on this requirement. See Illustration 8 on how to assemble the documents.

FEDERAL REGISTER DOCUMENTS

Preparing Documents

A. Documents Signed by Bureau Official. For Federal Register documents to be signed by a Bureau official, the originating office should prepare -

- (1) Original with signature tab appropriately placed.
- (2) Copy for Department's Office of Communications if document is prepared in the Washington Office.
- (3) Surname copy.
- (4) Division chronological copy.
- (5) Mailroom chronological copy.
- (6) Other copies determined necessary by originating office.
- (7) Two certified copies to be sent to Office of Federal Register with original. See item 11 of Illustration 1 for an example of the certification block to be typed on these two copies.
- (8) Copy for Commissioner's Correspondence Office placed under the route sheets on the front of the folder.

B. Documents Signed by Department Official. For Federal Register documents to be signed by a Department official, the originating office should prepare -

- (1) Original with signature tab appropriately placed.
- (2) Secretary's surname copy. Only one Bureau surname (Commissioner or Deputy Commissioner) should appear on this copy.
- (3) Two copies for Secretary's Reading File.
- (4) Copy for Department's Office of Communications if document is prepared in the Washington Office.
- (5) Bureau surname copy.
- (6) Division chronological copy.
- (7) Mailroom chronological copy.
- (8) Other copies determined necessary by originating office.

FEDERAL REGISTER DOCUMENTS

Preparing Documents

(9) Two certified copies to be sent to Office of Federal Register with original. See item 11 of Illustration 1 for an example of the certification block to be typed on these two copies.

(10) Copy for Commissioner's Correspondence Office placed under the route sheets on the front of the folder.

2.10 Incorporation by Reference. Material required to be published in the Federal Register may be incorporated by reference in another document published in the Federal Register. The material must have been given in its entirety in another public or private publication which is readily available to interested parties. There must be so much material that it does not warrant repeating in the Federal Register. Examples are publications available for sale by the Superintendent of Documents and nationally distributed books and published reports.

A document incorporating another document by reference should be prepared as a notice of proposed rulemaking and sent directly to the Assistant Secretary--Management. It must be sent to the Department well enough in advance so they can consult with the Office of the Federal Register and get approval. The consultation should be done at least 10 working days before the date proposed to submit the document to the Federal Register. The Department's Office of Management Consulting will prepare the necessary letter of transmittal.

FEDERAL REGISTER DOCUMENTS

Accompanying Material

3. ACCOMPANYING MATERIAL

3.1 Summary Statements.

A. Responsibility. The originating office will submit two copies of a summary statement with each document (except those listed in section 3.1D) prepared for publication in the Federal Register. The summary statement should be prepared on a plain sheet of bond paper with one carbon or good machine copy.

B. Purpose. Selected summary statements will be included in a highlights listing which will be printed in the daily Federal Register. The decision whether or not to include a summary statement in the highlights listing will be made by the Director of the Federal Register. The Director will also have final editorial control over the wording of each summary statement.

C. Format. The summary statement will consist of a descriptive catchword or phrase and a brief statement that-

- (1) Names the agency issuing the document;
- (2) Summarizes the principal subject of the document; and
- (3) States any important dates, such as closing date for comments, hearing date, or effective date.

The language of the summary statement may be the same, whenever appropriate, as that of the document's headings required in 1 CFR 17 and 18.

The following are examples of summary statements:

Proposed rulemaking:

"DETERGENTS - proposed FTC labeling and advertising requirements for synthetic detergents; comments by 4/19/71; hearing 4/26/71."

Final regulations:

"COAL MINE SAFETY - Interior Department procedures to assess civil penalties for violations; effective 1/16/71."

Proposed regulations usually allow 30 days after the publication date for comment by the public. Final regulations are often made effective on the date of publication or 30 days after that date. In such cases where a specific date is not given, the summary statement should be prepared as in the following examples:

FEDERAL REGISTER DOCUMENTS
Accompanying Material

Proposed rulemaking:

"ANIMAL FEEDS - proposed HEW revocation of certain exemptions from certification; comments by _____"

Final regulations:

"INDIANS - Bureau of Indian Affairs' amendment establishing new deadline for filing of applications by descendants of Munsee Indians; effective _____"

Summary statements of notices which do not have effective dates will be prepared as in the following example:

"GEOTHERMAL STEAM - Geological Survey partial list of lands determined to be included within known resource areas."

D. Exceptions. A summary statement need not be prepared for a document making non-substantive changes which are corrective or editorial in nature. In addition, the following classes of documents have been exempted from the requirement to prepare summary statements:

- (1) Documents that involve the rights or obligations of one or more named persons or companies.
- (2) Documents relating to internal organization, such as delegations of authority.
- (3) Documents relating to employee standards of conduct.
- (4) Documents relating to uniform systems of accounts.
- (5) Financial interest statements.
- (6) Documents implementing and supplementing the Federal Procurement Regulations (41 CFR Ch. 1) and the Armed Services Procurement Regulations (32 CFR Ch. I, Subch. A).
- (7) Documents announcing meetings published pursuant to Public Law 92-463.
- (8) Documents pertaining to specified reservations and irrigation projects (25 CFR Ch. I).

Additional exceptions may be granted by the Director of the Federal Register. These exceptions will be published monthly in the Federal Register.

FEDERAL REGISTER DOCUMENTS

Accompanying Material

E. Legal Effect. Failure to submit a summary statement or failure to print such a statement in the Federal Register highlights listing will not affect the legal status of a document printed in the Federal Register. Highlights listings are intended only as an aid to readers. The wording of a summary statement is not intended to interpret the language of the document. Readers should continue to use the Table of Contents to identify the documents published in each issue and should refer to the text of a document to determine its legal effect.

3.2 Press Release. It is the Bureau's policy to issue a press release when there is enough public interest in the subject matter of a proposed Federal Register document to require additional notice. All Federal Register documents prepared for signature by the Commissioner or Secretary are routed through the Bureau's Public Information Staff so they can determine if a press release is needed. If a press release is needed, the Public Information Staff will prepare it and place it on the inside left of the folder, in front of the explanatory memorandum and background material. If a press release is not needed, a statement to that effect should be placed on the inside left of the folder.

3.3 Explanatory Memorandum. If the preamble of the Federal Register document does not sufficiently explain the purpose of the document and the extent of the changes made, an explanatory memorandum should be prepared to aid reviewers. The memorandum can be addressed to the signing official or to "Reviewers." The usual Bureau copies of the memorandum should be made (surname, Division chrony, and mailroom chrony). In the case of a memorandum addressed to the Secretary, Department copies of the memorandum do not have to be made. The explanatory memorandum and its copies should be placed on the inside left of the folder, in front of any background material. A signature tab should be used to indicate that the memorandum is to be signed and where. After the memorandum is signed and dated, the date and name and title of the signing official should be stamped or typed on all copies of the memorandum. The copies should then be distributed and filed as appropriate. The original of the memorandum should remain on the left side of the folder as the Federal Register document is sent forward for surnaming and signature.

3.4 Background Material. Background material should be placed on the inside left of the folder behind the explanatory memorandum, if any. When the Federal Register document amends an existing regulation, include a copy of the existing regulation marked with the insertions and deletions as part of the background material.

FEDERAL REGISTER DOCUMENTS
Accompanying Material

3.5 Mailing Envelope. A large (8" x 10 1/2") mailing envelope must be included on the inside right of the folder, with the flap of the envelope over the certified copies and summary statement, if any. The envelope with the certified copies and summary statement should be placed on the bottom of the assembly (see Illustration 8). The following address should be typed on the envelope:

Office of the Federal Register
National Archives and Records Service

Stop 220

FEDERAL REGISTER DOCUMENTS
Routing and Distribution

4. ROUTING AND DISTRIBUTION

4.1 Routing Documents for Commissioner's Signature. Documents for the Commissioner's signature (see section 1.6B) are routed as follows:

A. Notices of delegations of authority made by the Commissioner should be routed from the originating division or office to the following offices in the order given:

Division of Management Research and Evaluation
Office of the Director having jurisdiction over
the originating office
Public Information Staff
Commissioner's Correspondence Office
Division of Management Research and Evaluation

B. Requests for approval of redelegations of authority made by Area Directors (see section 1.6B(2)) should be sent to the Washington Office, Attention: Division of Management Research and Evaluation. The requests will then be routed from the Division of Management Research and Evaluation directly to the Commissioner's Correspondence Office for routing to the Deputy Commissioner or the Commissioner for approval. After approval, the redelegations will be routed back to the Division of Management Research and Evaluation for certification and publication in the Federal Register.

C. The issuance of proposed and final regulations and public notices within the Commissioner's issuance authority (see sections 1.6B(3) and (4)) is subject to prior clearance by the Solicitor. These documents should be routed from the originating division or office to the following offices in the order given:

Division of Management Research and Evaluation
Office of the Director having jurisdiction over
the originating office
Public Information Staff
Office of the Solicitor
Commissioner's Correspondence Office
Division of Management Research and Evaluation

4.2 Routing Documents for Secretary's Signature. Documents prepared by the Bureau for Secretarial signature (see section 1.6C) should be routed from the originating division to the following offices within the Bureau in the order given:

FEDERAL REGISTER DOCUMENTS
Routing and Distribution

Division of Management Research and Evaluation
Office of the Director having jurisdiction over
the originating office
Public Information Staff
Commissioner's Correspondence Office

The documents should then be routed through the following Departmental offices (see 013 DM 3.1B):

Office of the Solicitor
Office of Management Consulting
Other offices or bureaus affected by the document
Office of the Secretary

4.3 Routing Presidential Documents. Proposed Presidential documents prepared in the Department shall be routed to the Office of Management Consulting (AMC). This office will coordinate review and clearance by other Department bureaus and offices and arrange for transmittal to the Office of Management and Budget for clearance.

Proposed Presidential documents which are submitted to the Department for concurrence or comment, including those referred by the Office of Management and Budget (OMB), should also be routed to the Office of Management Consulting (AMC). This office will coordinate Departmental review and response for the Assistant Secretary--Management.

4.4 Distribution of Published Federal Register Documents to Tribes. Promptly after receiving the Federal Register, Area Offices will review it for any documents relating to Indians which could affect or interest the tribes within their jurisdiction. This may include documents originated by agencies other than the Bureau of Indian Affairs. Area Offices will xerox copies of the documents appropriate for each tribe and send them immediately to the tribal chairman.

The above procedure is intended to help keep Indian tribal leaders advised of Government actions relating to Indians and to provide an opportunity for them to comment on matters of interest to them.

FEDERAL REGISTER DOCUMENTS
Coordination Required Before Publication

5. COORDINATION REQUIRED BEFORE PUBLICATION

5.1 Purpose. The purpose of the following sections is to give some requirements for coordinating proposed regulations and other material for Federal Register publication with interested organizations outside the Department of Interior before the material is routed for signature as described in Secs. 4.1 through 4.3 of this Supplement.

5.2 Advisory Commission on Intergovernmental Relations (ACIR) Coordination.

A. Criteria. Proposed regulations which meet the following criteria are subject to coordination with the Advisory Commission on Intergovernmental Relations (ACIR):

(1) Are major proposed regulations which will have a significant and nationwide effect on State and local governments.

(2) Meet the standards given in 512 DM 1.2 and Sections 4 and 7 of the Office of Management and Budget Circular No. A-85.

B. Referral to ACIR. If the proposed regulations meet the criteria in sec. 5.2A, the Bureau office or division which prepared them will prepare a letter for the Commissioner's signature, transmitting 20 copies of the unsigned proposed regulations to ACIR. The letter should be addressed to:

Director of Policy Implementation
Advisory Commission on Intergovernmental Relations
726 Jackson Place, N.W.
Washington, D. C. 20514

ACIR should receive the copies at least 45 days before the proposed regulations are published in the Federal Register. If a shorter period is necessary, the time period available and reasons for the shorter period will be stated in the letter to ACIR and in the preamble of the proposed regulations published in the Federal Register.

C. Other Requirements. In addition, the originating office or division will be responsible for:

(1) Sending a copy of the proposed regulations to the Department Coordinator (the Special Assistant - Intergovernmental Coordination, Office of Management Consulting).

FEDERAL REGISTER DOCUMENTS
Coordination Required Before Publication

(2) Meeting with the Associations serviced by the ACIR to consider comments, if necessary.

(3) Promptly notifying the Associations in writing if major changes suggested cannot be accepted. The notice will be by letter signed by the Commissioner. Copies of such letters will be sent to ACIR, OMB, and the Departmental Coordinator.

(4) Revising the proposed regulations according to the acceptable comments received and forwarding them for signature and publication in the Federal Register.

(5) Preparing a letter for the Commissioner's signature, transmitting 7 copies of the final regulations to ACIR.

(6) Informing the Departmental Coordinator of each step taken.

D. Further Information. 512 DM 1 and OMB Circular No. A-85 provide further information on ACIR coordination.

5.3 Interagency Coordination Process.

A. Criteria. Proposed regulations standards, guidelines and similar materials for Federal Register publication which meet both of the following conditions are subject to the Interagency Coordination Process (also called the "Quality of Life Review"):

(1) Pertain to environmental quality, consumer protection, and occupational and public health and safety.

(2) Could be expected to do any one of the following:

(a) Have a significant impact on the policies, programs, and procedures of other agencies; or

(b) Impose significant costs on, or negative benefits to, non-Federal sectors; or

(c) Increase the demand for Federal funds for programs of Federal agencies which are beyond the funding levels provided for in the most recent budget requests submitted to the Congress.

B. Submission to Department. If the proposed regulations, standards, guidelines and similar materials for Federal Register publication meet the criteria in sec. 5.3A, the originating Bureau office or division will prepare a cover memorandum to the Assistant Secretary - Management for the

FEDERAL REGISTER DOCUMENTS
Coordination Required Before Publication

Commissioner's signature. The cover memorandum will:

(1) Identify the Departmental organizations that should review the material. At a minimum, the Solicitor, Assistant Secretary - Program Development and Budget, and the Assistant Secretary - Management will be identified.

(2) Identify the Federal agencies that will be involved in the interagency coordination process.

(3) Indicate the principal objectives of the material.

(4) Address any foreseeable objections that may be expected during the review process.

(5) Transmit enough copies of the material so each Departmental organization identified in sec. 5.3B(1) will receive at least one copy. In this way, the Departmental organizations can review the material at the same time to expedite the process.

The submission to the Department must be done before submission to Federal agencies and before publication of the proposed regulations or other material in the Federal Register.

C. Submission to Federal Agencies. The submission to Federal agencies shall be done after Departmental review and before publication of the proposed regulations or other material in the Federal Register. The originating Bureau office or division shall prepare letters for the Commissioner's signature, transmitting advance copies of the proposed regulations or other material to Federal agencies which may be affected by or have an interest in the proposed regulations or other material. A copy of the transmittal letters will be sent to the Directives Management Division, Office of Management Consulting. Comments received from the Federal agencies will be reviewed and changes made to the proposed regulations or other material as needed.

D. Submission to OMB. After taking the steps in sec. 5.3C, the originating Bureau office or division will forward the proposed regulations or other material to the Directives Management Division, Office of Management Consulting, for submission to the Office of Management and Budget (OMB) requesting clearance to publish in the Federal Register. The material should be accompanied by a summary which:

(1) Describes significant comments received.

FEDERAL REGISTER DOCUMENTS
Coordination Required Before Publication

(2) Identifies which comments have been accepted and incorporated into the proposed regulations or other material.

(3) Gives the reason(s) for the rejection of other comments. The Directives Management Division will notify the Bureau when clearance approval is obtained from OMB for publication in the Federal Register.

E. Publication in Federal Register. After receiving OMB clearance approval, the proposed regulations or other material may be published in the Federal Register as a notice of proposed rulemaking (or notice, if the material is other than regulations) for public comment.

In preparing the final regulations, the originating Bureau office or division should treat significant comments received from other Federal agencies in the same manner as comments received from the public. The preamble of the Federal Register document issuing the final regulations should include a statement which:

(1) Describes the comments received from the Federal agencies in general terms.

(2) Identifies which comments, if any, have been accepted and incorporated into the final regulations.

(3) Gives the reason(s) for rejecting the other suggestions.

F. Further Information. 512 DM 2 provides further information on the interagency coordination process.

5.4 Consultation on New and Separately Published Material. The Office of the Federal Register issued the following guidelines to control operating costs and provide more efficient service:

A. Whenever an agency becomes responsible for publishing a lot of new material in the Federal Register, the agency should consult with the Office of the Federal Register while preparing the material, long before submitting it for publishing. In this consultation, the Office of the Federal Register and the agency can set up a production schedule for the material and Federal Register format, if necessary.

B. Whenever an agency submits material to the Government Printing Office (GPO) for separate printing before Federal Register publication, the agency should inform its GPO representative that the material will also be published in the Federal Register. This can be shown by a note to that effect in the information part of the Printing and Binding Requisition (Standard Form 1). The Government Printing Office will then

FEDERAL REGISTER DOCUMENTS
Coordination Required Before Publication

print the material in a form suitable for Federal Register publication also. Coordination of format and distribution between the Government Printing Office and the Office of the Federal Register will eliminate waste and unnecessary duplication.

FEDERAL REGISTER DOCUMENTS
Illustrations

6. ILLUSTRATIONS

6.1 Explanation of Illustrations. Illustrations 1-8 are designed to provide instructions and examples on how to prepare various types of Federal Register documents.

Each of Illustrations 1-7 consists of two sheets facing one another. The left-hand sheet of each illustration is numbered as Page 1. The right-hand sheet is numbered as Page 2. The heading on Page 1 of each illustration describes the type of Federal Register document being covered. Instructions on how to prepare this type of document are given on Page 1. These instructions are numbered. Page 2 of the illustration gives a specific example of this type of Federal Register document. The parts of the example are also numbered. Each numbered instruction on Page 1 corresponds to a numbered part on Page 2. Both the numbered instruction and numbered part should be consulted to correctly prepare the Federal Register document.

Pages 3 and 4 of Illustration 6 give additional instructions on how to prepare a document using the short form adoption technique where a few changes are made.

Illustration 8 shows how to assemble a Federal Register document.

GENERAL NOTICE DOCUMENT

Delegation of Authority from the Commissioner of Indian Affairs
to Area Directors or Central Office Officials

- (1) Name of issuing department. This name should be typed all in caps.
- (2) Name of subordinate bureau.
- (3) A suitable short heading clearly identifying the subject of the document. This should be typed in caps.
- (4) An additional heading indicating the nature of the document--how it concerns or affects the main subject.
- (5) Date of signature. This is stamped in after the document is signed.
- (6) Citation of issuance authority. The citation is of the Commissioner's authority to publish notices in the Federal Register.
- (7) This paragraph specifies what section of 10 BIAM was affected, in what way, and the reasons for the change.
- (8) This paragraph gives the Bureau of Indian Affairs Manual release number and date where the revision was made.
- (9) This paragraph refers to the Federal Register issue (volume, page number, and date) at which the notice being amended was published.
- (10) These paragraphs give the exact wording of the revision.
- (11) This paragraph gives the title, address, and telephone number of a Bureau official who can furnish additional information about the revision.
- (12) The title of "Commissioner of Indian Affairs" is typed 5 lines below the text. If the Deputy Commissioner or someone who is acting for the Commissioner signs the document, "Deputy" or "Acting" is stamped in front of "Commissioner".
- (13) Certification. Two copies of the Federal Register document are required for certified copies. "Certified to be a true copy of the original" should be typed three lines below the signing official's title and on the lefthand side. The title "Certifying Officer" should be typed five lines below "Certified to be a true copy of the original". Do not type the certification on the original.

① DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs ②
③ AREA DIRECTORS AND PROJECT OFFICER, JOINT USE
ADMINISTRATIVE OFFICE

Restriction on Redelegation of Authority ④

August 6, 1975 ⑤

⑥ The notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

⑦ The Commissioner of Indian Affairs has revised the redelegation of program authority for Indian affairs to the Area Directors and the Project Officer of the Joint Use Administrative Office by adding a Law and Order exception in 10 BIAM 3.3B(3) to restrict them from determining which Indian tribes perform law enforcement functions under section 601(d), Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351). This authority must be kept at the Washington Office level since it requires coordination with the Justice Department.

⑧ The revision was issued by Bureau of Indian Affairs Manual Release 10-34, dated May 30, 1975.

⑨ The revision affected the redelegation in 10 BIAM 3 which was published beginning at page 17046 of the April 16, 1975, FEDERAL REGISTER (40 FR 17046), as follows:

⑩ 10 BIAM 3.3B was revised by adding a new paragraph (3) to restrict the Area Directors and the Project Officer from exercising the authority given in the new paragraph (3) which reads as follows:

"(3) Determine which Indian tribes perform law enforcement functions under section 601(d), Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351)."

⑪ Further information about the revision may be obtained from the Chief, Division of Management Research and Evaluation, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, D.C. 20245, telephone 202-343-4144.

⑫

Commissioner of Indian Affairs

⑬ Certified to be a true copy
of the original

Certifying Officer

GENERAL NOTICE DOCUMENT

Redelegation of Authority From Area Director to Superintendents Et Al

- (1) Name of issuing department. This name should be typed all in caps.
 - (2) Name of subordinate bureau.
 - (3) The Area redelegation order number and amendment number, if needed. This should be placed in parentheses.
 - (4) A suitable short heading clearly identifying the subject of the document. This should be typed in caps.
 - (5) An additional heading indicating the nature of the document--how it concerns or affects the main subject.
 - (6) Date of signature by Area Director. This is stamped in after the document is signed.
 - (7) Citation of issuance authority. The Commissioner's authority to publish notices in the Federal Register is cited.
 - (8) Citation of delegation authority. The Commissioner's authority to redelegate is cited. The redelegation to the Area Directors of the authority to redelegate is also cited.
 - (9) This particular part of the document specifies what section of the redelegation order is involved and in what way that section is being affected. Reference is made to the previous Federal Register document where the redelegation was first published. Reference is made by citing the Federal Register volume and page which contained the previous notice. (For example, a citation to 34 FR 9219 refers to the notice in volume 34 of the Federal Register beginning on page 9219.) The date of the Federal Register issue is also given. When the section being amended has been amended so many times that such references are unwieldy, the phrase "as amended" is substituted for the Federal Register citations to indicate the previous amendments.
 - (10) The reason for the revision, background data, appropriate references, and other information which will help the reader understand the significance and impact of the change being made.
 - (11) This particular part of the document is introductory to the revised text.
 - (12) - (13) The revised text.
 - (12) This section is not being changed but is being republished so that it will be clear who is being delegated the authority.
 - (13) Five asterisks spaced evenly across a line are used to indicate that a whole line or more of text has been omitted from the document because it is not affected by the amendment.
- This particular document did not need an effective date statement.
- (14) The title of the official authorized to sign the document is typed five lines below the text so that the signature can be placed above the title.
 - (15) Area redelegation orders require the approval of the Commissioner. Therefore, "Approved:" should be typed three lines below the signing official's title and on the lefthand side. The title "Commissioner of Indian Affairs" should be typed five lines below "Approved:". The date the document is signed as being approved should be stamped immediately following "Approved:" and on the same line.
 - (16) Certification. Two copies of the Federal Register document are required for certified copies. "Certified to be a true copy of the original" should be typed three lines below the Commissioner's title on the lefthand side. The title "Certifying Officer" should be typed five lines below "Certified to be a true copy of the original." Do not type the certification on the original.

① DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs ②

③ (Billings Area Office Redlegation Order 1, Amdt. 1)

SUPERINTENDENTS AND PROJECT ENGINEER ④

⑤ Delegation of Forestry Authority ⑥

September 15, 1970

⑦ This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

⑧ This delegation is issued under the authority delegated to the Commissioner of Indian Affairs from the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3.

⑨ The Billings Area Office Redlegation Order 1 was published beginning at page 9219 of the June 11, 1969, Federal Register (34 FR 9219) and subsequently amended. It is being further amended by revising subsection (c) of Section 2.80,

⑩ Forest Management. The revision of subsection (c) gives the Superintendent of the Flathead Indian Agency the authority to approve timber sale contracts involving estimated stumpage volumes not to exceed 5 million feet, board measure. The revision also rescinds the authority previously redelegated to all Billings Area Superintendents to approve timber sales without advertisement pursuant to 25 CFR 141.9.

⑪ As amended, Part 2 reads as follows:

PART 2 -- AUTHORITY OF SUPERINTENDENTS AND PROJECT ENGINEER

⑫ Subject to the provisions of Part 1, Superintendents and Project Engineer may exercise the authority of the Area Director as indicated in this part.

* * * * *

FUNCTIONS RELATING TO FOREST MANAGEMENT

⑬ Sec. 2.80 Forest Management. All those matters set forth in 25 CFR 141, General Forest Regulations, except:

* * * * *

(c) Issue advertisements and approve timber sale contracts on approved forms involving estimated stumpage volumes in excess of 1 million feet, board measure, or involving harvest periods in excess of 5 years; except Flathead Reservation where the stumpage volume limit is set at 5 million feet, board measure, pursuant to 25 CFR 141.8, 141.13, and 141.17.

* * * * *

Area Director ⑭

⑮ Approved: October 1, 1970
Commissioner of Indian Affairs

⑯ Certified to be a true copy
of the original
Certifying Officer

GENERAL NOTICE DOCUMENT

- (1) Name of issuing department. Type this name all in caps.
- (2) Name of subordinate bureau.
- (3) A suitable short heading clearly identifying the subject of the document. This should be typed all in caps.
- (4) An additional heading indicating the nature of the document--how it concerns or affects the main subject.
- (5) Date of signature. This is stamped in after document is signed.
- (6)-(7) Text of the notice. These general notices may vary widely in format and content.
- (6) Citation of issuance authority. The Commissioner's authority to publish notices in the Federal Register is cited. Omit this citation when the Secretary signs.
- (7) The change being made is stated clearly and precisely.

This particular document did not need an effective date statement.

- (8) Title of official authorized to sign the document. This is typed five lines below the text so that the signature can be placed above the title. In this case, the title "Commissioner of Indian Affairs" is typed below the text. If the Deputy Commissioner or someone who is acting for the Commissioner signs the document, "Deputy" or "Acting" is stamped in front of "Commissioner".
- (9) Certification. Two copies of the Federal Register document are required for certified copies. "Certified to be a true copy of the original" should be typed three lines below the signing official's title and on the lefthand side. The title "Certifying Officer" should be typed five lines below "Certified to be a true copy of the original." Do not type the certification on the original.

① DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs ②

③ UTE MOUNTAIN UTE AGENCY

Notice of Name Change ④

January 29, 1970 ⑤

⑥ { This notice is published in the exercise of authority dele-
gated by the Secretary of the Interior to the Commissioner of
Indian Affairs by 230 DM 2. Pursuant to Resolution 1855 enacted by
⑦ { the Ute Mountain Tribal Council, the name of Ute Mountain Agency is
changed to Ute Mountain Ute Agency.

Commissioner of Indian Affairs ⑧

⑨ { Certified to be a true copy
of the original
Certifying Officer

NOTICE OF PROPOSED RULE-MAKING FOR PUBLIC COMMENT

- (1) Name of issuing department. This name should be typed all in caps.
- (2) Name of subordinate bureau.
- (3) The CFR title and part number concerned. This should be placed in parentheses.
- (4) A suitable short heading clearly identifying the subject of the document. This should be typed all in caps. Sometimes this heading can be the same as that of the CFR part concerned. Sometimes a more specific heading would be better.
- (5) An additional heading indicating the nature of the document--how it concerns or affects the main subject.
- (6) Date of signature. This is stamped in after the document is signed.
- (7) Citation of issuance authority. The Commissioner's authority to publish notices in the Federal Register is cited.
- (8) Citation of affected CFR sections. The particular section of the Code of Federal Regulations which this document proposes to affect is cited.
- (9) Citation of specific issuance provisions. A citation is made of the specific acts or provisions under which the revision is proposed.
- (10) The reasons for the revision, background data, appropriate references, and other information which will help the reader understand the significance and impact of the rule being proposed.
- (11) The time, place, and nature of the rulemaking proceedings. A specific time and place should be set for a formal hearing or a reasonable period of time provided for written comments to be sent in and considered.
- (12) This particular part of the document is introductory to the proposed text of the regulation.
- (13) The proposed text is given here in full.
- (14) The title of the official authorized to sign the document is typed five lines below the text so that the signature can be placed above the title. In this case, the title "Commissioner of Indian Affairs" is typed below the text. If the Deputy Commissioner or someone who is acting for the Commissioner signs the document, "Deputy" or "Acting" is stamped in front of "Commissioner".
- (15) Certification. Two copies of the Federal Register document are required for certified copies. "Certified to be a true copy of the original" should be typed three lines below the signing official's title and on the left hand side. The title "Certifying Officer" should be typed five lines below "Certified to be a true copy of the original". Do not type the certification on the original.

① DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs ②
③ (25 CFR Part 252)

TRADERS ON NAVAJO RESERVATION ④

⑤ Small Loan and Pawn Business

March 19, 1970 ⑥

⑦ { This notice is published in exercise of authority delegated by the Secretary, of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

⑧ { Notice is hereby given that it is proposed to revise §252.16 of Part 252, Subchapter W, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in Section 5 of the Act of August 15, 1876 (19 Stat. 200, 25 U.S.C. 261), Section 8 of the Act of March 3, 1901 (31 Stat. 1066, 25 U.S.C. 262), and Section 10 of the Act of March 3, 1903 (32 Stat. 1099, 25 U.S.C. 262).

⑩ { The purpose of this revision is to establish a system for the regulation and control of small loan and pawn business on the Navajo Indian Reservation in the States of Arizona, New Mexico, and Utah.

⑪ { It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed revision to the Area Director, Navajo Area Office, Bureau of Indian Affairs, Window Rock, Arizona 86515, within 30 days after date of publication of this notice in the Federal Register.

⑫ { It is proposed to revise § 252.16 of Part 252, Subchapter W, Chapter I, of Title 25 of the Code of Federal Regulations to read as follows:

⑬ { §252.16 Regulation of small loans and pawn on Navajo Indian Reservation.

(a) The Commissioner of Indian Affairs has been invested by the Congress with broad and comprehensive authority to license and regulate trading with the Navajo Indian Reservation. The Act and implementing regulations are to criminal and civil liabilities as set forth in the Act and implementing regulations.

Commissioner of Indian Affairs ⑭

⑮ { Certified to be a true copy of the original
Certifying Officer

FINAL RULES AND REGULATIONS
Regulations Adopted With Advance Notice.

(BIAM SUPPLEMENT 1
Illustration 5
Page 1

- (1) Number and name of title being affected. This heading should be typed in caps.
- (2) Number and name of chapter being affected.
- (3) Number and name of subchapter being affected.
- (4) Number and name of part being affected. This heading should be typed in caps.
- (5) Brief heading, giving the specific subject or area which the document concerns or affects.
- (6) Date of signature. This is stamped in after the document is signed.
- (7) Citation of issuance authority. The Commissioner's authority to publish notices in the Federal Register is cited. Omit this citation when the Secretary signs.
- (8) Citation of general rulemaking authority. This citation gives the general rule-making authority under which regulations on Indian affairs are issued. This citation should be used no matter who signs.
- (9) Reference to previous Federal Register documents. Reference is made to the published Federal Register document which contained the notice of proposed rulemaking.
Citation of affected CFR sections. In this case, the specific part being affected is cited.
The reasons for the revision, background data, appropriate references, and other information which will help the reader understand the significance and impact of the new regulations.
- (10) Citation of specific issuance provisions. A citation is made of the specific provisions under which the regulations were proposed.
- (11) This statement indicates the time period which was allowed for the submission of comments by interested persons.
- (12) The results of the period set aside for public comment are given. In this particular case, several comments were received which required several major revisions to be made to the proposed notice. These major revisions are listed in this paragraph.
- (13) Words of issuance. This statement ties the Federal Register document in with the Code of Federal Regulations. It should always be in present tense.
- (14) Number and name of part. This is given only when the entire Part is being issued or revised. This should be typed all in caps.
- (15) Table of sections. This is a listing of the numbers and headings of the sections in the regulation, together with all subpart and other center headings. A table of sections is required when
Adding a new part consisting of two or more sections.
Completely revising an existing part consisting of two or more sections.
Adding or revising two or more sections set forth as a subpart or otherwise separately grouped under a centerhead.
- (16) Citation of issuance authority. Every codified document issued must be covered by a complete citation of the authority for its issuance. The citation must include statutory general rulemaking authority, specific rulemaking authority delegated by statute, and any executive delegations linking the statutory authority to the agency issuing the document. Statutory provisions should precede nonstatutory material when both are included in the same citation. Changes in authority should be reflected by formally amending the citation.
- (17) The text of the regulations.
- (18) A clear statement of the date the document becomes effective. See section 2.5G of this supplement.
- (19) Reference to Catalog of Federal Domestic Assistance (see section 2.6 of this Supplement).
- (20) The title of the official authorized to sign the document is typed five lines below the text so that the signature can be placed above the title.
- (21) Certification. Two copies of the Federal Register document are required for certified copies. "Certified to be a true copy of the original" should be typed three lines below the signing official's title and on the lefthand side. The title "Certifying Officer" should be typed five lines below "Certified to be a true copy of the original". Do not type the certification on the original.

1 TITLE 25--INDIANS

Chapter I--Bureau of Indian Affairs, Department of the Interior 2

3 Subchapter W--Miscellaneous Activities

PART 257--RESALE OF LANDS WITHIN THE BADLANDS AIR FORCE GUNNERY RANGE (PINE RIDGE AERIAL GUNNERY RANGE) 4

5 Establishment of New Part

June 24, 1969 6

7 This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

8 The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

9 Beginning on page 6783 of the April 23, 1969, Federal Register (34 FR 6783), there was published a notice of proposed rulemaking to add a new Part 257 to Subchapter W, Chapter I, Title 25 of the Code of Federal Regulations. The regulations govern the resale of lands within the Badlands Air Force Gunnery Range to the former Indian and non-Indian owners. The regulations were proposed pursuant to the Act of August 8, 1968 (PL 90-468; 82 Stat. 663).

10 Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

11 During this period comments, suggestions, and objections were submitted by interested persons. Careful consideration was given to the comments received and certain revisions were made as a result of them. Among the revisions are the following:

- 1. Additional requirement that a non-Indian applicant for purchase of land furnish proof of ownership is incorporated in § 257.6(b).
- 2. A revision of § 257.7(a)(5) to clarify the right of the grantee, his family or assignee to cut native trees for firewood for his personal use.

12 Subchapter W, Chapter I, of Title 25 of the Code of Federal Regulations is amended by adding a new Part 257, reading as follows:

14 PART 257 - RESALE OF LANDS WITHIN THE BADLANDS AIR FORCE GUNNERY RANGE (PINE RIDGE AERIAL GUNNERY RANGE)

- 15 Sec.
 - 257.1 Purpose.
 - 257.2 Definitions.
 - 257.3 Eligibility to purchase.
 - 257.4 Notice to former owners.

16 AUTHORITY: 82 Stat. 663.

17 § 257.1 Purpose. The regulations in this part govern the reacquisition by former Indian and non-Indian owners of lands, or interests therein, acquired by United States of America as a manner as though they had held trust to the land taken.

18 Effective date. The new Part 257 shall become effective 30 days after the date of publication in the Federal Register.

19 (Catalog of Federal Domestic Assistance Program No. 15.121, Indian Lands--Real Estate Services)

Commissioner of Indian Affairs 20

21 Certified to be a true copy of the original

Certifying Officer

FINAL RULES AND REGULATIONS

Regulations Adopted with Advance Notice
Short-form Adoption Technique

- (1) Number and name of title being affected. This heading should be typed in caps.
- (2) Number and name of chapter being affected.
- (3) Number and name of subchapter being affected.
- (4) Number and name of part being affected. This heading should be typed in caps.
- (5) Brief heading giving the specific subject or area which the document concerns or affects.
- (6) Date of signature. This is stamped in after the document is signed.
- (7) Citation of issuance authority. The Commissioner's authority to publish notices in the Federal Register is cited. Omit this citation when the Secretary signs.
- (8) Citation of general rulemaking authority. This citation gives the general rule-making authority under which regulations on Indian affairs are issued. This citation should be used no matter who signs.
- (9) Reference to previous Federal Register documents. Reference is made to the published Federal Register document which contained the notice of proposed rule-making and to the proposed change.
- (10) The reasons for the revision, background data, appropriate references, and other information which will help the reader understand the significance and impact of the new regulations.
- (11) Citation of specific issuance provisions. A citation is made of the specific acts or provisions under which the revision was proposed.
- (12) This statement indicates the time period which was allowed for the submission of comments by interested persons.
- (13) The results of the period set aside for public comment are given. In this particular case, only a few specific minor changes are needed. Therefore, it is not necessary to type the text of the regulations again. The Office of the Federal Register will reprint the full text of the regulations, correcting and using the type saved from the notice of proposed rulemaking. This method of adopting regulations is called "short-form adoption technique".
When no comments are received, (13) would read as follows: "No comments, suggestions, or objections have been received and the proposed regulations are hereby adopted without change and are set forth below."
- (14) A clear statement of the date the document becomes effective.
- (15) Reference to Catalog of Federal Domestic Assistance (see section 2.6 of this Supplement).
- (16) The title of the official authorized to sign the document is typed five lines below the text so that the signature can be placed above the title.
- (17) Certification. Two copies of the Federal Register document are required for certified copies. "Certified to be a true copy of the original" should be typed three lines below the signing official's title and on the lefthand side. The title "Certifying Officer" should be typed five lines below "Certified to be a true copy of the original". Do not type the certification on the original.

①

TITLE 25--INDIANS

Chapter I--Bureau of Indian Affairs, Department of the Interior ②

③ Subchapter Q--Oil and Gas

PART 183--LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING ④

⑤ Leasing Procedures and Operations

June 17, 1974 ⑥

- ⑦ { This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2,
- ⑧ { The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).
- ⑨ { Beginning on page 12755 of the April 8, 1974, Federal Register (39 FR 12755), there was published a notice of proposed rulemaking to revise Part 183 of Subchapter Q, Chapter I, Title 25 of the Code of Federal Regulations. The purpose of the proposed revision is to improve the management of the Osage oil and gas mineral estate.
- ⑩ →
- ⑪ { The revision was proposed pursuant to the authority contained in section 3 of the Act of June 28, 1906 (34 Stat. 539, 543).
- ⑫ { The public was given until May 8, 1974, to submit written comments, suggestions, or objections regarding the proposed revision.
- ⑬ { After consideration of all such relevant matter presented by interested persons, the revision as so proposed is hereby adopted with the following changes:
1. Paragraph (4), Value of gas, is deleted from § 183.11(b).
 2. In the second sentence of § 183.19(a), the phrase "release operations" is changed to read "lease operations".
 3. After the first sentence in § 183.19(b), the following sentence is added: "Commencement money will not be required for the drilling of a well which was drilled under the original lease contract."
- ⑭ { Effective date. These regulations shall become effective 30 days after the date of publication in the Federal Register.
- ⑮ { (Catalog of Federal Domestic Assistance Program No. 15.121, Indian Lands -- Real Estate Services)

Commissioner of Indian Affairs ⑯

⑰ { Certified to be a true copy
of the original

Certifying Officer

SHORT FORM ADOPTION TECHNIQUE

Page 4 of Illustration 6 shows the "short form adoption technique." Use xerox copies of the original Federal Register pages containing the complete proposed text. Line out the material to be changed and enter the revised text to the right. Draw an arrow pointing from the lined out material to the revised text. The preamble statement which accompanies the document (see Pages 1 and 2 of Illustration 6) must cite and explain the substantive changes.

The information printed at the bottom of the pages of the Federal Register, which identifies a particular issue, should be included on the initial page of the document.

(c) Where the surface owner or his representative is not a resident of or is not physically present in Osage County, then the Superintendent shall be so advised whereupon the Superintendent may authorize Lessee to proceed with operations: *Provided*, That in the event the Superintendent should so arrange with the surface owner or his tenant, Lessee or his representative within 5 days after receipt of notice from the Superintendent shall meet with the surface owner or his tenant on the leased premises and arrange for the procedure to follow as indicated in this section.

§ 183.19 Use of surface of land.

(a) Lessee or his authorized representative shall have the right to use so much of the surface of the land within the Osage Mineral Estate as may be reasonable for operations and marketing. This includes but is not limited to the right to lay and maintain pipelines, electric lines, pull rods, other appliances necessary for operations and marketing; the right-of-way for ingress and egress to any point of operation; and the right to use water for ~~mineral~~ operations as set out in § 183.24. Lessee shall conduct his operations in a workmanlike manner, commit no waste and allow none to be committed upon the land, nor permit any nuisance to be maintained on the premises under his control.

lease

(b) Before commencing a drilling operation, Lessee shall pay or tender to the surface owner commencement money in the amount of \$25 per seismic shot hole and commencement money in the amount of \$300 for each well, after which Lessee shall be entitled to immediate possession of the drilling site. ~~A drilling~~ site shall be held to the minimum area essential for operations and shall not exceed one and one-half acres in area unless authorized by the Superintendent. Commencement money shall be a credit toward the settlement of the total damages. Acceptance of commencement money by the surface owner does not in any way affect his right to compensation for damages as described in § 183.20, occasioned by the drilling and completion of the well for which it was paid. Since actual damage to the surface from operations cannot necessarily be ascertained prior to the completion of a well as a serviceable well or dry hole, a damage settlement covering the drilling operation need not be made until after completion of drilling operations.

Commencement money will not be required for the drilling of a well which was drilled under the original lease contract.

(c) Where the surface is restricted land, commencement money shall be paid to the Superintendent for the landowner. All other surface owners shall be paid or tendered such commencement money direct. Where such surface owners are not residents of Osage County nor have a representative located therein,

FINAL RULES AND REGULATIONS

Regulations Adopted Without Advance Notice

- (1) Number and name of title being affected. This heading should be typed in caps.
- (2) Number and name of chapter being affected.
- (3) Number and name of subchapter being affected.
- (4) Number and name of part being affected. This heading should be typed in caps.
- (5) Brief heading giving the specific subject or area which the document concerns or affects.
- (6) Date of signature. This is stamped in after document is signed.
- (7) Citation of issuance authority. The Commissioner's authority to publish regulations in the Federal Register is cited. Omit this citation when the Secretary signs.
- (8) Citation of general rulemaking authority. This citation gives the general rule-making authority under which regulations on Indian affairs are issued. This citation should be used no matter who signs.
- (9) Citation of affected CFR sections. The particular sections of the Code of Federal Regulations affected by the document are cited.
- (10) Citation of specific issuance provisions. Citation is made of the specific provisions under which the regulations are being amended. In addition, explanatory material is given to help the reader understand the significance and scope of the regulations as revised.
- (11) Regulations issued without advance notice must explain the reasons and cite the authority for waiving the proposed rulemaking procedure. (See Section 2.5F of this Supplement.) A waiver should be based on a finding stated and explained in the regulations "that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."
- (12) Regulations which become effective less than 30 days after the date of publication in the Federal Register must cite the authority for waiving the 30-day deferred effective date. (See section 2.5G of this supplement.)
- (13) Words of issuance. This statement ties the Federal Register document in with the Code of Federal Regulations. It should always be in present tense.
- (14) The text of the regulations. The text should be as clear, precise and easy to understand as possible.
- (15) Reference to Catalog of Federal Domestic Assistance (see section 2.6 of this supplement).
- (16) Title of the official authorized to sign the document is typed five lines below the text so that the signature can be placed above the title. In this case, the title "Commissioner of Indian Affairs" is typed below the text. If the Deputy Commissioner or someone who is acting for the Commissioner signs the document, "Deputy" or "Acting" is stamped in front of "Commissioner".
- (17) Certification. Two copies of the Federal Register document are required for certified copies. "Certified to be a true copy of the original" should be typed three lines below the signing official's title and on the lefthand side. The title "Certifying Officer" should be typed five lines below "Certified to be a true copy of the original". Do not type the certification on the original.

① TITLE 25--INDIANS

Chapter I--Bureau of Indian Affairs, ②
Department of the Interior

③ Subchapter E--Education

PART 34--ADMINISTRATION OF A PROGRAM OF VOCATIONAL ④
TRAINING FOR ADULT INDIANS

⑤ Training in Sectarian Institutions

October 23, 1969 ⑥

⑦ { This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

⑧ { Part 34, Subchapter E, Chapter I, of Title 25 of the Code of Federal Regulations is amended by revising § 34.5. This revision removes the exception with respect to sectarian schools and permits approval of vocational training for adult Indians in accredited sectarian institutions of higher education and in other accredited sectarian schools offering vocational and technical training. This revision is made pursuant to the authority in the Act of March 30, 1968 (82 Stat. 71) and in Section 1 of the Act of August 3, 1956 (70 Stat. 986) as amended by the Act of December 23, 1963 (77 Stat. 471).

⑩ { Since this revision relieves a restriction to allow approval of vocational training for adult Indians in sectarian schools, advance notice and public procedure thereon would delay the availability of such training to adult Indians and is deemed contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

⑪ { Since this revision relieves a restriction, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(1) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the Federal Register.

⑫ { As revised, § 34.5 of Part 34, Subchapter E, Chapter I, Title 25 of the Code of Federal Regulations reads as follows:

⑬ § 34.5 Approval of courses for vocational training at institutions.

⑭ A course of vocational training at any institution, public or private, offering vocational training, of any number of students, is approved if there is reasonable certainty of employment for graduates of the institution in their respective fields of training.

⑮ → (Catalog of Federal Domestic Assistance Program No. 15.108, Indian Employment Assistance)

Commissioner of Indian Affairs ⑯

⑰ { Certified to be a true copy of the original
Certifying Officer

FOLDER ASSEMBLY -- LEFT SIDE

1. Press release, if any

2. Explanatory memorandum, if any

3. Background material

FOLDER ASSEMBLY --RIGHT SIDE

1. Plastic cover
2. Original with signature tab appropriately placed
3. Plain white envelope
4. Informational copies going outside Department, if any
5. Plain brown envelope
6. Secretary's surname copy *
7. Two copies for Secretary's Reading File *
8. Copy for Department's Office of Communications if document is prepared in the Washington Office
9. Bureau surname copy
10. Division chronological copy
11. Mailroom chronological copy
12. Other copies determined necessary by originating office
13. Two certified copies to be sent to Office of Federal Register with original and summary statement, if any
14. Lettersized mailing envelope addressed to Office of Federal Register

*These copies are prepared in addition to the regular copies only when the document is to be signed by a Department official.