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Department of the Interior

Departmental Manual

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Part 318: Federal Register Documents

Chapter 1: How to Publish a Rule

Originating Office: Executive Secretariat and Office of Regulatory Affairs

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1.1 What is a rule? A rule (also called a regulation or rulemaking) is a document you publish in the Federal Register to implement or interpret law or policy. A rule is generally published first as a proposed rule and then as a final rule. Once a rule is published in final, it is codified in the Code of Federal Regulations and remains in effect until it is modified by publication of another rule.

1.2 How do I publish a rule? If you wish to publish a rule, you must take the steps in the table below. The table also tells you where in the manual you can find more complete guidance.

Required rulemaking step	Stage when required	Where guidance can be found
Prepare a regulatory alert form	ANPRM, NPRM or final rule ¹	Chapter 2
Obtain a regulatory identification number (RIN) and include the rule in the semiannual agenda	ANPRM, NPRM or final rule ¹	Chapter 2
Include the rule in the OMB regulatory report	ANPRM, NPRM or final rule ¹	Chapter 2
Prepare and circulate a record of compliance (ROC)	NPRM and final rule ¹	Chapter 3
Prepare and circulate additional required documentation as indicated by the ROC	NPRM and final rule ¹	Chapter 3
Write or revise the rule	NPRM and final rule	Chapters 4,5
Circulate the rule for approval and signature	ANPRM, NPRM and final rule	Chapter 6
Have the signed rule approved and/or certified	ANPRM, NPRM and final rule	Chapters 6,7
Certification for SBA or a Regulatory Flexibility Analysis	NPRM and final rule	Chapter 3
Send copies of the rule to Congress and GAO	Final rule	Chapter 6
Send the rule to the Federal Register	NPRM, final rule	Chapter 7

¹ If you propose a rule, you need to take this step only in conjunction with publishing the advanced notice of proposed rulemaking (ANPRM) or the notice of proposed rulemaking (NPRM), whichever comes first. On the other hand, if you are publishing a final rule without an NPRM, you must take this step before you can publish the final rule.

1.3 What is the difference between a proposed rule and a final rule? In most cases, you must publish a proposed rule (also called a notice of proposed rulemaking or NPRM) before you can publish a final rule. A proposed rule sets forth your plan/intention for the rule and solicits public comment. After you evaluate the public's comments and modify the proposal if necessary, you may then publish a final rule. The final rule will be codified in the Code of Federal Regulations.

1.4 Can I ever skip the proposed rule stage? Only rarely. If there is a compelling reason, you may publish an interim rule or a final rule without a proposal and without seeking public comment (See 5 U.S.C. §553). If a rule relates only to agency organization, procedure, or practice, or if you can show good cause, you may sometimes skip the proposed rulemaking stage. See also section 5.3, below. Ask your regulatory contact for guidance on whether you may skip the

proposed rulemaking stage. The Office of Regulatory Affairs is the final arbiter.

1.5 Where can I get additional guidance on the rulemaking process? Your bureau has a regulatory contact who can answer your questions about how to develop and publish a rule. For information about the format of a rulemaking document and the technical requirements for publication in the Federal Register, consult the Document Drafting Handbook (DDH). This handbook is published by the Office of the Federal Register, and is available online at:

<http://www.nara.gov/nara/fedreg/ddh/ddhout.htm>

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