



Incorporation by Reference Handbook

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Office of the Federal Register
National Archives and Records Administration

Introduction

Note: Throughout this handbook, we use “we”, “our”, and “us” to refer to the Legal Affairs and Policy Division staff at the Office of the Federal Register (OFR). We use “you” to refer to the Federal agency incorporating material by reference, the agency’s Federal Register liaison officers, and the agency’s regulatory drafters, as determined by context. These, and other, words and terms are defined in the Glossary (Appendix B).

Incorporation by reference (IBR) allows Federal agencies to comply with the requirement to publish rules in the *Federal Register* and the Code of Federal Regulations (CFR) by referring to material already published elsewhere. This makes IBR an efficient way for agencies to maximize their reliance on voluntary consensus standards and minimize their reliance on government-unique publications. When Federal agencies use such material, it saves taxpayer money, encourages efficiency, and promotes economic competition.

When an agency proposes to incorporate material by reference, the agency must balance the following:

- Its statutory obligations ensuring the material is reasonably available;
- U.S. copyright law;
- U.S. international trade obligations; and
- The agency’s ability to substantively regulate under its own authorizing statutes.

This handbook will highlight the issues to consider when thinking about incorporating material by reference into the CFR. The handbook describes the purpose and legal effect of IBR and provides guidance to Federal agencies about:

- The factors that agencies should consider when incorporating material by reference into the CFR;
- The types of material that are eligible for IBR;
- How an agency can request approval for an IBR;
- Using the correct IBR language in a rulemaking document; and
- Removing material incorporated by reference from the CFR.

Where appropriate, we have included examples and templates, so that the procedures will be as clear as possible.

If your agency is considering using IBR in a regulation, your regulation drafters and agency liaisons should contact us as early as possible. Agencies must follow the approval process in order to properly incorporate material by reference into the CFR, and we want to ensure that your document will be reviewed and approved without delay.

How to Contact OFR about IBR and ...

Get the most-current version of IBR Handbook:	www.archives.gov/federal-register/write/handbook
Request ftp account:	OFR-Legal@gpo.gov
Notify OFR of new IBR request:	OFR-Legal@gpo.gov
Ask IBR-related questions:	fedreg.legal@nara.gov

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I. Incorporation by Reference (IBR), Generally

A. What Is IBR?

Incorporation by reference (IBR) allows Federal agencies to comply with the requirement to publish rules in the *Federal Register* and the CFR by referring to material already published elsewhere. You must have permission from the Director of the Federal Register to incorporate material by reference.

ONLY THE DIRECTOR OF THE FEDERAL REGISTER CAN APPROVE *IBR* REQUESTS.

- The Director of the Federal Register decides when an agency has completed the process and met the requirements in [1 CFR part 51](#) for incorporating material by reference in its regulations.
- A *Federal Register* document containing reference(s) to incorporated material does not have legal approval, even if it has the proper language of incorporation, if the material has not been formally approved by the Director.

Note: You may not use the phrase “incorporate by reference” when referring to a cross-reference or when referencing a statutory or other regulatory provision in your own regulation. In that case, use “adopt”, “include”, or another, similar term (for example, “adopt by reference”).

B. What Is the Legal Effect of IBR?

The legal effect of IBR is that the referenced material is treated as if it were published in the *Federal Register* and the CFR. When incorporated by reference, this material has the force and effect of law, just like all regulations published in the *Federal Register* and the CFR.

C. What Is the Purpose of IBR?

IBR allows agencies to include technical and complex requirements in regulations even when those requirements cannot be published in the *Federal Register* and CFR. The Administrative Conference of the United States (ACUS) has recommended that agencies use IBR because “IBR furthers important, substantive regulatory policies, enabling agencies to draw on the expertise and resources of private sector standard developers to serve the public interest. IBR allows agencies to give effect to a strong federal policy, embodied in the National Technology Transfer and Advancement Act of 1995 (NTTAA; [Pub. L. 104-113](#)) and [OMB Circular A-119](#), in favor of agency use of voluntary consensus standards.”¹ Congress authorized the Director of the Federal Register to normalize the IBR process in the Freedom of Information Act (FOIA; [5 U.S.C. 552\(a\)](#)), part of the Administrative Procedure Act (APA; [5 U.S.C. 551 et. seq.](#)).

¹ [Administrative Conference Recommendation 2011-5](#), Incorporation by Reference, Adopted December 8, 2011, 77 FR 2257, January 17, 2012 (ACUS Recommendation 2011-5)

D. How Do I Know if I Must Use IBR?

Anytime you refer to material in your regulations (it doesn't matter if the material is printed or online or who produced the material) instead of including the content in your regulations, you need to ask two questions: 'Does it have a legal citation?' and, if not, 'Is it required to understand or comply with the regulations?'

1. Does it have a legal citation²?
 - If the reference is to the U.S. Code (U.S.C.), simply reference or adopt the statutory material without incorporating it by reference.
 - If the reference is to a different CFR section, cross-reference the material as provided by [1 CFR 21.21](#) (see sections 2.16 and 3.16 of the [Document Drafting Handbook](#)) and [1 CFR 21.51](#), [21.52](#), and [21.53](#). If you cross-reference a CFR provision, then you are not incorporating anything by reference (see [section III.A of this handbook](#)).
 - If the material has a different legal citation, or if it does not have a legal citation, ask the next set of questions.
2. Is it required to understand or comply with the regulations? Do your regulations require that a party "resort to"³ material that is not published in the *Federal Register*?
 - If the material is required and it has a legal citation not covered by [1 CFR part 21](#), contact us.
 - If the material is required and does not have a legal citation, then you must seek IBR approval.
 - If the material is agency-produced material, then you must overcome the presumption that the agency-produced material should be included in full in your regulations (see [section III.A of this handbook](#)).
 - If the material is ineligible for IBR approval, then you will need to include the material in your regulations if you want to require it.

E. When Can I Use IBR?

IBR is only available if the applicable regulations are published in the CFR. You must have formal approval of your IBR request before you may publish a final rule document with IBR within one or more amendatory instructions.

We review preambles and regulatory text (if present) of proposed rules to ensure you have discussed any material you are proposing to IBR into the CFR. However, you will not request or receive formal approval for any potential IBR material referenced in a proposed rule. The formal review and approval process is a pre-publication requirement for the final rule.

² Legal citations include CFR, U.S.C., and Pub. L. citations. They do not include FR citations without an accompanying CFR citation. ³ [5 U.S.C. 552\(a\)](#).

You cannot incorporate material by reference into documents that publish in the Notices sections of the *Federal Register* or that contain no regulatory text (for example, guidance documents).

F. Is There Material I Cannot Use for IBR?

You cannot incorporate material by reference that has already been published in the *Federal Register*, regardless of the agency that published it. This means that you cannot remove codified material from your regulations, create a new publication, and then incorporate that new publication by reference.

If any already-published material is included in the CFR, use a cross-reference (see section I.D of this handbook). If there is no current CFR citation, then you must include the material in full in your regulations.

There is a presumption that agency-produced material is not eligible for IBR. If you want to require use of that material, you have two options:

1. Overcome the presumption and show that it cannot be published in the FR/CFR system; or
2. Include the material in full in your regulations (see section III.A of this handbook).

G. Who Should I Contact When I am Considering IBR?

If you are considering using IBR in a regulation, your regulation drafters and agency liaisons should contact us as early as possible if you have questions not answered by this handbook. Contacting us during the drafting process avoids common drafting problems. It can also prevent additional delays in the review and approval of your request.⁴ However, we cannot advise you if your agency should incorporate a publication or which publication to incorporate.

Remember: We can only work with Federal employees. If you have contractors helping to draft your regulations, you must work with us on their behalf.

⁴ It will not prevent delays caused by a backlog in the request process. We process requests in the order in which they are received, so if your request is #15, it can take 3-4 weeks before we start reviewing it.

II. Legal Authority for IBR and Related Guidance

A. What Is the OFR's Legal Authority?

1. Freedom of Information Act (FOIA)

The FOIA authorizes the use of IBR ([5 U.S.C. 552\(a\)](#)).

1. The FOIA allows agencies to incorporate material by reference that is “reasonably available to the class of persons affected” into the CFR.
2. The FOIA requires that agencies receive approval to incorporate material by reference from the Director of the Federal Register.

2. Regulations

The OFR has issued regulations governing the technical requirements for IBR approval. The ACFR regulations governing requirements for publication also apply.

1. You can find the OFR's regulations on IBR at [1 CFR part 51](#).
2. ACFR regulations, specifically [1 CFR 2.4\(b\)](#), allow the Director to return documents if those documents don't meet the publication requirements.

B. What Other Statutory Authority Applies Generally?

IBR gives agencies an efficient way to use voluntary consensus standards, as provided for in the NTTAA.

The NTTAA directs agencies to use voluntary consensus standards, instead of government-unique publications, when it is practical and consistent with law. It can be helpful to consult with voluntary, private sector, consensus standards bodies, also known as standards development organizations (SDOs), if you intend to use their material for IBR. You are also encouraged to participate in the development of technical standards when such participation is in the public interest and compatible with your agency's mission, priorities, and resources.

C. What Federal Policy Applies?

1. The Office of Management and Budget (OMB)

OMB issued two documents that provide valuable information to agencies who work with standards and are considering incorporating standards by reference into their regulations

1. [Circular A-119](#), “Federal Participation in the Development of Voluntary Consensus Standards and in Conformity Assessment Activities.” This Circular includes guidance on IBR.

2. [Memorandum M-12-08](#), “Principles for Federal Engagement in Standards Activities to Address National Priorities.” The Memorandum describes the five fundamental strategic objectives for Federal involvement in standards development and other activities related to standards.

2. Administrative Conference of the United States (ACUS)

[ACUS Recommendation 2011-5](#), *Incorporation by Reference*, focuses on three issues agencies frequently confront when incorporating by reference:

1. Ensuring material incorporated by reference is reasonably available to regulated and other interested parties;
2. Updating regulations that incorporate by reference; and
3. Navigating procedural requirements and resolving drafting difficulties when incorporating by reference.

This recommendation identifies and encourages those approaches that have proven most successful.

III. IBR Material

A. What Is the Criteria for Approved IBR Material?⁵

The Director may approve an IBR request if the publication:

1. Is published data, criteria, standards, specifications, techniques, illustrations, or similar material;
2. Is reasonably available to and usable by the class of persons affected by the publication; and
3. Does not reduce the usefulness of the FR/CFR system;

The agency must show that the following assumptions regarding incorporating the material are correct:

1. Benefits the Federal Government and members of affected classes; and
2. Does not detract from the legal or practical attributes of the FR/CFR system.

The Director will approve agency-produced material for IBR only if the material:

1. Meets the requirements above and possesses other unique or highly unusual qualities; or
2. Is impossible or impractical to print in the FR/CFR system.

The Director will not approve an IBR of any of the following material:

- Material published previously in the *Federal Register* or the CFR; or
- Material published in the United States Code or as a Public Law.

Remember: Lack of approval or denial does not mean that you can reference the material and leave out the IBR approval language. If you want to require the material and the Director does not approve the IBR, you must include the material in full in your regulations.

B. What Format of IBR Material Do I Send for Approval?

Our regulations require that your agency makes material incorporated by reference available for examination by the public. We encourage your agency to establish a uniform means of storing and maintaining incorporated material within your agency, even if it is in a different format than you send to us.

You must provide IBR material in an accessible, read-only electronic format, typically as a PDF file. **We cannot accept:**

- A web link to material stored elsewhere or online in lieu of an actual file on our ftp server;
- Password-protected files or files that require ID verification;

⁵ [1 CFR part 51](#)

- Files that require proprietary software to open or use; or
- Material in hard copy.

If you have paper that you cannot convert to an electronic format, let us know as early in the process as possible so that we can discuss the situation.

To transmit electronic material, you must use our dedicated, secure ftp (nsftp) server. We will not accept electronic files via email or on disc. (See section VI.B.2 of this handbook for information on requesting an account for your agency.)

C. What Should My Agency Consider When Deciding to Use a Publication?

1. The factors specific to the rulemaking

Consider using a particular publication on a case-by-case basis. Agencies consider many factors, including how the use of the publication will affect the economy and existing laws. For more guidance, see [OMB Circular A-119](#) and [ACUS Recommendation 2011-5](#).

2. Which version of the publication to use

You determine which version of a publication to incorporate. We cannot advise you on which version to use. We know, from questions misdirected to our office, that the regulated public likely will have questions about why you chose a particular version. No matter which version of a publication you decide to incorporate, we recommend discussing why that particular version of a publication was chosen as part of the summary or general discussion of the IBR material in the preamble of the proposed (if applicable) and final rule.

3. How to balance procedural requirements and substantive statutory authority

1. When your agency proposes to incorporate material by reference, it must balance the following under the NTTAA:
 - a. Statutory obligations regarding reasonable availability of the material under FOIA;
 - b. U.S. copyright law;
 - c. U.S. international trade obligations; and
 - d. The ability to substantively regulate under its own authorizing statutes.
2. When your agency decides to incorporate material, the preamble of the rulemaking documents (proposed and final rules) must:
 - a. Discuss how the incorporated material is reasonably available to parties affected by the rulemaking;
 - b. Indicate where the incorporated material can be reviewed or obtained; and

- c. Summarize the individual publications.

4. How to draft a summary of an incorporated publication

The preamble requirements in [1 CFR part 51](#) ensure that readers can understand how the incorporated material fits into the regulation. The summary of each publication should give a non-expert enough information to decide if they need to read the publication itself, in addition to the preamble and regulatory text. If they decide they need to read the publication(s), that information (where to find and review the publication(s)) is also available in the preamble, with the assurance that the material is reasonably available. The summary must go beyond a restatement of the publication's title and summarize the content instead of merely describing to whom, how, or when the publication applies. A summary that only explains how this version of the publication differs from a previous version of the publication is not adequate.

5. How to draft the IBR section of the preamble

We will be able to review your request more quickly and efficiently if you draft the preamble so that this discussion (summary and availability) is under a specific heading.

Some headings that agencies are using include:

- Incorporation by reference
- Analysis under 1 CFR part 51
- NTTAA and 1 CFR part 51

You are not required to use a heading, but the summary and reasonably available analysis must be easily identifiable within your preamble.

D. What Is the “Reasonably Available” Requirement for IBR Material?

1. Material that is incorporated by reference must be “reasonably available” during the lifecycle of the relevant regulation and its regulatory program(s). This can pose a challenge for agencies, especially when the material is copyrighted. We interpret “reasonably available” in a flexible, case-by-case manner that takes specific situations into consideration. However, you must provide the basis for a finding of “reasonably available.”
2. When necessary, collaborate with the SDOs and other publishers of incorporated material to ensure that the public has reasonable access to the incorporated material (see [section III.E](#)).
3. Determine if and how the IBR material is available to both regulated and other interested and affected parties. If more than one publication meets your need, consider availability of the publications when determining which publication to incorporate.

E. How Can My Agency Make Incorporated Material Reasonably Available?

Some agencies have successfully worked with copyright owners to further the goals of both transparency and public-private collaboration. They have negotiated online, read-only access as an alternative to purchasing copies for publications being incorporated. One SDO voluntarily made its current standards freely available online. Other agencies have negotiated access for specific publications. ACUS recommends⁶ that agencies consider obtaining permission from the copyright holder to:

- Make the IBR material available in the agency's public electronic docket in a read-only format during the time that the rulemaking is under consideration; or
- Make the IBR material publicly available in read-only form on the copyright owner's website⁷.

Remember: Read-only access, on its own, may not meet the reasonably available requirement at the **final rule stage** of rulemaking since those who must comply with the regulations may need full access to an online version or their own copy of the material. Further, an inability of regulated parties to use the material (which may be different than simply reading or accessing it) throughout the life of the rulemaking could lead to enforcement issues. For example, your regulation may continue to be effective after its related docket has been archived following your records schedule. Therefore, you may not use evidence of the material in a Regulations.gov docket as the sole method to meet the reasonably available requirement.

F. Can My Agency Incorporate Web-based Material?

In some cases, the Director may approve web-based material; however:

1. Web-based material must meet all other IBR requirements.
2. When requesting approval for web-based material, you must clearly identify the material, including a version number (when applicable) and a date. You must also provide a read-only electronic copy for our records (see section III.B of this handbook).

The Director will not approve a third-party website (or page) or a website (or page) with dynamically-generated content. If you have questions about web-based material, contact us.

G. Can My Agency Incorporate Software Applications or Databases?

The Director will not approve software in application-form or a database. However, the Director may approve open-source code for applications or the data in a database as it exists on a specific date, if:

⁶ [ACUS Recommendation 2011-5](#).

⁷ An example is the [ANSI IBR Standards Portal](#).

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1. The application code or data meets all other IBR requirements; and
 2. You clearly identify the version and provide us a read-only electronic copy of the code or data.

IV. Rulemaking Documents

A. What Must My Document Contain for IBR Approval?

1. Advance notices of proposed rulemaking

For advance notices of proposed rulemaking (ANPRM), you do not request formal approval for IBR. If you propose to incorporate specific material in the ANPRM, follow the steps for a proposed rule in section A.2 (below).

Contact us if you have questions about how to include IBR in an ANPRM.

2. Proposed rules

For a proposed rule (also known as a notice of proposed rulemaking or NPRM), you do not request formal approval for IBR.

1. The Director will informally approve the proposed IBR, as part of the publication process, as long as:
 - a. The preamble of the proposed rule includes an **easily identifiable** section that does three things (see [Example 2-2](#), [Example 2-3](#), [Example 2-5](#), and [Example 2-6](#) in Appendix A.D.2 and Boilerplate 1 - Discussion for currently-approved IBR material in Appendix A.C of this handbook):
 - i. Identifies and individually summarizes the material that you propose to incorporate;
 - ii. Identifies any currently-approved IBR material, if that material (i.e. same designation, title, and publication date) is unchanged but appears as part of revised or republished amendatory text (see [Flowchart 1](#) in Appendix A.B of this handbook to determine status of IBR material); and
 - iii. Discusses the ways that the proposed IBR material is reasonably available to interested parties, or how you worked to make that material reasonably available to interested parties for the purposes of the proposed rule; and
 - b. For documents with regulatory text, the document:
 - i. Includes the term “Incorporation by reference” in the List of Subjects for the relevant part; and
 - ii. Contains the proper IBR structure and language in the regulatory text of your proposed rule.
2. If the document does not meet these requirements, the Director will return the proposed rule to the agency.

3. If you include IBR language in the amendatory text of your proposed rule, you must follow the drafting procedures described in section B.3.b (below).

If a proposed rule document comes in for publication and includes any IBR element, we review the document before the Scheduling unit starts its publication review. Make sure to budget time for extra review, especially if your document is time-sensitive.

Remember: ONLY include "Incorporation by reference" in the List of Subjects of documents when there is at least one IBR reference in the amendatory text for that part. Do NOT include "Incorporation by reference" in the List of Subjects if IBR is not referenced in the amendatory text for a part in your document, even if the part includes IBR in the CFR, unless IBR material is updated by an amendment to a centralized IBR section even if no amendments are necessary for the outlying sections.

3. Final rules

1. You must request approval for each publication you wish to incorporate by reference, and you may not send the final rule requiring use of those publications for publication before you receive the Director's approval.

The Director will formally approve the IBR request when it meets the content and format requirements in sections IV.B3 and IV.C.3 of this handbook (see also examples in appendix A.D.2 and A.D.3 of this handbook).

2. If you send a final rule for publication without formal IBR approval, the Director will kill the document and return it to your agency.

B. What IBR Language Is Required in My Document?

1. Advance notices of proposed rulemaking

We review IBR language set out in the amendatory text section in ANPRMs, if you have included such text. If you include IBR language in your ANPRM, follow the drafting procedures described in section 3.b., below (in addition to the content described in A.2, above).

2. Proposed rules

We review IBR language set out in the amendatory text section of proposed rules or in supplemental proposed rules, if you have included such text. If you include IBR language in your proposed rule, follow the drafting procedures described in section 3.b., below (in addition to the content described in A.2, above).

3. Final rules

a. Preamble text

The language required for DATES and the easily identifiable IBR section depends on the approval status of the IBR material:

- new IBR material (material that is not approved for incorporation anywhere that you are aware of)
- existing IBR material (material that is approved but for a different location than where you intend to reference it)
- currently-approved IBR material (material that is already approved for the section or appendix where it appears in your proposed or final amendatory text)

Existing IBR material is treated just like new IBR material, with one exception: you do not have to provide us with a copy of the material. Use Flowchart 1 in Appendix A.B.1. of this handbook.

The preamble must include language as follows:

1. The DATES caption (see [Boilerplate 1 - DATES caption in Appendix A.C of this handbook](#))
 - a. DATES must include an approval statement that indicates the date the Director of the Federal Register approved the IBR. Do not name each approved publication in the DATES section. The effective date of the final rule and the approval date of the incorporation by reference are always the same date (see [Boilerplate 1 - DATES caption in Appendix A.C of this handbook](#)).
 - b. DATES must also include the approval date of any currently-approved IBR material, if that material appears as part of revised or republished amendatory text (see [Flowchart 3, Boilerplate 1 - DATES caption, and Example 2-1 in Appendix A.B.1, C, and D.2 of this handbook](#)).
2. An **easily identifiable** section (see [Flowchart 2 in Appendix A.B.1 of this handbook](#)) that:
 - a. Identifies and individually summarizes the new IBR material that you are incorporating (see [Example 1-1, Example 2-2, Example 2-3, and Example 2-4, in Appendix A.D.1 and D.2 of this handbook](#));
 - b. Identifies any currently-approved IBR material, if that material appears as part of revised or republished amendatory text (see [Example 2-6 in Appendix A.D.2 of this handbook](#)); and
 - c. Discusses the ways that the IBR material is reasonably available to interested parties (see [Example 2-2, Example 2-3, and Example 2-4 in Appendix A.D.2 of this handbook](#)). Do **not** include OFR availability language in the preamble.
3. The List of Subjects at the end of the preamble must include the term “Incorporation by reference” in alphabetical order.

b. Regulatory text

The amendatory text must (see section C, below, for formatting and structure guidance):

1. Include the words “incorporation by reference” or a form of that phrase, such as “IBR”.
2. Identify the material to be incorporated,
 - a. Including:
 - designation of the publication,
 - title,
 - date,
 - version (if any), and author (if any); and
 - b. Organized alphabetically by publisher, then alpha-numerically by publication.

This must **EXACTLY** match the title page, cover sheet, transmittal letter, or other front matter of the publication you give us (see [Example 1-1](#) and [Example 1-2](#) in [Appendix A.D.1](#) of this handbook).

Remember, even if the publication’s designation contains a partial date, for example ASTM F1234-12, that designation does not eliminate the requirement to include a date. You must include the date in addition to the designation.

3. Contain statements of availability stating where:
 - a. The publication(s) can be inspected at your agency; and
 - b. Copies can be obtained from the publisher, design or copyright holder, or other distributor.
4. Include in the statements of availability:
 - a. Agency’s street or internet address⁸ where the public can inspect the material;
 - b. Agency’s phone number or email address for questions from the public regarding the material; and
 - c. Publisher’s street address, and at least two of the following: phone number, email, and internet address.
5. Refer to [5 U.S.C. 552\(a\)](#) and include a statement that the Director of the Federal Register approves the incorporation by reference (see [Option 1](#), [Option 2](#), and [Option 3](#) in [Appendix A.D.3](#) of this handbook).

Remember, you must include a reference to the material in at least one location other than a centralized section or paragraph.

C. How Do I Format Regulatory Text that Contains an IBR?

3. Advanced notices of proposed rulemaking

We review IBR language set out in the amendatory text section in ANPRMs if you have included such text. If you include IBR language in your ANPRM, follow the drafting procedures described in section 3, below.

2. Proposed rules

⁸ You cannot use a website or domain that is not owned by your agency.

We review specific IBR language set out in the amendatory text section of proposed rules, or in supplemental proposed rules, if you have included such text. If you include IBR language in your proposed rule, follow the drafting procedures described in section 3, below.

3. Final rules

Formatting the IBR language in your amendatory text depends on how many publications are referenced in the same section and whether or not the part (or subpart) has (or needs) a centralized IBR structure. Regardless of the number of publications, if a section is within a CFR part or subpart covered by a centralized IBR section, you must use that section. The three possible structures (see [Flowchart 4](#) and [Flowchart 5](#) in [Appendix A.B.2](#) of this handbook):

1. Option 1: *Single IBR publication section* – a single publication is incorporated into a single section, but can be referenced once or multiple times within that section. Place the required IBR language immediately after the first reference to the publication or in the last paragraph in the section (see [Boilerplate 2 -Final rule](#), [Multiple currently-approved publications in Appendix A.C](#) and [Option 1 in Appendix A.D.3](#) of this handbook);
2. Option 2: *Dedicated IBR paragraph* – more than one publication is incorporated into a single paragraph. Include the IBR language for each publication referenced in a section in a designated paragraph in that section; the paragraph should be the first⁹ or last paragraph in the section (see [Option 2 in Appendix A.C.](#) and [Option 2 in Appendix A.D.3](#) of this handbook); or
3. Option 3: *Centralized IBR section* – a designated section that serves as an index for all the IBR material in or across an identified CFR unit(s), regardless of quantity. Include a cross-reference to a separate section designated for IBR material immediately after the first reference and add the IBR language for the publication into the centralized IBR section; the centralized section should be at the beginning or the end of the applicable part¹⁰ or subpart (see [Option 3 in Appendix A.C](#) and [Option 3 in Appendix A.D.3](#) of this handbook).

a. Options for IBR structure

Even though each rulemaking is unique and the circumstances driving the rulemaking will help determine which publication(s) to use, the structure you use depends on your existing CFR content and IBR structure (if any), as well as any future plans or possible future outcomes. Before you begin drafting, determine (see [Flowchart 4.](#) and [Flowchart 5](#) in [Appendix A.B.2](#) of this handbook):

1. Whether you are including (and how many) new IBR publications in the rulemaking;
2. Whether you are including (and how many) currently-approved IBR publications in the rulemaking;
3. The number of publications you are incorporating within each affected section; and
4. The IBR structure that works best from the options available¹¹.

⁹ The OFR prefers that you include dedicated IBR paragraphs as paragraph (a); however, we recognize that many times it is simpler and more efficient to add the dedicated paragraph as the last paragraph – especially when adding the paragraph to an existing section.

¹⁰ A centralized section that spans multiple parts is possible only under very limited circumstances. Before adopting a multi-part model, contact us.

¹¹ If the rule amends more than one part, choose one structure for each part. The end result may be different structures in different parts.

Make sure you understand how the section fits into the CFR structure. For example, if a section already has one publication and you are adding a second publication, then even if you only have one publication in the rule, you cannot use the Single IBR publication section option (option 1) because the end result is more than one publication in the section. If this happens, you will have to restructure the section.

Remember: Option 3 is always acceptable but you may have to consolidate existing IBR material from other sections in the part or subpart when adding a centralized IBR section to a part that already has incorporated material.

b. Structure of IBR language

The only structural difference between option 2 (Dedicated IBR paragraph) structure requirements and option 3 (Centralized IBR section) structure requirements is that option 2 starts at the second paragraph level (e.g. (a)(1)) while option 3 starts at the first paragraph level (e.g. (a)).

1. (Option 1) *Using a single paragraph for the reference and all elements* (see Boilerplate 2 -Final rule, Multiple currently-approved publication in Appendix A.C and Option 1 in Appendix A.D.3 of this handbook) Include the IBR approval language, availability boilerplate, and information about the publication and publisher, immediately following the first reference to the material or as the last paragraph of the section.
2. (Option 2) *Using a dedicated IBR paragraph* (see Option 2 in Appendix A.C. and Option 2 in Appendix A.D.3 of this handbook). When including the IBR approval language for more than one publication in a separate paragraph, the paragraph must be either the first or last paragraph within the section and must contain all the elements described below for Option 3, except for 3c. (since there are no outlying sections).
3. (Option 3) *Using a centralized IBR section* (see Option 3 in Appendix A.C. and Option 3 in Appendix A.D.3 of this handbook). A centralized IBR section allows you to publish the IBR approval language and list the publisher information once for a part instead of repeating it in each section, and does not interfere with the regulatory text of any individual section.
 - a. A centralized IBR section must contain the following:
 - i. Required approval language in the first paragraph;
 - ii. Required availability boilerplate; and
 - iii. Required information for each publisher and each publication by:
 - 1) Listing each publisher along with its address information in 1st level paragraphs (e.g. (a)) in alphabetical order. Include at least two (2) of the following elements in addition to the publisher's address: phone, email, website.
 - 2) Listing the publisher's incorporated publications separately in 2nd level paragraphs (e.g. (a)(1)) under the publisher's information paragraph in alpha-numeric order (see Option 3 in Appendix A.C. and Option 3 in Appendix A.D.3 of this handbook).
 - 3)). For each separate paragraph include:

- a) The description of each publication as required by [1 CFR 51.9\(b\)\(2\)](#) (see [Example 1-1](#) and [Example 1-2](#) in [Appendix A.D.1](#) of this handbook); and
 - b) All sections that require the use of each publication, including the first paragraph level of the section.
- b. A centralized IBR section only contains information related to the incorporated publications. It does not contain instructions for using the material, the process the agency follows to change the publications, alternatives to using the incorporated publications, or other information unrelated to identifying the incorporated publications or the availability of that material.
- c. The sections that require use of the publication(s) must include the following phrase after the publication’s designation, “(incorporated by reference, see [INSERT THE CENTRALIZED IBR SECTION NUMBER])”. The cross-reference back to the centralized IBR section allows the reader to find the approval language and information regarding the publication’s publisher quickly.

A poorly drafted centralized IBR section may create problems for you. It can be difficult to amend, especially if the centralized IBR section and the section that requires the use of the publication do not cross-reference each other. Contact us if you have questions about how to craft a well-drafted centralized IBR section.

V. Changing or Removing an Incorporated Publication

A. Who Determines Whether to Update Incorporated Publications?

1. You must decide whether to incorporate a new version of a publication already incorporated in a different section; we cannot help. When you decide to use a publication, you must request new approval for:
 - a. Using a new, revised, or updated version of a publication;
 - b. Using a publication already approved for another agency;
 - c. Adding a currently-incorporated publication to a new section; or
 - d. Redesignating a section that has IBR material.

The Director only approves a specific version of a publication to a specific CFR section.

2. [OMB Circular A-119](#) recommends that your agency consider the following: consider the following:
 - a. If updating or substituting a new publication would be non-controversial, consider publishing a publications-specific direct final rule or technical amendment.
 - b. If updating or substituting a new publication might be controversial, consider publishing a publications-specific proposed rule.
 - c. If updating or substituting a new publication would require a substantial re-opening of a rule, consider addressing these revisions in the context of a broader-scope “look-back” rulemaking (rather than a publications-specific proposed rule).

B. What if I Withdraw the Final Rule containing the IBR or the Final Rule Does Not Go into Effect?

If you withdraw the final rule containing the IBR or the final rule does not go into effect (for example, if the effective date is delayed), you must email us within 5 working days.

C. How Do I Remove IBR Material from the Code of Federal Regulations (CFR)?

If you need to remove material incorporated by reference, you must:

1. Notify the Director of the Federal Register in writing (see [Template 2 in Appendix A.A](#) of this handbook); and

2. Provide a copy of the draft rule removing that material to the OFR before you send the rule for publication. If you are removing material from a centralized IBR section, make sure you remove the affected paragraphs from that centralized IBR section using the correct amendatory instructions (see [Example 4-1 in Appendix A.D.4 of this handbook](#)).

VI. Requesting IBR Approval

A. When Do I Request Approval for an IBR?

Do **NOT** request approval for proposed rule documents. In cases where IBR is being proposed, we conduct a limited review after you send these documents in for publication but before our general editing process begins.

For final rules, you must send us the IBR request **at least 20 working days** before you intend to send the final rule for publication, **but as far in advance as possible** when the request is complete and further in advance if the rule is complex or there are numerous publications requested to be incorporated by reference. Before you send your final rule in for publication, you *must* request formal IBR approval if you are (see [Flowchart 1 in Appendix A.B of this handbook](#)):

1. Incorporating a new publication;
2. Incorporating a different version of a publication;
3. Adding a currently-approved publication to a new section;
4. Redesignating a section with already approved IBR material; or
5. Incorporating a publication already approved for another agency.

For items 3-5 (above), you do not have to give us another copy of the publication(s). You must state in your request letter that you are not including that specific publication, and you must specify the section and paragraph where the publication is currently approved. This will reduce questions we have about your IBR request.

For item 3 (above), you must summarize the publication in the current rule's preamble.

For item 4 (above), you may or may not need to summarize each publication in the current rule's preamble. Contact us for requirements specific to your rule.

You may not send us the final rule for publication before receiving the Director's approval to publish.

A document might publish in the *Federal Register* that contains reference(s) to incorporated material, since the Director does not review each document submitted for publication. However, without the Director's formal IBR approval, the material referenced is not incorporated by reference.

B. How Do I Request Approval?

- For PROPOSED RULE documents (including ANPRMs), simply send in the document for publication.
- For FINAL RULE documents, follow these steps:

1. What do I send?

a. IBR material

i. Make sure all the IBR material is:

1. Legible with no extraneous marks, redactions, or annotations;
2. Complete; and
3. Clearly identified by:
 - a. Publisher,
 - b. Identification number of the publication (designation),
 - c. Title,
 - d. Edition (if any),
 - e. Author (if appropriate), and
 - f. Date.

(See Example 1-1 and Example 1-2 in Appendix A.D.1 of this handbook.)

ii. Include a complete copy of the material to be incorporated in the request package except as follows:

1. If the exact version of the material is already incorporated elsewhere in the CFR (i.e. the material is currently approved):
 - a. Include the full description in the letter along with the current approval location, but
 - b. Do not include a copy of the material in the package.
2. If the regulatory text of the draft rule includes references to material already approved for that section or appendix:
 - a. Add an explanation to the letter, but
 - b. Do not include the full description of the material in the letter, and
 - c. Do not include a copy of the material in the package.

b. IBR request letter and draft rule

All Word files must be .docx files (we do not accept .doc files) and cannot include periods in the file name. (For example, “draft-rule_12-01-22.docx” instead of “draft-rule_12.01.22.docx”). Your package must include:

1. A digitally-signed letter requesting approval of the incorporation—
 - a. If you do not use the template provided (see [Template 1 in Appendix A.A of this handbook](#)), you must include information about the proposed rule;
 - b. If you transmit a signed PDF file (by either signing the PDF or by scanning a signed paper letter), also include a draft version as an unsigned MS Word file (in .docx file format);
 - c. If you transmit a signed MS Word file, do not include the unsigned version; and
2. The draft rule as a single MS Word file (in .docx file format). **The DRAFT rule must include:**
 - a. All preamble headings and captions;
 - b. An easily identifiable IBR section in the preamble;
 - c. The words of issuance; and
 - d. All amendatory instructions and regulatory text affected by the IBR material.

The draft rule does not have to be otherwise complete, final, or through the OMB review process. It should not be signed because if we require changes, it will need to be re-signed before it can be transmitted for publication.

i. Letter Content

Address the letter to the Director of the Federal Register specifically requesting IBR approval and including the following information (see [Example 1-1 and Example 1-2 in Appendix A.D.1 of this handbook](#)):

1. The designation, usually an alpha-numeric designation¹², title, date, version, and author of each publication you wish to incorporate by reference, grouped by publisher;
2. The title and section where you wish to incorporate a publication, including any centralized IBR sections. Include references to the lowest paragraph level in the section that requires the use of the publication, **except** for the centralized IBR section references¹³; and
3. Who to contact at your agency regarding your IBR request along with their phone number and email address.

¹² Even if the publication’s designation contains a partial date, for example ASTM F1234-12, this is not the same as the date of the document. You must include the date in addition to the designation.

¹³ For example, 40 CFR 63.17(b)(1)(iii)(A). This is more detailed than what you include in a centralized IBR section. You do not need to include the paragraph level for the centralized IBR section in the request letter; the title and section are sufficient.

ii. Letter Signature

We will accept signatures from Federal Register liaison officers, program staff, or agency attorneys, among others, so the request letter does not necessarily have to be signed by the head of your agency. To determine the Federal employee(s) in your agency who may sign an IBR request letter, ask your agency's attorneys.

We accept:

- A digitally signed PDF;
- A wet signature hard copy scanned as a PDF; or
- An invisible signature Word document.

2. How do I send my IBR request package for approval?

Under [OMB/NARA Memorandum M-19-21 \(updated by OMB/NARA Memorandum M-23-07\)](#), the OFR can no longer accept hard copies of IBR material (except under extremely limited circumstances¹⁴). In May 2021, we opened our eIBR pilot to all agencies and began providing secure ftp accounts to each agency that uses IBR in its regulations. Check with your Federal Register liaison officer for your internal procedures regarding use of this account – even if you have not gone through your liaison officer in the past. If you do not yet have an account, contact us.

a. IBR request package with IBR material

If you are transmitting at least one publication as part of the request package—

1. Log into the GPO server using your agency's account (we will provide the account information).
2. Navigate to your office's folder on the GPO server (or create one, if necessary).
3. Create a new folder for this IBR request, making sure that the folder name adequately reflects the rulemaking.
4. Upload the signed letter (and unsigned Word file, if applicable), IBR material, and draft rule to the new folder.
5. Send us an email saying that you have uploaded a new IBR request.

b. IBR request package with no IBR material

If the IBR request includes material that has already been incorporated elsewhere, such that you are not required to send copies of the material to the OFR—

Email us the signed letter (and unsigned Word file, if applicable) and draft rule.

c. IBR request package pre-approved for paper IBR material

If we have not pre-approved your request to send paper, do NOT send paper with any IBR request. If we have pre-approved your request to send paper IBR material—

¹⁴ Contact us for pre-approval to send paper as soon as possible if you encounter difficulty obtaining electronic files.

1. Send the IBR material to the attention of OFR, Legal Affairs and Policy Division, 7 G Street, NW, Suite A-734, Washington, DC 20401. Do NOT include the draft rule. You may (but are not required to) include an unsigned request letter. Do not use USPS to send material to this address.
2. Send us an email with the signed letter (and unsigned Word file, if applicable) and draft rule attached in the body of the email and state that you have sent (or are sending) the paper material. Include the date you sent the paper material, the address used for the destination, and any tracking information.

Warning: If you send the IBR request by U.S. mail, you must use the address found in [Template 1 in Appendix A.A of this handbook](#). However, U.S. mail is irradiated before it comes to us, which can damage the documents and delay delivery of the package. If there is too much damage, you will have to resend the IBR material. The preferred method is hand-delivery or courier (including UPS and FedEx) to our street address listed above. If you send a paper IBR request without pre-approval, we will NOT accept it.

3. How long will it take to process my request?

OFR Legal has 20 working days to review a request after transmission of a complete request package. We will notify you within that period that:

1. No edits are required and the request is approved;
2. Edits are required, along with appropriate red-line changes; or
3. The required edits are too extensive and the request is denied.

We will not notify or remind you to complete a package if we only receive a partial request.

- The 20-day period begins when we receive legally-sufficient material for all elements of the request.
- Failure to follow this procedure will delay the processing of your request.
- **We do not offer expedited or emergency review of IBR requests.**

You have 2 years from the date of the approval letter to send in the final rule for publication, unless you ask for an extension before that date. After 2 years, your approval will expire and we will dispose of any material that you have given us. To refer to the material after that time, you will need to send in a new request for IBR approval.

VII. IBR Checklist for Final Rules

- Assemble your IBR approval request package, including:**
 - ✓ A signed IBR approval request letter (including the CFR titles and ALL affected CFR section(s), including any centralized IBR section(s)) that
 - presents any existing IBR material going into new section(s) as new requests and
 - acknowledges currently-approved IBR material included in the regulatory text;
 - ✓ Complete copies of all material being requested for IBR—including title pages, cover sheets, transmittal letters, and other front matter;
 - ✓ The MS Word file of the request letter (unless providing a signed MS Word file); and
 - ✓ The MS Word file with the complete DRAFT of the final rule.
- Transmit the package electronically at *least 20 working days* before you want to send the final rule for publication.**

Email us to report that you have uploaded the request package.

Appendix A. Templates, Flowcharts, Boilerplate Language, and Examples

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A. IBR Letter Templates

TEMPLATE 1. Letter Requesting IBR Approval from Director

Instructions: The following numbers correspond to marked locations within the template and contain alternative language and reminders.

1. If sending a signed PDF, add “, as well as an MS Word file of this letter”.
2. Include the centralized IBR section. If the final rule amends more than one centralized IBR section, include all centralized sections and add “, as applicable,” before “and as follows:”.
3. If the final rule does not amend a centralized IBR section, replace this last sentence with “The IBR material will be referenced as follows:”.
4. Include full publisher contact information for any new publisher or when updating the information in the rule.
5. Remember, even if the publication’s designation contains a partial date, for example ASTM F1234-12, this is not the same as the date of the document. You must include the date in addition to the designation.
6. Include the full citation of each location in every section where the material will be referenced. Include all subordinate paragraph levels; for example, § 63.1234(c)(1)(ii)(B).
7. Include this sentence if the same version of any publications you want to use are currently approved for IBR. If all publications are incorporated into a centralized IBR section, just list that section. If the publications are incorporated into different sections, list the sections in order of the listed publications and add “, respectively”.
8. Include this sentence if any existing publications appear in the regulatory text of the draft final rule.
9. Always answer the first question regarding the proposed rule. If the answer is “yes”, continue with the questions. If the answer is “no”, delete the remaining questions from the letter.

AGENCY LETTERHEAD

December 25, 20xx

[Insert full name of DIRECTOR], Director

Office of the Federal Register (F)
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Dear Director [insert last name of DIRECTOR]:

In accordance with 1 CFR part 51, we request that you approve the incorporation by reference of the material listed below into title(s) XX of the Code of Federal Regulations (CFR). We have included the IBR material and draft final rule¹. The IBR material will be referenced in § yy.zz² and as follows³:

NAME or ACRONYM of Publisher: [PUBLISHER CONTACT INFORMATION]⁴

(For each publication) DESIGNATION⁵, TITLE, VERSION (if any), DATE, AUTHOR (if applicable); IBR § or §§ xx.xx(y)(#)...⁶

[IF MULTIPLE PUBLISHERS, GROUP ALPHABETICALLY BY PUBLISHER AND THEN BY PUBLICATION IN ALPHA-NUMERIC ORDER]

We are not including [LIST DESIGNATION(S)] because it is/they are already approved for IBR in § [LIST CFR SECTION].⁷

The following publication(s) is/are currently approved for the locations in which they appear in the draft rule and we are not requesting any changes: [LIST DESIGNATION(S)].⁸

⁹Was there a proposed rule published for this rulemaking? yes/no – if yes, include FR citation and FR doc # _____

Did the proposed rule contain regulatory text? yes/no

Does the IBR in this draft rule generally match* the proposed rule? yes/no

*if the publications are the same or are different versions of the publications in the proposed rule, then the draft rule generally matches.

[if no, briefly explain the difference, e.g. added/removed publication(s); no IBR in proposed rule; etc.]

Please contact [INSERT NAME] of my staff at [TELEPHONE NUMBER] or by email at [INSERT EMAIL ADDRESS] if you have any questions.

Sincerely,

[SIGN]

Type name,
Title

TEMPLATE 2. Letter Notifying Director of Removal of IBR

AGENCY LETTERHEAD

December 25, 20xx

[Insert full name of DIRECTOR], Director

Office of the Federal Register (F)
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Dear Director [insert last name of DIRECTOR]:

In accordance with 1 CFR 51.11, we are removing the publications listed below as follows:

NAME or ACRONYM of Publisher: [PUBLISHER CONTACT INFORMATION]

(For each publication) DESIGNATION, TITLE, VERSION (if any), DATE, AUTHOR (if applicable); LIST EACH SECTION FROM WHICH THE MATERIAL IS BEING REMOVED.

[IF MULTIPLE PUBLISHERS, GROUP ALPHABETICALLY BY PUBLISHER AND THEN BY PUBLICATION IN ALPHA-NUMERIC ORDER]

We emailed the MS Word file of the draft final rule removing this [these] material(s) from the CFR on [insert date of email].

Please contact [INSERT NAME] of my staff at [TELEPHONE NUMBER] or by email at [INSERT EMAIL ADDRESS] if you have any questions.

Sincerely,

[SIGN]

Type name,

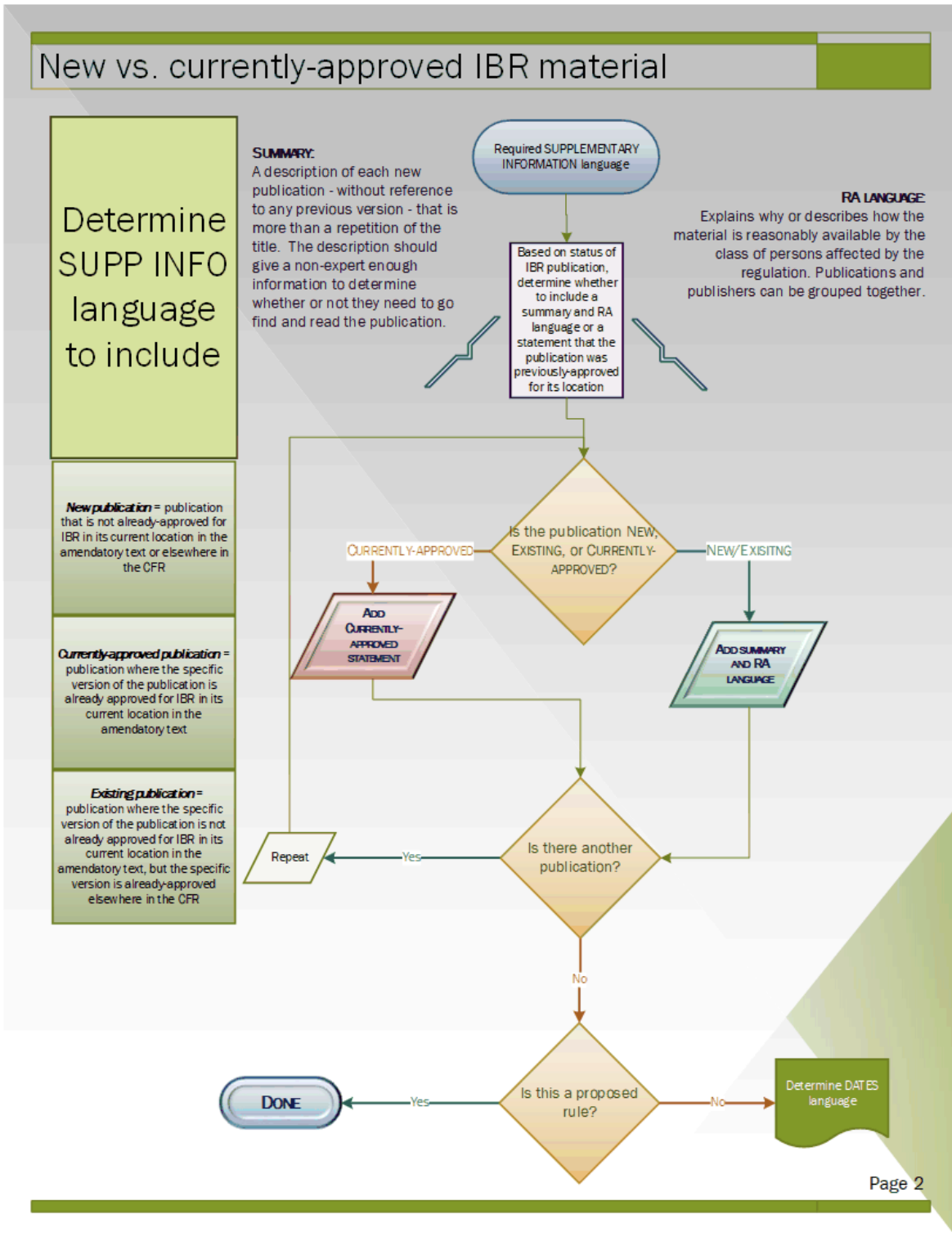
Title

Remember, even if the publication's designation contains a partial date (for example ASTM F1234-12) this is not the same as the date of the document. You must include the date in addition to the designation.

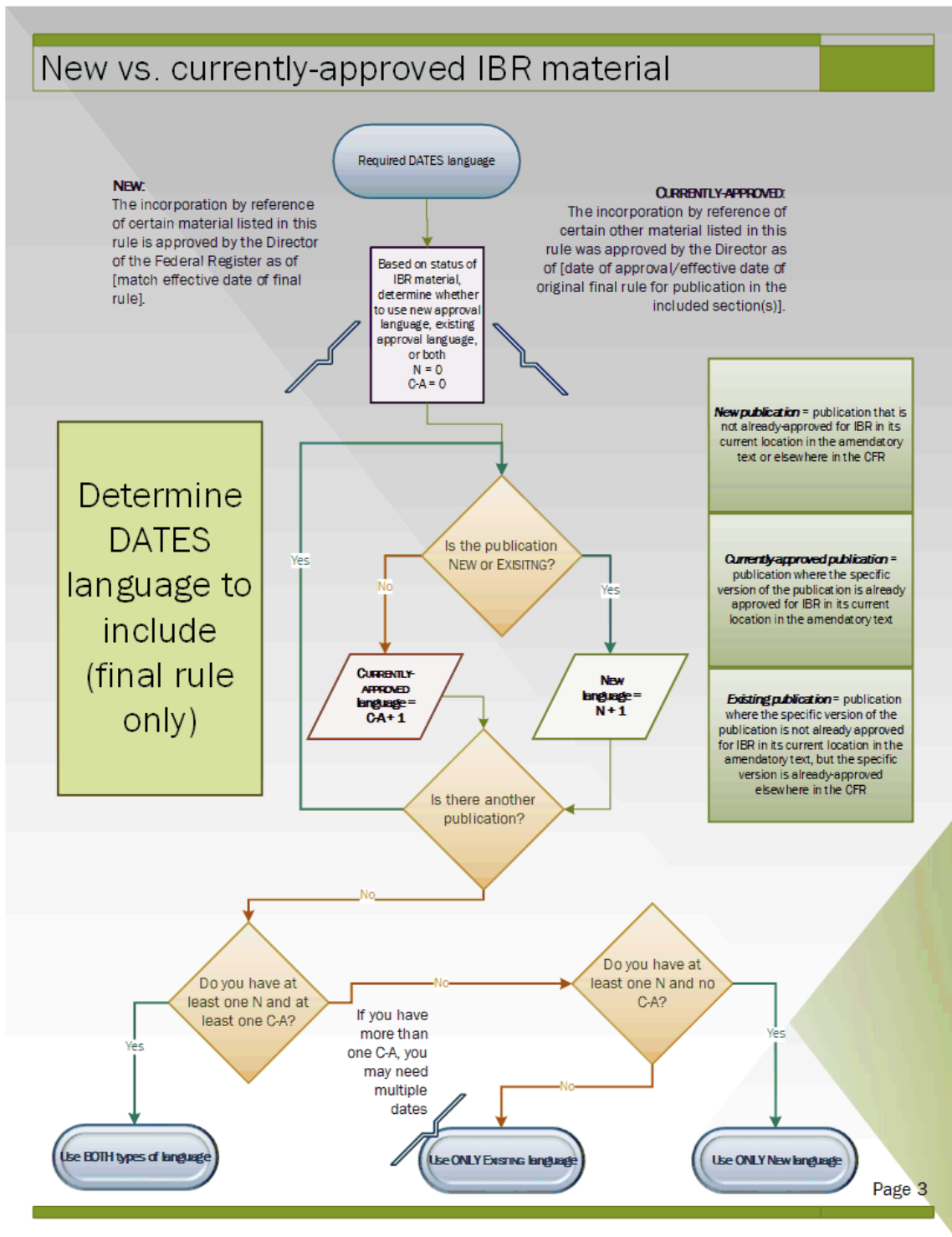
B. Decisional Flowcharts

1. IBR Status

Flowchart 2. Determine Appropriate SUPP INFO Language Based on IBR Status

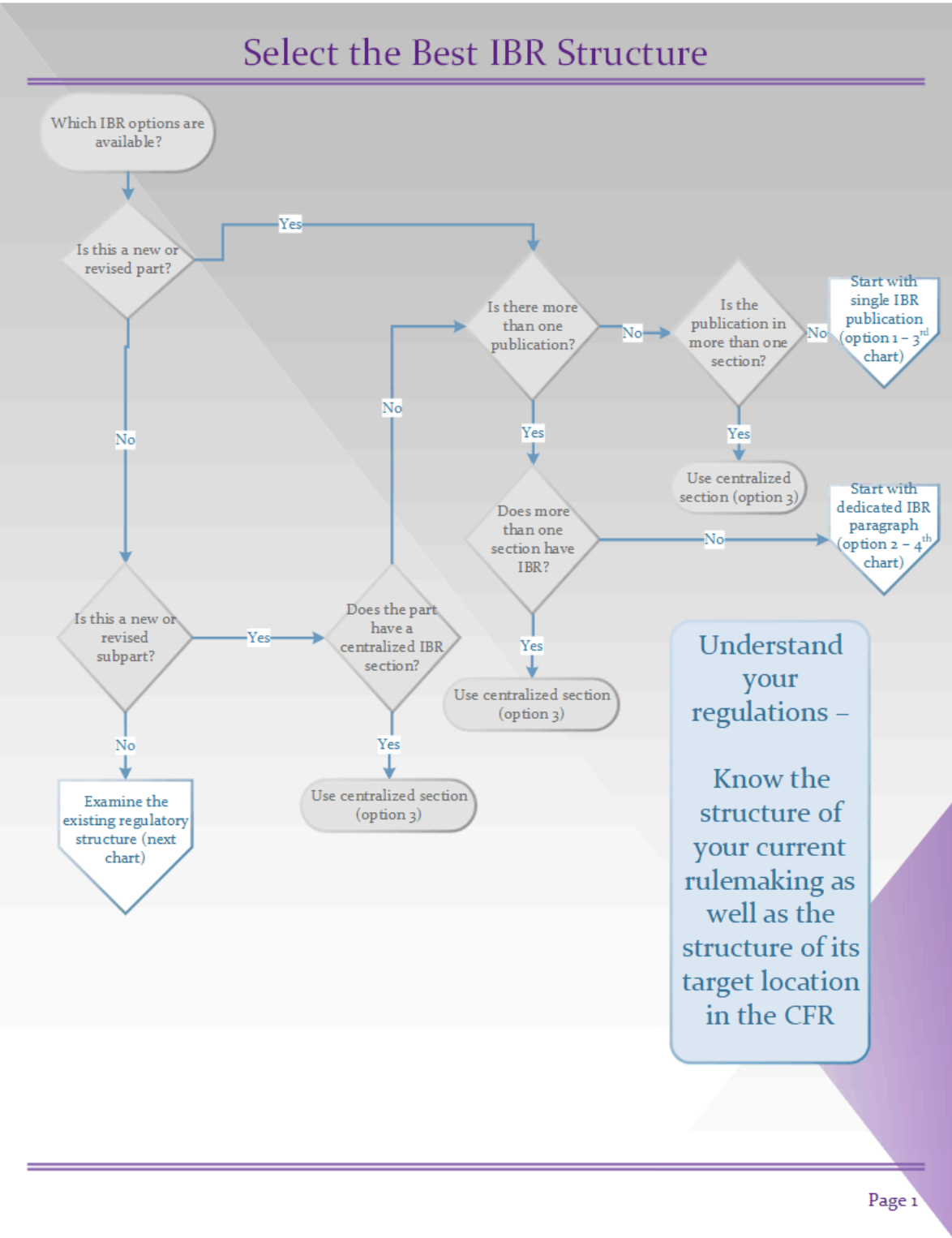


Flowchart 3. Determine Appropriate DATES Language Based on IBR Status

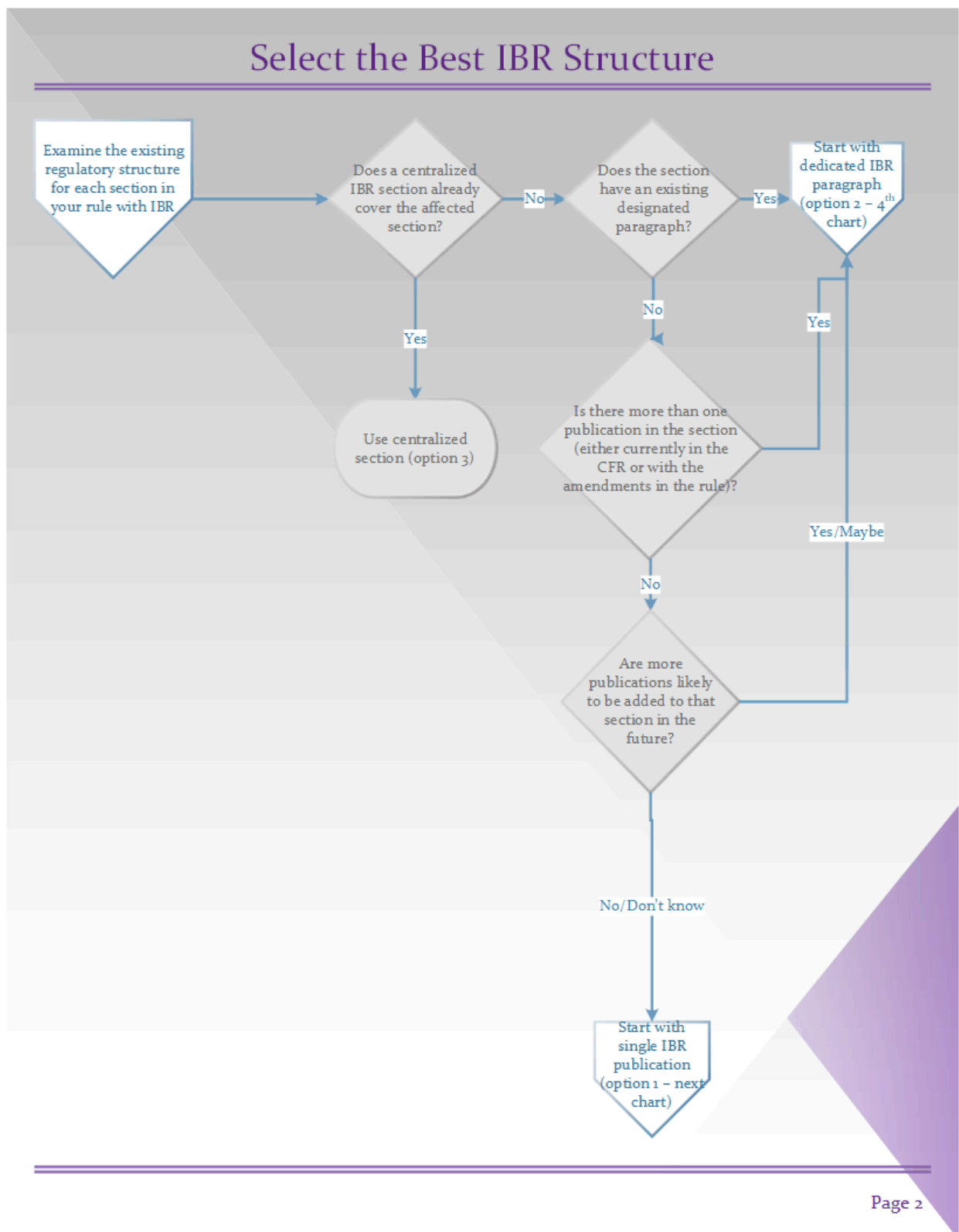


2. Structure of Regulatory Text

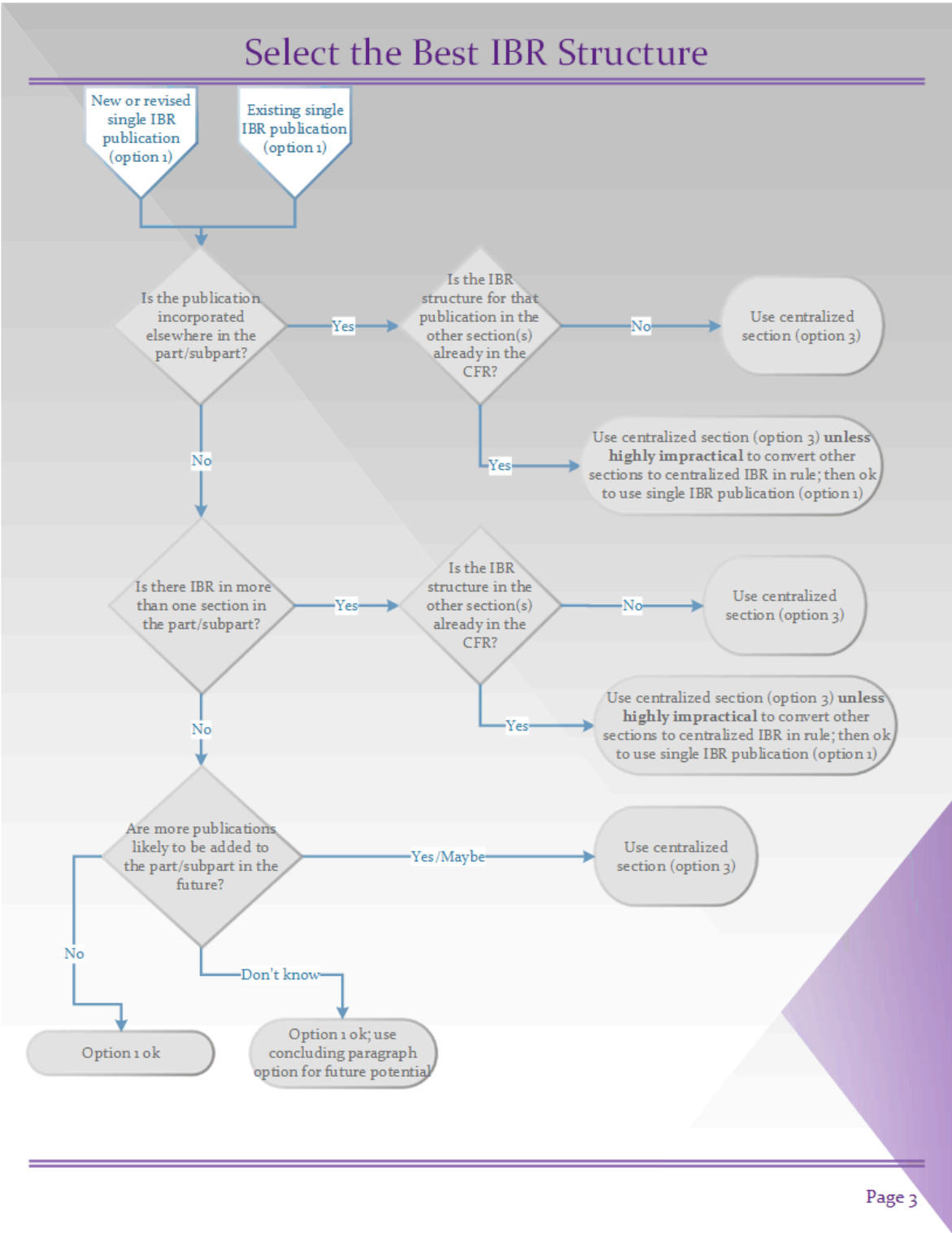
Flowchart 4. Determine Available Structure for Your Rulemaking



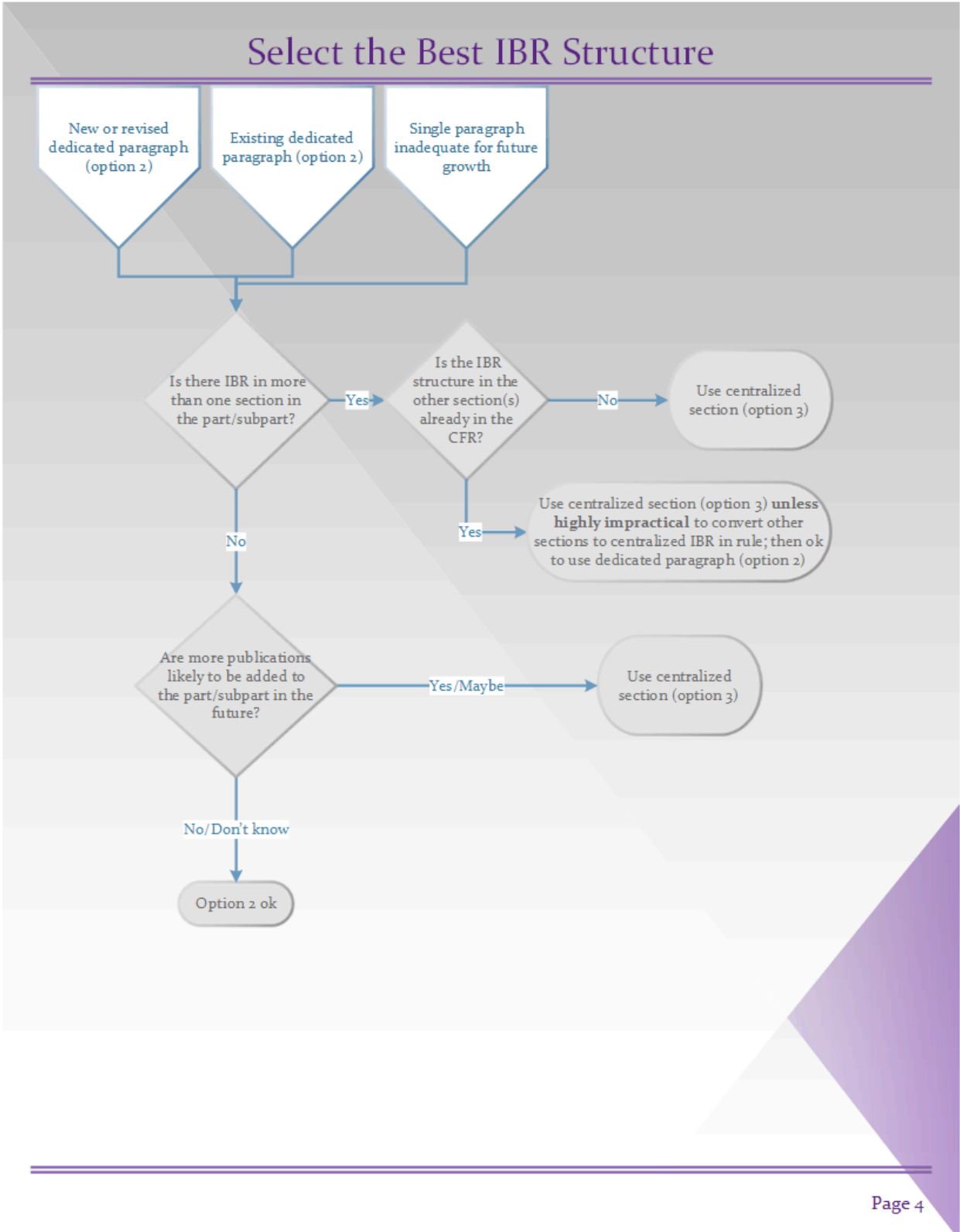
Select the Best IBR Structure



Flowchart 5. Choose Best Option Available for Your Regulations



Select the Best IBR Structure



C. Boilerplate Language

BOILERPLATE 1. Preamble

DATES caption —Required

New IBR only; effective on date certain

DATES: This rule is effective July 3, 20xx. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of July 3, 20xx.

Combination of new and existing IBR; calculated effective date

DATES: This rule is effective [INSERT DATE 90 DAYS AFTER PUBLICATION in the FEDERAL REGISTER]. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register as of [INSERT DATE 90 DAYS AFTER PUBLICATION in the FEDERAL REGISTER]. The incorporation by reference of certain other material listed in the rule was approved by the Director of the Federal Register as of July 3, 2017.

Remember: No matter the effective date, the IBR is **ALWAYS** approved as of the effective date of the rule. (For rules with multiple effective dates, contact us.)

Discussion for currently-approved IBR material

Proposed rule

Multiple currently-approved publications

The following standards appear in the amendatory text of this document and have already been approved for the locations in which they appear: [list relevant publications]. No changes are proposed to the IBR material.

Single currently-approved publication

[cite publication] is referenced in the amendatory text of this document and has already been approved for [list section(s) and appendix(es) where publication mentioned in the amendatory text]. No changes are proposed to the IBR material.

Final rule

Multiple currently-approved publications

The following standards appear in the amendatory text of this document and were previously approved for the locations in which they appear: [list relevant publications].

Single currently-approved publication

[cite publication] is referenced in the amendatory text of this document and was previously approved for [list section(s) and appendix(es) where publication mentioned in the amendatory text].

BOILERPLATE 2. IBR Language in Regulatory Text —Required

Option 1: Single IBR publication section

Single IBR section, same paragraph

(a) You must proceed in accordance with [DESIGNATION]. [DESIGNATION, TITLE, VERSION (if any), DATE, AUTHOR (if applicable)] is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. This incorporation by reference (IBR) material is available for inspection at the [AGENCY NAME] and at the National Archives and Records Administration (NARA). Contact [AGENCY NAME] at: [AGENCY INFORMATION]. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from [PUBLISHER NAME], [PUBLISHER INFORMATION].

Single IBR section, concluding paragraph

(a) You must proceed in accordance with [DESIGNATION].

* * * * *

(f) [DESIGNATION, TITLE, VERSION (if any), DATE, AUTHOR (if applicable)] is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. This incorporation by reference (IBR) material is available for inspection at the [AGENCY NAME] and at the National Archives and Records Administration (NARA). Contact [AGENCY NAME] at: [AGENCY INFORMATION]. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from [PUBLISHER NAME], [PUBLISHER INFORMATION].

Option 2: Dedicated IBR paragraph

Dedicated IBR paragraph (first or last paragraph), single publisher

(_) The material listed in this paragraph () is incorporated by reference into this section with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the [AGENCY NAME] and at the National Archives and Records Administration (NARA). Contact [AGENCY NAME] at [AGENCY INFORMATION]. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/br-locations or email fr.inspection@nara.gov. The material may be obtained from [PUBLISHER NAME], [PUBLISHER INFORMATION].

(1) [DESIGNATION, TITLE, VERSION (IF ANY), DATE, AUTHOR (IF APPLICABLE)].

(2) [Repeat for each publication or reserve this paragraph]

Dedicated IBR paragraph (first or last paragraph), multiple publishers

(_) The material listed in this paragraph () is incorporated by reference into this section with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the [AGENCY NAME] and at the National Archives and Records Administration (NARA). Contact [AGENCY NAME] at [AGENCY INFORMATION]. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from the following sources in this paragraph ().

(1) [PUBLISHER NAME], [PUBLISHER INFORMATION].

(i) [DESIGNATION, TITLE, VERSION (IF ANY), DATE, AUTHOR (IF APPLICABLE)].

(ii) [Repeat for each publication or reserve this paragraph]

(2) [Repeat for each publisher or reserve this paragraph]

Option 3: Centralized IBR section

Centralized IBR section, introductory paragraph [preferred structure]

Certain material is incorporated by reference into this [chapter/subchapter/part/subpart] with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the [AGENCY NAME] and at the National Archives and Records Administration (NARA). Contact [AGENCY NAME] at [AGENCY INFORMATION]. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from the following sources:

(a) [PUBLISHER NAME], [PUBLISHER INFORMATION].

(1) [DESIGNATION, TITLE, VERSION (IF ANY), DATE, AUTHOR (IF APPLICABLE)]; IBR approved for §[§] [CFR citation – section and first level paragraph].

(2) [Repeat for each publication or reserve this paragraph]

(b) [Repeat for each publisher or reserve this paragraph]

Centralized IBR section, paragraph (a)

(a) Certain material is incorporated by reference into this [chapter/subchapter/part/subpart] with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the [AGENCY NAME] and at the National Archives and Records Administration (NARA). Contact [AGENCY NAME] at [AGENCY INFORMATION]. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from the sources in the following paragraphs of this section.

(b) [PUBLISHER NAME], [PUBLISHER INFORMATION].

(1) [DESIGNATION, TITLE, VERSION (IF ANY), DATE, AUTHOR (IF APPLICABLE)]; IBR approved for §[§] [CFR citation – section and first level paragraph].

(2) [Repeat for each publication or reserve this paragraph]

(c) [Repeat for each publisher or remove this paragraph]

AGENCY INFORMATION includes at least 2 of the following elements: address, phone, email, website.

PUBLISHER INFORMATION includes at least 2 of the following elements in addition to address: phone, email, website.

Remember, even if the publication's designation contains a partial date (for example ASTM F1234-12) this does not eliminate the requirement to provide a date. You must include the date in addition to the designation.

BOILERPLATE 3. Enforcement Language in IBR Text — Optional

To enforce any edition other than that specified in this section, the [INSERT NAME OF AGENCY] must publish a document in the *Federal Register* and the material must be available to the public.


Note: The OFR does **not** require statements related to enforceability. If your agency determines enforcement language regarding specific versions of IBR material is necessary, include this language after the first sentence of the required text (see Option 2 and Option 3 in Appendix A.D.3 of this handbook).

D. Examples

1. Description of Publications

EXAMPLE 1-1: Identifying an ASTM publication

The designation is at the top of the title page and in the header of the publication. The approval date is in footnote 1: **ASTM D4809-13, Standard Test Method for Heat of Combustion Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method), approved May 1, 2013.**



Designation: D4809 – 13


**Standard Test Method for
Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb
Calorimeter (Precision Method)¹**

This standard is issued under the fixed designation D4809; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

This standard has been approved for use by agencies of the U.S. Department of Defense.

¹ This test method is under the jurisdiction of ASTM Committee D02 on Petroleum Products and Lubricants and is the direct responsibility of Subcommittee D02.05 on Properties of Fuels, Petroleum Coke and Carbon Material.
Current edition approved May 1, 2013. Published May 2013. Originally approved in 1988. Last previous edition approved in 2009 as D4809 – 09a¹. DOI: 10.1520/D4809-13.


² For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For *Annual Book of ASTM Standards* volume information, refer to the standard's Document Summary page on the ASTM website.



D4809 – 13

EXAMPLE 1-2: Identifying an SAE publication

The designation and type of date are at the top of the title page and in the header of the publication:
SAE J1634, Electric Vehicle Energy Consumption and Range Test Procedure, Cancelled October 2002.

	SURFACE VEHICLE RECOMMENDED PRACTICE	SAE J1634	CAN- CELLED OCT2002
		Issued 1993-05 Cancelled 2002-10 Superseding J1634 APR1999	
Electric Vehicle Energy Consumption and Range Test Procedure			
SAE J1634 Cancelled OCT2002			

2. Preamble

EXAMPLE 2-1: DATES, new and currently-approved IBR material

New material only

DATES: This rule is effective March 30, 2018. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of March 30, 2018.

Existing material only

DATES: This rule is effective March 30, 2018. The incorporation by reference of certain material listed in this rule was approved by the Director of the Federal Register as of June 6, 2008 and August 16, 2012.

Combination of new and currently-approved material

DATES: This rule is effective [INSERT DATE 90 DAYS AFTER PUBLICATION in the FEDERAL REGISTER]. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register as of [INSERT DATE 90 DAYS AFTER PUBLICATION in the FEDERAL REGISTER]. The incorporation by reference of certain other material listed in the rule was approved by the Director of the Federal Register as of July 3, 2017.

EXAMPLE 2-2: Preamble, reasonably available language

...the American Petroleum Institute (API), provides free online public access to view read-only copies of its key industry standards, including a broad range of technical standards. All API standards that are safety-related and that are incorporated into Federal regulations are available to the public for free viewing online in the Incorporation by Reference Reading Room on API's website at: <https://publications.api.org>. In addition to the free online availability of these standards for viewing on API's website, hardcopies and printable versions are available for purchase from API. The API website address to purchase standards is: www.api.org/publications-standards-and-statistics/publications/government-cited-safety-documents.

EXAMPLE 2-3: Preamble, IBR summary

API RP 14H, Recommended Practice for Installation, Maintenance and Repair of Surface Safety Valves and Underwater Safety Valves Offshore was withdrawn by API and superseded by API STD 6AV2—Installation, Maintenance, and Repair of Surface Safety Valves and Underwater Safety Valves Offshore. API STD 6AV2, first edition 2014 revises and supersedes API Recommended Practice 14H, Fifth Edition 2007. API STD 6AV2 provides practices for installing and maintaining SSVs and USVs used or intended to be used as part of a safety system, as defined by documents such as API Recommended Practice 14C. The standard includes provisions for conducting inspections, installations, and maintenance, field and off-site repair. Other provisions address testing procedures, acceptance criteria, failure reporting, and documentation. Significant changes include updated definitions; new provisions for qualified personnel; documentation, test procedures and acceptance criteria for post-installation and post-field repair, and offsite repair and remanufacture alignment to API 6A.

EXAMPLE 2-4: Preamble, reasonably available language with IBR summary elsewhere in preamble

VIII. Incorporation by Reference

Section 1237.2 of this final rule provides that booster seats must comply with applicable sections of ASTM F2640-18. The OFR has regulations concerning incorporation by reference. 1 CFR part 51. These regulations require that, for a final rule, agencies must discuss in the preamble to the rule the way in which materials that the agency incorporates by reference are reasonably available to interested persons, and how interested parties can obtain the materials. Additionally, the preamble to the rule must summarize the material. 1 CFR 51.5(b).

In accordance with the OFR's requirements, the discussion in section IV of this preamble summarizes the required provisions of ASTM F2640-18. Interested persons may purchase a copy of ASTM F2640-18 from ASTM, either through ASTM's website, or by mail at the address provided in the rule. A copy of the standard may also be inspected at the CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission. Note that the Commission and ASTM arranged for commenters to have "read-only" access to ASTM F2640-17 e1 during the NPR's comment period.

EXAMPLE 2-5: Preamble, currently-approved IBR material – proposed rule

Multiple currently-approved publications

The following standards appear in the amendatory text of this document and have already been approved for the locations in which they appear: ASTM D 4359, CGA TB-25, ISO 6406:2005(E), and ISO 16148:2016(E). No changes are proposed to the IBR material.

Single currently-approved publication

AS/NZ 4474.1:2007 is referenced in the amendatory text of this document but has already been approved for appendix A. No changes are proposed to the IBR material.

EXAMPLE 2-6: Preamble, currently-approved IBR material – final rule

Multiple currently-approved publications

The following standards appear in the amendatory text of this document and were previously approved for the locations in which they appear: ASTM D 4359, CGA TB-25, ISO 6406:2005(E), and ISO 16148:2016(E).

Single currently-approved publication

AS/NZ 4474.1:2007 is referenced in the amendatory text of this document but was previously approved for appendix A.

3. Regulatory Text – Add or update IBR material

Option 1: Single IBR publication section

EXAMPLE 3-1. *Single IBR publication section, same paragraph*

Title 14—Aeronautics and Space

§ 147.17 Training requirements.

(a) Each certificated aviation maintenance technician school must:

(1) Establish, maintain, and utilize a curriculum that is designed to continually align with the mechanic airman certification standards referenced in paragraph (b) of this section, as appropriate for the ratings held;

(2) Provide training of a quality that meets the requirements of § 147.25; and

(3) Ensure students have the knowledge and skills necessary to be prepared to test for a mechanic certificate and associated ratings under subpart D of part 65 of this chapter.

(b) FAA–S–ACS–1, Aviation Mechanic General, Airframe, and Powerplant Airman Certification Standards, November 1, 2021, is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. This material is available for inspection at the Federal Aviation Administration (FAA) and the National Archives and Records Administration (NARA). Contact FAA, Airman Testing Standards Branch/Regulatory Support Division, 405–954–4151, AFS630Comments@faa.gov. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from FAA, 800 Independence Avenue SW, Washington, DC 20591, 866–835–5322, www.faa.gov/training_testing.

EXAMPLE 3-2. Single IBR publication section, same paragraph

Title 16—Commercial Practices

§ 1220.2 Requirements for non-full-size baby cribs.

(a) Except as provided in paragraph (b) of this section, each non-full-size baby crib shall comply with all applicable provisions of ASTM F406–22, Standard Consumer Safety Specification for Non-Full-Size Baby Cribs/Play Yards, approved on October 1, 2022. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This material is available for inspection at the U.S. Consumer Product Safety Commission and at the National Archives and Records Administration (NARA). Contact the U.S. Consumer Product Safety Commission at: the Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, telephone (301) 504–7479, email: cpsc-os@cpsc.gov. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. A free, read-only copy of the standard is available for viewing on the ASTM website at www.astm.org/READINGLIBRARY/. You may also obtain a copy from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; phone: (610) 832–9585; www.astm.org.

(b) Comply with the ASTM F406–22 standard with the following exclusions:

(1) Do not comply with sections 5.6.2 through 5.6.2.4 of ASTM F406–22.

(2) Do not comply with section 5.16.2 through 5.16.2.2 of ASTM F406–22.

* * * * *

EXAMPLE 3-3. Single IBR publication section, concluding paragraph; future potential

Title 47—Telecommunication

§ 300.1 Incorporation by reference of the Manual of Regulations and Procedures for Federal Radio Frequency Management.

(a) The Manual of Regulations and Procedures for Federal Radio Frequency Management (the NTIA Manual) is issued by the Assistant Secretary of Commerce for Communications and Information, and is specifically designed to cover the Assistant Secretary's frequency management responsibilities pursuant to delegated authority under 47 U.S.C. 901 *et seq.* and Executive Order 12046 (March 27, 1978). Federal agencies must comply with the requirements in the NTIA Manual specified in paragraph (b) of this section.

(b) The material listed in this paragraph (b) is incorporated by reference into this section with approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at National Telecommunications and Information Administration (NTIA) and the National Archives and Records Administration (NARA). Contact NTIA at: National Telecommunications and Information Administration, Office of Spectrum Management, 1401 Constitution Avenue NW, Room 1087, Washington, DC 20230, telephone: (202) 482–1670. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material is available from: Commerce Department, National Telecommunications and Information Administration, Office of Spectrum Management, 1401 Constitution Avenue NW, Washington, DC 20230, www.ntia.gov/page/2022/manual-regulations-and-procedures-federal-radio-frequency-management-redbook; and Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402, <https://bookstore.gpo.gov/> (reference Catalog Number 903–008– 00000–8).

(1) Manual of Regulations and Procedures for Federal Radio Frequency Management, January 2022 Revisions to the January 2021 Edition, approved November 8, 2022.

(2) [Reserved]

EXAMPLE 3-4. Single IBR publication section, concluding paragraph

Title 24—Housing and Urban Development

§ 51.201 Definitions.

The terms *Department* and *Secretary* are defined in 24 CFR part 5.

* * * * *

Hazard —means any stationary container which stores, handles, or processes hazardous substances of an explosive or fire prone nature. The term “hazard” does not include:

(1) Pipelines for the transmission of hazardous substances, if such pipelines are located underground, or comply with applicable Federal, State and local safety standards;

(2) Containers with a capacity of 100 gallons or less when they contain common liquid industrial fuels, such as gasoline, fuel oil, kerosene, and crude oil, since they generally would pose no danger in terms of thermal radiation or blast overpressure to a project;

(3) Facilities that are shielded from a proposed HUD-assisted project by the topography, because these topographic features effectively provide a mitigating measure already in place;

(4) All underground containers; and

(5) Containers used to hold liquefied petroleum gas with a volumetric capacity not to exceed 1,000 gallons water capacity, if they comply with National Fire Protection Association (NFPA) 58. NFPA 58, Liquefied Petroleum Gas Code, 2017 Edition, copyright 2016 is incorporated by reference into this section with the approval of the Director of the Federal Register, under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at HUD and the National Archives and Records Administration (NARA). Contact HUD 's Office of Environment and Energy, 202–402–5226. For information on the availability of this material at NARA visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material is available from National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169; phone: 800–344–3555; fax: 800–593–6372; website: www.nfpa.org. Persons with hearing or speech impairments may access the numbers above through TTY by calling the Federal Relay Service, toll-free, at 800–877–8339.

* * * * *

Option 2: Dedicated IBR paragraph

EXAMPLE 3-5. Dedicated IBR paragraph (last paragraph), single publisher

Title 21—Food and Drugs

§ 73.70 Calcium carbonate.

* * * * *

(b) *Specifications.* Calcium carbonate must meet the specifications given in calcium carbonate (FCC 13) and limestone, ground (FCC 13).

* * * * *

(f) *Incorporation by reference.* Material listed in this paragraph (f) is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the Food and Drug Administration and at the National Archives and Records Administration (NARA). Contact the Food and Drug Administration between 9 a.m. and 4 p.m., Monday through Friday at: Dockets Management Staff, (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. You may obtain the material from the U.S. Pharmacopeial Convention, 12601 Twinbrook Pkwy., Rockville, MD 20852; website: www.usp.org.

(1) Limestone, Ground, Food Chemicals Codex, 13th edition, effective June 1, 2022 (FCC 13).

(2) Calcium Carbonate, Food Chemicals Codex, 13th edition, effective June 1, 2022 (FCC 13).

EXAMPLE 3-6. Dedicated IBR paragraph (last paragraph), single publisher; future potential

Title 40—Protection of Environment

§ 80.8 Sampling methods for gasoline, diesel fuel, fuel additives, and renewable fuels.

The sampling methods specified in this section shall be used to collect samples of gasoline, diesel fuel, blendstocks, fuel additives and renewable fuels for purposes of determining compliance with the requirements of this part.

(a) *Manual sampling.* Manual sampling of tanks and pipelines shall be performed according to the applicable procedures specified in ASTM D4057.

(b) *Automatic sampling.* Automatic sampling of petroleum products in pipelines shall be performed according to the applicable procedures specified in ASTM D4177.

* * * * *

(e) *Material incorporated by reference.* Material listed in this paragraph (f) is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the EPA must publish a document in the *Federal Register* and the material must be available to the public. All approved material is available for inspection at the EPA and the National Archives and Records Administration (NARA). Contact the EPA at: Air and Radiation Docket and Information Center (Air Docket) in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from the following sources in this paragraph (e):

(1), 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428–2959; phone: (877) 909–ASTM; website: www.astm.org:

(i) ASTM D4057–12, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, approved December 1, 2012 (“ASTM D4057”).

(ii) ASTM D4177–95 (Reapproved 2010), Standard Practice for Automatic Sampling of Petroleum and Petroleum Products, approved May 1, 2010 (“ASTM D4177”).

(iii) ASTM D5842–14, Standard Practice for Sampling and Handling of Fuels for Volatility Measurement, approved January 15, 2014 (“ASTM D5842”).

(iv) ASTM D5854–96 (Reapproved 2010), Standard Practice for Mixing and Handling of Liquid Samples of Petroleum and Petroleum Products, approved May 1, 2010 (“ASTM D5854”).

(2) [Reserved]

EXAMPLE 3-7. Dedicated IBR paragraph (last paragraph), multiple publishers

Title 23—Highways

§ 655.601 Purpose.

To prescribe the policies and procedures of the Federal Highway Administration (FHWA) to obtain basic uniformity of traffic control devices on all streets and highways in accordance with the following references that are approved by the FHWA for application on Federal-aid projects:

- (a) MUTCD.
- (b) AASHTO Guide to Metric Conversion.
- (c) AASHTO Traffic Engineering Metric Conversion Factors.

(d) The material listed in this paragraph (d) is incorporated by reference into this section with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the FHWA must publish a document in the Federal Register and the material must be available to the public. All approved material is available for inspection at the FHWA and at the National Archives and Records Administration (NARA). Contact Federal Highway Administration, Office of Transportation Operations, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366–8043; <https://ops.fhwa.dot.gov/contactus.htm>. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from the following sources in this paragraph (d).

(1) AASHTO, American Association of State Highway and Transportation Officials, Suite 249, 444 North Capitol Street NW., Washington, DC 20001; phone: (202) 624-5800; email: info@aaashto.org; website: <https://transportation.org/>

(i) AASHTO Guide to Metric Conversion, 1993;

(ii) AASHTO, Traffic Engineering Metric Conversion Factors, 1993—Addendum to the Guide to Metric Conversion, October 1993.

(2) FHWA, Federal Highway Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, telephone (202) 366–1993, also available at <http://mutcd.fhwa.dot.gov>.

(i) Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), as follows:

(A) 2009 edition, November 4, 2009.

(B) Revision No. 1, dated May 2012.

(C) Revision No. 2, dated May 2012.

(D) Revision No. 3, dated June 2022.

(ii) [Reserved]

EXAMPLE 3-8. Dedicated IBR paragraph (last paragraph), multiple publishers

Title 47—Telecommunications

§ 64.621 Interoperability and portability.

* * * * *

(b) *Technical standards for interoperability and portability.* (1) Beginning no later than December 20, 2017, VRS providers shall ensure that their provision of VRS and video communications, including their access technology, meets the requirements of the VRS Provider Interoperability Profile.

(2) Beginning no later than October 24, 2017, VRS providers shall provide a standard xCard export interface to enable users to import their lists of contacts in xCard XML format, in accordance with IETF RFC 6351.

(c) *Incorporation by reference.* The material listed in this paragraph (c) is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the FCC and the National Archives and Records Administration (NARA). Contact the FCC through the Federal Communications Commission's Reference Information Center, phone: (202) 418–0270. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from the following sources in this paragraph (c):

(1) FCC (on behalf of SIP Forum), located at the address indicated in 47 CFR 0.401(a), Tel: (888) 225–5322 (voice), (844) 432–2275 (videophone), (888) 835–5322 (TTY).

(i) VRS US Providers Profile TWG–6.1, the US VRS Provider Interoperability Profile, September 23, 2015.
<https://www.fcc.gov/files/sip-forum-vrs-us-providers-profile-twg-6-1>.

(ii) [Reserved]

(2) Internet Engineering Task Force (IETF) Secretariat, 5177 Brandin Court, Fremont, CA 94538, 510–492–4080.

(i) [Reserved]

(ii) Request for Comments (RFC) 6351, xCard: vCard XML Representation (August 2011)
<https://tools.ietf.org/html/rfc6351>.

Option 3: Centralized IBR section

EXAMPLE 3-9. Centralized IBR section, introductory paragraph (with outlying section) [preferred structure]

Title 40: Protection of Environment

§ 1036.810 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Environmental Protection Agency (EPA) must publish a document in the *Federal Register* and the material must be available to the public. This incorporation by reference (IBR) material is available for inspection at EPA and the National Archives and Records Administration (NARA). Contact EPA at: U.S. EPA, Air and Radiation Docket and Information Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460; (202) 202-1744; www.epa.gov/dockets. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from the following sources:

(a) ASTM International (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; (877) 909-2786; www.astm.org.

(1) ASTM D3588-98 (Reapproved 2017)e1, Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels, approved April 1, 2017, (“ASTM D3588”); IBR approved for § 1036.530(b).

(2) ASTM D4809-13, Standard Test Method for Heat of COMBustion of Liquid Hydrocarbon Fuels by BOMB Calorimeter (Precision Method), approved May 1, 2013, (“ASTM D4809”); IBR approved for § 1036.530(b).

(b) National Institute of Standards and Technology (NIST), 100 Bureau Drive, Stop 1070, Gaithersburg, MD 20899-1070; (301) 975-6478; www.nist.gov.

(1) NIST Special Publication 811, Guide for the Use of the International System of Units (SI), 2008 Edition, March 2008; IBR approved for § 1036.805.

(2) [Reserved]

Title 40: Protection of Environment

§ 1036.530 Calculating greenhouse gas emission rates.

* * * * *

(b) * * *

(1)* * *

(ii) For gaseous fuels, determine $E_{mfuelmeas}$ according to ASTM D3588 (incorporated by reference, see § 1036.810).

* * * * *

EXAMPLE 3-10. Centralized IBR section, paragraph (a) (with outlying section)

Title 46: Shipping

§ 107.1 15 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. This incorporation by reference (IBR) material is available for inspection at the Coast Guard and at the National Archives and Records Administration (NARA). Contact Coast Guard at: Commandant (CG-NAV), U.S. Coast Guard Stop 7418, Attn: Office of Navigation Systems, 2703 Martin Luther King Jr. Ave. SE., Washington, DC 20593-7418; phone 202-372-1565. For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. The material may be obtained from the sources in the following paragraphs of this section.

(b) The American Bureau of Shipping (ABS), ABS Plaza, 16855 Northchase Drive, Houston, TX 77060; 281-877-5800; www.eagle.org.

(1) Rules for Building and Classing Mobile Offshore Drilling Units, 1978; IBR approved for § 107.205(b).

(2) U.S. Supplement to ABS Rules for Mobile Offshore Drilling Units, November 1, 1998; IBR approved for § 107.205(b),

(c) The American Petroleum Institute (API), 200 Massachusetts Ave NW Suite 1100, Washington, DC 20001, 202 682-8000; www.api.org.

(1) API RP2D - Recommended Practice for Operation and Maintenance of Offshore Cranes, 1972 ("API RP2D"); IBR approved for § 107.259.

(2) API Spec 2C - Specification for Offshore Cranes, 1972 ("API Spec 2C"); IBR approved for § 107.309.

* * * * *

Title 46: Shipping

§ 107.259 Crane inspection and testing.

(a) Each crane must be inspected and tested in accordance with Section 3 of the API RP 2D (incorporated by reference, see § 107.1 15), except that the rated load test must be performed in accordance with § 107.260.

* * * * *

EXAMPLE 3-11. Centralized IBR section, paragraph (a)

Title 40: Protection of Environment

§ 63.14 Incorporations by reference.

(a) The materials listed in this section are incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, a document must be published in the Federal Register and the material must be available to the public. All approved materials are available for inspection at the Air and Radiation Docket and Information Center (Air Docket) in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave. NW, Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742. These approved materials are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations or email fr.inspection@nara.gov. In addition, these materials are available from the following sources:

(b) American Conference of Governmental Industrial Hygienists (ACGIH), Customer Service Department, 1330 Kemper Meadow Drive, Cincinnati, Ohio 45240, telephone number (513) 742–2020.

(1) Industrial Ventilation: A Manual of Recommended Practice, 22nd Edition, 1995, Chapter 3, “Local Exhaust Hoods” and Chapter 5, “Exhaust System Design Procedure”; IBR approved for §§ 63.843(b); 63.844(b).

(2) Industrial Ventilation: A Manual of Recommended Practice, 23rd Edition, 1998, Chapter 3, “Local Exhaust Hoods” and Chapter 5, “Exhaust System Design Procedure”; IBR approved for §§ 63.1503; 63.1506(c); 63.1512(e); table 2 to subpart RRR; ;table 3 to subpart RRR; appendix A to subpart RRR; § 63.2984(e).

(3) Industrial Ventilation: A Manual of Recommended Practice for Design, 27th Edition, 2010; IBR approved for §§ 63.1503; 63.1506(c); 63.1512(e); table 2 to subpart RRR; table 3 to subpart RRR; appendix A to subpart RRR; § 63.2984(e).

(c) American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20005.

(1) API Publication 2517, Evaporative Loss from External Floating-Roof Tanks, Third Edition, February 1989; IBR approved for §§ 63.111, 63.1402, 63.2406 and 63.7944.

Note 1 to paragraph (c)(1): API Publication 2517 available through reseller HIS Markit at <https://global.ihs.com/> (b) National Institute of Standards and Technology (NIST), 100 Bureau Drive, Stop 1070, Gaithersburg, MD 20899-1070; (301) 975-6478; www.nist.gov.

* * * * *

(f) American Society of Mechanical Engineers (ASME), Three Park Avenue, New York, NY 10016–5990, Telephone (800) 843–2763, <http://www.asme.org>; also available from HIS, Incorporated, 15 Inverness Way East, Englewood, CO 80112, Telephone (877) 413–5184, <http://global.ihs.com>.

(1) ANSI/ASME PTC 19.10–1981, Flue and Exhaust Gas Analyses [Part 10, Instruments and Apparatus], issued August 31, 1981; IBR approved for §§ 63.309(k); 63.457(k); 63.772(e) and (h); 63.865(b); 63.997(e); 63.1282(d) and (g); 63.1625(b); table 5 to subpart EEEE; §§ 63.3166(a); 63.3360(e); 63.3545(a); 63.3555(a); 63.4166(a); 63.4362(a); 63.4766(a); 63.4965(a); 63.5160(d); table 4 to subpart UUUU; table 3 to subpart YYYY, §§ 63.7822(b); 63.7824(e); 63.7825(b); 63.8000(d); 63.9307(c); 63.9323(a); 63.9621(b) and (c); 63.11148(e); 63.11155(e); 63.11162(f); 63.11163(g); 63.11410(j); 63.11551(a); 63.11646(a); 63.11945; table 4 to subpart AAAAA; table 5 to subpart DDDDD; table 4 to subpart JJJJ; table 4 to subpart KKKKK; table 4 to subpart SSSSS; tables 4 and 5 of subpart UUUUU; table 1 to subpart ZZZZ; table 4 to subpart JJJJJ.

* * * * *

(i) ASTM International, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959, Telephone (610) 832–9585, <http://www.astm.org>; also available from ProQuest, 789 East Eisenhower Parkway, Ann Arbor, MI 48106–1346, Telephone (734) 761–4700, <http://www.proquest.com>.

* * * * *

(24) ASTM D2369–93, Standard Test Method for Volatile Content of Coatings; IBR approved for appendix A to subpart II.

(25) ASTM D2369–95, Standard Test Method for Volatile Content of Coatings; IBR approved for appendix A to subpart II.

(26) ASTM D2369–10 (Reapproved 2015)e1, Standard Test Method for Volatile Content of Coatings, approved June 1, 2015; IBR approved for §§ 63.3151(a); 63.3360(c); 63.3961(j); 63.4141(a) and (b); 63.4161(h); 63.4321(e); 63.4341(e); 63.4351(d); 63.4541(a); 63.4561(j); appendix A to subpart PPPP; §§ 63.4741(a); 63.4941(a) and (b); 63.4961(j); 63.8055(b).

* * * * *

4. Amendatory Instructions – Remove IBR material

EXAMPLE 4-1. Instructions to remove publications from a centralized IBR section

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

2. Amend § 63.14 by:

a. Removing paragraphs (a)(5) and (e)(27); and

b. Redesignating paragraphs (a)(6) through (9) as paragraphs (a)(5) through (8) and paragraphs (e)(28) and (29) as paragraphs (e)(27) and (28), respectively.

5. Request Letters

**Example 5-1: New, existing, and currently-approved material; redesignated centralized
IBR section**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
ANN ARBOR, MI 48105

OFFICE OF
AIR AND RADIATION

May 11, 2023

Oliver Potts, Director
Office of the Federal Register (F)
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Dear Director Potts:

In accordance with 1 CFR part 51, we request that you approve the incorporation by reference the materials listed below into Title 40 of the Code of Federal Regulations (CFR). We have included copies of all IBR material. The material will be referenced in § 80.12 and as follows:

American Petroleum Institute (API): 200 Massachusetts Avenue NW, Suite 1100, Washington, DC 20001-5571, (202) 682-8000, or www.api.org.

API MPMS 14.1-2016, Manual of Petroleum Measurement Standards Chapter 14—Natural Gas Fluids Measurement Section 1—Collecting and Handling of Natural Gas Samples for Custody Transfer, 7th Edition, May 2016; § 80.155(b)(1).

API MPMS 14.3.1-2012, Manual of Petroleum Measurement Standards Chapter 14.3.1—Orifice Metering of Natural Gas and Other Related Hydrocarbon Fluids—Concentric, Square-edged Orifice Meters Part 1: General Equations and Uncertainty Guidelines, 4th Edition, including Errata July 2013, Reaffirmed, July 2022; § 80.155(a)(2)(i). (Co-published as AGA Report No. 3, Part 1)

API MPMS 14.3.2-2016, Manual of Petroleum Measurement Standards Chapter 14.3.2—Orifice Metering of Natural Gas and Other Related Hydrocarbon Fluids—Concentric, Square-edged Orifice Meters Part 2: Specification and Installation Requirements, 5th Edition, March 2016; § 80.155(a)(2)(i). (Co-published as AGA Report No. 3, Part 2)

API MPMS 14.3.3-2013, Manual of Petroleum Measurement Standards Chapter 14.3.3—Orifice Metering of Natural Gas and Other Related Hydrocarbon Fluids—Concentric, Square-edged Orifice Meters Part 3: Natural Gas Applications, 4th Edition, Reaffirmed, June 2021; § 80.155(a)(2)(i). (Co-published as AGA Report No. 3, Part 3)

API MPMS 14.3.4-2019, Manual of Petroleum Measurement Standards Chapter 14.3.4—Orifice Metering of Natural Gas and Other Related Hydrocarbon Fluids—Concentric, Square-edged Orifice Meters Part 4—Background, Development, Implementation Procedure, and Example

Calculations, 4th Edition, October 2019; § 80.155(a)(2)(i). (Co-published as AGA Report No. 3, Part 4)

API MPMS 14.12-2017, Manual of Petroleum Measurement Standards Chapter 14—Natural Gas Fluid Measurement Section 12—Measurement of Gas by Vortex Meters, 1st Edition, March 2017; § 80.155(a)(2)(ii).

American Public Health Association (APHA): 1015 15th Street, NW., Washington, DC 20005, (202) 777-2742, or www.standardmethods.org.

SM 2540, Solids, revised June 10, 2020; § 80.155(c)(1), (2), and (3).

ASTM International: 100 Barr Harbor Dr., P.O. Box C700, West Conshohocken, PA 19428-2959, (877) 909-2786, or www.astm.org.

ASTM D975-21, Standard Specification for Diesel Fuel, approved August 1, 2021; § 80.2 *Non-ester renewable diesel* or *renewable diesel*.

ASTM D3588-98(R2017)e1, Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels, approved April 1, 2017; § 80.155(b)(2)(vi) and (f).

ASTM D4888-20, Standard Test Method for Water Vapor in Natural Gas Using Length-of-Stain Detector Tubes, approved December 15, 2020; § 80.155(b)(2)(iv).

ASTM D5504-20, Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Chemiluminescence, approved November 1, 2020; § 80.155(b)(2)(ii).

ASTM D6751–20a, Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels, approved August 1, 2020 (“ASTM D6751”); § 80.2 *Biodiesel*.

ASTM D6866-22, Standard Test Methods for Determining the Biobased Content of Solid, Liquid, and Gaseous Samples Using Radiocarbon Analysis, approved March 15, 2022; § 80.155(b)(2)(viii).

ASTM D7164-21, Standard Practice for On-line/At-line Heating Value Determination of Gaseous Fuels by Gas Chromatography, approved April 1, 2021; § 80.155(a)(1).

ASTM D8230-19, Standard Test Method for Measurement of Volatile Silicon-Containing Compounds in a Gaseous Fuel Sample Using Gas Chromatography with Spectroscopic Detection, approved June 1, 2019; § 80.155(b)(2)(iii).

European Committee for Standardization (CEN): Rue de la Science 23, B - 1040 Brussels, Belgium, + 32 2 550 08 11, or www.cencenelec.eu.

EN 17526:2021(E), Gas meter – Thermal-mass flow-meter based gas meter, approved July 11, 2021; § 80.155(a)(2)(iii).

The following standards have already been approved elsewhere in part 80, so we did not provide a copy with this package: ASTM D975-21, ASTM D6751-20a, and ASTM D6866-22.

We are moving the centralized IBR section (currently § 80.1468) out of subpart M and into subpart A as § 80.12. We are also adding standards that were approved for a specific section but never added to the centralized IBR section as follows –

Currently in § 80.1468 and to be added to § 80.12: ASTM D1250-19e1, ASTM D4442-20, ASTM D4444-13 (R2018), ASTM E711-87 (R2004), and ASTM E870-82 (R2019).

Currently in § 80.8 and to be added to § 80.12: ASTM D4057-12, ASTM D4177-95 (R2010), ASTM D5842-14, and ASTM D5854-96 (R2010).

Was there a proposed rule published for this rulemaking? yes FR 2022-26499; 87 FR 80582

Did the proposed rule contain regulatory text? yes

Does the IBR in this draft rule generally match the proposed rule? yes

We uploaded a complete request package to the FTP server with this letter. We expect to sign the final rule by June 14, 2023, as this action is under a consent decree to be signed no later than this date. Please contact me at (xxx) xxx-xxxx or myname@agency.gov if you have any questions.

Sincerely,

Name
Title, Office

Example 5-2: Existing material consolidated into centralized IBR section

U.S. Department of Homeland Security
Washington, DC 20528



Homeland Security

March 27, 2023

Oliver Potts, Director
Office of the Federal Register
National Archives and Records Administration
7 G Street, NW, Suite A-734
Washington, DC 20401

Dear Mr. Potts,

In accordance with 1 CFR part 51, we request that you approve a new centralized incorporation by reference section (37.4) into 6 CFR part 37. Currently, 6 CFR 37.17 and 37.19 are formatted so that the standardized IBR approval language required by 1 CFR part 51 is repeated in 37.17(e),(g),(m) and 37.19. Section 37.4 consolidates and updates the standardized incorporation by reference approval language into one centralized section for this part. Please note we are also updating the contact information so that the public may contact the department to arrange to examine the standards. This action is editorial in nature and does not impose any new regulatory requirements on affected parties. ***There was no associated proposed rule.***

The four standards referenced in 34.7 were incorporated by reference when DHS established 6 CFR part 37 in 2008 (73 FR 5272 (Jan. 29, 2008)) and are listed here:

International Organization for Standardization, Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland, +41 22 749 01 11, customerservice@iso.org, <https://www.iso.org/contact-iso.html>; or obtain a copy by contacting ANSI at ANSI, 25 West 43rd Street, 4th Floor, New York, New York 10036, www.ansi.org.

(1) ISO/IEC 15438:2006(E) Information Technology - Automatic identification and data capture techniques - PDF417 symbology specification, dated June 2006. IBR'd at § 37.19.

(2) ISO/IEC 19794-5:2005(E) Information technology - Biometric Data Interchange Formats - Part 5: Face Image Data, dated June 2005. IBR'd at § 37.17.

American Association of Motor Vehicle Administrators (AAMVA) 4301 Wilson Boulevard, Suite 400, Arlington, VA 22203 or on-line at <http://www.aamva.org>.

(1) 2005 AAMVA Driver's License/Identification Card Design Specifications, Annex A, section A.7.7.2., March 2005. IBR'd at § 37.17.

Letter to Oliver Potts
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International Civil Aviation Organization (ICAO), ICAO, Document Sales Unit, 999 University Street, Montreal, Quebec, Canada H3C 5H7, e-mail: sales@icao.int.

(1) ICAO 9303, "Machine Readable Travel Documents," Volume 1, part 1, Sixth Edition, 2006. IBR'd at § 37.17.

Please feel free to contact me at 202.893.3668 or myname@agency.gov, if you would like to discuss further or have any questions.

Sincerely,

name

title

Department of Homeland Security

Appendix B. Glossary of Abbreviations, Acronyms, and Terms in This Handbook

ACFR stands for the Administrative Committee of the Federal Register – the body that issues *regulations* for the *FR/CFR system*.

ACUS stands for the Administrative Conference of the United States.

Agency-produced material refers to a *publication* produced by the same agency that is seeking its approval.

Alpha-numeric order (or **alpha-numerically**) means to organize first by alphabetical order then by the full remaining number, not by the individual digits; for example, F1075 comes after F786.

ANPRM stands for advance notice of proposed rulemaking.

Centralized IBR section refers to a section that operates as an index for approved *IBR material*, containing the required approval and availability language, the full legal description of the approved *material*, and the location(s) within the *CFR* unit for which the *material* is approved.

CFR stands for the Code of Federal Regulations.

Currently-approved IBR material (or **currently-approved IBR publication**) refers to *material* or a *publication* that has already been approved for that specific version into the section *you* are adding or amending (this does not include sections that *you* are redesignating).

Existing IBR material (or **existing IBR publication**) refers to *material* or a *publication* that has already been approved for that specific version but not for the section *you* are adding or amending (this includes sections that *you* are redesignating).

Designation refers to the *publication's* unique identifier, usually an alpha-numeric number like F1234-12, assigned by the *SDO*.

FOIA stands for the Freedom of Information Act ([5 U.S.C. 552\(a\)](#)).

FR/CFR system refers to the publication system for *Federal Register* documents and the *CFR*.

ftp stands for file transfer protocol (we use the secure nsftp version).

IBR stands for incorporation by reference.

Material refers to *publications* generally or to a collection of *publications*.

New IBR material (or **new IBR publication**) refers to *material* or a *publication* not approved for the section *you* are adding or amending.

NPRM stands for notice of proposed rulemaking.

NTTAA stands for the National Technology Transfer and Advancement Act of 1995 ([Pub. L. 104-113](#)).

OFR stands for Office of the Federal Register.

OMB stands for Office of Management and Budget.

Regulation refers to rules of general applicability and legal effect published in the *CFR* (it can also be used interchangeably with *rule*, see [1 CFR 1.1](#)).

Rule refers to the *Federal Register* document that publishes in the Rules and regulations section (it can also be used interchangeably with *regulation*, see [1 CFR 1.1](#)).

SDO stands for *standards development organization*, e.g. ASTM, ASME, ISO, NFPA.

Pub. L. stands for Public Law.

Publication refers to a specific, unique publication, regardless of type. Common types of publications include standards, test methods, service *material*, and technical manuals. It can also include *agency-produced material*. We don't distinguish between consensus and non-consensus standards. (See also *voluntary consensus standard*.)

U.S.C. stands for United States Code.

Voluntary consensus standard (also known as VCS) is a standard that is developed through a process that is open to participation by representatives of all interested parties, transparent, consensus-based, and subject to due process.

We (our, us) refers to *OFR's* Legal Affairs and Policy Division.

You (your) refers to a Federal agency interested in or required to incorporate *material* by reference, the agency's Federal Register liaison officers, and the agency's regulatory drafters, as determined by context.