



Deviation Request Form

Instructions

To request a deviation: Complete and return this request form to fedreg.legal@nara.gov as soon as you know you a document may require a deviation.

- ❖ If there are deadlines specific to this request, include and explain them in **SECTION VIII**.
- ❖ If the deviation relates to a joint agency document, contact OFR's Legal Affairs and Policy Division at fedreg.legal@nara.gov for further instructions before completing this request form.

Who can sign: Anyone from your agency with a Federally-issued (non-contractor) PIV-card, authorized to make decisions on regulations, including Federal Register liaison officers, attorneys, and division or unit chiefs, can sign this request form. Make sure to include the title of the person signing in the appropriate field.

Who can send: Anyone from your agency can email the electronically-signed request form using their official Federal (non-contractor) email address. The person who emails the form is not specified so you do not need to know who will email the completed form before the request form is signed.

Agency point of contact: The person named as the point of contact for the request must be a Federal employee (so cannot be a contractor) and be either the subject matter expert or one of your agency's Federal Register liaison officers.

- ❖ OFR will use the email address provided as the default method of contact.
- ❖ Add backup contacts in **SECTION VIII**.

Note: The signer, sender, and point of contact can be the same person, a combination of 2 people, or 3 different people.

Required fields:

SECTION I – All fields

SECTION II – One radio button and its associated text field

SECTION III – At least one option; and

If you select an option other than “None of the above”, the associated text field

SECTION IV – One radio button

SECTION V – (Only if you chose “*Federal Register*” in Section IV) At least one option and the explanation field

SECTION VI – (Only if you chose “CFR” in Section IV) The CFR units, at least one option, and the explanation field

SECTION VII – (Only if you chose “Combination” in Section IV) The CFR units, at least one option, and the explanation field

SECTION VIII – Draft document question, title of signer, and signature

Remember: If you answer “Yes”, you must send the draft document along with this signed form.

Optional field:

SECTION VIII – In addition to including a backup contact or informing OFR of upcoming, relevant dates, you may also include any other necessary or helpful information.

Do **Not** complete page 7, OFR – Official Use Only

I. CONTACT INFORMATION

Agency:

Point of Contact

Name:

Email:

Phone:

II. SCOPE OF REQUEST

Select the most appropriate response. If this request affects the CFR but is not currently associated with a specific document or rulemaking, choose "Series of documents". Enter the required document details that correspond with your selection.

A single document [subject; docket; RIN]

All documents in a rulemaking [rulemaking]

A series of documents [series description]

A class of documents [class description]

All documents in [FR category]

III. CONTEXT FOR DEVIATION

Select all that apply and enter the required details that correspond with your selection.

Tied to a live Federal Register document [FR doc #]

Related to a previous deviation request [previous request; granted or denied]

Temporary, until [either {specific date or length of time} or {agency action} or combination]

Already in use [where and how used; how long used]

Currently in the CFR [specific CFR provision(s); when first added]

None of the above

IV. TYPE OF DEVIATION

Choose "Federal Register" for content from the document headings through the Words of Issuance and appendices that do not appear in the CFR. Choose "CFR" for anything following the Words of Issuance. Choose "Combination" for a mix of both, document classification (including combined documents), dates that affect amendatory instructions, or anything related to filing and publication (including signature issues).

Federal Register preamble only (complete section V, skip sections VI and VII)

CFR only (complete section VI, skip sections V and VII)

Combination (complete section VII, skip sections V and VI)

V. FEDERAL REGISTER DEVIATION TOPICS

These deviation topics apply only to the preamble of a Federal Register document (or to the body of a Notice document that does not use the standard preamble captions). Select all that apply.

Individual name and phone number in For Further Information Contact

No Federal statute, CFR, or Federal Register quotations

Drafting restrictions in SUMMARY

DATES

Subject heading (sometimes called the Title)

Citation (including cross-reference) format

Using “rule” in ACTION line

Other

Explain why this situation is unique and describe the legal or practical need that justifies the deviation.

VI. CFR DEVIATION TOPICS

These deviation topics apply only to amendatory instructions or regulatory text in a Federal Register document or to existing CFR structure or content. Select all that apply

List all CFR units affected (be as specific as possible):

Part or subpart designation

Section numbering

Designation within a section (paragraphs, notes, tables, examples, etc)

Adding or maintaining obsolete regulations

FR citations in the CFR

CFR subject headings (part, subpart, section, paragraph)

Cross-referencing other agencies' regulations

Mandatory Appendices

Uncodified (i.e. floating) or non-codified (e.g. Note) regulatory content

Citation (including cross-reference) format

No Federal statute, CFR, or Federal Register quotations

Other

Explain why this situation is unique and describe the legal or practical need that justifies the deviation.

VII. COMBINATION DEVIATION TOPICS

These deviation topics include all Federal Register and CFR deviations, in addition to those affecting the submission, filing, and publication of Federal Register documents. Select all that apply.

List all CFR units affected (be as specific as possible):

- Document classification
- Combined document
- Filing for public inspection
- Signature
- Individual name and phone number in For Further Information Contact
- No Federal statute, CFR, or Federal Register quotations
- Drafting restrictions in SUMMARY
- DATES
- Subject heading (sometimes called the Title)
- Citation (including cross-reference) format
- Using "rule" in ACTION line
- FR citations in the CFR
- Part or subpart designation
- Section numbering
- Designation within a section (paragraphs, notes, tables, examples, etc)
- Adding or maintaining obsolete regulations
- CFR subject headings (part, subpart, section, paragraph)
- Cross-referencing other agencies' regulations
- Uncodified (i.e. floating) or non-codified (e.g. Note) regulatory content
- Mandatory Appendices
- Other

Explain why this situation is unique and describe the legal or practical need that justifies the deviation.

VIII. VERIFICATION AND SIGNATURE

To complete your agency's request, verify that you've provided all relevant information and certify that this is your agency's official request.

Provide any information not already given that is needed to evaluate your agency's request for a deviation.

Does this request apply to a draft document?

Yes

No

If you answered yes, send that draft to fedreg.legal@nara.gov in the same email as this request form.

Signed by:

OFR – OFFICIAL USE ONLY

DECISION

Date:

Approved

Partially-approved

Denied

RATIONALE

Routine

Justification adequate

Justification inadequate

See supplemental justification

No grounds for deviation

Other

CONSTRAINTS AND EXPLANATIONS

To appeal this decision, email a signed letter, on agency letterhead (addressed to the Director of the Federal Register) to fedreg.legal@nara.gov. Please include a detailed explanation.

Signed by: