



Incorporation by Reference Handbook

Chapter V

Office of the Federal Register
National Archives and Records Administration

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

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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](#)).