

§ 243.1 Purpose.

This rule under E.O. 12372 and 31 U.S.C. 6506 et seq, updates policies, assigns responsibilities, and prescribes procedures for an intergovernmental process to assist coordination of appropriate DoD Federal development programs and activities in the United States with State and local governments and Federal agencies, and to encourage state and local governments and Federal agencies to coordinate their programs and activities with the Department of Defense.

§ 243.2 Applicability and scope.

(a) This rule applies to the Office of the Secretary of Defense, the Military Departments (excluding the civil works function of the U.S. Army Corps of Engineers) and the Defense Agencies (hereafter referred to collectively as “DoD Components”).

(b) Neither E.O. 12372 nor this rule are intended to create any right or benefit enforceable at law by a party against the Department of Defense or its officials.

(c) This rule covers all programs and activities developed by DoD Components for military construction (as defined in DoD Instruction 7040.4), acquisition of real property, substantial changes in existing use of military installations and real property, and disposal of real property that may affect state and local government or other Federal agency community development programs and activities, and state, local, and other Federal agency programs and activities that may affect DoD activities.

(d) A list of the DoD programs and activities subject to E.O. 12372 is at appendix A. An illustrative list of other Federal programs and activities that may affect the Department of Defense is at appendix B.

§ 243.3 Definition.

State. Any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the U.S. Virgin Islands, or the Trust Territory of the Pacific Islands.

§ 243.4 Policy.

It is the policy of the Department of Defense to promote an intergovernmental partnership and a strengthened Federalism by relying on state processes and on state, areawide, regional, and local coordination for review of proposed DoD Federal development; and to encourage the opportunity to review other agency programs and activities that may affect the Department of Defense.

§ 243.5 Responsibilities.

(a) The *Executive Secretary to the Secretary of Defense*, having been designated by the Secretary of Defense as the DoD intergovernmental coordination point of contact, shall act as the focal point for all matters relating to E.O. 12372.

(b) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* (ASD(MRA&L)) shall develop policy and shall:

(1) Have overall management responsibility for intergovernmental coordination of DoD Federal development programs and activities,

(2) Monitor the implementation of E.O. 12372 within the Department of Defense.

(c) The *Heads of DoD Components* shall:

(1) Establish and maintain an intergovernmental coordination management process concerning DoD Federal development programs and activities described in appendix A.

(2) Monitor the application of policies, responsibilities, and procedures contained in this rule within their subordinate elements.

(3) Designate an official to be the point of contact for intergovernmental coordination and review matters covered by this rule and report his or her name, position, and office to the ASD(MRA&L).

(4) Develop procedures that will ensure that a record of state comments, reviews, determinations, recommendations, and the status of programs and activities are maintained.

(5) Designate an official, in accordance with appendix C, who shall serve as a DoD liaison representative to the states in the respective Federal regions

for all DoD intergovernmental coordination matters. The identification of the liaison representatives shall be provided to the ASD(MRA&L) who shall publish a directory of liaison representatives in the FEDERAL REGISTER. The liaison function shall be in addition to the representative's regular duties.

§243.6 Procedures.

(a) DoD Components shall establish and maintain an intergovernmental coordination management process, reflected in a cooperative agreement when feasible, to achieve full consultation with state, regional, and local entities for those programs and activities covered by this rule. DoD Components shall encourage reciprocal actions with regard to the State, regional, and local programs and activities.

(b) DoD Components shall establish and maintain an inter-agency coordination management process to ensure their development programs and activities are consistent and compatible with the development actions of Federal agencies operating at the local levels. DoD Components shall encourage reciprocal actions by other Federal agencies with regard to their programs and activities. Unresolved conflicts shall be brought to the attention of the ASD(MRA&L).

(c) DoD Components that conduct activities or operate installations that may be affected by the programs and activities of Federal agencies shall take part in the community planning process by providing information, policy, and position statements on those programs and activities to the agencies concerned.

(d) The degree of public interest in a proposed program or activity shall be considered when deciding whether the Congress and the public shall be notified before offering information for comment as prescribed in this rule.

(e) In an emergency, provisions of this rule may be waived by the Secretary of the Military Department concerned. Such instances will be reported to the ASD(MRA&L).

(f) This rule does not affect normal cooperative community planning or coordination relationships between DoD installations and surrounding communities.

(g) Further procedures for DoD Federal development programs are prescribed at appendix D.

APPENDIX A TO PART 243—DOD PROGRAMS AND ACTIVITIES INCLUDED UNDER THIS RULE

EDITORIAL NOTE: For the text of appendix A, see 48 FR 29142, June 24, 1983.

APPENDIX B TO PART 243—EXAMPLES OF FEDERAL PROGRAMS AND ACTIVITIES THAT MAY AFFECT THE DEPARTMENT OF DEFENSE

EDITORIAL NOTE: For the text of appendix B, see 48 FR 29142, June 24, 1983.

APPENDIX C TO PART 243—DOD LIAISON REPRESENTATIVES FOR INTERGOVERNMENTAL COORDINATION OF DO D FEDERAL DEVELOPMENT PROGRAMS AND ACTIVITIES

EDITORIAL NOTE: For the text of appendix C, see 48 FR 29142, June 24, 1983.

APPENDIX D TO PART 243—PROCEDURES FOR DO D FEDERAL DEVELOPMENT PROGRAMS AND ACTIVITIES

EDITORIAL NOTE: For the text of appendix D, see 48 FR 29142, June 24, 1983.

PART 245—PLAN FOR THE SECURITY CONTROL OF AIR TRAFFIC AND AIR NAVIGATION AIDS (SHORT TITLE: SCATANA)

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- 245.4 Application of Emergency Security Control of Air Traffic (ESCAT).
- 245.5 Implementation of Security Control of Air Traffic and Air Navigation Aids.
- 245.6 Tactical Air Movement Plans.
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- 245.8 Wartime Air Traffic Priority List (WATPL).
- 245.9 Procedures for movement of air traffic.
- 245.10 SCATANA testing.
- 245.11 Authentication.

AUTHORITY: 5 U.S.C. 301, 552.

SOURCE: 41 FR 9322, Mar. 4, 1976, unless otherwise noted.