

opportunity for oral presentation will normally not be provided, but may as a matter within the sole and exclusive prerogative of the component be extended where it is found to be in the interest of the DoD Component or the public. After careful consideration of all relevant matter presented, the component shall incorporate in the adopted regulation a concise general statement of its basis and purpose. A preamble to the adopted regulation may be published in the FEDERAL REGISTER to explain the relationship of the adopted rule to the proposed rule, including the nature and effect of public comments.

[40 FR 4911, Feb. 3, 1975. Redesignated at 41 FR 27074, July 1, 1976, and further redesignated and amended at 56 FR 64482, Dec. 10, 1991]

§ 336.5 Publication in the Federal Register of adopted regulations and other matters.

Subject to the exemptions set forth in 32 CFR 286.6:

(a) Each DoD Component shall publish in the FEDERAL REGISTER an informative, current description for the guidance of the public, of where, how, and by what authority it performs any of its functions. In deciding which information to publish in the FEDERAL REGISTER a DoD Component shall consider the fundamental objective of informing all interested persons of how to deal effectively with the component.

(b) Information to be published in the FEDERAL REGISTER shall include:

(1) Descriptions of the central and field organization of the component concerned, and the established places at which, the employees or members of the armed forces from whom, and the methods whereby the public may secure information, make submittals or requests, or obtain decisions.

(2) The procedures by which a DoD Component conducts its business with the public, both formally and informally.

(3) The rules of procedure which must be followed, the description of forms which must be completed, or the source from which forms may be obtained, and instructions on the scope and content of papers, reports, examinations required to be submitted pursuant to

such rules of procedures, as adopted by the component.

(4) Directives, instructions, regulations, manuals, policy memorandums, statements of general policy, or interpretation of general applicability adopted by the agency, and other substantive rules of general applicability affecting the public.

(c) With the approval of the Director of the FEDERAL REGISTER, the requirement for publication in the FEDERAL REGISTER (1 CFR part 51, 37 FR 23614, Nov. 4, 1972) may be satisfied by reference in the FEDERAL REGISTER to other publications reasonably available to the class of persons affected and containing the information which must otherwise be published in the FEDERAL REGISTER.

(1) In order to be eligible for incorporation by reference, the matter must be in the nature of published data, criteria, standards, specifications, techniques, illustrations, or other published information reasonably available to members of class affected thereby.

(2) Incorporation by reference is not acceptable as a complete substitute for promulgating in full text material required to be published by 5 U.S.C. 552.

(3) Incorporation by reference is acceptable as a means of avoiding unnecessary repetition within the promulgated document of published information already reasonably available to the class affected. Examples include:

(i) Construction standards promulgated by a professional association or architects, engineers, or builders.

(ii) Code of ethics promulgated by professional organizations.

(iii) Forms and formats publicly or privately published and readily available to the persons required to use them.

(d) It is incumbent upon each component to review all information of the type described in paragraph (b) of this section, to insure that it is published on an up-to-date basis in the FEDERAL REGISTER, including every amendment, revision, or repeal. No member of the general public can be required to resort to, or be adversely affected by, any material not published as required by the foregoing provisions of § 336.5 unless he

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has actual and timely notice of the content of that material.

[40 FR 4911, Feb. 3, 1975. Redesignated at 41 FR 27074, July 1, 1976, and further redesignated and amended at 56 FR 64482, Dec. 10, 1991]

§ 336.6 Petitions.

Each component shall accord any interested person the right to petition for the issuance, amendment, or repeal of a regulation that originates or would originate, for the Department of Defense or that component, a policy, requirement, or procedure coming within the scope of § 336.4. Any such petition shall be given full and prompt consideration by the component charged with the responsibility for issuing such a regulation. The petitioner shall be advised in writing of the disposition, and the reason for the disposition, of any written petition for the issuance, amendment, or repeal of a regulation. The official responsibility for disposition of the petition may at his absolute discretion, grant the petitioner a right to appear for the purpose of supporting his petition if this is compatible with the orderly conduct of public business.

[40 FR 4911, Feb. 3, 1975. Redesignated at 41 FR 27074, July 1, 1976, and further redesignated and amended at 56 FR 64482, Dec. 10, 1991]

§ 336.7 Effective date and implementation.

This part becomes effective on February 1, 1975, but is applicable only to the regulations promulgated under the authority of a component after April 1, 1975. Two copies of implementing regulations shall be forwarded to the General Counsel of the Department of Defense on or before April 1, 1975.

[40 FR 4911, Feb. 3, 1975. Redesignated at 41 FR 27074, July 1, 1976, and further redesignated at 56 FR 64482, Dec. 10, 1991]

PART 337—AVAILABILITY OF DoD DIRECTIVES, DoD INSTRUCTIONS, DoD PUBLICATIONS, AND CHANGES

Sec.

337.1 Ordering DoD Directives, DoD Instructions, and Changes.

32 CFR Ch. I (7–1–99 Edition)

337.2 Ordering DoD Publications.

AUTHORITY: 10 U.S.C. 133, 31 U.S.C. 483a.

§ 337.1 Ordering DoD Directives, DoD Instructions, and Changes.

DoD Directives, DoD Instructions, and changes published in Chapter 2—Number Index section of DoD 5025.1-I, “DoD Directives System Annual Index” (except those issuances identified as classified) are available to the public and Government Agencies, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, telephone 703-487-4650.

[55 FR 27225, July 2, 1990. Redesignated and amended at 56 FR 64482, Dec. 10, 1991]

§ 337.2 Ordering DoD Publications.

DoD publications and changes published in Chapter 3—Publications section of DoD 5025.1-I, “DoD Directives System Annual Index” are available from the various sources that are identified in the Availability Column. Addresses for forwarding written requests to the various sources are listed at the beginning of chapter 3. A fee will be charged for DoD Publications ordered from the National Technical Information Service.

[56 FR 64482, Dec. 10, 1991]

PART 338—AVAILABILITY TO THE PUBLIC OF DEFENSE NUCLEAR AGENCY (DNA) INSTRUCTIONS AND CHANGES THERETO

AUTHORITY: 10 U.S.C. 133, 5 U.S.C. 552.

§ 338.1 Ordering DNA issuances.

(a) The DNA issuances published in the DNA indexes are published under the following subject groups:

1000—Manpower, Personnel and Reserve
2000—International Programs
3000—Intelligence
4000—Logistics and Resources Management
5000—General Administration
6000—Health and Medical
7000—Comptrollership
DNA Instruction 5025.80, Index to Administrative Publications
AFRRI Instruction 5025.26N, Index to AFRRI Publications
FC, DNA Instruction 5025.8B, Index to FC, DNA Administrative Instruction