



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20350-1000

SECNAVINST 5720.45A
JAG 13
20 May 1994

SECNAV INSTRUCTION 5720.45A

From: Secretary of the Navy

**Subj: INDEXING, PUBLIC INSPECTION, AND FEDERAL REGISTER
PUBLICATION OF DEPARTMENT OF THE NAVY DIRECTIVES AND
OTHER DOCUMENTS AFFECTING THE PUBLIC**

**Ref: (a) 5 U.S.C. § 552 (1988), amended 5 U.S.C. § 552
(Supp. I 1993)
(b) DOD Directive 5400.7, 13 May 88 (NOTAL)
(c) DOD Directive 5400.9, 23 Dec 74 (NOTAL)
(d) Regulations of the Administrative Committee of the
Federal Register (1 C.F.R. chs. I and II)
(e) SECNAVINST 5720.42E, DON Freedom of Information Act
(FOIA) Program**

**Encl: (1) Statutes and regulations requiring publication of DON
documents in the Federal Register
(2) Locations at which DON records are available for
public inspection
(3) DON components with cognizance over directives
currently codified in the Code of Federal Regulations
(4) Index**

1. Purpose. To implement subsections (a)(1) and (a)(2) of reference (a) and provisions of references (b), (c), and (d) by delineating responsibilities and prescribing requirements, policies, criteria, and procedures applicable to:

a. Publishing the following Department of the Navy documents in the Federal Register:

(1) Certain classes of regulatory, organizational, policy, substantive, and procedural documents required to be published for the guidance of the public;

(2) Certain classes of proposed regulatory documents required to be published for public comment prior to issuance; and



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(3) Certain public notices required by law or regulation to be published;

b. Making available, for public inspection and copying, certain classes of documents having precedential effect on decisions concerning members of the public;

c. Maintaining current indexes of documents having precedential effect on decisions concerning members of the public, and publishing such indexes or making them available by other means;

d. Receiving and considering petitions of members of the public for the issuance, revision, or cancellation of regulatory documents of some classes; and

e. Distributing the Federal Register for official use within the Department of the Navy.

2. Cancellation. SECNAVINST 5720.45.

3. Scope and Applicability. This instruction prescribes actions to be executed by, or at the direction of, Navy Department components and specified headquarters activities for apprising members of the public of Department of the Navy regulations, policies, substantive and procedural rules, and decisions which may affect them, and for enabling members of the public to participate in Department of the Navy rulemaking processes in matters of substantial and direct concern to the public. This instruction complements reference (e), which implements Navy-wide requirements of references (a) and (b) for furnishing documents to members of the public upon request. That a document may be published or indexed and made available for public inspection and copying under this instruction does not affect the possible requirement under reference (e) for producing it for examination, or furnishing a copy, in response to a request made under that instruction.

4. "Federal Register" Defined. Except where otherwise indicated by the context, the term "Federal Register" is used in this instruction to include both the daily editions of the publication bearing that title, and the "special editions" which are published at less frequent intervals. Special editions include a codification of Federal documents entitled, "Code of Federal Regulations," which is revised annually in quarterly increments; the annual compilation of Federal agencies' organizational structures and functions entitled, "United States Government Manual;" the "Weekly Compilation of Presidential Documents;" and

the annual compilation entitled, "Public Papers of the Presidents of the United States."

5. Policy. Under references (a), (b), and (c), the public is entitled to the maximum information concerning the organization and functions of the Department of the Navy. This includes information on the policies and the substantive and procedural rules used by the Department of the Navy in its dealings with the public. In accordance with reference (c), the public is encouraged to participate in Department of the Navy rulemaking when the proposed rule would substantially and directly affect the public.

6. Responsibilities

a. All Addressees

(1) The head of each Navy Department component, the commander of each naval systems command, and the Commander, Military Sealift Command, are primarily responsible for ensuring:

(a) The prompt publication of those directives and other documents under their cognizance (and revisions and cancellations thereof) of the classes required under paragraph 7, to be published in the Federal Register for the guidance of the public; evaluating proposed directives of those classes (including proposed revisions of adopted directives of those classes) for possible publication in the Federal Register for public comment prior to issuance, in accordance with paragraph 9; and for receiving and considering public comment prior to preparing such documents in final form for issuance;

(b) The timely publication of notices or other documents pertaining to matters under their cognizance and required to be published in the Federal Register under the authorities listed in enclosure (1) or other applicable laws or regulations;

(c) The continual availability, for public inspection and copying, of those documents under their cognizance having precedential effect with regard to decisions affecting the public, as prescribed in paragraph 8;

(d) The full and prompt consideration of petitions of interested persons for the issuance, revision, or cancellation of directives under their cognizance, in accordance with paragraph 10.

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b. Chief of Naval Operations and Commandant of the Marine Corps. In addition to such responsibilities as may be applicable under subparagraph 6a, the SECNAV/OPNAV Directives Control Office and the Commandant of the Marine Corps, as appropriate, shall be primarily responsible for the development, maintenance, and availability of indexes of their directives administered under the Department of the Navy Directives Issuance System. The SECNAV/OPNAV Directives Control Office additionally shall be responsible for coordinating and ensuring the appropriate publication of Department of the Navy indexes and related documents pertaining to indexes. All such indexes and related documents shall be forwarded to that office for review, coordination, and consolidation, as appropriate.

c. Legal Counsel. To ensure publication requirements are met, component heads shall ensure that the cognizant judge advocate or General Counsel attorney reviews all directives, instructions, and similar documents before promulgation. Assistance in this regard may be obtained from the Judge Advocate General (Code 13).

d. Judge Advocate General. The Judge Advocate General, through his or her designated subordinates, is designated as the Department of the Navy's Agency Representative in accordance with section 16.1 of reference (d) and shall perform the duties contained in section 16.2 through section 16.4 of reference (d) in fulfilling the following functions with relation to the Office of the Federal Register:

(1) Perform the duties of "liaison officer," by representing the Department of the Navy in all matters relating to the submission of documents to the Office of the Federal Register; supervising the selection, review, codification, and editing of such documents; and overseeing departmental compliance with the publication requirements of the Office of the Federal Register;

(2) Perform the duties of "certifying officer," by authenticating documents submitted to the Office of the Federal Register; and

(3) Perform the duties of "authorizing officer," by providing the Office of the Federal Register with current distribution lists of Department of the Navy activities authorized to receive the Federal Register.

e. Responsibility for Joint Directives. In the case of an intra-Navy joint directive required to be published in the Federal Register, the responsibilities under subparagraph 6a(1),

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shall be determined by agreement between the components which have cognizance of the directive. The submission of a joint Armed Forces directive for publication in the Federal Register, if required, is the responsibility of the appropriate component of the Military Department having primary administrative cognizance of the directive.

7. Publication of Adopted Regulatory Documents for the Guidance of the Public

a. Discussion. In general, subsection (a)(1) of reference (a) and the provisions of reference (c) require that an informative, current description of where, how, and by what authority the Department of the Navy performs its functions, and substantive and procedural rules, policies, and interpretations affecting the public, be published in the Federal Register for public guidance. In determining whether a particular document should be published in the Federal Register, consideration should be given to the statutory purposes and the legal effect of the requirements.

(1) Statutory purposes. The general purposes of subsection (a)(1) of reference (a) are to provide useful information on Federal agency functions which concern the public; to fully apprise members of the public of their rights and opportunities in connection with those functions; and to inform interested persons how to deal effectively with an agency.

(2) Legal effect. Subsection (a)(1) of reference (a) provides that, unless actual and timely notice has been given, a person may not be required to resort to, or be adversely affected by, any matter which is required to be published in the Federal Register unless it has been so published. The publication of a document required or authorized to be published in the Federal Register operates to give sufficient legal notice of the contents of such document to persons subject to or affected by it. Publication creates a legal presumption that such document was duly issued, prescribed, or promulgated. Courts may take judicial notice of the contents of documents published in the Federal Register.

b. Classes of Documents to be Published. The classes of Department of the Navy documents required to be published on a current basis in the Federal Register are listed below. References (a) and (e) specify those matters which are exempt from release or disclosure to the public.

(1) Naval organization and points of contact -- descriptions of the central and field organization of the

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Department of the Navy and the locations at which, the members or employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(2) Methods and procedures for business with the public - statements of the general course and methods by which Department of the Navy functions affecting members of the public are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Procedural rules and forms -- rules of procedure for functions affecting members of the public, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations required to be submitted under such rules of procedures; and

(4) Substantive rules and policies -- substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the Department of the Navy. Such rules are commonly contained in directives, manuals, and memorandums.

(a) "General applicability" defined. The following definition is prescribed in section 1.1 of reference (d) and is applicable to the documents contemplated in subparagraph 7b(4):

"Documents having general applicability and legal effect" means any document issued under proper authority prescribing a penalty or course of conduct, conferring a right, privilege, authority, or immunity, or imposing an obligation, and relevant or applicable to the general public, members of a class, or persons in a locality, as distinguished from named individuals or organizations.

(b) Internal personnel rules and internal practices. In addition to the other exemptions listed in references (a) and (e), particular attention is directed to the exemption pertaining to internal personnel rules and internal practices.

(c) Local regulations. As a normal rule, it is unnecessary to publish in the Federal Register a regulation which is essentially local in scope or application. However, publication may be authorized under extraordinary circumstances, as determined by the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate, with the concurrence of the Judge Advocate General.

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(d) Incorporation by reference. With the approval of the Director of the Federal Register given in the limited instances authorized in Part 51 of reference (d), the requirement for publication in the Federal Register may be satisfied by reference in the Federal Register to other publications containing the information which must otherwise be published in the Federal Register. In general, matters eligible for incorporation by reference are restricted to materials in the nature of published data, criteria, standards, specifications, techniques, illustrations, or other published information which are reasonably available to members of the class affected.

c. Manner of Publication. Documents published for the guidance of the public under this paragraph shall be prepared and submitted for publication in the Federal Register in the manner prescribed in paragraph 11.

d. Public Inspection. When feasible, Department of the Navy and Department of Defense documents published in the Federal Register should be made available for inspection and copying, along with available indexes of such documents, in the same locations used for public inspection and copying of the documents contemplated in paragraph 8. This may be accomplished by maintaining a current edition of title 32, Code of Federal Regulations at those locations.

8. Availability, Public Inspection, and Indexing of Other Documents Affecting the Public

a. Discussion. Subsection (a)(2) of reference (a) requires the Department of the Navy to make available for public inspection and copying documents which have precedential significance on those Department of the Navy decisions which affect the public. These documents must be kept readily available for public inspection and copying at designated locations, unless they are promptly published and copies are offered for sale. Additionally, documents issued after 4 July 1967 are required to be indexed on a current basis. These indexes, or supplements thereto, must be published at least quarterly in accordance with the provisions of this paragraph. In determining whether a particular document is subject to the requirements of this paragraph, consideration should be given to the statutory purposes and legal effect of the provisions.

(1) Statutory purposes. In general, the purpose of the requirement to provide members of the public with essential information is to enable them to deal effectively and knowledgeably with Federal agencies; to apprise members of the public of the existence and contents of documents which have

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potential legal consequences as precedents in administrative determinations which may affect them; and to permit public examination of the basis for administrative actions which affect the public.

(2) Legal effect. If a document is required to be indexed and made available under this paragraph, it may not be used or asserted as a precedent against a member of the public unless it was so indexed and made available, or unless the person against whom it is asserted had actual and timely notice of its contents.

b. Classes of Documents Affected

(1) Subject to the provisions of subsection (b) of reference (a) which exempt specified matters from the requirements of public disclosure, the following classes of Department of the Navy documents are included in the requirements of this paragraph:

(a) Final adjudicative opinions and orders -- opinions (including concurring and dissenting opinions) and orders which are issued as part of the final disposition of adjudication proceedings (as defined in 5 U.S.C. § 551) and which may have precedential effect in the disposition of other cases affecting members of the public;

(b) Policy statements and interpretations -- statements of policy and interpretations of less than general applicability (i. e., applicable only to specific cases, organizations, or persons), which are not required to be published in the Federal Register, but which may have precedential effect in the disposition of other cases affecting members of the public;

(c) Manuals and instructions -- administrative staff manuals, directives, and instructions to staff, or portions thereof, which establish Department of the Navy policy or interpretations of policy that serve as a basis for determining the rights of members of the public with regard to Department of the Navy functions. In general, manuals and instructions relating only to internal management aspects of property or fiscal accounting, personnel administration, and most other "proprietary" functions of the department are not within the scope of this provision. This provision also does not apply to instructions for employees on methods, techniques, and tactics to be used in performing their duties; for example:

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(1) Instructions or manuals issued for audit, investigation, and inspection purposes;

(2) Those which prescribe operational tactics; standards of performance; criteria for defense, prosecution, or settlement of cases; or negotiating or bargaining techniques, limitations, or positions; and

(3) Operations and maintenance manuals and technical information concerning munitions, equipment, and systems, and foreign intelligence operations.

(2) In determining whether a document has precedential effect, the primary test is whether it is intended as guidance to be followed either in decisions or evaluations by the issuing authority's subordinates, or by the issuing authority itself in the adjudication or determination of future cases involving similar facts or issues. The kinds of orders or opinions which clearly would have precedential effect are those that are intended to operate both as final dispositions of the questions involved in the individual cases presented, and as rules of decision to be followed by the issuing authority or its subordinates in future cases involving similar questions. By contrast, many adjudicative orders and opinions issued within the Department of the Navy operate only as case-by-case applications of policies or interpretations established in provisions of manuals or directives and are not themselves used, cited, or relied on as rules of decision in future cases. In these instances, the underlying manual or directive provisions obviously would have precedential effect, but the orders and opinions themselves would not have. A recommendation by an official who is not authorized to adjudicate, or to issue a binding statement of policy or interpretation in a particular matter would not have precedential effect, though an order, opinion, statement of policy, or interpretation issued by an authorized official pursuant to such recommendation might have that effect.

c. Deletion of Identifying Details

(1) Although the exemptions from public disclosure described in references (a) and (e) are applicable to documents which are required to be indexed and made available for public inspection and copying under this paragraph, there is no general requirement that any segregable portions of partially exempt documents be so indexed and made available for public inspection and copying. As a general rule, a record may therefore be held exempt in its entirety from the requirements of this paragraph if it is determined that it contains exempt matter and that it is

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reasonably foreseeable that disclosure would be harmful to an interest protected by that exemption. An exception to this general rule does exist with regard to a record which would be exempt only because it contains information which, if disclosed, would result in a clearly unwarranted invasion of privacy.

(2) Where necessary to prevent a clearly unwarranted invasion of a person's privacy, identifying details should be deleted from a record which is required to be indexed and made available for public inspection and copying under this paragraph. In every such case, the justification for the deletion must be fully stated in writing in a manner which avoids creating inferences that could be injurious to the person whose privacy is involved. Usual reasons for deletion of identifying details include protection of privacy in a person's business affairs, medical matters, or private family matters; humanitarian considerations; and avoidance of embarrassment to a person. A rubber stamp, reading substantially as follows, may be used for the purpose of documenting the justification for deletion of identifying details.

Activity, Location

Date

Identifying details have been deleted, pursuant to 5 U.S.C. § 552(b)(6) and SECNAVINST 5720.42E to prevent the clearly unwarranted invasion of personal privacy which would result from the disclosure of those details.

Signature

Title of Cognizant Officer/Official

d. Publication of Indexes

(1) Form of indexes. Each index should be arranged topically or by descriptive words, so that members of the public may be able to locate the pertinent documents by subject, rather than by case name or by a numbering system.

(2) Time of publication. Each component having cognizance of records required under this paragraph to be indexed shall compile and maintain an index of such records on a continually current basis. Each such index was required to initially be published by 1 July 1975. An updated version of

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each such index, or a current supplement thereto, shall be published by an authorized method at least annually thereafter.

(3) Methods of publication. The methods authorized for publication of the indexes contemplated in this paragraph are:

(a) Publication in the Federal Register;

(b) Commercial publication, provided that such commercial publication is readily available to members of the public, or will be made available upon request and payment of costs (if this method is utilized, information on the cost of copies and the address from which they may be obtained shall be published in the Federal Register); or

(c) Furnishing internally reproduced copies upon request, at cost not to exceed the direct cost of duplication in accordance with reference (e), provided that it is determined, by an order published in the Federal Register, that the publication of the index by methods (a) or (b), above, would be unnecessary or impracticable. Such order shall state the cost of copies and the address from which they may be obtained. The Chief of Naval Operations (N09B30) is authorized to issue such an order in a proper case.

(4) Public inspection of indexes. In addition to publication by one of the foregoing methods, each index will be made available for public inspection and copying in accordance with subparagraph 8f, at the location(s) indicated in enclosure (2).

e. Where Records May Be Inspected. Locations and times at which Department of the Navy records, and indexes thereof, are available for public inspection and copying are shown in enclosure (2).

f. Cost. Fees for copying services, if any, furnished at locations shown in enclosure (2) shall be determined in accordance with reference (e).

g. Records of Navy-Marine Corps Court of Military Review. The Navy-Marine Corps Court of Military Review is deemed to be a "court of the United States" within the meaning of Title 5, Section 551, U.S.C., and is therefore excluded from the requirements of reference (a). Nevertheless, unpublished decisions of the Navy-Marine Corps Court of Military Review, although not indexed, are available for public inspection at the location shown in enclosure (2).

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9. Prepublication of Proposed Regulations for Public Comment

a. Discussion. The requirements of this paragraph are not imposed by statute, but are the implementation of policies and procedures created administratively in reference (c). In effect, the pertinent provisions of reference (c) establish, within the Department of Defense and its components, procedures that are analogous to the public rulemaking procedures applicable to some functions of other Federal agencies under Title 5, Section 553, U.S.C. While the administrative policy of encouraging the maximum practicable public participation in the Department of the Navy rulemaking shall be diligently followed, determinations by the Department of the Navy as to whether a proposed regulatory requirement originated by it comes within the purview of this paragraph and the corresponding provisions of reference (c), and as to whether inviting public comment is warranted, shall be conclusive and final.

b. Classes of Documents Affected. Each proposed regulation or other document of a class described in subparagraph 7b, (or a proposed revision of an adopted document of any of those classes) which would "originate" within the Department of the Navy a requirement of general applicability and future effect for implementing, interpreting, or prescribing law or policy, or practice and procedure requirements constituting authority for prospective actions having substantial and direct impact on the public, or a significant portion of the public, must be evaluated to determine whether inviting public comment prior to issuance is warranted. Documents that merely implement regulations previously issued by higher naval authorities or by the Department of Defense will not be deemed to "originate" requirements within the purview of this paragraph. If a proposed document is within the purview of this paragraph, publication to invite public comment will be warranted unless, upon evaluation, it is affirmatively determined both that a significant and legitimate interest of the Department of the Navy or the public will be served by omitting such publication for public comment, and that the document is subject to one or more of the following exceptions:

(1) It pertains to a military or foreign affairs function of the United States which has been determined under the criteria of an Executive order or statute to require a security classification in the interests of national defense or foreign policy;

(2) It relates to naval management, naval military or civilian personnel, or public contracts (e. g., Navy Procurement Directives), including nonappropriated fund contracts;

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(3) It involves interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice; or

(4) It is determined with regard to the document, for good cause, that inviting public comment is impracticable, unnecessary, or contrary to the public interest.

c. Procedures

(1) Normal case. Unless the official having cognizance of a proposed regulatory document determines under the criteria of subparagraph 9b, that inviting public comment is not warranted, he or she shall cause it to be published in the Federal Register with an invitation for the public to submit comments in the form of written data, views, or arguments during a specified period of not less than 30 days following the date of publication. An opportunity for oral presentation normally will not be provided, but may be provided at the sole discretion of the official having cognizance of the proposed directive if he or she deems it to be in the best interest of the Department of the Navy or the public to do so. After careful consideration of all relevant matters presented within the period specified for public comment, the proposed document may be issued in final form. After issuance, the adopted document, and a preamble explaining the relationship of the adopted document to the proposed document and the nature and effect of public comments, shall be published in the Federal Register for the guidance of the public.

(2) Where public comment is not warranted. The official having cognizance of a proposed document within the purview of this paragraph shall, if he or she determines that inviting public comment concerning the document is not warranted under the criteria of subparagraph 9b, incorporate that determination, and the basis therefor, in the document when it is issued or submitted to a higher authority for issuance. After issuance, such document shall be published in the Federal Register for the guidance of the public, if required under subparagraph 7b.

(3) Manner of publication. Proposed documents published for public comment, and adopted documents published for the guidance of the public after consideration of public comment under this paragraph, shall be prepared and submitted for publication in the Federal Register in the manner prescribed in paragraph 11, and such supplemental instructions as the Judge Advocate General may issue.

10. Petitions for Issuance, Revision, or Cancellation of Regulations Affecting the Public. In accordance with the

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provisions of reference (c), the Department of the Navy shall accord any interested person the right to petition, in writing, for the issuance, revision, or cancellation of regulatory document that originates, or would originate, for the Department of the Navy, a policy, requirement, or procedure which is, or would be, within the purview of paragraph 9. The official having cognizance of the particular regulatory document involved, or having cognizance of the subject matter of a proposed document, shall give full and prompt consideration to any such petition. Such official may, at his or her absolute discretion, grant the petitioner an opportunity to appear, at his or her own expense, for the purpose of supporting the petition, if this is deemed to be compatible with orderly conduct of public business. The petitioner shall be advised in writing of the disposition, and the reasons for the disposition, of any petition within the purview of this paragraph.

11. Procedures for Publishing in the Federal Register

a. General Requirements. The official having primary responsibility under paragraph 6 for ensuring the publication of a document in the Federal Register shall cause to be transmitted, by letter, an unsigned original and three copies of the document, prepared in the form prescribed by reference (d) and such supplemental instructions as the Judge Advocate General may issue, with supporting documentation as required, to the Judge Advocate General (Code 133) for review, processing, and forwarding to the Office of the Federal Register. Documents issued by Marine Corps activities shall be transmitted via the Commandant of the Marine Corps.

b. Time of Transmittal. In transmitting documents for publication in the Federal Register, allowances should be made for:

(1) Delays of several days which commonly occur in postal and inter-office mail systems, both while documents are enroute to the Office of the Judge Advocate General and while they are enroute to the Office of the Federal Register;

(2) Reasonable processing time in the Office of the Judge Advocate General; and

(3) The normal 4 working-days processing time in the Office of the Federal Register. See reference (d).

As a general rule, a document which is required to be published in the Federal Register by a specified date, or a specified time before an event, should be transmitted to the Judge Advocate

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General (Code 133) at least 2 weeks before the required publication date. If this cannot be done, the document should be hand-delivered to the Judge Advocate General (Code 133), at the earliest possible time. In the absence of specific Secretarial authorization in an individual case, the Judge Advocate General shall not request the Office of the Federal Register to publish any document which cannot be published by a particular date required by law or regulation. In such a case, the originator will be notified promptly and advised on possible means of avoiding a violation of the applicable law or regulation.

c. Component Representatives. Each addressee having cognizance of the subject matter of documents currently published in the Federal Register, or required to be so published, including organizational and functional descriptions contained in the United States Government Manual, should designate an officer to represent the component as a primary point of contact for the Judge Advocate General in matters relating to the publication of documents in the Federal Register. Such designations should be submitted to the Judge Advocate General (Code 133) by 1 January of each year.

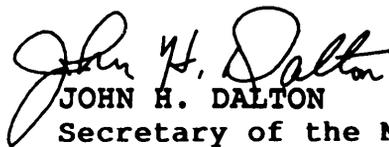
12. Annual Verification of Code of Federal Regulations and United States Government Manual. Enclosure (3) is a list of Department of the Navy components having cognizance of directives that are presently codified in the Code of Federal Regulations. It is mandatory that the Code of Federal Regulations be updated promptly upon revision or cancellation of a directive codified therein. In order to meet this requirement, the Judge Advocate General shall annually request the heads of the cognizant components to verify that the Code of Federal Regulations accurately reflects the current directives upon which they are based. Additionally, the Judge Advocate General shall annually request components to verify the organizational and functional descriptions contained in the United States Government Manual. To the extent possible, updating of the Code of Federal Regulations and the United States Government Manual will be accomplished before the scheduled revision dates each year.

13. Federal Register Distribution. The Federal Register shall be distributed for official use within the Department of the Navy in accordance with distribution lists provided by the Judge Advocate General (Code 63) to the Office of the Federal Register and the Defense Printing Service (Navy Publication and Printing Service). The Judge Advocate General is authorized to require justification of requests for distribution of any editions or titles of the Federal Register.

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14. Action. Addressees shall ensure that the contents of this instruction are disseminated on a continuing basis to all personnel whose duties involve the formulation or review of directives or similar organizational, policy, substantive and procedural documents, written orders or opinions, or documents pertaining to specific functions indicated in enclosure (1), or whose duties otherwise require information concerning the availability and indexing of documents or the publication of documents in, or the distribution of, the Federal Register.


JOHN H. DALTON
Secretary of the Navy

Distribution:

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STATUTES AND REGULATIONS REQUIRING PUBLICATION OF
DEPARTMENT OF THE NAVY DOCUMENTS IN THE FEDERAL REGISTER

<u>Type of Documents To Be Published</u>	<u>Applicable Statutes and/or Regulations</u>
Regulatory, organizational, policy, substantive and procedural documents to be published for guidance of the public.	5 U.S.C. § 552 DOD Dir. 5400.9 of 23 December 1974 SECNAVINST 5720.45A
Indexes (or notices of availability) of documents having precedential effect for decisions affecting the public.	5 U.S.C. § 552 DOD Dir. 5400.7 of 13 May 1988 SECNAVINST 5720.45A
Proposed regulations originating requirements having substantial and direct impact on the public, to be published for public comment prior to issuance.	DOD Dir. 5400.9 SECNAVINST 5720.45A
Notices of Secretarial determinations of the rate of pay for certain executive positions.	5 U.S.C. § 5364
Notices of meetings of Federal advisory committees (to be published at least 15 days before scheduled meeting dates).	5 U.S.C. App. I OMB Cir. No. A-63
Statements of Secretarial appointments of persons to serve as consultants or advisors without compensation in special circumstances.	50 U.S.C. App. 2160
Secretarial certifications where the national interest requires permitting special Government employees to act as agents or attorneys of others in the performance of work under a grant by, or a contract, with or for the benefit of the United States.	18 U.S.C. § 203 18 U.S.C. § 205
Secretarial certifications where the national interest requires permitting former Government officers or employees to act as agents or attorneys or appearing for others in scientific or technical matters connected with their former duties in special circumstances.	18 U.S.C. § 207
Secretarial certifications exempting vessels or classes of vessels from general maritime regulations concerning the number, positions, or characteristics of lights	33 U.S.C. § 1605

Enclosure (1)

SECNAVINST 5720.45A

20 MAY 1994

Notices of public hearings on draft environmental impact statements (to be published at least 15 days before scheduled meeting dates).

**OPNAVINST 5090.1A
MCO P5090.2**

The foregoing listing is not necessarily all-inclusive.

Enclosure (1)

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LOCATIONS AT WHICH DEPARTMENT OF THE NAVY RECORDS
ARE AVAILABLE FOR PUBLIC INSPECTIONNAME OF FACILITY AND LOCATION
(Seat of Government)TYPE OF MATERIAL

Navy Department Library:
First floor of Building 44,
Washington Navy Yard, 9th and
M Streets, S.E., Washington,
D.C. 20374. The facility is
open from 8:00 a.m. to 4:30
p.m., Mondays through Fridays,
except holidays.

An index system by subject
matter to materials held. For
example:

(1) Department of the Navy
Directives Issuance System
Consolidated Subject Index of
Instructions (an index of
administrative instructions
issued by Washington headquar-
ters organizations and dis-
tributed to addresses outside
the originating office); and
the Marine Corps directives
System Quarterly Checklist of
directives distributed outside
Headquarters, Marine Corps.
These indexes assist in iden-
tifying instructions issued on
any desired subject.

(2) An index to the Armed
Services Procurement Regula-
tion and to Navy Procurement
Directives.

(3) Navy Stock List of
Publications and Forms: This
is a quarterly listing, by
title and nomenclature subject
identification codes, and
stock numbers.

(4) Any other indexes
prepared pursuant to this
instruction and a master list
of available indexes.

Enclosure (2)

20 MAY 1994

NAME OF FACILITY AND LOCATION
(Seat of Government)

TYPE OF MATERIAL

Law Library of the Office of the Judge Advocate General:
Room 9S47 of Hoffman Building
II, 200 Stovall Street,
Alexandria, VA 22332

Published and unpublished decisions of Navy-Marine Corps Court of Military Review. (Published decisions are also available at naval bases, as indicated below.)

Defense Printing Service, Technical Library: Building
176, Washington Navy Yard, 9th and M Streets, S.E.,
Washington, D.C. 20374-5087

Certain technical manuals, and indexes thereto, as made available under clearance procedures prescribed by sponsoring naval systems commands or as specified in contract documents.

Headquarters Marine Corps:
Room 1306, Navy Arlington Annex (Federal Office Building No. 2), Southgate Road and Columbia Pike, Arlington, VA
20380

Marine Corps indexes, directives (orders and bulletins), and publications of general Marine Corps applicability.

(Shore Activities)

To the extent the material described above is received by Navy and Marine Corps field activities for the regular conduct of their business, it will be made available locally to members of the public for inspection and copying, under procedures prescribed by this instruction during regular working hours.

All Navy and Marine Corps Shore Activities: (Consult the area telephone directory for the address of local Navy and Marine Corps activities.)

Current files of Department of the Navy directives of general applicability, and related indexes; also directives of less than general applicability pertinent to their operations, and related indexes.

20 MAY 1984

NAME OF FACILITY AND LOCATION
(Shore Activities)

TYPE OF MATERIAL

Defense Printing Service
Offices: Building 176,
Washington Navy Yard, 9th and
M Streets, S.E., Washington,
D.C. 20374-5087

Technical manuals and data at field activities will be available as indicated in procurement documents. In some instances they will be made available under clearance procedures prescribed by the sponsoring naval systems command.

Defense Printing Service
Management Office: Building
143-1, Washington Navy Yard,
9th and M Streets, S.E.,
Washington, D.C. 20374-5030

Navy Stock List of Publications, Directives and Forms, NAVSUP PUB 2002 (stock number 0535-004-01000). This is a quarterly listing, subdivided by title and nomenclature, subject identification codes, and stock numbers. Consists of microfiche, which may be purchased individually, or subscriptions are available.

DPSINST 5212.1 (current version): Consolidated Subject Indexes of Department of the Navy Instructions are issued periodically. Issues may be purchased individually, or subscriptions are available.

Naval Bases and Marine Corps
Bases: (Consult the area
telephone directory under U.S.
Government for location of
nearby bases)

Published decisions of Navy-Marine Corps Court of Military Review are maintained at these bases.

20 MAY 1994

**DON COMPONENTS COGNIZANT OF DIRECTIVES CURRENTLY
CODIFIED IN THE CODE OF FEDERAL REGULATIONS**

<u>Part</u>	<u>Heading</u>	<u>Source</u>	<u>Cog. Auth.</u>
701.1	Availability of Department of the Navy Records and Publication of Department of the Navy Documents Affecting the Public		
	Subparts A-D	SECNAVINST 5720.42E	N09B30
	Subpart E	SECNAVINST 5720.45A	JAG-13
	Subparts F and G	SECNAVINST 5211.5D	N09B30
705	Public Affairs Regulations	SECNAVINST 5720.44A	CHINFO
706	Certifications and Exemptions under the International Regulations For Preventing Collisions At Sea, 1972.	Executive Order 11964	JAG-31
707	Special Rules with Respect to Additional Station and Signal Lights	Executive Order 11964	JAG-31
716	Death Gratuity	10 U.S.C. 1475	BUPERS
718	Missing Persons Act	MILPERSMAN MARCORMAN	BUPERS CMC
719	Regulations Supplementing the Manual for Courts-Martial	JAGMAN CH. I	JAG-20
720	Delivery of personnel; service of process and subpoenas; production of official records	JAGMAN CHs. V and VI	JAG-34

Enclosure (3)

SECNAVINST 5720.45A**20 MAY 1994**

721	Standards of Conduct	DOD JER	JAG-13 OGC
722	Reporting procedures on defense related employment	DOD JER	JAG-13 OGC
723	Board for Correction of Naval Records	NAVSO P-473	BCNR
724	Navy Discharge Review Board	SECNAVINST 5420.174C (NOTAL)	JAG-13 NCPB
725	Release of official information for litigation purposes and testimony by Department of the Navy personnel	SECNAVINST 5820.8A	JAG-34
726	Payment of amounts due mentally incompetent members of the naval service	JAGMAN CH. XIV	JAG-32
727	Legal Assistance	JAGMAN CH. VII	JAG-36
728	Medical and dental care for eligible persons at naval medical facilities	NAVMEDCOM 6320.3B	MEDCOM-33
732	Nonnaval medical and dental care	NAVMEDCOM 6320.1A	MEDCOM-33
733	Assistance to and support of dependents; and paternity complaints	MILPERSMAN MARCORPSMAN NAVCOMPTMAN	BUPERS CMC Dir, NFAA
734	Garnishment of pay of Naval military and civilian personnel for collection of child support and alimony	SECNAVINST 7200.16 MILPERSMAN MARCORPSMAN	N09BL BUPERS CMC
735	Reporting births and deaths in cooperation with other agencies	NAVMEDCOM 6000.1A (NOTAL)	MEDCOM-33
736	Disposition of property		NAVSUP

Enclosure (3)

20 MAY 1994

744	Policies and procedures for the protection of proprietary rights in technical information proposed for release to foreign governments	SECNAVINST 5710.8A (NOTAL)	Navy-IPO
746	Licensing of government inventions in the custody of the Department of the Navy	SECNAVINST 5870.2D (NOTAL)	OCNR
750	General Claims Regulations	JAGMAN CH. VIII JAGINST 5890.1	JAG-35
751	Personnel Claims Regulations	JAGMAN CH. VIII JAGINST 5890.1	JAG-35
753	Admiralty Claims	JAGMAN CH. XII	JAG-31
755	Claims for injuries to property under Article 139 of the Uniform Code of Military Justice	Article 139, UCMJ JAGMAN CH. IV	JAG-35
756	Nonappropriated-fund Claims Regulations	JAGINST 5890.1 (NOTAL)	JAG-35
757	Affirmative Claims Regulations	JAGINST 5890.1 (NOTAL)	JAG-35
761	Naval defensive sea areas; naval airspace reservations; areas under Navy administration, and the Trust Territory of the Pacific Islands	OPNAVINST 5500.11E (NOTAL)	N3L/N5L
762	Midway Island Code	Original material	ASN(I&E)

SECNAVINST 5720.45A

.20 MAY 1994

763	Rules governing public access (Kaho'olawe Island, Hawaii)	Original material	ASN(I&E) CNB, Pearl Harbor
765	Rules applicable to the public	Original material	Local
765.12	Navy and Marine Corps absentees; rewards	NAVCOMPAN 046380-13	NAVCOMPT BUPERS
765.14	Unofficial use of the seal, emblem, names, or initials of the Marine Corps	SECNAVINST 5030.7	CMC
766	Use of Department of the Navy aviation facilities by civil aircraft	SECNAVINST 3770.1C (NOTAL)	N53C
770	Rules limiting public access to particular installations	Original material	Local
775	Procedures for implementing the National Environmental Protection Act	SECNAVINST 5090.6 OPNAVINST 5090.1A MCO P5090.2	ASN(I&E) CNO (N45) CMC

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