(2) Members of a reigning royal family;
(3) Governors-general, governors, high commissioners, and similar high administrative or executive officers of a territorial unit, and their alternates;
(4) Cabinet ministers and their assistants holding executive or administrative positions inferior to that of the head of a departmental division, and their alternates;
(5) Presiding officers of chambers of national legislatures;
(6) Justices of the highest national court of a foreign country;
(7) Ambassadors, public ministers, other officers of the diplomatic service and consular officers of career;
(8) Military officers holding a rank not inferior to that of a brigadier general in the U.S. Army or Air Force and Naval officers holding a rank not inferior to that of rear admiral in the U.S. Navy;
(9) Military, naval, air and other attaches and assistant attaches assigned to a foreign diplomatic mission;
(10) Officers of foreign-government delegations to, and officers of, international bodies, an official nature, other than international organizations so designated by Executive order;
(11) Officers of foreign-government delegations to, and officers of, international bodies, an official nature, other than international organizations so designated by Executive order;
(12) Officers of a diplomatic mission of a temporary character proceeding to or through the United States in the performance of their official duties;
(13) Officers of foreign-government delegations proceeding to or from a specific international conference of an official nature;
(14) Members of the immediate family of a principal alien who is within one of the classes described in subparagraphs (1) to (11) inclusive, of this paragraph;
(15) Members of the immediate family of a principal alien who is within one of the classes described in subparagraphs (1) to (11) inclusive, of this paragraph;
(16) Members of the immediate family of a principal alien who is within one of the classes described in subparagraphs (1) to (11) inclusive, of this paragraph;
(17) Diplomatic couriers proceeding to or through the United States in the performance of their official duties;
(b) A nonimmigrant alien who is classifiable under section 101(a)(15) of the Act, unless the government of which the alien is an alternate, of an employee or special Government employee of the Corporation.
(c) Any other individual alien or class of aliens shall, if otherwise qualified, be eligible to receive a diplomatic visa upon the authorization of the Department, the Chief of a United States Diplomatic Mission, the Deputy Chief of Mission, the Counselor for Consular Affairs or the principal officer of a consular post not under the jurisdiction of a diplomatic mission.
2. Section 41.104(a)(3) is amended to read as follows:
§ 41.104 Classes of aliens eligible to receive official visas.
(a) * * *
(b) * * *
(c) * * *
(d) * * *
(e) * * * Effectuative date. These amendments shall become effective by publication in the Federal Register (3-11-71).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

FEBRUARY 26, 1971.
[FR Doc.71-536 Filed 3-10-71; 3:47 am]

Chapter VII—Overseas Private Investment Corporation

PART 730—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in accordance with Executive Order 11222; 3 CFR, 1964-1965 Comp. p. 306; and 5 CFR Part 735; Chapter VII consisting of Part 730 of Subchapter B is added to Title 22 of the Code of Federal Regulations.

§ 730.735-101 Adoption of regulations.
§ 730.735-102 Notice to employees.
§ 730.735-103 Counseling service.
§ 730.735-104 Review of statements of employment and financial interests.
§ 730.735-105 Disciplinary and other remedial action.

An employee or special Government employee of the Corporation who violates...
any of the regulations in this Part or adopted under §730.735—101 may be disapplied by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;
(b) Divestment by the employee or special Government employee of his conflicts of interest;
(c) Disqualification for a particular assignment.

§730.735—106 Gifts, entertainment, and favors.

The Corporation authorizes the exceptions to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b)(1)—(4), and, in addition, authorizes the following exception: Acceptance of gifts and decorations from foreign governments, i.e., table favors, mementos, remembrances, or other tokens bearing at official function or otherwise gifts which have a retail value not in excess of $50 in the United States, received as souvenirs or marks of courtesy from a foreign government. If a gift of more than minimal value, as described above, is offered, and the refusal of such a gift would be likely to cause offense or embarrassment to the donor, or would adversely affect the foreign relations of the United States, the Corporate President or his designee may permit the employee to accept the gift for disposal in accordance with the guidelines developed for such circumstances by the Secretary of State.

§730.735—107 Outside employment and other activity.

(a) A Corporation employee may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his employment. An employee who engages in outside employment shall report that fact in writing to his supervisor, preferably prior to performance of the outside employment, but in no event no later than 7 calendar days after start of the outside employment.

(b) Employees may not discuss with persons or organizations outside the Corporation with whom they transact business, or with whom they may reasonably expect to transact corporate business, the possibility of their employment by such persons or organizations. This restriction applies to discussions with persons or organizations who have received invitations to submit contractual proposals or who are negotiating for contracts.

(c) Employees may not, on behalf of the Corporation, participate personally and substantially in the negotiation of contracts, the making of loans, or other financial transactions between the Corporation and any person or organization by whom they were employed within the 2 years prior to such participation.

(d) The restrictions set forth in paragraphs (a) and (b) of this section may be waived by the Corporate President. Waivers will be granted only in exceptional cases when clearly consistent with the interests of the Corporation and the Government.

§730.735—108 Special provision applicable to special Government employees of the Corporation.

(a) Special Government employees shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under §730.735—101.

(b) Special Government employees may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.202(b)(3), the Corporation authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by §730.735—106.

§730.735—109 Statements of employment and financial interest.

(a) In addition to the employees required to submit statements of employment and financial interest under 5 CFR 735.403(a), all special Government employees (including experts and consultants) and Administratively Determined schedule (AD) appointees shall submit statements of employment and financial interest.

(b) Each statement of employment and financial interest required by this paragraph shall be submitted in a sealed envelop to the Counselor on Ethical Conduct and Conflicts of Interest through the Personnel Officer.

(c) An employee who believes that his position has been improperly included in this paragraph as one requiring the submission of a statement of employment and financial interests may obtain a review of his complaint under the grievance procedures (A.I. 31—771).

(d) The head of each major organizational unit, or his designee, insures that each employee required to submit employment and financial interest statements receive copies of the reporting forms and file them within the prescribed times.

§730.735—110 Supplementary statement.

Notwithstanding the filing of the annual supplementary statement on June 30 of each year, required by 5 CFR 735.406, each employee shall at all times avoid acquiring a financial interest that could result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, U.S.C., or the provisions in this part or adopted under §730.735—101. An employee's supplementary statement may be filed by a signed memorandum reporting changes or "no change from (date) report."

The Civil Service Commission approved these regulations on September 28, 1970. They will be effective as date of publication in the Federal Register (3—11—71).


BRADFORD MILLS,
President.

Title 29—LABOR
Chapter V—Wage and Hour Division, Department of Labor
SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS
PART 778—OVERTIME COMPENSATION
Benefit Plans

Part 778 of the Code of Federal Regulations is hereby amended by adding a sentence at the end of §778.214(b) to read as follows: "Advances approval by the Department of Labor is not required."

The amendment is for the purpose of clarification only and therefore the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these are interpretative rules. Such procedures would not serve a useful purpose here. Accordingly, this amendment shall become effective immediately upon publication in the Federal Register (3—11—71).

The amended 29 CFR Part 778.214 reads as follows:

§778.214 Benefit plans; including profit-sharing plans or trusts providing similar benefits.

(b) Scope and application of exclusion generally. Plans for providing benefits of the kinds described in section 7(e)(4) are referred to herein as "benefit plans". It is section 7(e)(4) which governs the status for regular rate purposes of any contributions made by an employer pursuant to a plan for providing the described benefits. This is true irrespective of any other federal law the plan may have. Thus, it makes no difference whether or not the benefit plan is one financed out of profits or one which by matching employee contributions or otherwise encourages thrift or savings. Where such a plan or trust is combined in a single program (whether in one or more documents) with a plan or trust for providing profit-sharing payments to employees, the profit-sharing payments may be excluded from the regular rate if they meet the requirements of the Profit-Sharing Regulations, Part 549 of this chapter, and the contributions made by the employer for providing the benefits described in section 7(e)(4) of the Act may be excluded from the regular rate if they meet the tests set forth in §778.215. Advance approval by the Department of Labor is not required.

(R2 Stat. 1060, as amended, 29 U.S.C. 201—219)

Signed at Washington, D.C., this 5th day of March 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71—3392 Filed 3—10—71; 8:49 am]
CHAPTER VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 806—DISCLOSURE OF AIR FORCE RECORDS

Part 806 of Title 32 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General Information

§ 806.1 Purpose.

§ 806.2 Types of requests covered by this part.

Subpart B—Policies Governing Disclosure of Records

§ 806.3 Basic policies on disclosure.

§ 806.4 Special policies on disclosure.

§ 806.5 Material that may be withheld from disclosure.

Subpart C—Processing Requests To inspect or to receive copies of records

§ 806.6 Persons authorized to disclose or not to disclose records requested by members of the public.

§ 806.7 Expedited handling required.

Subpart D—Submitting Requests for Documents

§ 806.8 Identifying material requested.

§ 806.9 Addressing requests.

§ 806.10 Addressing requests for records of military personnel.

Subpart E—Appeal from Refusals To Make Records Available

§ 806.11 Filing an appeal.

§ 806.12 Processing an appeal.

Subpart F—Disclosure of Unclassified Records of Trial After Courts-Martial

§ 806.13 Purpose.

§ 806.14 Basic disclosure policies.

§ 806.15 Disclosure authority.

§ 806.16 Submitting requests.

§ 806.17 Processing requests.

Authority: The provisions of this part 806 are issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 5 U.S.C. 552.

Subpart A—General Information

§ 806.1 Purpose.

This part states basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of records. It applies Air Force wide. In case of a conflict, this part takes precedence over any existing directive dealing in whole or in part with the disclosure of records.

§ 806.2 Types of requests covered by this part.

(a) This part governs the disclosure or denial of documentary material to the general public.

(b) In addition to the general policies and procedures required by this part, many types of requests for information and records are subject to specialized or limited release procedures. Some of these are shown in this paragraph. For a more complete list, see AFR 190-12 (Release of Information to the Public).

RULES AND REGULATIONS

Type of request

Congressional
General Accounting Office
Ligation
Unclassified records of trial after courts-martial
News media
Military personnel records
Accident/incident investigation and report
Procurement information on records
Inspector General reports

Governing directive

AFR 11-7 (Air Force Relations with Congress).
AFR 11-8 (Air Force Relations with General Accounting Office (GAO)).
Part 840—Subchapter D of this chapter, and this part.
Subpart P of this part.
AFR 190-12 (Release of Information to the public), and this part.
Part 806—Subchapter A of this chapter.
Armed Service Procurement Regulations.
AFR 150-3 (Administrative Inquiries and Investigations).

Subpart B—Policies Governing Disclosure of Records

§ 806.3 Basic policies on disclosure.

(a) It is the policy of the Department of Defense and the Air Force to make available to the public the maximum amount of information and records concerning their operations and activities.

(b) This basic policy is subject to the necessary exceptions, recognized in 5 U.S.C. 552(b) and discussed in § 806.5, that certain records and other documentary material need not be made public. However, even when disclosure is authorized by 5 U.S.C. 552(b) and § 806.5, requested records and other documentary material should be disclosed if no significant purpose is served by withholding them. The determination of whether a significant purpose is served by withholding information under provisions of § 806.5 is within the sole discretion of the Air Force.

(c) Determination that a record should be withheld must not be influenced by the possibility that its release might suggest administrative error or inefficiency or might embarrass the Air Force or an official of the Air Force.

§ 806.4 Specific policies on disclosure.

(a) Any identifiable documentary material in the possession of the Air Force that qualifies as a “record” according to paragraph (b) of this section and is not exempted under § 806.5 should be made available on the request of any person.

(b) (1) In determining whether documentary material qualifies as a "record," 44 U.S.C. 3301, quoted below, should be used as a guide.

(2) As used in this chapter, "records" include all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the U.S. Government under Federal law or in connection with the transaction of public business and preserved or appropriated for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.

(i) The term "records" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value as "evidence." (ii) Records are not limited to permanent or historical documents; they include contemporaneous ones as well.

(c) For a record to be considered "identifiable" it must exist at the time of request. Therefore, in order to create a record to satisfy a request for information. When the information exists in the form of several records at several locations, the requester should be referred to those sources if gathering the information would be burdensome.

(d) A requester must be reasonably specific in identifying each record he would like made available. The Air Force is not required to permit a requester to browse through entire files or large series of records to find a record he may then "identify." The Air Force will make a reasonable effort to locate any records requested. A request for a specific record should not be denied solely because the record is maintained by computer.

(e) Requests for identifiable records may be denied only when an official designated in § 806.6 determines that such a denial is authorized by this part.

(f) Other Air Force directives may contain specific procedures for release or denial of records.

(g) Pursuant to 5 U.S.C. 522(a)(3), requesters are charged the reasonable costs to the Air Force for searching, copying, or certifying records. Charges are determined according to Parts 812 and 813 of this chapter. Except for any copies that are provided, no charge is made to the public for the use of established reading rooms or reference libraries.

(h) Official requests for records or other documentary material received directly from foreign governments, their representatives, or international commands, may be answered only by offices holding delegation of disclosure authority letters as described in AFR 200-9.

(i) Other recipients will send such correspondence to the foreign disclosure policy office within their major command, or to Hq USAF (AF/CVF/B).
§ 806.5 Material that may be withheld from disclosure.

Records within the categories listed in this section are not required to be preserved by any person or entity, whether an employee of a requester, if, in the judgment of the disclosure authority designated under § 806.6, no significant purpose would be served by withholding it. These records contain information requiring protection in the interest of national defense or foreign policy according to the criteria established by AFR 205–1 or by Executive order.

(a) Those containing rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or internal practices of the Air Force. Examples include:

(1) Operating rules, guidelines, and manuals for Air Force investigators, inspectors, auditors, or examiners that cannot be disclosed to the public without substantial prejudice to the effective performance of a significant Air Force function. Some of these materials might reveal:

(i) Negotiation and bargaining techniques,

(ii) Bargaining limitations and positions,

(iii) Inspection schedules and methods,

(iv) Audit schedules and methods.

(b) Those containing rules, regulations, orders, manuals, directives, and instructions of an intra-agency or interagency nature, such as examination questions and answers used in training courses or in determining the qualifications of candidates for employment, entrance to duty, advancement, or promotion.

(c) Those containing information authorized or required by statute to be withheld from the public. The authorization or requirement may be found in the statute itself or in Executive orders or regulations authorized by, or in implementation of, the statute. Examples include:

(1) Documentary — material referred to in 18 U.S.C. 1905—trade and financial information provided in confidence by business.

(2) 35 U.S.C. 181–88—records containing information relating to inventions that are the subject of patent applications on which Patent Secrecy orders have been issued.

(d) Those containing information the Government has received from anyone, including an individual, a foreign nation, an international organization, a state or local government, a corporation, or any other organization, with the understanding that the information will be retained on a privileged or confidential basis; or those containing similar commercial or financial information that the component develops internally. If the information is, in fact, the kind normally considered privileged or confidential. Examples of the types of information that may be within this exemption are:

(1) Commercial information such as research data, formulae, designs, drawings, and other technical data and reports that:

(i) Are significant as items of valuable property acquired in connection with research, grants, or contracts.

(ii) If owned by private parties would likely be held in confidence.

(2) Corporate and financial information received in confidence in connection with loans, bids, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions, and discoveries, involving information or other proprietary data.

(3) Statistical data and commercial or financial information concerning such matters as control performance, income, profits, losses, and expenditures.

(4) Information customarily considered privileged or confidential under the rules of evidence in the Federal courts, such as confidential communications coming within the doctor-patient, lawyer-client, and priest-penitent privileges.

(5) Personal statements given in the course of inspections, audits, or investigations.

(6) Any other information that customarily would not be released to the public by the person from whom it was obtained.

(e) Except as provided in subparagraph (3) of this paragraph, those containing intra and interagency communications.

(1) One major purpose of this exemption is to insure that frank internal communication and a free exchange of ideas among agency personnel is not inhibited. In this sense it is primarily concerned with opinions, suggestions, recommendations, evaluations, analyses, and discussions, as opposed to records of final actions taken.

(2) Examples of the types of material that may normally be withheld under this exemption are:

(i) Staff papers that discuss a problem or contain advice, recommendations, analyses, suggestions or evaluations.

(ii) Information received or generated by a component preliminary to a decision or action, when premature disclosure would harm the authorized appropriate purpose for which the records are being used.

(iii) Draft versions of documents.

(7) Advice, suggestions, or reports prepared on behalf of the Air Force by boards, committees, panels, conferences, councils, commissions, task forces or similar groups that are formed by the Air Force to obtain advice and recommendations.

(8) Records of conversations or communications between Air Force personnel, between such personnel and representatives of other agencies of the Executive Branch, if the conversations or communications are merely advisory or preliminary in nature and do not represent any final official action.

(9) Advance information on such matters as proposed plans to procure, lease or otherwise acquire and dispose of materials, real estate, facilities, or functions involving such information would provide undue or unfair competitive advantage to private personal interests.

(10) Inspector general reports, auditor general reports, or other reports of inspections, investigations, or surveys that pertain to safety or the internal management, administration, or operation of the Air Force.

(11) Records that are exchanged among Air Force personnel or within and among Government agencies preparing for legal proceedings or anticipate legal proceedings, including courts of federal, State, or military court or regulatory body.

(12) Records of Air Force evaluations of contractors and their products or services that, in effect, constitute advice or recommendations and could be used improperly to the advantage or detriment of private interests.

(13) Reports of proceedings to select personnel for assignment, school, promotion, retirement, or discharge.

(14) Any such intra-agency or interagency records or other documentary material that would routinely be made available through the discovery process in the course of litigation with the agency may not be withheld. However, if the material would only be made available through the discovery process by special order of the court, based on the clear need to restrain disclosure against the interests of the agency in maintaining its confidentiality, then the record or document should not be made available to a member of the public.

(f) Those containing information from personnel and medical files.

(1) When the sole and exclusive basis for withholding such information is protection of the personal privacy of a person, the information should not be withheld from him or from his designated legal representative.

(2) An individual’s personnel or medical files may be withheld from him or from his designated legal representative for reasons other than the protection of his personal privacy when Civil Service Commission regulations or other regulations so authorize.

(g) Those containing information from files similar to medical and personnel files would be a clearly unwarranted invasion of the personal privacy of a person if the information were disclosed.

(1) Examples of similar files are those:

(i) Compiled to evaluate or adjudicate the suitability of candidates for civilian employment and the eligibility of individuals, whether civilian, military or industrial, for security clearance.

(ii) Containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken or has been taken.

(iii) Containing information about an individual’s personal or financial affairs that he has a clearly unwarranted invasion of privacy, consideration should be given, in cases

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such as those involving alleged misconduct: (i) the amount of time that has passed since the alleged misconduct, (ii) the degree to which the individual’s privacy has already been invaded, and (iii) the relationship of the alleged misconduct to an employee’s official duties. The release of information concerning alleged misconduct that is closely related to official duties, has occurred recently, and has already been exposed to the public is less likely to constitute a clearly unwarranted invasion of personal privacy.

(3) When the sole and exclusive basis for withholding information is protection of an individual’s personal privacy, the information should not be withheld from him or from his designated legal representative.

(4) Information from such files may be withheld from an individual or from his legal representative for reasons other than protection of his personal privacy when authorized by Civil Service Commission regulations or other directives. (h) Those containing information from investigatory files compiled to enforce civil, criminal, or military law, including Executive Orders or regulations validly adopted pursuant to law. Included within this exemption are:

(1) Reports, statements of witnesses, and other material based on the information developed during the course of an investigation and all materials prepared in connection with related Government litigation and adjudicative proceedings. OSI reports, for example concerning suspected violations of the Uniform Code of Military Justice and other laws come within this provision.

(2) Investigatory files compiled to enforce Executive Orders or the directives of a component of the Department of Defense.

(3) Lists or identifications of firms or individuals suspended under procurement regulations when the lists are compiled in connection with investigations of irregularities.

## Disclosure authority

The Judge Advocate General, or other authority listed in Part 840 of this chapter.

The Judge Advocate General, or other authority listed in Subpart F of this part.

The director of base medical services or a designated medical officer, subject to the requirements of APM 169-4 (Uniformed Services Health Benefits Program in Areas Other than the United States, Puerto Rico, Canada, Mexico, and countries within the U.S. European Command).

Secretary of the Air Force as outlined in AFR 120-3 (Administrative Inquiries and Investigations).

Secretary of the Air Force as outlined in AFR 127-4 (Investigating and Reporting USAF Accidents and Incidents).

## Subpart C—Processing Requests To Inspect or Copy Records

### § 806.6 Persons authorized to disclose or not to disclose records requested by members of the public.

(a) Anyone having the authority to disclose and release unclassified records and other documentary material is called a disclosure authority. Except for categories of records listed in paragraph (d) of this section, or as specially authorized by other Air Force directives, the following have authority to make available unclassified records or other documentary material:

1. Chiefs of offices at directorate or higher level at HQ USAF.

2. Commanders at major command or comparable level. Major commands may delegate this authority to directorate or comparable level at major command headquarters, and to the level of installation, wing, or comparable commanders. Such delegation must be made with sufficient restrictions to insure uniformity in release policies, and must include, as a minimum safeguard a procedure for consultation with the major command Staff Judge Advocate before denial of a request.

(d) The activities and persons listed below may either disclose, or refuse to disclose, the types of records cited when appropriate under this part.

(e) A copy of each denial made per authority of this section will be sent to Hq USAF (AF/JAC), Washington, D.C. 20314, along with a copy of the request being denied.

### § 806.7 Expedited handling required.

Activities at all echelons must expedite their handling of any request from members of the public to inspect or copy records. They should make every effort to avoid creating procedural obstacles when internal Air Force organizational problems arise, particularly where reorganization or transfer of function contributes to an improperly directed request. Air Force personnel will make all reasonable efforts to assist private persons in directing requests for records and other documentary material to the appropriate authorities.

## Subpart D—How the Public Submits Requests for Documents

### § 306.8 Identifying material requested.

Request to inspect or obtain copies of records or other documentary material normally should be made in writing. It should contain at least the following information:

(a) All identification as complete as possible of the desired material, including (if known) its title or description, its date, and the issuing authority.

(b) With respect to matters of official record concerning civilian or military personnel, the first name, middle name or initial, surname, date of birth, and social security account number of the individual concerned, if known.

(c) A statement as to whether the requester wishes to inspect the record or obtain copies of it.

(d) Standard Form 180, “Request Pertaining to Military Records”, is used by Federal agencies to obtain information from military service records that are in the National Personnel Records Center (Military Personnel Records). Agencies are furnished lists of SP 180 to the public to facilitate unofficial inquiries and may direct nongovernment organizations to the Superintendent of Documents to purchase quantities of the form.

### § 806.9 Addressing requests.

Requestsers should address their requests as follows:

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**Type of record**

For use in litigation

Records of trial after courts-martial

Medical records

Inspector General reports of Investigation.

**Disclosure authority**

The Judge Advocate General, or other authority listed in Part 840 of this chapter.

The Judge Advocate General, or other authority listed in Subpart F of this part.

The director of base medical services or a designated medical officer, subject to the requirements of APM 169-4 (Uniformed Services Health Benefits Program in Areas Other than the United States, Puerto Rico, Canada, Mexico, and countries within the U.S. European Command).

Secretary of the Air Force as outlined in AFR 120-3 (Administrative Inquiries and Investigations).

Secretary of the Air Force as outlined in AFR 127-4 (Investigating and Reporting USAF Accidents and Incidents).

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### Nature of request

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<tr>
<th>Address</th>
<th>Notes</th>
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<tbody>
<tr>
<td>Hq USAF (AFP/AD)</td>
<td>For matters of record concerning Air Force.</td>
</tr>
<tr>
<td>National Personnel Records Records Center, USA, (Civilian Personnel Records), 111 Winnebago St., St. Louis MO 63118</td>
<td>For matters of record concerning civilian employees currently employed by the Air Force.</td>
</tr>
<tr>
<td>Hq USAF (AFP/AD) or Director of Chief of Administration of any Air Force Base.</td>
<td>For matters of record concerning civilian employees no longer employed by the Federal service.</td>
</tr>
<tr>
<td>Hq USAF (AF/JAC), 3800 York Street, Denver, CO 80205.</td>
<td>For matters of record concerning technical, supply and engineering publications and data.</td>
</tr>
<tr>
<td>Chief, National Guard Bureau, Wash., D.C. 20310</td>
<td>For matters of record concerning Major Command standard (administrative type) publications.</td>
</tr>
<tr>
<td>USAFMP (AFPMDRO) Randolph AFB TX 78148.</td>
<td>For other records, where location is not known.</td>
</tr>
<tr>
<td>USAFMP (AFPMDRO) Randolph AFB TX 78148.</td>
<td>For records retired to record centers.</td>
</tr>
<tr>
<td>USAFMP (AF/PMD) Randolph AFB TX 78148.</td>
<td>For other records, where location is not known.</td>
</tr>
<tr>
<td>USAFMP (AF/PMDRA) Randolph AFB TX 78148.</td>
<td>§ 806.10 Addressing Requests for records of military personnel.</td>
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### § 806.10 Addressing Requests for records of military personnel

**If the individual is presently**

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<tr>
<th>And he is/was—</th>
<th>Address</th>
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<tbody>
<tr>
<td>On extended active duty</td>
<td>A commissioned officer or warrant officer. Hq USAF (AF/JAC), 3800 York Street, Denver, CO 80205.</td>
</tr>
<tr>
<td>A member of the Air Force Reserve not on extended active duty</td>
<td>A commissioned officer, warrant officer, or airman. Chief, National Guard Bureau, Wash., D.C. 20310</td>
</tr>
<tr>
<td>A member of the Air National Guard not on active duty</td>
<td>A commissioned officer or warrant officer. Air Adjutant General of the appropriate State, District of Columbia, or Commonwealth of Puerto Rico.</td>
</tr>
<tr>
<td>Retired for temporary physical disability</td>
<td>A commissioned officer or warrant officer. USAFMP (AFPMDRO) Randolph AFB TX 78148.</td>
</tr>
<tr>
<td>Retired (with pay)</td>
<td>An airman. USAFMP (AF/PMDRA) Randolph AFB TX 78148.</td>
</tr>
<tr>
<td>Former members who no longer have an Air Force affiliation</td>
<td>A general officer. USAFMP (AF/PMDRO) Randolph AFB TX 78148.</td>
</tr>
<tr>
<td>Former members who no longer have an Air Force affiliation</td>
<td>Other than a general officer. National Personnel Records Records Center, (Military Personnel Records), 9700 Page Blvd., St. Louis MO 63132.</td>
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**Then inquiry should be addressed to**

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<th>Notes</th>
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<td>If member’s status is unknown, address request to USAFMP (AFPMDRO) Randolph AFB TX 78148.</td>
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### Subpart E—Appeals From Refusals To Make Records Available

**§ 806.11 Filing an appeal.**

(a) A person whose request to copy or inspect a record or other documentary material is denied may appeal this decision to the Secretary of the Air Force within 45 days of denial. A requester will not be considered to have exhausted his administrative remedies within the Department of the Air Force unless such an appeal has been filed and a Secretarial decision has been made. This decision will be the final action of the Air Force on the request.

(b) An appeal is filed when the requester sends a copy of the letter of denial to the Secretary of the Air Force together with a request that the denial be reconsidered.

(c) Any statement of reason or arguments must be submitted in writing when the appeal is filed. A personal appearance is allowed only at the discretion of the Secretary.

(d) The appeal should be addressed to Hq USAF (AF/JAC), Washington, D.C. 20314.

**§ 806.12 Processing an appeal.**

(a) A decision on the appeal must not be unnecessarily delayed. If the request to copy or inspect a record is denied on appeal, the decision must be explained to the requester in writing.
§806.15 Disclosure authority.

(a) The request for a record of trial should contain as complete identification of the record as possible, and identification number of the accused, date and place of trial, and identification of the convening authority by command designation. If the requestor submits only a part of the identifying details, the Air Force will make a reasonable effort to locate the record requested. The requestor should state whether the requestor desires to inspect or to obtain copies of the record.

(b) Upon receipt of a request, the disclosure authority shall be addressed by the disclosure authority indicated in §806.15. A request for a record under Rule 3 or Rule 4 in §806.15 should be forwarded to Hq USAF (AF/JAJM), Washington DC 20314.

§806.16 Submitting requests.

(a) If a request is received by an Air Force activity other than the appropriate disclosure authority, it should be forwarded promptly to the disclosure authority indicated in §806.15. A request for a record under Rule 3 or Rule 4 in §806.15 should be forwarded to Hq USAF (AF/JAJM), Washington DC 20314.

(b) Upon receipt of a request, the disclosure authority shall be addressed by the disclosure authority indicated in §806.15. A request for a record under Rule 3 or Rule 4 in §806.15 should be forwarded to Hq USAF (AF/JAJM), Washington DC 20314.

(c) The use of fire is permitted in the open area. The open season for wildfire refuge areas is from April 15, 1971, through September 15, 1971.

(d) Other provisions. (a) The use of air mattresses, inner tubes, beach balls, and all other flotation devices, other than life preservers, is prohibited on refuge waters.

(b) Access to refuge waters with airboats or houseboats is prohibited.

(c) Access to refuge waters with boats that have toilets that flush directly into the water is prohibited, unless such toilets are sealed from use.

(d) The possession of open alcoholic beverages is prohibited on any boat propelled by mechanical power while the craft is in operation.

(e) The lake being long and narrow requires that all boaters keep to the right and maintain a highway-type traffic pattern. Turns shall always be made to the operator’s left, except when beaching or docking a boat.

(f) A portion of the refuge lake is posted as a “No Wake Area.” Boaters using this area shall travel at an idling speed sufficiently slow to prevent a wake that would rock another boat.

(g) All boats are prohibited from loading or unloading passengers from the embarking area.

(h) The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal