

## § 525.5

## 32 CFR Ch. V (7-1-09 Edition)

controlling Defense Department agency may enter the Kwajalein Atoll territorial sea without the specific approval of either the National Range Commander or the Commander, KMR, provided that the Commander, KMR, is notified as far in advance of the impending entry as is consistent with the security requirements pertaining to such movement.

(c) *Aircraft.* (1) Aircraft in the following categories, except those aircraft which have been denied entry or have had a prior entry authorization revoked, may enter Kwajalein Atoll airspace upon request to and approval of the Commander, KMR:

(i) U.S. private aircraft which are under charter to the Military Airlift Command.

(ii) Public aircraft of the Trust Territory of the Pacific Islands/RMI which have been approved by the resident representative on Kwajalein.

(iii) Private aircraft registered with and approved by the Commander, KMR, which are based on Kwajalein Island.

(iv) Any aircraft in distress.

(v) Private aircraft operated by a common carrier which is providing scheduled air service to or through the Kwajalein Atoll under a current license issued by the Department of the Army.

(vi) U.S. public aircraft which are providing a service to the Kwajalein Atoll in accordance with their agency responsibilities.

(2) All aircraft, except those categorized in paragraph 4-3.a., must obtain an entry authorization from the National Range Commander before entering Kwajalein Atoll airspace. The entry authorization application should reach the National Range Commander at least 14 days prior to the desired entry date and should include the following information:

(i) Type and serial number of aircraft.

(ii) Nationality and name of registered owner.

(iii) Name and rank of senior pilot.

(iv) Nationality and number of crew (include crew list when practicable).

(v) Number of passengers (include list when practicable).

(vi) Purpose of flight.

(vii) Plan of flight route, including the point of origin of flight and its des-

ignation and estimated date and times of arrival and departure of airspace covered by this procedure.

(viii) Radio call signs of aircraft and radio frequencies available.

(ix) Whether aircraft is equipped with firearms or photographic equipment.

(x) Whether crew or passengers have in their possession firearms or cameras.

(3) Entry authorizations may be granted for either single or multiple entries.

(4) Captains of aircraft planning to enter Kwajalein Missile Range airspace shall not knowingly permit excluded persons to board their aircraft.

(5) U.S. public aircraft which are authorized to enter defense areas by the controlling Defense Department agency may enter the Kwajalein Atoll airspace with the specific approval of either the National Range Commander or the Commander, KMR, provided that the Commander, KMR, is notified as far in advance of the impending entry as is consistent with the security requirement pertaining to such movements.

### § 525.5 Entry authorization (procedure).

(a) *Processing.* (1) Upon receipt of an application, the appropriate officer (either the National Range Commander, the Commander, Kwajalein Missile Range or the designated representative) shall take the following actions:

(i) Determine that the entry of the applicant is, or is not, in accordance with the criteria set forth in chapter 3. After having made a determination, the reviewing authority shall either:

(A) Issue an entry authorization as requested, or with modifications as circumstances require; or

(B) Deny the request and advise the applicant of his/her right to appeal in accordance with the provisions of paragraph 5-2.

(ii) If the reviewing authority feels that additional information is required before reaching a decision, the reviewing authority will request that information from the applicant and then proceed as in paragraph 5-1.a.(1).

(iii) If, after having obtained all pertinent information, the reviewing authority cannot reach a decision, he/she

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will forward the application to the next higher headquarters. A statement containing the following information shall accompany the application:

(A) A summary of the investigation conducted by the reviewing organization.

(B) The reason the application is being forwarded.

(C) Appropriate comments and/or recommendations.

(2) All applicants will be kept fully informed of actions/decisions pertaining to his/her application. Normally a response will be forwarded to the applicant within ten working days after receipt of an application. When the National Range Commander responds to an application, he/she will send a copy of that response to the Commander, KMR. When the Commander, Kwajalein Missile Range, responds to an application, and the National Range Commander has an interest in the visit, the Commander, KMR, will concurrently send a copy of that response to the National Range Commander.

(3) Entry authorizations shall state the purpose for which the entry is authorized and such other information and conditions as are pertinent to the particular authorization.

(b) *Revocations.* (1) Entry authorizations may be revoked by the National Range Commander or the Commander, Kwajalein Missile Range, for misconduct, or termination of status, or upon being advised of the discovery of information which would have been grounds for denial of the initial request. Such a revocation will be confirmed in writing to the holder of an entry authorization. When an entry authorization is revoked, a one-way per-

mit will be normally issued as appropriate, to permit the ship, aircraft, or person to depart the area.

(2) When Commander, Kwajalein Missile Range revokes an entry authorization, he shall forward a copy of such revocation with supporting documentation to the National Range Commander.

(c) *Appeals.* (1) Appeals from entry denial or revocation by Commander, Kwajalein Missile Range will be filed with the National Range Commander. An appeal shall contain a complete statement of the purpose of the proposed entry and a statement or reasons why the entry should be authorized, or why revocation of entry authorization should not be enforced.

(2) Final appeal letters will be forwarded promptly by the National Range Commander to the BMD Program Manager with an indorsement setting forth in detail the facts and circumstances surrounding the action taken.

(d) *Renewals.* Entry authorizations having been granted and utilized may be extended or renewed upon request at the expiration of the period for which the entry was originally authorized or extended provided the justification for remaining in the area or for making a reentry meets the criteria set forth in this procedure. It shall be the responsibility of every applicant to depart Kwajalein Missile Range upon expiration of the time prescribed in the entry authorization, unless such authorization has been extended or renewed. Failure to comply herewith will be considered as evidence or violation of this procedure and may result in denial of future authorizations.