

(b) This part authorizes publication of DoD 6055.9-STD, "DoD Ammunition and Explosives Safety Standards," consistent with DoD 5025.1-M, "DoD Directives System Procedures," April 1981.

§ 186.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Defense Nuclear Agency (DNA), and the Defense Logistics Agency (DLA) (hereafter referred to collectively as "DoD Components"). The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

§ 186.3 Definition.

Ammunition and explosives. Include liquid and solid propellants and explosives, pyrotechnics, riot control agents, smokes, incendiaries and chemical agents in any of the following: bulk form, ammunition, rockets, missiles, warheads, devices, and components thereof, used by the Military Services, but exclude wholly inert items and nuclear warheads and devices, except for considerations of blast, fire, and nonnuclear fragment hazards associated with the explosives.

§ 186.4 Organization.

(a) The DDESB shall be composed of a chairman, a member from each Military Department, and be supported by a permanent civilian and military secretariat. The normal tour of duty for military personnel is 3 years.

(1) The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L)) shall select and appoint the chairman from officers in the grade of 0-6 or higher, nominated by a Military Department Secretary or designee. The chairmanship will rotate among the Military Department every 3 years. The ASD(MRA&L), or designee, shall evaluate the chairman's performance.

(2) The Secretary of each Military Department shall (i) select one qualified officer in the grade of 0-6 or higher to serve as a member of the DDESB in addition to his or her assigned duties, and one alternate of equivalent grade who shall act for his or her principal, if absent, with plenary powers. The alternate may be a qualified civilian em-

ployee of the Military Department concerned; and (ii) assign one qualified officer in the grade of 0-6 to the DDESB secretariat to advise the chairman on the Department's policies and procedures concerning explosives safety matters.

(3) The Directors of the DNA and DLA shall designate a knowledgeable official from each of their Agencies who, in addition to assigned duties, shall serve as a nonvoting member of the DDESB when the business before the DDESB concerns that agency.

§ 186.5 Responsibilities.

(a) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* shall have principal OSD staff responsibility for DDESB activities.

(b) The *Heads of DoD Components*, or their designees, shall:

(1) Consistent with DoD Directive 5000.19, "Policies for the Management and Control of Information Requirements," March 12, 1976, provide the DDESB with information and support necessary to discharge its assigned responsibilities and functions.

(2) Submit plans for construction or modification of pertinent facilities, outlining the type, character, and siting of the proposed construction or modification to the chairman, DDESB, for review and approval before inclusion of the project in proposed legislation for the current budget year, or before NATO or host country approval of funds. If plans provide less than prescribed safety, they shall be accompanied by a certification letter from the head of the DoD Component concerned that such siting is essential because of operational necessity or other compelling reasons.

(3) Submit to the chairman, DDESB, for review and approval, plans for leasing, transferring, or disposing of DoD real property where ammunition and explosives contamination exists or is suspected to exist.

(4) Set interim safety standards for the manufacture, storage, and handling of ammunition and explosives pending the publication of DoD 6055.9-STD.

(5) Keep the DDESB informed on safety problems related to ammunition

and explosives development, manufacturing, testing, handling, transportation, storage, maintenance, demilitarization, and disposal.

(6) Comply with DoD 6055.9-STD. With respect to explosives to which the United States holds title, but that are located in overseas areas and are not in U.S. custody and under effective U.S. control, carry out this function to the extent consistent with agreements or arrangements with the host country concerned. However, since both local law and DoD 6055.9-STD apply, the more restrictive sets the minimum standards for DoD compliance. Waive or exempt compliance with DoD 6055.9-STD when justified by strategic or other compelling reasons.

(7) Provide qualified personnel for DDESB working groups when requested by the chairman, DDESB.

(8) Perform those tests and evaluations necessary for the assignment of explosives hazard classifications in accordance with Department of Defense Explosives Hazard Classification Procedures, September 1982 (Joint Regulation, TB 700-2).

(i) Military hazard classification and compatibility group.

(ii) Transportation hazard class, commodity description, and markings.¹

(9) Appeal to the ASD(MRA&L) any DDESB decision with which they disagree.

(c) The *Secretary of the Army* shall provide administrative support for the DDESB and its secretariat to include budgeting, funding, civilian personnel security, and any other required administrative services.

(d) The *Chairman, DDESB*, shall:

(1) Preside at DDESB meetings.

(2) Establish and maintain a system, consistent with the provisions of DoD Directive 5000.19, that will provide the Secretary of Defense and DoD Components with current information on all DDESB matters.

(3) Resolve conflicts within DDESB jurisdiction.

¹If unable to comply with the provisions of § 186.5 (b)(8) or TB 700-2 or, in the case of unresolved differences between DoD Components concerned, complete documentation shall be submitted to the chairman, DDESB, for resolution.

(4) Manage and evaluate the activities and personnel of the secretariat.

(5) Establish and direct the activities of temporary working groups to assist the DDESB.

(6) Provide an annual report to the Secretaries of the Military Departments and the ASD(MRA&L) on the status of explosives safety within the DoD Components.

§ 186.6 Functions.

The DoD Explosives Safety Board shall:

(a) Provide impartial and objective advice to the Secretary of Defense, the Secretaries of the Military Departments, and the Directors of the Defense Agencies on ammunition and explosives manufacturing, testing, handling, maintenance, developing, demilitarization, disposal, transportation, and storage and on the construction and siting of facilities within the United States and overseas when under U.S. jurisdiction, or when planned or intended for U.S.-titled ammunition and explosives. This advice shall be structured to prevent conditions that will endanger life and property both inside and outside DoD or host country installations.

(b) Develop and submit to the ASD(MRA&L), for approval, DoD safety standards, to be published as DoD 6055.9-STD, designed to prevent or eliminate hazardous conditions associated with ammunition and explosives.

(c) In coordination with DoD Components, establish joint procedures for explosives hazard classification and arbitrate or otherwise resolve differences resulting from or pertinent to the assignment of hazard classification.

(d) Maintain liaison with other Federal and State agencies, allied governments, and industry having mutual interests or responsibilities in ammunition and explosives safety.

(e) Keep informed on safety problems within the DoD Components relating to ammunition and explosives development, manufacture, testing, handling, transportation, storage, maintenance, demilitarization, and disposal; and within its capability, provide advice and assistance on request.

(f) Survey, study, and evaluate DoD Components' performance on explosives safety procedures to ensure their