

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

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compliance with DoD 6055.9-STD and to detect conditions that may endanger life and property inside or outside DoD installations. Provide reports to DoD Components on violations of the DoD 6055.9-STD and recommend corrective action.

(g) Review and analyze reports, data, and information on ammunition and explosives hazards and accidents, except nuclear.

(h) Review and approve the explosives safety aspects of all plans for siting and construction or modification of fixed or movable ammunition and explosives facilities, including facilities in their proximity. Facilities being constructed during combat conditions or the immediate expectations of combat conditions are exempted from this requirement. With respect to plans for new construction providing less than prescribed safety, a certification by the head of the DoD Component concerned justifying that such siting is essential because of operational necessity or other compelling reason shall be required.

(i) Review and approve plans for leasing, transferring, or disposing of DoD

real property where ammunition and explosives contamination exist or is suspected to exist.

(j) Conduct programs for investigation, research, study, and tests concerning explosives hazards required to develop and maintain safety standards.

§ 186.7 Relationships.

The chairman and DDESB members are authorized and expected to communicate freely with all DoD offices and other U.S. governmental, foreign, and private organizations having a mutual interest or responsibility in safety matters that involve ammunition and explosives. In technical relationships with foreign governments, agencies, or organizations, the chairman and DDESB members shall observe such policy and procedural guidance as may be prescribed by the chief of a diplomatic mission and the senior U.S. military representative in the country. With regard to nuclear weapons, access and communication shall be in accordance with the established procedures of the DNA and the Department of Energy.