



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D. C. 20350-2000

and
Headquarters United States Marine Corps
2 Navy Annex
Washington, DC 20380-1775

IN REPLY REFER TO
14 OCT 03

OPNAVINST 8020.15/MCO 8020.13
N411C/PMAM

OPNAV INSTRUCTION 8020.15/MCO 8020.13

From: Chief of Naval Operations
Commandant of the Marine Corps

Subj: EXPLOSIVES SAFETY REVIEW, OVERSIGHT, AND VERIFICATION OF
RESPONSE ACTIONS INVOLVING MILITARY MUNITIONS

Ref: (a) DoDD 6055.9 of 29 Jul 96
(b) DoD 6055.9-STD of Jul 99
(c) DDESB memo DDESB-KO of 27 Feb 98 (NOTAL)
(d) 42 U.S.C. §§ 9601-75
(e) 40 CFR § 260.10
(f) 40 CFR § 266.201
(g) CNO ltr Ser N457F/452-98 of 27 Jul 98 (NOTAL)
(h) OPNAVINST 5090.1B
(i) MCO P5090.2A of 10 Jul 98

Encl: (1) Navy Explosives Safety Review, Oversight, and
Verification of Response Actions Involving Military
Munitions
(2) Marine Corps Explosives Safety Review, Oversight, and
Verification of Response Actions Involving Military
Munitions

1. Purpose. To issue policy defining authority and responsibility for the oversight, review and verification of the explosives safety aspects of response actions involving military munitions. This instruction does not regulate Explosives Ordnance Disposal (EOD) emergency responses, but it adds a requirement for responding EOD Mobile Units and Detachments to provide a copy of EOD incident reports involving military munitions at other than operational (active and inactive) ranges to Naval Ordnance Safety and Security Activity (NOSSA) Code N5.

2. Scope. This policy applies to Navy and Marine Corps response actions involving military munitions, including unexploded ordnance (UXO). This policy does not apply to maintenance and clearance operations at operational ranges.

3. Background. References (a) and (b) require Navy and Marine Corps to submit response action plans to the Department of Defense Explosives Safety Board (DDESB) for review and approval of explosives safety aspects when real property known or suspected to contain military munitions is considered for lease, transfer, excess, disposal, and/or remediation. Reference (c) provides guidelines for the development of these plans. This instruction outlines the Department of Navy (DON) process for the development, review, approval, oversight, and verification of the explosives safety aspects of response actions involving military munitions.

4. Definitions.

a. Response action means remove, removal, remedy and remedial action, as these terms are defined under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), reference (d).

b. Military munitions means all ammunition products and components produced or used by or for the U.S. Department of Defense or the U.S. Armed Services for national defense and security, including military munitions under the control of the Department of Defense, the U.S. Coast Guard, the U.S. Department of Energy (DOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof. However, the term does include non-nuclear components of nuclear devices, managed under DOE's nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed, reference (e).

c. Unexploded Ordnance (UXO) means military munitions that have been primed, fuze, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation personnel, or material and remain unexploded either by malfunction, design, or any other cause, reference (f).

d. Real property means land and/or facilities owned by or under the control of the DON or land where the DON is primarily responsible for conducting response actions.

5. Policy. All response actions involving real property known or suspected to contain military munitions, including UXO, shall have approved plans and/or appropriate documentation in accordance with paragraph 6. Chief of Naval Operations (CNO)/Commandant of the Marine Corps (CMC) or their designated agents shall provide oversight of the implementation of response actions involving military munitions and, upon completion of these response actions, verify that appropriate explosives safety actions have been properly completed consistent with the reasonably anticipated reuse of the property. In addition, all emergency responses (i.e. Level I and Level II per reference (g)) involving military munitions at other than operational ranges, shall be documented and maintained indefinitely in an explosives safety repository located at NOSSA. To the extent practical and in accordance with references (h) and (i), other human health and environmental responses will be integrated with those addressing explosives safety.

6. Responsibility

a. CNO (N4) shall provide overall direction and resources for DON explosives safety review, oversight, and verification functions as outlined in this paragraph.

b. CMC

(1) Deputy Commandant for Installations and Logistics (DC I&L) shall provide overall policy, guidance and resources for Marine Corps response actions (to include emergency response actions) involving military munitions as outlined in this paragraph.

(2) Safety Division or delegated agent shall provide overall direction and resources for Marine Corps explosives safety review, oversight, and verification functions as outlined in this paragraph.

c. Commanding General, Marine Corps Systems Command (CGMARCORSYSCOM), for the Marine Corps, shall:

(1) Coordinate all issues, plans and reports for response actions involving military munitions with DC I&L prior to approving and forwarding to DDESB. Coordination will ensure that explosives safety, land use, remediation, and other relevant issues are addressed.

(2) Develop and maintain a repository of military munitions response action notifications.

(3) Provide guidance for the preparation of explosives safety submissions (ESSs) for response actions involving military munitions.

(4) Provide guidance for addressing the explosives safety concerns in health and safety plan development/execution, personnel qualification, and quality assurance.

(5) Review/approve ESSs and forward to NOSSA/DDESB or other entities, as appropriate.

(6) Develop an oversight and verification process addressing the implementation of explosives safety principles in response actions involving military munitions.

(7) Using the process described above, provide explosives safety oversight of ongoing response actions to include, at a minimum, ESS compliance, health and safety plan execution, personnel qualification, and quality assurance.

(8) Review/approve ESS amendments and forward them to the NOSSA/DDESB or other entities, as appropriate.

(9) Review and approve site-specific After Action Reports (AARs) to verify that required explosives safety actions were completed in accordance with the selected response actions and associated ESSs, including any ESS amendments.

(10) Provide, as requested, formal verification that the final response action was completed in accordance with the approved explosives safety documentation.

d. Commander, Naval Sea Systems Command (COMNAVSEASYS COM), for the Navy through the NOSSA, shall:

(1) Develop and maintain a repository of military munitions emergency response and response action notifications

(2) Provide guidance for the preparation of ESSs for response actions involving military munitions.

(3) Provide guidance for addressing the explosives safety concerns in health and safety plan development/execution, personnel qualification, and quality assurance.

(4) Review/approve ESSs and forward them to the DDESB or other entities, as appropriate. In some instances, this may include Marine Corps ESSs.

(5) Develop an oversight and verification process addressing the implementation of explosives safety principles in response actions involving military munitions.

(6) Using the process described above, provide explosives safety oversight of ongoing response actions to include, at a minimum, ESS compliance, health and safety plan execution, personnel qualification, and quality assurance.

(7) Review/approve ESS amendments and forward them to the DDESB or other entities, as appropriate.

(8) Review and approve site-specific AARs to verify that required explosives safety actions were completed in accordance with the selected response actions and associated ESSs, including any ESS amendments.

(9) Provide, as requested, formal verification that the final response action was completed in accordance with the approved explosives safety documentation.

e. Naval Facilities Engineering Command shall, for all response actions involving military munitions for which they are responsible:

(1) Provide initial written notification of all planned response actions involving military munitions to NOSSA/CGMARCORSYSCOM, as appropriate.

(2) Develop ESSs for NOSSA/CGMARCORSYSCOM review and submission to the DDESB, as required.

(3) Develop safety and health plans, personnel qualification documentation, and quality assurance/control procedures that address explosives safety.

(4) As appropriate, provide additional supporting information, such as legal documents, to NOSSA/CGMARCORSYSCOM.

(5) Coordinate response actions with the appropriate Explosives Safety Officer (ESO) and EOD personnel.

(6) Conduct response actions involving military munitions in accordance with the approved ESS.

(7) Amend, as appropriate, approved ESSs to reflect changes in the selected response action and submit the amendments to NOSSA/CGMARCORSYSCOM.

(8) Prepare AARs for the selected or amended response action and provide to NOSSA/CGMARCORSYSCOM for review and submission to the DDESB or other entities, as appropriate.

(9) Prepare proposed language for deeds, activity master plans, or other land use controls in collaboration with NOSSA/CGMARCORSYSCOM, as appropriate.

f. Major Commands/Claimants/Installations/Activities, through the Naval Facilities Engineering Command or other agent, shall for all response actions involving military munitions for which they are responsible:

(1) Provide initial written notification of all planned response actions involving military munitions to NOSSA/CGMARCORSYSCOM, as appropriate.

(2) Develop ESSs for NOSSA/CGMARCORSYSCOM review and submission to the DDESB, as required.

(3) Develop safety and health plans, qualification of personnel documentation, and quality assurance procedures that address explosives safety.

(4) As appropriate, provide additional supporting documentation, such as legal documents, to NOSSA/CGMARCORSYSCOM.

(5) Coordinate response actions with NOSSA/CGMARCORSYSCOM, the appropriate ESO, and EOD personnel

(6) Conduct response actions involving military munitions in accordance with the approved ESS.


(7) Amend, as appropriate, approved ESSs to reflect changes in the selected response action and submit the amendments to NOSSA/CGMARCORSYSCOM.

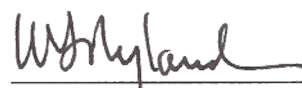
(8) Prepare AARs for the selected or amended response action and provide to NOSSA/CGMARCORSYSCOM for review and submission to the DDESB or other entities, as appropriate.

(9) Prepare proposed language for deeds, activity master plans, or other land use controls in collaboration with NOSSA/CGMARCORSYSCOM, as appropriate.

g. EOD Mobile Units and Detachments shall submit copies of EOD incident reports for emergency responses involving military munitions either on or off their assigned military facility to NOSSA Code N5 on an annual basis. These copies shall be submitted by 31 March for the previous calendar year. (NOSSA will forward copies of Marine Corps EOD documents to DC I&L (LPE/LFL)). Exclude any responses on operational (active and inactive) military ranges and all non-military munitions responses, such as those involving improvised explosive devices

7. Report. The reporting requirements contained in paragraph 6 are exempt from reports control per SECNAVINST 5214.2B.


MICHAEL G. MULLEN
Admiral, U.S. Navy
Vice Chief of Naval Operations


W. L. NYLAND
Assistant Commandant
of the Marine Corps

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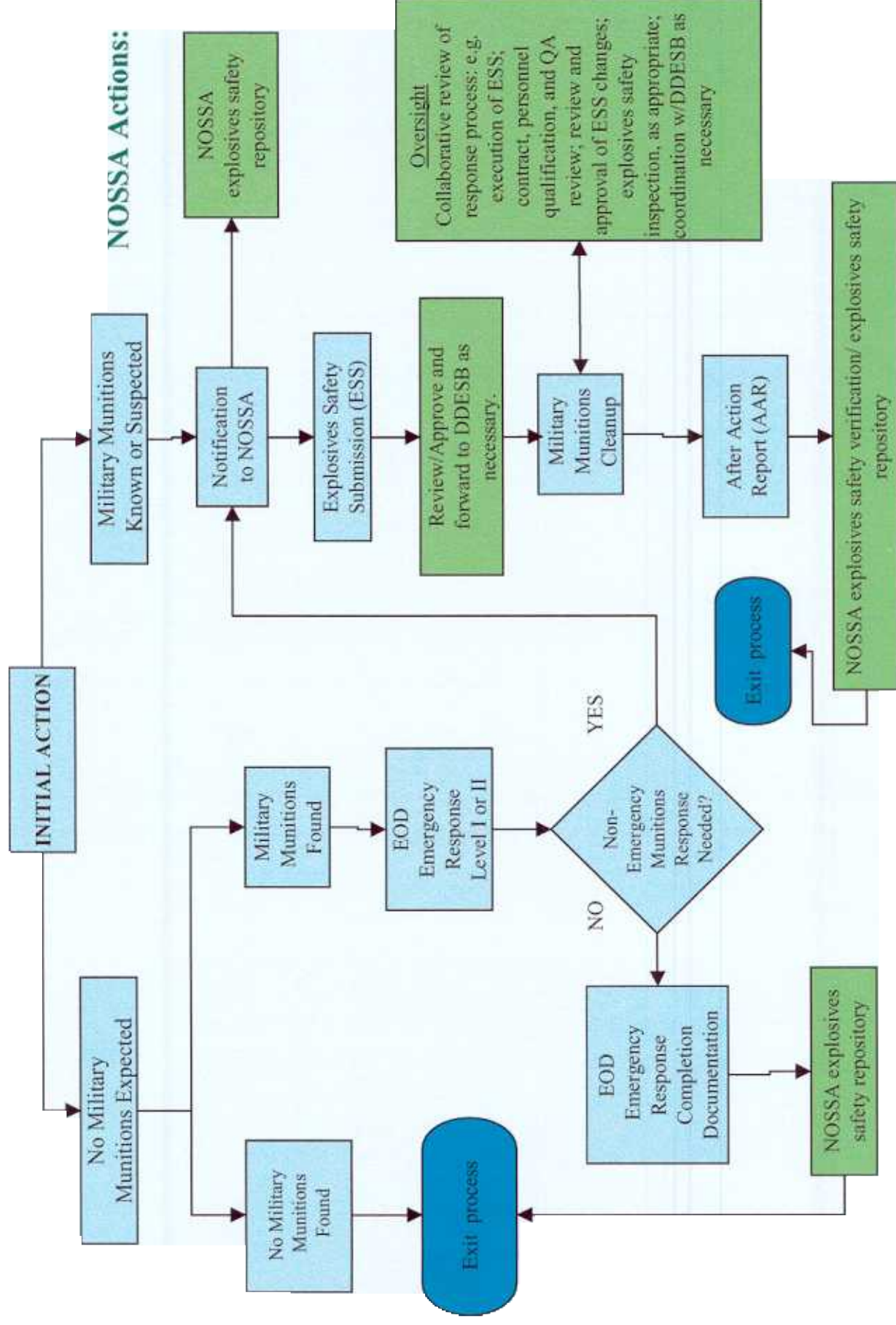
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Navy Explosives Safety Review, Oversight and Verification of Response Actions Involving Military Munitions



Marine Corps Explosives Safety Review, Oversight and Verification of Response Actions Involving Military Munitions

