



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
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WASHINGTON, DC 20350-2000

8020
Ser N41/17U129837
5 Jan 17

From: Director, Logistics Programs and Business Operations Division (N41)
To: Commander, Joint Region Marianas

Subj: GENERAL CLARIFICATION FOR ENFORCEMENT OF EXPLOSIVE SAFETY
CRITERIA ON NON-DEPARTMENT OF THE NAVY PROPERTY, AND/OR
DON PROPERTY MADE AVAILABLE TO NON-DEPARTMENT OF DEFENSE
ENTITIES

Ref: (a) OPNAV N41 ltr Ser N41/16UI29862, dated 11 May 2016
(b) OPNAV N41 ltr Ser N41/16U129845, dated 18 Mar 2016
(c) NAVSEA OP 5, Volume 1, Seventh Revision
(d) DoD Manual 6055.09M

1. This Letter of Clarification (LoC) supersedes references (a) and (b).
2. This LoC, coordinated with the Office of the Assistant Secretary of the Navy (Energy, Installations & Environment), Office of the Chief of Naval Operations (OPNAV (N4J/N41/N411)), and Naval Ordnance Safety and Security Activity (NOSSA), is provided due to Department of the Navy's (DON) inability to enforce reference (c) explosive safety criteria on:
 - a. Non-DON property, or
 - b. On DON land outside the fence line made available to non-Department of Defense (DoD) entities via a real estate agreement.
3. OPNAV N41 assumes risk for operations where DON is conducting excavation activities on non-DON land, or where the exclusion zones extend outside of the immediate excavation areas and is unable to enforce the evacuation of non-essential personnel within the exclusion zones. This includes all DoD-related excavation actions falling under the Commander Joint Region Marianas (CJRM) area of responsibility and, the following conditions apply:
 - a. Reference (c) criteria will be met within the immediate excavation area, and in locations where the exclusions zones encumber DoD property inside the fence line.
 - b. Outside of the immediate excavation area, but within the required exclusion zones, notification will be made to residents, motorists, and pedestrians by reasonable means of signs and flyers. Notification will be made a minimum of seven calendar days prior to the start of excavation (for non-emergent requirements) and remain in place through the duration of the excavation activity.

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c. Reasonable consideration should be given to alternate work schedules and other methods to minimize vehicular and pedestrian traffic exposure.

d. Per reference (d) paragraph V1.E3.5.7. Commander, Joint Region Marianas (CRJM) must establish a process to document estimated number of DoD and non-DoD personnel (e.g., vehicular traffic, pedestrians and residents) that traverse or are located within exclusion zones during intrusive operations. This may be accomplished by posting personnel monthly during a specific periods (e.g., 0700-0800 high volume traffic periods and 1800-1900 to capture low volume traffic periods) to establish an average daily estimate per month.

4. In those instances where DON land outside the fence line is made available to non-DoD entities (e.g., Government of Guam Department of Public Works, Guam Power Authority, Guam Water Authority, and Guam Telecommunication Authority, etc.), the real estate agreement must inform the lessee of all potential hazards relating to the presence or possible presence of Munitions and Explosives of Concern (MEC) and include the following conditions:

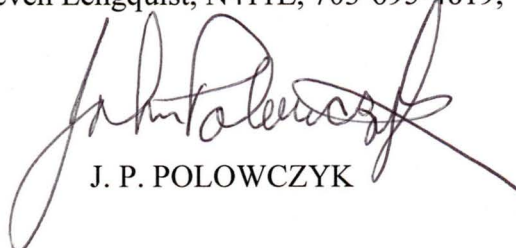
a. Lessee will provide notification of intrusive activities in areas potentially containing MEC to the public and CJRM before and during excavation activities. Notification will be made to residents, motorists, and pedestrians within the established explosive safety zones by reasonable means of signs and flyers. Notification will be made a minimum of seven calendar days prior to the start of excavation when reasonable and remain in place through the duration of the excavation activity.

b. Reasonable consideration should be given to alternate work schedules and other methods to minimize vehicular and pedestrian traffic exposure.

c. Upon identification of newly discovered MEC on DON land, the real estate grantee will conduct the "3 Rs": Recognize, Retreat, and Report for all on-site personnel. The grantee will confer immediately with the CJRM Regional Explosives Safety Officer to determine the scope of any investigation and the requisite response action.

d. The lessee must notify CJRM of a grantee's intent to conduct excavation that will encumber DoD personnel within an explosive safety zone so that CJRM can identify those personnel and take appropriate response established by reference (c).

5. The OPNAV N411 points of contact are: CDR Daryl Adamson, N411, 703-695-4818, daryl.g.adamson@navy.mil or Mr. Steven Lengquist, N411E, 703-695-4819, steven.lengquist@navy.mil.



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