

State of Louisiana



BOBBY JINDAL
GOVERNOR

LOUISIANA NATIONAL GUARD
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GLENN H. CURTIS
MAJOR GENERAL
THE ADJUTANT GENERAL
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February 5, 2013

The Honorable Leon E. Panetta
Secretary of Defense
1400 Defense Pentagon
Washington, DC 20301-1400

RE: Request for Transportation and Storage of M6 Propellant Pursuant to 10 U.S.C. 2692

Dear Secretary Panetta:

The State of Louisiana, through the Military Department ("LMD"), hereby requests assistance from the Department of Defense for the transportation and storage of excess M6 propellant currently located at Camp Minden, Louisiana. The M6 propellant is a hazardous material derived from the demilitarization of the M119A2 Propelling Charge by Explo Systems, Inc. ("Explo"), a tenant of LMD located at Camp Minden. The propellant was used in connection with an activity of the DoD as provided in 10 U.S.C. 2692 (b)(1). The excess propellant was produced by Explo under the terms and conditions of its contract with DoD (contract no. W52P1J-10-C-0025).

While performing work for the DoD under its contract, Explo illegally and improperly stored large amounts of M6 propellant on the premises of Camp Minden without the knowledge or consent of the State of Louisiana. Explo's actions in this regard violate state and federal law. Explo's illegal activities were discovered by the Louisiana State Police during a routine inspection of their operations. Explo is cooperating with law enforcement officials and has agreed to voluntarily remove the improperly stored propellant.

On January 23, 2013, Explo requested assistance from DoD for storage of the excess propellant generated under the DoD contract. This request was made because the amount of propellant far exceeds the storage capacity of Camp Minden. Explo's request was denied by the DoD. The State of Louisiana makes this request of DoD solely because the existence of the improperly stored propellant is a safety risk to Camp Minden and to the neighboring town of Doyline, LA. This request in no way implies that the State of Louisiana intends to take possession of or responsibility for the propellant, which is solely the property of Explo. We intend to hold Explo or its successor responsible and accountable for creating this extremely hazardous situation, including the cost of disposal of the propellant.

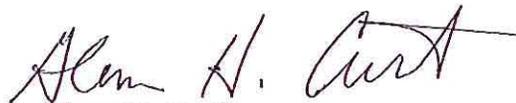
Under referenced Subsection (b)(3) of the statute, the Secretary of Defense is authorized to assist agencies responsible for State law enforcement in storing or disposing of explosives when no alternative solution is available. Our tenant, Explo Systems, Inc. has exhausted all available on site storage located at Camp Minden, and has been unable to acquire suitable storage after

multiple attempts at multiple locations. The State of Louisiana has exhausted its storage capacity and has no available resources to properly store the excess propellant.

Additionally, the Secretary has the authority, under Subsection (c) of the statute to grant exceptions when essential to protect the health and safety of the public from imminent danger. LMD specifically requests that DoD transportation assets and storage magazines be provided to transport and store the excess propellant currently under the custody of Explo. In order to accomplish this, LMD requests that you grant an exception to Subsection (a) of 10 U.S.C. 2692 to allow storage of the excess M6 propellant on DoD installations. Granting of this exception is essential to protect the health and safety of the public inside and around Camp Minden, including the town of Doyline, LA, which is directly adjacent to the installation.

Thank you in advance for your cooperation and assistance.

Sincerely,



Glenn H. Curtis
Major General, Louisiana National Guard
The Adjutant General

Copy Furnished:

Mr. Paul W. Rainwater, Chief of Staff, Office of the Governor
Colonel Michael D. Edmonson, Superintendent, Louisiana State Police
Brigadier General John McGuiness, Commander, Picatinny Arsenal



SECRETARY OF THE ARMY
WASHINGTON

MAR 12 2013

Major General Glenn H. Curtis
The Adjutant General
Louisiana National Guard
6400 St. Claude Avenue
Jackson Barracks
New Orleans, LA 70117

Dear General Curtis:

The Secretary of Defense asked me to respond on his behalf to your February 5, 2013 letter concerning the possible transport and storage of propellant known as "M-6," which is currently located at Camp Minden, Louisiana. Your letter states this propellant is the property of a company known as Explo Systems, Inc. (Explo), which has a lease with the Louisiana National Guard to use certain portions of Camp Minden for its operations.

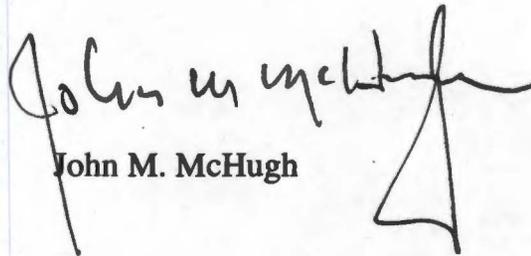
Regrettably, the Department of Defense (DoD) has neither the authority nor funds available to seize Explo's private property (i.e., the propellant located at Camp Minden) and assume responsibility for its transportation elsewhere for storage, treatment or disposal. 10 USC § 2692 generally prohibits DoD from allowing the storage, treatment or disposal of any hazardous materials not owned by DoD on any military installation, except under limited exceptions established in that statute. I have been authorized to inform you that the information in your letter and otherwise available to DoD indicates that storage, treatment or disposal of Explo's materials on a DoD installation would not meet the criteria for any of the statutory exceptions to the Section 2692 prohibition. Additionally, DoD does not have an installation with the environmental operating permits that would be required to allow for the receipt and treatment of privately owned hazardous waste transported from another location.

Should you believe it beneficial, DoD will arrange for a team of technical experts from the DoD Explosives Safety Board (DDESB) and the U.S. Army Technical Center for Explosives Safety to visit Camp Minden to assist in evaluating the amount of propellant Explo has in storage and its condition. These technical experts would be able to offer advice on potential explosive safety hazards associated with the materials and actions that might be taken to mitigate safety hazards that are identified. This team would not have authority to direct Explo or any other party to take or refrain from taking action with regard to Explo's propellant or operations, or to assume responsibility on behalf of DoD for this propellant. The team's technical expertise may be helpful to you and other State officials, or Explo, in deciding how to proceed. The point of contact for this team is Colonel Leo Bradley, Army Military Representative, DDESB, phone number

571-372-6765 or email leo.e.bradley.mil@mail.mil. For additional information regarding this action please contact Mr. JC King, Army DDESB Voting Member, phone number (703) 697-5564, email jc.king@us.army.mil.

I regret that we cannot be of more assistance in this matter. Thank you for all you do for our National Guard Soldiers and Families in Louisiana and for your dedicated service to our Nation.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. McHugh". The signature is stylized and cursive, with a large, prominent "J" and "M".

John M. McHugh