SECRETARY OF THE ARMY
WASHINGTON

MAR 1 2 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

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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,

John M. McHugh