



THE SECRETARY OF THE NAVY
WASHINGTON DC 20350-1000

July 9, 2012

The Honorable Patrick J. Leahy
Chairman, Committee on
the Judiciary
United States Senate
Washington, DC 20510-6275

Dear Mr. Chairman:

Thank you for your correspondence of June 28, 2012, on behalf of the U.S. Senate Committee on the Judiciary requesting documents contained in the Camp Lejeune Historic Drinking Water Consolidated Document Repository (CDR), I am responding on behalf of Secretary Panetta and Secretary Mabus. We have worked diligently to ensure ATSDR has had unrestricted access to needed Marine Corps information including the CDR. The CDR is an example of a proactive Marine Corps initiative to compile and preserve potentially relevant information for third party scientific and investigative bodies such as your committee.

Pursuant to your request made on behalf of the Senate Judiciary Committee, we are forwarding an un-redacted copy of the previously compiled catalog and records contained within the CDR on an external hard drive. We have, however, extracted ninety-three privileged attorney client and attorney work product documents in order to conduct a review for the potential affect on ongoing Federal Tort Claims Act litigation against the United States Government. We intend to accomplish this review as soon as possible in order to provide you with information regarding the contents of those documents. The enclosed documents contain personally identifiable information, information covered by the Privacy Act, and other protected privileged information.

You have also requested "all documents covered under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA), if any of those documents are not currently held in the repository." The documents contained with the "Camp Lejeune Repository" were collected in an effort to capture documents that may have fallen outside the regulatory compliance documents mandated by CERCLA and RCRA. The CERCLA administrative record (AR) is maintained at [<http://go.usa.gov/jZi> (case-sensitive)]. RCRA, however, covers an extremely broad cross section of environmental topics.¹ Official copies of RCRA corrective action documents are maintained by the State of North Carolina. Copies of the documents are maintained at Camp Lejeune but at various locations in various forms (many are not electronic).

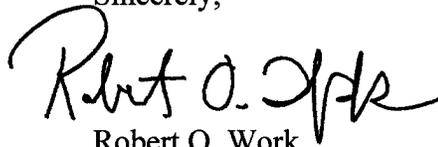
¹ Examples of RCRA documents/records that could pertain to Camp Lejeune include: Underground Storage Tank (UST) corrective action; UST management/maintenance; Solid Waste Management Unit (SWMU) corrective action; Solid Waste Management Facilities; landfill monitoring data and reports; RCRA Munitions Rule; Hazardous Waste Management Systems (HWMS); hazardous and non-hazardous waste manifesting; recycling (HAZMART-re-issue of hazardous materials, and Municipal Recycling Facility activities); operation and management of 90-day Hazardous Waste Management Facilities and satellite storage areas for non-hazardous waste; and, waste from on-site analytical laboratories.

It will take some time to compile all documents for transfer and many of the documents may ultimately not be of interest to you. We read your request for documents covered under the provisions of RCRA as only applying to Underground Storage Tank (UST) corrective action documents and records; Solid Waste Management Unit corrective action documents and records; Hazardous Waste Management System documents and records; and, landfill monitoring data and reports. If this interpretation is incorrect, please let us know. Otherwise we will begin the collection process in order to transfer the RCRA documents maintained at Camp Lejeune in the above referenced subcategories.

Finally, and as I mentioned in my June 7, 2012 letter, the Department of the Navy (DON) and the Marine Corps are working with the Department of Defense to implement new processes in support of the National Defense Authorization Act for Fiscal Year 2012's authority on protection of critical infrastructure information. Consistent with the purposes of the Act, critical infrastructure data will be withheld under that exemption when "the public interest consideration in the disclosure of such information does not outweigh preventing the disclosure of such information." The sole purpose for the withholding of this type of information is to ensure that we do not place our Marines and their families at risk.

The DON is committed to sharing information with the scientific community and the public while adhering to responsible force protection practices and applicable laws. I appreciate you bringing your concerns to our attention and I hope we have alleviated your concerns. Our aim is to fully comply with your request as soon as possible, however, I would like to extend an invitation for you and your staff to come to Camp Lejeune where you can visit any relevant document repository. A similar response has been sent to Senator Grassley.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert O. Work". The signature is fluid and cursive, with a large initial "R" and "W".

Robert O. Work
Acting