

7/18/89-00487



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107

JUL 18 1989

In Reply Refer To: 3HW32

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Commanding Officer (ATTN: Code 100)  
Norfolk Naval Shipyard  
Portsmouth, Virginia 23709-5000

RE: St. Juliens Creek Annex  
(EPA I.D. No. VA5 17 000 0181  
RCRA Business Confidentiality Assertion)

Dear Sir:

I am writing to afford you the opportunity to assert and comment on any business confidentiality claim or other privilege you wish to make with regard to the documents listed below as they relate to the St. Juliens Creek Annex:

106 Visual Site Inspection (VSI) Photographs transmitted to Dr. Marvin Unger by Mr. James K. Strickland letter of April 6, 1989 (Enclosure 1). Also, see Enclosures 1A and 1B which are letters regarding these 106 photographs; and

St. Juliens Creek Annex RCRA Facility Assessment (RFA) Report Dated March 1989 (Enclosure 2).

Any claim of business confidentiality or other privilege must be asserted at the time the documents are submitted to EPA in the manner described in 40 C.F.R. §§ 2.203(b) and 270.12. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality or other privilege is made at the time the documents are submitted to EPA, they may be made available to the public without further notice to the Department of the Navy (Department).

3234

In addition, pursuant to 40 C.F.R. § 2.204(e) you are invited to comment on the following points regarding any privilege or business confidentiality claim:

- (i) The portions of the information which are alleged to be entitled to confidential treatment;
- (ii) The period of time for which confidential treatment is desired by the Department (e.g., until a certain date, until the occurrence of a specified event, or permanently);
- (iii) The purpose for which the information was furnished to EPA and the approximate date of submission, if known;
- (iv) Whether a business confidentiality claim accompanied the information when it was received by EPA;
- (v) Measures taken by the Department to guard against undesired disclosure of the information to others;
- (vi) The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- (vii) Pertinent confidentiality determinations, if any, by EPA or other Federal agencies, and a copy of any such determination, or reference to it, if available;
- (viii) Whether your Department asserts that disclosure of the information would be likely to result in substantial harmful effects on the Department's competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects; and
- (ix) Whether your Department asserts that the information is voluntarily submitted information as defined in 40 C.F.R. § 2.201(i), and if so, whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.

If the information submitted to EPA Region III by your Department as part of its comments on any privilege or business confidentiality claim is not otherwise in EPA's possession, and is marked when received in accordance with 40 C.F.R. § 2.203(b), it will be regarded by EPA as entitled to confidential treatment.

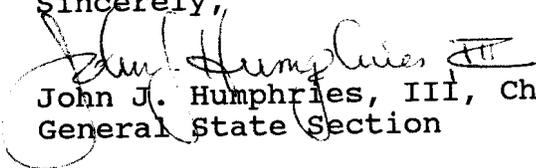
Such comments will not be disclosed by EPA without the Department's consent, unless its disclosure is ordered by a Federal court, notwithstanding other provisions of Subpart B, 40 C.F.R. Part 2 to the contrary.

Please forward any comments you have pertaining to any privilege or business confidentiality assertion to John J. Humphries, III, (3HW32), Chief, General State Section, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107, no later than fifteen (15) working days after receipt of this letter. Extensions of the time period allowed for the Department to comment on any business confidentiality claim or other privilege may be requested pursuant to 40 C.F.R. § 2.205(b)(2). EPA Region III will consider the Department's failure to furnish timely comments as a waiver of any and all business confidentiality claims or other privileges.

If the Department determines that the aforementioned documents do not contain any privileged or confidential business information and may be released to the public, please state so in your response.

If you have any questions, or wish to discuss this matter further, please contact me at the above indicated address or at 215-597-0320.

Sincerely,

  
John J. Humphries, III, Chief  
General State Section

Enclosures

cc: William C. Early (3RC22) (w/o Enclosures)

Lawrence I. Bass (3RC22) (w/o Enclosures)

Sherman Latchaw (3HW32) (w/o Enclosures)

Mr. James Strickland, Envirn. Div. Prgm. Dir.  
Code 410 - Building M22  
Norfolk Naval Shipyard  
(w/Enclosures) (Separate Certified Envelope)