



DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

2521 South Clark Street, Suite 600
Arlington, VA 22202
Telephone: 703-699-2950

September 28, 2005

BY FEDERAL EXPRESS

Ms. Kelle S. Acock
Trial Attorney - General Litigation Section Environment & Natural Resources Division
United States Department of Justice
601 D Street, N.W., Room 3131
Washington, D.C. 20004

Re: Testwulde v. United States

Dear Ms. Acock:

In response to the Plaintiff's Third Request for the Production of Documents filed in Testwulde v. United States (No. 01-201-L) before the U.S. Court of Federal Claims, the 2005 Base Closure and Realignment (BRAC) Commission is enclosing all responsive documents. Specifically, in response to Request No. 39, please refer to Document Control No. 7057, No. 6316 and No. 2969, all available at the official BRAC Commission website address of www.brac.gov. Copies of all documents are enclosed for your review. In addition, a CD-ROM entitled, Final Environmental Impact Statement (FEIS) for the Introduction of F/A-18 E/F (Super Hornet) Aircraft to the East Coast of the United States (July 2003), along with a CD-ROM of supporting documentation, are also responsive to this request. The CDs are enclosed as well.

The BRAC Commission does not have any documents that are responsive to Requests No. 40, 41 or 44. In response to Request No. 42, please see Document Control No. 2969. In response to Request No. 43, I am enclosing the aforementioned CD-ROMs. In response to Request No. 45, one of the BRAC Commission employees was informally advised by telephone on or about July 2005 that there was pending litigation in relation to NAS Oceana regarding noise-related issues, but there is no telephone log of this exchange or any supporting e-mails. For your general information, the BRAC Commission was not concerned with noise as a factor in its consideration of potential base closings. Further, as you are aware, Requests No. 46-47 are not applicable to the BRAC Commission.

I trust that this response and the enclosures are fully responsive to your request. There is nothing contained in the documents and electronic data produced that has any privileged, confidential or classified information to my knowledge.

Chairman: Anthony J. Principi

Commissioners: The Honorable James H. Bilbray, The Honorable Philip E. Coyle III, Admiral Harold W. Gehman Jr., USN (Ret), The Honorable Jim Hansen, General James T. Hill, USA (Ret), General Lloyd Newton, USAF (Ret), The Honorable Samuel K. Skinner, Brigadier General Sue Ellen Turner, USAF (Ret)

Executive Director: Charles Battaglia

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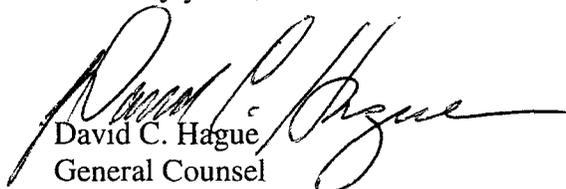
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Thank you for consulting with us on this matter, and if you have further questions or needs, please contact Ms. Rumu Sarkar, Associate General Counsel, who may be reached at (703) 699-2973.

Sincerely yours,


David C. Hague
General Counsel

Enclosures: a/s

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