



DEPARTMENT OF THE NAVY

NAVAL FACILITIES ENGINEERING COMMAND

200 STOVALL STREET

ALEXANDRIA, VA 22332-2300

IN REPLY REFER TO

08.01-03/06/90-00632
March 6, 1990

Nancy Scott
Associate Attorney General
North Carolina Department
of Justice
P.O. Box 629
Raleigh, NC 27602

Re: Federal Facility Agreement for
Marine Corps Base Camp Lejeune

Dear Nancy:

I enjoyed talking on the phone with you and I appreciate your efforts to attempt to resolve the last legal impasse to a three-party Federal Facility Agreement (FFA) for Marine Corps Base Camp Lejeune. I have begun to review the citations to North Carolina statutes that you suggested. I will call you as soon as I complete my review.

I am enclosing a copy of the three other FFAs that you requested. I am enclosing the FFA for Naval Submarine Base Bangor Washington. Let me call your attention to the definition of "Ecology" in paragraph II(f). Let me also call your attention to the fact that the Attorney General of the State of Washington was one of the signatories to the agreement.

I am also enclosing a copy of the FFA for McClellan Air Force Base and the latest copy of the "generic" California/Air Force FFA. I suggest that you note that the State of California is listed on the cover and in section 2.1 ("Parties") and in the signature block as a party to both agreements. The California Department of Health Services is referenced in section 2.4 of both agreements.

You indicated that you already have a copy of the FFA for Robins Air Force Base in Georgia. It is true that the FFA generally refers to the Georgia Environmental Protection Division (GEPD). However, Paragraph III ("Parties") contains the following statement:

The GEPD is entering into this Agreement pursuant to O.C.G.A. Section 12-8-65(a)(5) and (9) and with approval of the Governor. The terms of this Agreement shall apply to and be binding upon the U.S. EPA, the State of Georgia, the U.S. Air Force and their successors and assigns.

(Emphasis supplied). It is my understanding that, in addition to the FFA, the Air Force received some type of letter from Georgia confirming that the Governor approved of the Agreement.

GOVERNMENT EXPENSE

I think that we are making progress in our negotiations and I hope that we can resolve this matter quickly. Let me repeat my offer to come to North Carolina if you think that would be helpful. I appreciate your cooperation in this matter.

Sincerely yours,



RAY GOLDSTEIN
Assistant Counsel (Environmental)

Enclosures

cc: (w/o enclosures)
Gordon Davidson
Beverly Spagg
Bob Warren
LtCol P. Wilbur
LtCol J. Wellington
Elsie Munsell
Sheila Ashton
John Wittmann
Bill Judkins

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