



DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL
COUNSEL FOR SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY RM 250
SAN DIEGO, CALIFORNIA 92132-5189

N68311.001088
NAVSTA LONG BEACH
SSIC #5090.3

Ser 09C.RC/5228
November 23, 1994

VIA FACSIMILE

Richard L. Landes
Deputy City Attorney
City Hall
333 West Ocean Boulevard
Long Beach, California 90802

Dear Mr. Landes:

I am responding on behalf of the Department of Navy (DON) to your letter dated October 21, 1994 regarding a revised proposed permit from the City of Long Beach regarding installation of groundwater elevation monitoring wells on Port of Long Beach property adjacent to the Long Beach Naval Shipyard. In the final review of this permit the following additional issues were identified that DON would like to address:

1. Please change page 1, paragraph 6 of reference (a) to read as follows:

"NOW, THEREFORE, City hereby grants permission to Navy to use and occupy two(2) locations on Pier T in the Harbor District of the City of Long Beach ("Permit Areas") as described in Los Angeles County Assessor's Book 7436, Page 31, Parcel 902 shown on Exhibits "A" and "B", attached hereto and by this reference made a part hereof."

2. Please include enclosure 1 in the final version of the Ingrant Permit.

3. The federal government cannot agree to grant indemnification as provided in the proposed language of Section 12. The federal government's tort liability is governed by the Federal Tort Claims Act. Please delete the proposed language for Section 12 and substitute the following:

"In the event of any death of or of injury to any person, or the loss of or damage of any property, caused by Bechtel or its subcontractors in the course of its use of the property or in the event of any legal or equitable action instituted between the City or Port of Long Beach and the United States Department of Navy, the liability, if any, of the United States Department of the Navy shall be determined in accordance with the appli-

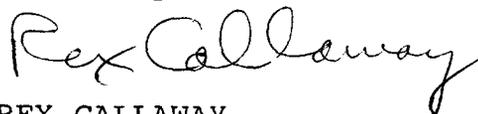
cable provisions of the Federal Tort Claims Act
(62 Stat. 869, 982; 28 U.S.C. 2671-2680.)"

Please send the final "agreed-to" permit to the following individual for execution by DON:

Ms. Rosemary Fraunces
Real Estate Contracting Officer
Real Estate Division
Southwest Division
Naval Facilities Engineering Command
1220 Pacific Highway
San Diego, CA 92132-5181

We appreciate your cooperation in this matter and hope to expeditiously resolve remaining issues so that field work can proceed. Please feel free to call me at (619) 532-1662 if you would like to discuss this letter or have any questions.

Sincerely,



REX CALLAWAY
Associate Counsel
(Environmental)

Copy to:
241A.RS
1832.MR