

BAE Systems  
Armament Systems Division  
4800 East River Road  
Minneapolis, Minnesota 55421-1498  
763-571-9201

**BAE SYSTEMS**

March 24, 2006  
E6024/4.1.3

CERTIFIED MAIL  
Return Receipt Requested

Director, Env. Services Business Line  
Southern Division  
Naval Facilities Engineering Command  
P.O. Box 190010  
North Charleston, SC 29419-0010

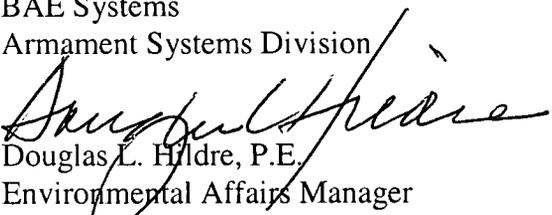
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Commissioner  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, MN 55155

Subject: 2005 Annual Land Use Control (LUC) Compliance Certification  
Former Naval Industrial Reserve Ordnance Plant  
Fridley, MN

Enclosure:  
(1) Annual LUC Compliance Certification for January 1 – November 22, 2005

In accordance with Part 5.b of the Quitclaim Deed for the subject property dated June 17, 2004, please find enclosed the signed Annual LUC Compliance Certification for the period of BAE Systems' ownership during 2005. The property was sold to ELT Minneapolis LLC on November 22, 2005. Should you have any questions on this matter, please contact the undersigned at (763) 572-6938 or electronically at [doug.hildre@udlp.com](mailto:doug.hildre@udlp.com).

BAE Systems  
Armament Systems Division  
  
Douglas L. Hildre, P.E.  
Environmental Affairs Manager  
DLH:dlh  
Encl.

CC: H. Diamond

## EXHIBIT 3

### Annual LUC Compliance Certification

Property Owner: BAE Systems

Property Address: 4800 East River Road, Minneapolis, MN. 55421

This Certification covers the year 1 January 2005 through 21 November 2005  
(**Note:** Form must be submitted by 1 March of the year following the reporting period. Should there be a change in ownership during the reporting period, the certificate will only cover the period of ownership and the new owner will certify compliance for the remaining portion of the reporting period).

#### Owner Certification

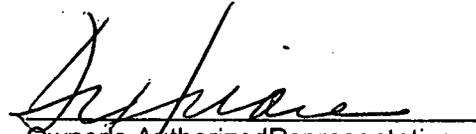
1. The above-named owner certifies that use of the Property has been limited to industrial or restricted commercial uses, or that owner has provided written notice to the Navy, EPA and MPCA of its intent to use the Property for something other than industrial or restricted commercial uses, and has (i) provided a description of its plans for undertaking any environmental investigation and/or cleanup activities necessary to permit such a change in land usage; (ii) ensured that such activities will not conflict with or adversely affect any ongoing remedial systems or future investigative or remedial activities to be undertaken by the Navy, EPA or MPCA on the Property; and; (iii) obtained a release by the Navy of the Categorical Land Use Restriction previously placed in the owner's deed or chain of title to the property;
2. The above-named owner certifies that no soils deeper than 3 feet below ground surface have been disturbed in those two Designated Restricted Areas outside the Main Manufacturing Building shown in Figure 2-5 of the Navy's September 2003 CERCLA Record of Decision for OU2 / OU3 without having first obtained written approval from the EPA and MPCA. Owner further certifies that no soils excavated from those Areas have been removed from the facility without having first obtained written approval from the EPA and MPCA.
3. The above-named owner certifies that no soils beneath the Designated Restricted Area known as the concrete pit foundations where metal-finishing operations previously occurred at the former Plating Shop within the Main Manufacturing Building have been disturbed without prior written approval from the EPA and MPCA. Owner further certifies that no soils excavated from those Areas have been removed from the facility without having first obtained written approval from the EPA and MPCA.
4. The above-named owner certifies that the concrete pit floor (approximately 8 to 12 feet below grade floor) where metal finishing operations previously occurred at the former Plating Shop within the Main Manufacturing Building has not been removed without prior written approval from the EPA and MPCA.

5. The above-named owner certifies that no water supply wells have been installed nor groundwater beneath the property extracted or used for any purpose without prior written approvals having first been obtained from EPA, MPCA and the Minnesota Department of Health; ; This certification shall not apply to the extent the Owner installed monitoring wells at the request of the Navy.

6. The above-named owner certifies that it has not unreasonably hindered or prevented the Navy, EPA or MPCA from constructing, upgrading, operating, maintaining and monitoring any groundwater treatment facilities and groundwater monitoring network or has otherwise engaged in any activity that: (i) caused the violation of any Health and Safety Plan put into effect by the Navy, EPA or MPCA on the Property and directly related to the Federal Facilities Agreement at the Property; or (ii) disrupted or hindered any other remedial, response or oversight activities being undertaken by the Navy, EPA or MPCA on the property.

I, the undersigned, hereby certify that I am an authorized representative of the above named property owner and that the above described Land Use Controls have been complied with for the period noted. Alternatively, any known deficiencies and owner's completed or planned actions to address such deficiencies are described in the attached Explanation of Deficiency(ies).

3-24-06  
Date

  
Owner's Authorized Representative

Mail completed forms to:

Director, Environmental Services Business Line  
Southern Division  
Naval Facilities Engineering Command  
P.O. Box 190010  
North Charleston, SC 29419-0010

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