



Superfund Records Center  
SITE: New Bedford  
BREAK: 11-9  
OTHER: 479439

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July 9, 2010  
11478-26

**BY E-MAIL & U.S. FIRST CLASS MAIL**

Cynthia E. Catri, Esq.  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
5 Post Office Square  
Suite 100 (OSRR07-4)  
Boston, Massachusetts 02109-3912

**Re: New Bedford Harbor Superfund Site, Operable Unit #1**  
**June 2010 DRAFT - Fourth Explanation of Significant Differences**  
**for Use of a Lower Harbor CAD Cell**

Dear Ms. Catri:

We write on behalf of our client, AVX Corporation ("AVX"). Consistent with our telephone discussion on July 7, 2010, the purpose of this letter is to formally request EPA Region 1's agreement to extend by 60 days the public comment period for the *June 2010 DRAFT - Fourth Explanation of Significant Differences for Use of a Lower Harbor CAD Cell* ("Draft ESD #4") proposed for the first operable unit ("OU-1") at the New Bedford Harbor Superfund Site. EPA has stated that comments on Draft ESD #4 will be accepted from June 25 through July 24, 2010. A 60-day extension, therefore, would make September 24, 2010 the last day of the public comment period.

As you know, potentially responsible parties are entitled, constitutionally and by statute and regulation, to a meaningful opportunity to participate in the formation of the administrative record. EPA's decision, for the fourth time, to modify the 1998 Record of Decision for OU-1 is a significant landmark. In the past, AVX has taken advantage of the opportunity to contribute to EPA's consideration of the issues raised by the implementation of and modifications to the selected remedy, and it will do so again if EPA permits the time necessary.



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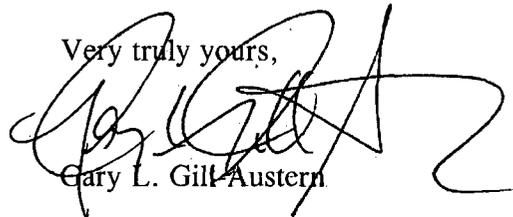


The proposed thirty-day comment period is insufficient to protect AVX's interests. AVX hereby requests an extension of the public comment period from July 24, to and including September 24, 2010. Given the complexity of the issues presented, and the length of time during which EPA has deliberated over the issues raised, it would be unreasonable to expect any party to be able to have a meaningful opportunity to comment in a shorter period of time.

In order that AVX may plan its activities, please let us know at your earliest convenience whether this request for an extension will be granted. Finally, please include this letter in the administrative record file.

Thank you for your time and consideration.

Very truly yours,



Gary L. Gilt-Austern

cc (by e-mail only):

David Dickerson, EPA  
Elaine Stanley, EPA  
Mary K. Ryan, Esq.