



U.S. Department of Justice

United States Attorney
District of Massachusetts

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1107 J.W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

June 25, 1986

Defense Counsel

Re: United States v. AVX Corporation, et al.
Civil Action No. 83-3882-Y

Dear Counsel,

Please find enclosed the April and May NUS Status Reports.

Sincerely,

Mary Beth Downing
Paralegal Civil Division

cc: Evan Slavitt

**WORK ASSIGNMENT STATUS REPORT
EPA CONTRACT NO. 68-01-6699, MOD. NOS. 28, 53, AND 106
WORK ASSIGNMENT NO. 28-1L43.2
NEW BEDFORD SITE
BRISTOL COUNTY, MASSACHUSETTS
NUS PROJECT NO. S725**

Activity: Remedial Investigation/Feasibility Study

1. Progress this Period - March 30 - April 26, 1986:

- **Task 5 - Data Validation - Validation of the Contract Laboratory Program (CLP) organic data for sediment samples from the Acushnet River Estuary and adjacent wetlands (collected by the Corps of Engineers) has been completed. Validation of PCB and Inorganic data from E³I's laboratory analysis program (Task 19) and GZA's sampling program (Task 21) is in progress.**
- **Task 6 - Siting Study - A revised draft report on the identification and quantitative ranking of potential in-harbor disposal sites has been submitted for EPA/State review.**
- **Tasks 8 and 9 - Modeling and Sampling - Modifications to the hydrodynamic model to account for a sloping water surface have been completed; test cases are in progress. A proposal was received from Woods Hole to carry out additional field studies and to develop a deep-wave model.**
- **Task 10 - Sullivan's Ledge - (A Separate Status Report is being prepared for the Sullivan's Ledge Site under Work Assignment No. 114-1L54.)**
- **Task 12 - Ambient Air Testing Program - Review comments on the draft report of study findings were received and are being addressed. The issuance of a final report must await data validation.**
- **Task 16 - Feasibility Study - Work was completed on the hydrologic aspects of an analysis of floodplain effects resulting from proposed remedial actions in the Acushnet River Estuary; an update of alternative destruction, degradation, and detoxification technologies is in progress; the preliminary analysis of the engineering feasibility of an embankment to serve as a sediment dispersal control structure was completed.**
- **Task 18 - Project Management - A meeting was held at the Zone Project Management Office (ZPMO) to update the status of subcontracts and to resolve outstanding contractual issues; progress continued on the transition of the New Bedford Site from the REM-FIT to the REM-III contract in relation to funding and subcontracting strategies.**
- **Task 19 - Laboratory Analysis Program - The laboratory analysis of PCBs, metals, and other inorganic parameters is proceeding, with regular submittals of data packages to the Remedial Planning Office (REMPO) for**

**NEW BEDFORD SITE
WORK ASSIGNMENT NO. 28-1L43.2
PAGE TWO**

validation. A subcontract modification was prepared for lipid analysis and TSS analysis. Discussions are proceeding on the possible use of the CLP for PCB analysis on a portion of Battelle's samples.

- Task 20 - Litigation Support - Battelle, as a subcontractor to NUS, produced documents to the Potentially Responsible Parties (PRPs) as part of the New Bedford discovery process. NUS is compiling documents for delivery to the PRPs as an update to the production of files completed in June 1985.

2. Problems Resolved:

- Tasks 9 and 19 - The availability of funds for Special Analytical Services (SAS) under the CLP will expedite the turnaround of PCB data from both Battelle's field sampling program and Battelle's experimental studies in support of the modeling work.
- Task 19 - Recommendations have been verbally reported by Battelle-Columbus on modified clean-up methods for sediment samples; this will allow an analysis of cost impacts so that approval and use of the methods can proceed.
- Task 19 - The approval of a subcontract modification for lipid analysis and TSS analysis will allow the final processing of samples and will provide important data to the modeling team.
- Task 18 - A data tracking system is being implemented by NUS to ensure proper control of data validation and timely submission of data packages to the EPA and the PRP's.

3. Anticipated Problem Areas and Recommended Solutions:

- Task 18 - Although it is expected that additional funds will be necessary to continue REMPO's involvement through Fiscal Year (FY) 86, remaining uncertainties in the full scope of REMPO's involvement make forecasting difficult. Attempts are being made for transition of the work to REM-III in such a way that no new funds will be necessary under REM-FIT.
- Tasks 8 and 9 - The unexpected long term disability of a key member of the modeling team will likely cause delays in the finalization of modifications to the hydrodynamic model and in the collection of critical field data. The possible use of alternate staff members is being investigated.
- Task 20 - The need for NUS and its subcontractors to respond to subpoenas from the Defendants and to generally support the June trial has raised several contractual issues. Although currently unresolved, discussions among contract personnel are proceeding and resolution is expected in the near future.

**NEW BEDFORD SITE
WORK ASSIGNMENT NO. 28-1L43.2
PAGE THREE**

- Task 19 - Unexpected delays (e.g., instrument breakdown) continue to affect the schedule for the laboratory analysis of samples for PCBs. The EPA has approved funds for SASs that could be made available to meet project schedules.
- Task 21 - The NUS laboratory may not be able to perform physical testing of samples under the current contractual arrangement. Outside competition may be necessary.

4. Deliverables Submitted:

On April 16, 1986, the final draft report on the Investigation and Ranking of Potential In-Harbor Disposal Sites (Task 6) was submitted.

5. Upcoming Events:

- Task 18 - Meeting on May 8 on overall Management Plan (EPA, Corps of Engineers, NUS, EBASCO, and E.C. Jordan).

6. Activities Planned:

- Task 5 - Continued progress on validation of data from the ambient air testing program (Task 12), the laboratory analysis program (Task 19), and the sediment sampling program (Task 21).
- Task 8 - Continued progress on several activities related to the hydrodynamic and sediment transport models.
- Task 16 - Continued progress on several tasks supporting the analysis of proposed remedial actions in the Acushnet River Estuary; initiation of tasks on the overall FS in accordance with the newly developed Management Plan.
- Task 18 - Preparation of a Work Assignment Amendment to properly account for all modifications to the original scope of work and for the transition to the REM-III contract.
- Task 19 - Continued progress on laboratory analysis of samples. Completion of development and testing program for modified clean-up methods for tissues.
- Task 20 - Continued involvement in preparation for the June trial; production of files.
- Task 21 - Initiation of physical testing of selected samples.

**NEW BEDFORD SITE
WORK ASSIGNMENT NO. 28-1L43.2
PAGE FOUR**

- 7. Key Personnel Changes: None**
- 8. Subcontracting: None**
- 9. Travel this Period:**
 - April 7, 1986 - The REMPO Project Manager and a staff member met at the NUS ZPMO office to discuss the status of the Battelle and E³I subcontracts, including the resolution of outstanding contractual issues and related action items.
 - April 21 - 22, 1986 - The REMPO Project Manager and a staff member attended meetings with an EPA attorney at Woods Hole (April 21) and Battelle (April 22) to discuss data transfer and contractual issues related to litigation support.
- 10. Contract Laboratory Program:**

No samples were sent in April.
- 11. Schedule Changes:**

A revised schedule is being prepared as part of the New Bedford Management Plan.
- 12. % Complete: 80 based on authorized funds
68 based on approved budget**

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NEW BEDFORD SITE
BRISTOL COUNTY, MASSACHUSETTS
NUS PROJECT NO. S725

Activity: Remedial Investigation/Feasibility Study

1. Progress this Period - April 27 - May 31, 1986:

- Task 5 - Data Validation - Validation of PCB and inorganic data from E³'s laboratory analysis program (Task 19) and GZA's sampling program (Task 21) is in progress. Validation of the ambient air data (Task 12) is also in progress.
- Tasks 8 and 9 - Modeling and Sampling - Preliminary simulation is in progress to test the validity of the hydrodynamic model.
- Task 10 - Sullivan's Ledge - (A. Separate Status Report is being prepared for the Sullivan's Ledge Site under Work Assignment No. 114-1L54.)
- Task 16 - An update of alternative destruction, degradation, and detoxification technologies is in progress. The HEC-2 flood analysis program has been applied to evaluate the effects of a shoreline disposal site on flood elevations.
- Task 18 - Project Management - Progress continued on the transition of the New Bedford Site from the REM-FIT to the REM-III contract in relation to funding and subcontracting strategies. A comprehensive Work Assignment Amendment to document both changes in scope and the inter-task transfer of funds is in progress.
- Task 19 - Laboratory Analysis Program - The laboratory analysis of PCBs, metals and other inorganic parameters is proceeding, with regular submittals of data packages to the Remedial Planning Office (REMPO) for validation. Discussions are proceeding on the possible use of the CLP for PCB analysis on a portion of Battelle's samples.
- Task 20 - Litigation Support - Depositions by Battelle continued in May.

2. Problems Resolved:

- Task 8 - Samples from Battelle's experimental studies have been sent to CLP for PCB analysis. This will expedite the turnaround of PCB data which are needed to support the modeling work.
- Task 19 - Procedures for the clean-up of sediment and tissue extracts have been completed. Final negotiations are in progress.
- Task 20 - Funds in the amount of \$50,000 have been authorized for litigation support by NUS and its subcontractors.

**NEW BEDFORD SITE
WORK ASSIGNMENT NO. 28-1L43.2
PAGE TWO**

- Task 21 - Physical testing of samples will likely be performed by the U.S. Army Corps of Engineers, thereby eliminating the need for additional an additional NUS subcontractor.
- Task 10 - Funding for the Sullivan's Ledge Site has been authorized under Contract Mod. 175. This will allow for the transfer of funds expended under Task 10 back to the New Bedford Work Assignment.

3. Anticipated Problem Areas and Recommended Solutions:

- Task 18 - Although the project is under budget, the cost to complete is \$290,000 above the authorized funding under the REM-FIT Contract. A partial resolution of this problem is the transfer of the validation task (Task 5) to the REM-III Contract. Initial stages of this transfer are in progress.
- Task 19 - The proposed cost of implementing the modified sediment/tissue clean-up method is greater than anticipated. Negotiations to achieve a different costing strategy are in progress.

4. Deliverables Submitted: None

5. Upcoming Events:

- Task 18 - Meeting on May 16-18 concerning general project status and transition from REM-FIT to REM-III. A separate meeting will be held with the modeling team to address outstanding technical issues.

6. Activities Planned:

- Task 5 - Continued progress on validation of data from the ambient air testing program (Task 12), the laboratory analysis program (Task 19), and the sediment sampling program (Task 21).
- Task 8 - Continued progress on several activities related to the hydrodynamic and sediment transport models.
- Task 16 - Continued progress on several tasks supporting the analysis of proposed remedial actions in the Acushnet Rivery Estuary; initiation of tasks on the overall FS in accordance with the newly developed Management Plan.
- Task 18 - Finalization of a Work Assignment Amendment to properly account for all modifications to the original scope of work and for the transition to the REM-III contract.
- Task 19 - Continued progress on the laboratory analysis of samples. Implementation of modified clean-up methods for sediments and tissues.

**NEW BEDFORD SITE
WORK ASSIGNMENT NO. 28-1L43.2
PAGE THREE**

- **Task 6 - Siting Study - Finalization of the report once review comments are received from the EPA/State.**
 - **Task 12 - Finalization of the report upon completion of the data validation.**
- 7. Key Personnel Changes: None**
- 8. Subcontracting: None**
- 9. Travel this Period:**
- **May 5, 1986 - The REMPO Project Manager met with EPA and DOJ attorneys and expert witnesses in Boston to discuss issues for the upcoming trial.**
 - **May 6, 1986 - The REMPO Project Manager attended a meeting in Boston with E.C. Jordon and EBASCO concerning the project transition from REM-FIT to REM-III.**
 - **May 7, 1986 - The REMPO Project Manager worked with the RSPO on project tasks.**
 - **May 8, 1986 - The REMPO Project Manager attended a meeting in Boston with the COE and EBASCO to discuss the general progress and plans for the overall project.**
- 10. Contract Laboratory Program: None**
- 11. Schedule Changes: None**
- 12. % Complete: 74 based on authorized funds
62 based on approved budget**