

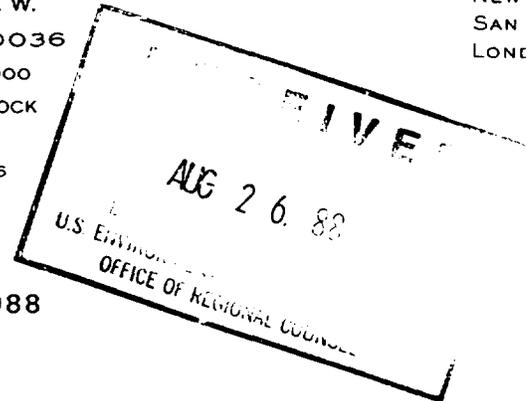
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August 25, 1988

BY AIRBORNE EXPRESS

Charles Bering  
Assistant Regional Counsel  
U.S. Environmental Protection  
Agency - Region I  
J. F. Kennedy Federal Building  
Boston, Massachusetts 02203-2211

Re: New Bedford Harbor; Split Sampling

Dear Mr. Bering:

This letter will acknowledge receipt of your July 15, 1988 response to our request to split samples in the New Bedford Harbor. As you know, we have requested more split samples than the government states it will share with the Defendants in this case, as well as the opportunity to have a representative from the PRP group present during construction sampling and dredging. We would strongly prefer to proceed in accordance with our original requests, even to the extent of modifying the request to cover only ten percent of the government's samples. Nonetheless, we are willing to go forward with the proposal outlined in your letter of July 15, 1988, provided that the water samples to be split with the defendants are taken during the principal pilot dredging project events -- that is, during (1) filling of the CDF; (2) dredging (e.g., CAD construction); (3) filling of the CAD. We hope that these samples were contemplated, although the lack of detail in your July 15 letter regarding any of the samples makes this unclear.

Rizzo Associates, our joint technical consultant, is finalizing arrangements with an analytical laboratory to handle the intercalibration analysis of samples we receive from the government. We will notify you as soon as possible

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where to ship the samples which you have already split for us.

Mr. Galvani, as you know, has authorized John Brown at General Electric to ship samples to the Narragansett Laboratory. In return, we asked in our letter of June 22, 1988 that you provide us with splits of the sediment samples obtained by Dr. Lake from Narragansett Bay and Eastern Long Island Sound. We would appreciate it if you could arrange with us for the shipment of these samples.

With respect to your proposed intercalibration study, please advise whether we may speak to Richard Pruell or others at the Narragansett Lab regarding the protocols and methods for intercalibrating the analyses of the above samples. We also believe that additional information is required as to the methods to be used in splitting samples, as well as laboratory analyses methods to be utilized in the intercalibration study itself. We would also request any related information on specifications for any laboratory screening or analyses to be done on-site and identification of the instrumentation to be utilized for those tests, as well any other information available to help us to understand the number and type of samples to be collected during the pilot dredging and laboratory or field analyses during the Pilot Dredging Program. We have on several occasions requested the revised pilot dredging study workplan (the draft sent us is dated October 1987).

In our earlier letters on this subject, we had suggested a meeting between our respective experts in our June 22, letter; however, a conference call may fulfill the stated objectives of that meeting. Please call Howard T. Weir at (202) 467-7195 or Mary Ryan at (617) 439-2212 to let us know how you would like to proceed in this matter.

MORGAN, LEWIS & BOCKIUS

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Sincerely,

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