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Washington, D.C. 20530

December 7, 1987

Paul B. Galvani, Esquire
Ropes & Gray
225 Franklin Street
Boston, Massachusetts 02110

DEC 10 1987

REGION I
OFFICE OF REGIONAL COUNSEL

Re: United States v. AVX, et al.

Dear Mr. Galvani:

This is in response to your letter of June 27, 1987, concerning the materials which the government requested in a letter dated June 2, 1987. Our position regarding these materials is set forth in Motion US-11, Plaintiffs' Motion to Compel Production of Documents by Aerovox Incorporated, filed January 21, 1987, and is also based on the court's rulings cited on pages 8-9 of the plaintiffs' memorandum in support of US-11. It is clear that if Aerovox intends to rely on site-specific data, it must produce all relevant underlying documentation.

In a related matter, I am informed that you have not responded to Charles Bering's letter of June 23, 1987, requesting that you send EPA split portions of the samples which Aerovox took from the Acushnet River. I also note that in your opposition to US-11, you stated on page 7 that the chromatograms of the sampling and analysis "performed in January by Dr. Brown," would be delivered to the plaintiffs "as soon as [they] are available." As of the date of this letter, we have received nothing at all.

We are, therefore, repeating our request that the materials outlined in the June 2, 1987 letter and the chromatograms relating to Dr. Brown's work referred to in your opposition to US-11 be provided to us immediately, and that the split samples requested by EPA be sent to the address provided in Mr. Bering's letter of June 23.

Sincerely,

Assistant Attorney General
Land and Natural Resources Division

By: 

Ellen M. Mahan, Attorney
Environmental Enforcement Section

cc: Charles Bering
Lee Breckenridge
William D. Brighton