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November 19, 1996
11478-122

BY TELECOPY & REGULAR MAIL

David Dickerson,
EPA Project Manager, USCPA,
Waste Management Division (HRS-CAN3)
JFK Federal Building, HBO
Boston, MA 02203

Re: EPA Proposed Cleanup Plan for Upper and Lower New Bedford Harbor

Dear Mr. Dickerson:

I am writing on behalf of AVX Corporation ("AVX"), a defendant in the New Bedford Harbor litigation commenced by the United States of America and the Commonwealth of Massachusetts in 1983. AVX settled the government claims by a Consent Decree in 1992. Because of provisions of the Consent Decree which would permit the reopening of the litigation under certain circumstances, AVX has a continued interest in the ongoing New Bedford Harbor Superfund Site administrative proceedings which are expected to culminate in a record of decision for the second operable unit shortly. However, as you know, AVX has not been a participant in the New Bedford Superfund Site Community Forum (the "Forum"). In fact, AVX did not receive any particularized notice from EPA of the publication of its Proposed Plan or the comment period thereon, first learning of this significant development through a news story. I personally did not receive the mailing on the Proposed Plan until after the informational meeting on November 6.

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. The Agency's decision to modify its 1992 proposal for remedial action, after four years of further deliberations, is an extremely significant milestone. In the past, AVX has always taken advantage of the opportunity to contribute to the Agency's

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Page 2

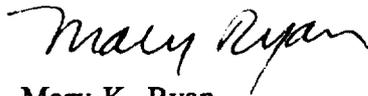
consideration of the myriad complex technical issues raised by the proposed remediation of New Bedford Harbor, and it will do so again if the Agency permits the time necessary.

I am sure that AVX's position at this critical juncture of the New Bedford Harbor Superfund Site administrative proceedings cannot be unique. While EPA no doubt has obtained much input through the Forum, there are likely other parties besides AVX who have not participated in the Forum but who are both entitled to an opportunity to meaningfully comment on the proposed plan and whose contributions EPA would benefit from if such parties are allowed an appropriate period for review and comment.

For the foregoing reasons, the proposed thirty-day comment period is insufficient to protect AVX's interests. AVX hereby requests an extension of the public comment period from December 9, to and including April 7, 1997, a period of 120 days in total. Given the technical complexity of the issues presented, the significant changes from the initial Proposed Plan, and the length of time during which EPA has deliberated over the 1992 comments, including substantial comments from AVX Corporation, it would be unreasonable to expect anyone to be able to familiarize themselves with what has happened over the last four years and to have a meaningful opportunity to comment in a shorter period of time. By way of example only, I was advised last week by EPA's counsel that the minutes of the Forum meetings are not yet part of the Administrative Record. I am sure AVX will wish to review this and other information prior to commenting on the Proposed Plan.

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

Very truly yours,



Mary K. Ryan

MKR/jas

cc: Cindy Catri, Esq. (EPA Reg. I)
Dennis Oldland, Corporate Safety Environmental Officer
Weldon S. Bosworth

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