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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

September 3, 1998

Melvin B. Schweiger
Manager, Hudson River Project
GE Corporate Environmental Programs
General Electric Company
1 Computer Drive South
Albany, New York 12205

Re: Hudson River PCBs Superfund Site

Dear Mr. Schweiger:

This is in response to your June 10, 1998, July 20, 1998 and July 30, 1998 letters regarding the peer review of Hudson River Reassessment Phase 2 reports (the "Peer Review"). We are pleased that GE shares our belief that the Peer Review should be open to the public and offer the public an opportunity to question the reviewers. We believe strongly that an open process is the best way to foster public confidence in the Reassessment science.

As you know, in a further effort to encourage public participation in the Peer Review, we have given the public an opportunity to propose specific questions that the reviewers will be asked to address during the Peer Review. Such questions were received and considered for the first Peer Review, which takes place on September 9 and 10. EPA will again solicit such questions from the public prior to the second Peer Review, scheduled to begin in 1999. The charge for the reviewers will be prepared by EPA.

As explained at the July 15, 1998 Hudson River PCB Oversight Committee ("HROC") meeting, EPA has not decided to "withhold GE's and others' comments" from the Peer Review panels. With respect to the first Peer Review, in which the reviewers will review the appropriateness of the computer models to be utilized by EPA for the Reassessment, the reviewers will be provided with copies of EPA's Preliminary Model Calibration Report ("PMCR"), EPA's updated Scope of Work for the Baseline Modeling Report, and the Agency's responses to selected comments received from the public, including GE, on the PMCR. We believe that these documents will provide the reviewers with the information necessary for their review.

As Mr. William McCabe indicated at the July 15 HROC meeting, we have not yet decided what information will be given to the reviewers for the second Peer Review because we have not yet determined which issues will be addressed by those reviewers. It is possible, although not certain, that some of the public's - including GE's - comments and reports will be included in the materials

provided to the reviewers for the second Peer Review. In any event, with respect to both Peer Reviews, the reviewers will be informed that GE and others have submitted additional information on the Phase 2 reports without burdening them with information that is not necessary to evaluate the credibility of the Phase 2 science.¹

We appreciate the questions submitted by GE under cover of your July 20, 1998 letter. However, after a careful review of each question by my staff and our consultants, it was determined that the substance of many of the questions had been addressed in questions previously developed by EPA. Furthermore, a number of the questions submitted to EPA in your July 20, 1998 letter were determined too specific for the peer review of EPA's modeling approach.

We cannot agree with the statement in your June 10 letter that "the question is not whether EPA's approach to the question at issue is fundamentally flawed, but whether proper account is being taken of the available approaches and data so that the best science is used." As we have explained on several occasions, including at the April 27, 1998 Steering Committee and July 15, 1998 HROC meetings, and consistent with the Peer Review Handbook, the purpose of the Peer Review is to have independent experts review the Phase 2 science in order to evaluate whether that science is technically adequate, competently performed, properly documented, and satisfies established quality requirements. (Peer Review Handbook at 1.2.3.). The Peer Review was never intended to be a forum in which reviewers will be asked to judge between several different scientific approaches to the Reassessment, or to offer advice on how they might have conducted the Phase 2 scientific analyses differently. Rather, the purpose of the Peer Review is to have the reviewers evaluate whether Phase 2 is based on sound, credible science and data.

Your June 10 letter also suggests that EPA subject the Feasibility Study to peer review. As we explained at the April 27 Steering Committee meeting, and after careful consideration in light of the Peer Review Handbook, we have decided not to include the Feasibility Study in the Peer Review.² Although the Feasibility Study will require the application of major scientific and technical work products to the process of evaluating remedial alternatives, those work products will already have been the subject of a peer review. Moreover, the application of major scientific and technical work products in the Feasibility Study will not depart significantly from the situations that those work products were originally designed to address. See Peer Review Handbook at 2.2.3. and 2.3.1.

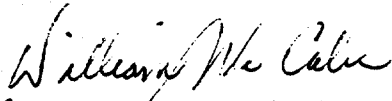
¹ While EPA's Science Policy Council Peer Review Handbook (EPA 100-B-98-001, Jan. 1998) ("Peer Review Handbook") states that reviewers "should be given what is needed to complete their task," it also cautions that "they should not be overburdened with excess material." Peer Review Handbook at 3.5.2.

² Note that a decision whether to conduct peer review in any particular case is wholly within EPA's discretion. See Peer Review Handbook at 2.7.1.

With respect to comments made in your July 30, 1998 letter, we believe that the scientists selected by Eastern Research Group, Inc. ("ERG") for the Peer Review of the Agency's modeling approach are qualified and do possess the necessary expertise to objectively review and evaluate the documents which they have been given for this review. Additionally, we believe that 60 hours is a sufficient amount of time for each reviewer to review the information necessary to evaluate the Phase 2 science, and to otherwise participate in the Peer Review. 60 hours is consistent with review periods allocated by ERG for other successful peer reviews of similarly complex EPA documents.

Please call me at (212) 637-4390 if you wish to discuss any of the issues addressed in this letter.

Sincerely yours,


Richard L. Caspe, Director
Emergency and Remedial Response Division

cc: Roland Hemmett, USEPA