



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR - 6 2009

OFFICE OF
AIR AND RADIATION

Mr. Robert Steinwurtzel
Bingham McCutchen, LLP
2020 K Street NW
Washington, D.C. 20006-1806

Dear Mr. Steinwurtzel:

This letter is in response to your Request for Correction (RFC), on behalf of the Association of Battery Recyclers (ABR), dated October 14, 2008, pursuant to the *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency (EPA IQG)*¹. Your request cites concerns about the objectivity and utility of a scientific document that was part of the evidence relied upon by EPA in support of the proposed and final rulemaking on the National Ambient Air Quality Standard (NAAQS) for lead (73 FR 29184, 73 FR 66964). The final rule was signed by the Administrator on October 15, 2008, and the *Responses to Significant Comments on the 2008 Proposed Rule on the National Ambient Air Quality Standards for Lead (Response to Comments)* document was also completed and submitted to the rulemaking docket² on that day.

The lead NAAQS Rule that is the subject of your IQG request has been challenged in the U.S. Court of Appeals for the District of Columbia Circuit. The ABR is a petitioner challenging this rule. Since the issues raised in your RFC may be related to the on-going litigation, EPA is deferring consideration of your request at this time.

However, if at the conclusion of the litigation your data quality concerns have not been addressed, you may resubmit this request. If you choose to submit an RFC within 90 days of the conclusion of the litigation, please send your written request to the EPA Information Quality Guidelines Processing Staff via mail (Information Quality Guidelines Processing Staff, Mail Code 2811R, U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, D.C. 20460); or fax (202-565-2441). Additional information about how to submit an RFC is listed on the EPA IQG Web Site (www.epa.gov/quality/informationguidelines).

¹ Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency, EPA, 2002. (67 FR 63657).

² The docket for this rulemaking is EPA-HQ-OAR-2006-0735. The Response to Comments document is also available on the EPA web site (http://www.epa.gov/ttn/naaqs/standards/pb/s_pb_cr_rc.html).

Thank you for your interest in EPA's information quality.

Sincerely,

A handwritten signature in black ink that reads "James Johnson for Elizabeth Craig". The signature is written in a cursive, flowing style.

Elizabeth Craig
Acting Assistant Administrator