



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

DEC 16 2004

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

Reed D. Rubinstein, Esq.
Greenberg Traurig, LLP
Suite 500
800 Connecticut Avenue, N.W.
Washington, D.C. 20006

Re: Information Quality Act Petition for Disclosure and Correction - Devil's Swamp Lake, Scotlandville, East Baton Rouge, Louisiana; EPA ID No. LAD981155872 (Request for Correction #04023)

Dear Mr. Rubinstein:

Thank you for your letter dated August 30, 2004, regarding the U.S. Environmental Protection Agency's (EPA's) proposal to add Devil's Swamp Lake, Scotlandville, East Baton Rouge, Louisiana (the Site) to the National Priorities List (NPL) (Appendix A to 40 CFR Part 300). Your letter requested the disclosure and correction of information EPA may have used in proposing the Site to the NPL (69 FR 10646, March 8, 2004) under the EPA Information Quality Guidelines.

During the public comment period (i.e., 03/08/04 - 05/08/04) on the proposed regulation, EPA received a number of comments regarding its proposal to add 11 new sites to the NPL, including Devil's Swamp Lake. Included among the comments received by the Agency were your comments dated May 7, 2004. Because of similarities between your Request for Correction (RFC) and comment number 4 in your May 7, 2004, letter on the proposed regulation, and because the Agency has not yet issued a final regulation, EPA is exercising its discretion under the Agency's Information Quality Guidelines to consider your RFC as a comment on the proposed rule (69 FR 10646, March 8, 2004). In doing so, EPA will append your RFC to your May 7, 2004, comments, which are currently in the docket for this rulemaking (SFUND-2004-0004). With respect to your request for disclosure, documents related to the "underlying data and methods" used to evaluate the Site are available for your inspection at the Region VI docket as described in paragraph II.D. of the proposed rule for the Site (69 FR 10646, March 8, 2004).

In addition to your letter, EPA received two other public comments on its proposal to add the Devil's Swamp Lake site to the NPL. The Agency is actively considering these comments on its March 8, 2004 proposal. Following full consideration of comments, EPA will determine

whether to proceed with placement of the Site on the NPL. EPA will address the public comments, including yours, in a support document that the Agency will publish concurrently with the final rule.

If you are dissatisfied with EPA's decision to address your request for disclosure and correction in the context of the proposed rule, you may submit a Request for Reconsideration (RFR). EPA recommends submitting such request within 90 days of the date of this letter. To do so, send a written request to the EPA Information Quality Guidelines Processing Staff via mail (Information Quality Guidelines Staff, Mail Code 2811R, U.S. EPA, 1200 Pennsylvania Ave., N.W., Washington DC 20460), electronic mail (quality@epa.gov), or fax (202-565-2441). The RFR should reference the request number assigned to the original Request for Correction (i.e., RFC #04023). Additional information that you should include in the request is listed on the EPA Information Quality Guidelines Web site (www.epa.gov/quality/informationguidelines).

Thank you for your interest in this important matter. If you have further concerns on this topic, please feel free to contact Bill Ross, a member of my staff, at (703) 603-8798.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael B. Cook". The signature is fluid and cursive, with a horizontal line extending to the right.

for Michael B. Cook, Director
Office of Superfund Remediation and
Technology Innovation