



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

NOV 24 2010

OFFICE OF
AIR AND RADIATION

Mr. Peter Glaser
Counsel for Peabody Energy Company
Troutman Sanders LLP
Attorneys at Law
401 9th Street, N.W., Suite 1000
Washington, D.C. 20004-2134

Dear Mr. Glaser:

This letter is in response to your Request for Correction (RFC), on behalf of the Peabody Energy Company, dated July 30, 2010, and received by the U.S. Environmental Protection Agency (EPA), 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 of temperature data that was part of the evidence relied upon by EPA in support of the final *Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act* (74 FR 66496) (“Endangerment Finding”). The final Findings were signed by the Administrator on December 7, 2009 and published in the Federal Register on December 15, 2009.

The Endangerment Finding 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 Peabody Energy Company is one of the petitioners challenging the Finding. 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 information quality concerns have not been addressed, you may submit a new request. If you choose to submit a new RFC, please send your request to the EPA Information Quality Guidelines Processing Staff at Information Quality Guidelines Processing Staff, Mail Code 2811R, U.S. EPA, 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460 or fax to (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).

Again, thank you for your letter. I appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gina McCarthy", with a large, sweeping flourish at the end.

Gina McCarthy
Assistant Administrator

cc: Malcolm D. Jackson
Assistant Administrator and Chief Information Officer
EPA's Office of Environmental Information