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2550 M Street, NW
Washington, DC 20037-1350
202-457-6000

Facsimile 202-457-8315
www.pattonboggs.com

December 20, 2004

AR 226

Peter D. Robertson
(202) 457-6320
probertson@pattonboggs.com

Mr. Charles M. Auer
Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
EPA East Building
1201 Constitution Avenue
Washington, DC 20460

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Re: Further DuPont Voluntary Response to EPA's November 4, 2004 Request
Submission to AR-226 and TSCA 8(e) Office
Supplement to November 15, 2004 Submission

Dear Charlie:

The attached document production and information submitted with this letter represents DuPont's continued good faith effort to respond to EPA's November 4, 2004, request for voluntary submission of certain material.

On November 15, 2004, DuPont provided its first voluntary submission in response to EPA's November 4, 2004 request. As stated in the cover letter for the November 15th submission, DuPont would continue to review and produce any additional documents that are responsive to the subject matter of the November 15th submission. With this letter, DuPont is providing additional information that was located after, and that is responsive to the subject matter of, the November 15th submission.

Additional Information

[Redacted]

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Mr. Charles M. Auer

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TSCA 8(e) Office Submission

DuPont does not believe that the information submitted with this letter triggers reporting obligations under TSCA section 8(e). However, in the course of discussions with OPPT and the Office of Regulatory Enforcement (ORE), it has become clear to DuPont that those two offices are applying standards of reporting under TSCA section 8(e) that DuPont cannot anticipate. Accordingly, DuPont initially informed EPA that DuPont intended to submit its response to the November 4, 2004 EPA request to both the AR-226 docket and the TSCA 8(e) office, as was done with the submission of November 15, 2004. EPA has, however, informed counsel for DuPont that it is not necessary to make a duplicate, formal submission to the 8(e) office in order to discharge any reporting obligations that EPA might otherwise assert. Instead, EPA has asked that DuPont make only a single submission and advised that DuPont should indicate in this cover letter that the submission is intended for both the AR-226 docket and the TSCA 8(e) office.

As such, DuPont states that the enclosed documents are intended to be a submission to both the AR-226 docket and, as a precaution, to the TSCA 8(e) office, notwithstanding DuPont's firm belief that the information does not trigger reporting obligations under that section of TSCA. This submission should not be construed as a direct or indirect admission that DuPont believes that any of the enclosed information triggers such reporting obligations. We understand that ORE has agreed that DuPont's submission shall not prevent DuPont from asserting, in any proceeding, that section 8(e) did not require submission of this information.

Continued Activity

After EPA has had the opportunity to review this letter and the attached document, we are available at your convenience to discuss the document in further detail to assist in your understanding. In the meantime, we will continue to review and produce any additional documents that are located and are relevant to the topics that are the subject of this submission.



Mr. Charles M. Auer
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Please contact me directly if you have any questions or need further clarification with respect to this submission.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter D. Robertson'.

Peter D. Robertson

Attachment (1 page – redacted)

		2002 C-8 Result	2004 C-8 Result

Redacted - Privacy

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