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

AUG 19 2009

OFFICE OF
RESEARCH AND DEVELOPMENT

Mr. Keith McCoy
National Association of Manufacturers
1331 Pennsylvania Avenue, NW
Washington, DC 20004-1790

Dear Mr. McCoy:

Thank you for your letter of June 3, 2009, filing a Request for Correction (RFC) on behalf of the National Association of Manufacturers (NAM) under the EPA Information Quality Guidelines (IQG).[1] In your letter, you requested correction of information contained in the EPA Integrated Science Assessment for Oxides of Nitrogen – Health Criteria (Final ISA)[2] and in the EPA Risk and Exposure Assessment to Support the Review of the NO2 Primary National Ambient Air Quality Standard (Final REA).[3] You also requested conforming corrections to the "ANPR currently in preparation, and to any other EPA analyses, publications, or proposals predicated on corrected information in the Final ISA."

I would like to first briefly explain the history of the Final ISA and Final REA. On December 9, 2005, EPA formally initiated its current review of the Criteria for Oxides of Nitrogen,[4] requesting the submission of recent scientific information on specific topics. EPA provided two opportunities for public comment on the external review draft of the ISA and two opportunities for public comment on the external review draft of the REA. EPA believes that the thorough consideration provided by the public comment process provides an opportunity for correction of any information that does not comply with the EPA IQG.

The first external review draft of this ISA was released for public comment and review on August 31, 2007 (72 FR 50107), and was reviewed by the Clean Air Scientific Advisory Committee (CASAC) at a public meeting held on October 24–25, 2007. The second draft of this ISA, taking into consideration comments on the first draft, was released for public comment and review by the EPA on March 5, 2008 (73 FR 11916), and was reviewed by CASAC at a public

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[1] EPA Information Quality Guidelines (IQG), 67 Fed. Reg. 63657 (Oct. 15, 2002), Available at http://www.epa.gov/quality/informationguidelines/documents/EPA_InfoQualityGuidelines.pdf
[2] EPA Integrated Science Assessment for Oxides of Nitrogen – Health Criteria, EPA/600/R-08/071 (July 2008) (Final ISA), Available at http://oaspub.epa.gov/eims/eimscomm.getfile?p_download_id=475020
[3] EPA Risk and Exposure Assessment to Support the Review of the NO2 Primary National Ambient Air Quality Standard, EPA-452/R-08-008a (Nov. 2008) (Final REA), Available at http://www.epa.gov/ttn/naaqs/standards/nox/data/20081121_NO2_REA_final.pdf
[4] Air Quality Criteria for Oxides of Nitrogen, 70 Fed. Reg. 73236 (Dec. 9, 2005), Available at http://www.epa.gov/EPA-AIR/2005/December/Day-09/a7125.htm

meeting held on May 1–2, 2008. EPA considered comments by CASAC and the public in preparing the final ISA, which was released in July 2008.

A first draft of the REA for this review of the Criteria for Oxides of Nitrogen was released for public comment and peer review in April 2008, and was reviewed by CASAC at its May 2, 2008, public meeting. A second draft of the REA, taking into account public comments on the first draft, was released for public comment and review in August 2008, and was reviewed by CASAC during a public meeting on September 9-10, 2008. An additional chapter on exposure and health risk characterization was released by EPA for public comment and peer review by CASAC on October 17, 2008, and was reviewed by CASAC during a public teleconference on October 22, 2008. EPA considered comments by CASAC and the public in preparing the final REA, which was released in November 2008.

As noted in Section 8.5 of the EPA IQG, "If a group or an individual raises a question regarding information supporting a proposed rule, EPA generally expects to treat it procedurally like a comment to the rulemaking, addressing it in the response to comments rather than through a separate response mechanism." Although NAM did not submit comments on the ISA or REA, since those documents were used to support EPA's Notice of Proposed Rulemaking (NPRM) for the NO2 Primary National Ambient Air Quality Standard (signed, June 26, 2009), you will have an opportunity to submit your concerns during the open public comment period for this proposal. The public comment period for this proposal opened on July 15, 2009, and will close on September 14, 2009.[5] EPA will forward this RFC to the docket associated with this rulemaking. If you have additional concerns that you would like to raise, EPA encourages you to submit those comments to the docket (Docket ID No. EPA–HQ– OAR–2006–0922) for this NPRM before the end of this comment period.

The Administrator plans to issue the final decision to retain or revise the NO2 Primary National Ambient Air Quality Standard by January 22, 2010. At that time, in the preamble to the final rule itself and in the accompanying Response to Comments document, EPA will respond to the IQG concerns you have submitted, in particular responding to your eight specific requests for corrective action.

If you are dissatisfied with the Agency's decision to respond to your information quality concerns in the final decision regarding the NO2 Primary National Ambient Air Quality Standard, you may submit a Request for Reconsideration (RFR). EPA requests that the RFR be submitted within 90 days of this letter. If you choose to submit a RFR, please send a written request to the EPA Information Quality Guidelines Processing Staff via mail (Information Quality Guidelines Processing Staff, Mail Code 2811R, US EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460); electronic mail (quality@epa.gov); or fax [(202) 565-2441]. If you submit a RFR, please reference the request number assigned to the original Request for Correction (RFC #09002). Additional information about how to submit an RFR is listed on the EPA Information Quality Guidelines website at http://www.epa.gov/quality/informationguidelines.

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[5] Primary National Ambient Air Quality Standard for Nitrogen Dioxide, Proposed Rule, 74 Fed. Reg. 8926, (July 15, 2009), Available at http://frwebgate3.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=75043522122+1+2+0&WAISaction=retrieve

Again, thank you for your letter. If you have additional questions or require further assistance, please contact John Vandenberg in the EPA Office of Research and Development at (919) 541-4527 with respect to the ISA, and Scott Jenkins in the EPA Office of Air and Radiation at (919) 541-1167 with respect to the REA.

Sincerely,

Kevin Teichman

for Lek Kadeli
Acting Assistant Administrator
Office of Research and Development

cc: Linda Travers, Acting Assistant Administrator and Chief Information Officer, OEI
Gina McCarthy, Assistant Administrator, OAR
Reggie Cheatham, Director, Quality Staff, OEI
Peter Preuss, Center Director, NCEA, ORD