



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAY 19 2010

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Keith McCoy
Vice President
Energy & Resources Policy
National Association of Manufacturers
331 Pennsylvania Avenue, NW
Washington, DC 20004-1790

Dear Mr. McCoy:

This letter is in response to your Request for Reconsideration (RFR), on behalf of the National Association of Manufacturers (NAM), dated November 17, 2009, 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 RFR requests that EPA reconsider its response to the NAM Request for Correction (RFC) 09002. In the RFR, the NAM challenges EPA's decision to treat the NAM RFC as a comment on the Notice of Proposed Rulemaking (NPRM) for the Primary National Ambient Air Quality Standard (NAAQS) for Nitrogen Dioxide. NAM claims the "administrative process for consideration of the proposed rule affords no meaningful opportunity for EPA to correct the underlying scientific errors that were the subject of the RFC."

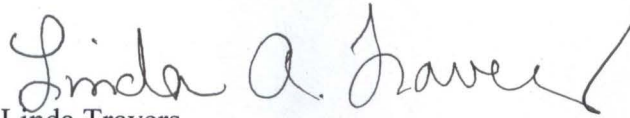
The Nitrogen Dioxide NAAQS Rule that is the subject of your IQG request has been challenged in the U.S. Court of Appeals for the District of Columbia Circuit on April 12, 2010. The American Petroleum Institute, Utility Air Regulatory Group, and the Interstate Natural Gas Association are petitioners challenging this rule. Since the issues raised in your RFR may be related to the ongoing 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. 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., N.W., Washington, D.C. 20460); electronic mail to quality@epa.gov; or fax to (202-565-2441). Additional information about how to submit a request 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).

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

Sincerely,

A handwritten signature in cursive script that reads "Linda A. Travers". The signature is written in black ink and is positioned above the printed name.

Linda Travers
Acting Assistant Administrator and
Chief Information Officer

cc: Gina McCarthy, Assistant Administrator, Office of Air and Radiation (6101A)