

Dee Martin <Dee.Martin@bracepatt.com>

12/15/2003 04:18:05 PM

Record Type: Record

To: Mabel E. Echols OMB_Peer_Review/OMB/EOP@EOP

cc: Scott Segal <Scott.Segal@bracepatt.com>, bessette@cibo.org, John.C.deRuyter@USA.dupont.com

Subject: CIBO Comments on Proposed Bulletin on Peer Review and Information Quality (68 FR 54024)

Attached please find the comments of the Council of Industrial Boiler Owners (CIBO) on the OMB Proposed Bulletin on Peer Review and Information Quality, 68 Fed. Reg. 54024.
If you have any questions, please do not hesitate to contact us.

Thanks,

E. Dee Martin, Esq.
Bracewell & Patterson, L.L.P.
2000 K St., N.W.
Ste. 500
Washington, D.C. 20006
Phone: 202.828.5818
Fax: 202.857.2146
Email: dmartin@bracepatt.com

CONFIDENTIALITY STATEMENT

This message and all attachments are confidential and may be protected by the attorney-client and other privileges. Any review, use, dissemination, forwarding, printing, copying, disclosure or distribution by persons other than the intended recipients is prohibited and may be unlawful. You must delete this message and any copy of it (in any form) without disclosing it.

If you believe this message has been sent to you in error, please notify the sender by replying to this transmission, or by calling BRACEWELL & PATTERSON, L.L.P. at (202) 828-5818.

Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature. Thank you for your cooperation.

- DC-#179683-v1-CIBO_DATA_QUALITY_COMMENTS.DOC



Representing the Interests of America's Industrial Energy Users Since 1978

December 15, 2003

Dr. Margo Schwab
Office of Information and Regulatory Affairs (OIRA)
Office of Management & Budget
725 17th Street, NW
New Executive Office Building, Room 10201
Washington, DC 20503

Re: Council of Industrial Boiler Owners Comments on Proposed Bulletin on Peer Review and Information Quality, September 15, 2003 (68 FR 54024).

Dear Dr. Schwab:

The Council of Industrial Boiler Owners (CIBO) appreciates the opportunity to submit comments on the Office of Management and Budget's (OMB) September 15, 2003 proposed bulletin on Peer Review and Information Quality (68 FR 54024). Information gathered and used by federal agencies, like the Environmental Protection Agency (EPA), significantly affects our members and their ability to conduct business and meet the goal of continuous environmental improvement at their facilities. Thus, CIBO is very interested in working to ensure that peer reviews are conducted so that the technical information relative to regulatory policies meets the Data Quality Standards.

CIBO is a national trade association of industrial boiler owners, architect-engineers, related equipment manufacturers, and universities representing 20 major industrial sectors. CIBO was formed in 1978 to promote the exchange of information between industry and government relating to energy and environmental policies, laws, and regulations affecting industrial boilers. CIBO membership represents industries as diverse as chemical, paper, cogeneration, steel, automotive, refining, brewing, combustion engineering, and food products. CIBO members also include operators of boiler facilities at several major universities.

On environmental issues, CIBO works closely with the EPA, the United States Department of Energy, state regulatory authorities and other governmental bodies to effectuate common-sense environmental regulation. We maintain that environmental regulatory schemes should provide industry with enough flexibility to effectively—and without penalty—modernize our

aging energy infrastructure, since modernization holds the key to cost-effective environmental protection.

We support OMB's effort as an excellent first step to ensure that peer reviews conducted and disseminated to the public are reliable, independent, and transparent. We support the suggestions for improving OMB's proposal that were submitted to you by the National Petrochemical & Refiners Association (NPRA). Like NPRA, we also feel strongly that the OMB proposal should amend the current Data Quality Guidelines, which only encourages peer reviews rather than requires them. Consistency in implementation of peer reviews will help ensure the objectivity and transparency that OMB seeks.

OMB's proposal states that peer review is required for "significant regulatory action." We support NPRA's suggestion that "significant regulatory action" should include federal actions that, in the aggregate (spanning years and subsequent regulations), meet the \$100 million threshold of Executive Order 12866. Also, this definition should include federal actions that use scientific models or data to establish a national policy or may impact existing national policy.

On corrections requests, we believe that OMB should adopt a time certain for correction of a data quality issue. Often, inaccurate data is left on the agency website or used in future releases to the public because the response time to correct the data is so long. This data should be removed and in a timely a manner. Finally, we agree that in some instances a peer review undertaken by a scientific journal may be adequate to meet the requirements of a peer review. However, we suggest that such a review be deemed adequate only if the journal can provide the agency with sufficient documentation of the reviewers and merits of the review.

On behalf of CIBO, we thank you for the opportunity to comment on this important proposal. Please do not hesitate to contact me if you have questions, comments, or need more information.

Very truly yours,

Robert Bessette