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FILE NO: 76985.000004

February 26, 2015

Via Electronic Mail

Ms. Janet McCabe
Acting Assistant Administrator
for the Office of Air and Radiation
U.S. Environmental Protection Agency
Mail Code 6101A
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

McCabe.janet@epa.gov

Re: Request for Notice and an Extension of the Comment Period on the
“Regulatory Impact Analysis of the Proposed Revisions to the National
Ambient Air Quality Standards for Ground-Level Ozone” (Nov. 2014)

Dear Acting Assistant Administrator McCabe:

As you know, the National Association of Manufacturers, the U.S. Chamber of Commerce, and the Utility Air Regulatory Group are vitally interested in the proposed rule on the National Ambient Air Quality Standards for Ozone, 79 Fed. Reg. 75234 (Dec. 17, 2014) (Ozone Proposal), and are planning to file comments on the Ozone Proposal by the specified deadline of March 17, 2015. We are also interested in the “Regulatory Impact Analysis of the Proposed Revisions to the National Ambient Air Quality Standards for Ground-Level Ozone” (November 2014) (RIA) that is discussed in the Ozone Proposal, 79 Fed. Reg. at 75385, and we also plan to comment on that document. Recently we visited the RIA docket referenced in the Ozone Proposal and found that it specified a separate, earlier March 5, 2015 as the deadline for comments on the RIA.

We are writing to respectfully request that EPA set the deadline for comments on the RIA to match the March 17, 2015 deadline for comments on the Ozone Proposal. Section 307(d)(3) of the Clean Air Act, which applies to revision of National Ambient Air Quality Standards and other actions as the Administrator may determine, requires notice in the Federal Register that



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states “the docket number” and “the period of time available for public comment.”¹ Although the Ozone Proposal identifies a different docket number for the RIA, it fails to specify a different comment period from that on the Ozone Proposal as a whole. Accordingly, we believe that the public notice that has been given provides the same comment period on the RIA as of the rest of the Ozone Proposal and that any deviation from that comment deadline would be inconsistent with the Act. In any event, it would promote the interests of good government, public participation, and stakeholder input to ensure that the comment periods for these two closely related and interlocking documents are fully consistent. We urge you to ensure that the comment deadline indicated in the docket comports with the overall March 17, 2015 deadline.

We appreciate your consideration of this request and look forward to your prompt response. Please contact me if you have any questions.

Sincerely,

Lucinda Minton Langworthy
Counsel for National Association of Manufacturers, the U.S. Chamber of Commerce,
and the Utility Air Regulatory Group

cc: Mr. Darryl Weatherhead (via electronic mail)
Ms. Robin Langdon (via electronic mail)
Ms. Susan Lyon Stone (via electronic mail)
EPA Docket A-HQ-OAR-2013-0169 (via electronic submission)

¹ The Agency’s decision to open a docket for the RIA and to establish a comment period on it indicates that the Administrator has determined that the requirements of section 307(d) apply. Even if these requirements were not applicable, however, the Administrative Procedure Act, 5 U.S.C. § 553(b)(1) would require that EPA provide notice in the *Federal Register* of “the time, place, and nature” of the proceedings, indicating that the comment deadline must be included in the *Federal Register*.