

INFORMATION QUALITY

A Report to Congress



FISCAL YEAR 2003

**OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF INFORMATION AND REGULATORY AFFAIRS**

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Executive Summary

This report from the Office of Management and Budget (OMB) responds to a request from the Congress to provide information “on whether agencies have been properly responsive to public requests for correction of information pursuant to the FDQA [Federal Data Quality Act, commonly referred to as the Information Quality Act], and suggest changes that should be made to the FDQA or OMB guidelines to improve the accuracy and transparency of agency science.”¹

The report is based on two distinct types of information. The first category of information consists of the FY03 Information Quality Reports that the agencies provided to OMB. These agency reports document the breadth of correction and appeal requests that agencies have received in the first year of implementation of the Information Quality Act. The reports from all agencies that have received information correction requests are provided in the appendix to this report. The second category of information comprises the experiences and insights from OMB staff who have worked with the agencies to oversee the implementation of the government-wide Information Quality Guidelines. It is from these experiences that OMB offers suggestions for improving the accuracy and transparency of government science.

The number of substantive correction requests that were responded to by the agencies in FY03 was relatively small. Thus, it is premature to make broad statements about both the impact of the correction request process and the overall responsiveness of the agencies. Implementing a new process has not been without challenges as the agencies endeavor to create oversight mechanisms that are responsive, yet not overly bureaucratic.

Although OMB is not prepared to make suggestions for legislative changes at this point in time, we do recommend a few action items that will help improve the process. These recommendations include: increasing transparency, increasing timeliness of agency responses, increasing engagement of agency scientific and technical staff, and earlier consultation with OMB.

¹ Conference Report on H.R. 2673, Consolidated Appropriations Act of 2004. 149 Cong. Rec. H12699 (daily ed., Nov. 25, 2003).

Introduction

In late 2000, Representative Jo Ann Emerson sponsored an amendment to OMB's appropriations bill that required OMB to develop government-wide standards "for ensuring and maximizing" the quality of information disseminated by Federal agencies. The law is Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001. Informally known as the "Information Quality Act," the law provides few limitations on the scope or types of information that are included.

In response to the Information Quality Act, OMB issued final government-wide guidelines on February 22, 2002 (67 FR 8452). Each Federal agency was also charged with promulgating its own Information Quality Guidelines. OMB facilitated the development of these guidelines, and worked with the agencies to ensure consistency with the principles set forth in the government-wide guidelines. By October 1, 2002, almost all the Federal agencies released their final agency guidelines, which became effective immediately.

The OMB government-wide guidelines impose three core responsibilities on the agencies. First, the agencies must embrace a basic standard of "quality" as a performance goal, and agencies must incorporate quality into their information dissemination practices. OMB's guidelines explain that "quality" encompasses "utility" (usefulness to its intended users), "integrity" (security), and "objectivity." "Objectivity" focuses on whether the disseminated information is accurate, reliable and unbiased as a matter of presentation and substance. Second, the agencies must develop information quality assurance procedures that are applied *before* information is disseminated. We believe that the practice of peer review plays an important role in the guidelines, particularly in establishing a presumption that peer-reviewed information is "objective." Third, the OMB government-wide guidelines require that each agency develop an administrative mechanism whereby affected parties can request that agencies correct poor quality information that has been or is being disseminated. Furthermore, if the public is dissatisfied with the initial agency response to a correction request, an administrative appeal opportunity is provided.

The scope of the Information Quality Guidelines is broad. It spans information related to regulatory, statistical, research, and benefits programs. It covers all Federal agencies subject to the Paperwork Reduction Act, including the independent regulatory commissions. OMB's guidelines define "information" as "any communication or representation of knowledge such as facts or data" in any medium. OMB did provide a variety of exemptions from the guidelines to protect individuals' privacy and commercial secrets, and to facilitate press releases, third party submissions in public filings, archival records, personal articles by agency employees, testimony, and subpoenas and adjudicative determinations. OMB also provided agencies discretion to reject correction requests that are groundless or made in bad faith, or boil down to a difference of opinion.

OMB recognized that information quality can be costly and encouraged agencies to consider the social value of better information in different contexts. Ordinary information

is distinguished from “influential” information -- that is, scientific, financial and statistical information having a clear and substantial impact on important public policies or important private sector decisions. “Influential” information is subject to higher standards of quality. With several important exceptions and qualifications (e.g., privacy, intellectual property rights, and other confidentiality protections) influential information should be reproducible by qualified third parties.

The government-wide guidelines also require that the agencies report annually to OMB on the number and nature of requests received and how such correction requests were handled by the agency. The first annual reports, the FY03 agency Information Quality Reports, were due to OMB on January 1, 2004. These reports are summarized, discussed, and evaluated throughout this document.

The Bush Administration is committed to vigorous implementation of the Information Quality Act. We believe it provides an excellent opportunity to enhance both the competence and accountability of government.

General Evaluation: Perceptions and Realities

At OMB, we have learned that implementing a new law, such as this one, has some complications. For instance, we have learned that the notion of what constitutes a “dissemination” is not straightforward. Agencies have had to figure out if an oral statement made by a regional employee at a public meeting, or if statements in an email to a citizen, constitute a dissemination. Similarly, determining when an agency-commissioned study becomes subject to the Information Quality Guidelines raises complex questions.

When one agency’s dissemination is used by another agency, determinations become more complicated. The Department of Education grappled with this issue when it received a correction request regarding one of the Secretary’s commission reports that claimed the report relied on a study that was flawed. The study in question was produced by the United States General Accounting Office (GAO). Deciphering the ‘correct’ or best answer to questions such as these has been challenging.

In contrast to the Department of Education example, many of the ‘non-influential’ Information Quality correction requests have identified and described clear corrections for specific information disseminations. These corrections usually have been made by the agencies.

OMB has also learned that improving the quality of information may involve multiple judgments. Often correction requests hinge on the interpretations of science or analyses. When dealing with uncertain scientific issues, it is possible to draw several reasonable inferences depending on the perspective of the reviewer. Thus, more than one plausible answer or methodology may exist. We are learning that it is possible for neither the agency nor the requestor to be incorrect. Thus far, the majority of non-frivolous correction requests have been denied, usually on the basis that a reasonable scientist could interpret the available information in the way that the agency had. Such correction requests might have been better focused if they had addressed the inadequate treatment of uncertainty rather than the accuracy of information.

OMB has heard many concerns about the Information Quality Act and the implementation process. Some of those concerns, as well as the perceptions and the realities that have come to be associated with them, are presented below.

Perception #1:

“Agencies might be inundated with requests for corrections.”

The assumption that certain agencies would be overwhelmed by the volume of correction requests was one of the most common early perceptions. To the surprise of many, that has not been the case. In total, the agencies have received about 35 correction requests that appear to be stimulated by the Information Quality Act. However, at some of the agencies, the Information Quality websites and email addresses have been used for correction requests for types of information that had previously been addressed through a

different mechanism at the agency. Thus, although the use of the Information Quality process is novel, these types of correction requests are not new to the agencies and were not generated by the Information Quality Act. For instance, there have been a large volume of requests (over 24,000) to the Federal Emergency Management Agency (FEMA) regarding requests for map correction changes as part of the national flood insurance program, and a large volume of requests (about 90) to the Federal Motor Carrier Safety Administration (FMCSA) regarding the incorrect reporting of individual accidents. These types of correction requests were commonplace prior to the Information Quality Act. Of the approximately 35 distinctive correction requests, the Environmental Protection Agency (EPA), Health and Human Services (HHS), and Interior have received the majority of the requests.

Perception #2:

“The Information Quality correction process is a review mechanism that would be used only by industry.”

OMB is pleased to report that the Information Quality Act has been used by virtually all segments of society. Correction requests have been filed by private citizens, corporations, farm groups, trade organizations, both liberal and conservative non-governmental organizations (for example, the Competitive Enterprise Institute (CEI), Wrestling Coaches Association, Sierra Club, John Muir Society, and Public Employees for Environmental Responsibility), and even other government agencies (an Air Force correction request to the Fish and Wildlife Service). The Information Quality Act has even been used by four U.S Senators (a joint request by Senators Boxer, Jeffords, Lautenberg and Sarbanes to EPA).

Perception #3:

“The Information Quality Act could result in slowing down the regulatory process at the agencies.”

We can also report that to date, neither OMB nor our engaged stakeholders has noticed or commented on any slowdown of the regulatory process. Twice a year the agencies provide OMB and the public with their regulatory agendas, a compendium of rules that the agencies intend to take action on within the next 12 months. This acts as a management tool for the agencies and lets OMB and stakeholders know what agencies are planning. Once a draft rulemaking arrives at OMB for review under Executive Order 12866, we know how quickly the draft rule moves through the review process. Additionally, on the Office of Information and Regulatory Affairs (OIRA) website the public can see when a draft rule arrives for OMB review and when OMB has concluded its review. To our knowledge, the Information Quality Act has not affected the pace or length of rulemakings.

Nonetheless, as is seen with many new administrative processes or laws, implementation of the Information Quality Act has been a learning experience. Agencies are finding that

it takes longer than they expected to respond to correction requests. Similarly, it is also taking longer than expected for agencies to implement the appeals processes. At some of the larger agencies, finding the correct specialist to respond to specific requests has not been an easy task. Furthermore, ensuring that the correct specialist has sufficient time to give priority to an information quality correction request has also been challenging.

Perception #4:

“Implementation of the guidelines could chill agency disseminations.”

This was a concern that was frequently brought to OMB’s attention as the guidelines were being developed. We currently have no evidence that points to a reduced number of agency disseminations. Additionally, at least in the disseminations that OIRA has reviewed through the agencies’ rulemaking processes, we do believe that the agencies are making efforts to ensure that information disseminated through this process meets the standards set forth in the Information Quality Act. In other words, we are seeing efforts made toward providing better quality disseminations, not less information.

Perception #5:

“The appeals process, the public’s opportunity to ask for reconsideration of a correction request, will not improve anything.”

Most of the Information Quality responses to requests for correction that were denied have subsequently been appealed. The appeals process requires an independent agency review of the reconsideration request, its justification, and its strength. The majority of the appeals are still in the process of being answered; thus, it is too early to assess the value added. However, this added step appears to have fostered corrections. We recently saw this process play out at HHS where, upon appeal, a correction request to the National Toxicology Program resulted in the discontinuation of the webpage dissemination of a draft abstract that contained results that were flawed (the compound tested contained a contaminant that was believed to have influenced the test results). In this situation, the appeals step was critical in order for the agency to recognize that a correction was needed.

Perception #6:

“The Information Quality Act is aimed primarily at information in Federal rulemakings.”

Most requests that agencies have received have not been directly related to rulemakings. Rather, the correction requests have been directed toward information that is predominantly disseminated to the public as reports, notices, or as a means of sharing agency findings on webpages. These disseminations may eventually lead to regulations at Federal, State and local levels, but the disseminations themselves are not rules nor are they typically contained in rulemaking notices.

Perception #7:

“The Information Quality Act is only about numerical data.”

If one thinks that the word ‘data’, as defined by Webster, includes “information organized for analysis or used as the basis for decision-making,” then there has been no misperception.² However, if one believes that data covered by the Information Quality Act must be numerical information, that is incorrect. The Information Quality Act has been used to address complex issues and analyses that go beyond correcting errors entered into a spreadsheet. For instance, whether or not the Trumpeter Swans (native North American swans characterized by their unmistakable trumpet-like call) constitute a distinct population around the Yellowstone area, and whether or not the nickel section of the 10th edition of the Report on Carcinogens is representative of the full body of scientific studies, are not questions that can be answered solely by looking at numerical inputs. These are just two examples of the types of correction requests OMB has seen that deal with the information and analyses used in the decision-making process.

Perception #8:

“Colleges and universities are regulated by the Information Quality Act.”

OMB has heard claims that college professors and their students, if funded by the Federal government, are covered by the Information Quality Act and agency guidelines. OMB believes this is a misreading of the law. The Information Quality Act covers only disseminations by Federal agencies, specifically those agencies covered by the Paperwork Reduction Act. The Act does not cover colleges and universities, even when Federal research funding is involved. More generally, the law covers only agency disseminations, not disseminations made by third parties (e.g., academics, stakeholders and the public). As a practical matter, it may nonetheless make sense for third parties to consider the quality of information that they disseminate or submit to the Federal government. If third-party submissions are to be used and disseminated by Federal agencies, it is the responsibility of the Federal Government, under the Information Quality Act, to make sure that such information meets relevant information quality standards. The agency guidelines establish performance goals and procedures to assist in the agency’s evaluation of all information for which agency dissemination is under consideration, whether that information was generated by the agency or by third parties.

² Websters II New Riverside Dictionary, Houghton Mifflin Company, Boston MA, 1984.

Summary of Agency Reports for FY03

Summary of Information Correction Requests

As directed by the OMB Information Quality Guidelines, all of the Federal agencies and departments that have Information Quality Guidelines submitted an FY03 Information Quality Report to OMB. The 19 departments and agencies that received requests for correction in FY03 are listed in Table 1 shown below.

Agriculture (5)	Veterans Affairs (1)
Commerce (4)	Consumer Product Safety Commission (4)
Defense (1)	Environmental Protection Agency (13)
Education (1)	Federal Emergency Management Agency (24,433)
Health and Human Services (10)	National Aeronautics and Space Administration (1)
Interior (6)	National Archives and Records Administration (8)
Justice (3)	Office of Science and Technology Policy (1)
Labor (18)	Commodity Futures Trading Commission (1)
Transportation (89)	Federal Deposit Insurance Corporation (1)
Treasury (19)	

Table 1. Departments and Agencies that Received Information Quality Correction Requests in FY03. The numbers in parentheses represent the total number of correction requests received by each organization.³

As Table 1 shows, the number of correction requests received by each department and agency varied greatly. This reflects the way in which the correction requests were categorized by the agencies. For instance, each year FEMA receives thousands of requests for revisions and amendments to flood insurance rate maps. Since the FEMA Information Quality Guidelines have come into effect, the agency has been handling the requests through its Information Quality process, but these requests were not stimulated by the Information Quality Act. Similarly, 87 of the 89 requests received by the Department of Transportation were requests to correct individual data items on Federal Motor Carrier Safety Administration (FMCSA) reports.

The details of the correction requests received by the agencies are available in the Appendix to this document. This appendix includes all FY03 reports submitted from the

³ The Federal Emergency Management Agency (FEMA) is now a part of the Department of Homeland Security (DHS), which was established in March 2003 pursuant to the Homeland Security Act of 2002. DHS did not exist in FY02 when Federal agencies were developing and issuing their information quality guidelines. FEMA, which was a separate agency before being transferred to DHS, does have information quality guidelines, and the FY03 Information Quality report from FEMA is included in the Appendix of this report. OMB is working with DHS to help the department develop guidelines that will apply department wide.

agencies that received correction requests. Reports from departments and agencies that did not receive correction requests are not included in this report, as each report simply stated that no correction requests were received by the agency.

Categorization of Correction Requests

Classifying correction requests as to whether or not they were influential has not been easy for the agencies. Of all the correction requests received, OMB believes that between 30-40 of these requests were of a substantive nature, as they sought something more than a straightforward webpage or data fix. Of all the correction requests received, only 8 were classified as being ‘influential’ by the agencies. The classification regarding the influential status of 12 requests was designated as ‘undetermined’ as some agencies have been reluctant to classify requests as influential. Reasons for this include concerns from legal staff, lack of clarity throughout the department or agency regarding the influential definition, and potential implications of classifying a correction request as influential.

At least some agencies have told OMB that the lack of ‘influential’ designation does not influence how the agency actually treats the correction request. For example, although HHS only categorized 1 of its 10 correction requests as ‘influential’, HHS has told OMB that HHS treats all of its correction requests with the same high level of attention and standards of quality, regardless of the classification. Similarly, although EPA only categorized one correction request as influential, it appears that EPA treated each request and appeal with a similar high level of rigor.

The large majority of ‘non-influential’ requests for correction did lead to corrections by the agencies. These requests were typically straightforward, regarding questions pertaining to non-working weblinks, map correction changes, missing data, or other similar requests. Of the ‘influential’ correction requests received by the agencies, 1 was partially addressed through a process change, 4 were denied, and 3 are pending. The status of these correction requests is depicted in Figure 1. Of the 12 ‘undetermined’ requests, 1 was corrected, 3 were addressed through other mechanisms (e.g., treated as comments), 6 were denied and 2 are still pending. Figure 2 shows the status of these requests.

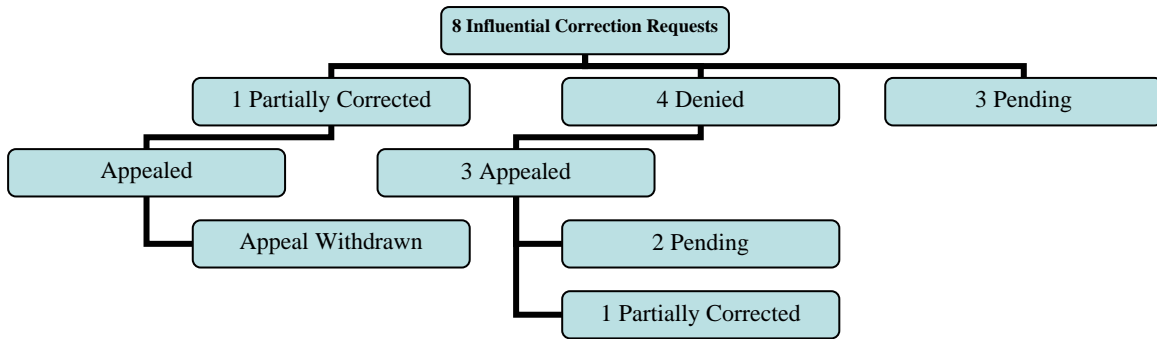


Figure 1. The status of the FY03 correction requests classified as ‘Influential’.

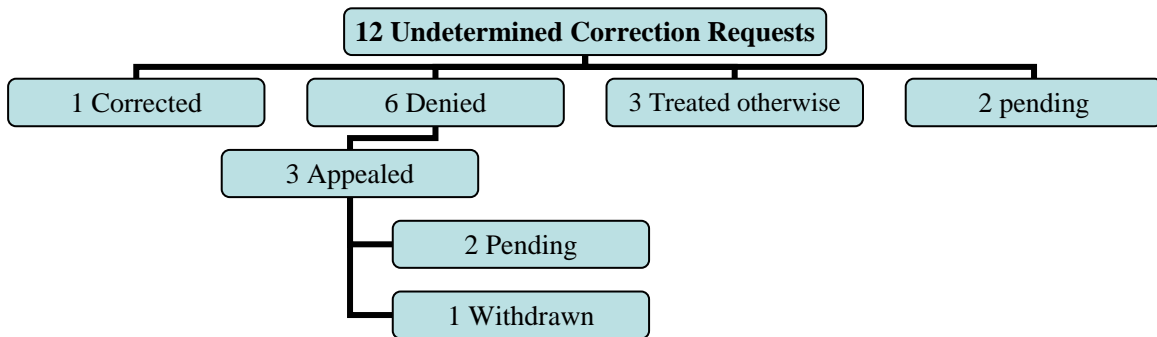


Figure 2. The status of the FY03 correction requests classified as ‘Undetermined’.

Appeals

A total of 16 correction requests were appealed. Of these appeals, 8 of the requests were classified as ‘non-influential’, 3 were ‘undetermined’, 4 were ‘influential’ and 1 was defined as ‘not-applicable’. Six of those appeals were still pending at the end of FY03. Of the appeals that were responded to, 4 resulted in either full or partial corrections, 4 were denied and 2 were withdrawn. The status of the 16 appeals is shown graphically in Figure 3.

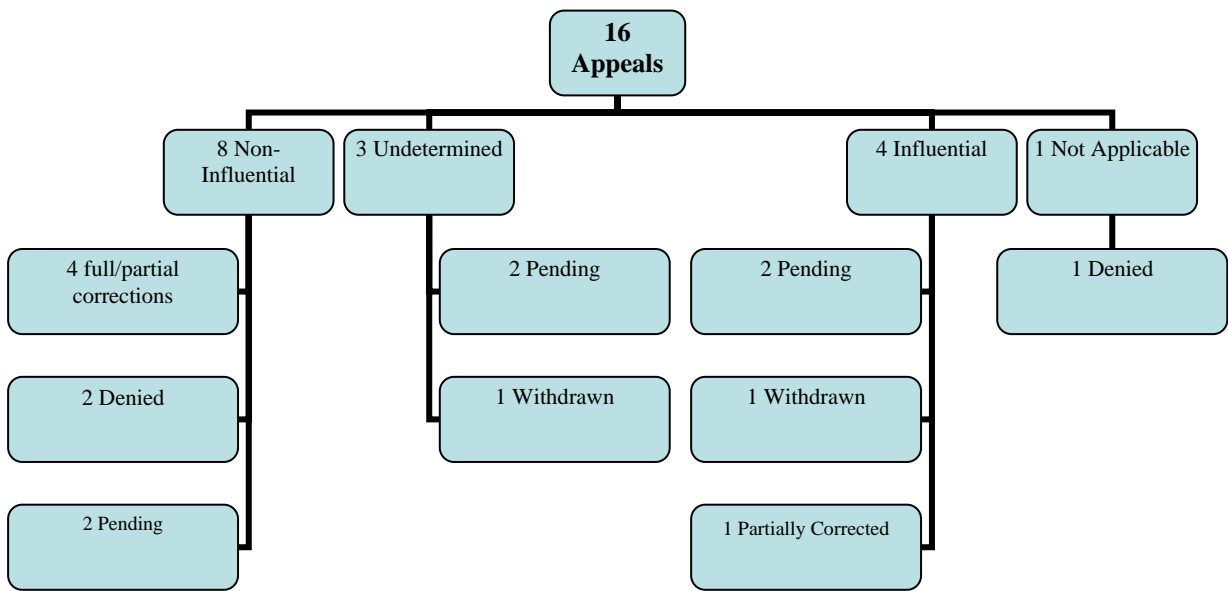


Figure 3. The Status of the 16 FY03 Appeals.

Agency Processes Used For Handling Appeals

Agencies have implemented varying processes for handling appeal requests. The Occupational Health and Safety Administration (OSHA) and HHS have used a single senior official to review each appeal. The Department of the Interior (DOI) has used a panel approach involving several senior managers from two agencies within DOI. For the appeal that went to Education, three subject matter experts and an attorney reviewed the appeal. The Department of Agriculture (USDA) has used independent panel review and EPA has used executive panel review.

Responsiveness of the Agencies

Approximately 35 substantive correction requests have gone to the departments and agencies. As the agency FY03 reports show (see Appendix of this report), the types of correction requests received are extremely diverse. Within the departments and agencies, many different program offices have received correction requests. For instance, 7 distinct programs within HHS and 6 distinct programs within EPA have received correction requests.

Implementing a new process has not been without challenges as the agencies endeavor to create oversight mechanisms that are responsive, yet not overly bureaucratic and time consuming. Whereas most of the departmental and agency guidelines state that correction requests will typically be responded to within 60 to 90 days, OMB has noticed that many of the agencies are taking significantly longer to respond. In fact it took the agencies over 5 months to respond to 8 different correction requests. HHS, EPA, USDA, and the Department of Transportation (DOT) are agencies which have had difficulties responding within 60-90 days. OMB anticipates that once the program offices have worked through their first correction requests and appeals, they will be able to process and respond to future requests much more rapidly.

It is also too early to make a determination as to whether or not the agencies are making the correct judgment calls regarding their handling of substantive correction requests. Of the 8 'influential' correction requests received, 3 are still pending. Of the 7 appeals received on 'influential' and 'undetermined' correction requests, 4 are still pending. With the numbers of completed responses being low, it is premature to make broad statements about both the impact of the correction request process and the overall responsiveness of the agencies.

Role of OMB's New Peer Review Policy

Peer review is a highly regarded quality assurance measure used in the scientific community to promote independent review and critique by qualified experts. In keeping with the goal of improving the quality of government information, on September 15, 2003, OIRA issued a draft Peer Review Bulletin for public comment. On April 15, 2004, OIRA issued a revised draft of this guidance. This is available at: <http://www.whitehouse.gov/omb/infoleg/infopoltech.html#iq>.

The revised Peer Review Bulletin requires agencies to undertake a peer review of influential scientific information before they disseminate the information to the public. The revised Bulletin establishes minimum standards for when peer review is required for scientific information and the types of peer review that should be considered by agencies in different circumstances. It also establishes a transparent process for public disclosure of peer review planning, including the establishment of an agenda that describes the peer review process that the agency has chosen for each of its forthcoming influential scientific information products. Under the revised Bulletin, agencies are granted discretion to weigh the benefits and costs of using a particular peer review mechanism for a particular information product. The revised Bulletin leaves the selection of a peer review mechanism for influential scientific information to the agency's discretion.

The proposed and revised Peer Review Bulletins were issued under the Information Quality Act and OMB's general authorities to oversee the quality of agency information, analyses, and regulatory actions. As mentioned earlier in this report, in the Information Quality Act, Congress directed OMB to issue guidelines to "provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility and integrity of information" disseminated by Federal agencies. Whereas the correction request and appeals processes help to fix problems after dissemination occurs, the peer review bulletin focuses on ensuring the highest quality of scientific information *before* the dissemination of the information by the agencies. OMB is confident that the requirements of the revised Peer Review Bulletin will assist in improving the accuracy and transparency of agency science.

Suggestions for the Future

Agencies are aware that ensuring the high quality of information disseminations is a high priority of the Bush Administration. We are still in the early phases of implementation of the Information Quality Act, and we expect that the process will evolve as agencies look back and learn from their accomplishments and setbacks. The importance of information quality justifies a strong commitment, and at this point in time OMB plans to continue giving priority to this agenda.

Due to the relatively small number of substantive correction requests received by the agencies in FY03, at this point in time OMB is not prepared to make suggestions for legislative changes. The types of correction requests received by agencies have been extremely diverse. We believe that the agencies have not yet received and responded to a sufficient number of correction requests to allow us to confidently suggest changes that would improve implementation of the Information Quality Act. Agencies are still learning from their early experiences in FY03, and OMB plans to continue working with the agencies in FY04 to help them improve their processes.

Based on our experiences in FY03, OMB suggests the following recommendations for improvement:

- 1) To facilitate transparency, all agencies should consider putting their information quality correction requests on publicly available webpages. These agency webpages should include: all correction requests, all appeal requests, all agency responses to correction requests and appeals, and the agencies' annual reports. A few agencies have taken this extra step. EPA, DOT, the Forest Service, and the Commodity Futures Trading Commission have been posting all their correction requests, responses, and subsequent appeals correspondence on web sites dedicated to Information Quality. These web sites provide examples of the types of best practices that we would like to see across the government.⁴
- 2) Agencies should work harder to improve the timeliness of their responses to the public. Some agencies automatically inform requestors that more time will be needed to answer their request. Although an interim response lets the requestor know about the additional time required, the agencies should be working harder to respond in the time-frame suggested in their Information Quality Guidelines. Alternatively, if agencies believe that the timeline in their guidelines is not practical, they should work with OMB to modify their guidelines.

⁴ The links for these agencies are:
EPA: <http://www.epa.gov/vquality/informationguidelines/iqg-list.html>
DOT: <http://dms.dot.gov/cfreports/dataQuality.cfm>
FS: <http://www.fs.fed.us/qoi/disclosure.shtml>
CFTC: <http://www.cftc.gov/cftc/cftcquality.htm>

- 3) Agencies should ensure that they have sufficient scientific and technical staff committed to responding to correction requests. This should help to improve not only the timeliness of the agency responses, but also their scientific and technical quality.
- 4) Agencies should consult with OMB earlier in the process of responding to correction requests. When agencies did engage OMB early in the process, OMB staff was able to provide assistance that enabled agencies to respond to correction requests on a more timely basis. For instance, OMB is accumulating a bank of knowledge regarding ways in which agencies have been responding to certain types of correction requests. Sharing this type of 'lessons learned' information has proven very useful to agencies that have not previously received a certain type of correction request or appeal.
- 5) Agencies should be working on guidance that they will use to help classify the 'influential' status of correction requests. Based on what we have learned from the agencies' FY03 reports, OMB will work with agencies to clarify how these designations should be made. At this point in time, it is difficult to generalize about whether or not the classification of incoming correction requests is having an effect on the way agencies have been handling their responses.

Appendix: FY03 Information Quality Reports from the Departments and Agencies that Received Correction Requests.

This appendix contains the FY03 Information Quality Reports received from the 19 departments and agencies that received information quality correction requests and appeals. Except for minor formatting changes, the FY03 reports have not been modified by OMB. Each report reflects the interpretations, experiences, and actions of the agency which submitted the report.

1 Agriculture
Year-End Information Quality Report
 Requests for Correction Received FY 2003
 U.S. Department of Agriculture
 FY 2003

Agency Name	Number of Requests Received	Number Designated as Influential
Farm and Foreign Agriculture Service		
• Farm Service Agency (FSA)	None	None
• Foreign Agriculture Service (FAS)	None	None
• Risk Management Agency (RMA)	None	None
Food Safety		
• Food Safety Inspection Service (FSIS)	None	None
Natural Resources and Environment		
• Forest Service (FS)	-4-	None
• Natural Resources Conservation Service (NRCS)	None	None
Rural Development		
• Rural Business Coop Service (RBS)	None	None
• Office of Community Development (OCD)	None	None
• Rural Housing Service (RHS)	None	None
• Rural Utilities Service (RUS)	None	None
Food, Nutrition and Consumer Service		
• Food and Nutrition Service (FNS)	-1-	None
• Center for Nutrition Policy and Promotion (CNPP)	None	None
Marketing and Regulatory		
• Ag. Marketing Service (AMS)	None	None
• Animal and Plant Health Inspection Service (APHIS)	None	None
• Grain Inspection, Packers, and Stockyards Admin (GIPSA)	None	None

Agency Name	Number of Requests Received	Number Designated as Influential
Research, Education, and Economics		
• Ag. Research Service (ARS)	None	None
• COOP State Research Education and Extension service (CSREES)	None	None
• Economic Research Service (ERS)	None	None
• National Ag. Statistics Service (NASS)	None	None
• National Agricultural Library	None	None
Offices		
• Departmental Administration	None	None
• Civil Rights	None	None
• Office of Chief Financial Officer	None	None
• Office of Chief Information Officer	None	None
• Office of Communications	None	None
• Office of Congressional Relations	None	None
• Office of Budget and Program Analysis	None	None
• Office of Chief Economist	None	None
• Office of Executive Secretariat	None	None
• National Appeals Division	None	None
• Office of Inspector General	None	None
TOTAL	-5-	None

- **Agency Receiving Correction Request:** USDA/NRE/FS
- **Requestor:** W.K. Olsen and Associates, L.L.C.
Washington Contract Loggers Assn.
Northern Arizona Loggers Assn.
Coalition of Arizona/New Mexico Counties
- **Date Received:** 17-January-2003, via email
- **Summary of Request:** The Complainant(s) submitted a five-part complaint contending that: (1) on March 25, 2002, the Forest Service had published *Management Recommendations for the Northern Goshawk in the Southwestern United States*, in error; and (2) four other Forest Service publications had cited the publication. The purported errors in the management recommendations placed “incorrect restrictions on forest and range management, recreation and other uses of U.S. Forest Service lands. These restrictions errantly reduce timber harvests, timber quality, forage utilization, recreational opportunities and forest access. The restrictions severely limit the availability and application of silvicultural tools that improve forest health, timber size and quality, forage production, and that reduce the risks of catastrophic stand-replacing fires.” The effect of the errors would be “to harm local and regional economies and communities,

including the natural resources sector as a whole, and to subsequently cause harm to the requestors.”

- **Description of Requested Correction:** Complainant(s) requested that the Forest Service withdraw the initial publication, and the ensuing publications that had used the initial publication as a basis, in an expeditious manner.
- **Influential:** ___ Yes ___ No X Undetermined (unresolved as of 10-1-03)
- **First Agency Response** ___ in progress X completed
Forest Service responded July 25, 2003
- **Resolution:** The request for retraction was denied because significant errors were not found in the initial publication, or in the ensuing publications, and so substantive changes were not needed.
- **Appeal Request:** ___ none X in progress ___ completed
- **Summary of Request for Reconsideration**
On September 4, 2003, the complainants filed for reconsideration, contending that the decision of the Forest Service was “arbitrary and capricious.”
- **Type of Appeal Process Used:** In progress
- **Appeal Resolution:** In progress

Agency Receiving Correction Request: USDA/NRE/FS

- **Requestor:** John Muir, Project/Earth Island Institute; Sierra Club; Heartwood
- **Date Received:** 10-March-2003, via email
- **Summary of Request:** The Complainant(s) requested, “correction of data and information used to monitor timber sales,” related to the Forest Service’s proposed limited timber categorical exclusions.
- **Description of Requested Correction:** Complainant(s) requested that the Forest Service correct its reliance on observation as a monitoring technique and instead rely on the use of measurement on all parameters and data points of monitoring soils, water quality, and measurable data for other resources where appropriate.
- **Influential:** ___ Yes ___ No X Undetermined (unresolved as of 10-1-03)
- **First Agency Response** ___ in progress X completed
Forest Service responded July 29, 2003
- **Resolution:** The request for correction was denied because the Forest Service “concluded that the documented on-site observations of Forest Service resource specialists provide sufficient precision to determine the

individual and cumulative significance of effects of limited timber harvest activities on the human environment.”

- **Appeal Request:** ___ none X in progress ___ completed
- **Summary of Request for Reconsideration**

On September 10, 2003, the Complainants filed for reconsideration, demanding the use of a 3-member panel, contending that the Forest Service response was “not conducted with due diligence.” Complainants contend that the contested information is “influential” and “regulatory” under the Department of Agriculture’s Quality of Information Guidelines.
- **Type of Appeal Process Used:** In progress
- **Appeal Resolution:** In process

Agency Receiving Correction Request: USDA/NRE/FS

- **Requestor:** Bryan Bird, Sierra Club National Forest Campaign; John Muir Project of Earth Island Institute; Heartwood; Gifford Pinchot Task Force; National Forest Protection Alliance
- **Date Received:** 7-April-2003, via email
- **Summary of Request:** The Complainant(s) requested that the Forest Service reopen the comment period upon the proposed rulemaking for *National Forest System Land and Resource Management Planning*, which had been published in the Federal Register on December 6, 2002. Complainant(s) contend that the review conducted by the Forest Service as the basis for the proposed rulemaking was not “available to the public in a format that was readily accessible and understandable.”
- **Description of Requested Correction:** Complainant(s) requested that the Forest Service reopen the comment period upon the rulemaking, providing the proceedings of an April 2001 workshop with field level planners as referred to the Federal Register notice as “justification for the changes to the National Forest System Land and Resource Management Planning.”
- **Influential:** ___ Yes X No ___ Undetermined (USDA Information Quality Guidelines do not apply)
- **First Agency Response** ___ in progress X completed
Forest Service responded June 9, 2003
- **Resolution:** Forest Service provided a letter of acknowledgement, stating that: (1) the information requested was enclosed for the Complainants’ use and was available to the public at <http://www.fs.fed.us/emc/nfma/index3.html>; and (2) the Forest Service was still in the process of considering all responses received on the proposed rule.
- **Appeal Request:** X none ___ in progress ___ completed

- **Summary of Request for Reconsideration**
Not applicable.
- **Type of Appeal Process Used:** Not applicable.
- **Appeal Resolution:** Not applicable.

Agency Receiving Correction Request: USDA/NRE/FS

- **Requestor:** Dennis Parker, Attorney at Law for client Eddie Johnson
- **Date Received:** March 21, 2003, via email
- **Summary of Request:** The Complainant requested correction of “Guidance Criteria for Determining the Effects of On-Going Grazing and Issuing Term Grazing Permits on Selected Threatened and Endangered Species, and Species Proposed for Listing and Proposed and Designated Critical Habitat,” Region 3, Wildlife, Fisheries and Rare Plants, USDA Forest Service, April 15, 2002. Relied upon by District Ranger to select an E.A. alternative for the Johnson Ranch, February 27, 2003. Complainant contends that the information presented at pages 64-70 of the guidance criteria was not accurate, clear, complete, and unbiased, because of its failure “to incorporate substantial, highly relevant information published by the Forest Service that was readily available to the Forest Service when this Criteria was developed.”
- **Description of Requested Correction:** Complainant requested that the Forest Service correct the information challenged to reflect the current state of knowledge.
- **Influential:** ___Yes ___No X Undetermined (not necessary to reach the issue because information is unpublished and guidelines do not apply)
- **First Agency Response** ___ in progress X completed
- **Resolution:** Forest Service responded on August 22, 2003, denying the request. The data did not meet the definition of “disseminated” under either the Department of Agriculture or the Office of Management and Budget information quality guidelines.
- **Appeal Request:** X none ___ in progress ___ completed
- **Summary of Request for Reconsideration**
- **Type of Appeal Process Used**
- **Appeal Resolution:** In process.

Agency Receiving Correction Request: USDA/FNCS/FNS

- **Requestor:** The Center for Regulatory Effectiveness
- **Date Received:** September 9, 2003
- **Summary of Request:** The Center for Regulatory Effectiveness informed the Under Secretary for Food, Nutrition, and Consumer Service, U.S. Department of Agriculture (USDA) that it will be necessary for either USDA or the Department of Health and Human Services (HHS) to carry out a predissemination review of the information contained in the World Health Organization's Technical Report 916, *Diet, Nutrition and the Prevention of Chronic Diseases*, prior to basing the 2005 Dietary Guidelines upon that report. Complainant contends that the U.S. Government had previously expressed concerns to the World Health Organization (WHO) about the “quality of facts and analyses supporting the scientific recommendations in the WHO report.”
- **Description of Requested Correction:** Conduct a predissemination review; retract the joint USDA-HHS press release regarding the 2005 Dietary Guidelines; and inform WHO of non-compliance with scientific standards.
- **Influential:** ___Yes ___ No X Undetermined
- **First Agency Response** X in progress ___ completed
USDA is working with HHS in the development of the response.
- **Resolution:**
- **Appeal Request:** X none ___ in progress ___ completed
- **Summary of Request for Reconsideration**
Not applicable.
- **Type of Appeal Process Used:** Not applicable.
- **Appeal Resolution:** Not applicable.

2 Commerce

Year-End Information Quality Report

Requests for Correction Received FY 2003

Department of Commerce

Period Covered: 10-1-02 through 9-30-03

Agency Name	Number of Requests Received	Number Designated as Influential
National Oceanic and Atmospheric Administration	2	0
National Telecommunications and Information Administration	1	0
USPTO	<u>1</u>	<u>0</u>
Total	4	Total 0

Agency Receiving Correction Request: DOC/NOAA

- **Requestor:** Steven P. Quarles & Richard J. Mannix, of Crowell and Moring, Attorneys for Atlantic Salmon of Maine (ASM), an aquaculture business.
- **Date Received:** The date of ASM's request for correction is March 28, 2003. However, the request was received by NOAA's 515 Officer on March 31, 2003.
- **Summary of Request:** ASM requested correction of data used by the U.S. Fish and Wildlife Service (FWS) and NOAA National Marine Fisheries Service (referred to collectively by ASM as "the Services"), in a draft Biological Opinion ("draft Corps BO") prepared pursuant to Section 7(b) of the ESA, to propose the imposition of conditions upon existing Section 10 permits issued by U.S. Army Corps of Engineers ("Corps") for the installation and maintenance of fish pens on the coast of Maine. ASM stated that the Services relied, in part, upon a conclusion contained in a 1999 genetic study conducted by Dr. T.L. King and others. The Services found Atlantic salmon

to be a Distinct Population Segment (DPS), based in part upon genetics, and declared the DPS to be in danger of extinction.

The services also issued a final Biological Opinion (“final EPA BO”) related to the U.S. Environmental Protection Agency’s (“EPA’s”) approval of the State of Maine’s application to administer the National Pollutant Discharge Elimination System (“NPDES”) permit program under the Clean Water Act. As in the draft Corps BO, the Services relied in the final EPA BO upon the same conclusion contained in the King Study, together with follow-on studies, to specify conditions under which permits will be issued for aquaculture projects engaged in the rearing of salmon and operating in or discharging to Maine waters that are virtually identical to the conditions contained in the draft Corps BO.

The major issues identified by ASM in the request included:

- “The King study data have not been made available to affected parties, but dissemination of its conclusions is the basis for ongoing regulatory decision making”
 - “The conclusion adopted from the King study and disseminated by the Services does not meet the objectivity standards of the Services’ guidelines.”
 - “Reliance by the Services on the conclusion of the King study did not satisfy the DQA requirements of transparency and reproducibility.”
 - “The failure of the King study conclusion to meet the DQA standards for objectivity, transparency, and reproducibility was confirmed in the context of a request for injunctive relief sought by the State of Maine.”
- **Description of Requested Correction:** “ASM respectfully requests that the Services undertake appropriate corrective action with respect to their reliance on the King Study as a basis for imposing conditions on Corps’ permitting of salmon penning operations in Maine waters as well as on other agency actions. This should include, at a minimum, suspension of the issuance of a final Biological Opinion to the Corps, notification to the State of Maine of re-evaluation of a critical premise in the final EPA BO, evaluation of the King Study under DQA standards and the principles espoused by the Services’ in their Guidelines, and the solicitation and review of additional scientific study and opinion currently available on the genetic conclusion reached in the King Study and the theory of outbreeding depression.”
 - **Influential:** ___ Yes No ___ Undetermined
 - **First Agency Response:** ___ in progress completed; July 3, 2003. [NOTE: The request for correction was filed by ASM jointly to NOAA and FWS. On May 30, 2003, NOAA informed ASM that the response would be

sent by July 3, 2003, so that NOAA and FWS could coordinate their responses.]

- **Resolution:** NOAA denied the request for correction. NOAA explained that the Final EPA BO was developed according to published standards, which include Section 7 of the ESA, its case law and legislative history, and the consultation regulations at 50 CFR part 402. Those studies in the Final EPA BO with which ASM took issue are of known quality and from sources acceptable to the relevant scientific and technical communities. It is NOAA Fisheries' policy and a requirement of the ESA to use the best available scientific and commercial information when writing a BO. As to the draft Corps BO, the response noted that a request for correction under Section 515 cannot be used as a means to secure a particular decision from NOAA Fisheries regarding the final outcome of the BO prior to the completion of the deliberative process generating the document. Nor does Section 515 amend or repeal any other statutory or regulatory mandates governing the production of the Corps BO.

• **Appeal Request:** none in progress completed
On July 23, 2003, ASM hand delivered to the Assistant Administrator for Fisheries for NOAA a notice of appeal and request for extension of time for filing the appeal. ASM did not agree with NOAA's denial and indicated a desire to file an appeal. ASM also wanted an extension of time on the deadline for filing an appeal, since FWS had not yet responded to ASM's request for correction. However, this filing was not accepted as a formal appeal by NOAA because the request was not submitted in the manner required under the NOAA Information Quality Guidelines. On July 25, 2003, NOAA responded to ASM and explained the appeal process, pointing out the correct procedure for filing a request for appeal. Also, on July 25, ASM hand delivered another notice of appeal and extension of time to the same office, not following the NOAA Information Quality Guidelines. FWS responded to ASM's request for correction on August 7, 2003. The NOAA and FWS responses had been coordinated and were substantively similar. Finally, on August 18, 2003, ASM sent a final letter to the program office indicating that they would not appeal the initial agency response. In the letter, ASM stated: "Our concerns about quality control/quality assurance have apparently been addressed and independent laboratories may now be able to reproduce the genetic scoring of Dr. King's protocol. This has been one of the more mutually beneficial outcomes of this process, and we do appreciate the Services' responsiveness on these matters."

- **Summary of Request for Reconsideration:** N/A
- **Type of Appeal Process Used:** N/A
- **Appeal Resolution:** N/A

Agency Receiving Correction Request: DOC/NOAA

- **Requestor:** Christopher C. Horner; Competitive Enterprise Institute (CEI); public interest group
- **Date Received:** Dated February 19, 2003, but received by mail at NOAA on February 26, 2003
- **Summary of Request:** CEI alleged that NOAA disseminated the “National Assessment on Climate Change” (NACC) because “the entirety of the relevant USGCRP is now effectively located in and out of NOAA’s Global and Climate Change Program.” CEI also alleged that the NACC violates requirements of “objectivity” and “utility” by the “inappropriate use of and reliance upon computer models and data that upon scrutiny are demonstrably meaningless” and that USGCRP “failed to perform the necessary science underlying regional and sectoral analyses.”
- **Description of Requested Correction:** CEI suggested that the NACC’s fatal data flaws are such that NOAA should cease dissemination.
- **Influential:** ___Yes ___ No Undetermined. [NOTE: NOAA did not reach the point of determining whether the NACC was “influential” because NOAA denied the request as “it does not involve ‘information’ that is ‘disseminated’ pursuant to NOAA information Quality Guidelines.”]
- **First Agency Response:** ___ in progress completed; response was sent on April 25, 2003
- **Resolution:** This request concerned an information product that was developed by a FACA committee. NOAA denied the request for the reasons stated above under “**Influential.**” Effectively identical requests were submitted to EPA and OSTP. OSTP acknowledged that it was the appropriate agency to consider the request, but denied it on the ground that the NACC, as a product of a FACA committee and not relied upon by OSTP, was not “information” under their guidelines.
Appeal Request: none ___ in progress ___ completed
- **Summary of Request for Reconsideration:** N/A
- **Type of Appeal Process Used:** N/A
- **Appeal Resolution:** N/A

Agency Receiving Correction Request: DOC/NTIA

- **Requestor:** N2H2, Inc.
900 Fourth Avenue, Suite 3600
Seattle, WA 98164
- **Date Received:** August 16, 2003 telephone request
- **Summary of Request:** The Children's Internet Protection Act (CIPA) requires schools and libraries that receive federal funds for discounted telecommunications, Internet access, or internal connections services to adopt an Internet safety policy and employ technological protections that block or filter certain visual depictions deemed obscene, pornographic, or harmful to minors. The Act required the National Telecommunications and Information Administration (NTIA) to prepare a report to Congress, evaluating whether available technology measures adequately addressed the needs of educational institutions, and whether Internet safety policies were effective. Among the outreach activities undertaken in this regard, NTIA published a Request for Comment. In response to NTIA's request, N2H2, Inc. provided written comments and an accompanying table of filtering effectiveness tests conducted on a number of currently available market products.

NTIA published its report entitled *Children's Internet Protection Act: Study of Protection Measures* on August 15, 2003. This version inadvertently excluded a portion of N2H2's table.

- **Description of Requested Correction:** On August 16, 2003, N2H2 requested that NTIA publish its table of filtering effectiveness tests in its entirety, as the version presented in the report appeared to have been truncated.
- **Influential:** ___Yes ___X___ No ___Undetermined
- **First Agency Response:** ___in progress ___X___ completed. The Web site was corrected August 19, 2003 and the hardcopy on August 23, 2003.
- **Resolution:** NTIA reprinted hard copies of the report with the corrected table within one week. The agency also destroyed all remaining hard copies of the original report containing the erroneous table. Within three days of the request, NTIA also corrected the version of the report available on its website, posting an advisory that, as a result of a technical error, the complete table was not published in the earlier posted version of the report. A link to the corrected table and revised report was also made available.
- **Appeal Request:** ___X___ none ___in progress ___completed

- **Summary of Request for Reconsideration:** N/A
- **Type of Appeal Process Used:** N/A
- **Appeal Resolution:** N/A

Agency Receiving Correction Request: DOC/USPTO

- **Requestor:** Marcella D. Watkins
Reg. No. 36,962
Conley Rose & Tayon, P.C.
600 Travis St., Suite 7100
Houston, TX 77002-2912
(713) 238-8043
mwatkins@crtlaw.com
- **Date Received:** October 2, 2002, received via electronic mail
- **Summary of Request:** US Patent No. 6,344,272 issued on February 5, 2002. When the patent was processed for publication, the contractor identified the wrong set of claims in the file wrapper, with the result that the patent was disseminated (posted on the PTO website etc.) with incorrect claims. The entire claim set, including Claim 1, is incorrect because it does not reflect amendments made during the latter half of the prosecution of the case. A Certificate of Correction has been granted, but Applicant requests that the patent be re-disseminated with the corrected claims.
- **Description of Requested Correction:** Applicant requests that the PTO re-disseminate U.S. Patent No. 6,344,272 after replacing the incorrect claim set with the correct claim set.

Specifically, Applicant requests that the PTO, WIPO, and other websites containing text-searchable versions of the patent be corrected to contain the claim set that was ultimately allowed. Because Applicant has already identified the error to the USPTO and has received a Certificate of Correction, Applicant believes that no further review of the underlying error is required.

Furthermore, Applicant believes that the necessary electronic file, containing the corrected claims, has already been generated and exists in the PTO as a result of the generation of the Certificate of Correction.

- **Influential:** ___ Yes ___ X No ___ Undetermined
- **First Agency Response:** ___ in progress ___ X completed
USPTO responded November 21, 2002
- **Resolution:** The requestor was provided a letter response as follows:

In your correspondence you indicate that your client has obtained a certificate of correction for errors that existed in the patent at the time it was issued. Your concerns are that the certificate of correction can only be found by going to the last

pages of the USPTO image search files, and that the corrections cannot be found by searching the text search database. You also express concerns that other countries cannot find the changes in a text search database.

Your understanding of the certificate of correction practice for the USPTO is correct. No text searching of corrections can be done at the current time. When the system was developed the procedures you have described were decided upon as the most economical way in which to provide data searching capabilities to the public in the shortest amount of time. To make changes to the existing system to allow for text searching of the corrections that are made would be both costly, and time consuming. As I am sure you are aware, the USPTO is currently working on an electronic filing system in which all applications will be presented to the USPTO in an electronic format and in which all prosecution can be done electronically. The majority of the financial resources available for automation improvement are being channeled into the development of the new system. Hopefully the types of changes that you would like to see will be possible as the new system evolves.

You might find it encouraging to know that later this fiscal year changes are being made to the existing system to allow for changes to the bibliographic information, and these data changes will be able to be searched using the existing text search database.

With regard to your concerns about other countries databases not being able to search corrections that have been made, the USPTO does not have any control over the type of system that other countries utilize for searching, or what data they add to their system. We have contracts with other countries to provide them copies of patents that we grant but it is the decision of each individual country receiving that data as to whether or not they add it to their respective database. Thus the USPTO cannot require other countries to make changes in their system for any corrections that we make by certificate of correction.

I have spoken with sources inside the USPTO who are responsible for the development of the software that is used to provide the text searches you have requested. They have assured me that the concerns you have expressed are known, and that future modifications to allow for changes to the text search database are being considered.

Thank you for bringing your concern to our attention. While I recognize that the above might not provide the type of answer that you are seeking, it sets forth the policy and procedures that are currently available.

- **Appeal Request:** none in progress completed
- **Summary of Request for Reconsideration:** Not Applicable (N/A)
- **Type of Appeal Process Used:** Not Applicable (N/A)
- **Appeal Resolution:** Not Applicable (N/A)

3 Defense

Year-End Information Quality Report

Requests for Correction Received Fiscal Year 2003

Department of Defense

Period Covered: Fiscal Year 2003

<i>Agency Name</i>	<i>Number of Requests Received</i>	<i>Number Designated as Influential</i>
United States Army Corps of Engineers, Headquarters	1	1
	Total 1	Total 1

Agency Receiving Correction Request: United States Army Corps of Engineers (USACE),

Headquarters

Requestor: Jeff Ruch, Executive Director
Dan Meyer, General Counsel
Public Employees for Environmental Responsibility (PEER)
Public Interest Group

Date Received: August 20, 2003, by fax

Summary of Request: PEER challenges the information, data, analyses and conclusions drawn in the document entitled *Monthly Status Report, July 2003, Upper Mississippi River and Illinois Waterway System Navigation Study*, published August 7, 2003, by the USACE Rock Island District on the World Wide Web at <http://www2.mvr.usace.army.mil/umr-iwwsns>. PEER requests that until USACE completes an independent peer review of the information, data, analyses, and conclusions of the subject document before it is disseminated, the Department of Defense “immediately disavow and withdraw” from distribution the subject publication.

Description of Requested Correction: “PEER requests that, until the Army Corps of Engineers complies with the provisions of the DQA and the OMB Guidelines by completing an independent peer review of the information, data, analyses, and conclusions of the subject “before it is disseminated,” the Department of Defense immediately disavow and withdraw from distribution the published *Monthly Status Report, July 2003, Upper Mississippi River and Illinois Waterway System Navigation Study*.

Influential: Yes No Undetermined

First Agency Response: in progress completed

Resolution: USACE currently reviewing their response

Appeal Request: none in progress completed

Summary of Request for Reconsideration: N/A

Type of Appeal Process Used: N/A

Appeal Resolution: N/A

4 Education

Information Quality Report for FY 2003

Requests for Correction Received during FY 2003

U.S. Department of Education

Period Covered: October 1, 2002 – September 30, 2003

Agency Name	Number of Requests Received	Number Designated as Influential
Office for Civil Rights	1	0
Total:	1	0

- **Agency Receiving Correction Request:** U.S. Department of Education
Office for Civil Rights
- **Requestor:** Michael Moyer, National Wrestling Coaches Association (NWCA) and
Jamie V. Moffat, College Sports Council (CSC)
Collegiate sports interest group
- **Date Received:** Request letter was dated February 26, 2003. It was received by regular mail, and acknowledged on March 14, 2003
- **Summary of Request:** The requesters allege that the Report of the Secretary's Commission on Title IX, *Title IX at Thirty*, does not comply with the Department's Information Quality (IQ) Guidelines because it (1) fails to document the shortcomings and limitations of the data cited in the report (i.e., shortcomings they allege are contained in General Accounting Office Reports (GAO) from December 2000 and March 2001), (2) fails to use representative or complete survey populations, and (3) fails to identify conflicting information and to caution against inappropriate conclusions.
- **Description of Requested Correction:** NCWA and CSC request that the Department "either conduct or commission a demographic analysis of changes in men's and women's sports opportunities, or at least qualify the Commission report to note the shortcomings of this data, either through a revised publication or errata sheets."
- **Influential:** ___ Yes X No ___ Undetermined
- **First Agency Response:** ___ in progress X completed
The Department responded on May 19, 2003

- Resolution:** No correction was made. In its Decision, the Department explained that the Commission’s Report uses the data from the GAO reports essentially as “background information on the changes in athletic participation by men and women since Title IX was enacted. The substance and cumulative weight of the citations to the GAO data in the Commission’s Report is, at most, a general statement in support of Title IX and its gains for women’s sports. . . The Commission’s Report also examines and presents other data that place the data from the GAO reports in a broader context. . . [so that the] GAO reports were only some of the information that was collected and reported, and do not, in and of themselves, for the basis for the recommendations of the Commission.”
- Appeal Request:** none in progress completed
Appeal letter
was received on June 18, 2003. It was received by regular mail, and acknowledged on
July 16, 2003. The Department’s responded to the requesters on September 15, 2003.
- Summary of Request for Reconsideration:** The NWCA and CSC stressed that “our Data Quality Act challenge does not address the GAO report *per se* or even the Commission’s inclusion of that flawed GAO data in the Commission report . . . [rather] we challenge the Department’s dissemination of a third-party report that contains false and misleading information . . . These data overstate the gains in women’s athletic opportunities and understate the losses in men’s opportunities during key periods relevant to Title IX.”
- Type of Appeal Process Used:** Panel of three subject matter experts and an attorney conducted an independent review and made recommendations to the Chief Information Officer (CIO). The official who issued the Department’s decision did not participate in the appeal process.
- Appeal Resolution:** No correction was made. The CIO determined that “[t]he Department has not relied on the allegedly flawed GAO report for decision-making purposes. While the Department has considered conclusions and recommendations in the Commission’s Report, those conclusions and recommendations are not based on the details of the GAO data . . . [and e]ven if the Commission had relied to some limited degree on the GAO data in formulating its conclusions and recommendations, the Commission’s Report comports with the requirements of the Department’s *Information Quality Guidelines* because the Report itself adequately discloses the ‘source of the information and any shortcomings and limitations of the data’ The Report plainly reflects that there are substantial disputes regarding the quality of the data relating to increases and decreases in athletic opportunities and sets

out the reasons for any shortcomings and limitations in the data. . . .”
Accordingly, the CIO determined that “the Commission Report comports with the purposes, principles, and standards of the Department’s *Information Quality Guidelines*.”

5 Health and Human Services

Year-End Information Quality Report

Department of Health and Human Services

Period Covered: October 2002 through September 2003

Agency Name	Number of Requests Received	Number Designated as Influential [list agencies]
CDC	3	
CMS	1	
FDA	1	1
NIH	4	
OPHS	1	
TOTALS	10	1

1. Agency Receiving Petition: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science

- **Petitioner:** The Center for Regulatory Effectiveness, an advocacy organization.
- **Date Received:** Received by postal mail dated 9/8/03 and logged in on 9/17/03.
- **Summary of Request:** The Center for Regulatory Effectiveness (CRE) states that the Secretaries of HHS and USDA announced an intent to base what they would include in the 2005 Dietary Guidelines for Americans on the World Health Organization (WHO) Technical Report on Diet, Nutrition and the Prevention of Chronic Diseases. CRE states the WHO report does not meet USDA, HHS and OPHS data quality standards and should be subject to a pre-dissemination review
- **Description of Requested Correction:** The CRE requests three corrections. The first is a pre-dissemination review of the WHO report with corrections made to the report before basing any policy guidance on the report. The second is a retraction of the HHS/USDA press release that announced the Dietary Guidelines Committee and mentioned the WHO report as one possible source of information for the Committee's recommendations. The third request is for a letter from the Secretaries of HHS and USDA to WHO and the U.N. Food and Agriculture Organization informing the latter that the report is subject to pre-dissemination review before it can be used by the Dietary Guidelines Committee.
- **Influential:** ___Yes ___X___ No ___undecided/unsure [based on the Agency's definition of influential, as provided in your Information Quality Guidelines]
- **First Agency Response:** _X_ in progress _____ completed
- **Resolution:**
- **Appeal Request:** ___none ___in progress ___completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Agency Receiving Petition: Department of Health and Human Services, Centers for Disease Control and Prevention (CDC)

- **Petitioner:** A private citizen
- **Date Received:** Received by email dated 11/19/02 and logged in on 11/19/02.
- **Summary of Request:** The request states that many cases of arthritis are misdiagnosed and are actually cases of chronic fluoride poisoning that exhibit symptoms of joint pain. "There has been no scientific method available in the United States which is capable of detecting the pre-crippling phases of chronic fluoride poisoning." "The myth of hundreds of legitimate safety studies (regarding water fluoridation) has denied me access to effective health care services because the vast majority of health care practitioners have been taught that no harm can come from typical daily doses of fluoride..."
- **Description of Requested Correction:** Documentation published by the CDC that make claims for the safety of fluoridation based on safety studies should be modified to indicate that "a) the methods used were not capable of detecting the arthritic pre-crippling phases of skeletal fluorosis, and b) there is no data available regarding the prevalence of fluoride-induced arthritis..."
- **Influential:** ___ Yes No ___ undecided/unsure
- **First Agency Response:** ___ in progress completed, CDC responded on 12/03/02.
- **Resolution:** The request was answered by the Associate Director for Science, National Center for Chronic Disease Prevention and Health Promotion, CDC. The response indicated that CDC has published statements regarding the fact that for over the past 50 years, fluoridation of public water supplies is a safe and effective way to reduce tooth decay for all community residents. This approach is supported by extensive peer-reviewed scientific research.
- **Appeal Request:** ___ none ___ in progress completed, appeal received on 1/19/03 by email, CDC responded to the appeal on 3/16/03.
- **Summary of Request for Reconsideration:** The appeal stated that the CDC response to the information quality request for correction of scientific information is false. None of the documents cited in the response contain references or details about any fluoridation safety study using methods capable of distinguishing between a person whose arthritis was caused by fluoride and a person whose arthritis was caused by something else.

- **Type of Appeal Process Used:** The appeal was responded to by the Acting Deputy Director for Science and Public Health, CDC.
- **Appeal Resolution:** The CDC response advised that "...the 1991 Department of Health and Human Services document *Review of Fluoride: Benefits and Risks* discusses the topic of skeletal fluorosis in more detail and provides references. Only 5 cases of skeletal fluorosis have ever been reported in the U.S. In these cases, the total fluoride intake was 15 to 20 mg./fluoride per day for 20 years." The response also indicated that "...the 1997 Institute of Medicine (IOM) report on *Dietary Reference Intakes for Calcium, Phosphorus, Vitamin D, and Fluoride* stated that: The development of skeletal fluorosis and its severity is directly related to the level and duration of exposure ... at least 10 mg. per day for 10 or more years is needed to produce clinical signs of the milder form (arthritis like symptoms ...). This daily intake level necessary to produce skeletal fluorosis or even its early signs far exceeds that level of fluoride received by people on fluoridated community water systems even when factoring in other daily fluoride exposures typical in the U.S.

Agency Receiving Petition: Department of Health and Human Services, Centers for Disease Control and Prevention (CDC)

- **Petitioner:** Kent McClure, Animal Health Institute, a trade association.
- **Date Received:** Received by postal mail dated 12/06/02 and logged in on 12/13/02. The amendment to the request was received by postal mail on 1/08/03.
- **Summary of Request:** The Animal Health Institute (AHI) is requesting that CDC cease dissemination of views in opposition to the use of fluoroquinolones (antibiotics) in livestock feed in general, and in poultry in particular.
- **Description of Requested Correction:** The request states that CDC is mistakenly concerned that the widespread use of these antibiotics could lead to fluoroquinolone resistant food borne bacteria, such as Campylobacter making it more difficult to treat persons who developed campylobacteriosis as a result of eating undercooked poultry. CDC is incorrect in attributing human health effects to animal drugs. Reports in the media regarding CDC's position harm the poultry industry by the creation of an erroneous conclusion by the public that poultry may be unsafe. CDC should cease from stating its position on these antibiotics in public forums.
- **Influential:** ___ Yes ___X___ No ___ undecided/unsure

- **First Agency Response:** in progress completed. The response was sent on 03/13/03.
- **Resolution:** The Associate Director for Epidemiologic Science at the National Center for Infectious Diseases, CDC responded on March 13, 2003. The response advised that statements made by CDC are supported by the analysis of data from the National Antimicrobial Resistance Monitoring System for Enteric Bacteria (NARMS-EB) Further, CDC agrees that the presentation of results should clearly state that some data are preliminary and that final results may differ from preliminary reports. CDC plans to include a discussion of the limitations inherent to surveillance and to NARMS-EB in particular in future reports. CDC plans to review documents related to this issue on its website to ensure that they are accompanied by appropriate discussion of data limitations.
- **Appeal Request:** none in progress completed. The appeal was received on 3/27/03. CDC responded to the appeal on 7/11/03
- **Summary of Request for Reconsideration:** The appeal indicated that the CDC assessment failed to take into account the effect of foreign travel as a confounder for the relation between flouoroquinolone-resistance and excess days of illness in its data sets. Since CDC fails to take this element into consideration, CDC's analysis is flawed.
- **Type of Appeal Process Used:** The appeal was answered by the Acting Deputy Director for Science and Public Health, CDC.
- **Appeal Resolution:** The response stated that CDC does not find that the statements made in CDC abstracts or presentations misrepresent the available data or require corrective action. However, CDC agrees that presentations should clearly state what data are preliminary and that final results may differ from preliminary reports. CDC also agrees that the use of estimates of incidence published in 1999 should be noted as dating from that time, until they are replaced by a new set of estimates. Future CDC statements also should note the challenges of assessing trends in the absence of reliable information about amounts of flouoroquinolone agents used in animal production.

Agency Receiving Petition: Department of Health and Human Services, Centers for Disease Control and Prevention, CDC

- **Petitioner:** An individual who works as a contractor for CDC.
- **Date Received:** Received by email dated 1/8/03 and logged in on 1/8/03.

- **Summary of Request:** The request asks for the re-direction of a link on the CDC website to make it easier for the public to obtain general information about gonorrhea.
- **Description of Requested Correction:** The health topic “gonorrhea” on the main CDC health topics web page should be re-directed to the fact sheet on the Division of STD Prevention website. Currently, it is linked to the page that deals with antimicrobial resistance diseases and the clinical aspects of gonorrhea. This re-direction will allow members of the public interested in obtaining general information on gonorrhea to do so easily.
- **Influential:** ___ Yes ___ No ___ undecided/unsure
- **First Agency Response:** ___ in progress ___ completed. CDC responded on 3/3/03.
- **Resolution:** The Deputy Associate Director for Science, National Center for HIV, STD, and TB Prevention responded. The response said that a new topic titled “Gonorrheal (Info)” would be added to the CDC Health Topics and would link to the Division of STD Prevention’s website.
- **Appeal Request:** ___ none ___ in progress ___ completed. The appeal was received on 03/28/03. The CDC response was sent on 5/18/03.
- **Summary of Request for Reconsideration:** The appeal requested that the web link be re-directed and that the new link be re-named Division of AIDS, STD, and TB Laboratory Research.
- **Type of Appeal Process Used:** The appeal was answered by the Acting Deputy Director for Science and Public Health, CDC .
- **Appeal Resolution:** The CDC response states that CDC review indicates that there is no need to re-name the link.

Agency Receiving Correction Request: Department of Health and Human Services, Centers for Medicare & Medicaid Services(CMS)

- **Requestor:** SafeBlood Technologies
Debby Thetford Nye, Lawyer
Mitchell, Williams, Selig, Gates, and Woodyard, P.L.L.C.

- **Date Received:** The request was dated 11/14/02 and was delivered via express mail. The request was logged in on 11/18/02.
- **Summary of Request:** SafeBlood complained that Arkansas BlueCross and BlueShield, the CMS Fiscal Intermediary, in a Local Medical Review Policy (LMRP) addressed reimbursement for wound care inappropriately by categoring Autologous Tissue Grafting™, a SafeBlood product, as a platelet derived formula.
- **Description of Requested Correction:** SafeBlood requested that the agency rescind the LMRP and reimburse providers for Autologous Tissue Grafting™ services provided to Medicare enrollees.
- **Influential:** ___Yes ___X___ No ___Undetermined
- **First Agency Response:** ___ in progress ___X_ completed. The initial CMS response was sent on 1/14/03. The final CMS response was sent on 5/17/03.
- **Resolution:** On January 14, 2003, SafeBlood was advised that much of the relief they requested was outside the scope of the Information Quality Correction Process and that administrative procedures exist to address coverage policy and LMRP reconsiderations. They were directed to the appropriate contacts to initiate such requests. The original material was forwarded to the Arkansas Fiscal Intermediary Contractor Medical Director (CMD) for the purpose of reviewing the allegedly erroneous information.

On January 23, SafeBlood replied to this letter with a request to appeal the decision. SafeBlood stated that their original complaints were (a) that Autologous Tissue Grafting™ was not covered by the national coverage decision, so that reconsideration was beside the point, and (b) that the Arkansas CMD had failed to follow procedures in implementing the LMRP and should not be making a payment determination.

On February 13, CMS responded that an appeal was premature, given that a determination of the Information Quality issue had not been completed. The response noted that SafeBlood had met with national CMS officials to present further information and that a final decision would be given in 60 days.

On April 17, a final reply was sent to SafeBlood. It stated, in part, that to address “that portion of your request concerning posting of information regarding Autologous Tissue Grafting™, now termed SafeBlood Graft™, and platelet-derived wound healing formula (e.g. Procuren™) in the Arkansas Fiscal Intermediary draft LMRP titled “Chronic Wound Care – Draft” (the “LMRP”) ... Upon reviewing the materials submitted, we have determined that sufficient clinical differences exist between SafeBlood and Procuren to justify correction of the information contained in the LMRP on the Arkansas Blue Cross and Blue Shield website.

We consequently have requested Arkansas Blue Cross and Blue Shield to remove immediately the incorrect information from their website, which they have done.”

- **Appeal Request:** none in progress completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution:**

Agency Receiving Correction Request: Department of Health and Human Services, the Food and Drug Administration (FDA)

- **Requestor:** Kent D. McClure
Animal Health Institute, a trade association
- **Date Received:** January 22, 2003 and was delivered via messenger.
- **Summary of Request:** The Animal Health Institute (AHI) requests correction of a *Campylobacter* risk assessment titled, “The Human Health Impact of Flouroquinolone Resistant *Campylobacter* Attributed to the Consumption of Chicken” (Vose Risk Assessment). “The Vose Risk Assessment is methodologically flawed.” “The Vose Risk Assessment and related materials are inaccurate and should be corrected.”

The Vose Risk Assessment is available on the Center for Veterinary Medicine’s (CVM) Website. “[T]he Vose Risk Assessment has been widely relied upon, quoted, and otherwise referenced and disseminated many times in additional publications and presentations ...”

- **Description of Requested Correction:** AHI requests that a qualified and independent risk assessment expert should be appointed to review the Vose Risk Assessment.
- **Influential:** Yes No Undetermined
- **First Agency Response:** in progress completed. The FDA responded on 3/20/03.
- **Resolution:** Prior to receiving the AHI request for correction, the FDA had begun conducting a formal evidentiary hearing under 21 CFR Part 12 on CVM’s proposal to withdraw approval of the new animal drug application (NADA) for the flouroquinolone enrofloxacin. The purpose of the Vose Risk Assessment was to assist in establishing the extent of the adverse human health impact of flouroquinolone use in poultry. The initial response letter was issued by the Director of the Center for Veterinary Medicine. The letter

stated that a decision on the request would be made within 60 days of the final decision in the hearing on the proposal to withdraw approval of the NADA for enrofloxacin.

- **Appeal Request:** ____ none in progress ____ completed, AHI appealed the decision on 4/16/03 via hand delivery and e-mail. FDA sent a response on 9/16/03.
- **Summary of Request for Reconsideration:** AHI stated that a deferral of a decision until after the conclusion of the hearing to withdraw the NADA for enrofloxacin constitutes a denial of the request for correction. AHI also stated that a decision on the Request by the employee who made the initial decision (i.e., Director of CVM) constitutes a denial of the request and a failure to follow the FDA's regulation at 21 CFR 10.75.
- **Type of Appeal Process Used:** The FDA response indicated that the decision on the appeal of the request has been referred to the Administrative Law Judge who also will rule on the Part 12 Hearing to withdraw approval for enrofloxacin.
- **Appeal Resolution:**

Agency Receiving Correction Request: Department of Health and Human Services, National Institutes of Health (NIH), National Institute of Environmental Health Science (NIEHS), National Toxicology Program (NTP)

- **Requestor:** Jerry Cook
Chemical Products Corporation
- **Date Received:** The request was received electronically on 11/15/02.
- **Summary of Request:** Chemical Products Corporation (CPC) “ requests that the abstract of Draft Technical Report TR-494...be withdrawn from the NTP web site and all other locations where it is available to the public.” “The Anthraquinone sample tested in the long term NTP studies reported in Draft TR-494 contains a mutagenic contaminant which has rendered the Draft TR-494 report and the peer review of that Draft report invalid.”
- **Description of Requested Correction:** “CPC requests that the abstract of Draft Technical Report TR-494...be withdrawn from the NTP web site and all other locations where it is available to the public. We request that it be replaced with a statement explaining that a contaminant in the Anthraquinone sample tested by NTP confounded the results of the testing and that Draft TR-494 will be withdrawn, rewritten, and resubmitted for peer review.”
- **Influential:** ____ Yes No ____ Undetermined/Unsure

- **First Agency Response:** ____ in progress X completed
NTP responded on 3/19/03.
- **Resolution:** NTP added the following information to the NTP web site: 1) a statement that the anthraquinone sample used in our two-year study and in the Salmonella mutagenicity test giving positive results contained 0.1% contamination by 9-nitroanthracene and 2) a description of follow-up mutagenicity and metabolism studies. NTP's response stated that the findings from those studies would be added to the web site after they are finalized."

Appeal Request: ____ none ____ in progress X completed. The appeal was received on 3/27/03. NIEHS responded on 9/8/03.

- **Summary of Request for Reconsideration:** "Anthraquinone, was itself not mutagenic, but instead was contaminated with a strong mutagen. Incorrect information concerning Anthraquinone has been offered to the public on the NTP website for over 3 years... We have asked, once again, that the abstract of draft TR494 be removed from the NTP website and replaced with an explanation of the non-mutagenic nature of Anthraquinone and contamination of the test material with a mutagen..."
- **Type of Appeal Process Used:** The appeal was answered by the Deputy Director, NIEHS.
- **Appeal Resolution:** The response to the appeal stated that "The abstract of draft TR-494 will immediately be removed from the NTP website. Further studies are underway on the metabolism of anthraquinone in rodents and on the relative mutagenic potency of this compound, its major metabolites, the contaminant 9-nitroanthracene, and two isomers of 9-nitroanthracene. Additional information from this work will eventually be incorporated into a revised abstract and technical report which will be submitted for peer review and subsequent publication."

Agency Receiving Correction Request: Department of Health and Human Services, National Institutes of Health (NIH), National Institute of Environmental Health Science (NIEHS), National Toxicology Program (NTP)

- **Requestor:** Nickel Development Institute (NiDi),
Nickel Producers Environment Research Association
(NiPERA), and Inco, United States
Neil J. King, Lawyer
Wilmer, Cutler & Pickering

- **Date Received:** The request was dated 4/9/03 and received electronically on 4/18/03.
- **Summary of Request:** The request indicates that the discussion accompanying the 10th Report on Carcinogens (RoC) listings of Nickel Compounds and Metallic Nickel does not comply with the Information Quality Guidelines in the following respects:

“1. It does not comply with the “objectivity” requirement of the OMB Guidelines because: A) It is not ‘presented in an accurate, clear, complete and unbiased manner’; and B) It does not present ‘accurate, reliable, and unbiased information.’ 2. Although the 10th RoC presents ‘influential’ scientific information relating to an analysis of risks to human health allegedly posed by exposure to nickel compounds and metallic nickel, it fails to comply with the scientific quality principles established by Congress in the Safe Drinking Water Act Amendments of 1996, as required by the OMB Guidelines, in that: A) It does not use the best available peer reviewed science; B) It does not identify studies that fail to support the carcinogenic effect; and C) It is not comprehensive, informative, and understandable.”

- **Description of Requested Correction:** “NiDi, NiPERA, and Inco request that the material identified in the request be corrected (as indicated herein) and that an appropriately revised discussion of Nickel Compounds and Metallic Nickel be published and disseminated as a correction to the 10th RoC.”
- **Influential:** ___ Yes ___ No ___ Undetermined/Unsure
- **First Agency Response:** ___ in progress* ___ completed
The NTP response was sent on 10/24/03 but was still in progress by 09/30/03, the end of the reporting year for this report.
- **Resolution:** The NTP response was not sent in FY03.
- **Appeal Request:** ___ none ___ in progress ___ completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution:**

Agency Receiving Correction Request: Department of Health and Human Services, National Institutes of Health (NIH), National Institute of Environmental Health Science (NIEHS), National Toxicology Program (NTP)

- **Requestor:** John O. Snyder
Styrene Information and Research Center, a trade association.

- **Date Received:** The request was dated 6/10/03 and received electronically on 6/12/03.
- **Summary of Request:** “The Styrene Information and Research Center, Inc. (SIRC) requests that the National Toxicology Program (NTP) make an important technical correction to the press release and fact sheet, currently on NTP’s website, announcing the publication of the tenth edition of the National Toxicology Program’s (NTP’s) Report on Carcinogens (ROC).”
- **Description of Requested Correction:** “SIRC requests that the NTP delete this sentence from the fact sheet and press release. The sentence to be deleted is: “Styrene –7,8-oxide is used in producing reinforced plastics and as a chemical intermediate for cosmetics, surface coatings, agricultural and biological chemicals. ”In the alternative, NTP could state that Styrene oxide may be present in reinforced plastic operations.”
- **Influential:** ___ Yes No ___ Undetermined/Unsure
- **First Agency Response:** ___ in progress completed. NTP sent a response on 8/14/03.
- **Resolution:** The NTP agreed that information in the press release and fact sheet is incorrect and corrected both documents to read as follows: “Styrene-7,8-oxide, is used primarily in the production of styrene glycol and its derivatives, as a reactive diluent in epoxy resins, as a treatment for textiles and fibers, and as a chemical intermediate in the manufacture of such materials as perfumes and surface coatings.”
- **Appeal Request:** none ___ in progress ___ completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution:**

Agency Receiving Petition: Department of Health and Human Services, National Institutes of Health, National Heart, Lung and Blood Institute (NHLBI)

- **Requestor:** William L. Kovacs,
Chamber of Commerce of the United States of America, an advocacy organization and
Richard L. Hanneman,
Salt Institute, a trade association.
- **Date Received:** The request was received on 5/15/03.

- **Summary of Request:** The request challenges information contained in six documents that discuss the effect of salt intake on human blood pressure that, “directly states and otherwise suggests that reduced sodium consumption will result in lower blood pressure in *all* individuals.” The documents are: (a) two clinical practice guidelines released by the National High Blood Pressure Education Program (NHBPEP), both of which were published in the *Journal of the American Medical Association* (JAMA); (b) two consumer-oriented materials that NHLBI developed from the practice guidelines; and (c) two press releases.
- **Description of Requested Correction:** The request was “based solely on the agency’s failure to make study data publicly available,” and the complainants did not “request or recommend that the challenged information be removed from public view.” Instead, they asked NIH to release copies of data from the grant-funded DASH-Sodium trial concerning “all DASH-Sodium blood pressure data for each subgroup... at each of the three levels of dietary sodium intake, including the missing 2,400 mg/day intake level, on both the control diet and the DASH diet.”
- **Influential:** ___ Yes ___ No ___ undecided/unsure
- **First Agency Response** ___ in progress ___ completed.
NHLBI responded on 8/19/03.
The NIH FOIA Office responded on 9/3/03.
- **Resolution:** Because the request did not seek the correction of any agency-disseminated information, but instead sought copies of data produced in grant-funded research, NHLBI found that the Freedom of Information Act (FOIA) is the appropriate administrative mechanism for handling the request and stated that it would refer the request to the FOIA office for review. In addition, NHLBI noted that the grantees had already provided the data to two public requestors and would be making a public access data set available in January 2004.

Although NHLBI found that a request for underlying grantee data is properly handled under FOIA, the agency also addressed the Request under NIH’s Information Quality Guidelines. NHLBI said that the two press releases fell outside the scope of the Guidelines. In the case of the remaining documents, NHLBI noted that the NIH Guidelines presume that analytic information that is “subject to formal, independent external peer review” is of “reasonable quality” and sufficiently objective: “[f]or scientific and technical documents,” the “the scientific community recognizes peer review as the primary means of quality control” and NIH follows this standard. The two practice guidelines were published in JAMA. They were subjected to rigorous and independent peer review as well as to an NHLBI internal peer review. The consumer materials received similar rigorous peer review and they were based upon a wide range of research.

- **Appeal Request:** ___ none ___ in progress* ___ completed

*An appeal was received on 10/22/03, after the 2003 FY period of this report.

- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution:**

6 Interior

Year-End Information Quality Report

Requests for Correction Received FY 2003

Department of the Interior

Period Covered: October 1, 2002---September 31, 2003

Agency Name	Number of Requests Received	Number Designated as Influential
U.S. Fish and Wildlife Service	six	five

1. Atlantic salmon

- **Agency Receiving Correction Request:** Department of the Interior, U.S. Fish and Wildlife Service.
- **Requestor:** Atlantic Salmon of Maine (ASM).
- **Date Received:** March 31, 2003, mail.
- **Summary of Request:** The Service received a request on behalf of Atlantic Salmon of Maine (ASM) for correction of: (1) The September 2002 draft biological opinion (BO) to the U.S. Army Corps of Engineers (Corps) on the proposed continuation of existing permits authorizing the installation and maintenance of fish pens within the State of Maine with conditions to protect endangered Atlantic salmon (draft Corps BO) and; (2) the January 2001 *Final Biological Opinion on the U.S. Environmental Protection Agency's (EPA) Proposed Approval of the State of Maine's Application to Administer the National Pollutant Discharge Elimination System (NPDES) Permit Program* (EPA BO).
- **Description of requested information:** ASM contended that the Service could not rely upon the King Study in the development of biological opinions because it did not meet the standards established by the IQA and that the Service needed to reexamine the applicability of outbreeding depression to wild salmon in Maine.
- **Influential:** Yes.
- **First Agency Response:** On July 2, 2003 the Service notified ASM that it was extending the date of resolution.

- **Resolution:** On August 7, 2003, the Service completed its analysis of the issues raised in the ASM request and responded as follows, “as required by the ESA, the Service relies on the best available scientific and commercial information available when writing biological opinions. Our reliance on the best available science and information available at the time of the EPA BO has been confirmed and supported by the publication of additional peer-reviewed scientific literature and the NRC report.” As a result of the Service’s analysis, the agency found that no correction of information was warranted.
- **Appeal Request:** ASM did not appeal.

2. Slickspot peppergrass.

- **Agency Receiving Correction Request:** Department of the Interior, U.S. Fish and Wildlife Service.
- **Requestor:** Dr. Terry Bashore, U.S. Air Force.
- **Date Received:** March 31, 2003, mail.
- **Summary of Request:** Correction of information concerning the Service’s proposed rule to list *Lepidium papilliferum* (slickspot peppergrass) as an endangered species.
- **Description of Requested Correction:** Rewrite the notice because there is a lack of scientific evidence to support or reject claims; lack of scientific peer review; questions on taxa; inaccurate, confusing, and misleading presentation of listing arguments; insufficient population surveys, and a total lack of scientific data to warrant listing.
- **Influential:** Yes.
- **First Agency Response:** On July 10, 2003 the Service notified Dr. Bashore that it was extending the date of resolution.
- **Resolution:** On July 18, 2003, the Service announced a 6-month extension of the deadline for a final determination of whether to list slickspot peppergrass under the Endangered Species Act (ESA) and reopened the public comment period on the proposed rule to list the species. We took that action because there was substantial disagreement regarding the sufficiency and interpretation of the available data relevant to the proposed listing rule, making it necessary for us to solicit additional information by reopening the public comment period. The date for submitting the agency’s final determination on the proposed listing to the Federal Register has been extended to January 15, 2004.

- **Appeal Request:** August 1, 2003.
- **Summary of Request for Reconsideration:** Reopening the comment period does not correct the Notice to List.
- **Type of Appeal Process Used:** Subsequent communications took place between the Service and the Air Force.
- **Appeal Resolution:** A response to the Air Force's IQA request will be provided in the final rule. Although the delay in the listing action was not predicated by the IQA request, delaying the listing action, and implementing an open review process did in fact, respond to the request for correction. This process will be the venue in which the Service ensures that the final listing determination for slickspot peppergrass addresses comments regarding quality, utility, and objectivity standards, as outlined in the U.S. Fish and Wildlife Service's Information Quality Guidelines. On September 3, 2003, the Service notified the Air Force that no action would be taken on their appeal.

3. Pygmy owl, #1.

- **Agency Receiving Correction Request:** Department of the Interior, U.S. Fish and Wildlife Service.
- **Requestor:** Mr. Jim Chilton, Chilton Ranch and Cattle Company and Dennis Parker, Attorney at Law.
- **Date Received:** April 2, 2003, mail.
- **Summary of Request:** Correction of information concerning: (1) *Cactus Ferruginous Pygmy Owl Draft Recovery Plan*, January 2003, Region 2 U.S. Fish and Wildlife Service, Albuquerque, New Mexico. (68 F.R. 1189) and (2) *Proposed Rule for Designation of Critical Habitat for the Arizona Distinct Population Segment (DPS) of the Cactus Ferruginous Pygmy Owl (Glaucidium brasilianum cactorum)*.
- **Description of Requested Correction:** The information is not presented in an accurate, clear, complete and unbiased manner and is unreliable because it misrepresents the authorities it cites.
- **Influential:** Yes.

- **First Agency Response:** July 25, 2003 notified Mr. Parker that it was extending the date of resolution.
- **Resolution:** On October 8, 2003 the Service responded that in August 2003, the United States Court of Appeals for the Ninth Circuit ruled that the Service had acted arbitrarily and capriciously in designating the Arizona pygmy-owl population as a Distinct Population Segment under our DPS Policy and remanded the case back to the district court for further proceedings. Because of this pending litigation and any action proceeding from it, the Service has delayed any response to the request. Once the court has acted, the Service will respond to the request accordingly.

4. Trumpeter swan.

- **Agency Receiving Correction Request:** Department of the Interior, U.S. Fish and Wildlife Service.
- **Requestor:** Mr. Eric Wingerter, Public Employees for Environmental Responsibility (PEER).
- **Date Received:** May 28, 2003, mail.
- **Summary of Request:** To correct information in the Service's 90-day finding on a petition to list the Tri-state Area Flocks of the Rocky Mountain Population of trumpeter swans.
- **Description of Requested Correction:** An internal report used by the Service was not subject to peer-review, relied on unsupported statements, failed to utilize accepted methods for information collection and makes misleading selective use of data to support a pre-determined outcome.
- **Influential:** Yes.
- **First Agency Response:** July 30, 2003.
- **Resolution:** The Service completed an analysis of the issues raised in the PEER IQA request. In brief, the request asked that the Service withdraw its 90-day finding. However, the Service did not find any new information in the request that would lead it to conclude that the Tri-state Area Flocks of trumpeter swan are either discrete or significant to the rest of the taxon within the meaning of the ESA. As a result of the agency's analysis, it found that no correction of information was warranted.

- **Appeal Request:** August 9, 2003.
- **Summary of Request for Reconsideration:** The Service relied on selected, incomplete and non-peer reviewed data and should immediately withdraw its 90-day finding.
- **Type of Appeal Process Used:** A panel of Service and USGS senior managers.
- **Appeal Resolution:** As of October 1, 2003, the appeal was still under consideration.

5. Manatees

- **Agency Receiving Correction Request:** Department of the Interior, U.S. Fish and Wildlife Service.
- **Requestor:** Steven E. Webster, Executive Director of Florida Marine Contractors Association.
- **Date Received:** May 29, 2003, public comments, mail.
- **Summary of Request:** The proposed rule is objected to on legal, scientific and economic impacts.
- **Description of Requested Correction:** The rule did not adequately consider economic impacts, used erroneous assumptions and inappropriate measurements in its analysis of boat speed zones and affect on manatees.
- **Influential:** No.
- **First Agency Response:** August 4, 2003.
- **Resolution:** The Service reviewed the comments submitted concerning the proposed rule within the context of the rulemaking process. No further action was necessary with this request.

6. Pgymy owl, #2.

- **Agency Receiving Correction Request:** Department of the Interior, U.S. Fish and Wildlife Service.
- **Requestor:** Gerald M. Howard, National Association of Home Builders.

- **Date Received:** June 27, 2003, mail.
- **Summary of Request:** Correction of information concerning the Service's *Proposed Rule for Designation of Critical Habitat for the Arizona Distinct Population Segment of the Cactus Ferruginous Pygmy Owl (Glaucidium brasilianum cactorum)*.
- **Description of Requested Correction:** Statements disseminated by the Service in its proposed rule are based on unpublished data and personal communications.
- **Influential:** Yes.
- **First Agency Response:** September 2, 2003.
- **Resolution:** On October 8, 2003, the Service responded that in August 2003, the United States Court of Appeals for the Ninth Circuit ruled that the Service had acted arbitrary and capricious in designating the Arizona pygmy-owl population as a Distinct Population Segment under our DPS Policy and remanded the case back to the district court for further proceedings. Because of this pending litigation and any action proceeding from it, the Service has delayed any response to the request. Once the court has acted, the Service will respond to the request accordingly.

7 Justice

United States Department of Justice

Fiscal Year 2003 Year-End Information Quality Law Report to the Office of Management and Budget

Requests for Correction received by components of the United States department of justice during FY 2003 [October 1, 2002 through September 30, 2003]

Component Name	Number of Requests Received	Number Designated as Influential
Civil Rights Division	1	Undetermined
Federal Bureau of investigation	1	Undetermined
TOTAL	2	0

Agency Receiving Correction Request:

Department of Justice, Civil Rights Division, Voting Section.

Requestor:

Lisa Hasegawa, Executive Director
National Coalition for Asian Pacific American Community Development,
Non-profit organization

Date Received: Fall 2002; received telephone call

Summary of Request:

Requestor informed us that the character set used for the Vietnamese translation for the brochure "Minority Language Citizens - Section 203 of the Voting Rights Act" was incorrect. The organization noted the error when it received of copies of the brochure for distribution at their national conference.

Description of Requested Correction:

Requested correction of the brochure.

Influential: ___ Yes X No ___ Undetermined

First Agency Response: X in progress ___ completed

The original brochure has been withdrawn from distribution and the retranslation has been completed.

Resolution:

Printing of the corrected brochure is delayed pending determination on potential, unrelated revision of brochures for other languages in the same series.

Appeal Request: none in progress completed

Summary of Request for Reconsideration: N/A

Type of Appeal Process Used: N/A

Appeal Resolution: N/A

Agency Receiving Correction Request:

Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, Uniform Crime Reporting (UCR) Program

Requestor:

Thomas Zelenock, Inter-university Consortium for Political and Social Research, University of Michigan

Date Received: 04/11/2003

Summary of Request:

Dr. Zelenock requested the 2001 master files for the data presented in the Supplementary Homicide Report from the UCR Program. The original request was submitted in writing. The UCR Program provided Dr. Zelenock the data on a CD-ROM.

Description of Requested Correction:

The UCR master files were not supposed to include data from the terrorist events of September 11, 2001. Including these data would render the files useless for researchers and for individuals interested in trend and rate calculations.

Dr. Zelenock requested that the UCR Program remove the data from the master files.

Influential: Yes No Undetermined

First Agency Response: in progress completed

Resolution:

Because the UCR Program had previously decided to remove the data from all affected master files, the Program realized that the data had not been removed and honored Dr.Zelenock's request to delete the 9/11 data as appropriate. Dr. Zelenock was contacted and informed that as soon as the data had been deleted, he would be sent the corrected files. Other data users who had

received the problematic files were also contacted and offered replacement files with the corrected data.

Appeal Request: none in progress completed

Summary of Request for Reconsideration: N/A

Type of Appeal Process Used: N/A

Appeal Resolution: N/A

Agency Receiving Correction Request:

Department of Justice, Federal Bureau of Investigation, Director's Office

8 Labor

Year-End Information Quality Report

Requests for Correction Received FY 2003

US Department of Labor

Period Covered: October 1, 2002 – September 30, 2003

Agency Name	Number of Requests Received	Number Designated as Influential
OSHA-DEA	15 (21 not considered IQCR)	0
MSHA	2	0
VETS	1	0
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	18 Total	0 Total

Request No. 43

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** [Amishi Ghandi](#)
ERG., Inc.
Corporation
- **Date Received:** May 3, 2003, received electronically
- **Summary of Request:** On OSHA's web site, the following regulation (1910.124) is missing some text: http://www.osha-slc.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id--74&p_text_versionuLSE 1910.124(j)(4) and (j)(5) are missing. See bottom of page.
- **Description of Requested Correction:** "Complete the text with the missing information."
- **Influential:** ___ Yes No ___ Undetermined
- **First Agency Response** ___ in progress completed
OSHA responded May 5, 2003

- **Resolution:** Closed, review complete, no correction. Forwarded request to Directorate of Standards & Guidance. On May 16, 2003 Directorate of Standards and Guidance/OSHA, (202) 693-1982 tested the site and found no text missing. OSHA sent Email to correspondent on May 28, 2003 indicating that the site had been tested and no text found to be missing. It was suggested that perhaps there was a glitch in the correspondent's server or computer when the text was pulled up on the OSHA website.
- **Appeal Request:** none in progress completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Request No. 38

- **Agency Receiving Correction Request:** DOL/OSHA/DEA
- **Requestor:** [Steven Avadek](#)
CCH, Inc.
Corporation
- **Date Received:** April 17, 2003, received electronically
- **Summary of Request:** Construction Standard, Section 1926.50 Appendix A, second paragraph refers to the OSHA "200" log. Should this text have been amended when OSHA changed the recordkeeping form to the 300s?
- **Description of Requested Correction:** Asks that the correction be made and that someone let him know when it is amended.
- **Influential:** Yes No Undetermined
- **First Agency Response** in progress completed
OSHA responded October 14, 2003
- **Resolution:** Closed, review complete, no correction. On 10/14/03 OSHA emailed him that change would not be done as this problem represents a major website revision issue. It is not just the 29 CFR Standards, but documents of every type, from many different offices. It is the responsibility of the web officers for the originating offices, to review and keep their documents up-to-date, and for submitting updates to the Webmaster for any specific changes to their documents.

In the regulatory text and preamble that was produced in 2001 when the new OSHA

Recordkeeping Forms were proposed, it was noted that whenever the term “200 Log” is used in the new regulatory text, it is referring to the form used prior to the effective date (January 1, 2002) of the new Forms.

- **Appeal Request:** none in progress completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution:**

Request No. 68

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** [Steve Shapiro](#)
Environmental Protection Agency
Federal Agency
- **Date Received:** October 1, 2002, received electronically
- **Summary of Request:** Correction of date of publication of pamphlet “Preventing Asbestos Disease Among Auto Mechanics,” EPA (1997, March), 11 pages,” listed on <http://www.osha-slc.gov/SLTC/asbestos/control.html>
- **Description of Requested:** Correct date of publication is June 1986.
- **Influential:** Yes No Undetermined
- **First Agency Response** in progress completed
OSHA responded on November 7, 2003
- **Resolution:** Closed, review complete w/correction. The date was dropped from the webpage in favor of the statement, "This link is the online version of the EPA document."
- **Appeal Request:** none in progress completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Request No. 49

- **Agency Receiving Correction Request:** DOL/OSHA-DEA

- **Requestor:** [Ms. D. Lanaoue](#)
J. W. Rufolo, Inc.
Corporation
- **Date Received:** August 20, 2003, received electronically
- **Summary of Request:** In the Establishment Search Inspection Data, information regarding one of their clients has been incorrectly stated.
- **Description of Requested Correction:** Ms. Lanoue has a copy of the fully Executed Stipulated Settlement Agreement which states the proper information and the signed Judge's Order Approving Settlement.
- **Influential:** ___Yes ___X___ No ___Undetermined
- **First Agency Response** ___ in progress ___X___ completed
OSHA responded September 9, 2003
- **Resolution:** Closed, review complete w/correction. Directorate of Enforcement Programs contacted the requestor to determine the identification of the establishment and its location on September 9, 2003 and the matter was settled to their mutual satisfaction by posting the correct information supplied by Ms. Lanoue on September 16, 2003.
- **Appeal Request:** ___ X___ none ___ in progress ___ completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Request No. 29

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** [Robert L. Rickman](#)
Virginia Department of Labor and Industry
State Agency
- **Date Received:** December 11, 2002, received electronically
- **Summary of Request:** Error in DIR 02-02 (TED 3.5)

- **Description of Requested Correction:** TED 3.5 left out the denominator in the calculation of percent difference the site is from the industry average. The BLS industry rate should be in the denominator. The correspondent puts the site rate in the denominator which is also incorrect.\
- **Influential:** ___ Yes No ___ Undetermined
- **First Agency Response** ___ in progress completed
OSHA responded December 13, 2002 and on March 25, 2003 replaced Instruction with corrected Direction.
- **Resolution:** On 12/13/02 correspondent was sent following Email: “We have attempted to correct this error in the past, but for some reason it keeps deleting the denominator when put on the web. It seems to be a formatting problem because the formula is correct in the hard copy of the directive. i.e....[Site Rate-BLS rate]/BSL rate x 100. Our regions know the correct formula and have been informed that the web site is incorrect.” On 03/25/03 TED 8.4 (containing the correction) replaced OSHA Instruction TED 8.1a and OSHA Direction DIR 02-02 (TED 3.5, which were canceled.
- **Appeal Request:** none ___ in progress ___ completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Request No. 12

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** [Edward J. Burlbaw](#)
LASYS. Inc.
Corporation
- **Date Received:** October 11, 2002, received electronically
- **Summary of Request:** Error on OSHA Bulletin Concerning Laser Hazards
- **Description of Requested Correction:** In the excerpt below the .4 w should be 0.4 mw. This makes a tremendous difference!

Lasers and laser systems are assigned one of four broad Classes (I to IV) depending on the potential for causing biological damage. The biological basis of the hazard classes are summarized in Table III:6-4.a. Class I: cannot emit laser radiation at known hazard

levels (typically continuous wave: cw 0.4 w at visible wavelengths). Users of Class I laser products are generally exempt from radiation hazard controls during operation and maintenance (but not necessarily during service). Since lasers are not classified on beam access during service, most Class....

- **Influential:** ___ Yes ___X___ No ___ Undetermined
- **First Agency Response** ___ in progress ___X___ completed
OSHA responded October 25, 2002.
- **Resolution:** Closed, review complete w/correction. Tech Support posted correction as of 11/04/03.
- **Appeal Request:** ___X___ none ___ in progress ___ completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Request No. 44

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** [Lisa Sullivan](#)
U.S. Department of Labor
Government Agency
- **Date Received:** June 26, 2003, received electronically
- **Summary of Request:** Grocery warehousing e-CAT missing text and Figures 10 and 11.
- **Description of Requested Correction:** Need to include references to Figure 10 and Figure 11 and insert correct paragraphs.
- **Influential:** ___ Yes ___X___ No ___ Undetermined
- **First Agency Response** ___ in progress ___X___ completed
OSHA responded July 8, 2003 and correction posted July 22, 2003
- **Resolution:** Closed, review complete w/correction. The problem was found and the correction made. Ms. Sullivan was informed on July 23, 2003 that the corrections had been posted on the website.

- **Appeal Request:** none in progress completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Request No. 42

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** [Nancy Thorne](#)
American Heart Association
Public Interest Group
- **Date Received:** May 2, 2003, received electronically
- **Summary of Request:** Inclusion of AMA in Guidelines for First Aid Programs
CPL 2-2.53): Paragraph A-4
- **Description of Requested Correction:** Add following paragraph: "The American Heart Association Heartsaver First Aid Course provides training in basic first aid procedures, with the opportunity for training in adult CPR and the use of automated external defibrillators (AEDs). The American Heart Association offers standard and advanced first aid courses throughout the United States via their Training Centers. After completion of the course and successful passing of the written and practical tests, trainees receive a certification card in either first aid, first aid with cardiopulmonary resuscitation (CPR) or first aid with CPR and AED."
- **Influential:** Yes No Undetermined
- **First Agency Response** in progress completed
OSHA responded May 02, 2003
- **Resolution:** Closed, review complete w/correction. Paragraph posted on the OSHA website as requested on May 22, 2003.
- **Appeal Request:** none in progress completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Request No. 50

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** Robert Pike
Liquid Container/Plaxicon
Company
- **Date Received:** August 20, 2003, received electronically
- **Summary of Request:** Correct inspection information regarding ownership as it reflects badly on current owner, Liquid Container
- **Description of Requested Correction:** Wants information removed as it pertains to an establishment purchased by the complainant 3 years after the inspection and citations were issued to the former owner.
- **Influential:** ___ Yes ___ No ___ Undetermined
- **First Agency Response** ___ in progress ___ completed
OSHA initially responded October 10, 2003 denying correction and decision Emailed to Mr. Pike on October 14, 2002.
- **Resolution:** Email message stated: "The OSHA database's Establishment Search function is designed to present the history of OSHA activity at a specific worksite, not the history of a specific employer. There is no information in the database that would indicate the owner of the establishment. Therefore, all inspections of Liquid Container will be displayed in response to an establishment search of that name.

Please be assured that any subsequent OSHA actions at the site which take into account the history of violations, such as issuance of repeat or willful violations, would not be based solely on an establishment search but would take into consideration other information such as ownership.

I hope that this information serves to clarify our policy."

- **Appeal Request:** ___ none ___ in progress ___ completed
Appeal received October 14, 2003 via Email
OSHA responded November 6, 2003 with correction
- **Summary of Request for Reconsideration:** OSHA's own definition of "Establishment Name"...states, "Identifies the employer who was inspected", not the activity at a specific worksite. Owner at time of inspection was U.S. Container Corporation and not Liquid Container.

- **Type of Appeal Process Used:** Senior official review
- **Appeal Resolution** Closed, appeal complete w/correction. In response to Mr. Pike's email, OSHA's data office has changed the database so that a search for "Liquid Container" will only bring up the inspections at the Fruitland Avenue address since December 1999. Currently, three inspections are shown, all in 2002 or 2003. The earlier inspections are now listed under "United States Container Corp."

Request No. 45

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** [Shari Van Bale](#)
American Safety Training, Inc.
Corporation
- **Date Received:** July 1, 2003, received electronically
- **Summary of Request:** Missing Table O-12
- **Description of Requested Correction:** Upon reviewing the subject standards, I noted a reference to a Table O-12 in 1910.219(e)(1)(i) and 1910.219(o)(5)(ii), and 1926.307(e)(1)(i) and 1926.307(o)(5)(ii). However, I cannot find Table O-12 anywhere in 1910 or 1926. 1910, Subpart O, has a Table O-11, but none higher (Figures O-1 through O-38 do not relate to the topic). 1926, Subpart I, has no tables at all (Figures I-1 to I-12 do not relate to the topic), and 1926, Subpart O "Motor Vehicles, Mechanized Equipment, and Marine Operations" not only does not relate to the topic but has neither Tables or Figures. The same error has existed in past years. Can we get it corrected?
- **Influential:** ___ Yes ___ No ___ Undetermined
- **First Agency Response** ___ in progress ___ completed
OSHA responded November 13, 2003.
- **Resolution:** Open, under request review. OSHA will be issuing a technical amendment to §§1910.219 and 1926.307 to correct those errors.
- **Appeal Request:** ___ none ___ in progress ___ completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Request No. 65

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** [G. Woodson](#)
J.J. Keller & Associates, Inc.
Corporation
- **Date Received:** August 21, 2003, received electronically
- **Summary of Request:** Critique of OSHA 3115 Handbook (Underground Construction)
- **Description of Requested Correction:** Wants proofreading corrections made
- **Influential:** ___ Yes No ___ Undetermined
- **First Agency Response** ___ in progress completed
OSHA responded October 21, 2003
- **Resolution:** Closed, review complete w/correction. The correspondent was informed via Email dated 10/21/2003 that "...this publication has been updated and is scheduled for archiving within the next few days. The hard copy version of this 1996 publication was correct. The 2003 hard copy version has been available since August, 25, 2003 from the OSHA publications center at 202-693-1888." The 2003 electronic copy appeared on the OSHA Internet site as of 11/01/2003.
- **Appeal Request:** none ___ in progress ___ completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Request No. 40

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** [Kelly Lorenz](#)
NEXTTEQ, LLC
Corporation

- **Date Received:** March 6, 2003, received electronically
- **Summary of Request:** OSHA Technical Manual Correction
- **Description of Requested Correction:** The manual at link www.osha.gov/dts/osta/otm/otm_ii/otm_ii_1.html refers to the Sensidyne-Gastec Model 800 Part No. 7010657 (piston). Sensidyne no longer holds the rights to distribute Gastec products. NEXTTEQ, LLC is now the exclusive U.S. master wholesale distributor. Additionally, the pump has been updated and has a new part number and name.
- **Influential:** ___ Yes No ___ Undetermined
- **First Agency Response** ___ in progress completed
OSHA responded May 6, 2003
- **Resolution:** Closed, review complete w/correction. Contacted company in Japan on a couple of the verbiage issues and on 05/06/03 OSHA posted the following changes:

From: “SENSIDYNE-GASTEC, MODEL 800, PART NO. 7010657-1 (PISTON). This pump can be checked for leaks as mentioned for the Kitagawa pump; however, the handle should be released after 1 minute, and should return to within 6-mm or less of resting or fully closed position. Periodic relubrication of the pump head, the piston gasket, and the piston check valve is needed and is use-dependent.”

To: “NEXTTEQ, LLC (GASTEC MODEL GV-100 PISTON SAMPLING PUMP). When checking the pump for leaks, first confirm that the inlet clamping nut is firmly tightened. Next, push the pump handle fully in and align the guide marks on the pump shaft and handle. Then insert a fresh unbroken tube into the rubber inlet of the pump. Pull out the handle fully until it is locked, and wait 1 minute. Unlock the handle (by turning it more than 1/4 turn) and guide it back gradually applying a little force. Otherwise, the handle will spring back due to the vacuum in the cylinder and may damage the internal parts. Confirm the handle returns to the initial position and the guideline on the pump shaft is not seen. If this is not confirmed, follow the maintenance procedures explained in the operations manual for the Model GV-100 pump, or contact your Nextteq representative for maintenance assistance. The maintenance procedures involve leak checks on the inlet clamping nut and rubber inlet, and performing pump cylinder lubrication. Nextteq is Gastec's exclusive U.S. master wholesale distributor. The Gastec Corporation manufactures Gastec tubes and pumps.”

- **Appeal Request:** none ___ in progress ___ completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**

- **Appeal Resolution**

Request No. 47

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** [Robert M. Castellan, MPH](#)
NIOSH
Federal Agency
- **Date Received:** July 1, 2003, received electronically
- **Summary of Request:** Possible Error in Summary Table of Beryllium Exposure
- **Description of Requested Correction:** Error in summary table of beryllium exposure limits (<http://www.osha.gov/SLTC/beryllium/index.html>): according to Table Z-2 (http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9993), "30-minute" modifier should be mentioned in conjunction with peak exposure limit for beryllium, not with ceiling limit for beryllium. Same "30 minute" modifier is similarly applied erroneously to the ceiling limit on following page http://www.osha.gov/dts/chemicalsampling/data/CH_220600.html.

Similarly, "30-minute" modifier is applied erroneously to ceiling limit and not to peak exposure limit on following page:
http://www.osha.gov/dts/hib/hib_data/hib19990902.html.
- **Influential:** ___ Yes ___ No ___ Undetermined
- **First Agency Response** ___ in progress ___ completed
OSHA responded October 9, 2003
- **Resolution:** Closed, review complete, no correction. OSHA E-mailed Castellan that there is no error and that OSHA's explanation of ceiling values and peak values is more clearly described in 1910.1000 under paragraph (b)(2).
- **Appeal Request:** ___ none ___ in progress ___ completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Request No. 46

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** [Sierra Spruce, RDH](#)
Hawaii Dental Hygienists' Association
Trade Association
- **Date Received:** August 20, 2003, received electronically
- **Summary of Request:** Incorrect Name for American Dental Hygienists' Association
- **Description of Requested Correction:** "American Dental Hygiene Association." is incorrect and should read, "The American Dental Hygienists' Association."
- **Influential:** ___ Yes No ___ Undetermined
- **First Agency Response** ___ in progress completed
OSHA responded September 9, 2003
- **Resolution:** Closed, review complete w/correction. Correction posted on website on 08/21/03.
- **Appeal Request:** none ___ in progress ___ completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Request No. 55

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** [Kurt Southerland, CSP](#)
Motorola/Senior Safety Engineer
Corporation
- **Date Received:** August 21, 2003, received electronically
- **Summary of Request:** Incorrect SIC Code
- **Description of Requested Correction:** Motorola - Fort Worth Complex has the wrong SIC Code on the VPP charts located on <http://www.osh.gov/dcsp/vpp/index.html>. Both charts

have our SIC code as 2869 which is incorrect. The correct SIC code is 3663. Please correct or advise whom to contact concerning this error.

- **Influential:** ___ Yes No ___ Undetermined
- **First Agency Response** ___ in progress completed
OSHA responded September 19, 2003
- **Resolution:** Closed, review complete w/correction. OSHA Fed/State Ops authorized the correction, which was made in the latest monthly VPP stats for August which were posted on the OSHA website as of 09/19/2003. (Only the current month's VPP stats are posted online.)
- **Appeal Request:** none ___ in progress ___ completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Request No. 51

- **Agency Receiving Correction Request:** DOL/OSHA-DEA
- **Requestor:** [Stephen Kugelman](#)
United Space Alliance
Corporation
- **Date Received:** August 20, 2003, received electronically
- **Summary of Request:** OSHA 1910.145 - Specifications for accident prevention signs and tags, cites American National Standard Z53.1-1967. The present version of the ANSI specification is Z53.1-1998. Is it implied that the latest version should be adhered to when new designs are in process?
- **Description of Requested Correction:** Wants updates, which OSHA will provide as soon as FEDERAL REGISTER publication and process of changing regulations is completed.
- **Influential:** ___ Yes No ___ Undetermined
- **First Agency Response** ___ in progress completed
OSHA responded November 13, 2003

- **Resolution:** Correspondent informed via Email that updates are scheduled, but will be take time as must be published in FEDERAL REGISTER. He was given a contact name and number for further updating information.
- **Appeal Request:** none in progress completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution**

Request No. 25

- **Agency Receiving Correction Request]** DOL/MSHA
- **Requestor :** Larry Randlet - a private citizen who was looking at DOL/MSHA's statistics
- **Date Received:** November 18, 2002 by email to Jay Mattos, MSHA's Info. Quality POC
- **Summary of Request:** An error in the Number of Surface Coal Empl. Historical Statistics 1931 - 2001
- **Description of Requested Correction:** Same as above
- **Influential:** Yes No Undetermined the agency feels a
- **First Agency Response:** in progress completed
- **Resolution:** Correction made
- **Appeal Request:** none in progress completed in by the appropriate
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution:**

Request No. 67

- **Agency Receiving Correction Request:** DOL/MSHA
- **Requestor:** Mr. Glen Wyman
Sasol Southwest Energy

- **Date Received:** Received September 12, 2003 by email to Jay Mattos, MSHA's Info. Quality POC
- **Summary of Request:** Mr. Wymen stated, "While reviewing the data for our citation history I saw the information for 1998 is incorrect. All citations for that year have been duplicated resulting in information suggesting we had twice as many citations in 1998 as actually occurred. If you could please help me correct this matter I would appreciate it."
- **Description of Requested Correction:** Same as above
- **Influential:** Yes X- No Undetermined
- **First Agency Response:** in progress X- completed
- **Resolution:** Computer system bug was corrected
- **Appeal Request:** X none in progress completed
- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used:**
- **Appeal Resolution:**

Agency Receiving Correction Request: U.S. Department of Labor – Veterans' Employment and Training Service

- **Requestor:** Teresa Maher, CSS
Electronics Technicians Association, Intl
Training academy that certifies individuals to work in the electronic industry
- **Date Received:** February 5, 2003 10:31 AM via E-mail
- **Summary of Request:**
Change of Address on our web page: Under the job description of Radiotelephone Operator we would like to have our 800-288-3824 number listed and the address is a location that we were at four years ago.
- **Description of Requested Correction:** The correct address should be:

Electronics Technicians Association, Intl
5 Depot Street
Greencastle, IN 46135

Influential: ___Yes ___X___No

First Agency Response: ___ in progress ___X___ completed : Final Response: April 4, 2003

Resolution: Eliminated page which contained incorrect address. Provided link to new, alternative and consolidated website:

It was determined that we would eliminate redundancy and, more importantly, provide more efficient, current and effective assistance to the veterans, transitioning service members and training providers we serve and with whom we partner, by simply providing a link to Department of Defense sites such as the Department of the Army's "COOL" site at

www.armyeducation.army.mil/cool/.

Appeal Request: ___X___ none ___ in progress ___ completed

Summary of Request for Reconsideration:

Type of Appeal Process Used:

Appeal Resolution:

9 Transportation

Year-End Information Quality Report

Requests for Correction Received FY2003

U.S. Department of Transportation

October 1, 2002 – September 30, 2003

<u>Agency Name</u>	<u>Number of Requests Received</u>	<u>Number Designated as Influential</u>
Office of the Secretary	0	0
Bureau of Transportation Statistics	0	0
Federal Aviation Administration	1	0
Federal Highway Administration	0	0
Federal Motor Carrier Safety Administration	87	0
Federal Railroad Administration	0	0
Federal Transit Administration	0	0
Maritime Administration	1	0
National Highway Traffic Safety Administration	0	0
Research and Special Programs Administration	0	0
Saint Lawrence Seaway Development Corporation	0	0
	Total	Total
	89	0

1. Agency Receiving Correction Request: DOT/Federal Motor Carrier Safety Administration

- **Requestor:** Predominantly interstate motor carriers operating in the United States (A couple from private citizens.)
- **Date Received:** October 1, 2002 – September 30, 2003 (DMS filings)
- **Summary of Request:** Requests for correction to a data item on an FMCSA report. These requests include corrections to crash, registration, inspection, compliance review, SafeStat, and enforcement reports. The following data correction challenges were received during the time period stated above:
 - Crash (54)
 - Registration (13)
 - Inspection (7)
 - Compliance Review (2)

- SafeStat (1)
 - Enforcement Action (1)
 - Data unknown or filed under wrong DMS docket (9)
- **Description of Requested Correction:** The following is an example of one of the most common requests from a carrier - to remove a crash report from their company's safety record:

“Date of accident: 9-2-02 Accident # OH002837986 Montgomery Ohio, Driver Carleen K Lantis was involved in a DOT reportable accident and incorrectly assigned to Schneider National Carriers (DOT #264184). Carleen K. Lantis has never been employed by Schneider National Carriers. Schneider National, Inc. recommends that this accident be removed from Schneider National Carriers (DOT#264184) Motor Carrier Management Information System's Carrier Profile. This driver has never been employed or leased to Schneider National Carriers Inc.”

- **Influential:** ___ Yes X No ___ Undetermined
- **First Agency Response** ___ in progress X completed
FMCSA responded from October 1, 2002 – September 30, 2003.
- **Resolution:** Agency responses were filed for all data correction requests. Each challenge to FMCSA data was addressed by an FMCSA staff member. Any challenge to State agency-supplied data received a response advising the requestor to contact the appropriate State agency that submitted the data report to FMCSA in order to have their data correction request reviewed. The following is an excerpt from a response letter to the carrier's request stated in the above example: “We have reviewed your request and understand your concern; however, FMCSA relies on the States to supply us with inspection and crash data. Consequently, FMCSA cannot remove any crash or inspection data unless it is first resolved by the State. Please contact the appropriate State office(s) based on the location of the crash of concern. A listing of the State contacts and phone numbers is enclosed. Once a State office makes a determination on the validity of a challenge to a safety event, FMCSA considers that decision as the final resolution of the challenge. FMCSA cannot change State records without State consent. If you contact a State office and receive no response to a request within 30 days, you may contact us and we will coordinate with the State to determine the reason for the delay.”
- **Appeal Request:** X none ___ in progress ___ completed
- **Summary of Request for Reconsideration:** N/A
- **Type of Appeal Process Used:** N/A
- **Appeal Resolution:** N/A

Agency Receiving Correction Request: DOT/Federal Aviation Administration

Requestor: Samuel D. Woolsey, Former Commercial Airline Pilot, Private Citizen

Date Received: Date on Letterhead: January 15, 2003, Date Posted by DOT: April 15, 2003, Date Received by FAA: April 15, 2003, Received via: US Postal Service

NOTE: Mr. Woolsey did not follow DOT submission requirements when he sent his original filing in January. Upon review, DOT counsel determined that the submission should be handled via Information Quality Act procedures. DOT subsequently forwarded the request for correction to FAA.

Summary of Request: Mr. Woolsey challenged the validity of statistical data in four studies that in part support 14 CFR Part 121. The complainant alleges: “FAA currently produces and disseminates four ‘studies’ produced under OAM research Task AAM-00-HRR-520 that it knows – or should know – are false and misleading in the information (including statistical) that they disseminate. Further, FAA relies on the new flawed studies – three of them statistical – in order to bolster its decades long, similarly flawed effort to justify and defend its so-called age 60 rule. The age 60 rule is a FAA regulation that forces air carrier pilots out of service on their 60th birthday.”

The reports in question include:

Pilot Age and Performance. An annotated bibliography (1990 – 1999), FAA Civil Aeromedical Institute OAM research task: AAM-00-A-HRR-520, updated.

Pilot Age and Accident Rates: A Re-analysis of the 1999 Chicago Tribune Report and discussion of Technical Considerations for Future Analyses, FAA Civil Aeromedical Institute OAM research task: AAM-00-A-HRR-520, updated.

An Analysis of Professional Air Transport Pilot Accident Rates by Age, FAA Civil Aeromedical Institute OAM research task: AAM-00-A-HRR-520, July 21, 2000.

Pilot Age and Accident Rates Report 4: An Analysis of Professional ATP and Commercial Pilot Accident Rates by Age, FAA Civil Aeromedical Institute OAM research task: AAM-00-A-HRR-520, September 6, 2000.

The reports are available on the Civil AeroMedicine Institute (CAMI) website. It should also be noted that six additional comments/responses were submitted that supported Mr. Woolsey’s position and recommended FAA change the regulation.

Description of Requested Correction: The complainant requests that the FAA publicly disavow age 60 related studies including the CAMI, Golaszewski, and Hilton studies; remove CAMI reports from the website; discontinue the practice of disseminating any like studies and reports; transfer responsibility and authority for all age 60 rule determinations to the EEOC; and transfer all responsibility and authority for all statistical activities to the Director, OMB.

- **Influential:** ____ Yes No ____ Undetermined

- **First Agency Response:** ____ in progress ___X___ completed September 9, 2003
- **Resolution:** FAA incorporated a caveat to CAMI, “reports 3 & 4 noting the potential impact arising from removal of ‘ultra-safe’ hours from the accident rate denominator at age 60.” In the process of including the caveat, FAA “identified transcript errors in report 3 and is correcting them.” The FAA does not agree with any of Mr. Woolsey’s recommendations and contends “the four CAMI reports are complete, accurate within the limits of the data and methodology specified by Senate Report 106-55, and provide sufficient transparency of data and methods to allow reanalysis by qualified members of the public.” Additionally, the FAA defers to the court rulings for the Golaszewski and Hilton studies in which the US Court of Appeals supported the FAA’s use of the studies.
- **Appeal Request:** ____ none ___X___ in progress ____ completed [date of response]

Initial Appeal Letter Date: Oct. 10, 2003, Date received DOT & FAA: Oct. 20, 2003
 1st Amendment Letter Dt: Oct. 20, 2003, Date DOT: 10/28/2003, Dt FAA: 10/29/2003
 2nd Amendment Letter Dt: Nov. 7, 2003, Date received DOT & FAA: Nov. 12, 2003

- **Summary of Request for Reconsideration:** Initial Appeal rejected the FAA response stating the wrong person replied and continues to argue validity of studies data based on his interpretation of the Data Quality Act. The first amendment to the appeal is to “update both the complaint and appeal with new evidence disclosing the FAA’s inappropriate intent and reliance on these flawed studies in its regulatory activity.” The second amendment to the appeal update the complaint and appeal based on an allegation that the “FAA Violates OMB Defined DQAct Standards When Denying the PPF (Professional Pilots Federation) Petition for Exemption from 14 CFR 121.383.”
- **Type of Appeal Process Used:** The appeal is currently being handled by the Chief Counsel’s office and it is expected to go before a senior executive review panel to include the Chief Information Officer, Associate Administrator for Regulation & Certification, Chief Counsel and others, as required.
- **Appeal Resolution:** In process.

2. **Agency Receiving Correction Request:** DOT/Maritime Administration/Office of Port Intermodal and Environmental Activities.

- **Requestor:** Bill Acker
Maritime Industry Consultant
- **Date Received:** September 23, 2003 – Telephone & Fax request

- **Summary of Request:** The Inland Barge industry chart of The 1994 Environmental Advantage of Inland Barge Transportation Study on the Maritime Administration (MARAD) website showed Inland Barge with 514 miles as the number of miles one ton can be carried per gallon of fuel.
- **Description of Requested Correction:** Provide supporting documentation, remove the study from the website or change the report to agree with the petitioner study that it was 514 ton/miles per gallon of fuel.
- **Influential:** Yes No Undetermined
- **First Agency Response:** in progress completed , October 15, 2003
- **Resolution:** MARAD did not have supporting documentation for the study and decided to remove it from its website. MARAD also recognized that a more up-to-date study was needed.
- **Appeal Request:** none in progress completed
- **Summary of Request for Reconsideration:** Petitioner's interpretation of MARAD study was that an Inland Barge fuel consumed 514 miles per gallon.
- **Type of Appeal Process Used:** not applicable
- **Appeal Resolution:** not applicable

10 Treasury

Year-End Information Quality Report

Requests for Correction Received FY 2003

Department of Treasury, Bureau of the Public Debt

Period Covered: January 1, 2003 – December 10, 2003

<u>Agency Name</u>	<u># Requests Received</u>	<u># Designated Influential</u>
Bureau of the Public Debt	19	0

Agency Receiving Correction Request: Bureau of the Public Debt

Requestor:

Various Individuals

Date Received: January - December 2003

Summary of Request: Interest rates for bonds are incorrect or need updating. Savings Bonds Calculator errors.

Description of Requested Correction: Update or explain information regarding these issues.

Influential: Yes No Undetermined

First Agency Response: in progress completed
BPD responded.

Resolution: Explained to individuals how to refresh and update the information on their computers, as well as explained how to determine correct rates based on current interest, penalties, etc. Explained how to use the calculator correctly. No information correction was required.

Appeal Request: none in progress completed

Summary of Request for Reconsideration: N/A

Type of Appeal Process Used: N/A

Appeal Resolution: N/A

11 Veterans Affairs

Year-End Information Quality Report

Requests for Correction Received FY 2003

Veterans Affairs (VA)

Period Covered: FY 2003 (October 1, 2002 – September 30, 2003)

Agency Name	Number of Requests Received	Number Designated as Influential
VA Central Office	1	0
	Total 1	Total 0

- **Agency Receiving Correction Request:** VA/VBA
- **Requestor:**
Damian Kokinda
Private citizen
- **Date Received:** April 29, 2003- received via USPS
- **Summary of Request:** Information disseminated on the VBA Web site in the report entitled "American Prisoners of War in WWI, WWII, Korea, Vietnam, Persian Gulf, Somalia, Bosnia, Kosovo, and Afghanistan: Statistical Data Concerning Numbers Captured, Repatriated, and Still Alive as of FY 2003," is inaccurate since it did not appear to include a Navy captain who was reclassified as a Prisoner of War (POW) on October 11, 2002, by the Secretary of the Navy. The report stated that "The number of servicemen captured by Iraq was 21 and all were immediately repatriated when hostilities ceased."
- **Description of Requested Correction:** Mr. Kokinda requested that the report be changed to reflect the number of servicemen captured by Iraq as 22. Twenty-one were immediately repatriated; one remains in POW status.
- **Influential:** Yes No Undetermined
- **First Agency Response:** in progress completed
VA responded on June 23, 2003.

- **Resolution:** VBA replied that the information was correct as reported because “as the title reflects, the statistics included only those POWs who have been repatriated.” Therefore, the Navy captain would be included only if/when he was repatriated.

Appeal Request: ____ none ____ in progress X completed
Appeal received July 9, 2003.
VA responded September 3, 2003.

- **Summary of Request for Reconsideration:** “Your reading of the title interprets the second part of the title to mean Statistical Data Concerning Numbers (that fits all categories of) Captured, Repatriated, and Still Alive as of January 1, 2003. However, even if this is indeed the interpretation intended by the author, a reasonable person might interpret the title to mean Statistical Data Concerning Numbers Captured (Numbers) Repatriated, and/ (or Numbers) Still Alive as of January 1, 2003. There is no mention or indication that only those POWs who have been repatriated” are the subject of discussion.”
- **Type of Appeal Process Used:** The report is produced for VBA by the American Ex-Prisoners of War Association. The author of the report provided the response to the initial request. The appeal was reviewed by VBA.
- **Appeal Resolution:** Based upon compelling information presented by the complainant to support his claim that the report contains ambiguities, VBA reconsidered the request and determined that the next issue of the report would be modified, and would include the Navy captain pending any change in his status prior to that time.

12 Consumer Product Safety Commission

Information Quality Report

Requests for Correction Received FY 2003

U.S. Consumer Product Safety Commission (CPSC)

Period Covered: October 1, 2002 through September 30, 2003

Agency Name	Number of Requests Received	Number Designated Influential
CPSC	4	

Agency Receiving Correction Request:

U.S. Consumer Product Safety Commission (CPSC)

- **Requestor:**

Mr. Hasmukh Shah
Manager, Biocides Panel
CCA Work Group
American Chemistry Council (ACC)
Trade organization

- **Date Received:**

Date on Letterhead: February 5, 2003
Date Received by CPSC Office of Secretary: February 6, 2003
Received via: Facsimile

- **Summary of Request:**

Mr. Shah wrote in reference to CPSC petition HP 01-3, *Petition to Ban Chromated Copper Arsenate (CCA)-Treated Wood in Playground Equipment*. Writing on behalf of the American Chemistry Council (ACC), Mr. Shah raised “serious concerns about the CPSC’s conduct of a study involving CCA-treated wood.”

- **Description of Requested Correction:**

Mr. Shah requested that “CPSC refrain from prematurely disseminating data developed by CPSC staff, or commencing any regulatory action based on this data, until it may be subjected to “formal, independent, external peer review.”

- **Influential:** ___ Yes ___ No X Undetermined

- **First Agency Response:** ___ in progress X completed
Completed February 10, 2003
- **Resolution:**
The CPSC Office of General Counsel (OGC) responded to Mr. Shah informing him that the CPSC staff studies were subjected to external peer review. In addition, OGC informed Mr. Shah that the CPSC's Information Quality Guidelines note that in a Commission rulemaking, public notice and comment procedures are available to the ACC and other interested parties. The public comment process provides full and fair opportunity for the ACC and others to review and provide input to the CPSC.
- **Appeal Request:** None
- **Summary of Request for Reconsideration:** N/A
- **Type of Appeal Process Used:** N/A
- **Appeal Resolution:** N/A

Agency Receiving Correction Request:

U.S. Consumer Product Safety Commission (CPSC)

- **Requestor:**
Angela Logomasini, Director of Risk and Environmental Policy
Competitive Enterprise Institute (CEI)
Non-profit public policy organization
- **Date Received:**
Date on Letterhead: March 28, 2003
Date Received by CPSC Office of Secretary: March 28, 2003
Received via: email
- **Summary of Request:**
Ms. Logomasini submitted written comments on petition HP 01-3 that requested that CPSC ban playground equipment made with wood treated with chromated copper arsenate (CCA). In her correspondence, Ms. Logomasini also requested that her comments serve as a petition to the CPSC to comply with federal data quality mandates.
- **Description of Requested Correction:**
"CEI petitions the CPSC to produce science that is more grounded in reality and that meets appropriate scientific standards."
- **Influential:** ___ Yes ___ No X Undetermined
- **First Agency Response:** ___ in progress X completed

Completed June 9, 2003

- **Resolution:**
The CPSC Office of General Counsel staff responded that under the CPSC's Information Quality Guidelines, the Administrative Correction Mechanism (sought by Ms. Logomasini) does not apply to information disseminated by the CPSC through a comprehensive public comment process such as was done during consideration of the referenced petition.
- **Appeal Request:** None
- **Summary of Request for Reconsideration:** N/A
- **Type of Appeal Process Used:** N/A
- **Appeal Resolution:** N/A

Agency Receiving Correction Request:

U.S. Consumer Product Safety Commission (CPSC)

- **Requestor:**
Mr. David B. Calabrese, Vice President, Government Relations
Association of Home Appliance Manufacturers (AHAM)
Trade organization
- **Date Received:**
Date on Letterhead: September 12, 2003
Date Received by CPSC Office of Secretary: September 16, 2003
Received via: Mail
- **Summary of Request:**
The request asks "that the CPSC retract in its entirety the *Final Report on Electric Clothes Dryers and Lint Ignition Characteristics* issued by its Directorate of Engineering Sciences in May 2003." It further asks that "any work being done to supplement the Report not be released or published to the public, since that work also would not adhere to the Information Quality Guidelines." If the report is not retracted in its entirety, specific retractions related to lint and lint accumulation in certain areas of the dryer are requested. The request challenges the objectivity and utility of the report.

The staff report is available on the CPSC website; it is also available in hard copy or on CD and is mailed to anyone requesting a copy.
- **Description of Requested Correction:**
AHAM requests retraction of the report in its entirety, or specific retractions related to lint and lint accumulation in certain areas of a clothes dryer.
- **Influential:** ___ Yes ___ No X Undetermined

- **First Agency Response:** ___ in progress X completed
Completed November 21, 2003.

- **Resolution:**

The CPSC staff believes the information presented in the clothes dryer report meets the guidelines for objectivity and utility and does not recommend retraction of, or revision to the report. Staff further believes that the report makes a significant contribution to the body of knowledge regarding dryer operation and factors that may lead to ignition within a dryer. The staff report presents the results of testing conducted on electric clothes dryers and test apparatus designed to emulate components producing heat and airflow characteristics that are typical in dryers. Staff believes that the design and execution of the tests were valid and consistent with sound principles of scientific research and experimental design. The objectives and design of each stage of testing are clearly stated in the report, and the report accurately describes the results of the tests conducted. CPSC staff believes that this information can be used to better understand possible conditions influencing dryer fires and lead towards potential improvements in product standards.

- **Appeal Request:** Too early to determine
- **Summary of Request for Reconsideration:** N/A
- **Type of Appeal Process Used:** N/A
- **Appeal Resolution:** N/A

Agency Receiving Correction Request:

U.S. Consumer Product Safety Commission (CPSC)

- **Requestor:**

Angela Logomasini, Director of Risk and Environmental Policy
Competitive Enterprise Institute (CEI)
Non-profit public policy organization

- **Date Received:**

Date on Letterhead:	October 16, 2003
Date Received by CPSC Office of Secretary:	October 24, 2003
Received via:	Mail

- **Summary of Request:**

“CPSC included inaccurate information in its Memorandum: “HP 01-3 Petition to Ban the Use of CCA-Treated Wood In Playground Equipment,” dated September 29, 2003 and reviewed and accepted by the Commission on October 9, 2003.”

- **Description of Requested Correction:**

“CEI requests that CPSC correct the information purporting to accurately summarize (CEI) findings as inaccurately presented in their October 9 response to comments on Petition HP 01-3.”

- **Influential:** ___ Yes ___ No X Undetermined
- **First Agency Response:** ___ in progress X completed
Completed December 3, 2003
- **Resolution:**
The letter from Ms. Logomasini, along with all attachments, including her previous letter, will be posted on the CPSC website along with the other materials of record associated with the petition HP 01-3.
- **Appeal Request:** Too early to determine
- **Summary of Request for Reconsideration:** N/A
- **Type of Appeal Process Used:** N/A
- **Appeal Resolution:** N/A

13 Environmental Protection Agency

U.S. Environmental Protection Agency Information Quality FY03 Annual Report

*Description of the 13 Requests for Correction and 2 Requests for Reconsideration
received by EPA between October 2002 and October 2003*

January 1, 2004

**Prepared by:
Office of Environmental Information
U.S. Environmental Protection Agency
Office of Environmental Information (2810)
1200 Pennsylvania Avenue, NW
Washington, DC 20460**

also available via the internet at:
<http://www.epa.gov/oei/qualityguidelines>

1.0 Background

In October 2002, EPA published final *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency* (Information Quality Guidelines or IQGs). The EPA Information Quality Guidelines were developed in response to guidelines issued by the Office of Management and Budget (OMB) under Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554; H.R. 5658) and contain the policy and procedural guidance for ensuring and maximizing the quality of information disseminated by EPA. The IQGs also outline an administrative mechanism to enable the public to seek and obtain corrections from EPA regarding disseminated information that they believe does not comply with EPA or OMB Information Quality Guidelines. This report focuses on the one year experience implementing that new corrections process at EPA.

EPA has received requests from the public on a diverse set of science and policy topics thereby requiring the input and expertise from a variety of scientists and policy staff across the Agency and sometimes in other federal agencies. Overall, implementation of the new corrections process has gone smoothly and continues to be managed effectively by EPA's Office of Environmental Information. This report contains brief summaries of each of the 13 Requests for Correction (RFC) and the 2 Requests for Reconsideration (RFR) received by EPA. These summaries are presented according to a template developed by the Office of Management and Budget, Office of Information and Regulatory Affairs.

3.0 Summaries of EPA RFCs and RFRs (in chronological order, listed by requestor)

3.1 Ohio EPA (RFC # 2214) (10/21/02)

- **EPA Organization:** Office of Air and Radiation
- **Requestor:** William Juris, Ohio EPA
- **Date Received:** October 21, 2002 via web form on EPA IQG web site
- **Summary of Request for Correction:** In the RFC, Mr. Juris stated that the electronic versions of two EPA documents [*Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations* (EPA453/R-96-007) and *Control of Volatile Organic Compound Emissions from Coating Operations at Aerospace Manufacturing and Rework Operations* (EPA 453/R-97-004)] had format problems due to conversion problems from older WordPerfect software to the current WordPerfect software.
- **Description of the requested corrective action:** Mr. Juris requested that EPA produce a PDF version from the old WordPerfect version using the related old WordPerfect software and PDF-generating software or produce a current WordPerfect version from the old WordPerfect version and correct any conversion errors. Mr Juris also requested that the new files then be posted on the EPA web site.
- **Was the subject of the RFC "influential"?:** Yes No Undetermined Not Applicable
- **EPA response to the Request for Correction:** completed 12/4/02
- **Summary of response:** This request did not fall under the Information Quality Guidelines because the request only recommended that EPA alter the format of documents EPA 453/R-96-007 and EPA 453/R-97-004 provided on the web, rather than requesting a correction of information. Although the issues in the request regarding these documents were not within the purview of the Information Quality Guidelines, EPA did address the requestor's concern by creating PDF versions of the electronic files in question and subsequently posting them on the EPA web site.
- **Has an RFR been submitted on the EPA RFC response?** No

3.2 Ohio EPA (RFC # 2215) (10/21/02)

- **EPA Organization:** Office of Air and Radiation

- **Requestor:** William Juris, Ohio EPA
- **Date Received:** October 21, 2002 via web form on EPA IQG web site
- **Summary of Request for Correction:** This request pertained to the following EPA document: *Alternative Control Techniques Document: Surface Coating of Automotive/Transportation and Business Machine Plastic Parts*, EPA-453/R-94-017, February 1994. In his request, Mr Juris stated that this document was not available as an electronic copy and that it had misleading or confusing information regarding several issues. Mr. Juris had previously contacted EPA via e-mail to request an electronic copy of this document and conveyed further concerns (e-mail sent to Dave Salman on March 28, 2002), but had not received any response to his satisfaction.
- **Description of the requested corrective action:** Mr. Juris requested clarification on several issues.
- **Was the subject of the RFC "influential"?:** __ Yes __ No __ Undetermined
 Not Applicable
- **EPA response to the Request for Correction:** completed 12/4/02.
- **Summary of EPA response:** This request did not fall under the Information Quality Guidelines because the request asked EPA to clarify the Plastic Parts Surface Coating Alternative Control Techniques document (EPA-453/R-94-017), rather than requesting correction of information under the Guidelines. EPA referred the request to Dave Salman in the Coating and Consumer Products Group of the Emission Standards Division. Mr. Salman provided EPA's response to Mr. Juris' questions on January 29, 2003.
- **Has an RFR been submitted on the EPA RFC response?:** No

3.3 Chemical Products Corporation (RFC # 2293) (10/31/02)

- **EPA Organization:** Office of Research and Development
- **Requestor:** Jerry A. Cook, Chemical Products Corporation (CPC)
- **Date Received:** October 31, 2002
- **Summary of Request for Correction:** CPC stated that the oral reference dose for Barium derived in the Barium and Compounds Substance File in EPA's Integrated Risk Information System (IRIS) (<http://www.epa.gov/iris>), as well as the presentation and analysis of the supporting data, do not comply with the OMB requirements for objectivity or for reproducibility. CPC provided information on a risk assessment that they claim EPA did not use in its evaluation. CPC funded a Barium oral reference dose derivation by the University of Georgia toxicologists Cham Dallas and Phillip Williams in 2000. The document is allegedly consistent with the EPA's Office of Pollution, Pesticides, and Toxic Substances toxicological evaluation. CPC also claims the peer review conducted on the Barium file was inadequate and funded a face-to-face expert peer review of the Dallas and Williams document under the auspices of Toxicological Excellence in Risk Assessment (TERA).
- **Description of the requested corrective action:** The petitioner requested reconsideration of the reported Barium oral reference dose because CPC believed that an objective scientific evaluation would determine a different critical effect

than EPA has described.

- **Was the subject of the RFC "influential"?:** Yes No Undetermined
- **EPA response to the Request for Correction:** completed 01/30/03
- **Summary of each response:** EPA determined that the petitioner offered an alternative assessment of the relevant science but failed to demonstrate that EPA's assessment is not consistent with EPA guidelines regarding objectivity and reproducibility.
- **Has an RFR been submitted on the EPA RFC response?:** No

3.4 Center for Regulatory Effectiveness; Kansas Corn Growers Association and the Triazine Network (RFC # 2807) (11/25/02)

- **EPA Organization:** Office of Prevention, Pesticides and Toxic Substances
- **Requestor:** Jim Tozzi, Center for Regulatory Effectiveness; and Jere White, Kansas Corn Growers Association
- **Date Received:** Letter dated November 25, 2002; logged in by OEI on 11/25/2002; paper copy delivered to the Agency by messenger.
- **Summary of Request for Correction:** The request alleges that the April 22, 2002 preliminary Environmental Risk Assessment for Atrazine (a major corn herbicide) does not comply with the "Data Quality Act" (Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001) because the document "states that atrazine causes endocrine effects in various organisms including frogs" on pages 11 and 90-94.
- **Description of the requested corrective action:** The requestors ask that EPA correct the document to state that there is no reliable evidence that atrazine causes "endocrine effects" in the environment and that there can be no reliable, accurate or useful information regarding atrazine's endocrine effects until and unless there are test methods for those effects that have been properly validated.
- **Was the subject of the RFC "influential"?:** Yes No Undetermined
- **EPA response to the Request for Correction:** in progress completed March 26, 2003. Interim response was issued on January 30, 2003.
- **Summary of EPA response:** In its January 30, 2003 response, EPA explained that it would treat the RFC as a comment on the April 22, 2002 preliminary Environmental Risk Assessment for Atrazine so that the issues raised in the RFC could be addressed in the context of issues raised in other public comments. The Agency stated its belief that by clarifying the April 2002 preliminary Environmental Risk Assessment, it would help to avoid any future misunderstanding of the Agency's position on the environmental effects of atrazine.

On March 26, EPA released its summary and response to all public comments on the April 2002 document. In its March 26, 2003 document, EPA summarized the RFC and responded to each issue raised in the RFC. Contrary to the RFC claim, the Agency's risk assessment did not state that atrazine "causes endocrine effects." The Agency made minor editorial changes in the revised assessment to assure that there is no ambiguity about the Agency's position. EPA did not accept the RFC on other topics and provided extensive explanation as to why the requested

changes were either not needed or not appropriate.

- **Has an RFR been submitted on the EPA RFC response?:** No

3.5 US Chamber of Commerce (RFC # 4301) (12/17/02)

- **EPA Organization:** Office of Environmental Information
- **Date Received:** December 17, 2002
- **Summary of Request for Correction:** US Chamber believed that meeting minutes regarding an October 2002 meeting of the Executive Committee of the Science Advisory Board were inaccurate and therefore not in compliance with the IQGs.
- **Description of the requested corrective action:** US Chamber requested that EPA revise the minutes to reflect items they believed should have been contained in those minutes.
- **Was the subject of the RFC "influential"?:** Yes No Undetermined Not Applicable
- **EPA response to the Request for Correction:** completed 3/5/2003
- **Summary of each response:** EPA noted that documents generated and published by Federal Advisory Committee Act (FACA) committees are not considered EPA information disseminations and are therefore not subject to the IQGs. EPA agreed that in order to avoid future misunderstandings about materials issued by the SAB, explanatory notices would be added to the SAB web site to help ensure that the public is aware that minutes of SAB meetings and other public documents produced by the SAB are advisory committee documents, and are not prepared to represent EPA's viewpoint. EPA also noted an ongoing effort at EPA to examine model quality.
- **Has an RFR been submitted on the EPA RFC response?:** yes no

3.6 BMW Manufacturing Corp, SC (RFC # 7421) (02/11/03)

- **EPA Organization:** Office of Enforcement and Compliance Assurance
- **Requestor:** Gary Weinreich, BMW
- **Date Received:** February 11, 2003
- **Summary of Request for Correction:** Mr. Weinreich was concerned that information in Enforcement and Compliance History On-line (ECHO) and Sector Facility Indexing Project showed a BMW manufacturing facility in Greer, SC, as a significant non-complier under the Resource Conservation and Recovery Act (RCRA), and that this unfairly characterizes his facility. Mr. Weinreich suggested that this public release did not meet the 4 principles of the IQGs and also suggested that EPA posted the Significant Non-Compliance (SNC) status as a means to strengthen its enforcement effort, which was also not in accordance with the IQGs. Mr. Weinreich's dispute of the facility's classification as SNC, by EPA region 4, predated the existence of ECHO.
- **Description of the requested corrective action:** Mr. Weinreich wanted any information identifying the facility as currently or previously being SNC deleted from the ECHO site.

- **Was the subject of the RFC "influential"?:** __Yes X No __Undetermined
- **EPA response to the Request for Correction:** X completed 8/27/2003
- **Summary of each response:** Essentially, EPA stood by BMW's characterization as SNC under RCRA, and acknowledged that the facility as of August 27, 2003 was no longer SNC, in accordance with an enforceable agreement for coming into compliance which BMW had signed with South Carolina in April 2003. EPA disagreed with Mr. Weinreich's suggestion that it violated the IQG. EPA indicated that this would not affect BMW's compliance history as recorded in the data bases, i.e., that it had been SNC since the determination in 2001.
- **Has an RFR been submitted on the EPA RFC response?:** Xyes__no

3.7 Competitive Enterprise Institute, Counsel, Cooler Heads Coalition (RFC # 7428) (02/10/03)

- **EPA Organization:** Office of Environmental Information
- **Requestor:** Christopher C. Horner, Competitive Enterprise Institute, 1001 Connecticut Avenue, N.W., Suite 1250, Washington, DC 20036
- **Date Received:** February 10, 2003
- **Summary of Request for Correction:** CEI requested that EPA cease disseminating the Climate Action Report 2002 (CAR 2002). The CAR 2002 report used information from the National Assessment on Climate Change, a report produced by a Federal Advisory Committee sponsored by the U.S. Global Change Research Program. CEI contended that the National Assessment report – and the CAR 2002 report because it relied on the National Assessment – did not meet the utility, objectivity, and reproducibility standards of the Data Quality Act. The National Assessment inappropriately used and relied upon computer models and data that upon scrutiny are demonstrably meaningless. When backcasting the models over a 10-year historic period, neither model used in National Assessment reduces the residual variance below the raw variance of the data. Both models used in National Assessment are in the extreme when forecasting temperature change, and neither provides appropriate regional-level detail. The National Assessment does not contain regional analysis as required by Congress. The National Assessment was not appropriately peer reviewed; review period was too short.
- **Description of the requested corrective action:** CEI requested that EPA cease disseminating the CAR 2002 report.
- **Was the subject of the RFC "influential"?:** __Yes __ No __ Undetermined X Not Applicable
- **EPA response to the Request for Correction:** __ in progress X completed. RFC response sent 5/16/03. The response to the RFC noted that EPA is not the appropriate agency to consider requests for correction relative to the CAR 2002 report. EPA forwarded the request to the State Department and suggested that CEI contact State if they wished to pursue the matter.
- **Has an RFR been submitted on the RFC response?** X Yes

3.8 Senator Jim Jeffords, Senator Paul Sarbanes, Senator Barbara Boxer and Senator Frank Lautenberg (RFC # 8600) (03/07/03)

- **EPA Organization:** Office of Water (OW)
- **Requestors:** U.S. Senators Boxer, Sarbanes, Jeffords, and Lautenberg
- **Date Received:** OEI received the letter on March 7, 2003
- **Summary of Request for Correction:** The purpose of the RFC was to question the quality of information contained in an OW proposed rule entitled, "Modification of National Pollutant Discharge Elimination System Permit Deadline for Storm Water Discharges for Oil and Gas Construction Activity that Disturbs One to Five Acres of Land" (67 Federal Register 79828, December 30, 2002).
- **Description of the requested corrective action:** The 4 senators requested that EPA suspend activity of the proposed rulemaking.
- **Was the subject of the RFC "influential"?:** __Yes X No __Undetermined
- **EPA response to the Request for Correction:** X completed June 13, 2003
- **Summary of EPA Response:** Under the Agency's Information Quality Guidelines, EPA considers requests for corrections to information supporting a proposed rulemaking during the public comment period. EPA received the RFC after the final rule was signed by the EPA Administrator on March 5, 2003. Despite this, EPA still took the opportunity to respond to the questions. On December 8, 1999, the final Storm Water Phase II rule was published in the Federal Register (The National Pollutant Elimination System-Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges: Final Rule; 64 Federal Register 6872200). These regulations expanded the NPDES permitting program to require permit coverage by March 10, 2003 for, among other things, construction sites that disturb one to five acres. As part of that rulemaking, EPA developed an Economic Analysis (EA). In that EA, EPA assumed that few, if any, oil and gas exploration, production, processing, or treatment operations or transmission facilities would be affected by the final regulations. Since promulgation of the final Storm Water Phase II rule, EPA has received numerous letters from the oil and gas industry and States stating that a significantly larger number of sites would, in fact, be affected by our rule. In investigating these statements, EPA requested and used data from the Department of Energy's Energy Information Administration (EIA) regarding the average number of oil and gas exploration and production facilities that would be affected by final Storm Water Phase II regulations. The Agency also requested and received data directly from States, the regulated community and other entities on this issue. These data were subsequently utilized to gauge the impact of the Storm Water Phase II regulations and were of appropriate quality for this use. All of this information and data called into question earlier EPA estimates of the number of sites that would be affected by the regulations. Estimates from the EIA, States with oil and gas activity, and industry representatives, all forecast at least 30,000 onshore wells being drilled per year in the foreseeable future. This was in direct contrast to the estimates available to EPA at the time of the promulgation of the Storm Water Phase II rule. Due to this great variation, EPA determined that additional time was needed to better and more accurately

ascertain the potential impacts of a future rulemaking and therefore promulgated a final rule postponing until March 10, 2005, the requirement to obtain an NPDES storm water permit for oil and gas construction activity that disturbs one to five acres of land. The final rule signed on March 5, 2003 does not call into question the need for controlling sediment from all types of construction, including oil and gas. It simply provides two years for the Agency to determine the best way to do so. EPA intends to use the next two years to work with States, the regulated community and other entities to ensure that we are using the best data possible as we work towards improving implementation of regulations that protect our land and water.

- **Has an RFR been submitted on the EPA RFC response?:** No

3.9 Citizen request (RFC # 9199) (03/14/03)

- **EPA Organization:** Office of Environmental Information
- **Requestor:** Dr. George Seaver
- **Date Received:** March 14, 2003
- **Summary of Request for Correction:** Requestor was concerned about the quality and accuracy of alleged statements made by EPA officials at public meetings regarding the carcinogenicity of perchlorate. Specifically, the request noted: "At a meeting held by the Bourne Water District (BWD) in March 2002 to discuss the perchlorate near their wells, representatives of the New England EPA stated that perchlorate was a carcinogen. We challenged them on this assertion, citing the list of carcinogens published by the Health & Human Services web site. Also, at an October 2002 meeting of the MMR Senior Management Board, Mr. Todd Borci of the New England EPA again stated that perchlorate was a carcinogen."
- **Description of the requested corrective action:** Mr. Seaver requested that EPA "publicize the truth about the health risks of perchlorate at the < 1 ppb levels that are found infrequently near the BWD wells, and, particularly its carcinogen status".
- **Was the subject of the RFC "influential"?:** Yes No Undetermined
 Not Applicable
- **EPA response to the Request for Correction:** completed August 25, 2003
- **Summary of EPA response:** The EPA response states, "You noted in your request two meetings at which an EPA official may have stated that EPA considers perchlorate to be a carcinogen. EPA has no record of any statements that may have been made by EPA staff at the meeting held by the Bourne Water District (BWD) (in March 2002, according to your statement). You also assert that an EPA official made similar statements at an October 2002 meeting of the MMR Senior Management Board (SMB). EPA notes that there was no meeting of the SMB in October 2002. In our view, these meetings were general meetings which included discussions on various topics and there were no official statements made regarding the Agency's position on perchlorate and any potential impacts on human health. Under the EPA Information Quality Guidelines, we would consider such discussions to be informal communications that EPA did not

disseminate to the public beyond their original context. They would not be information disseminated by EPA to represent an Agency viewpoint, decision or position.”

- **Has an RFR been submitted on the EPA RFC response?:** No

3.10 Chemical Products Corporation Appeal (RFR # 2293A)(03/14/03

- **EPA Organization:** Office of Research and Development
- **Date RFR was received:** March 14, 2003
- **Summary of Request for Reconsideration:** The petitioner requested reconsideration because CPC believed that an objective scientific evaluation would determine a different critical effect than EPA has described. The petitioner also stated that EPA did not conduct an appropriate external peer review on its findings. Additionally, CPC contends that EPA's internal peer review was not scientific.
- **Description of requested corrective action in RFR:** The petitioner asks EPA to reopen the IRIS Barium and Compounds File to objectively consider alternative/additional assessments provided. CPC also requests EPA revise the resulting oral reference dose accordingly.
- **Date of EPA response(s) to Request for Reconsideration:** completed on December 11, 2003
- **Describe EPA Appeal Process used:** The AA for ORD reconsidered his initial decision to reject because significantly new information was raised in the RFR. EPA has decided to treat this as a new RFC and has met with the requestor to discuss this process change. The requestor may chose to appeal this new response at a later date.
- **Appeal Resolution:** EPA treated the March 14 request as a Request for Correction (not an appeal) due to the substantially different information provided by the requestor. EPA's December 11 response informed Mr. Cook that the Toxicological Review and IRIS Summary for Barium will be revised to include a more explicit and transparent analysis of data from animal studies. EPA will conduct an independent external peer review of this revision in a manner that is consistent with both EPA's peer review guidelines and EPA and OMB Information Quality Guidelines. A peer review panel will be convened and its meetings will be open to the public. The information provided by the requestor will be considered when EPA develops charge questions for the peer review panel. The review will focus on whether this additional analysis is scientifically defensible and utilizes the best available science. If the expanded analysis does not support the statement currently contained in the Toxicological Review for Barium, EPA will reassess the IRIS Barium and Compounds Substance File according to its standard IRIS health assessment development and review process. If the analysis and expert peer review are supportive of the statement, EPA will revise the IRIS Barium and Compounds Substance File to reflect the expert peer review analysis and any associated conclusions. EPA intends to issue a final response to Mr. Cook's request in 2004.

3.11 **Competitive Enterprise Institute appeal (RFR # 7428A) (05/21/03)**

- **Date RFR was received:** May 21, 2003
- **Summary of Request for Reconsideration:** CEI continued to contend that the CAR 2002 did not meet the utility, objectivity, and reproducibility standards of the Data Quality Act. CEI further contended that the CAR 2002 report was authored by EPA and not the U.S. Department of State.
- **Description of requested corrective action in RFR:** CEI requested that EPA cease dissemination of the CAR 2002 report on its web site.
- **Date of EPA response to RFR:** X completed September 23, 2003
- **Describe EPA Appeal Process used:** Following the process set out in the EPA Information Quality Guidelines, CEI's request for reconsideration was presented to an executive panel comprised of Paul Gilman, EPA Science Advisor and Assistant Administrator for Research and Development, Robert Varney, Region 1 Administrator, and Jessica Furey, Associate Administrator for Policy, Economics, and Innovation. The executive panel reviewed the original request, CEI's request for reconsideration, and CEI's July 23, 2003 letter regarding supplemental information.
- **Appeal Resolution:** The executive panel concurred with the original determination that, notwithstanding the participation of EPA and other agencies in the preparation of the CAR 2002 report, the State Department has the responsibility for the report and is the agency to determine if any corrective action is appropriate. The CAR 2002 report was produced by the State Department in response to a treaty obligation under the United Nations Framework Convention on Climate Change (UNFCCC). The State Department has responsibility for all submissions of any documents under treaty obligations. Thus, the final report was officially submitted on May 28, 2002 by Daniel Reifsnyder of the State Department to Ms. Joke Waller-Hunter, Executive Secretary, UNFCCC. Finally, the executive panel notes that EPA has previously clarified on its web site that CAR 2002 is a State Department report. The intent of this change was to assure that the web site does not suggest that the document supports or represents EPA's viewpoint or that EPA endorses or agrees with it, and to clarify that EPA is not "disseminating" it for purposes of EPA's Information Quality Guidelines.

3.12 **Friends of the Massachusetts Military Reservation (RFC # 11702) (07/05/2003)**

- **EPA Organization that led the response to the Request for Correction:** Office of Environmental Information (OEI)
- **Requestor:** Dr. George Seaver, Friends of the Massachusetts Military Reservation
- **Date Received:** Via e-mail on July 5, 2003
- **Summary of Request for Correction:** The request states, "(1)THE FEDERAL AND THE REGION 1 EPA HAVE DIFFERENT ADVISORY LEVELS FOR PERCHLORATE (4 TO 18 VS 1 PPB). (2) REGION 1 EPA HAS DIFFERENT ADVISORY LEVELS FOR PERCHLORATE FOR DIFFERENT SITUATIONS (MILITARY VS CIVILIAN FIREWORKS). THIS APPROACH LACKS

INTEGRITY AND ACCURACY.”

- **Description of the requested corrective action:** The requestor did not include a corrective action suggestion in the request. Instead, the request included this statement: “THE EPA SHOULD ADOPT A UNIFORM ADVISORY LEVEL FOR PERCHLORATE, EVEN IF AN INTERIM ONE.”
- **Was the subject of the RFC "influential"?:** Yes No Undetermined Not Applicable
- **EPA response to the Request for Correction:** in progress completed
- **Summary of EPA response:** Dr. Seaver’s request was deemed incomplete due to the fact that the request did not include reference to a specific piece of information disseminated by EPA per the IQGs.
- **Has an RFR been submitted on the EPA RFC response?:** No

3.13 Citizen request (RFC # 12385)(08/18/2003

- **EPA Organization:** Office of Research and Development
- **Requestor:** David A. Smith, GDT Corporation
- **Date Received:** Via e-mail on August 18, 2003.
- **Summary of Request for Correction:** Requestor identified ten documents and/or web pages, including the EPA IRIS file, that describe bromate in all forms as a carcinogen. In Mr. Smith’s request he contended that only potassium bromate is carcinogenic and not sodium bromate. The requestor pointed to supporting studies contained in the IRIS file that evaluate the effects of potassium bromate only.
- **Description of the requested corrective action:** The requestor asked that EPA correct the documents on its web site, set the Maximum Contaminant Level (MCL) for bromate to 1.0 mg/L and establish a preliminary limit on the amount of potassium in drinking water.
- **Was the subject of the RFC "influential"?:** Yes No Undetermined Not Applicable
- **EPA response to the Request for Correction:** in progress completed
- **Has an RFR been submitted on the EPA RFC response?:** No

3.14 Morgan, Lewis & Bockius (RFC # 12467) (08/19/03)

- **EPA Organization:** OPPTS
- **Requestor:** Mr. Dino Privitera, Morgan, Lewis & Bockius LLP, 1701 Market Street, Philadelphia, PA 19103-2921
- **Date Received:** August 19, 2003
- **Summary of Request for Correction:** The request noted 4 fundamental concerns: 1. The statements in the Gold Book (“Guidance for Preventing Asbestos Disease Among Auto Mechanics,” is otherwise known as the “Gold Book”) were based on inadequate and inappropriate scientific data and literature at the time of its original preparation. 2. The Gold Book is now 17 years old and is badly outdated in light of significant scientific studies published since 1986. 3. The Gold Book's origins, preparation, funding, review, and approval are largely

- undocumented. 4. The Gold Book is routinely used to convey the misperception that EPA has conducted a complete analysis of the scientific and medical literature and has concluded that brake mechanic work is in fact hazardous and that as a direct result brake mechanics are at increased risk of contracting an asbestos related disease, including mesothelioma, from such exposure.
- **Description of the requested corrective action:** 1. That EPA discontinue disseminating the Gold Book. 2. That EPA post a caveat on EPA's website to the effect that the 1986 Gold Book is no longer current from a scientific perspective. 3. In the alternative, they request that EPA engage in an analysis of the scientific information contained in the Gold Book and update it so that it reflects a complete assessment of the extensive medical and scientific literature on the subject, particularly given the development since 1986 of a significant body of scientific data showing no increased asbestos-related health risks associated with brake work.
 - **Was the subject of the RFC "influential"?:** Yes No Undetermined Not Applicable
 - **EPA response to the Request for Correction:** Response on November 24, 2003.
 - **Summary of EPA response:** "EPA is embarking on an overall effort to update and revise, as appropriate, various information materials associated with the Agency's Asbestos program. As part of this effort, EPA has begun the process of updating the auto mechanics' brochure. We intend to engage all interested stakeholders and to provide the general public with an opportunity to review and comment on changes to the brochure before it is finalized. We anticipate it being available for comment in the Spring of 2004. In the interim, both the hard copy and electronic version of the brochure will include a note that states that the Agency is in the process of updating the material in the document."
 - **Has an RFR been submitted on the EPA RFC response?:** No

3.15 Geronimo Creek Observatory (RFC # 12856) (09/25/2003)

- **EPA Organization:** Office of Air and Radiation (OAR) and Region 6
- **Requestor:** Forrest M. Mims III, Geronimo Creek Observatory, 433 Twin Oak Road, Seguin, Texas, 78155 USA
- **Date Received:** September 25, 2003 via email
- **Summary of Request for Correction:** In his request, Mr. Mims contested the data collected from an Air Monitoring Site in San Antonio, Texas during the calendar year 2002. Specifically, the data collected via CAMS 23 (AIRS ID 480290032). Mr. Mims' request stated "Ozone concentrations measured at CAMS 23 in San Antonio, Texas, during summer 2002 were accepted by EPA, despite protests from me and others that the ozone analyzer was faulty and provided data that does meet acceptable scientific standards." He also challenged the calibration, the calculations and the model used in the ozone concentration determinations. It has not been determined that the information in question does not comply with all of the IQGs.
- **Description of the requested corrective action:** Mr. Mims requested that "The EPA +/-20% calibration tolerance for ozone and other gas analyzers must be

changed to comply with the "best available monitoring" requirements of the Clean Air Act and customary definitions of accuracy." He recommended "that EPA assign an independent panel of scientists to review the current standard at the earliest possible date". Furthermore, he stated "EPA should immediately remove from its web site and from consideration all data from CAMS 23 that was known to be deficient by the TCEQ regulators and possibly the EPA. There is abundant internal TCEQ correspondence concerning this error that will be produced should this request require an appeal".

- **Was the subject of the RFC influential?:** Yes No Undetermined
 Not Applicable
- **EPA response to the Request for Correction:** in progress completed
- **Has an RFR been submitted on the EPA RFC response?:** yes no

14 Federal Emergency Management Administration

Year-End Information Quality Report

Requests for Correction Received FY 2003
 DHS/Federal Emergency Management Agency
 Period Covered: FY 2003

Agency Name	Number of Requests Received	Number Designated as Influential
Mitigation Division (National Flood Insurance Program)		
LOMR	822	-----
LOMR-F	2,116	-----
LOMA	21,495	-----
-----	=====	-----
	24,433	Total

Letters of Map Amendment (LOMA) or Letters of Map Revision (LOMR), or Letters of Map Revision Based on Fill (LOMR-F)

The Federal Emergency Management Agency (FEMA) publishes maps, called Flood Insurance Rate Maps (FIRMs). The purpose of a FIRM is to show the areas in your community that have a 1% or greater chance of flooding in any given year, known as Special Flood Hazard Areas (SFHAs). FIRMs are the result of engineering studies that are performed by engineering companies, other Federal agencies, or the community and are reviewed and approved by FEMA.

Although FEMA uses the most accurate flood hazard information available, limitations of scale or topographic definition of the source maps used to prepare the FIRM may cause small areas that are at or above the flood elevation to be inadvertently shown within the SFHA boundaries. Also, the placement of fill may elevate small areas within the SFHA boundaries to an elevation at or above the flood elevation. When this happens, structures or parcels of land may be inadvertently included in the SFHA on the FIRM.

For such situations, the property owner or lessee may apply for a Letter of Map Amendment (LOMA) or a Letter of Map Revision - based on Fill (LOMR-F). LOMAs and LOMR-Fs are documents issued by FEMA that officially remove a property and/or structure from the SFHA. To obtain a LOMA or LOMR-F, the applicant must submit mapping and survey data for the property, much of which is available from the municipality in which the property is located (e.g., the City Hall, County Courthouse, etc.). In most cases, the applicant will need to hire a land surveyor to prepare an Elevation Certificate for the property. Upon receiving a complete application, FEMA normally completes its review in 4 to 6 weeks.

*Each Letter for Map Change (LOMC) is not influential, but the change in property values for total number of requestors does meet the influential criteria.

- **Agency Receiving Correction Request:** DHS/Federal Emergency Management Agency, Mitigation Division
- **Requestor:** Homeowners, community officials, developers
- **Date Received:** Over the entire fiscal year.
- **Summary of Request:** The applications cover two distinct categories:
 - A. Request to revise the flood insurance rate map because of physical changes in the floodplain affecting that structure or property, also called Letter of Map Revision (LOMR) or Letter of Map Revision-Fill (LOMR-F).
 - B. Request to amend the flood insurance rate map with the addition of more precision in the collection and analysis of data affecting said property or structure, also called Letter of Map Amendment (LOMA).
- **Description of Requested Correction:**

Revise the official Flood Insurance Rate Map to include additional detail, more precise measurements, or changes in the affected floodplain, which will officially remove a property or structure from the Special Flood Hazard Area.
- **Influential:** ___ Yes ___ No ___X___ Undetermined [As determined by the agency based on your definition of influential, as provided in your Information Quality Guidelines. (“Undetermined” can be used either because a determination has not yet been made or because the agency feels a determination is unnecessary as the agency has treated the information as influential.)]
- **First Agency Response:** ___ in progress 24,433 completed
Every request receives an acknowledgement receipt.
90% of the LOMR/LOMR-F requests require additional documentation before the request may go forward to resolution.
75% of the LOMA requests require additional elevation data and documentation.
- **Resolution:**

Once they have submitted the requisite documentation, most applicants are granted their requests to have the properties or structures removed from the Special Flood Hazard Areas. About 10% drop their claims, usually for lack of sufficient documentation. Most claims are legitimate and the claimants have undertaken the necessary preliminary review to validate the LOMA or LOMR applications.
- **Appeal Request:** ___X___ none ___ in progress ___ completed [date of response]

Because almost every application for a LOMA or LOMR is granted, FEMA received no appeals to the decisions.

- **Summary of Request for Reconsideration:**
- **Type of Appeal Process Used: Appeal Resolution:**

15 National Aeronautics and Space Administration

Year-End Information Quality Report

Requests for Correction Received FY 2003

National Aeronautics and Space Administration (NASA)

Period Covered: October 1, 2002 to September 30, 2003

Agency Name	Number of Requests Received	Number Designated as Influential
NASA	1	0
Total	1	0

- **Agency Receiving Correction Request:** National Aeronautics and Space Administration
- **Requestor:** The request for correction was submitted by Francis C. P. Knize, who listed his occupation as “producer”, but did not list an organizational affiliation. Mr. Knize indicated that he was submitting the request on behalf of Mr. Keith Laney, “independent researcher and [NASA] Ames Research Center consultant. At the end of the request for correction, Mr. Knize also listed “Richard Hoagland, science writer, author, science consultant; the Enterprise Mission, a Space Research organization; SETI scientists from about the globe; and 72 percent of the American population” as parties interested in the outcome of the request for correction.
- **Date Received:** The request for correction was received via e-mail on October 31, 2002, and logged by the Information Quality officer on that date.
- **Summary of Request:** The request questions the validity of an image downloaded from the Arizona State University (ASU) Thermal Emission Imaging System (THEMIS) web site. The request indicates that a visit to the THEMIS web site on August 26, 2002 produced a different image than was available from that site on July 25, 2002. The petitioner indicates that the image served from the THEMIS site was somehow altered between July 25 and August 26, 2002.

Mr. Knize included in his petition an e-mail exchange from Mr. Laney, which described the apparent discrepancy in data on two occasions: “I went back to the THEMIS site on August 26th. I found that the image now there is very different from the one I downloaded on July 25th... this image was much "prettier."... The Official image at the THEMIS site [as discovered August 26] is in fact a prettied up, heavily destreaked, and warp registered later version of the image I received [on July 25]. This is extremely important, because my image [from July 25] has no hints of

destreaking or warp registration. Both of these are irreversible processes. There is no way I could have made my image from the version now at the THEMIS website... I do know this, somehow I obtained an unaltered tiff image with a different header identifier which produces superior IR multispectral images over and beyond the presently displayed and original July 24th [sic] image release.”

The image that is the subject of this information correction request was provided on the THEMIS web site, managed by ASU under the auspices of NASA’s Jet Propulsion Laboratory. THEMIS maps the mineralogy and morphology of Mars using multispectral imaging in the visible and thermal infrared. Six months after THEMIS data are taken, formatted data are delivered to the Planetary Data System (PDS) for archiving at three-month intervals. The PDS requires that scientific archives be validated for both scientific integrity and compliance with PDS standards. Validation is conducted by a combination of mission and PDS personnel, and involves a formal PDS peer review. Data that have been archived are then available to the research and educational communities and members of the public as calibrated data from which analysis can be made. The time frame for the release of calibrated THEMIS data to the public is approximately six to nine months after the data are captured.

Prior to the release of the calibrated data to the public, THEMIS makes available some “interesting” images via its web site as an educational and public outreach activity (i.e., “image-of-the-day”). These images generally have not been calibrated and are not required to be of sufficient quality for scientific analysis. The image that is the subject of this information correction request was provided on the THEMIS web site as a public service in the manner described above. While the source data for the posted image were calibrated and geometrically projected in a preliminary fashion, this was not done under the formal validation procedure for PDS release, and the image is not intended for quantitative scientific analysis.

- **Description of Requested Correction:** Mr. Knize requested NASA to set up a peer review panel to determine why the data provided on THEMIS does not seem transparent, and also why the process and mode for dissemination is not transparent. He specified that the panel “must then analyze how the elements of Mr. Laney's frame relates to the original as posted at the NASA site... [to] properly [determine] how data was received by Mr. Laney, and disseminated by NASA.” He elaborates as follows: “If we as a combined group of affected interests had to explain where we would like to see a correction in data take place, it would be in the correction to establish transparency of data, in other words that data would remain the same from the same NASA source for independent researchers who depend on consistency... A correction will occur when data is consistent, Mr. Laney's data for image frame was skewed when received. Mr. Laney's data contained a certain "blocking phenomenon" which appears not to be a result of photographic artifacting and pixilation, but rather to exhibit visual elements that are real. The aforementioned attributes were not contained in the image later showing at the same THEMIS

source, which shows an inconsistency and unwarranted degradation in the official version now posted of the frame in question at the official NASA Internet site.”

- **Influential:** ___ Yes ___ No ___ Undetermined
- **First Agency Response:** ___ in progress ___ completed
NASA’s response to this request for information correction was completed and transmitted on December 31, 2002.
- **Resolution:** NASA’s Information Quality Officer conducted extensive reviews with individuals associated with THEMIS at both ASU and NASA’s Jet Propulsion Laboratory, including the THEMIS Principal Investigator at ASU. All parties indicated that the image on the THEMIS web site had not been altered during the time period mentioned in the petitioner’s request for correction.

NASA provided the following as part of the official response to the petitioner:
“Review and Analysis

NASA inquired, and THEMIS confirmed, that the image in question was presented on the web site on July 24th, 2002, and was not altered, removed, replaced, or otherwise touched between July 24th and August 26th, 2002.

The calibrated data related to this image are scheduled for archiving to the PDS in January 2003. The data that will be available to the public after January 2003 are the official source for analysis, and will have been subject to the validation processes described above.

NASA’s Decision

NASA’s review has led to the decision that the image is as posted, so no correction is required. NASA could find no alteration of the original image as posted on the THEMIS web site. Validated archival data suitable for scientific analysis will be released to the public on schedule.”

NASA provided this response directly to the petitioner, and did not address the request as part of a response to comment, during ongoing adjudication, or through any other mechanism.

- **Appeal Request:** ___ none ___ in progress ___ completed
- **Summary of Request for Reconsideration:** N/A
- **Type of Appeal Process Used:** N/A
- **Appeal Resolution:** N/A

16 National Archives and Records Administration

Year-End Information Quality Report

Requests for Correction Received FY 2003

National Archives and Records Administration

Period Covered: October 1, 2002 through September 30, 2003

Agency Name	Number of Requests Received	Number Designated as Influential
NARA	Total 8	Total 0

Agency Receiving Correction Request: NARA/Archives II Research Support Branch (NWCC2)

- **Requestor:** E-mail with researcher contact information inadvertently deleted before being noted.
- **Date Received:** October 4, 2002, received electronically.
- **Summary of Request:** “In “A People at War”, the section on Lt. Kennedy identifies the aircraft shown as a PB4Y-1. I believe that the aircraft is a B-24 Liberator.”
- **Description of Requested Correction:** NARA responded to the researcher “that the designations were synonymous, the PB4Y-1 being the Navy’s designation for the B-24 Liberator aircraft.”
- **Influential:** ___ Yes X No ___ Undetermined
- **First Agency Response:** ___ in progress X completed
NARA responded October 7, 2002.
- **Resolution:** NARA responded “that the designations were synonymous, the PB4Y-1 being the Navy’s designation for the B-24 Liberator.”
- **Appeal Request:** X none ___ in progress ___ completed
- **Summary of Request for Reconsideration:** None requested.
- **Type of Appeal Process Used:** None needed.
- **Appeal Resolution:** No appeal needed.

Agency Receiving Correction Request: NARA/NWCC2

- **Requestor:** Mp Mullin, NARA web researcher
- **Date Received:** February 3, 2003, received electronically.
- **Summary of Request:** “plse ck these facts: my understanding is john glenn’s capsule was the Friendship 7. I believe Shepard’s was the Freedom 7. this caption is under a picture on your web site (*sic*).”
- **Description of Requested Correction:** Correct name of John Glenn’s space capsule at this URL
http://www.archives.gov/media_desk/press_kits/picturing_photo_gallery_2.html.
- **Influential:** ___ Yes X No ___ Undetermined
- **First Agency Response:** ___ in progress X completed
NARA responded December 1, 2003.
- **Resolution:** The name of John Glenn’s capsule was changed from “Freedom 7” (which was the name of Shepard’s capsule) to “Friendship 7” at this URL
http://www.archives.gov/media_desk/press_kits/picturing_photo_gallery_2.html .
- **Appeal Request:** X none ___ in progress ___ completed
- **Summary of Request for Reconsideration:** None requested.
- **Type of Appeal Process Used:** None needed.
- **Appeal Resolution:** No appeal needed.

Agency Receiving Correction Request: NARA/NWCC2

- **Requestor:** Peter J. Wirth, microfilm research room researcher
- **Date Received:** March 3, 2003, received via NA 14045 “How were our services?” form.
- **Summary of Request:** Individual came to the National Archives at College Park to view records of the U.S. District Court for the District of New Jersey and Predecessor Courts, 1790-1950 which are on microfilm T928. NARA’s website showed that this microfilm was indeed located at the National Archives at College Park. However, the researcher found to his dismay that the microfilm was not at the National Archives at College Park, but at the National Archives building in downtown Washington, DC. He was annoyed, stating “A little inconvenient, don’t you think? Please correct your website.”
- **Description of Requested Correction:** The NARA Viewing Location on the Archives Library Information Center (ALIC) website needs to be corrected, removing

the Archives II Research Room Services Branch as a viewing location for this microfilm.

- **Influential:** ___ Yes X No ___ Undetermined
- **First Agency Response:** ___ in progress X completed
NARA responded December 4, 2003.
- **Resolution:** The ALIC website shows the NARA viewing location for this microfilm as Archives I Research Room Services Branch and NARA's Northeast Region (New York City, NY).
- **Appeal Request:** X none ___ in progress ___ completed
- **Summary of Request for Reconsideration:** None requested.
- **Type of Appeal Process Used:** None needed.
- **Appeal Resolution:** No appeal needed.

Agency Receiving Correction Request: NARA/NWCC2

- **Requestor:** David Champe, NARA web researcher
- **Date Received:** June 11, 2003, received electronically.
- **Summary of Request:** "Individuals are misidentified in photograph of Archival Research Catalog (ARC) Identifier 194704 in TITLE description as well as the SCOPE AND CONTENT NOTE. The correct names are (r-l) Richard M. Nixon, SONNY WEST, JERRY SCHILLING, Elvis Presley."
- **Description of Requested Correction:** Correct the name for Sonny West, according to this individual, the correct name is Jerry West. Correct the name for Sonny Baker, according to this individual the correct name is Jerry Schilling.
- **Influential:** ___ Yes X No ___ Undetermined
- **First Agency Response:** ___ in progress X completed
NARA responded December 2, 2003.
- **Resolution:** The names (Jerry West was corrected to Sonny West, and Sonny Baker was corrected to Jerry Schilling) were corrected in the Title and Scope and Content Note.
- **Appeal Request:** X none ___ in progress ___ completed
- **Summary of Request for Reconsideration:** None requested.
- **Type of Appeal Process Used:** None needed.

- **Appeal Resolution:** No appeal needed.

Agency Receiving Correction Request: NARA/NWCC2

- **Requestor:** Thomas Spurgeon, museum visitor
- **Date Received:** June 13, 2003, received electronically.
- **Summary of Request:** “I viewed the Traveling Historical Documents Exhibit at the San Antonio Witte Museum, which was wonderful. I noticed a slight factual error, however, on the information board that appears next to the exhibit relating to the Civil Rights Act of 1964. Towards the end of the information board, a statement is made about a statement President Johnson made “eight” years after “leaving the Presidency” (or word to that effect). President Johnson left office on January 20, 1969, and passed away slightly more than four years later, on January 22, 1973.”
- **Description of Requested Correction:** NARA should correct timing of President Johnson’s statement about “eight” years after “leaving the Presidency.”
- **Influential:** ___ Yes X No ___ Undetermined
- **First Agency Response:** ___ in progress X completed
NARA responded June 16, 2003.
- **Resolution:** A new exhibit panel was created with corrected text stating that President Johnson’s statement cited in the exhibition was made “eight years after he signed the Civil Rights of 1964 into law”, not “eight years after he left the Presidency.”
- **Appeal Request:** X none ___ in progress ___ completed
- **Summary of Request for Reconsideration:** None requested.
- **Type of Appeal Process Used:** None needed.
- **Appeal Resolution:** No appeal needed.

Agency Receiving Correction Request: NARA/NWCC2

- **Requestor:** Sandy Onbey, NARA web researcher
- **Date Received:** July 25, 2003, received electronically.
- **Summary of Request:** “Image link for page 160:
<http://media.nara.gov/media/images/35/20/35-1929a.gif>. The image shows page 159...NOT page 160. Please note that even the image size is different, indicating that

the wrong image is showing.” The images for pages 159 and 161, before and after this erroneous link, are correct.

- **Description of Requested Correction:** On page listing the links for the Index to the Final Rolls of the Five Civilized Tribes (Dawes) http://www.archives.gov/research_room/arc/arc_info/native_americans_final_rolls_in_dex.html, one erroneous image, page 160, is not page 160. “We felt you would want to know about this so that it could be corrected and the proper images displayed with their descriptions. Since the Native Americans use this information in order to help prove their heritage, I felt that it was very important that you be made aware of this error. Please advise me of your findings on this problem so that I may tell those that inquire about it what the results were.”
- **Influential:** ___ Yes No ___ Undetermined
- **First Agency Response:** ___ in progress completed
NARA responded August 21, 2003.
- **Resolution:** Archival Research Catalog (ARC) Project Staff responded, “Your e-mail, along with a number of other researchers’ correspondence, has alerted us to some mis-scans with our initial scanning project. The pages from the Index to the Final Rolls of the Five Civilized Tribes (Dawes) are some of those mis-scans that we have corrected. Thank you for your feedback. We apologize for any inconvenience and appreciate your patience while we had the pages rescanned.”
- **Appeal Request:** none ___ in progress ___ completed
- **Summary of Request for Reconsideration:** None requested.
- **Type of Appeal Process Used:** None needed.
- **Appeal Resolution:** No appeal needed.

Agency Receiving Correction Request: NARA/NWCC2

- **Requestor:** Sylvia Hueston, NARA web researcher
- **Date Received:** August 26, 2003, received electronically.
- **Summary of Request:** “I checked your website on Lt. Henry O. Flipper. You list his birthday incorrectly as Feb. 21, 1856. I think if you check primary sources including Lt. Flipper’s own writing (The Colored Cadet at West Point) you will find that his birthday is in fact March 21, 1856. If you can find evidence that he was in fact born on Feb. 21, 1856, please enlighten me. Thank you.”
- **Description of Requested Correction:** Correct Lt. Henry O. Flipper’s birth date at the following link:
http://www.archives.gov/exhibit_hall/feartured_documents/henry_o_flipper/.

- **Influential:** ___ Yes X No ___ Undetermined
- **First Agency Response:** ___ in progress X completed
NARA responded on September 5, 2003.
- **Resolution:** The birth date for Lt. Henry O. Flipper's birth date was corrected to March 21, 1856 at http://www.archives.gov/exhibit_hall/featured_documents/henry_o_flipper/ on NARA's website.
- **Appeal Request:** X none ___ in progress ___ completed
- **Summary of Request for Reconsideration:** None requested.
- **Type of Appeal Process Used:** None needed.
- **Appeal Resolution:** No appeal needed.

Agency Receiving Correction Request: NARA/NWCC2

- **Requestor:** Robert Edwards, NARA web researcher
- **Date Received:** September 9, 2003, received electronically.
- **Summary of Request:** "A small thing, but, "They Met at Gettysburg" motion pictures, Archival Research Catalog (ARC) identifier 11732, under Scope and Content notes: William Henry Jackson is identified (customer wrote "at", but I believe "as" is what he meant) a Confederate veteran. He actually was a member of the 12th Vermont Regiment. Union veteran. By the way I love your web-site and people at the NA College Park were wonderful."
- **Description of Requested Correction:** NARA responded, "we will review the information presented in the "Scope & Content Note" of the aforementioned title and make any necessary amendments."
- **Influential:** ___ Yes X No ___ Undetermined
- **First Agency Response:** ___ in progress X completed
NARA responded December 11, 2003.
- **Resolution:** NARA responded, "The item, 48.101, has been corrected via our internal data entry system to reflect the correct association of William Henry Jackson as a Union veteran and the physical information has been updated to reflect the addition of a VHS reference copy."
- **Appeal Request:** X none ___ in progress ___ completed
- **Summary of Request for Reconsideration:** None requested.

- **Type of Appeal Process Used:** None needed.
- **Appeal Resolution:** No appeal needed.

17 Office of Science and Technology Policy

Year-End Information Quality Report

Requests for Correction Received FY 2003
 Office of Science and Technology Policy (OSTP)
 Period Covered: Fiscal Year 2003

Agency Name	Number of Requests Received	Number Designated as Influential
OSTP	1	0
	Total 1	Total 0

- **Agency Receiving Correction Request:** Office of Science and Technology Policy (OSTP), Executive Office of the President
- **Requestor:** Christopher Horner, Senior Fellow
 Competitive Enterprise Institute (CEI)
 1001 Connecticut Avenue, NW, Suite 1250
 Washington, DC 20036

 CEI is a public policy institute
- **Date Received:** March 14, 2003. OSTP first learned of the notice by word of mouth. OSTP contacted CEI and then received the petition by email and fax. OSTP considered the Petition filed on February 20, 2003, the date that CEI said it mailed the petition to OSTP.
- **Summary of Request:** The request sought a cessation of dissemination of a document entitled, *Climate Change Impacts on the United States: The Potential Consequences of Climate Variability and Change (the "National Assessment")*. The Requestor did not identify, justify and request correction of particularized errors in the text. Rather, the Requestor claimed the science underpinning the document was so flawed that dissemination of the entire document must cease.
- **Description of Requested Correction:** The Requestor's petition stated: "[The Information Quality Act] prohibits – and therefore OSTP must cease – dissemination of [the National Assessment] as the sole feasible 'correction' given the errors' endemic nature due to that document's rampant violations."
- **Influential:** ___ Yes ___ No X Undetermined
- **First Agency Response:** ___ in progress X completed
 OSTP responded on April 21, 2003.

- **Resolution:** OSTP denied the request. OSTP’s response stated: “Because the National Assessment, as a FACA committee document, does not meet [OSTP’s IQA] Guidelines’ definition of ‘information’ subject to correction, the Petition does not satisfy the threshold requirement set forth in Section III(A)(6)(4) of the Guidelines. The Petition is accordingly denied, without reaching other questions that would be necessary for favorable action on the Petition.”
- **Appeal Request:** none in progress completed
CEI filed a request for reconsideration with OSTP on May 5, 2003.
The appeal was resolved as described under “Appeal Resolution” below.
- **Summary of Request for Reconsideration:** CEI’s request for reconsideration challenged the notion that the National Assessment was a FACA committee document outside the scope of the OSTP IQA Guidelines’ definition of “information.” Among various other claims, CEI claimed that the document was, in fact, an OSTP document because OSTP had forwarded it to Congress in satisfaction of a statutory requirement.
- **Type of Appeal Process Used:** OSTP’s Chief of Staff and General Counsel considers appeals.
- **Appeal Resolution:** OSTP responded to the CEI appeal with a request for additional information on July 2, 2003, stating OSTP would issue a final response within 45 days of receiving a reply. CEI replied to this request on July 8, 2003.

Before OSTP could respond to the appeal in a final manner, CEI filed suit in federal district court on August 6, 2003.

CEI stipulated to the dismissal of this lawsuit, with prejudice, on November 4, 2003.

18 Commodity Futures Trading Commission

Year-End Information Quality Report

Requests for Correction Received FY 2003
 Commodity Futures Trading Commission
 Period Covered: October 1, 2002 through September 30, 2003

<u>Number of Requests Received</u>		<u>Number Designated as Influential</u>	
	1		0
Total	1	Total	0

Agency Receiving Correction Request: Commodity Futures Trading Commission

- **Requestor:**
 Robert Stanton
 FactSet Economics
 Independent corporation
- **Date Received:** September 22, 2003, received electronically
- **Summary of Request:** Requestor noted that historical data for options and futures files [1995-2002 Options & Futures Historical files] were missing a few data fields available in the 2003 series. Specifically, the historical files from 1995-2002 for options and futures were lacking CONTRACT UNITS, CFTC CONTRACT MARKET CODE (QUOTES), CFTC MARKET CODE IN INITIALS (QUOTES), CFTC COMMODITY CODE (QUOTES) fields (some or all of them).
- **Description of Requested Correction:** Stanton requested that historical data for options and futures files “should have [the listed data fields] added to them to remain consistent with the current format of options and futures data.”
- **Influential:** ___ Yes __X__ No ___ Undetermined
- **First Agency Response:** ___ In Progress __X__ Completed
 Agency responded October 15, 2003.
- **Resolution:** The agency agreed that the data fields should be added and that the utility of this information will be enhanced when the historical files and the current files all include the same data fields. The missing fields [CONTRACT UNITS, CFTC CONTRACT MARKET CODE (QUOTES), CFTC MARKET CODE IN INITIALS (QUOTES), CFTC COMMODITY CODE (QUOTES)] in

the 1995-2002 Options & Futures Historical files will be included as soon as possible.

- **Appeal Request:** None In progress Completed
- **Summary of Request for Reconsideration:** NA
- **Type of Appeal Process Used:** NA
- **Appeal Resolution:** NA

19 Federal Deposit Insurance Corporation

Year-End Information Quality Report

Requests for Correction Received FY 2003

Federal Deposit Insurance Corporation (FDIC)

Period Covered: January 1, 2003 through December 31, 2003

Agency Name	Number of Requests Received	Number Designated as Influential
FDIC	1	0
Total	1	0

Agency Receiving Correction Request: Federal Deposit Insurance Corporation

- **Requestor:**
 William W. Lange
 LFC Group of Companies
 An independent corporation
- **Date Received:** Letter dated January 13, 2002 [sic]
- **Summary of Request:** Citing Section 515, Mr. Lange addressed what he felt were inaccuracies in an FDIC press release issued July 18, 1997 (PR-49-97, <http://www.fdic.gov/news/news/press/1997/pr9749.html>) which announced “that the Justice Department filed suit July 15 against three California residents charging them with fraud that resulted in nearly \$3.6 million in profits from contracts issued by the FDIC and the former Resolution Trust Corporation (RTC) to auction assets.” Mr. Lange was named as one of three defendants.
- **Description of Requested Correction:** Mr. Lange did not dispute the accuracy of the press release, but argued that—since the suit had been settled by an agreement reached between the defendants and the Justice Department—the continued presence of the press release in FDIC’s Web site archive tarnished his business reputation.
- **Influential:** ___ Yes ___ **X** No ___ Undetermined
- **First Agency Response:** ___ in progress ___ **X** completed **March 5, 2003**
- **Resolution:** The FDIC determined that Mr. Lange’s request did not fall under the auspices of Section 515. However, the FDIC did look into his request and allegations that the press release contained erroneous statements. Although it was determined that the press release was accurate, a notation was placed at the top of the press release indicating that the suit had been settled. This was done to provide context to the press release and publicize its ultimate resolution.
- **Appeal Request:** N/A
- **Summary of Request for Reconsideration:** N/A
- **Type of Appeal Process Used:** N/A
- **Appeal Resolution:** N/A