

# Weekly Federal Register Summary

Week of 12/1/2003

**Prepared By**  
**Naval Facilities Engineering Service Center**  
**Code 42**

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## **Introduction**

### ***About the Report:***

This weekly federal regulatory summary contains summaries of Federal Register notices and other information and is provided as a service of Naval Facilities Engineering Service Center, Port Hueneme, CA for various Navy and Marine Corps environmental personnel. Content is screened to include environmental and health/safety items specifically relevant to the Navy/Marine Corps or of broad general relevance to DOD.

### ***Meetings -***

Meeting cancellations and date changes appear only in the Upcoming Meetings section; they are not re-entered in the Summary of Issues.

### ***Subscription:***

Interested DOD personnel may receive a free weekly e-mail of this report. To subscribe or unsubscribe, log on to <http://regscreen.nfesc.navy.mil/htm/Subscribe.htm>. Contractors can be added to distribution if endorsed by their DOD contract representative via e-mail to us at [regdesk@nfesc.navy.mil](mailto:regdesk@nfesc.navy.mil). Include the DOD representative's name, e-mail, phone number, job title, command, and address and your e-mail, phone number, company, and contractual responsibility area. If you have problems, or need assistance please contact us at [regdesk@nfesc.navy.mil](mailto:regdesk@nfesc.navy.mil) or 805/982-1276.

### ***Web Database:***

A companion website is available at <http://regscreen.nfesc.navy.mil> (access limited to .mil domains) where you can find and retrieve items from past issues of the Weekly Regulatory Summary, or get an overview of upcoming regulations.

### ***Feedback:***

We have made every effort to ensure that the information provided is accurate and that all significant regulatory actions have been included. If you believe that an important issue has been omitted from this report or that the information is incorrect, please contact us at 805/982-1276 or 805/982-2640, or via e-mail at [regdesk@nfesc.navy.mil](mailto:regdesk@nfesc.navy.mil). Suggestions for improvement are also appreciated.

If you have specific concerns or would like to provide information to support Navy/DOD impacts from identified issues, please forward an e-mail detailing your comments. Please include the title and date of the issue. We may be contacted at: [regdesk@nfesc.navy.mil](mailto:regdesk@nfesc.navy.mil) or call 805/982-1276.

# Summary of Issues

## 1. General

National Pollution Prevention and Toxics Advisory Committee	<b>Date:</b> 12/3/2003
<b>Action Type:</b> Meeting Announcement	<b>Cite:</b> 68 FR 67671
<p><b>Summary:</b>  EPA's National Pollution Prevention and Toxics Advisory Committee will meet January 7 and 8, 2004 in Washington, DC.</p> <p>The proposed agenda includes:</p> <ul style="list-style-type: none"> <li>- High Production Volume Challenge Program,</li> <li>- New Chemicals Program,</li> <li>- Pollution Prevention,</li> <li>- Risk Assessment,</li> <li>- Risk Management, and</li> <li>- Risk Communication.</li> </ul>	
<p><b>Potential Impact or Relevance:</b>  Potential interest to pollution prevention managers and hazardous materials managers</p>	<p><b>CFR References:</b></p>
<p><b>Further Information:</b>  Mary Hanley, EPA Office of Pollution Prevention and Toxics, Washington, DC, (202) 564-9891, <a href="mailto:npptac.oppt@epa.gov">npptac.oppt@epa.gov</a></p>	
<p><b>Full Text Document Location:</b>  <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-30048.htm">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-30048.htm</a>  <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-30048.pdf">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-30048.pdf</a></p>	

## 2. CAA

EPA Identifies Proposed Non-Attainment Areas for New Ozone Standard	<b>Date:</b> 12/4/2003
<b>Action Type:</b> Notice, Information	<b>Cite:</b> EPA OAR Release
<p><b>Summary:</b>  EPA has identified those geographic areas that they believe should be designated nonattainment under the 0.08 ppm 8-hour ozone standard. An area is in violation of the standard if fourth highest daily maximum 8-hour ozone average in a year, averaged over three consecutive years, is 0.085 parts per million or higher. EPA intends to make final designations on April 15, 2004.</p> <p>The following is a partial list of areas identified as in non-attainment:</p> <p>California - Los Angeles Area; San Diego Area; San Joaquin Valley; Imperial County; Ventura County  Connecticut - All  Georgia - Atlanta Area  Louisiana - Baton Rouge Area  Maine - Coastal Areas  New Jersey - All  New York - New York Area  Texas - Dallas Area; Houston Area  Tennessee - Various counties  Virginia - Washington DC Area  Virginia - Norfolk Area</p> <p>A complete list of designations is available at: <a href="http://www.epa.gov/ozonedesignations/state.htm">http://www.epa.gov/ozonedesignations/state.htm</a>.</p> <p>The EPA web site contains:</p> <ul style="list-style-type: none"> <li>- Shows/lists the 2000 and 2003 state recommendations for counties to be designated nonattainment.</li> <li>- EPA's 2003 response letters.</li> <li>- Ozone Conditions: Provides regional ozone maps showing current (in season) and historical ozone conditions.</li> <li>- Air Quality Forecast: Two-day air quality forecasts, including ozone, for dozens of cities.</li> <li>- Policy Guidance: Fact Sheets, letters and memos relevant to the 8-hour Ozone Designation Process.</li> <li>- Technical Data: Links to air quality technical data used to determine an area's designation status.</li> <li>- Early Action Compacts: Information on an alternative route to clean air.</li> </ul> <p>The EPA web site is at: <a href="http://www.epa.gov/ozonedesignations/">http://www.epa.gov/ozonedesignations/</a></p>	
<b>Potential Impact or Relevance:</b> Provided for information only.	<b>CFR References:</b>
<b>Further Information:</b> No contact information provided.	
<b>Full Text Document Location:</b> <a href="http://www.epa.gov/ozonedesignations/">http://www.epa.gov/ozonedesignations/</a>	

### 3. CAA

Proposed Interstate Air Quality Rule to Cut Power Plant Emissions	<b>Date:</b> 12/4/2003
<b>Action Type:</b> Notice	<b>Cite:</b> EPA Press Release
<p><b>Summary:</b>  EPA announced plans for a new Interstate Air Quality Rule to reduce emissions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) from power plants in 30 Eastern states. Additionally, EPA intends to propose a rule to reduce mercury from power plants. Both rules will rely on a cap and trade approach.</p> <p>The proposed rule will reduce power plant emissions in two phases. Sulfur dioxide emissions would drop by 3.7 million tons by 2010 and by another 2.3 million tons in 2016. NO<sub>x</sub> emissions would be cut by 1.4 million tons by 2010 and by a total of 1.7 million tons by 2015. EPA will formally propose the Interstate Air Quality Rule in December 2003.</p> <p>The proposed mercury rules would focus on coal-fired power plants and is intended to cut mercury emissions to 15 tons when fully implemented after 2018, a reduction of 70% from current levels. The mercury rules will be proposed by December 15, 2003.</p> <p>Additional information showing emission changes is available at:  <a href="http://www.epa.gov/air/interstateairquality/charts.html">http://www.epa.gov/air/interstateairquality/charts.html</a>.</p>	
<b>Potential Impact or Relevance:</b> Potential interest to air program managers.	<b>CFR References:</b>
<b>Further Information:</b> No contact information provided.	
<b>Full Text Document Location:</b> <a href="http://www.epa.gov/interstateairquality/">http://www.epa.gov/interstateairquality/</a>	

#### 4. **Climate Change And Energy**

Guidelines for Voluntary Greenhouse Gas Reporting	<b>Date:</b> 12/5/2003
<b>Action Type:</b> Proposed Rulemaking	<b>Cite:</b> 68 FR 68203
<p><b>Summary:</b> DOE is proposing revised General Guidelines for the Voluntary Reporting of Greenhouse Gases Program. The proposed Guidelines establish revised procedures and reporting requirements for filing voluntary reports, and encourage participants to submit annual reports of their total entity-wide greenhouse gas emissions, net emission reductions, and carbon sequestration activities that are complete, reliable and consistent.</p> <p>A workshop will be held on January 12, 2004 in Washington, DC.</p> <p>Energy Policy Act Guidelines provide for the "accurate" and "voluntary" reporting of information on:</p> <ol style="list-style-type: none"> <li>1) Greenhouse gas emission levels for a baseline period (1987-1990) and thereafter, annually;</li> <li>2) Greenhouse gas emission reductions and carbon sequestration, regardless of the specific method used to achieve them;</li> <li>3) Greenhouse gas emission reductions achieved because of voluntary efforts, plant closings, or state or federal requirements;</li> <li>4) The aggregate calculation of greenhouse gas emissions by each reporting entity.</li> </ol> <p>Comments are due by February 3, 2004.</p>	
<p><b>Potential Impact or Relevance:</b> Provided for information only.</p>	<p><b>CFR References:</b> 10 CFR 300</p>
<p><b>Further Information:</b> Mark Friedrichs, Office of Policy and International Affairs, Department of Energy, Washington, DC, <a href="mailto:comments@hq.doe.gov">comments@hq.doe.gov</a></p>	
<p><b>Full Text Document Location:</b> <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29983.htm">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29983.htm</a> <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-29983.pdf">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-29983.pdf</a></p>	

## 5. FIFRA

<p>Notice of Availability of the Preliminary Risk Assessment for Creosote Reregistration Eligibility Decision</p>	<p><b>Date:</b> 12/5/2003</p>
<p><b>Action Type:</b> Notice</p>	<p><b>Cite:</b> 68 FR 68042</p>
<p><b>Summary:</b>  EPA has released preliminary risk assessment documents related to the reregistration process for creosote.</p> <p>Currently 16 products are registered for use as industrial wood preservatives for above and below ground wood protection treatments and wood in marine environments. Creosote wood preservatives are used primarily in the pressure treatment of railroad ties/crossties (about 70% of all creosote use) and utility poles/cross-arms (about 15-20% of all creosote use). Assorted creosote-treated lumber products account for the remaining uses of this wood preservative.</p> <p>The documents are at: <a href="http://www.epa.gov/edocket/">http://www.epa.gov/edocket/</a>. See docket OPP-2003-0248. Note: items were not posted at the time of publication.</p> <p>Comments are due February 3, 2004.</p>	
<p><b>Potential Impact or Relevance:</b>  Provided for information only.</p>	<p><b>CFR References:</b></p>
<p><b>Further Information:</b>  Bonaventure Akinlosotu, EPA Office of Pesticide Programs, Washington, DC, 703-605-0653, <a href="mailto:akinlosotu.bonaventure@epa.gov">akinlosotu.bonaventure@epa.gov</a>.</p>	
<p><b>Full Text Document Location:</b>  <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-30270.htm">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-30270.htm</a>  <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-30270.pdf">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-30270.pdf</a></p>	

## 6. *Hazardous Material Transportation*

Hazardous Materials; Incorporation of Exemptions Into Regulations	<b>Date:</b> 12/4/2003
<b>Action Type:</b> Proposed Rulemaking	<b>Cite:</b> 68 FR 67821
<p><b>Summary:</b>            Research and Special Programs Administration (RSPA) has proposed amendments adopt certain widely held exemptions into Hazardous Materials Regulations. Proposed changes include:</p> <ul style="list-style-type: none"> <li>- authorize the use of salvage cylinders for overpacking a damaged or leaking cylinder containing materials other than Class 1 or 7 or acetylene.</li> <li>- authorize the transportation of waste cyanides and waste cyanide mixtures or solutions with acids under certain conditions.</li> <li>- authorize the transportation of waste Division 4.2 materials with Class 8 liquids under certain conditions.</li> </ul> <p>Comments are due February 6, 2004.</p>	
<p><b>Potential Impact or Relevance:</b>            Provided for information only.</p>	<p><b>CFR References:</b>            49 CFR 171</p>
<p><b>Further Information:</b>            Gigi Corbin, Office of Hazardous Materials Standards, Research and Special Programs Administration, Washington, DC, 202-366-8553</p>	<p>49 CFR 173            49 CFR 174            49 CFR 176            49 CFR 177</p>
<p><b>Full Text Document Location:</b>  <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29852.htm">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29852.htm</a>  <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-29852.pdf">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-29852.pdf</a></p>	

## 7. **Hazardous Material Transportation**

Revisions to Incident Reporting Requirements and the Hazardous Materials Incident Report Form	<b>Date:</b> 12/3/2003
<b>Action Type:</b> Final Rule	<b>Cite:</b> 68 FR 67745
<p><b>Summary:</b>            Research and Special Programs Administration has revised incident reporting requirements of the Hazardous Materials Regulations and the hazardous materials incident report form, DOT Form F 5800.1. Major changes adopted in this final rule include:</p> <ul style="list-style-type: none"> <li>- collecting more specific information on the incident reporting form;</li> <li>- expanding reporting exceptions;</li> <li>- expanding reporting requirements to persons other than carriers;</li> <li>- reporting undeclared shipments of hazardous materials;</li> <li>- reporting non-release incidents involving cargo tanks.</li> </ul> <p>This final rule is effective July 1, 2004.</p>	
<b>Potential Impact or Relevance:</b> Provided for information only.	<b>CFR References:</b> 49 CFR 171
<b>Further Information:</b> T. Glenn Foster, Office of Hazardous Materials Standards, Research and Special Programs Administration, 202-366-8553	
<p><b>Full Text Document Location:</b>  <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29597.htm">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29597.htm</a>  <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-29597.pdf">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-29597.pdf</a></p>	

**8. Natural and Cultural Resources**

Endangered Species Recovery Permit Applications, Point Mugu Naval Base	<b>Date:</b> 12/2/2003
<b>Action Type:</b> Notice and Request for Comments	<b>Cite:</b> 68 FR 67465
<p><b>Summary:</b>  Point Mugu Naval Base, California, has requested an amendment to their existing endangered species scientific research permit to collect seed, propagate, and outplant salt marsh bird's-beak (<i>Cordylanthus maritimus</i> ssp. <i>Maritimus</i>) in conjunction with a planting program in Ventura County, California, for the purpose of enhancing its survival. Permit No. TE-066621</p> <p>Comments are due by January 2, 2004.</p>	
<p><b>Potential Impact or Relevance:</b>  Provided for information only.</p>	<b>CFR References:</b>
<p><b>Further Information:</b>  Fish and Wildlife Service, Endangered Species, Portland, OR, 503-231-2063</p>	
<p><b>Full Text Document Location:</b>  <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29870.htm">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29870.htm</a>  <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-29870.pdf">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-29870.pdf</a></p>	

**9. NEPA**

National Environmental Policy Act Task Force Report	<b>Date:</b> 12/2/2003
<b>Action Type:</b> Meeting Announcement	<b>Cite:</b> 68 FR 67437
<p><b>Summary:</b>          The Council on Environmental Quality (CEQ), NEPA Task Force has announced another roundtable meeting in the series addressing efforts to improve federal agency decision-making by modernizing the NEPA process. The Southern Regional Roundtable will be held in Memphis, TN on December 11-12, 2003.</p> <p>The CEQ report on this effort is available at <a href="http://ceq.eh.doe.gov/ntf/report/index.html">http://ceq.eh.doe.gov/ntf/report/index.html</a></p>	
<p><b>Potential Impact or Relevance:</b>          Provided for information only.</p>	<b>CFR References:</b>
<p><b>Further Information:</b>          Bill Perhach, (202) 395-0826</p>	
<p><b>Full Text Document Location:</b>  <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29873.htm">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29873.htm</a>  <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-29873.pdf">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-29873.pdf</a></p>	

## 10. Noise

<b>Stage 4 Commercial Aircraft Noise Standards for Subsonic Jet Airplanes and Subsonic Transport Large Airplanes</b>	<b>Date:</b> 12/1/2003
<b>Action Type:</b> Proposed Rulemaking	<b>Cite:</b> 68 FR 67329
<p><b>Summary:</b>          The FAA is proposing a new noise standard for subsonic jet airplanes and subsonic transport category large airplanes. This noise standard, Stage 4, would ensure that the latest available noise reduction technology is incorporated into new aircraft designs and would apply to any person submitting an application for a new airplane type design on and after January 1, 2006. The standard could be chosen voluntarily prior to that date.</p> <p>This noise standard is intended to provide uniform noise certification standards for Stage 4 airplanes certificated in the United States and those airplanes that meet the new International Civil Aviation Organization Annex 16 Chapter 4 noise standard.</p> <p>Comments are due March 1, 2004.</p>	
<b>Potential Impact or Relevance:</b> Provided for information only.	<b>CFR References:</b> 14 CFR 36 14 CFR 91
<b>Further Information:</b> Laurette Fisher, FAA Office of Environment and Energy, Washington, DC, (202) 267-3561	
<b>Full Text Document Location:</b> <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29147.htm">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29147.htm</a> <a href="http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-29147.pdf">http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-29147.pdf</a>	

## Upcoming Meetings

### General

#### Science Advisory Board: Workshop on Environmental Protection

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29430.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	12/11/2003	8:30 AM	1 Day	

#### Science Advisory Board; Upcoming Meetings

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29431.htm>

Location	Start Date	Start Time	Duration	Details
Telephone Conference; Eastern Std. Time,	12/19/2003	12:00 PM	1 Day	Council on Clean Air
Telephone Conference; Eastern Std. Time,	12/22/2003	12:00 PM	1 Day	Council on Clean Air
Washington, DC	12/10/2003	12:30 PM	1 Day	Cross-Agency Science
Washington, DC	12/10/2003	9:00 AM	1 Day	Drinking Water Committee
Washington, DC	12/12/2003	9:00 AM	1 Day	Environmental Health Committee

#### National Pollution Prevention and Toxics Advisory Committee

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-30048.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	1/7/2004	10:00 AM	2 Days	

#### EPA's Draft Report on the Environment, 2003

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-26052.htm>

Location	Start Date	Start Time	Duration	Details
Dallas, TX	12/12/2003	9:00 AM	1 Day	

## Climate Change And Energy

#### Guidelines for Voluntary Greenhouse Gas Reporting

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29983.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	1/12/2004	8:00 AM	1 Day	

## NEPA

### National Environmental Policy Act Task Force Report

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29873.htm>

Location	Start Date	Start Time	Duration	Details
Memphis, TN	12/11/2003	9:00 AM	2 Days	

## OSHA

### Safety Standards for Cranes and Derricks

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-28767.htm>

Location	Start Date	Start Time	Duration	Details
Las Vegas, NV	1/5/2004	1:00 PM	3 Days	

### Assigned Protection Factors for Respiratory Protection

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-28357.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	1/28/2004	10:00 AM	1 Day	

## SDWA

### Market Enhancement Opportunities for Water-Efficient Products

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-29432.htm>

Location	Start Date	Start Time	Duration	Details
Austin, TX	1/15/2004	9:00 AM	1 Day	