

Weekly Federal Register Summary

Week of 12/7/2003

Prepared By
Naval Facilities Engineering Service Center
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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. 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 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. 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 or call 805/982-1276.

Summary of Issues

1. *Hazardous Material Transportation*

Pipeline Safety: Periodic Underwater Inspections	Date: 12/12/2003
Action Type: Proposed Rulemaking	Cite: 68 FR 69368
<p>Summary: The Research Special Projects Agency has issued a proposed rule would amend the pipeline safety regulations to require operators of gas and hazardous liquid pipelines to have procedures for periodic inspections of pipeline facilities in offshore waters less than 15 feet deep or crossing under a navigable waterway. The purpose of the proposed inspection would be to ensure that the pipeline maintains acceptable burial depths.</p> <p>The rulemaking is in response to several incidents where vessels ruptured a natural gas pipeline.</p> <p>Comments are due February 10, 2004.</p>	
Potential Impact or Relevance: Provided for information only.	CFR References: 49 CFR 192 49 CFR 195
Further Information: L.E. Herrick, RSPA, Washington, DC, (202) 366-5523, le.herrick@rspa.dot.gov	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-30655.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-30655.pdf</p>	

2. **Hazardous Material Transportation**

Pipeline Safety: Operator Drug Testing; Random Testing Rate	Date: 12/11/2003
Action Type: Notice	Cite: 68 FR 69046
<p>Summary: RSPA has announced the minimum annual percentage rate for random drug testing for employees operating gas and hazardous liquid pipelines will be 25% of covered employees for calendar year 2004.</p> <p>Each year, pipeline operators randomly select employees to test for prohibited drugs. The number of employees selected may not be less than the minimum annual percentage rate the Research and Special Programs Administration's (RSPA) Office of Pipeline Safety (OPS) determines, which is either 50 percent or 25 percent of covered employees based on the industry's positive rate of random tests.</p> <p>Operators of gas, hazardous liquid, and carbon dioxide pipelines and operators of liquefied natural gas facilities must annually submit Management Information System (MIS) reports of drug testing conducted in the previous calendar year (49 CFR 199.119(a)). This information is used to calculate the minimum annual percentage rate at which operators must randomly select covered employees for drug testing during the next calendar year (49 CFR 199.105(c)(2)).</p>	
Potential Impact or Relevance: Provided for information only.	CFR References: 49 CFR 199
Further Information: Sheila Wright, DOT, RSPA, Washington, DC, (202) 366-4554, sheila.wright.rspa.dot.gov	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-30654.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-30654.pdf</p>	

3. *Natural and Cultural Resources*

Joint Counterpart Endangered Species Act Section 7 Consultation Regulations	Date: 12/8/2003
Action Type: Final Rule	Cite: 68 FR 68254
<p>Summary: Department of the Interior's Fish and Wildlife Service has issued the final rule to streamline consultation under the Endangered Species Act to support projects undertaken as part of the National Fire Plan (NFP). The long-term strategy for the NFP is to correct problems associated with the disruption of natural fire cycles as a result of fire suppression policy or the presence of fire-prone non-native invasive species and to minimize risks to public safety and private property due to the increase in amount and complexity of the urban/wildland interface.</p>	
<p>Potential Impact or Relevance: Potential interest to land managers.</p>	<p>CFR References: 50 CFR 402</p>
<p>Further Information: Phil Williams, Endangered Species Division, National Marine Fisheries Service, Silver Spring, MD, 301-713-1401</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-30393.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-30393.pdf</p>	

4. **Natural and Cultural Resources**

Advisory Committee on Acoustic Impacts on Marine Mammals	Date: 12/11/2003
Action Type: Notice	Cite: 68 FR 69089
<p>Summary: The Marine Mammal Commission, an independent agency of the U.S. Government, is establishing the “Advisory Committee on Acoustic Impacts on Marine Mammals” (Committee) which will:</p> <ul style="list-style-type: none"> - participate in a policy dialogue to review available information; - identify research needs; - recommend management actions and strategies related to the impacts of anthropogenic sound on marine mammals. <p>The Committee will consist of approximately 26 members from:</p> <ul style="list-style-type: none"> - entities that introduce anthropogenic sounds into the marine environment; - government regulatory and funding agencies; - non- governmental organizations including environmental groups; - scientists with pertinent expertise. <p>The Commission intends to appoint Committee members in December 2003 and convene the Committee's first meeting in early February 2004.</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References:</p>
<p>Further Information: Erin Vos, Sound-Related Meetings and Actions, Marine Mammal Commission, Bethesda, MD, 301-504-0087, evos@mmc.gov</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-30682.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-30682.pdf</p>	

5. NEPA

Target Launches From Kodiak Launch Complex - Supplemental ROD	Date: 12/9/2003
Action Type: Notice	Cite: 68 FR 68603
<p>Summary: The Missile Defense Agency issued a Supplemental Record of Decision to conduct target launches from the Kodiak Launch Complex (KLC) to support the Ground- Based Midcourse Defense (GMD) Extended Test Range (ETR). Copies of the Final EIS, the ROD, and the supplemental ROD are available at http://www.acq.osd.mil./bmdo/.</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	CFR References:
<p>Further Information: Julia Hudson-Elliot, Army Space and Missile Defense Command, Attn SMDC- EN-V, P.O. Box 1500, Huntsville, Alabama</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-30395.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-30395.pdf</p>	

6. NEPA

Environmental Impact Statements and Regulations; Availability of EPA Comments	Date: 12/12/2003
Action Type: Notice	Cite: 68 FR 69399
<p>Summary: The following is a summary of EPA comments to draft environmental impact statements that were released for the week of december 12, 2003.</p> <p>Integrated Research Facility (IRF) at Fort Detrick Construction and Operation, Adjacent to Existing U.S. Army Medical Research Institute of Infectious Diseases Facilities, City of Frederick, Frederick County, MD. ERP No. D-HHS-D81034-MD Rating EC2. Summary: EPA expressed concerns regarding the Laboratory Sewer System's (LSS) possible contamination from biological warfare liquid wastes and radioactive materials to the proposed integrated Research Facility (IRF). EPA requested the FEIS specify the degree of contamination and remedial efforts to mitigate contamination from the LSS and indicate the U.S. Army's commitment to provide follow-up studies on post IRF activities.</p> <p>Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), Implementation, Incidental Take Permits Issuance, Riverside and Orange County, CA. ERP No. F-SFW-K99032-CA. Summary: EPA has continuing environmental concerns and recommended that the following issues be addressed in the Record of Decision: (1) Once the Section 7 evaluation is concluded, the findings should be incorporated to verify which species will be covered within the MSHCP; (2) The ROD should include a timeline for executing legal agreements with public/quasi-public land owners; and (3) U.S. Fish and Wildlife Service should provide criteria to prioritize land acquisitions to ensure key areas are incorporated into the Reserve.</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References:</p>
<p>Further Information: No contact information provided.</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-30779.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-30779.pdf</p>	

7. RCRA

Recovered Materials Advisory Notice: Manure And Biosolids	Date: 12/10/2003
Action Type: Notice and Request for Comments	Cite: 68 FR 68919
<p>Summary: EPA has released a draft Recovered Materials Advisory Notice (RMAN V) and proposed rule that will revise the current compost designation to include compost made from manure or biosolids, and designate fertilizers made from recovered organic materials.</p> <p>EPA is also proposing to consolidate all compost designations under one item called "compost made from recovered organic materials."</p> <p>In the United States, beef and pigs cattle generate 48 million tons of manure solids annually and dairy cattle in confinement produce approximately 21 million tons of solids annually. EPA estimates that the 16,000 public owned treatment works in the United States generate approximately 7 million tons of sewage sludge annually. About 60 percent of all sewage sludge is treated to generate biosolids that are beneficially used as a fertilizer on farmland, 17 percent is landfilled, and about 3 percent is used as landfill or mine reclamation cover.</p> <p>Comments are due February 9, 2004.</p>	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Sue Nogas, 703-308-0199	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-30267.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-30267.pdf	

Upcoming Meetings

General

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

General

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	

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	

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	

OSHA

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
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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	