

Weekly Federal Register Summary

Period From 12/21/2003 Through 12/31/03

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. 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. General

Board of Scientific Counselors	Date: 12/24/2003
Action Type: Meeting Announcement	Cite: 68 FR 74576
<p>Summary: The EPA Office of Research and Development (ORD), Board of Scientific Counselors (BOSC) will be holding a meeting on January 22-23, 2004, in Washington, DC. Proposed agenda items include a discussion of ORD multi-year plans for:</p> <ul style="list-style-type: none"> - mercury; - global change; - endocrine disruptors; - computational toxicology. 	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References:</p>
<p>Further Information: Lorelei Kowalski, EPA, Office of Research and Development, Washington, DC, (202) 564-3408.</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-31705.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-31705.pdf</p>	

2. General

DOD Draft Selection Criteria for Closing and Realigning Military Installations	Date: 12/23/2003
Action Type: Notice	Cite: 68 FR 74221
<p>Summary: DOD has issued draft criteria for selection of bases for closure by the 2005 Defense Base Closure and Realignment Commission. The draft criteria are as follows:</p> <p>Military Value</p> <ol style="list-style-type: none"> 1. The current and future mission capabilities and the impact on operational readiness of the Department of Defense's total force, including the impact on joint warfighting, training, and readiness. 2. The availability and condition of land, facilities and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations. 3. The ability to accommodate contingency, mobilization, and future total force requirements at both existing and potential receiving locations to support operations and training. 4. The cost of operations and the manpower implications. <p>Other Considerations</p> <ol style="list-style-type: none"> 5. The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs. 6. The economic impact on existing communities in the vicinity of military installations. 7. The ability of both the existing and potential receiving communities' infrastructure to support forces, missions, and personnel. 8. The environmental impact, including the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities. 	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Mike McAndrew, Base Realignment and Closure Office, ODUSD(I&E), (703) 614-5356.	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-31631.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-31631.pdf</p>	

3. General

Unified Agenda Updates Released - December 2003	Date: 12/22/2003
Action Type: Notice	Cite: Federal Register Table of Contents
Summary: The semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions was updated on December 22, 2003. The Unified Agenda, published twice each year, reports regulatory and deregulatory activities under development throughout the Federal Government. EPA's section of the agenda is available at http://a257.g.akamaitech.net/7/257/2422/22dec20031200/edocket.access.gpo.gov/ua031024.pdf A database accessible version will eventually be posted at http://ciir.cs.umass.edu/ua/	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: No contact information provided.	
Full Text Document Location: http://www.access.gpo.gov/su_docs/fedreg/a031222c.html	

4. General

Neurotoxicity of Tetrachloroethylene (Perchloroethylene): Discussion Paper	Date: 12/30/2003
Action Type: Notice, Information	Cite: 68 FR 75241
<p>Summary: EPA has made available for public comment an external review draft paper entitled "Neurotoxicity of Tetrachloroethylene (Perchloroethylene): Discussion Paper" (EPA/600/P-03/005A). This document serves as background material for an EPA-sponsored workshop designed to consult with neurotoxicologists about the potential adverse effects of perchloroethylene.</p> <p>The paper is available at: http://www.epa.gov/edocket under Docket ID No. ORD-2003-0014.</p> <p>Comments related to the report are due March 1, 2004.</p>	
<p>Potential Impact or Relevance: Potential interest to site remediation managers and occupational safety specialists.</p>	<p>CFR References:</p>
<p>Further Information: Technical Information Staff, National Center for Environmental Assessment, EPA, Washington, DC 202-564-3261</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32056.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-32056.pdf</p>	

5. CAA

Air Quality Criteria for Particulate Matter (External Review Draft)	Date: 12/30/2003
Action Type: Notice, Information	Cite: 68 FR 75240
<p>Summary: EPA has released revised drafts of Chapters 7 and 8 of EPA's "Air Quality Criteria for Particulate Matter." When completed the document will serve as the basis for reevaluating the current National Ambient Air Quality Standards (NAAQS) for particulate matter (PM) set in 1997.</p> <p>Chapter 7 assesses information on the toxicology of specific types of PM constituents, including laboratory animal studies and controlled human exposure studies. Chapter 8 discusses epidemiologic studies.</p> <p>The document is available at: http://cfpub.epa.gov/ncea/cfm/partmatt.cfm</p> <p>Comments are due January 31, 2004.</p>	
<p>Potential Impact or Relevance: Potential interest to air quality managers. Based on available information, it appears possible that EPA may tighten ambient air quality standards related to particulate matter.</p>	<p>CFR References:</p>
<p>Further Information: Robert Elias, National Center for Environmental Assessment, EPA, Research Triangle Park, NC 919-541-4167, elias.robert@epa.gov</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32054.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-32054.pdf</p>	

7. CWA

Standards for the Use or Disposal of Sewage Sludge; Final Agency Response to the National Research Council Report on Biosolids Applied to Land and the Results of EPA's Review of Existing Sewage Sludge Regulations	Date: 12/31/2003
Action Type: Notice	Cite: 68 FR 75531
<p>Summary: EPA is publishing a final action plan to address recommendations by the National Research Council related to their review of regulations governing the use and disposal of sewage sludge. EPA commissioned the National Research Council (NRC) of the National Academy of Sciences to independently review the technical basis of the chemical and microbial regulations applicable to sewage sludge that is applied to land.</p> <p>The NRC Committee concluded that "There is no documented scientific evidence that the part 503 rule has failed to protect human health. However, additional scientific work is needed to reduce persistent uncertainty about the potential for adverse human health effects from exposure to sewage sludge." The NRC report contains four overarching recommendations: (1) Use improved risk assessment methods to better establish standards for chemicals and pathogens, (2) conduct a new national survey of chemicals and pathogens in biosolids, (3) establish an approach to human health investigations, and (4) increase the resources devoted to EPA's biosolids program.</p> <p>EPA intends to undertake several projects related to the NRC recommendations; ee Federal Register text for details.</p>	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Rick Stevens, EPA, Office of Water, Health and Ecological Criteria Division, Washington, DC, (202) 566-1135, stevens.rick@epa.gov .	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32217.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-32217.pdf	

8. CWA

Draft Aquatic Life Criteria Document for Copper	Date: 12/31/2003
Action Type: Notice and Request for Comments	Cite: 68 FR 75552
<p>Summary: EPA is inviting technical comment the 2003 Draft Update of Ambient Water Quality Criteria for Copper, EPA-822-R-03-026.</p> <p>The draft criteria indicates that, except where a locally important species is very sensitive, saltwater aquatic organisms and their uses should not be affected unacceptably if:</p> <ul style="list-style-type: none"> - The 4-day average concentration of dissolved copper does not exceed 1.9 ug/L more than once every 3 years on the average (i.e., the CCC) and if: - The 24-hour average dissolved copper concentration does not exceed 3.1 ug/L more than once every 3 years on the average (i.e., the CMC). <p>The document is available at: http://www.epa.gov/edocket/. Search on Docket ID No. OW-2003-0079.</p> <p>Comments are due March 1, 2004.</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	CFR References:
<p>Further Information: Cindy Roberts, Health and Ecological Criteria Division, EPA, Washington, DC, (202) 566-1124, roberts.cindy@epa.gov.</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32209.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-32209.pdf</p>	

9. EPCRA

Toxic Chemical Release Reporting; Notice of On-Line Dialogue; Extension of Comment Period	Date: 12/30/2003
Action Type: Notice, Comment Extension	Cite: 68 FR 75237
<p>Summary: EPA is extending the comment period for "Stakeholder Dialogue on Burden Reduction Options,"</p> <p>EPA has made some minor changes to their white paper on this topic, posted at: http://www.epa.gov/tri/phase2/phase_2.htm appendixb</p> <p>Comments are due by February 4, 2004.</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References:</p>
<p>Further Information: Larry Reisman, Office of Information Analysis and Access, Toxics Release Inventory Program Division; EPA, 202-566-0751, reisman.larry@epa.gov</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32057.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-32057.pdf</p>	

10. Natural and Cultural Resources

Notice of Proposed Withdrawal, Transfer of Jurisdiction, and Notice of Public Meeting; California	Date: 12/31/2003
Action Type: Notice	Cite: 68 FR 75628
<p>Summary: The Navy has filed an application to withdraw 3,000 acres of public lands in San Diego County for use as a mountain warfare training facility. Due to the sensitive nature of the training, the Navy has requested that administrative jurisdiction of the land be transferred from the Bureau of Land Management to the Navy.</p> <p>The Navy will conduct a public meeting on January 13, 2004 in Campo, CA, to explain the reason for the proposed withdrawal and to invite comments.</p> <p>Comments are due by March 30, 2004.</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References:</p>
<p>Further Information: Duane Marti, Realty Specialist, 916-978-4675</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32225.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-32225.pdf</p>	

11. NEPA

Notice of Intent To Prepare an EIS for the New Mexico Training Range Initiative	Date: 12/31/2003
Action Type: Notice	Cite: 68 FR 75496
<p>Summary: The Air Force will prepare an EIS to assess the impacts of the New Mexico Training Range Initiative (NMTRI). The NMTRI proposal consists of three elements:</p> <ul style="list-style-type: none"> - creation and modification of training airspace; - authorization for supersonic operations in Cannon Air Force Base's centrally located training airspace; - use of chaff and flares in the new and modified training airspace. <p>The NMTRI will provide more effective and realistic training conditions for the current airframes and munitions of the 27th FW and the New Mexico Air National Guard.</p> <p>The Air Force will conduct a series of scoping meetings at the following locations to solicit public input:</p> <ul style="list-style-type: none"> - Portales, NM, January 26, 2004, 6-8 p.m.; - Fort Sumner, NM, January 27, 2004, 6-8 p.m.; - Vaughn, NM, January 28, 2004, 4-6 p.m.; - Roswell, NM, January 29, 2004, 6-8 p.m. <p>Comments are due by February 24, 2004.</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References:</p>
<p>Further Information: Brenda W. Cook, HQ ACC/CEVP, 129 Andrews St., Suite 102, Langley AFB, VA 23665-2769, (757) 764-9339</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32015.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-32015.pdf</p>	

12. NEPA

Public Hearing for the Draft EIS for Stabilization of In-Water Facilities at Fox Island Laboratory, Fox Island, Washington	Date: 12/31/2003
Action Type: Notice	Cite: 68 FR 75496
Summary: The Navy has filed a Draft EIS for the stabilization of in-water facilities at Fox Island Laboratory on Carr Inlet in southern Puget Sound, WA. The In-water elements of the facility, consisting of several barges, a pier, and associated mooring components, have sustained substantial weather-related damage, and portions of the facility have reached a point of questionable structural integrity. The Navy will conduct a public hearing on January 21, 2004 in Fox Island, WA to receive oral and written comments. Comments are due by February 2, 2004.	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Kimberly Kler, Engineering Field Activity Northwest, Naval Facilities Engineering Command, Poulsbo, WA, 360-396-0927	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32105.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-32105.pdf	

13. OSHA

Occupational Exposure to 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates (Glycol Ethers)	Date: 12/31/2003
Action Type: Direct Final Rulemaking, Withdrawal	Cite: 68 FR 75475
Summary: OSHA is withdrawing its proposed standard on Occupational Exposure to 2-Methoxyethanol (2-ME), 2-Ethoxyethanol (2-EE), and their Acetates (2-MEA, 2-EEA) (four glycol ethers). Production and use of the four glycol ethers either have ceased or are virtually limited to "closed systems" where exposure levels more than 10 years ago already were at or below the proposed permissible exposure limits (PELs). Because there are few, if any, remaining opportunities for workplace exposure to these glycol ethers and little or no potential for exposure in the future because of the availability of less-toxic substitutes, OSHA has concluded that the proposed rule is no longer necessary. This withdrawal is effective December 31, 2003.	
Potential Impact or Relevance: Provided for information only.	CFR References: 29 CFR 1910
Further Information: George Shaw, Office of Communications, OSHA, Washington, DC, 202-693-1890	
Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32018.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-32018.pdf	

14. SDWA

Safe Drinking Water Act to Submetered Properties, Applicability	Date: 12/23/2003
Action Type: Notice, Policy	Cite: 68 FR 74233
<p>Summary: EPA has completed revision of its policy regarding applicability of Safe Drinking Water Act requirements for submetered water systems. Under SDWA section 1411, the SDWA national primary drinking water regulations apply to public water systems that have their own water source, treat, or "sell" water.</p> <p>In revising their policy on submetering, EPA essentially limited relief from primary drinking water sampling and analysis to apartments buildings and similar property types. EPA, however, does not require that submetered properties be regulated but rather leaves ultimate authority for these determinations to authorized state agencies: "Determinations of whether billing for water is a "sale" for purposes of section 1411, and whether systems are " submetering" as that term is used in this policy, should be made by the Primacy Agency."</p> <p>"In making a determination, the Primacy Agency should consider if the property has certain characteristics, such as a limited distribution system with no known backflow or cross connection issues; the majority of its plumbing is within a structure instead of underground; and property ownership is a single/individual (or association of property owners, in the case of co-ops or condominiums). Of course, for any system to be excluded under section 1411, it must receive all of its water from a regulated public water system. In general, the scope of this policy is not intended to extend where the property in question has a large distribution system, serves a large population or serves a mixed (commercial/residential) population (e.g., many military installations/facilities or large mobile home parks)."</p> <p>A public water system (including submetered systems) maintains responsibility for providing public notification under 40 CFR 141.201(c) (or approved State equivalent) to consumers. In addition, the public water system must make "good faith" efforts to provide the tenants with the annual Consumer Confidence Reports under 40 CFR 141.155(b).</p>	
<p>Potential Impact or Relevance: Potential interest to drinking water system operators.</p>	<p>CFR References:</p>
<p>Further Information: Ronald Bergman, EPA, Washington, DC, 202-564-3823, bergman.ronald@epa.gov.</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-31588.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-31588.pdf</p>	

Upcoming Meetings

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	

CWA

Preliminary Effluent Guidelines Program Plan for 2004/2005

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32214.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	1/28/2004	9:00 AM	1/2 Day	

Hazardous Material Transportation

Pipeline Safety: Meetings of the Pipeline Safety Advisory Committees

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32203.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	2/3/2004	9:00 AM	3 Days	

Natural and Cultural Resources

Aquatic Nuisance Species Task Force Mississippi River Basin Panel Meeting

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-31211.htm>

Location	Start Date	Start Time	Duration	Details
New Orleans, LA	1/8/2004	8:00 AM	2 Days	

Natural and Cultural Resources

Notice of Proposed Withdrawal, Transfer of Jurisdiction, and Notice of Public Meeting; California

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32225.htm>

Location	Start Date	Start Time	Duration	Details
Campo, CA	1/13/2004	4:00 PM	1 Day	

NEPA

Notice of Intent To Prepare an EIS for the New Mexico Training Range Initiative

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32015.htm>

Location	Start Date	Start Time	Duration	Details
Portales, NM	1/26/2004	6:00 PM	1 Day	
Fort Sumner, NM	1/27/2004	6:00 PM	1 Day	
Vaughn, NM	1/28/2004	4:00 PM	1 Day	
Roswell, NM	1/29/2004	6:00 PM	1 Day	

Public Hearing for the Draft EIS for Stabilization of In-Water Facilities at Fox Island Laboratory, Fox Island, Washington

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-32105.htm>

Location	Start Date	Start Time	Duration	Details
Fox Island, WA	1/21/2004	6:30 PM	1 Day	

National Environmental Policy Act Task Force Report

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-30946.htm>

Location	Start Date	Start Time	Duration	Details
Copper Mountain, CO	1/8/2004	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	