

Weekly Federal Register Summary

Week of 2/9/2004

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. General

Selection Criteria for Closing and Realigning Military Installations	Date: 2/12/2004
Action Type: Final Rule	Cite: 69 FR 6948
<p>Summary: The Department of Defense has issued the final selection criteria for closure and realignment of military installations. In selecting military installations for closure or realignment, the Department of Defense, is giving priority consideration to military value. The full criteria includes:</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. 	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References:</p>
<p>Further Information: Mike McAndrew, Base Realignment and Closure Office, ODUSD(I&E), 703-614-5356.</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-3247.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-3247.pdf</p>	

2. General

American Petroleum Institute's Standards Activities	Date: 2/10/2004
Action Type: Notice	Cite: 69 FR 6266
<p>Summary: The American Petroleum Institute (API), has issued a list of standardization efforts currently being conducted by API committees. The list includes the following:</p> <ul style="list-style-type: none"> - New Std 1164 SCADA Security (Pipelines) - Std 2610 Design, Construction, Operation, Maintenance, and Inspection of Terminal and Tank Facilities - NEW API/IP RP 1540, Design Construction, Modification and Maintenance of Aircraft Fueling Facilities - New API/IP Std 1529 Aviation Fueling Hose - RP 1626 Recommended Practice for Storing and Handling Ethanol and Gasoline-ethanol Blends at Distribution Terminals and Service Stations - RP 2030 Application of Water Spray Systems for Fire Protection in the Petroleum Industry - RP 2219 Safe Operation of Vacuum Trucks in Petroleum Service - RP 2350 Overfill Protection for Petroleum Storage Tanks 	
<p>Potential Impact or Relevance: Potential interest to SPCC program managers. SCADA Security has possible indirect impact or environmental systems, such as such as drinking and wastewater systems, that use SCADA technology to control processes.</p>	<p>CFR References:</p>
<p>Further Information: American Petroleum Institute, Washington, DC, (202) 682-8000, http://www.api.org.</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2886.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2886.pdf</p>	

3. General

Integrated Risk Information System (IRIS); Announcement of 2004 Program	Date: 2/9/2004
Action Type: Notice and Request for Comments	Cite: 69 FR 5971
<p>Summary: EPA is releasing the 2004 Integrated Risk Information System (IRIS) Agenda and is requesting information related to exposure to chemicals that will be assessed this year. These chemicals are:</p> <ul style="list-style-type: none"> - 1,2-Dichloroethylene; - 1,4-Dioxane; - Ethyl tertiary butyl ether; - Lead (update). <p>Input is due by April 9, 2004.</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References:</p>
<p>Further Information: Amy Mills, National Center for Environmental Assessment, Office of Research and Development, EPA, Washington, DC, 202-564-3204, mills.amy@epa.gov</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2711.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2711.pdf</p>	

4. CAA

Settlement Agreement, Clean Air Act Citizen Suit; Modeling	Date: 2/12/2004
Action Type: Notice	Cite: 69 FR 6977
<p>Summary: EPA is announcing a proposed settlement agreement to a lawsuit (Utility Air Regulatory Group vs. EPA, No. 03-1168) related to air modeling filed by the Utility Air Regulatory Group in the Court of Appeals for the District of Columbia.</p> <p>Petitioners raised issues concerning:</p> <ol style="list-style-type: none"> 1) the adequacy of CALPUFF air dispersion model to address certain instances of long range transport, 2) the availability of EPA-approved version of CALPUFF model on model developer's website potentially allowing model developer to make unauthorized changes to the model, and 3) the potential for misinterpretation of statements in preamble to April 5, 2003, final rule (68 FR 18444) discussing the role of federal land managers in evaluating air quality related values impacts. <p>Under the proposed settlement agreement, EPA will issue three documents:</p> <ol style="list-style-type: none"> 1) a guidance document for using CALPUFF to model long range pollutant transport, 2) a letter to the CALPUFF model developer describing procedures for EPA approval of changes to the EPA-approved version of the CALPUFF model, and 3) a letter to Petitioner's counsel clarifying EPA's statement in the preamble to the rule regarding the role of federal land managers in evaluating air quality related values impacts. <p>Comments are due March 15, 2004.</p>	
<p>Potential Impact or Relevance: Potential interest to air program managers.</p>	<p>CFR References:</p>
<p>Further Information: Roland Dubois, Office of General Counsel, EPA, Washington, DC, 202-564-5626.</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-3088.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-3088.pdf</p>	

5. *Climate Change And Energy*

Biomass Research and Development Technical Advisory Committee	Date: 2/11/2004
Action Type: Meeting Announcement	Cite: 69 FR 6653
<p>Summary: DOE's Biomass Research and Development Technical Advisory Committee will meet in Arlington, VA on March 11, 2004.</p> <p>The agenda includes:</p> <ul style="list-style-type: none"> - an overview of progress and the history of research efforts in major biomass technology areas; and - updates on the status of the USDA--DOE joint solicitation for biomass research and development, activities to promote Federal procurement of biobased products, and method for tracking progress of research awards under the joint solicitation. 	
<p>Potential Impact or Relevance: Provided for information only.</p>	CFR References:
<p>Further Information: John Ferrell, Office of Energy Efficiency and Renewable Energy, DOE, Washington, DC, 202-586-7766</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2967.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2967.pdf </p>	

6. CWA

Integrating Ecological Risk Assessment and Economic Analysis in Watersheds: A Conceptual Approach and Three Case Studies	Date: 2/9/2004
Action Type: Notice	Cite: 69 FR 5979
<p>Summary: EPA's National Center for Environmental Assessment is releasing the final report, "Integrating Ecological Risk Assessment and Economic Analysis in Watersheds: a Conceptual Approach and Three Case Studies"; (EPA/600/R-03/ 140R).</p> <p>The report presents a conceptual approach for the integration of ecological risk assessment and economic analysis in watersheds. The conceptual approach is used as a basis of discussion of case studies to illustrate how its particular methodological advances could be used, both in the watershed studied and in future integration efforts.</p> <p>The document is at: http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=56868</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References:</p>
<p>Further Information: Technical Information Staff, National Center for Environmental Assessment, EPA, Cincinnati, OH, 513-569-7257, nceadc.comment@epa.gov</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2714.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2714.pdf</p>	

7. NEPA

Draft EIS for the Digital Multi-Purpose Range Complex at Fort Benning, GA	Date: 2/13/2004
Action Type: Notice	Cite: 69 FR 7207
<p>Summary: The Army has released a draft of the Environmental Impact Statement for the Digital Multi-Purpose Range Complex at Fort Benning, GA. The Digital Multi-Purpose Range Complex (DMPRC) is intended to provide gunnery training facilities for the Bradley Fighting Vehicle and the Abrams M1A1 Tank.</p> <p>The project would include construction of the firing and target area, installation of fiber optics, construction of support facilities, upgrading and construction of associated roadways, installation of utilities to support the site, construction of a helipad, construction of other related equipment and facilities, and operation and maintenance of the DMPRC. The proposed range dimensions would be approximately 1,500 meters by 4,500 meters and cover about 1,800 acres plus support facilities.</p> <p>The current ranges on Fort Benning do not meet modern gunnery standards and are inadequate to support full gunnery training and qualifications, requiring training to modified standards.</p> <p>Comments are due March 29, 2004.</p>	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References:</p>
<p>Further Information: Mr. Richard McDowell, Army Infantry Center, Fort Benning, GA, 706-545-2211, mcdowellr@benning.army.mil.</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2848.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2848.pdf</p>	

8. Noise

Noise Stringency Increase for Propeller-Driven Small Airplanes	Date: 2/11/2004
Action Type: Proposed Rulemaking	Cite: 69 FR 6855
<p>Summary: The Federal Aviation Administration (FAA) is proposing to change the noise limits for propeller-driven small airplanes which would provide nearly uniform noise certification standards for airplanes certificated in the United States and in the countries of the European Joint Aviation Authorities (JAA). Harmonization of noise limits would simplify airworthiness approvals for import and export purposes.</p> <p>The amendments propose the following limits:</p> <ul style="list-style-type: none"> - must not exceed 76 dB(A) for multi-engine aircraft weighing up to 1,320 pounds; - must not exceed 70 dB(A) for single-engine aircraft weighing up to 1,257 pounds; - a logarithm rate of 10.75 dB (A) per doubling of the weight of single-engine aircraft heavier than 1,257 pounds and up to 19,000 pounds, with a limit of 85 dB (A). <p>The proposal is based on the noise limit change adopted by the International Civil Aviation Organization Annex 16 on February 26, 1999, which was developed jointly by the FAA, the European JAA, and representatives from the United States and European propeller- driven small airplane industries.</p> <p>Comments are due June 10, 2004.</p>	
<p>Potential Impact or Relevance: Provided for information only. Standards do not apply to most military aircraft. May have indirect impacts on procedures used for aircraft/air station noise studies.</p>	<p>CFR References: 14 CFR 36</p>
<p>Further Information: Mehmet Marsan, Office of Environment and Energy, Federal Aviation Administration, Washington, DC, 202-267-7703</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2891.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-2891.pdf</p>	

9. OSHA

Safety Standards for Cranes and Derricks	Date: 2/13/2004
Action Type: Meeting Announcement	Cite: 69 FR 7184
<p>Summary: OSHA's Crane and Derrick Negotiated Rulemaking Advisory Committee will meet March 3-5, 2004, and March 29-31, 2004 in Washington DC. The Committee will review summary notes of the prior meeting, review draft regulatory text and continue to address substantive issues.</p> <p>Issues addressed at the meeting will include:</p> <ol style="list-style-type: none"> 1. Safety Devices and Operational Aids; 2. Limited Requirements for cranes with a rated capacity of 2,000 pounds or less; 3. Assembly & Disassembly (including reeving/rigging); 4. Operation Procedures; 5. Signals; 6. Personnel Qualifications, Training & Testing; 7. Inspections; 8. Modifications; 9. Keeping Clear of the Load; 10. Fall Protection; a. Ladder access and cat walks; b. Fall arrest; 11. Hoisting Personnel; 12. Machine Guarding; 13. Qualifications of Maintenance & Repair Workers; 14. Work Zone Control; 15. Wire Rope; 16. Responsibility for environmental considerations, site conditions and ground conditions; 17. Operating near Power Lines; 18. Derricks; 19. Free Fall/Power Down; 20. Critical Lifts and Engineered Lifts; 21. Signals (standard methods) B30. 5; 22. Verification criteria for structural adequacy of crane components and stability testing requirements; 23. Overhead & Gantry Cranes; 24. Floating Cranes, Cranes on Barges; 25. Safety Devices: fail-safe, warning, secondary brake system, and other safety-related devices/technology; 26. Tower Cranes; 27. Operator Cab Criteria (roll over, visibility, overhead protection). 	
<p>Potential Impact or Relevance: Provided for information only.</p>	<p>CFR References: 29 CFR 1926</p>
<p>Further Information: Michael Buchet, Office of Construction Standards and Guidance, OSHA, Washington, DC, 202-693-2345</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-3183.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-3183.pdf</p>	

10. OSHA

Maritime Advisory Committee for Occupational Safety and Health	Date: 2/13/2004
Action Type: Meeting Announcement	Cite: 69 FR 7264
<p>Summary: Maritime Advisory Committee for Occupational Safety and Health (MACOSH) will meet on March 2-4, 2004 in Washington, DC. The MACOSH has been established to advise the Assistant Secretary of Labor for OSHA on issues relating to occupational safety and health in the maritime industries.</p> <p>The agenda includes presentations and discussion of OSHA's:</p> <ul style="list-style-type: none"> - standard and guidance activities; - maritime enforcement; - alliances and partnerships; - outreach activities; - MACOSH work group reports that deal with health issues, container safety, traffic safety, outreach, and safety culture. 	
Potential Impact or Relevance: Provided for information only.	CFR References:
Further Information: Jim Maddux, Office of Maritime, OSHA, Washington, DC, 202-693-2086	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-3213.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-3213.pdf</p>	

11. SDWA

Additional Method for the Detection of Coliforms and E. Coli in Drinking Water	Date: 2/13/2004
Action Type: Final Rule	Cite: 69 FR 7156
<p>Summary: EPA is approving the Colitag analytical method for compliance monitoring for total coliforms and E. coli in finished drinking water. The approval provides water utilities and certified laboratories an additional analytical method option to test for total coliforms and E. coli.</p> <p>Based on the evaluation of the comparability data generated for the Colitag TM method, EPA has concluded that the Colitag method is acceptable as an alternative to the approved reference methods. The Colitag TM method was compared to Standard Method 9222B for total coliforms and to Standard Method 9222D for E. Coli (reference 1 in the table at Sec. 141.21).</p>	
<p>Potential Impact or Relevance: Potential interest to drinking water system operators and analytical laboratory managers.</p>	<p>CFR References: 40 CFR 141</p>
<p>Further Information: Gregory J. Carroll, EPA, Cincinnati, Ohio, (513) 569-7948, carroll.gregory@epa.gov.</p>	
<p>Full Text Document Location: http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-3226.htm http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-3226.pdf</p>	

Upcoming Meetings

General

Science Advisory Board

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-209.htm>

Location	Start Date	Start Time	Duration	Details
Telephone Conference; Eastern Std. Time,	2/27/2004	1:00 PM	1 Day	3MRA

Symposium on Recent Scientific Research Related to the Health Effects of Trichloroethylene

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-1547.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	2/26/2004	8:30 AM	2 Days	

Climate Change And Energy

Biomass Research and Development Technical Advisory Committee

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2967.htm>

Location	Start Date	Start Time	Duration	Details
Arlington, VA	3/11/2004	8:30 AM	1 Day	

Natural and Cultural Resources

Coral Reef Task Force Meeting

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-1903.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	2/24/2004	8:30 AM	2 Days	

NEPA

Draft Environmental Impact Statement for Purchase of Land for a Naval Special Operations Forces Training Range, Hancock County, MS

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-1951.htm>

Location	Start Date	Start Time	Duration	Details
Bay St. Louis, MS	2/17/2004	7:00 PM	Evening	
Slidell, LA	2/18/2004	7:00 PM	Evening	

OSHA

Safety Standards for Cranes and Derricks

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-3183.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	3/3/2004	8:30 AM	3 Days	
Washington, DC	3/29/2004	8:30 AM	3 Days	

Maritime Advisory Committee for Occupational Safety and Health

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-3213.htm>

Location	Start Date	Start Time	Duration	Details
Washington, DC	3/2/2004	8:00 AM	3 Days	

SDWA

Market Enhancement Opportunities for Water- Efficient Landscape Irrigation Products

Full Text

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/04-2155.htm>

Location	Start Date	Start Time	Duration	Details
Phoenix, AZ	2/17/2004	8:30 AM	1 Day	

TSCA

Advisory Committee on Childhood Lead Poisoning Prevention

Full Text

<http://a257.g.akamaitech.net/7/257/2422/05jan20040800/edocket.access.gpo.gov/2004/04-42.htm>

Location	Start Date	Start Time	Duration	Details
Baltimore, MD	3/9/2004	8:30 AM	2 Days	