

Monthly Review: September 2011

The American Geosciences Institute's monthly review of geosciences and policy goes out to the leadership of AGI's member societies, members of the AGI Government Affairs Advisory Committee, and other interested geoscientists as part of a continuing effort to improve communications between GAP and the geoscience community. The current monthly review and archived monthly reviews are all available online. Subscribe to receive the Government Affairs Monthly Review by email.

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1. Earth Science Week Begins Soon: October 9-15

Earth Science Week (ESW), October 9-15, aims to encourage people everywhere to explore the natural world and learn about the geosciences. "Our Ever-Changing Earth," the theme of ESW 2011, engages young people and the public in learning about the natural processes that shape the planet over time. Access the American Geosciences Institute's ESW web site for more information about resources, activities and contests during ESW.

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2. Apply to be a Geopolicy Intern at AGI's Government Affairs Program

The American Geosciences Institute's Government Affairs Program offers summer and semester internship opportunities for geoscience students (undergraduates and/or Masters students) with an interest in public policy and in how Washington impacts the geoscience community. Interns gain a first-hand understanding of the legislative process and the operation of executive branch agencies while enhancing their writing, research, and web publishing skills. The deadline for online submission of application is October 15, 2011 for the spring 2012 semester internship.

The American Geophysical Union, the Soil Science Society of America, the American Institute of Physics, the American Association for the Advancement of Science and the American Chemical Society offer similar internships that may be of interest to geoscience students. Please visit their web sites or contact AGI at govt@agiweb.org for more information.

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3. White House Postpones New Ozone Standards

On September 2, the Obama Administration sent a letter to Environmental Protection Agency (EPA) Director Lisa Jackson requesting a withdrawal of draft ozone standards that would have set the strongest smog standards yet. Though the ozone standards are up again for review in 2013, many environmentalists and many Democrats had hoped to set the 60 to 70 parts per billion (ppb) limits before then. The White House reiterated that the move was not politically motivated but done due to concern over duplicative regulations. Some in industry and some Republicans praised the move as a major relief to businesses worried about the costs of meeting the stricter standards. If implemented, the measure would have cost the economy up to \$90 billion a year by EPA's own analysis.

In response, Senator Jeff Sessions (R-AL) floated an amendment at an Environment and Public Works Committee markup to restrict the rules from being reevaluated through 2013 though he did not ask the committee to vote on it. Environment and Public Works Chairwoman Barbara Boxer (D-CA) has promised to hold an oversight hearing into the administration's decision to pull the standards.

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4. Obama Honors Early Career Geoscientists

On September 26, President Barack Obama honored 94 early career scientists, including many geoscientists, in the federal government with the Presidential Early Career Award for Scientists and Engineers. The award was established by President Bill Clinton in 1996 and is coordinated by the Office of Science and Technology Policy within the Executive Branch. The honorees were selected for their innovative research and their commitment to community service.

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5. Congress Avoids Government Shutdown with Last Minute Deal

Congress has not passed any appropriations bills for fiscal year 2012 and with the fiscal year starting on October 1, 2011 there was pressure to pass a continuing resolution (CR) to keep the government running over the next few months. Efforts to pass a CR ran into problems in late September over providing disaster relief funds through the Federal Emergency Management Agency (FEMA) for citizens affected by recent flooding, hurricane, tornadoes and other hazards. The problem arose over the amount of disaster relief and how to offset these costs. The Senate initially passed a CR measure providing \$7 billion in disaster relief for FEMA. The House countered with a measure providing FEMA with \$3.65 billion over two years with part of the costs offset by cutting \$1.5 billion from a Department of Energy's (DOE) Advanced Technology Vehicles Manufacturing loan program. The House measure was unable to pass the full House and was not favored by the Senate, creating a last minute congressional crisis. Congress passed a very short term CR (H.R. 2017; P.L. 112-33) to keep the government running until October 4 as the two chambers worked on a compromise. A new CR (H.R. 2608) passed on October 4 and was signed by President Obama on October

5. The CR provides funding at FY 2011 levels for government agencies until November 18, 2011. The measure provides \$2.65 billion in FY 2012 disaster relief and does not cut the DOE's vehicle program. Congress also extended the Flood Insurance Program until November 18.

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6. Republican Victories in New York and Nevada

On September 13 the Republican Party won two special House elections in New York and Nevada. Elections took place to replace Representatives Anthony Weiner (D-NY), who resigned in June of 2011 and Dean Heller (R-NV) who was appointed to the Senate after Senator John Ensign (R-NV) resigned in April of 2011. Republican Bob Turner beat Democrat David Weprin in New York while Republican Mark Amodei beat Democrat Kate Marshall in Nevada. With Turner and Amodei headed to Washington, the House now consists of 242 Republicans and 192 Democrats, with one vacant seat.

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7. Leahy-Smith America Invents Act Passes into Law

On September 16, 2011, President Barack Obama signed into law the Leahy-Smith America Invents Act (P.L. 112-29) after the Senate passed an amended House version (H.R. 1249) by a vote of 89-9 on September 8. The law reforms America's patent system to improve patent quality, reduce backlogs at the U.S. Patent and Trademark Office, and provide funds to ensure processing of the 700,000 backlogged applications. One significant change that has generated controversy is initiating a "first-to-file" model rather than a "first-to-invent" system. The law is named after Senator Pat Leahy (D-VT) and Representative Lamar Smith (R-TX) who worked to secure its passage in Congress.

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8. TRAIN Act Passes House; More Bills Aimed at EPA

On September 23, the House of Representatives passed the Transparency in Regulation Analysis of Impacts on the Nation Act of 2011 (H.R. 2401), known as the TRAIN Act, on a largely party line vote of 233-180. The bill blocks significant new air pollution rules for coal-fired power plants, delays several other air pollution rules set to be finalized in November, and creates a cabinet level panel, led by the Secretary of Commerce, to study the overall effect of regulatory rules on the economy. Several amendments were added to the bill including one offered by Representative Bob Latta (R-OH) that would require the Environmental Protection Agency (EPA) to consider costs when setting air quality standards. Currently, EPA sets standards based on health and environmental impacts and then provides an estimate of costs for industry to comply with regulations. Most Democratic amendments were voted down, with only two out of six passing during the vote. Representative Gwen Moore's (D-WI) proposal was one successful amendment requiring the new commission to evaluate the effect of EPA rules on low-income communities and public health.

Even though the TRAIN Act is unlikely to get through the Senate, House Republicans are following up with several more bills to limit EPA's regulatory reach. In September, the House Energy and Commerce Committee marked up the Cement Sector Regulatory Relief Act of 2011 (H.R. 2681) and the EPA Regulatory Relief Act of 2011 (H.R. 2250) that would scrap several performance standards and emissions standards.

In September and early October, the Office of Management and Budget (OMB) released a Statement of Administration Policy on the TRAIN Act and another for H.R. 2681 and H.R. 2250. These OMB statements announce the President's intent to veto all three bills if they passed Congress.

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9. Senate Committee Passes RESTORE Act

On September 21, the Senate Committee on Environment and Public Works passed the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies (RESTORE) Act (S. 1400). It was passed on a voice vote with bipartisan support and included an amendment to provide interest-based funding to a national endowment for the oceans.

Under the Clean Water Act (CWA) and Oil Pollution Act, BP and other involved parties are required to pay penalties for their role in the Deepwater Horizon disaster to the U.S. Treasury. The RESTORE Act would direct 80% of the fines to the Gulf Coast states for environmental and economic restoration. The measure will next need to be voted on by the full Senate and then by the House, which has no similar legislation for consideration.

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10. Senate Energy Committee Hosts Report on Energy Policy

Senators Jeff Bingaman (D-NM) and Lisa Murkowski (R-AK), chair and ranking member of the Senate Energy and Natural Resources Committee, hosted a special briefing for senators by the American Energy Innovation Council of the Bipartisan Policy Center about their report, Catalyzing American Ingenuity. The report highlights the need for an active government role in energy innovation, recommends ways to improve the effectiveness of government innovation programs, and lays out options to pay for

energy innovation investments.

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11. LightSquared Creates Interference, Costs and Controversy

LightSquared, a new wireless technology backed by billionaire Philip Falcone, is likely to render the Global Positioning System (GPS) useless due to a bandwidth overlap issue. The U.S. Air Force and local police forces, among others, consider this potential problem a threat to national security. Falcone believes the bandwidth issue is due to the receivers on the satellites, each of which would only require a 10 cent filter to fix the problem. The GPS industry disagrees, saying that this is a bandwidth physics issue not a quick-fix technology issue. The industry has requested sample filters from LightSquared to test them, but they have not received any from the company.

During a House Committee on Armed Forces hearing on September 15, General William Shelton, head of the Air Force Space Command, gave testimony which detailed the effects of LightSquared technology on GPS systems. According to his testimony, all types of aviation receivers, including handheld, aircraft, and weapons receivers, were adversely affected by LightSquared transmitters as far away as 16.5 miles, while high-precision GPS units used for geological surveying were affected out to 213 miles.

The interference issue is also driven by costs and politics. Adding a filter to every GPS driven device would be expensive. According to media reports, LightSquared has offered to pay the U.S. military about \$50 million to retrofit or replace GPS units, while the military counters that the costs are much higher. LightSquared could compete with AT&T and Verizon networks, creating significant competition in the marketplace. Finally, media reports suggest a role for politics in this controversy, by suggesting that some unnamed Democrats have connections with LightSquared and that the Administration is fast tracking approval for the company. Republicans, such as Senator Charles Grassley (R-IA) and Representative Darrell Issa (R-CA) are very concerned about these reports and the potential costs and are requesting more oversight.

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12. House Science Committee Examines Future of Human Spaceflight

The House Committee on Science, Space, and Technology held a hearing on September 23, 2011 entitled "NASA Human Spaceflight Past, Present, and Future: Where Do We Go From Here?" This hearing was called to discuss the issue of sending humans into space during the post-shuttle program era. Witnesses, including Apollo 11 Commander Neil Armstrong, Apollo 17 Commander Eugene Cernan, Maria Zuber of the Massachusetts Institute of Technology and former NASA Administrator Michael Griffin of the University of Alabama in Huntsville, agreed that a robust human spaceflight effort is essential to maintaining the strength of our nation. NASA recently announced their design for the Space Launch System, which the witnesses agreed is an important step forward. Space and Aeronautics Subcommittee Acting Ranking Member Jerry Costello (D-IL) emphasized that Congress will soon need to examine the objectives and destinations for human exploration beyond low-Earth orbit in order to move forward.

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13. NRC Standstill Means Uncertain Future for Yucca Mountain

On September 9, 2011, four members of the Nuclear Regulatory Commission (NRC) voted 2-2 on whether to uphold a June 2010 decision by the NRC's Atomic Safety and Licensing Board to prevent the Obama Administration from pulling DOE's application for the proposed Yucca Mountain nuclear waste repository in Nevada.

The 2-2 vote has been interpreted in different ways. Republican Commissioner William Ostendorff, who has publicly voiced his support for Yucca Mountain, said the split is "legally unambiguous" and that the licensing board's decision should stand. Democratic Commissioner William Magwood argued that the indecision means Congress is now responsible for deciding the fate of Yucca Mountain. Though five members serve on the commission, including Chairman Gregory Jaczko, the vote was split because Democratic Commissioner George Apostolakis recused himself. Apostolakis previously participated in the project's scientific review, which was conducted at Sandia National Laboratory.

The Nuclear Waste Policy Act of 1982 requires the Department of Energy (DOE) to site, construct, operate, and close a repository for spent nuclear fuel and high-level radioactive waste. It was amended in 1987 to designate Yucca Mountain as the only site for waste disposal. In 2010, the Obama Administration pulled DOE's licensing application from the NRC and has repeatedly zeroed out funding for Yucca Mountain. The DOE has indicated that Yucca Mountain is not an appropriate site for a nuclear waste repository.

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14. NRC Prioritizes Seismic and Flood Safety Review of Reactors

The Nuclear Regulatory Commission (NRC) is prioritizing the twelve safety recommendations of the Near-Term Task Force and seeks to collect updated seismic and flooding data from America's 104 operating nuclear power plants "without unnecessary

delay.” The report recommended addressing protection, mitigation, and emergency preparedness issues with a long-term goal of overhauling the agency’s regulatory structure. The NRC asked its staff to select which recommendations should be addressed first and these prioritizations are expected in early October. These priorities should improve safety and be implemented as soon as possible. The staff recommends actions to reduce seismic and flooding risks as top priorities.

As part of the NRC’s efforts to implement these priorities as soon as possible, the agency is seeking input on a draft letter that would require operators to re-examine their site’s seismic risk and provide the results of their investigations. Comments on the draft letter are due on or before November 15.

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15. DOE Releases Quadrennial Technology Review

The Department of Energy (DOE) released its Quadrennial Technology Review in September. DOE priorities with a limited budget include deploying clean energy, modernizing the electrical grid, increasing building and industrial energy efficiency, deploying alternative hydrocarbon fuels, electrifying the vehicle fleet, and increasing vehicle efficiency. The report found that DOE spends about half of its energy technology funds to support clean energy generation, 19% on building and industrial efficiency, 5% on electrical grid improvements, 9% on vehicle electrification, and 13% on deploying alternative fuels.

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16. BOEMRE Replaced by BSEE and BOEM

On October 1, the new Bureau of Safety and Environmental Enforcement (BSEE) and the Bureau of Ocean Energy Management (BOEM) replaced the Bureau of Ocean Energy, Management, Regulation, and Enforcement (BOEMRE). BOEMRE was put in place as part of an overhaul of the former Minerals Management Service (MMS) in the aftermath of the BP Deepwater Horizon oil spill in April 2010. The well blowout and resulting spill highlighted problems with resource management, leasing, revenue collection, and safety and environmental oversight managed by one agency. The new reorganization separates the former roles of MMS into three independent agencies within the Department of the Interior. The third agency, the Office of Natural Resource Revenue (ONRR), has already been established and is responsible for the collection and disbursement of royalties, fines, bonuses, penalties, and assessments for onshore and offshore energy production. Michael Bromwich, who had directed BOEMRE since its inception, will lead BSEE and Tommy Beaudreau will lead BOEM.

Chairman Doc Hastings of the House Committee on Natural Resources has proposed an alternative form of reorganization which would separate the former MMS into the Bureau of Ocean Energy - responsible for planning, leasing, and environmental studies; the Ocean Energy Safety Service - responsible for permitting, safety, and inspection; and an Office of Natural Resources Revenue - responsible for collecting all royalties and revenues for onshore and offshore energy production.

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17. Deepwater Horizon Joint Investigation Team Final Report Released

On September 14, 2011, the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE) and U.S. Coast Guard Joint Investigation Team (JIT) released their final investigative report of the April 2010 BP Deepwater Horizon explosion and oil spill. The final report, also known as Volume II, concludes that BP, Transocean and Halliburton violated a number of federal offshore safety regulations. BP said that it "has accepted its responsibility for responding to the spill and is accordingly paying costs and compensation," while Halliburton has refused to accept any responsibility or accountability.

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18. USGS Mineral Resource Assessment in Afghanistan Made Public

Developed jointly by the U.S. Geological Survey (USGS), the Afghan Geological Survey, and the Department of Defense (DOD), the results of the Afghan Mineral Study were released in September. Though Afghanistan’s mineral wealth had been characterized before by the USGS in a 2007 report, this research comes from a 2009-2011 study which relied heavily on airborne hyperspectral analysis which produces highly detailed 3-D profiles. The USGS studied 24 areas including the large copper and cobalt deposit near Kabul, the iron-rich areas in central Afghanistan, the copper and gold deposits in the Southeast, and the rare earth deposits in the Helmand Province. The study was funded by the DOD Task Force for Business and Stability Operations.

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19. National Park Service Publishes 100-year Anniversary Action Plan

The National Park Service (NPS) has published its “Director’s Call to Action,” a report to celebrate its upcoming 100-year anniversary in 2016. The report is designed to prepare NPS employees and partners for “a second century of stewardship and engagement” by detailing specific goals and actions that chart a new direction for the NPS. These include promoting the contributions that national parks and community assistance programs make to create jobs, strengthen local economies, and support ecosystem services.

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20. USGS Hydrologist Named 2011 Federal Employee of the Year

Paul Hsieh, a USGS hydrologist involved with the containment of the BP Deepwater Horizon oil spill, has been awarded the 2011 Federal Employee of the Year Award. At the request of USGS Director Marcia McNutt, Hsieh and his team helped to determine the integrity of the well once the containment cap was placed on the damaged well to stop the oil and gas leak. Leaving the cap on could have potentially resulted in an uncontrollable oil leak from the subsurface if pressures were too high and the cap was forced off, while removing the cap would have allowed the oil to continue flowing rapidly from the well. Hsieh determined that the cap and well integrity were fine so no further action was needed.

Hsieh used his keen and creative intellect to perform calculations that ultimately led him to conclude that the well integrity was ok after the containment cap was placed on top to stop the escape of more oil and gas. "Paul performed in the heat of the moment using this incredibly complex, detailed model," said McNutt. "It not only fit the pressure data and the shape of the curve as the pressure rose, but also showed that the shape of the rise in pressure was consistent with the integrity of the well. That was the deciding factor." Hsieh also helped to determine that more than 4.9 million barrels of oil were spilt during the the 86 day disaster. Hsieh is the first Department of the Interior employee to be named the Federal Employee of the Year, and is also the first earth scientist to receive this honor.

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21. Italian Seismologists on Trial for Manslaughter

The trial of six Italian seismologists and one government official for alleged negligence and manslaughter for failing to sufficiently warn the citizens of L'Aquila before a magnitude 6.3 earthquake in 2009 that killed 308 people began on October 1, 2011. According to the prosecution, the seismologists downplayed the significance of nearly 400 tremors during the four months before the earthquake and provided assurances that an earthquake was not likely.

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22. U.N. Creates Global Soil Partnership

The Food and Agriculture Organization (FAO) of the United Nations is launching a Global Soil Partnership (GSP) to be led by FAO Director-General Jacques Diouf. Due to an increase in land degradation and pressure on the world's soil resources, the GSP is intended to renew an international effort to assure sufficient fertile and healthy soils and to reduce a threat to global security. The FAO's 1982 World Soil Charter originally laid out the principles and guidelines for sustainable soil management and soil protection for governments, but there have been delays in implementing the goals of the charter. The GSP hopes to implement the charter provisions, raise awareness, and motivate action by decision makers.

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23. Ohio Geological Survey in Danger

The Ohio Geological Survey (OGS), which provides the state with critical information regarding its natural resources, is at risk of becoming extinct. Ohio currently relies on OGS for geologic records and samples, information for infrastructure development, support for research for the state's regulatory agencies, and information to reduce risks from hazards. OGS has lost its entire general-fund revenue budget and is down to 23 employees from 50. If OGS is lost then the state will also lose matching federal grant money that supports jobs and work within the state. A recent study conducted by Kleinhenz & Associates estimates that the products, services, and data provided by OGS contributed about \$575 million to the Ohio economy in 2010. In addition to these potential losses, the elimination of OGS would result in an increase of \$1.5 billion in project costs.

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24. Virginia Environmental NGO Releases Report on Coles Hill Uranium Deposit

The Blue Ridge Environmental Defense League is calling for additional water studies at the Coles Hill uranium deposit in southern Virginia before legislators vote on lifting the mining moratorium. The environmental group released a report on September 26 that documented historical flooding trends at the uranium mining site which, if developed, could increase the risk of radioactive contamination in the water system. The report details historical flood zone areas and maps out the mining site's hydrologic connection to Mill Creek, Whitethorn Creek and the Banister River.

Virginia Uranium, Inc. (VUI) would like to mine the 119 pound deposit should the moratorium be lifted. VUI CEO Walter Coles, Sr. said that the exploration sites were not located in flood zones, nor will the mine, mill, or waste be located there. Coles has added that the ore body is located well above the flood plain and the company is willing to perform any regulatory studies that Virginia legislators require. Though he is aware that many people in Southside, VA need jobs, Coles said he would abort the project if the National Academy of Sciences report, due in December, deems uranium mining in Virginia unsafe.

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25. Virginia AG Climate Document Request Put on Hold

The legal battle between Virginia Attorney General Ken Cuccinelli and the University of Virginia (UVA) has been put on hold by Circuit Judge Cheryl Higgins until the Virginia Supreme Court decides the appeals from Cuccinelli and UVA. Both parties submitted briefs in the case in May and are waiting for a hearing date to be set by Judge Higgins—a process which may take as long as a year.

Cuccinelli, a climate change skeptic, issued a civil investigative demand last year for documents produced by climate scientist Michael Mann, previously a professor at UVA who is now employed by Pennsylvania State University. When UVA refused the request, a law suit arose and Cuccinelli sent an appeals request to the Supreme Court. Further action will commence following a decision from the Supreme Court.

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26. AAU Initiative to Improve Teaching of STEM Fields

The Association of American Universities (AAU) has announced a five-year initiative to improve teaching and learning of science, technology, engineering, and mathematics (STEM) fields at its more than 60 research institutions in the United States and Canada. Announced on September 14, the goals of the initiative are to help institutions assess the quality of STEM teaching, share best practices, and create incentives for departments and faculty members to adopt the most effective teaching methods in their classes.

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27. Climate Change Discussed in 2012 Republican Primary Debate

On Wednesday, September 7, Republican Presidential candidates discussed a variety of issues and briefly touched on the topic of climate change in a debate held at the Ronald Reagan Presidential Library in Semi Valley, California. Texas Governor Rick Perry believes that the science of climate change is “not settled on. The idea that we would put Americans' economy at jeopardy based on scientific theory that's not settled yet, to me, is just -- is nonsense.” Former Governor of Utah Jon Huntsman disagreed, saying that Republicans “can't run from science” if they want to win the 2012 election.

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28. Key Reports and Publications

National Academy of Sciences (NAS)

Preparing for the High Frontier: The Role and Training of NASA Astronauts in Post-Space Shuttle Era

A report by the National Research Council (NRC) says that the National Aeronautics and Space Administration (NASA) should take steps to ensure that it maintains a highly trained astronaut corps to meet International Space Station (ISS) crew requirements, while also accounting for unexpected attrition or demands of other missions. Currently, NASA's plan for staffing the U.S. astronaut corps does not provide sufficient flexibility to reliably meet projected ISS mission needs. The committee recommended that NASA increase the margin it uses to estimate its management needs in order to maintain a mission-ready fleet of trained professionals who can safely operate the ISS in any emergency situation.

Nutrient and Sediment Reduction in the Chesapeake Bay: An Evaluation of Program Strategies and Implementation

The National Research Council (NRC) established the Committee on the Evaluation of Chesapeake Bay Program Implementation for Nutrient Reduction in Improve Water Quality in 2009 in response to a request from the Environmental Protection Agency (EPA). The committee was charged to assess the framework used by the states and the 28 year old Chesapeake Bay Program (CBP) for tracking nutrient and sediment control practices that are implemented in the Chesapeake Bay watershed and to evaluate the two-year milestone strategy. The committee was also to assess existing adaptive management strategies and to recommend improvements that could help CBP to meet its nutrient and sediment reduction goals. The committee focused on approaches that are not being implemented to their full potential or that may have substantial, unrealized potential in the watershed.

Frontiers in Understanding Climate Change and Polar Ecosystems: Summary of a Workshop

The Polar Research Board (PRB) organized a workshop to address the effects of climate change in the polar regions, namely severe physical, chemical, biological, and societal impacts on ecosystems. Workshop participants, including experts on a variety of disciplines with knowledge of both the Arctic and Antarctic regions, discussed the need for holistic, interdisciplinary systems approach to understanding polar ecosystem responses to climate change. As an outcome of the workshop, participants brainstormed methods and technologies that are crucial to advance the understanding of polar ecosystems and to promote the next generation of polar research. These include new and emerging technologies, sustained long-term observations, data synthesis and management, and data dissemination and outreach.

Government Accountability Office (GAO)

Polar Satellites: Agencies Need to Address Potential Gaps in Weather and Climate Data Coverage

Submitted as testimony before the House Committee on Science, Space, and Technology and its Subcommittee on Investigations

and Oversight and Subcommittee on Energy and Environment, the Government Accountability Office (GAO) reported on the key risks in transitioning from the National Polar-orbiting Operational Environmental Satellite System (NPOESS) into two separate programs: the Joint Polar Satellite System (JPSS) and the Defense Weather Satellite System (DWSS), which will be overseen by National Oceanic and Atmospheric Administration (NOAA) and the Department of Defense, respectively. GAO found that, due to a delay of the launch date for the first JPSS satellite, NOAA is facing a potential gap in satellite data continuity. Such a delay could significantly impact the nation's ability to obtain advanced warning of extreme weather events such as hurricanes.

Energy Policy Act of 2005: BLM's Use of Sect. 390 Categorical Exclusions for Oil and Gas Development

Testimony based on the Government Accountability Office's (GAO) September 2009 report was prepared in order to evaluate the extent to which the Bureau of Land Management (BLM) complied with the Energy Policy Act of 2005 and agency guidance during their oil and gas-related activities from 2006-2008. GAO found that BLM's use of section 390 categorical exclusions through fiscal year 2008 often did not comply with either the law or BLM's guidance.

Excess Uranium: Clarifying DOE's Disposition Options Could Help Avoid Further Legal Violations

In 2009, the Department of Energy (DOE) began using natural uranium to pay for cleanup work at a former uranium enrichment facility in Ohio, without having identified such transactions in its 2008 plan. The Government Accountability Office (GAO) conducted a report that examines DOE's uranium transactions and plans for future transactions, the extent to which these transactions were consistent with DOE's uranium management plan, and the extent to which these transactions were consistent with federal law. GAO found that DOE violated the miscellaneous receipts statute. GAO recommends that DOE update its uranium management plan and suggests that Congress consider authorizing DOE to, among other things, retain the proceeds of future uranium transactions.

Chesapeake Bay: Restoration Effort Needs Common Federal and State Goals and Assessment Approach

The Government Accountability Office (GAO) was directed by the explanatory statement of the Consolidated Appropriations Act of 2008 to conduct performance assessments of the Federal Leadership Committee's strategy on the restoration of the Chesapeake Bay, which began in May of 2010. The Federal Leadership Committee consists of federal agencies and state officials. GAO's assessment examines the extent to which the committee's strategy includes measurable goals for restoring the bay, the key factors that may reduce the likelihood of achieving strategy goals and actions, and agency plans for assessing progress made in implementing the strategy and restoring bay health. GAO found that not all stakeholders are working toward achieving the committee's goals. The three key factors that may reduce the likelihood of achieving the committee's goals and actions include a potential lack of collaboration among stakeholders, funding constraints, and external phenomena, such as climate change. Though the committee plans to create 2-year milestones for measuring progress, the GAO report found it is unclear what indicators will be used by the agency to assess bay health.

Homeland Security: Need to Improve Response to Natural Disasters Affecting Food and Agriculture

The Homeland Security Presidential Directive (HSPD-9) was created to establish a national policy to defend the food and agriculture systems against natural disasters, among other emergencies. GAO was asked to evaluate the extent of oversight and implementation of the HSPD-9. Because there is no centralized coordination to oversee agencies' overall HSPD-9 efforts, GAO believes the nation may not be assured that these crosscutting agency efforts are effective at reducing the vulnerability to, and impact of, major emergencies. Various challenges also remain, such as critical research gaps, which could impede recovery from high consequence plant diseases that could devastate the nation's production of economically important crops.

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29. Key Federal Register Notices

NRC – The U.S. Nuclear Regulatory Commission (NRC) is requesting plant operators to evaluate their facilities to determine the current level of seismic risk and to submit the requested information if there is a need for additional regulatory action. Comments will be accepted until October 31, 2011. [Thursday, September 1, 2011 (Volume 76, Number 170)]

NRC – The U.S. Nuclear Regulatory Commission is requesting public comments for their draft regulatory guide, "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants." Comments will be accepted through October 31, 2011. [Tuesday, September 6, 2011 (Volume 76, Number 172)]

DOI -- The National Geospatial Advisory Committee (NGAC) will hold an open meeting on October 4-5, 2011 in Shepherdstown, West Virginia. Reservations are recommended as seating is limited. Public comments will be taken on the morning of October 5. [Friday, September 9, 2011 (Volume 76, Number 175)]

NSF – The National Science Foundation (NSF) announces an open meeting for the Committee on Equal Opportunities in Science and Engineering. The meeting will take place in Arlington, VA on October 17-18, 2011. [Friday, September 9, 2011 (Volume 76, Number 175)]

EPA – The Environmental Protection Agency (EPA) is proposing technical revisions to the electronics manufacturing and the

petroleum and natural gas systems source categories of the greenhouse gas reporting rule. Comments will be accepted through October 24, 2011. [Friday, September 9, 2011 (Volume 76, Number 175)]

DOE – The Office of Fossil Energy announces the availability of the 2011 Annual Plan for the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program on the DOE web site. [Tuesday, September 13, 2011 (Volume 76, Number 177)]

EPA – The Environmental Protection Agency (EPA) has announced the establishment of a Federal Underground Injection Control (UIC) Class VI Program for Carbon Dioxide (CO₂) Geologic Sequestration (GS) Wells under which EPA will directly implement the Class VI Program nationally as of September 7, 2011. [Thursday, September 15, 2011 (Volume 76, Number 179)]

EPA – The Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration, on behalf of the Department of Transportation, are each finalizing rules to establish a comprehensive Heavy-Duty National Program that will reduce greenhouse gas emissions and fuel consumption for on-road heavy-duty vehicles. These rules will become effective November 14, 2011. [Thursday, September 15, 2011 (Volume 76, Number 179)]

NSF – The National Science Foundation (NSF) announces an open meeting for the Advisory Committee for Geosciences on October 13-14, 2011 in Arlington, VA. [Friday, September 16, 2011 (Volume 76, Number 180)]

NASA – The National Aeronautics and Space Administration (NASA) has announced an open meeting of the Planetary Science Subcommittee of the NASA Advisory Council on October 13, 2011 in Washington, D.C. This meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning. [Tuesday, September 20, 2011 (Volume 76, Number 182)]

NRC – The Nuclear Regulatory Commission (NRC) has decided to reopen the comment period of a draft Policy Statement on Volume Reduction and Low-Level Radioactive Waste Management that updates the 1981 Policy Statement on Low-Level Waste Volume Reduction. Comments will be accepted until October 14, 2011. [Wednesday, September 21, 2011 (Volume 76, Number 183)]

EPA – The Ozone Transport Commission of the Environmental Protection Agency will meet on November 10, 2011 in Wilmington, Delaware to explore options available for reducing ground-level ozone precursors in a multi-pollutant context. [Friday, September 23, 2011 (Volume 76, Number 185)]

NRC – The Advisory Committee on Reactor Safeguards of the Nuclear Regulatory Commission (NRC) will hold an open meeting on October 6-8, 2011, in Rockville, Maryland. [Monday, September 26, 2011 (Volume 76, Number 186)]

DOE – The Department of Energy (DOE) announces an open quarterly meeting of the Secretary of Energy Advisory Board to be held on October 12, 2011 in Livermore, CA. [Wednesday, September 28, 2011 (Volume 76, Number 188)]

DOE - The Department of Energy (DOE) announces a teleconference call of the State Energy Advisory Board to make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives and programmatic and administrative policies. This teleconference will take place on October 20, 2011. [Wednesday, September 28, 2011 (Volume 76, Number 188)]

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30. Key AGI Government Affairs Updates

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Monthly Review prepared by Wilson Bonner and Linda Rowan, Staff of Government Affairs Program; Erin Camp AAPG/AGI Fall 2011 Intern.

Sources: Associated Press, AAAS, Environment and Energy Daily, Greenwire, New York Times, Washington Post, National Academies Press, Government Accountability Office, Open CRS, Thomas, House of Representatives, U.S. Senate, the White House, Department of Energy, Department of the Interior, National Aeronautics and Space Administration, Environmental Protection Agency, National Science Foundation, National Oceanic and Atmospheric Administration, Nuclear Regulatory Commission, Department of Commerce, United Nations, Department of Education, US Chamber of Commerce, Association of American Universities

This monthly review goes out to members of the AGI Government Affairs Program (GAP) Advisory Committee, the leadership of AGI's member societies, and other interested geoscientists as part of a continuing effort to improve communications between GAP and the geosciences community that it serves. For additional information on specific policy issues, please visit the web site or contact us at govt@agiweb.org.

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