



Federal Register

**Monday,
October 31, 2005**

Part VII

**Department of
Energy**

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Energy has prepared and today is publishing its semiannual regulatory agenda pursuant to Executive Order 12866 “Regulatory Planning and Review,” 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601 to 612 (1988).

FOR FURTHER INFORMATION CONTACT: For further information about any particular

item on the regulatory agenda, please contact the individual listed under that item. For further information on the regulatory agenda in general, please contact: Diana L. Dean, Room 6E-078, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-7440.

SUPPLEMENTARY INFORMATION: Entries appended to this notice reflect the status of activities as of approximately September 30, 2005. They are divided into categories first by subagencies and then according to their stage of rulemaking action: Prerule, proposed rulemaking, final rulemaking, long-term action, or completed action.

For this edition of the Department of Energy’s regulatory agenda, the most

important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

A draft of this regulatory agenda has been transmitted to the Chief Counsel for Advocacy of the U.S. Small Business Administration for comment, if any, pursuant to 5 U.S.C. 602(b).

Issued in Washington, DC, on September 16, 2005.

David R. Hill,
General Counsel.

National Nuclear Security Agency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
924	Computer Security: Access to Information on Department of Energy Computer Systems	1994-AA01

National Nuclear Security Agency—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
925	Initial Parts of NNSA Acquisition Regulation (NAR)	1994-AA00

Energy Efficiency and Renewable Energy—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
926	Determination for Small Electric Motors	1904-AA87
927	Energy Efficiency Standards for Certain Commercial Air Conditioners and Heat Pumps; Commercial Oil and Gas Fired Package Boilers; and Tankless Gas Fired Instantaneous Water Heaters	1904-AB44
928	Rulemaking to Determine Whether the Energy Conservation Standards for Residential Central Air Conditioners and Air Conditioning Heat Pumps Should Be Amended (Reg Plan Seq No. 31)	1904-AB47
929	Rulemaking to Determine Whether the Energy Conservation Standards for Residential Water Heaters Should Be Amended (Reg Plan Seq No. 32)	1904-AB48
930	Rulemaking to Determine Whether the Energy Conservation Standards for Electric and Gas Ranges and Ovens and for Microwave Ovens Should Be Amended (Reg Plan Seq No. 33)	1904-AB49
931	Rulemaking to Determine Whether the Energy Conservation Standards for Fluorescent Lamp Ballasts Should Be Amended (Reg Plan Seq No. 34)	1904-AB50
932	Rulemaking to Determine Whether the Energy Conservation Standards for Room Air Conditioners Should Be Amended (Reg Plan Seq No. 35)	1904-AB51

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

DOE

Energy Efficiency and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
933	State and Local Incentives Program: Alternative Fuels	1904-AA66
934	Energy Efficiency Standards for Residential Furnaces and Boilers (Reg Plan Seq No. 36)	1904-AA78
935	Energy Efficiency Standards for Electric Distribution Transformers (Reg Plan Seq No. 37)	1904-AB08
936	Rulemaking To Adopt a Definition of Household	1904-AB52
937	Test Procedures for Residential Air Conditioners and Heat Pumps	1904-AB55

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Energy Efficiency and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
938	Test Procedures for Electric Distribution Transformers	1904-AA85

Energy Efficiency and Renewable Energy—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
939	Energy Efficiency Code for New Federal Residential Low-Rise Buildings	1904-AA53
940	National Voluntary Residential Energy Efficiency Rating Guidelines	1904-AA74
941	Determination for High-Intensity Discharge Lamps	1904-AA86
942	Energy Efficiency Standards for Clothes Dryers and Dishwashers	1904-AA89
943	Energy Efficiency Standards for Pool Heaters and Direct Heating Equipment	1904-AA90
944	Energy Efficiency Standards for 1-200 HP Electric Motors	1904-AA91
945	Energy Efficiency Standards for Fluorescent and Incandescent Lamps	1904-AA92
946	Energy Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings	1904-AB13
947	Coverage of Certain Incandescent Reflector Lamps	1904-AB15
948	Rulemaking To Codify Test Procedures Prescribed in EPACT 2005 Into the Code of Federal Regulations	1904-AB53

Energy Efficiency and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
949	Test Procedures for Residential Central Air Conditioners and Heat Pumps—Amendments	1904-AA46
950	Energy Efficiency Standards for Commercial Unitary Air Conditioners and Heat Pumps	1904-AB09
951	Coverage of Certain Types of Commercial Refrigeration Equipment (Reach-In Freezers, Reach-In Refrigerators, Vending Machines, and Beverage Merchandisers)	1904-AB14
952	Energy Efficiency Standards for Commercial 3-Phase Air Conditioners and Heat Pump Less Than 65 kBtu/h	1904-AB16
953	Energy Efficiency Standards for Commercial Packaged Terminal Air Conditioners and Heat Pumps; Commercial Oil- and Gas-Fired Package Boilers; and Tankless Gas-Fired Instantaneous Water Heaters	1904-AB17
954	Rulemaking To Codify Energy Efficiency Standards Prescribed in EPACT 2005	1904-AB54

Defense and Security Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
955	Physical Protection of Security Interests	1992-AA23
956	Identification and Protection of Unclassified Controlled Nuclear Information	1992-AA35

DOE

Defense and Security Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
957	Counterintelligence Evaluation Regulations	1992-AA33

Departmental and Others—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
958	Coordination of Federal Authorization of Electric Transmission	1901-AB18

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
959	Freedom of Information Act	1901-AA32
960	Occupational Radiation Protection	1901-AA95
961	Acquisition of Petroleum for Strategic Petroleum Reserve (Reg Plan Seq No. 38)	1901-AB16

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
962	Radiation Protection of the Public and the Environment (Reg Plan Seq No. 39)	1901-AA38
963	Economic Development Transfers of Real Property	1901-AA82
964	Research Misconduct	1901-AA89
965	Worker Safety and Health (Reg Plan Seq No. 40)	1901-AA99
966	Guidelines for Voluntary Greenhouse Gas Reporting	1901-AB11
967	Standby Support for Advanced Nuclear Facility Delays (Reg Plan Seq No. 41)	1901-AB17

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Departmental and Others—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
968	Annotation of Land Records for Remediated Properties in the Uranium Mill Tailings Remedial Action Project (UMTRA)	1901-AA57

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identifier Number
969	Federal Policy for the Protection of Human Subjects	1901-AB14
970	Price Competitive Sale of Strategic Petroleum Reserve Petroleum; Standard Sales Provisions	1901-AB15

DOE

Office of Procurement and Assistance Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
971	DEAR Changes to Provisions for Facilities Management; Work Authorization; Contractor's Organization; Contractor Relations; and Laws, Regulations, and Directives	1991-AB65
972	Cooperative Audit Strategy	1991-AB67
973	DEAR: Biobased Content Products	1991-AB68
974	Priorities and Allocations—Domestic Energy Supplies	1991-AB69
975	Revisions to Intellectual Property Provisions for Management Contracts	1991-AB70
976	Security Considerations—Background Checks	1991-AB71

Office of Procurement and Assistance Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
977	Organizational Conflict of Interest Disclosure	1991-AB52
978	Department of Energy Acquisition Regulation: Management Contractor Compensation for Personal Services	1991-AB61
979	Technical Amendment of the Department of Energy Acquisition Regulation	1991-AB62
980	DEAR: Make or Buy Plans	1991-AB63
981	DEAR: Work for Others	1991-AB64
982	Assistance Regulations	1991-AB72

Office of General Counsel—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
983	Conduct of Employees	1990-AA19

Office of General Counsel—Completed Actions

Sequence Number	Title	Regulation Identifier Number
984	Claims for Damages Against Department of Energy Employees	1990-AA26

Department of Energy (DOE)

Final Rule Stage

National Nuclear Security Agency (NNSA)

924. COMPUTER SECURITY: ACCESS TO INFORMATION ON DEPARTMENT OF ENERGY COMPUTER SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7101 et seq; 42 USC 2001 et seq; 50 USC 2425; 50 USC 2483(c)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: This action would codify rules governing access by any

individual to information on Department of Energy computer systems.

Timetable:

Action	Date	FR Cite
NPRM	03/17/05	70 FR 12974
NPRM Comment Period End	05/16/05	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Bruce Brody, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-1090
Email: bruce.brody@hq.doe.gov

RIN: 1994-AA01

Department of Energy (DOE)
National Nuclear Security Agency (NNSA)

Long-Term Actions

925. INITIAL PARTS OF NNSA ACQUISITION REGULATION (NAR)

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

CFR Citation: 48 CFR ch 11

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James J. Cavanagh
Phone: 202 586-8559

RIN: 1994-AA00

Department of Energy (DOE)
Energy Efficiency and Renewable Energy (EE)

Prerule Stage

926. DETERMINATION FOR SMALL ELECTRIC MOTORS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6317(b)

CFR Citation: 10 CFR 431

Legal Deadline: Other, Statutory, April 24, 1995, Determination Notice.

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, requires the Department to prescribe test procedures for small electric motors for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.

Timetable:

Action	Date	FR Cite
Determination Notice	03/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: The Department is conducting an analysis in preparation for a determination under 42 U.S.C. 6317(b). The timetable for this action will be determined during the annual priority-setting of rulemakings for the fiscal year.

Agency Contact: James Raba, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8654
Email: jim.raba@ee.doe.gov

RIN: 1904-AA87

927. ENERGY EFFICIENCY STANDARDS FOR CERTAIN COMMERCIAL AIR CONDITIONERS AND HEAT PUMPS; COMMERCIAL OIL AND GAS FIRED PACKAGE BOILERS; AND TANKLESS GAS FIRED INSTANTANEOUS WATER HEATERS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Legal Authority: 42 USC 6313(a)(6)(A)

CFR Citation: 10 CFR 431

Legal Deadline: None

Abstract: The efficiency requirements in EPCA correspond to the levels in ASHRAE/IESNA Standard 90.1 as in effect on October 24, 1992. EPCA further provides that if the efficiency levels in ASHRAE/IESNA Standard 90.1 are amended after that date for any of the covered equipment, as recently occurred, the Secretary of Energy must establish an amended uniform national standard for such equipment at the new minimum level for each effective date specified in ASHRAE/IESNA Standard 90.1, unless DOE determines that a more stringent standard is technologically feasible and economically justified and would result in significant additional energy conservation. Additionally, the Secretary may not prescribe any amended standard that increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product.

DOE is considering whether to adopt the new ASHRAE/IESNA Standard for commercial 3-phase air conditioners and heat pumps less than 65kbtu/h; commercial packaged terminal air conditioners and heat pumps; commercial single packaged vertical air conditioners and heat pumps; commercial oil and gas fired packaged boilers; and tankless gas fired instantaneous water heaters.

Timetable:

Action	Date	FR Cite
Notice of Availability	10/00/05	
Public Workshop	11/00/05	
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: Previously there were three agenda entries for this action. The two other agenda entries, RIN 1904-AB16 and RIN-AB17, have been merged into this rulemaking.

The revised timetable for this action reflects the fact that DOE is assessing the impact of EPACT 2005 on this product.

Agency Contact: Maureen Murphy, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-0598
Fax: 202 586-4617
Email: maureen.murphy@ee.doe.gov

Related RIN: Merged with 1904-AB16, Merged with 1904-AB17

RIN: 1904-AB44

928. • RULEMAKING TO DETERMINE WHETHER THE ENERGY CONSERVATION STANDARDS FOR RESIDENTIAL CENTRAL AIR CONDITIONERS AND AIR CONDITIONING HEAT PUMPS SHOULD BE AMENDED

Regulatory Plan: This entry is Seq. No. 31 in part II of this issue of the **Federal Register**.

RIN: 1904-AB47

DOE—EE

Prerule Stage

929. • RULEMAKING TO DETERMINE WHETHER THE ENERGY CONSERVATION STANDARDS FOR RESIDENTIAL WATER HEATERS SHOULD BE AMENDED

Regulatory Plan: This entry is Seq. No. 32 in part II of this issue of the **Federal Register**.

RIN: 1904–AB48

930. • RULEMAKING TO DETERMINE WHETHER THE ENERGY CONSERVATION STANDARDS FOR ELECTRIC AND GAS RANGES AND OVENS AND FOR MICROWAVE OVENS SHOULD BE AMENDED

Regulatory Plan: This entry is Seq. No. 33 in part II of this issue of the **Federal Register**.

RIN: 1904–AB49

931. • RULEMAKING TO DETERMINE WHETHER THE ENERGY CONSERVATION STANDARDS FOR FLUORESCENT LAMP BALLASTS SHOULD BE AMENDED

Regulatory Plan: This entry is Seq. No. 34 in part II of this issue of the **Federal Register**.

RIN: 1904–AB50

932. • RULEMAKING TO DETERMINE WHETHER THE ENERGY CONSERVATION STANDARDS FOR ROOM AIR CONDITIONERS SHOULD BE AMENDED

Regulatory Plan: This entry is Seq. No. 35 in part II of this issue of the **Federal Register**.

RIN: 1904–AB51

**Department of Energy (DOE)
Energy Efficiency and Renewable Energy (EE)**

Proposed Rule Stage

933. STATE AND LOCAL INCENTIVES PROGRAM: ALTERNATIVE FUELS

Priority: Other Significant

Legal Authority: 42 USC 13235

CFR Citation: 10 CFR 409

Legal Deadline: Final, Statutory, April 24, 1993.

Abstract: The Energy Policy Act of 1992 requires DOE to issue regulations establishing the State and Local Incentives Program. Under this program, DOE may grant financial assistance to States for projects in DOE-approved State plans to promote use of alternative fuels and alternative-fueled vehicles. With the publication of an integrated State Energy Program (61 FR 35890), the alternative fuel grant programs may be a part of the State grant special projects, depending on funding availability. The next action will be a cancellation notice of any separate State grant program.

Timetable:

Action	Date	FR Cite
NPRM	03/21/95	60 FR 15020
NPRM Comment Period End	05/22/95	
Withdraw NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Marcy Rood, Office of Weatherization and Intergovernmental Programs, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586–8161

RIN: 1904–AA66

934. ENERGY EFFICIENCY STANDARDS FOR RESIDENTIAL FURNACES AND BOILERS

Regulatory Plan: This entry is Seq. No. 36 in part II of this issue of the **Federal Register**.

RIN: 1904–AA78

935. ENERGY EFFICIENCY STANDARDS FOR ELECTRIC DISTRIBUTION TRANSFORMERS

Regulatory Plan: This entry is Seq. No. 37 in part II of this issue of the **Federal Register**.

RIN: 1904–AB08

936. • RULEMAKING TO ADOPT A DEFINITION OF HOUSEHOLD

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 6292(b)(2)(C)

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: To implement the Secretary's authority to designate additional covered products, the Department must define the term household and set procedures under which products would be added.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The Department is planning whether to go forward with a household definition that is necessary in order for the Secretary to apply coverage criteria to additional consumer products. Ellipsoidal reflector and bulge reflector lamps are not covered in EPCA and are examples of products that the Secretary could designate as covered products under the standards program. The Secretary may consider other products for coverage at any time in the future.

Agency Contact: Linda Graves EE—2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586–1851

DOE—EE

Proposed Rule Stage

Email: linda.graves@ee.doe.gov
 RIN: 1904-AB52

937. • TEST PROCEDURES FOR RESIDENTIAL AIR CONDITIONERS AND HEAT PUMPS

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 6293
CFR Citation: 10 CFR 430
Legal Deadline: None

Abstract: With this rulemaking, the Department of Energy (DOE) is amending its test procedure for residential central air conditioners and heat pumps. The rulemaking

implements test procedure changes in such areas as small-duct, high-velocity systems, multiple-split systems, two-capacity units, and the referencing of current ASHRAE standards. The amendments also clarify issues associated with sampling and rating both tested and untested systems. DOE believes that the amendments will not cause products to fail to meet the energy standards in effect either before or after January 23, 2006.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	
Final Action	09/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Michael Raymond, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies Program, 1000 Independence Avenue SW., Washington, DC 20585
 Phone: 202 586-9611
 Email: michael.raymond@ee.doe.gov

RIN: 1904-AB55

**Department of Energy (DOE)
 Energy Efficiency and Renewable Energy (EE)**

Final Rule Stage

938. TEST PROCEDURES FOR ELECTRIC DISTRIBUTION TRANSFORMERS

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 6317; PL 109-58, sec 135(b)(1)
CFR Citation: 10 CFR 431
Legal Deadline: Other, Statutory, April 24, 1995, Determination Notice.

Abstract: EPCA requires the Department to prescribe testing requirements for those electric distribution transformers for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would

result in significant energy savings. Section 135 of EPCA 2005 amends EPCA to provide that DOE must base these test procedures on a specified industry test procedures on a specified industry test procedure. The Department is evaluating the impact of this provision on its pending rulemaking for distribution transformer test procedures.

Timetable:

Action	Date	FR Cite
Determination Notice	10/22/97	62 FR 54809
NPRM	11/12/98	63 FR 63359
NPRM Comment Period End	02/05/99	
Supplemental NPRM	07/29/04	69 FR 45506

Action	Date	FR Cite
Supplemental NPRM Comment Period End	11/08/04	
Final Action	01/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Cyrus Nasser, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
 Phone: 202 586-9138
 Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AA85

**Department of Energy (DOE)
 Energy Efficiency and Renewable Energy (EE)**

Long-Term Actions

939. ENERGY EFFICIENCY CODE FOR NEW FEDERAL RESIDENTIAL LOW-RISE BUILDINGS

Priority: Other Significant
CFR Citation: 10 CFR 435
Timetable:

Action	Date	FR Cite
NPRM	05/02/97	62 FR 24164
NPRM Comment Period End	07/14/97	
Supplemental NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Stephen P. Walder, EE-2J
 Phone: 202 586-9209
 Fax: 202 586-4617
 Email: stephen.walder@ee.doe.gov
RIN: 1904-AA53

940. NATIONAL VOLUNTARY RESIDENTIAL ENERGY EFFICIENCY RATING GUIDELINES

Priority: Substantive, Nonsignificant
CFR Citation: 10 CFR 437

Timetable:

Action	Date	FR Cite
NPRM	07/25/95	60 FR 37949
NPRM Comment Period End	10/23/95	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stephen P. Walder, EE-2J
 Phone: 202 586-9209
 Fax: 202 586-4617

DOE—EE

Long-Term Actions

Email: stephen.walder@ee.doe.gov

RIN: 1904-AA74

941. DETERMINATION FOR HIGH-INTENSITY DISCHARGE LAMPS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 431

Timetable:

Action	Date	FR Cite
Determination Notice	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Bryan Berringer, EE-2J

Phone: 202 586-0371

Fax: 202 586-4617

Email: bryan.berringer@ee.doe.gov

RIN: 1904-AA86

942. ENERGY EFFICIENCY STANDARDS FOR CLOTHES DRYERS AND DISHWASHERS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 430.32

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Bryan Berringer, EE-2J

Phone: 202 586-0371

Fax: 202 586-4617

Email: bryan.berringer@ee.doe.gov

RIN: 1904-AA89

943. ENERGY EFFICIENCY STANDARDS FOR POOL HEATERS AND DIRECT HEATING EQUIPMENT

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 430.32

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Cyrus Nasser, EE-2J

Phone: 202 586-9138

Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AA90

944. ENERGY EFFICIENCY STANDARDS FOR 1-200 HP ELECTRIC MOTORS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 431

Timetable:

Action	Date	FR Cite
Determination Notice	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: James Raba, EE-2J

Phone: 202 586-8654

Email: jim.raba@ee.doe.gov

RIN: 1904-AA91

945. ENERGY EFFICIENCY STANDARDS FOR FLUORESCENT AND INCANDESCENT LAMPS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 430.32

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Bryan Berringer, EE-2J

Phone: 202 586-0371

Fax: 202 586-4617

Email: bryan.berringer@ee.doe.gov

RIN: 1904-AA92

946. ENERGY STANDARDS FOR NEW FEDERAL COMMERCIAL AND MULTI-FAMILY HIGH-RISE RESIDENTIAL BUILDINGS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 434

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Cyrus Nasser, EE-2J

Phone: 202 586-9138

Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AB13

947. COVERAGE OF CERTAIN INCANDESCENT REFLECTOR LAMPS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 430

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Linda Graves

Phone: 202 586-1851

Email: linda.graves@ee.doe.gov

RIN: 1904-AB15

948. • RULEMAKING TO CODIFY TEST PROCEDURES PRESCRIBED IN EPACT 2005 INTO THE CODE OF FEDERAL REGULATIONS

Priority: Info./Admin./Other

Legal Authority: PL 109-58, sec 135; PL 109-58, sec 136

CFR Citation: 10 CFR 430; 10 CFR 431

Legal Deadline: None

Abstract: EPACT 2005 establishes test procedures for numerous consumer products and commercial equipment. In order to maintain the consistency and completeness of the Department's appliance test procedure regulations codified in 10 CFR 430 and 431 and to aid interested parties in locating and using the new regulatory information, DOE plans to promulgate test procedures for the products in EPACT 2005. However, DOE will need to review these test procedures to determine their adequacy for adoption in the Code of Federal Regulations and may conduct multiple rulemakings to adopt test procedures for these products. This rulemaking(s) encompasses the following products and equipment: Commercial refrigerators, freezers, and refrigerator-freezers; remote condensing commercial refrigerators, refrigerator-freezers, and freezers; commercial icemakers; residential dehumidifiers; commercial clothes washers; ceiling fans; illuminated exit signs; medium base compact fluorescent lamps; torchieres; traffic signal modules and pedestrian modules; small commercial package air-conditioning and heating equipment; large commercial package air-conditioning and heating equipment; very large commercial package air-

DOE—EE

Long-Term Actions

conditioning and heating equipment; commercial prerinse spray valves; and low-voltage dry-type distribution transformers.

Timetable:

Action	Date	FR Cite
Final Action	To Be	Determined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Federalism: Undetermined

Additional Information: As the Department reviews the requirements cited in EPACT 2005, DOE may determine that separate rulemakings may be warranted for some of these individual products or equipment. The timetable for this action will be determined during the annual priority-

setting of rulemakings for the fiscal year.

Agency Contact: James Raba, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8654
Email: jim.raba@ee.doe.gov

RIN: 1904-AB53

Department of Energy (DOE)

Completed Actions

Energy Efficiency and Renewable Energy (EE)

949. TEST PROCEDURES FOR RESIDENTIAL CENTRAL AIR CONDITIONERS AND HEAT PUMPS—AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 430

Completed:

Reason	Date	FR Cite
Final Action	10/11/05	70 FR 59122

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Raymond, EE-2J

Phone: 202 586-9611

Email: michael.raymond@ee.doe.gov

RIN: 1904-AA46

950. ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL UNITARY AIR CONDITIONERS AND HEAT PUMPS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 431

Completed:

Reason	Date	FR Cite
Comment Period End	04/01/05	70 FR 7673
Withdrawn— Superseded by EPACT 2005	08/31/05	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: James Raba, EE-2J

Phone: 202 586-8654

Email: jim.raba@ee.doe.gov

RIN: 1904-AB09

951. COVERAGE OF CERTAIN TYPES OF COMMERCIAL REFRIGERATION EQUIPMENT (REACH-IN FREEZERS, REACH-IN REFRIGERATORS, VENDING MACHINES, AND BEVERAGE MERCHANDISERS)

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 431

Completed:

Reason	Date	FR Cite
Withdrawn	08/31/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Linda Graves

Phone: 202 586-1851

Email: linda.graves@ee.doe.gov

RIN: 1904-AB14

952. ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL 3-PHASE AIR CONDITIONERS AND HEAT PUMP LESS THAN 65 KBTU/H

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

CFR Citation: 10 CFR 431

Completed:

Reason	Date	FR Cite
Merged With 1904-AB44 and 1904-AB17	09/01/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

Agency Contact: Maureen Murphy, EE-2J

Phone: 202 586-0598

Fax: 202 586-4617

Email: maureen.murphy@ee.doe.gov

Related RIN: Merged with 1904-AB44, Merged with 1904-AB17

RIN: 1904-AB16

953. ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL PACKAGED TERMINAL AIR CONDITIONERS AND HEAT PUMPS; COMMERCIAL OIL- AND GAS-FIRED PACKAGE BOILERS; AND TANKLESS GAS-FIRED INSTANTANEOUS WATER HEATERS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

CFR Citation: 10 CFR 431

Completed:

Reason	Date	FR Cite
Merged With 1904-AB44 and 1904-AB16	09/01/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

Agency Contact: Maureen Murphy, EE-2J

Phone: 202 586-0598

Fax: 202 586-4617

Email: maureen.murphy@ee.doe.gov

Related RIN: Merged with 1904-AB44, Merged with 1904-AB16

RIN: 1904-AB17

954. • RULEMAKING TO CODIFY ENERGY EFFICIENCY STANDARDS PRESCRIBED IN EPACT 2005

Priority: Info./Admin./Other

Legal Authority: PL 109-58, sec 135; PL 109-58, sec 136

DOE—EE

Completed Actions

CFR Citation: 10 CFR 430; 10 CFR 431**Legal Deadline:** None

Abstract: EPACKT 2005 establishes energy conservation standards for numerous consumer products and items of commercial equipment. In order to maintain the consistency and completeness of the Department's appliance standards regulations codified in 10 CFR 430 and 431 and to aid interested parties in locating and using the new regulatory information, DOE is promulgating all non-discretionary energy standards contained in EPACKT 2005 into the Code of Federal Regulations. This rulemaking encompasses the following products and equipment: Commercial refrigerators, freezers, and refrigerator-

freezers; remote condensing commercial refrigerators, refrigerator-freezers, and freezers; commercial ice makers; residential dehumidifiers; commercial clothes washers; ceiling fans; fluorescent lamp ballasts; illuminated exit signs; medium base compact fluorescent lamps; mercury vapor lamp ballasts; torchieres; traffic signal modules and pedestrian modules; (commercial) unit heaters; small commercial package air-conditioning and heating equipment; large commercial package air-conditioning and heating equipment; very large commercial package air-conditioning and heating equipment; commercial prerinse spray valve; and low-voltage dry-type distribution transformers.

Timetable:

Action	Date	FR Cite
Final Action	10/18/05	70 FR 60407

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Local, State

Agency Contact: Linda Graves EE—2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-1851
Email: linda.graves@ee.doe.gov

RIN: 1904-AB54

Department of Energy (DOE)

Proposed Rule Stage

Defense and Security Affairs (DSA)

955. PHYSICAL PROTECTION OF SECURITY INTERESTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2011; 42 USC 7101**CFR Citation:** 10 CFR 1046, subpart A; 10 CFR 1046, subpart B**Legal Deadline:** None

Abstract: 10 CFR part 1046, subparts A and B, establishes DOE contractor requirements in the areas of protective force, medical, physical fitness, and firearms qualifications and training. This revision would address matters concerning physical training of Security Police Officers and Security Officers, to more clearly define Security Police Officer I and Security Police Officer II positions, and to revise physical fitness qualifications requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/06	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: John Cronin, Department of Energy, Office of Security, Germantown, MD 20874
Phone: 301 903-6209

RIN: 1992-AA23**956. IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2168**CFR Citation:** 10 CFR 1017**Legal Deadline:** None

Abstract: Revises 10 CFR part 1017, clarifying and streamlining requirements to reflect organizational changes, abolishing the "May Contain UCNI" marking. Adds the name of the Reviewing Official and guidance for

using the UCNI marking, and updating physical protection requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	
Final Action	04/00/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Emily Anne Pohl, Security Specialist, Department of Energy, SO-10.2 Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585-1290
Phone: 301 903-9048
Fax: 301 903-1230
Email: emily.puhl@hq.doe.gov

RIN: 1992-AA35

Department of Energy (DOE)

Final Rule Stage

Defense and Security Affairs (DSA)

957. COUNTERINTELLIGENCE EVALUATION REGULATIONS**Priority:** Substantive, Nonsignificant

Legal Authority: 42 USC 2011 et seq; 42 USC 7101 et seq; 42 USC 7383h-1; 50 USC 2401 et seq

CFR Citation: 10 CFR 709; 10 CFR 710**Legal Deadline:** None

Abstract: The purpose of this action is to promulgate new counterintelligence polygraph regulations consistent with

section 3152 of the National Defense Authorization Act for fiscal year 2002.

Timetable:

Action	Date	FR Cite
NPRM	04/14/03	68 FR 17886

DOE—DSA

Final Rule Stage

Action	Date	FR Cite
Correction to NPRM	04/18/03	68 FR 19166
NPRM Comment Period End	06/13/03	
Revised NPRM	01/07/05	70 FR 1383

Action	Date	FR Cite
Revised NPRM Comment Period End	03/08/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Douglas Hinckley, Program Director, Department of Energy, Office of Counterintelligence, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-5901

RIN: 1992-AA33

**Department of Energy (DOE)
Departmental and Others (ENDEP)**

Prerule Stage

958. • COORDINATION OF FEDERAL AUTHORIZATION OF ELECTRIC TRANSMISSION

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined

Legal Authority: PL 109-58 sec 1221(a)

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, February 7, 2006.

Abstract: Subsection 216(h) of the Federal Power Act (FPA) requires the Department of Energy (Department) to act as lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews as may be

required under Federal law in order to site transmission facilities. Subsection 216(h)(7)(A) further authorizes the Department to issue any regulations necessary to implement the provisions of section 1221(a) of Energy Policy Act of 2005 and FPA 216, including provisions providing for pre-application mechanisms to facilitate streamlining applicable Federal authorizations. Pursuant to this authority, the Department intends to promulgate regulations to facilitate the coordination of such permits, special use authorizations, certifications, opinions, or other approvals necessary to site transmission facilities.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	01/00/06	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: David Meyer, Senior Policy Advisor, OE-21, Department of Energy, 1000 Independence Ave SW., Washington, DC 20585
Phone: 202 586-3118
Fax: 202 586-5391
Email: david.meyer@hq.doe.gov

RIN: 1901-AB18

**Department of Energy (DOE)
Departmental and Others (ENDEP)**

Proposed Rule Stage

959. FREEDOM OF INFORMATION ACT

Priority: Other Significant

Legal Authority: 5 USC 552

CFR Citation: 10 CFR 1004

Legal Deadline: None

Abstract: The Freedom of Information Act (FOIA), as amended, permits any person to request access to agency records. The DOE has promulgated a regulation at part 1004 of title 10 of the Code of Federal Regulations to implement the FOIA. The DOE will revise its FOIA regulation to reflect current procedures for processing requests for information that are submitted to the Agency, to ensure compliance with the Electronic Freedom of Information Act Amendments of 1996, and to make the regulation more user friendly.

Timetable:

Action	Date	FR Cite
NPRM	02/00/06	
Final Action	08/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Abel Lopez, Director, FOIA and Privacy Act Division, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-5955
Email: abel.lopez@hq.doe.gov

RIN: 1901-AA32

960. OCCUPATIONAL RADIATION PROTECTION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 7191; 42 USC 2282(a); 28 USC 2461 note; 50 USC 2410

CFR Citation: 10 CFR 835; 10 CFR 820

Legal Deadline: None

Abstract: This action would amend 10 CFR part 820, Procedural Rules for DOE Nuclear Activities, to take in account the establishment of the National Nuclear Security Administration. This action would also amend 10 CFR part 835, Occupation Radiation Protection, to provide additional flexibility in meeting requirements, to update the dosimetric models and dose terms, to establish certain concentration values and limits, and to clarify requirements for radioactive material transportation not subject to DOT regulations.

DOE—ENDEP

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Peter V. O'Connell, Department of Energy, Office of Worker Protection Policy and Programs, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 301 903-5641
Fax: 301 903-3445
Email: peter.o'connel@eh.doe.gov
RIN: 1901-AA95

961. ● ACQUISITION OF PETROLEUM FOR STRATEGIC PETROLEUM RESERVE**Regulatory Plan:** This entry is Seq. No. 38 in part II of this issue of the **Federal Register**.**RIN:** 1901-AB16**Department of Energy (DOE)
Departmental and Others (ENDEP)**

Final Rule Stage

962. RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT**Regulatory Plan:** This entry is Seq. No. 39 in part II of this issue of the **Federal Register**.**RIN:** 1901-AA38

1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-0072
Fax: 202 586-4500
Email: john.watson@hq.doe.gov
RIN: 1901-AA82

965. WORKER SAFETY AND HEALTH**Regulatory Plan:** This entry is Seq. No. 40 in part II of this issue of the **Federal Register**.**RIN:** 1901-AA99**963. ECONOMIC DEVELOPMENT TRANSFERS OF REAL PROPERTY****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-85, sec 3158**CFR Citation:** 10 CFR 770**Legal Deadline:** None

Abstract: This action establishes procedures for indemnifying and disposing of real property by sale or lease at the Department's defense nuclear facilities for the purpose of permitting economic development. It also establishes procedures for reporting actions to Congress, informing those acquiring the property of the availability of indemnification for injury to people or property from releases or threatened releases of hazardous materials, requesting indemnification, and making claims for indemnification. All comments received on the Interim Final Rule have been reviewed and will be considered in the final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/29/00	65 FR 10685
Interim Final Rule Comment Period End	04/14/00	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: John C. Watson, Senior Realty Officer, ME-90, Department of Energy, Room 4B-122,

964. RESEARCH MISCONDUCT**Priority:** Other Significant

Legal Authority: 42 USC 2201; 42 USC 7101 et seq; 42 USC 7454; 50 USC 2401 et seq; 42 USC 2282a to c; 41 USC 418b; 31 USC 6301 to 6308

CFR Citation: 10 CFR 600; 10 CFR 733; 48 CFR 935; 48 CFR 952

Legal Deadline: None

Abstract: This action would establish policies and procedures for handling research misconduct allegations.

Timetable:

Action	Date	FR Cite
Interim Final Rule and Opportunity for Comment	06/28/05	70 FR 37010
Interim Final Rule Effective	07/28/05	
Interim Final Rule Comment Period End	08/29/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Agency Contact: Christine Chalk, Division of Planning and Analysis, SC-5, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-7203
Email: christine.chalk@science.doe.gov
RIN: 1901-AA89

966. GUIDELINES FOR VOLUNTARY GREENHOUSE GAS REPORTING**Priority:** Other Significant**Legal Authority:** 42 USC 13385(b)**CFR Citation:** 10 CFR 300**Legal Deadline:** None

Abstract: This action would revise the procedures and reporting requirements for the Voluntary Greenhouse Gas Reporting Program under section 1605(b) of the Energy Policy Act of 1992. The revisions would enhance the measurement accuracy, reliability, and verifiability of reported data.

Timetable:

Action	Date	FR Cite
NPRM	12/05/03	68 FR 68204
NPRM Comment Period End	02/17/04	
Draft Technical Guidelines	03/24/05	70 FR 15164
Interim Final Rule General Guidelines Comment Period Extended	03/24/05	70 FR 15169
Interim Final Rule Effective Date Extended	05/09/05	70 FR 24302
Interim Final Rule Effective Date Extended	09/19/05	70 FR 54835
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Mark Friedrichs, Office of Policy and International Affairs, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585

DOE—ENDEP

Final Rule Stage

Phone: 202 586-0124

RIN: 1901-AB11

**967. • STANDBY SUPPORT FOR
ADVANCED NUCLEAR FACILITY
DELAYS****Regulatory Plan:** This entry is Seq. No. 41 in part II of this issue of the **Federal Register**.

RIN: 1901-AB17

**Department of Energy (DOE)
Departmental and Others (ENDEP)****Long-Term Actions****968. ANNOTATION OF LAND
RECORDS FOR REMEDIATED
PROPERTIES IN THE URANIUM MILL
TAILINGS REMEDIAL ACTION
PROJECT (UMTRA)****Priority:** Substantive, Nonsignificant**CFR Citation:** Not Yet Determined**Timetable:**

Action	Date	FR Cite
NPRM Final Action	04/14/89 To Be	54 FR 29732 Determined

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** Federal, State**Agency Contact:** Christopher J. Clayton
Phone: 202 586-9034

RIN: 1901-AA57

**Department of Energy (DOE)
Departmental and Others (ENDEP)****Completed Actions****969. FEDERAL POLICY FOR THE
PROTECTION OF HUMAN SUBJECTS****Priority:** Info./Admin./Other**CFR Citation:** 10 CFR 745**Completed:**

Reason	Date	FR Cite
Final Rule, Technical Amendments	06/23/05	70 FR 36325

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Michael Viola
Phone: 301 903-5346

RIN: 1901-AB14

**970. PRICE COMPETITIVE SALE OF
STRATEGIC PETROLEUM RESERVE
PETROLEUM; STANDARD SALES
PROVISIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 625**Completed:**

Reason	Date	FR Cite
Final Rule	07/07/05	70 CFR 39364

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Nancy T. Marland
Phone: 202 586-4691

Fax: 202 586-0835

Email: nancy.marland@hq.doe.gov

RIN: 1901-AB15

**Department of Energy (DOE)
Office of Procurement and Assistance Management (PR)****Proposed Rule Stage****971. DEAR CHANGES TO
PROVISIONS FOR FACILITIES
MANAGEMENT; WORK
AUTHORIZATION; CONTRACTOR'S
ORGANIZATION; CONTRACTOR
RELATIONS; AND LAWS,
REGULATIONS, AND DIRECTIVES****Priority:** Substantive, Nonsignificant.
Major status under 5 USC 801 is
undetermined.**Legal Authority:** 42 USC 2201; 42 USC
7101; 50 USC 2401**CFR Citation:** 48 CFR 907; 48 CFR 952;
48 CFR 970**Legal Deadline:** None**Abstract:** This action would delete 48 CFR part 970.5237-2, Facilities Management; add new clauses dealing with work authorization and Government-contractor relations; and incorporate other revisions that would emphasize the contractor's responsibility for effective cost management in flowing down prime contract requirements to its subcontractors.**Timetable:**

Action	Date	FR Cite
NPRM	11/00/05	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Michael Fischetti,
Procurement Analyst, ME-61,
Department of Energy, Office of
Procurement and Assistance
Management, 1000 Independence
Avenue SW., Washington, DC 20585

DOE—PR

Proposed Rule Stage

Phone: 202 287-1330

RIN: 1991-AB65

972. COOPERATIVE AUDIT STRATEGY**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 7101; 50 USC 2401**CFR Citation:** 48 CFR 970**Legal Deadline:** None

Abstract: The Department of Energy is amending its acquisition regulation to more fully describe the audit procedures to be followed under its management and operating contracts. The revised procedures call for an annual audit plan and audit report as explained under the Accounts, Records, and Inspection clause at 48 CFR 970.5232-3.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1338
Email: robert.webb@pr.doe.gov

RIN: 1991-AB67

973. DEAR: BIOBASED CONTENT PRODUCTS**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 42 USC 2201; 42 USC 7101; 42 USC 2401**CFR Citation:** 48 CFR 923; 48 CFR 952; 48 CFR 970.23; 48 CFR 970.2370**Legal Deadline:** None

Abstract: This action would update the Department of Energy Acquisition Regulation coverage of environmentally preferred products to promote the use of biobased content products.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1339
Email: richard.langston@pr.doe.gov

RIN: 1991-AB68

974. PRIORITIES AND ALLOCATIONS—DOMESTIC ENERGY SUPPLIES**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 41 USC 418b; 50 USC app 2071(c)**CFR Citation:** 48 CFR 911.602; 10 CFR 216**Legal Deadline:** None

Abstract: This action would update the Department of Energy regulations and clauses exercising the authorities to allocate the supplies of materials, equipment, services, and facilities and establish priorities for the acceptance and performance of contracts and orders to (1) promote the national defense and (2) maximize domestic energy supplies as authorized by the Defense Production Act of 1950 as amended (50 U.S.C. App. 2061 et seq.); the Department of Commerce Defense Priorities and Allocations System Program (15 CFR 700); and Executive Order 12919, National Defense Resource Preparedness.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Lisa Jones, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1470
Email: lisa.jones@hq.doe.gov

RIN: 1991-AB69

975. REVISIONS TO INTELLECTUAL PROPERTY PROVISIONS FOR MANAGEMENT CONTRACTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 2282(a) to 2282(c); 41 USC 418(b); 50 USC 2401**CFR Citation:** 48 CFR 970.27; 48 CFR 970.5227**Legal Deadline:** None

Abstract: This action would amend the DOE Acquisition Regulation to make provision for creation and use of software subject to open source copyright licenses. Other technical changes to the existing intellectual property clauses used in DOE's management and operating contracts will also be proposed.

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1338
Email: robert.webb@pr.doe.gov

RIN: 1991-AB70

976. SECURITY CONSIDERATIONS—BACKGROUND CHECKS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2011; 41 USC 418b**CFR Citation:** 48 CFR 904.4**Legal Deadline:** None

Abstract: This action would amend the DOE Acquisition Regulation (DEAR) to add Protective Services to the types of contracts covered by the DEAR. The security clause would be amended to describe the Department's requirement that employers do background checks before employment of persons who will require access authorizations to perform contract duties and that they and their employees agree to the use of mediation services as may be required to ensure continuity of operations.

DOE—PR

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement and

Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1339
Email: richard.langston@pr.doe.gov
RIN: 1991-AB71

Department of Energy (DOE)

Final Rule Stage

Office of Procurement and Assistance Management (PR)

977. ORGANIZATIONAL CONFLICT OF INTEREST DISCLOSURE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 909; 48 CFR 970

Legal Deadline: None

Abstract: This action would amend provisions that cover organizational conflicts of interest and purchases from affiliated sources to protect the Department in transactions involving a DOE M&O contractor and its affiliates.

Timetable:

Action	Date	FR Cite
NPRM	10/13/99	64 FR 55453
NPRM Comment Period End	11/12/99	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1338
Email: robert.webb@pr.doe.gov

RIN: 1991-AB52

978. DEPARTMENT OF ENERGY ACQUISITION REGULATION: MANAGEMENT CONTRACTOR COMPENSATION FOR PERSONAL SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 7101; 50 USC 2401

CFR Citation: 48 CFR 970.22; 48 CFR 970.31; 48 CFR 970.52

Legal Deadline: None

Abstract: This action would amend the policy and procedures regarding compensation for personal services

under contracts for management of Department of Energy facilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1339
Email: richard.langston@pr.doe.gov

RIN: 1991-AB61

979. TECHNICAL AMENDMENT OF THE DEPARTMENT OF ENERGY ACQUISITION REGULATION

Priority: Info./Admin./Other

Legal Authority: 42 USC 2201; 42 USC 7101; 50 USC 2401

CFR Citation: 48 CFR 030; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: This action would make technical amendments and corrections to various parts of the Department of Energy Acquisition Regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/29/05	70 FR 43832
NPRM Comment Period End	08/29/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Stephen Zvolensky, Department of Energy, Office of Procurement and Assistance Management, ME-61, 1000 Independence Avenue SW., Washington, DC 20585

Phone: 202 287-1307
Email: stephen.zvolensky@hq.doe.gov

RIN: 1991-AB62

980. DEAR: MAKE OR BUY PLANS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 7101; 50 USC 2401

CFR Citation: 48 CFR 901; 48 CFR 970

Legal Deadline: None

Abstract: The requirement for detailed Make or Buy Plans under all DOE management contracts is being eliminated. Make or buy analysis will be retained for major systems acquisitions. A new clause entitled Performance Improvement and Collaboration is being added. It provides for collaboration among DOE's management contractors and the Department to identify possible improvements in contract performance.

Timetable:

Action	Date	FR Cite
NPRM	12/15/04	69 FR 75017
NPRM Comment Period End	01/14/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1339
Email: richard.langston@pr.doe.gov

RIN: 1991-AB63

981. DEAR: WORK FOR OTHERS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 7101; 50 USC 2401

DOE—PR

Final Rule Stage

CFR Citation: 48 CFR 970.1707; 48 CFR 970.5217-1

Legal Deadline: None

Abstract: This action amended the Department of Energy Acquisition Regulations (DEAR) to provide policies and procedures regarding work for non-DOE entities performed by DOE contractors who manage and operate DOE-owned or -leased facilities. These procedures are being relocated from the DOE Directives to the DEAR as part of a larger effort to decrease overly prescriptive guidance. The contractor requirements previously found in DOE order 481.1B are being relocated to the DEAR.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/15/04	69 FR 75001
Interim Final Rule Comment Period End	01/14/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: A. Scott Geary, Program Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1507

RIN: 1991-AB64

982. • ASSISTANCE REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-58, sec 1007

CFR Citation: Not Yet Determined

Legal Deadline: Final, Statutory, November 7, 2005, 90 days after enactment.

Abstract: This action will implement section 1007 of the Energy Policy Act of 2005, which authorizes DOE to enter

into transactions other than contracts, cooperative agreements, and grants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Trudy Wood, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-5625
Email: trudy.wood@pr.doe.gov

RIN: 1991-AB72

Department of Energy (DOE)

Final Rule Stage

Office of General Counsel (OGC)

983. CONDUCT OF EMPLOYEES

Priority: Info./Admin./Other

Legal Authority: 42 USC 7211 et seq; PL 103-160, sec 3161; EO 12674

CFR Citation: 10 CFR 1010; 5 CFR 2635

Legal Deadline: None

Abstract: The DOE regulation on conduct of employees needs to be revised to reflect the issuance of the Standards of Ethical Conduct for

Employees of the Executive Branch (5 CFR 2635) and the repeal of conflict-of-interest provisions formerly applicable to DOE employees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/96	61 FR 35085
Interim Final Rule Comment Period End	09/03/96	
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Susan Beard, Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-1522

RIN: 1990-AA19

Department of Energy (DOE)

Completed Actions

Office of General Counsel (OGC)

984. CLAIMS FOR DAMAGES AGAINST DEPARTMENT OF ENERGY EMPLOYEES

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 1014

Completed:

Reason	Date	FR Cite
Withdrawn by Program Office	05/19/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Susan Beard
Phone: 202 586-1522

RIN: 1990-AA26

[FR Doc. 05-19913 Filed 10-28-05; 8:45 am]

BILLING CODE 6450-01-S