



Federal Register

**Monday,
December 22, 2003**

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 Energy Planning and Review,” 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601–612 (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: Richard L. Farman, Room 6E–078, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–8145.

SUPPLEMENTARY INFORMATION: Entries appended to this notice reflect the status of activities as of approximately September 15, 2003. 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 October 31, 2003.

Lee Liberman Otis,
General Counsel.

Energy Efficiency and Renewable Energy—Prerule Stage

Sequence Number	Title	Regulation Identification Number
895	Energy Efficiency Standards for Residential Furnaces, Boilers, and Mobile Home Furnaces (Reg Plan Seq No. 35)	1904–AA78
896	Determination for Small Electric Motors	1904–AA87
897	Energy Efficiency Standards for Electric Distribution Transformers (Reg Plan Seq No. 36)	1904–AB08
898	Energy Efficiency Standards for Commercial Central Air Conditioning Units and Heat Pumps Rated 65–240 kBtus/Hr (Reg Plan Seq No. 37)	1904–AB09

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

Energy Efficiency and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
899	Energy Efficiency Code for New Federal Residential Low–Rise Buildings	1904–AA53
900	State and Local Incentives Program: Alternative Fuels	1904–AA66
901	Test Procedures for Electric Distribution Transformers	1904–AA85
902	Energy Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings	1904–AB13
903	Coverage of Certain Types of Commercial Refrigeration Equipment (Reach-In Freezers, Reach-In Refrigerators, Vending Machines, and Beverage Merchandisers)	1904–AB14
904	Coverage of Certain Incandescent Reflector Lamps, Torchieres, and Ceiling Fans	1904–AB15
905	Energy Conservation Program for Consumer Products: Test Procedures for Clothes Washers	1904–AB43
906	Energy Conservation Standards for Small Duct, High Velocity Central Air Conditioning, and Heat Pump Systems ..	1904–AB45

Energy Efficiency and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
907	Test Procedures for Residential Central Air Conditioners and Heat Pumps—Amendments	1904–AA46
908	Test Procedures for Commercial Water Heaters	1904–AA95
909	Test Procedures for Commercial Warm Air Furnaces	1904–AA96
910	Test Procedures for Commercial Air Conditioning Equipment	1904–AA97
911	Alternative Fueled Vehicle Acquisition Requirements for Private and Local Government Fleets	1904–AA98
912	Test Procedures for Commercial Package Boilers	1904–AB02

DOE

Energy Efficiency and Renewable Energy—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
913	Energy Efficiency Program for Commercial and Industrial Equipment: Efficiency Standards for 3-Phase Air Conditioners and Heat Pump Less Than 65 kBtu/h; Tankless Gas-Fired Instantaneous Water Heaters	1904-AB16
914	Energy Efficiency Program for Commercial and Industrial Equipment: Efficiency Standards for Packaged Terminal Air Conditioners and Heat Pumps; and Oil- and Gas-Fired Commercial Package Boilers	1904-AB17
915	Energy Efficiency Program for Commercial and Industrial Equipment: Efficiency Standards for Commercial Single Packaged Vertical Air-Conditioners and Commercial Single Packaged Vertical Heat Pumps	1904-AB44

Energy Efficiency and Renewable Energy—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
916	National Voluntary Residential Energy Efficiency Rating Guidelines	1904-AA74
917	Determination for High-Intensity Discharge Lamps	1904-AA86
918	Energy Efficiency Standards for Clothes Dryers and Dishwashers	1904-AA89
919	Energy Efficiency Standards for Pool Heaters and Direct Heating Equipment	1904-AA90
920	Energy Efficiency Standards for 1–200 HP Electric Motors	1904-AA91
921	Energy Efficiency Standards for Fluorescent and Incandescent Lamps	1904-AA92

Energy Efficiency and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identification Number
922	Test Procedures for Dishwashers—Amendment	1904-AB10

Defense and Security Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
923	Computer Security; Access to Information on National Nuclear Security Administration Computer Systems	1992-AA27
924	Criteria and Procedures for Nonprejudicial Restriction of Access Authorization	1992-AA32
925	Initial Parts of NNSA Acquisition Regulation (NAR)	1992-AA34

Defense and Security Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
926	Physical Protection of Security Interests	1992-AA23
927	Procedural Rules for the Assessment of Civil Penalties for Security Violations	1992-AA28
928	Human Reliability Program	1992-AA29
929	Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material, Subpart A	1992-AA31
930	Polygraph Examination Regulations	1992-AA33

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
931	Freedom of Information Act	1901-AA32
932	Research Misconduct	1901-AA89

DOE

Departmental and Others—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
933	Occupational Radiation Protection	1901-AA95
934	Worker Safety and Health (Reg Plan Seq No. 38)	1901-AA99
935	Low Density Discount	1901-AB12

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 Identification Number
936	Radiation Protection of the Public and the Environment (Reg Plan Seq No. 39)	1901-AA38
937	Economic Development Transfers of Real Property	1901-AA82
938	Guidelines for Voluntary Greenhouse Gas Reporting	1901-AB11

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 Identification Number
939	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 Identification Number
940	Nondiscrimination in Federally Assisted Programs or Activities	1901-AA86
941	Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites: Technical Amendments	1901-AA88
942	Compliance With Floodplain and Wetland Environmental Review Requirements	1901-AA94
943	Safety Net Cost Recovery Adjustment Rate Proceeding	1901-AA96
944	Transmission Rate Proceeding	1901-AA97
945	Collection of Claims Owed the United States	1901-AA98

Office of Procurement and Assistance Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
946	New and Revised DEAR Clauses	1991-AB60
947	DEAR: Make or Buy Plans	1991-AB63
948	DEAR Changes to Provisions for Facilities Management, Work Authorization, Contractor's Organization, Contractor Relations, and Laws, Regulations, and Directives	1991-AB65

Office of Procurement and Assistance Management—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
949	Organizational Conflict of Interest Disclosure	1991-AB52
950	Acquisition Regulation: Payment of Fee Relating to Security Issues/Conditional Payment of Fee	1991-AB54
951	Financial Assistance Regulation: Administrative Requirements Related to For-Profit Organizations	1991-AB57

DOE

Office of Procurement and Assistance Management—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
952	Department of Energy Acquisition Regulation: Management Contractor Compensation for Personal Services	1991-AB61
953	Technical Amendment of the Department of Energy Acquisition Regulation	1991-AB62
954	DEAR: Work for Others	1991-AB64
955	Financial Assistance Regulations: Implementation of OMB Grants Management Policies	1991-AB66

Office of Procurement and Assistance Management—Completed Actions

Sequence Number	Title	Regulation Identification Number
956	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	1991-AB56
957	Energy Department Motor Vehicle Fleet Fuel Efficiency	1991-AB59

Office of General Counsel—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
958	Conduct of Employees	1990-AA19
959	Claims for Damages Against Department of Energy Employees	1990-AA26

Office of General Counsel—Completed Actions

Sequence Number	Title	Regulation Identification Number
960	Collection of Claims Owed the United States	1990-AA28

Department of Energy (DOE)

Prerule Stage

Energy Efficiency and Renewable Energy (EE)

895. ENERGY EFFICIENCY STANDARDS FOR RESIDENTIAL FURNACES, BOILERS, AND MOBILE HOME FURNACES

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

RIN: 1904-AA78

896. DETERMINATION FOR SMALL ELECTRIC MOTORS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6317

CFR Citation: 10 CFR 431

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

Abstract: The Energy Policy Act of 1992 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	08/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: The Department's regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a high

priority and the Department is gathering information and conducting analyses in preparation for a determination under 42 U.S.C. 6317(b).

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

RIN: 1904-AA87

DOE—EE

Prerule Stage

897. ENERGY EFFICIENCY STANDARDS FOR ELECTRIC DISTRIBUTION TRANSFORMERS

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

RIN: 1904-AB08

898. ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL CENTRAL AIR CONDITIONING UNITS AND HEAT PUMPS RATED 65-240 KBTUS/HR

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

RIN: 1904-AB09

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

Proposed Rule Stage

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

Priority: Other Significant

Legal Authority: 42 USC 6834

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 24, 1994, Final.

Abstract: Title III of the Energy Conservation and Production Act as amended by the Energy Policy Act of 1992 directs DOE to establish Federal building energy standards that require in new Federal buildings those energy efficiency measures that are technologically feasible and economically justified. The standards for Federal buildings are intended to parallel closely the voluntary building energy codes of the Energy Policy Act for private sector construction. Interim energy performance standards which DOE had issued before enactment of the Energy Policy Act are to remain in effect for the Federal sector until the new Federal building energy standards become effective.

Timetable:

Action	Date	FR Cite
NPRM	05/02/97	62 FR 24164
NPRM Comment Period End	07/14/97	
Supplemental NPRM	03/00/04	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Stephen P. Walder, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585

Phone: 202 586-9209

RIN: 1904-AA53

900. 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, Final.

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
Withdraw NPRM	12/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Agency Contact: Dorothy Wormley, Office of Weatherization and Intergovernmental Programs, Department of Energy, Energy Efficiency and Renewable Energy, EE-2K, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-7028

RIN: 1904-AA66

901. TEST PROCEDURES FOR ELECTRIC DISTRIBUTION TRANSFORMERS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6317

CFR Citation: 10 CFR 430

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

Abstract: The Energy Policy Act of 1992 requires the Department to prescribe testing requirements for 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.

Timetable:

Action	Date	FR Cite
Determination Notice	10/22/97	62 FR 54809
NPRM	11/12/98	63 FR 63359
Supplemental NPRM	11/00/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a high priority, and the Department is working actively on this action.

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DOE—EE

Proposed Rule Stage

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 RIN: 1904-AA85

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

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6834

CFR Citation: 10 CFR 434

Legal Deadline: None

Abstract: Section 305(a)(1) of the Energy Conservation and Production Act, as amended, requires the Department to establish by rule building energy efficiency standards for all new Federal commercial and multi-family high-rise residential (over three stories in height above ground) buildings. In developing this rule, DOE is directed to consult with other Federal agencies as well as private, State, and other appropriate entities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	07/00/04	

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, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
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 Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AB13

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

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6311; 42 USC 6312

CFR Citation: 10 CFR 431

Legal Deadline: None

Abstract: The Energy Policy and Conservation Act (EPCA) section 341 allows the Secretary to include a type

of industrial equipment as covered equipment. DOE is undertaking an analysis of reach-in refrigerators/freezers and beverage merchandisers/vending machines to determine whether to classify this equipment as "covered." If this equipment is covered, DOE will undertake rulemakings for test procedures.

Timetable:

Action	Date	FR Cite
NPRM—Coverage of Certain Commercial Equipment	02/00/04	
Final Rule—Coverage of Certain Commercial Equipment	08/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Linda Graves, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AB14

904. COVERAGE OF CERTAIN INCANDESCENT REFLECTOR LAMPS, TORCHIERES, AND CEILING FANS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6291; 42 USC 6292

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: The Energy Policy and Conservation Act (EPCA) section 322 allows the Secretary to classify additional consumer products as "covered products." DOE is undertaking an analysis of elliptical reflector and bulged reflector incandescent lamps, torchieres, and ceiling fans to determine whether to classify these products as "covered." If these products are covered, DOE will undertake rulemakings for test procedures. The Secretary is required to define "household" as part of the coverage process.

Timetable:

Action	Date	FR Cite
NPRM—Coverage of Residential Products	02/00/04	
Final Rule—Coverage of Residential Products	08/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Linda Graves, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AB15

905. • ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS: TEST PROCEDURES FOR CLOTHES WASHERS

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

Legal Authority: 42 USC 6291 et seq

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: This action would amend the clothes washer test procedure that is to take effect January 1, 2004, concurrent with the new energy efficiency standards for clothes washers. A proposed rule is being published in concert with the direct final rule, in case adverse comments are received.

Timetable:

Action	Date	FR Cite
NPRM	10/31/03	68 FR 62205
Direct Final Rule	10/31/03	68 FR 62198
NPRM Comment Period End	12/01/03	
Final Action Effective	01/01/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Barbara Twigg, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000

DOE—EE

Proposed Rule Stage

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RIN: 1904-AB43

906. • ENERGY CONSERVATION STANDARDS FOR SMALL DUCT, HIGH VELOCITY CENTRAL AIR CONDITIONING, AND HEAT PUMP SYSTEMS

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

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Final, Statutory, January 1, 1994, Final.

Abstract: The Energy Policy and Conservation Act, as amended, establishes initial energy-efficiency standard levels for most types of major residential appliances and generally requires DOE to undertake two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. The initial review of the statutory standards for central air conditioners and heat pumps was published on May 23, 2002 (67 FR 36368). At that time DOE did not have an analytical basis to set standards for small duct high velocity systems and deferred setting those standards to a later date. This rulemaking will establish those standards.

Timetable:

Action	Date	FR Cite
NPRM	02/00/04	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Raymond, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AB45

Department of Energy (DOE)

Final Rule Stage

Energy Efficiency and Renewable Energy (EE)

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

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: These revisions to the test procedures for central air conditioners and heat pumps in accordance with the Energy Policy and Conservation Act will reorganize the test procedure regulations to place them in a logical order and also will update the references. The revisions include an updated nomenclature compatible with the test procedure for combined (domestic hot water and central air conditioners or heat pumps) appliances, additional tables listing test tolerances, a clearer specification for the demand defrost credit, and test methods for ECM (electronically commutated motor) blowers and history-dependent defrosts.

Timetable:

Action	Date	FR Cite
NPRM	01/22/01	66 FR 6768
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Raymond, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA46

908. TEST PROCEDURES FOR COMMERCIAL WATER HEATERS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 431

Legal Deadline: None

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial water heating products, prescribes test procedures, and requires labeling for such equipment. This action would promulgate by regulation the energy conservation standards and test procedures established in EPCA for these products. This action will incorporate by reference energy conservation standards and test procedures, as promulgated by EPCA and as revised by the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE).

Timetable:

Action	Date	FR Cite
NPRM	08/09/00	65 FR 48852
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Mohammed Kahn, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA95

909. TEST PROCEDURES FOR COMMERCIAL WARM AIR FURNACES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 431

Legal Deadline: None

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial furnaces, prescribes test procedures, and authorizes labeling for such equipment. This action would promulgate by regulation the energy conservation standards and test procedures

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Final Rule Stage

established in EPCA for commercial furnaces. This action will also incorporate by reference energy conservation standards and test procedures for commercial furnaces, as revised by the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), and will also include enforcement and other provisions for commercial products generally.

Timetable:

Action	Date	FR Cite
NPRM	12/13/99	64 FR 69597
Final Action	12/00/03	

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

Agency Contact: Mohammed Kahn, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
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Email: mohammed.kahn@ee.doe.gov

RIN: 1904-AA96**910. TEST PROCEDURES FOR COMMERCIAL AIR CONDITIONING EQUIPMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial air conditioning equipment, prescribes test procedures, and authorizes labeling for such equipment. This action would promulgate by regulation the energy conservation standards and test procedures established in EPCA for these products. This action will also incorporate by reference energy conservation standards and test procedures, as promulgated by EPCA and as revised by the Air Conditioning and Refrigeration Institute or by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ARI/ASHRAE).

Timetable:

Action	Date	FR Cite
NPRM	08/09/00	65 FR 48828
Final Action	12/00/03	

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

Agency Contact: Mohammed Kahn, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA97**911. ALTERNATIVE FUELED VEHICLE ACQUISITION REQUIREMENTS FOR PRIVATE AND LOCAL GOVERNMENT FLEETS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 13257**CFR Citation:** 10 CFR 490**Legal Deadline:** NPRM, Statutory, May 1, 1999, NPRM.

Final, Statutory, April 1, 2000, Final.

Abstract: The Energy Policy Act of 1992 (the Act) requires DOE to initiate a rulemaking to determine whether a private and local fleet program is deemed necessary to meet the fuel replacement goals of the Act. The criteria for making this determination are mandated by the Act.

DOE has completed the proposed rule and anticipates publication of the final rule in late 2003.

Timetable:

Action	Date	FR Cite
ANPRM	04/17/98	63 FR 19372
Notice of Public Workshops	07/20/00	65 FR 44987
NPRM	03/04/03	68 FR 10320
NPRM Comment Period End	06/02/03	
Final Action	11/00/03	

Regulatory Flexibility Analysis**Required:** Yes**Government Levels Affected:** Local

Agency Contact: Dana O'Hara, Office of Freedomcar and Vehicle Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, EE-2G, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA98**912. TEST PROCEDURES FOR COMMERCIAL PACKAGE BOILERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial boilers, prescribes test procedures, and authorizes labeling for such equipment. This action would promulgate by regulation these provisions. It would also incorporate by reference energy conservation standards and test procedures, as promulgated by EPCA.

Timetable:

Action	Date	FR Cite
NPRM	08/09/00	65 FR 48838
Final Action	12/00/03	

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

Agency Contact: Mohammed Kahn, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AB02**913. ENERGY EFFICIENCY PROGRAM FOR COMMERCIAL AND INDUSTRIAL EQUIPMENT: EFFICIENCY STANDARDS FOR 3-PHASE AIR CONDITIONERS AND HEAT PUMP LESS THAN 65 KBTU/H; TANKLESS GAS-FIRED INSTANTANEOUS WATER HEATERS****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 42 USC 6311 to 6316; 42 USC 6313(a)**CFR Citation:** 10 CFR 431**Legal Deadline:** None

Abstract: The efficiency requirements in the statute correspond to the levels

DOE—EE

Final Rule Stage

in ASHRAE/IESNA Standard 90.1 as in effect on October 24, 1992. The statute further provides that if the efficiency levels in ASHRAE/IESNA Standard 90.1 are amended after that date for any of the covered products, 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 90.1, unless he 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.

Timetable:

Action	Date	FR Cite
Workshop	02/00/04	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Additional Information: Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a high priority and the Department is working actively on this action.

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

RIN: 1904-AB16

914. ENERGY EFFICIENCY PROGRAM FOR COMMERCIAL AND INDUSTRIAL EQUIPMENT: EFFICIENCY STANDARDS FOR PACKAGED TERMINAL AIR CONDITIONERS AND HEAT PUMPS; AND OIL- AND GAS-FIRED COMMERCIAL PACKAGE BOILERS

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 6311 to 6316; 42 USC 6313(a)

CFR Citation: 10 CFR 431

Legal Deadline: None

Abstract: The efficiency requirements in the statute correspond to the levels in ASHRAE/IESNA Standard 90.1 as in effect on October 24, 1992. The statute further provides that if the efficiency levels in ASHRAE/IESNA Standard 90.1 are amended after that date for any of the covered products, 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 90.1, unless he 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

Timetable:

Action	Date	FR Cite
Workshop	02/00/04	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Additional Information: Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a high priority and the Department is working actively on this action.

Agency Contact: Maureen Murphy, EE-2J, Office of Building Technologies

Program, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AB17

915. • ENERGY EFFICIENCY PROGRAM FOR COMMERCIAL AND INDUSTRIAL EQUIPMENT: EFFICIENCY STANDARDS FOR COMMERCIAL SINGLE PACKAGED VERTICAL AIR-CONDITIONERS AND COMMERCIAL SINGLE PACKAGED VERTICAL HEAT PUMPS

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

Legal Authority: 42 USC 6311 to 6316; 42 USC 6313(a)

CFR Citation: 10 CFR 431

Legal Deadline: None

Abstract: The efficiency requirements in the statute correspond to the levels in ASHRAE/IESNA Standard 90.1 as in effect on October 24, 1992. The statute further provides that if the efficiency levels in ASHRAE/IESNA Standard 90.1 are amended after that date for any of the covered products, 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 90.1, unless he 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.

Timetable:

Action	Date	FR Cite
Workshop	02/00/04	
Final Action	06/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

DOE—EE

Final Rule Stage

Additional Information: Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a high

priority and the Department is working actively on this action.

Agency Contact: Maureen Murphy, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies, U.S.

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Email: maureen.murphy@ee.doe.gov
RIN: 1904-AB44

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

Long-Term Actions

916. 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
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Agency Contact: David Boomsma, EE-3B

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Fax: 202 586-1233

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RIN: 1904-AA74

Fax: 202 586-4617

Email: bryan.berringer@ee.doe.gov

RIN: 1904-AA86

918. 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: Barbara Twigg, EE-2J

Phone: 202 586-8714

Email: barbara.twigg@ee.doe.gov

RIN: 1904-AA89

Email: cyrus.nasseri@ee.doe.gov

RIN: 1904-AA90

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

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 431

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James Raba

Phone: 202 586-8654

Email: jim.raba@ee.doe.gov

RIN: 1904-AA91

917. DETERMINATION FOR HIGH-INTENSITY DISCHARGE LAMPS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 430

Timetable:

Action	Date	FR Cite
Determination Notice	11/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Bryan Berringer, EE-2J

Phone: 202 586-0371

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

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 430

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

Agency Contact: Cyrus Nasseri, EE-2J

Phone: 202 586-9138

921. 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: Ronald Lewis

Phone: 202 586-8423

Email: ronald.lewis@ee.doe.gov

RIN: 1904-AA92

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

Completed Actions

922. TEST PROCEDURES FOR DISHWASHERS—AMENDMENT

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 430

Completed:

Reason	Date	FR Cite
Final Action	08/29/03	68 FR 51887

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: Barbara Twigg, EE-2J

DOE—EE

Completed Actions

Phone: 202 586-8714
 Email: barbara.twigg@ee.doe.gov
 RIN: 1904-AB10

Department of Energy (DOE)
Defense and Security Affairs (DSA)

Proposed Rule Stage

923. COMPUTER SECURITY; ACCESS TO INFORMATION ON NATIONAL NUCLEAR SECURITY ADMINISTRATION COMPUTER SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7101 et seq; 42 USC 2011 et seq; 50 USC 2425; 50 USC 2483(c)

CFR Citation: Not Yet Determined

Legal Deadline: NPRM, Statutory, January 3, 2000, NPRM.

Abstract: This action would codify rules governing access by any individual to information on National Nuclear Security Administration computer systems.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	
Final Action	06/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Catherine McCulloch, Department of Energy, National Nuclear Security Administration, 1000 Independence Avenue SW., Washington, DC 20585
 Phone: 202 586-2515

RIN: 1992-AA27

924. CRITERIA AND PROCEDURES FOR NONPREJUDICIAL RESTRICTION OF ACCESS AUTHORIZATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2165; 42 USC 2201; EO 10450; 42 USC 5814; 42 USC 5815

CFR Citation: 3 CFR 1949 to 1953 Comp., p. 936; 3 CFR 1959 to 1963 Comp., p. 398; 3 CFR ch IV, sec 104(c)

Legal Deadline: None

Abstract: This action would amend the Department's regulations to allow for the automatic restriction of DOE access authorizations when cleared individuals are subject to a proposed involuntary separation from employment due to reduction in force, workforce restructuring, or other cause not predicated upon the personal actions of the individual. The proposed amendment would also allow for limited restoration of access to classified matter in order for essential work to continue.

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Interim Final Rule	01/00/04	
Final Action	03/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Mary E. Gallion, Department of Energy, SO-112, 1000 Independence Avenue SW., Washington, DC 20585

Phone: 301 903-6545
 Email: mary.gallion@hq.doe.gov
 RIN: 1992-AA32

925. • INITIAL PARTS OF NNSA ACQUISITION REGULATION (NAR)

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

Legal Authority: 40 USC 486(c); 50 USC 2402

CFR Citation: 48 CFR ch 11

Legal Deadline: NPRM, Statutory, December 1, 2003, NPRM.

Abstract: This action would initiate the implementation of an acquisition regulation for National Nuclear Security Administration (NNSA).

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ed Lovett, Director, Procurement and Assistance Policy, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585
 Phone: 202 586-8257
 Email: ed.lovett@nnsa.doe.gov

RIN: 1992-AA34

Department of Energy (DOE)
Defense and Security Affairs (DSA)

Final Rule Stage

926. 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. The proposed revisions are to update

administrative and organizational information for clarification purposes.

Timetable:

Action	Date	FR Cite
NPRM	04/14/03	68 FR 17886
NPRM Correction	04/18/03	68 FR 19166

DOE—DSA

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	06/13/03	
Interim Final Rule	11/00/03	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Ronnie M. Edge, Department of Energy, Office of Security, Germantown, MD 20874
Phone: 301 903-4247**RIN:** 1992-AA23**927. PROCEDURAL RULES FOR THE ASSESSMENT OF CIVIL PENALTIES FOR SECURITY VIOLATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2011 et seq; 42 USC 7101 et seq; 42 USC 2282(b)**CFR Citation:** 10 CFR 824**Legal Deadline:** None**Abstract:** This action would define the process for the imposition of civil penalties on contractors for violations relating to the safeguarding or security of classified or sensitive data.**Timetable:**

Action	Date	FR Cite
NPRM	04/01/02	67 FR 15339
NPRM Comment Period End	07/01/02	
Final Action	12/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Geralyn C. Praskievicz, Department of Energy, Office of Security, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-4451**RIN:** 1992-AA28**928. HUMAN RELIABILITY PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254**CFR Citation:** 10 CFR 710; 10 CFR 711; 10 CFR 712**Legal Deadline:** None**Abstract:** This action would establish a Human Reliability Program that would consolidate the Department's Personnel Security Assurance Program (PSAP) and its Personnel Assurance Program (PAP). PSAP is an access authorization program for individuals who apply for or occupy certain positions that are critical to the national security. The PSAP requires an initial and annual supervisory review, medical assessment, management evaluation, and a DOE personnel security review of all applicants or incumbents. The PAP is a nuclear explosives safety program using many of the evaluations of the PSAP to ensure that employees assigned to nuclear explosive duties do not have emotional, mental, or physical conditions that could result in an accidental or unauthorized detonation of nuclear explosives.**Timetable:**

Action	Date	FR Cite
NPRM Final Action	07/12/02 11/00/03	67 FR 46912

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Lynn Gebrowsky, Office of Security, Department of Energy, 19902 Germantown Road, Germantown, MD 20874
Phone: 301 903-6637**RIN:** 1992-AA29**929. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SPECIAL NUCLEAR MATERIAL, SUBPART A****Priority:** Info./Admin./Other**Legal Authority:** EO 12968; 42 USC 2201**CFR Citation:** 10 CFR 710, subpart A**Legal Deadline:** None**Abstract:** This action would update the responsibilities and authorities to reflect organizational changes.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** A. Barry Dalinsky, Personnel Security Specialist, Department of Energy, Office of Security, Germantown, MD 20874-1290
Phone: 301 903-5010**RIN:** 1992-AA31**930. POLYGRAPH EXAMINATION REGULATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2011 et seq; 42 USC 7101 et seq; 42 USC 7383h-1**CFR Citation:** 10 CFR 709**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
Correction to NPRM	04/18/03	68 FR 19166
Final Action	12/00/03	

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)

Proposed Rule Stage

931. 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	12/00/03	
Final Action	06/00/04	

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

932. RESEARCH MISCONDUCT

Priority: Substantive, Nonsignificant

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

CFR Citation: Not Yet Determined

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	05/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: William J. Valdez, Director, Office of Planning and Analysis, Department of Energy, Office of Science, 1000 Independence Avenue SW., Washington, DC 20585
 Phone: 202 586-9942
 Fax: 202 586-7719
 Email: bill.valdez@science.doe.gov

RIN: 1901-AA89

933. OCCUPATIONAL RADIATION PROTECTION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 7191

CFR Citation: 10 CFR 835

Legal Deadline: None

Abstract: This action would amend the Department of Energy's occupational radiation protection regulations 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.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Peter O'Connell, Department of Energy, Office of Worker Protection Policy and Programs, 1000 Independence Avenue S.W., Washington, DC 20585
 Phone: 301 903-5641

RIN: 1901-AA95

934. WORKER SAFETY AND HEALTH

Regulatory Plan: This entry is Seq. No. 38 in part II of this issue of the **Federal Register**.

RIN: 1901-AA99

935. • LOW DENSITY DISCOUNT

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

Legal Authority: 16 USC 839e(d)(1)

CFR Citation: None

Legal Deadline: None

Abstract: Pursuant to section 7(d)(1) of the Northwest Power Act, in order to avoid adverse impacts on retail rates of BPA wholesale customers with low system densities, BPA offers low density discounts (LDD) through the Administrator's power rates. When BPA revised the LDD in BPA's 2002 power rate case, BPA changed part of its General Rate Schedule Provisions (GRSPs). The GRSPs now base part of the LDD calculation on a customer's "Total Retail Load," instead of its "total electric energy requirements." This change may have the inadvertent effect of allowing certain utilities to be eligible for the LDD based on their sales for resale, which are not a proper basis for the discount. BPA has not yet decided, but may revise the LDD in a section 7(i) hearing to correct this anomaly. The LDD is an intraclass allocation of costs. BPA's LDD costs would be slightly lower if revised as described.

Timetable:

Action	Date	FR Cite
Proposed Record of Decision	01/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kurt Casad, Department of Energy, Bonneville Power Administration, P.O. Box 3621-LP-7, Portland, OR 97208
 Phone: 503 230-4024

RIN: 1901-AB12

**Department of Energy (DOE)
Departmental and Others (ENDEP)**
Final Rule Stage**936. 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

937. 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 would establish 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 would also establish 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.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/29/00	65 FR 10685
Final Action	01/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Andrew Duran, Realty Officer, ME-90, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-4548
Email: andrew.duran@hq.doe.gov

RIN: 1901-AA82

938. • 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. 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	02/03/04	
Final Action	05/00/04	

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
Phone: 202 586-0124

RIN: 1901-AB11

**Department of Energy (DOE)
Departmental and Others (ENDEP)**
Long-Term Actions**939. 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	04/14/89	54 FR 29732
Final Action	To Be 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**940. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES**

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 1040

Completed:

Reason	Date	FR Cite
Final Action	08/26/03	68 FR 51333
Final Action Effective	09/25/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Sharon Wyatt
Phone: 202 586-2256

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RIN: 1901-AA86

941. REIMBURSEMENT FOR COSTS OF REMEDIAL ACTION AT ACTIVE URANIUM AND THORIUM PROCESSING SITES: TECHNICAL AMENDMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 765

Completed:

Reason	Date	FR Cite
Final Rule	06/03/03	68 FR 32955

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: David E. Mathes
Phone: 301 903-7222

RIN: 1901-AA88

942. COMPLIANCE WITH FLOODPLAIN AND WETLAND ENVIRONMENTAL REVIEW REQUIREMENTS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 1022

DOE—ENDEP

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	08/27/03	68 FR 51429

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Carolyn Osborne
Phone: 202 586-4600

RIN: 1901-AA94

943. SAFETY NET COST RECOVERY ADJUSTMENT RATE PROCEEDING

Priority: Substantive, Nonsignificant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Record of Decision	07/10/03	68 FR 41114

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Byron G. Keep
Phone: 503 230-5660

RIN: 1901-AA96

944. TRANSMISSION RATE PROCEEDING

Priority: Substantive, Nonsignificant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Record of Decision	05/02/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Barry Bennett
Phone: 503 230-4053

RIN: 1901-AA97

945. COLLECTION OF CLAIMS OWED THE UNITED STATES

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 1015

Completed:

Reason	Date	FR Cite
Direct Final Rule	08/14/03	68 FR 48531

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Helen O. Sherman
Phone: 202 586-4860

RIN: 1901-AA98

Department of Energy (DOE)

Proposed Rule Stage

Office of Procurement and Assistance Management (PR)

946. NEW AND REVISED DEAR CLAUSES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 7254

CFR Citation: 48 CFR 970; 48 CFR 901 to 952

Legal Deadline: None

Abstract: This action would revise part 970 and related parts of DEAR to eliminate provisions that are unnecessary, obsolete, or duplicated elsewhere in title 48.

Timetable:

Action	Date	FR Cite
NPRM	12/00/03	

Regulatory Flexibility Analysis

Required: 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
Phone: 202 586-8192

RIN: 1991-AB60

947. 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	11/00/03	
Final Action	07/00/04	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Irma Brown,
Procurement Analyst, Department of
Energy, Office of Procurement and
Assistance Management, ME-61, 1000
Independence Avenue SW.,
Washington, DC 20585
Phone: 202 586-8455

Email: irma.brown@hq.doe.gov

RIN: 1991-AB63

948. • DEAR CHANGES TO PROVISIONS FOR FACILITIES MANAGEMENT, WORK AUTHORIZATION, CONTRACTOR'S ORGANIZATION, CONTRACTOR RELATIONS, AND LAWS, REGULATIONS, AND DIRECTIVESPriority: 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 10 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.

DOE—PR

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/00/03	
Final Action	05/00/04	

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
Phone: 202 586-8192

RIN: 1991-AB65

Department of Energy (DOE)**Final Rule Stage****Office of Procurement and Assistance Management (PR)****949. 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
Final Action	12/00/03	

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: 202 586-8264

RIN: 1991-AB52

950. ACQUISITION REGULATION: PAYMENT OF FEE RELATING TO SECURITY ISSUES/CONDITIONAL PAYMENT OF FEE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: This action would make the payment of fees to the Department's major operating contractors conditional on meeting safeguard and security requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/01/01	66 FR 8560
Final Action	11/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Michael L. Righi, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8175

RIN: 1991-AB54

951. FINANCIAL ASSISTANCE REGULATION: ADMINISTRATIVE REQUIREMENTS RELATED TO FOR-PROFIT ORGANIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7173

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: This action seeks comments on whether to issue a rule that prescribes administrative requirements for financial assistance awards tailored specifically to for-profit organizations.

Timetable:

Action	Date	FR Cite
ANPRM	05/08/01	66 FR 23197
NPRM	08/26/02	67 FR 54850
Final Action	11/00/03	

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-AB57

952. 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
Direct Final Rule	12/00/03	

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: 202 586-8247
Email: richard.langston@pr.doe.gov

RIN: 1991-AB61

953. TECHNICAL AMENDMENT OF THE DEPARTMENT OF ENERGY ACQUISITION REGULATION

Priority: Substantive, Nonsignificant

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

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

DOE—PR

Final Rule Stage

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
Direct Final Rule	11/00/03	

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: 202 586-5936
Email: stephen.zvolensky@hq.doe.gov**RIN:** 1991-AB62**954. DEAR: WORK FOR OTHERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 7101; 50 USC 2401**CFR Citation:** 48 CFR 970.1707; 48 CFR 970.5217-1**Legal Deadline:** None**Abstract:** This action would amend 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	12/00/03	

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: 202 586-3299**RIN:** 1991-AB64**955. • FINANCIAL ASSISTANCE REGULATIONS: IMPLEMENTATION OF OMB GRANTS MANAGEMENT POLICIES****Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** PL 106-107**CFR Citation:** 10 CFR 600**Legal Deadline:** None**Abstract:** This action would revise 10 CFR 600.8 to implement the Governmentwide standard format for announcing Federal funding opportunities and the posting of synopses on the Grants.gov FIND Internet site.**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/00/03	

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-AB66**Department of Energy (DOE)****Office of Procurement and Assistance Management (PR)****Completed Actions****956. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 1036**Completed:**

Reason	Date	FR Cite
Final Action	11/26/03	68 FR 66533

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Cynthia Yee
Phone: 202 586-1140**RIN:** 1991-AB56**957. ENERGY DEPARTMENT MOTOR VEHICLE FLEET FUEL EFFICIENCY****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 947; 48 CFR 970.52**Completed:**

Reason	Date	FR Cite
Final Action	09/02/03	68 FR 52129

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Richard B. Langston
Phone: 202 586-8247
Email: richard.langston@pr.doe.gov**RIN:** 1991-AB59

Department of Energy (DOE)
Office of General Counsel (OGC)

Final Rule Stage

958. 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
Final Action	08/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Susan Beard, Acting 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

959. CLAIMS FOR DAMAGES AGAINST DEPARTMENT OF ENERGY EMPLOYEES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 28 USC 2672; 42 USC 7101 et seq

CFR Citation: 10 CFR 1014

Legal Deadline: None

Abstract: This action would provide for the indemnification of employees or former employees of the Department of Energy who are personally liable to pay damages for their official acts or omissions as a result of an adverse judgment or settlement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Susan Beard, Acting 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-AA26

Department of Energy (DOE)
Office of General Counsel (OGC)

Completed Actions

960. • COLLECTION OF CLAIMS OWED THE UNITED STATES

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

Legal Authority: 31 USC 3720A; PL 98-369; 98 Stat. 1153

CFR Citation: 10 CFR 1015; 10 CFR 1018

Legal Deadline: None

Abstract: This action revised the Department of Energy's debt collection

standards to clarify and simplify the standards and reflect procedural changes made by the Debt Collection Improvement Act of 1996 and the General Accounting Office Act of 1996.

Timetable:

Action	Date	FR Cite
Direct Final Rule	08/14/03	68 FR 48531

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Helen O. Sherman, Director, Office of Finance and Accounting Policy, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-4860

RIN: 1990-AA28

[FR Doc. 03-28902 Filed 12-19-03; 8:45 am]

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