



Federal Register

**Monday,
June 28, 2004**

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 601-612 (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 April

30, 2004. 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.

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 June 2, 2004.

Lee Liberman Otis,
General Counsel.

National Nuclear Security Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
752	Initial Parts of NNSA Acquisition Regulation (NAR)	1994-AA00
753	Computer Security: Access to Information on National Nuclear Security Administration Computer Systems	1994-AA01

Energy Efficiency and Renewable Energy—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
754	Energy Efficiency Standards for Residential Furnaces, Boilers, and Mobile Home Furnaces	1904-AA78
755	Determination for High-Intensity Discharge Lamps	1904-AA86
756	Determination for Small Electric Motors	1904-AA87
757	Energy Efficiency Standards for Electric Distribution Transformers	1904-AB08
758	Energy Efficiency Standards for Commercial Central Air Conditioning Units and Heat Pumps Rated 65-240 kBTus/Hr	1904-AB09

Energy Efficiency and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
759	Energy Efficiency Code for New Federal Residential Low-Rise Buildings	1904-AA53
760	State and Local Incentives Program: Alternative Fuels	1904-AA66
761	Test Procedures for Electric Distribution Transformers	1904-AA85
762	Energy Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings	1904-AB13

Energy Efficiency and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
763	Test Procedures for Residential Central Air Conditioners and Heat Pumps—Amendments	1904-AA46
764	Test Procedures for Commercial Water Heaters	1904-AA95
765	Test Procedures for Commercial Warm Air Furnaces	1904-AA96
766	Test Procedures for Commercial Air Conditioning Equipment	1904-AA97
767	Test Procedures for Commercial Package Boilers	1904-AB02
768	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

DOE

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

Sequence Number	Title	Regulation Identifier Number
769	Energy Efficiency Standards for Central Air Conditioners and Heat Pumps	1904-AB46

Energy Efficiency and Renewable Energy—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
770	National Voluntary Residential Energy Efficiency Rating Guidelines	1904-AA74
771	Energy Efficiency Standards for Clothes Dryers and Dishwashers	1904-AA89
772	Energy Efficiency Standards for Pool Heaters and Direct Heating Equipment	1904-AA90
773	Energy Efficiency Standards for 1-200 HP Electric Motors	1904-AA91
774	Energy Efficiency Standards for Fluorescent and Incandescent Lamps	1904-AA92
775	Coverage of Certain Types of Commercial Refrigeration Equipment (Reach-In Freezers, Reach-In Refrigerators, Vending Machines, and Beverage Merchandisers)	1904-AB14
776	Coverage of Certain Incandescent Reflector Lamps, Torchieres, and Ceiling Fans	1904-AB15
777	Energy Efficiency Program for Commercial and Industrial Equipment: Efficiency Standards for 3-Phase Air Conditioners and Heat Pump Less Than 65 kBtu/h	1904-AB16
778	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—Completed Actions

Sequence Number	Title	Regulation Identifier Number
779	Alternative Fueled Vehicle Acquisition Requirements for Private and Local Government Fleets	1904-AA98
780	Energy Conservation Program for Consumer Products: Test Procedures for Clothes Washers	1904-AB43
781	Energy Conservation Standards for Small Duct, High Velocity Central Air Conditioning, and Heat Pump Systems ..	1904-AB45

Defense and Security Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
782	Polygraph Examination Regulations	1992-AA33

Defense and Security Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
783	Physical Protection of Security Interests	1992-AA23
784	Procedural Rules for the Assessment of Civil Penalties for Security Violations	1992-AA28

Defense and Security Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
785	Computer Security; Access to Information on National Nuclear Security Administration Computer Systems	1992-AA27
786	Human Reliability Program	1992-AA29
787	Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material, Subpart A	1992-AA31
788	Criteria and Procedures for Nonprejudicial Restriction of Access Authorization	1992-AA32

DOE

Defense and Security Affairs—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
789	Initial Parts of NNSA Acquisition Regulation (NAR)	1992-AA34

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
790	Freedom of Information Act	1901-AA32
791	Research Misconduct	1901-AA89
792	Occupational Radiation Protection	1901-AA95
793	Guidelines for Voluntary Greenhouse Gas Reporting	1901-AB11

Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
794	Economic Development Transfers of Real Property	1901-AA82
795	Guidelines for Physician Panel Determination on Worker Requests for Assistance in Filing for State Worker's Compensation Benefits; Procedural Amendments	1901-AB13

Departmental and Others—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
796	Radiation Protection of the Public and the Environment	1901-AA38
797	Annotation of Land Records for Remediated Properties in the Uranium Mill Tailings Remedial Action Project (UMTRA)	1901-AA57
798	Worker Safety and Health	1901-AA99

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identifier Number
799	Low Density Discount	1901-AB12

Office of Procurement and Assistance Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
800	DEAR: Make or Buy Plans	1991-AB63
801	DEAR Changes to Provisions for Facilities Management, Work Authorization, Contractor's Organization, Contractor Relations, and Laws, Regulations, and Directives	1991-AB65
802	Cooperative Audit Strategy	1991-AB67

DOE

Office of Procurement and Assistance Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
803	Organizational Conflict of Interest Disclosure	1991-AB52
804	Department of Energy Acquisition Regulation: Management Contractor Compensation for Personal Services	1991-AB61
805	Technical Amendment of the Department of Energy Acquisition Regulation	1991-AB62
806	DEAR: Work for Others	1991-AB64

Office of Procurement and Assistance Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
807	Acquisition Regulation: Payment of Fee Relating to Security Issues/Conditional Payment of Fee	1991-AB54
808	Financial Assistance Regulation: Administrative Requirements Related to For-Profit Organizations	1991-AB57
809	New and Revised DEAR Clauses	1991-AB60
810	Financial Assistance Regulations: Implementation of OMB Grants Management Policies	1991-AB66

Office of General Counsel—Final Rule Stage

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

Office of General Counsel—Long-Term Actions

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

Department of Energy (DOE)

Proposed Rule Stage

National Nuclear Security Agency (NNSA)

752. • 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.

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

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This action was included in the previous regulatory agenda under the RIN 1992-AA34.

Agency Contact: James J. Cavanagh, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-7535

RIN: 1994-AA00

753. • COMPUTER SECURITY: ACCESS TO INFORMATION ON NATIONAL NUCLEAR SECURITY ADMINISTRATION 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 National Nuclear Security Administration computer systems.

DOE—NNSA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/00/04	
Final Action	03/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: This action was included in the previous regulatory agenda under RIN 1992-AA27.

Agency Contact: Catherine McCulloch, Department of Energy, National Nuclear Security Administration, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-2515
RIN: 1994-AA01

Department of Energy (DOE)

Prerule Stage

Energy Efficiency and Renewable Energy (EE)

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

Priority: Economically Significant. Major under 5 USC 801.

Unfunded Mandates: This action may affect the private sector under PL 104-4.

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430

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

Abstract: The Energy Policy and Conservation Act (EPCA), 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.

This is the initial review of the statutory standards for furnaces, boilers, and mobile home furnaces.

Timetable:

Action	Date	FR Cite
ANPRM	09/08/93	58 FR 47326
Framework Workshop	07/17/01	
Venting Workshop	05/08/02	
ANPRM	06/00/04	
NPRM	07/00/05	
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Additional Information: This action is a high priority, and the Department is working actively on this action.

Agency Contact: Mohammed Kahn, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies

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RIN: 1904-AA78

755. DETERMINATION FOR HIGH-INTENSITY DISCHARGE LAMPS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6317

CFR Citation: 10 CFR 430

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

Abstract: The Energy Policy Act of 1992 requires the Department to prescribe test procedures and efficiency standards for high-intensity discharge lamps 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	11/00/04	

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. The Department is gathering information and conducting analysis in preparation for a determination under 42 U.S.C. 631(b).

Agency Contact: Sam Johnson, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies Program, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA86

756. 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, Determination Notice.

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, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies Program, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA87

DOE—EE

Prerule Stage

757. ENERGY EFFICIENCY STANDARDS FOR ELECTRIC DISTRIBUTION TRANSFORMERS**Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 6317**CFR Citation:** 10 CFR 430**Legal Deadline:** None

Abstract: The Energy Policy and Conservation Act, as amended, (EPCA) establishes initial energy efficiency standard levels for certain types of major residential appliances and certain types of commercial equipment. EPCA contains no energy efficiency standards for distribution transformers. This rulemaking will determine whether it is appropriate to establish such standards.

Timetable:

Action	Date	FR Cite
Determination Notice	10/22/97	62 FR 54809
ANPRM	06/00/04	
NPRM	07/00/05	
Final Action	03/00/06	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

Agency Contact: Ronald Lewis, EE-2J, Department of Energy, Office of Building Research and Standards, Energy Efficiency and Renewable Energy, Office of Building Technologies Program, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AB08**758. ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL CENTRAL AIR CONDITIONING UNITS AND HEAT PUMPS RATED 65-240 KBTUS/HR****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy efficiency standard levels for certain types of major residential appliances and certain types of commercial equipment. EPCA requires DOE to amend the standards for products whenever ASHRAE amends its standards.

Timetable:

Action	Date	FR Cite
Screening Workshop	10/01/01	66 FR 43123
ANPRM	06/00/04	
NPRM	07/00/05	
Final Action	03/00/06	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

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RIN: 1904-AB09

Department of Energy (DOE)

Proposed Rule Stage

Energy Efficiency and Renewable Energy (EE)

759. 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.

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	12/00/04	
Final Action	12/00/05	

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

Agency Contact: Stephen P. Walder, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies Program, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA53**760. 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
Withdraw NPRM	12/00/04	

Regulatory Flexibility Analysis**Required:** No

DOE—EE

Proposed Rule Stage

Government Levels Affected: State, Local

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

RIN: 1904-AA66

761. 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, Determination Notice.

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

Action	Date	FR Cite
NPRM	11/12/98	63 FR 63359
Supplemental NPRM	06/00/04	
Final Action	03/00/05	

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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RIN: 1904-AA85

762. 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	08/00/04	
Final Action	02/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1904-AB13

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

Final Rule Stage

763. 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	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Raymond, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies

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RIN: 1904-AA46

764. 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

DOE—EE

Final Rule Stage

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	07/00/04	

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

Agency Contact: Mohammed Kahn, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies Program, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA95**765. 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 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	07/00/04	

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

Agency Contact: Mohammed Kahn, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies Program, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA96**766. 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	07/00/04	

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

Agency Contact: Mohammed Kahn, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies Program, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA97**767. 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	07/00/04	

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

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RIN: 1904-AB02**768. 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

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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	03/00/05	
Final Action	05/00/05	

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.

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RIN: 1904-AB17

769. • ENERGY EFFICIENCY STANDARDS FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6291 to 6309; 28 USC 2461 note

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: This action would replace the standards levels that were established by a final rule published by DOE on May 23, 2002, with the higher standard levels contained in a final rule published by DOE on January 22, 2001.

On January 13, 2004, the U.S. Court of Appeals for the Second Circuit ruled that DOE's actions withdrawing the January 22, 2001, rule and promulgating a rule establishing lower standards were unlawful. In addition, this action would set standards for space constrained products at the levels set by the May 23, 2002 final rule. The January 22, 2001 final rule established the space constrained product class, but reserved standards pending further rulemaking.

Timetable:

Action	Date	FR Cite
Final Action	07/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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-AB46

Department of Energy (DOE)

Long-Term Actions

Energy Efficiency and Renewable Energy (EE)

770. 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

Phone: 202 586-7086

Fax: 202 586-1233

Email: david.boomsma@ee.doe.gov

RIN: 1904-AA74

771. 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

772. 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 Nasser, EE-2J
Phone: 202 586-9138

Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AA90

773. 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, EE-2J
Phone: 202 586-8654

DOE—EE

Long-Term Actions

Email: jim.raba@ee.doe.gov
 RIN: 1904-AA91

774. 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, EE-2J
 Phone: 202 586-8423
 Email: ronald.lewis@ee.doe.gov

RIN: 1904-AA92

775. 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

Timetable:

Action	Date	FR Cite
NPRM – Coverage of Certain Commercial Equipment	12/00/05	
Final Rule – Coverage of Certain Commercial Equipment	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Linda Graves, EE-2J

Phone: 202 586-1851
 Email: linda.graves@ee.doe.gov
 RIN: 1904-AB14

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

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 430

Timetable:

Action	Date	FR Cite
NPRM – Coverage of Residential Products	12/00/05	
Final Rule – Coverage of Residential Products	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Linda Graves, EE-2J
 Phone: 202 586-1851
 Email: linda.graves@ee.doe.gov

RIN: 1904-AB15

777. ENERGY EFFICIENCY PROGRAM FOR COMMERCIAL AND INDUSTRIAL EQUIPMENT: EFFICIENCY STANDARDS FOR 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

Timetable:

Action	Date	FR Cite
Workshop	11/00/05	
Final Action	03/00/06	

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

RIN: 1904-AB16

778. 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.

CFR Citation: 10 CFR 431

Timetable:

Action	Date	FR Cite
Workshop	11/00/05	
Final Action	03/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: 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

RIN: 1904-AB44

Department of Energy (DOE)

Energy Efficiency and Renewable Energy (EE)

Completed Actions

779. ALTERNATIVE FUELED VEHICLE ACQUISITION REQUIREMENTS FOR PRIVATE AND LOCAL GOVERNMENT FLEETS

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

CFR Citation: 10 CFR 490

Completed:

Reason	Date	FR Cite
Final Action	01/29/04	69 FR 4219

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Agency Contact: Dana O'Hara, EE-2G
 Phone: 202 586-8063
 Email: dana.o'hara@ee.doe.gov

RIN: 1904-AA98

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

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

CFR Citation: 10 CFR 430

DOE—EE

Completed Actions

Completed:

Reason	Date	FR Cite
NPRM	10/31/03	68 FR 62205
Direct Final Rule	10/31/03	68 FR 62198
Direct Final Rule Effective	01/01/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Barbara Twigg, EE-2J
Phone: 202 586-8714

Email: barbara.twigg@ee.doe.gov

RIN: 1904-AB43

781. 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.

CFR Citation: 10 CFR 430.32

Completed:

Reason	Date	FR Cite
Withdrawn by Program Office	04/30/04	

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-AB45

Department of Energy (DOE)

Defense and Security Affairs (DSA)

Proposed Rule Stage

782. 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
Revised NPRM	06/00/04	

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)

Defense and Security Affairs (DSA)

Final Rule Stage

783. 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. An Interim Final Rule to clarify the role of Local Law Enforcement Agencies in annual training exercises will be published in advance of a more extensive revision of the rule. The major revision will 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	04/14/03	68 FR 17886
NPRM Correction	04/18/03	68 FR 19166
NPRM Comment Period End	06/13/03	
Interim Final Rule	07/00/04	
Revised NPRM	01/00/05	
Final Action	08/00/05	

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

784. 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	07/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

DOE—DSA

Final Rule Stage

Government Levels Affected: None
Agency Contact: GERALYN C. PRASKIEWICZ, Department of Energy,

Office of Security, 1000 Independence Avenue SW., Washington, DC 20585

Phone: 202 586-4451

RIN: 1992-AA28

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

Completed Actions

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

Priority: Substantive, Nonsignificant
CFR Citation: Not Yet Determined
Completed:

Reason	Date	FR Cite
Reassigned to RIN 1994-AA01	05/18/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Catherine McCulloch
 Phone: 202 586-2515

RIN: 1992-AA27

786. HUMAN RELIABILITY PROGRAM

Priority: Substantive, Nonsignificant
CFR Citation: 10 CFR 710; 10 CFR 711; 10 CFR 712

Completed:

Reason	Date	FR Cite
Final Action	01/23/04	69 FR 3213

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Lynn Gebrowsky
 Phone: 301 903-6637
RIN: 1992-AA29

787. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SPECIAL NUCLEAR MATERIAL, SUBPART A

Priority: Info./Admin./Other

CFR Citation: 10 CFR 710 subpart A

Completed:

Reason	Date	FR Cite
Withdrawn	04/29/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: A. Barry Dalinsky
 Phone: 301 903-5010

RIN: 1992-AA31

788. CRITERIA AND PROCEDURES FOR NONPREJUDICIAL RESTRICTION OF ACCESS AUTHORIZATION

Priority: Substantive, Nonsignificant

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)

Completed:

Reason	Date	FR Cite
Withdrawn	04/29/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Mary E. Gallion
 Phone: 301 903-6545
 Email: mary.gallion@hq.doe.gov

RIN: 1992-AA32

789. INITIAL PARTS OF NNSA ACQUISITION REGULATION (NAR)

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

CFR Citation: 48 CFR ch 11

Completed:

Reason	Date	FR Cite
Reassigned to RIN 1994-AA00	05/18/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: James J. Cavanagh
 Phone: 202 586-7535

RIN: 1992-AA34

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

Proposed Rule Stage

790. 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	09/00/04	
Final Action	01/00/05	

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

DOE—ENDEP

Proposed Rule Stage

Phone: 202 586-5955
Email: abel.lopez@hq.doe.gov

RIN: 1901-AA32

791. RESEARCH MISCONDUCT

Priority: Substantive, Nonsignificant

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

CFR Citation: None

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	11/00/04	

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

792. 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	12/00/04	

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

793. 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	02/17/04	
Revised NPRM with Technical Guidelines	07/00/04	
Final Action	11/00/04	

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)**

Final Rule Stage

794. 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	02/00/05	

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

795. • GUIDELINES FOR PHYSICIAN PANEL DETERMINATION ON WORKER REQUESTS FOR ASSISTANCE IN FILING FOR STATE WORKER'S COMPENSATION BENEFITS; PROCEDURAL AMENDMENTS

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

Legal Authority: 42 USC 7384, et seq.; 42 USC 2201 and 7101, et seq.; 50 USC 2401, et seq.

CFR Citation: 10 CFR 852

Legal Deadline: None

Abstract: This action would reduce from three to one the minimum number of physicians required for an

DOE—ENDEP

Final Rule Stage

affirmative physician panel determination in most instances.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/24/04	69 FR 13709

Action	Date	FR Cite
Interim Final Rule	04/24/04	
Comment Period End		
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Judy Keating, Department of Energy, Environment, Safety and Health, Office of Worker Advocacy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-7551

RIN: 1901-AB13

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

Long-Term Actions

796. RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT

Priority: Other Significant

CFR Citation: 10 CFR 834

Timetable:

Action	Date	FR Cite
NPRM	03/25/93	58 FR 16268
Second NPRM	08/31/95	60 FR 45381
Final Action	06/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Andrew Wallo
Phone: 202 586-4996

RIN: 1901-AA38

797. 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

798. WORKER SAFETY AND HEALTH

Priority: Other Significant

CFR Citation: 10 CFR 851

Timetable:

Action	Date	FR Cite
NPRM	12/08/03	68 FR 68276
NPRM Comment Period End	02/06/04	
NPRM Suspension	02/27/04	69 FR 9277
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: C. Rick Jones
Phone: 301 903-5926

RIN: 1901-AA99

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

Completed Actions

799. LOW DENSITY DISCOUNT

Priority: Substantive, Nonsignificant

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn by Program Office	04/28/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kurt Casad
Phone: 503 230-4024

RIN: 1901-AB12

**Department of Energy (DOE)
Office of Procurement and Assistance Management (PR)**

Proposed Rule Stage

800. 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	07/00/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

DOE—PR

Proposed Rule Stage

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

801. 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	07/00/04	
Final Action	01/00/05	

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
Phone: 202 586-8192

RIN: 1991-AB65

802. • 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	07/00/04	

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: 202 586-8247

Email: richard.langston@pr.doe.gov

RIN: 1991-AB67

Department of Energy (DOE)

Final Rule Stage

Office of Procurement and Assistance Management (PR)

803. 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	09/00/04	

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

804. 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
Final Action	08/00/04	

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

805. TECHNICAL AMENDMENT OF THE DEPARTMENT OF ENERGY ACQUISITION REGULATION

Priority: Substantive, Nonsignificant

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

DOE—PR

Final Rule Stage

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
Final Action	07/00/04	

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

806. 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	07/00/04	

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

Department of Energy (DOE)

Completed Actions

Office of Procurement and Assistance Management (PR)

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

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 970

Completed:

Reason	Date	FR Cite
Final Action	12/10/03	68 FR 68771

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Michael L. Righi
Phone: 202 586-8175

RIN: 1991-AB54

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

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 600

Completed:

Reason	Date	FR Cite
Final Action	08/21/03	68 FR 50646

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Trudy Wood
Phone: 202 586-5625
Email: trudy.wood@pr.doe.gov

RIN: 1991-AB57

809. NEW AND REVISED DEAR CLAUSES

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date	FR Cite
Duplicate of 1991-AB65	04/28/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Michael Fischetti
Phone: 202 586-8192

RIN: 1991-AB60

810. FINANCIAL ASSISTANCE REGULATIONS: IMPLEMENTATION OF OMB GRANTS MANAGEMENT POLICIES

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 600

Completed:

Reason	Date	FR Cite
Final Action	02/20/04	69 FR 7865
Final Action Effective	03/22/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Trudy Wood
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Email: trudy.wood@pr.doe.gov

RIN: 1991-AB66

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

Final Rule Stage**811. 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 theStandards 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,
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)
Office of General Counsel (OGC)

Long-Term Actions**812. CLAIMS FOR DAMAGES
AGAINST DEPARTMENT OF ENERGY
EMPLOYEES****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 1014**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Susan Beard
Phone: 202 586-1522**RIN:** 1990-AA26

[FR Doc. 04-13256 Filed 06-25-04; 8:45 am]

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