



Federal Register

**Monday,
December 9, 2002**

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 September 10, 2002. 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 22, 2002.

Lee Liberman Otis,
General Counsel.

Energy Efficiency and Renewable Energy—Prerule Stage

Sequence Number	Title	Regulation Identification Number
854	Energy Efficiency Standards for Residential Furnaces, Boilers, and Mobile Home Furnaces (Reg Plan Seq No. 25)	1904-AA78
855	Determination for Small Electric Motors	1904-AA87
856	Energy Efficiency Standards for Electric Distribution Transformers (Reg Plan Seq No. 26)	1904-AB08
857	Energy Efficiency Standards for Commercial Central Air Conditioning Units and Heat Pumps Rated 65-240 kBTus/Hr (Reg Plan Seq No. 27)	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
858	State and Local Incentives Program: Alternative Fuels	1904-AA66
859	Test Procedures for Electric Distribution Transformers	1904-AA85
860	Alternative Fueled Vehicle Acquisition Requirements for Private and Local Government Fleets	1904-AA98

Energy Efficiency and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
861	Test Procedures for Central Air Conditioners and Heat Pumps—Amendments	1904-AA46
862	National Voluntary Residential Energy Efficiency Rating Guidelines	1904-AA74
863	Test Procedures for Commercial Water Heaters	1904-AA95
864	Test Procedures for Commercial Warm Air Furnaces	1904-AA96
865	Test Procedures for Commercial Air Conditioning Equipment	1904-AA97
866	Test Procedures for Commercial Package Boilers	1904-AB02
867	Test Procedures for Dishwashers—Amendment	1904-AB10
868	Test Procedures for Residential Refrigerators and Refrigerator-Freezers	1904-AB12

DOE

Energy Efficiency and Renewable Energy—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
869	Energy Efficiency Code for New Federal Residential Low-Rise Buildings	1904-AA53
870	Determination for High-Intensity Discharge Lamps	1904-AA86
871	Energy Efficiency Standards for Clothes Dryers and Dishwashers	1904-AA89
872	Energy Efficiency Standards for Pool Heaters and Direct Heating Equipment	1904-AA90
873	Energy Efficiency Standards for 1-200 HP Electric Motors	1904-AA91
874	Energy Efficiency Standards for Fluorescent and Incandescent Lamps	1904-AA92

Energy Efficiency and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identification Number
875	Energy Efficiency Standards for Central Air Conditioners and Heat Pumps	1904-AA77

Defense and Security Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
876	Physical Protection of Security Interests	1992-AA23
877	Computer Security; Access to Information on National Nuclear Security Administration Computer Systems	1992-AA27

Defense and Security Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
878	Procedural Rules for DOE Nuclear Security Activities	1992-AA28
879	Human Reliability Program	1992-AA29
880	Criteria and Procedure for Establishment of the Personnel Security Assurance Program and Determinations of an Individual's Eligibility for Access to a Personnel Security Assurance Program Position	1992-AA30
881	Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material, Subpart A	1992-AA31

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
882	Freedom of Information Act	1901-AA32
883	Payments for Special Burdens and In Lieu of Taxes	1901-AA58
884	Research Misconduct	1901-AA89
885	Administrative Procedures and Sanctions; Electric Power System Permits and Reports; Short-Term Imports and Exports of Natural Gas	1901-AA93
886	Occupational Radiation Protection	1901-AA95
887	Cost Recovery Adjustment Rate Proceeding	1901-AA96
888	Transmission Rate Proceeding	1901-AA97

Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
889	Radiation Protection of the Public and the Environment (Reg Plan Seq No. 28)	1901-AA38

DOE

Departmental and Others—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
890	Economic Development Transfers of Real Property	1901-AA82
891	Nondiscrimination in Federally Assisted Programs or Activities	1901-AA86
892	Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites: Technical Amendments	1901-AA88

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
893	Annotation of Land Records for Remediated Properties in the Uranium Mill Tailings Remedial Action Project (UMTRA)	1901-AA57
894	Compliance With Floodplain and Wetland Environmental Review Requirements	1901-AA94

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identification Number
895	Guidelines for Physician Panel Determinations on Worker Requests for Assistance in Filing for State Workers' Compensation Benefits	1901-AA90
896	Revision of ACS-02 Control Area Service Rate: Generation Imbalance Service Rate	1901-AA92

Office of Procurement and Assistance Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
897	Financial Assistance Regulation: Administrative Requirements Related to For-Profit Organizations	1991-AB57
898	Energy Department Motor Vehicle Fleet Fuel Efficiency	1991-AB59
899	DEAR: Part 970 Rewrite Continuation	1991-AB60

Office of Procurement and Assistance Management—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
900	DEAR: Recycling	1991-AB47
901	Organizational Conflict of Interest Disclosure	1991-AB52
902	Acquisition Regulation: Payment of Fee Relating to Security Issues/Conditional Payment of Fee	1991-AB54

Office of Procurement and Assistance Management—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
903	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	1991-AB56

DOE

Office of Procurement and Assistance Management—Completed Actions

Sequence Number	Title	Regulation Identification Number
904	DEAR: Patent Rights	1991-AB55

Office of General Counsel—Final Rule Stage

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

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

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

Regulatory Plan: This entry is Seq. No. 25 in part II of this issue of the **Federal Register**.

RIN: 1904-AA78

855. 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	03/00/03	

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, Energy Technology Program Specialist, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585

Phone: 202 586-8654
 Email: jim.raba@ee.doe.gov

RIN: 1904-AA87

856. ENERGY EFFICIENCY STANDARDS FOR ELECTRIC DISTRIBUTION TRANSFORMERS

Regulatory Plan: This entry is Seq. No. 26 in part II of this issue of the **Federal Register**.

RIN: 1904-AB08

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

Regulatory Plan: This entry is Seq. No. 27 in part II of this issue of the **Federal Register**.

RIN: 1904-AB09

Department of Energy (DOE) Proposed Rule Stage
 Energy Efficiency and Renewable Energy (EE)

858. STATE AND LOCAL INCENTIVES PROGRAM: ALTERNATIVE FUELS

Priority: Other Significant

Legal Authority: 42 USC 13235

CFR Citation: 10 CFR 409

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

Abstract: The Energy Policy Act of 1992 requires DOE to issue regulations

establishing the State and Local Incentives Program. Under this program DOE may grant financial assistance to States for projects in DOE-approved State plans to promote use of alternative fuels and alternative-fueled vehicles. With the publication of an integrated State Energy Program (61 FR 35890), the alternative fuel grant programs may be a part of the State

grant special projects, depending on funding availability. The next action will be a cancellation notice of any separate State grant program.

Timetable:

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

DOE—EE

Proposed Rule Stage

Action	Date	FR Cite
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Notice Withdrawing Proposed Rule	11/00/02	
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Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Local**Agency Contact:** Dorothy Wormley, Program Manager, EE-2K, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-7028**RIN:** 1904-AA66**859. 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
NPRM	11/12/98	63 FR 63359
Supplemental NPRM	04/00/03	
Final Action	10/00/03	

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.**Agency Contact:** Antonio Bouza, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20676
Phone: 202 586-4563
Email: antonio.bouza@ee.doe.gov**RIN:** 1904-AA85**860. ALTERNATIVE FUELED VEHICLE ACQUISITION REQUIREMENTS FOR PRIVATE AND LOCAL GOVERNMENT FLEETS****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 42 USC 13257**CFR Citation:** 10 CFR 490**Legal Deadline:** NPRM, Statutory, May 1, 1999.
Final, Statutory, April 1, 2000.**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 displacement goals of the Act. The

criteria for making this determination is mandated by the Act. DOE conducted a series of informal workshops, including two for State and local government officials, to discuss regulatory options and other issues related to the alternative fueled vehicle requirements under the Act. The analysis required to make the determination is more extensive than originally estimated.

Recently the U.S. District Court for the Northern District of California entered an order requiring DOE to complete a proposed rulemaking and to take final action within specified timeframes. DOE is actively engaged in the analysis and drafting required to comply with the court's mandated schedule.

Timetable:

Action	Date	FR Cite
ANPRM	04/17/98	63 FR 19372
Notice of Public Workshops	07/20/00	65 FR 44987
NPRM	01/00/03	
Final Action	11/00/03	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Local**Agency Contact:** Dana O'Hara, EE-2G, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8063
Email: dana.o'hara@ee.doe.gov**RIN:** 1904-AA98

Department of Energy (DOE)

Final Rule Stage

Energy Efficiency and Renewable Energy (EE)

861. TEST PROCEDURES FOR 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 document in a

logical order and update the references. The revisions include an updated nomenclature compatible with the eventual 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	01/00/03	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Michael Raymond, EE-2J, Program Manager, Office of Building Research and Standards, Department of Energy, Energy

DOE—EE

Final Rule Stage

Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
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 Email: michael.raymond@ee.doe.gov
RIN: 1904-AA46

862. NATIONAL VOLUNTARY RESIDENTIAL ENERGY EFFICIENCY RATING GUIDELINES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 8236

CFR Citation: 10 CFR 437

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

Abstract: DOE is required to establish by rule national voluntary guidelines for home energy rating systems. The guidelines are designed to encourage uniformity with regard to systems for rating the annual energy efficiency of residential buildings. The guidelines may be used to enable and encourage the assignment of energy efficiency ratings to residential buildings and the development of criteria for attractive financial instruments for energy efficient homes.

In response to the directives of the Energy Policy Act of 1992, DOE collaborated with hundreds of stakeholders and organizations, including the Home Energy Rating System (HERS) Council, the National Association of State Energy Officials, and HERS providers, many of whom had been meeting regarding HERS since about 1987. Based on input from all the stakeholders, DOE issued for public comment a Notice of Proposed Rulemaking on voluntary guidelines.

Most of the comments that DOE received on the proposed rule were readily resolved. But the issue of “fuel neutrality” was not easily incorporated into the rule. “Fuel neutrality” involved an interpretation of the requirement that the rule not “discriminate among fuel types” for which the EPACT legislation provided no clarification. Yet, in spite of an intensive effort by DOE to work with both the electric and gas industries, a definition regarding fuel neutrality was not resolved and remains hotly disputed.

In the fall of 2003, DOE plans to issue a Report to Congress on the HERS and Energy Efficient Mortgages, as required by Congress. This report will note that

despite the fact that DOE has not issued a final rule, home energy raters are now available in 47 States, and the guidelines used by these raters are generally consistent in content to DOE’s notice of proposed rulemaking on voluntary HERS guidelines.

Timetable:

Action	Date	FR Cite
NPRM	07/25/95	60 FR 37949
NPRM Comment Period End	05/09/96	
Final Action	03/00/03	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Boomsma, EE-3B, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
 Phone: 202 586-7086
 Fax: 202 586-1233
 Email: david.boomsma@ee.doe.gov

RIN: 1904-AA74

863. 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 heaters, prescribes test procedures, and requires labeling for such equipment. This action would codify the energy conservation standards and test procedures established in the EPCA for commercial water heaters. This action will incorporate by reference energy conservation standards and test procedures, 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	02/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Cyrus Nasser, EE-2J, Program Manager, Office of Building

Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
 Phone: 202 586-9138
 Email: cyrus.nasser@ee.doe.gov
RIN: 1904-AA95

864. 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 heating equipment, prescribes test procedures, and requires labeling for such equipment. This action would codify the energy conservation standards and test procedures established in the EPCA for commercial heating equipment. This action will also incorporate by reference energy conservation standards and test procedures, revised by the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), and will establish certification and compliance requirements for commercial heating equipment.

Timetable:

Action	Date	FR Cite
NPRM	12/13/99	64 FR 69597
Final Action	02/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 1904-AA96

865. TEST PROCEDURES FOR COMMERCIAL AIR CONDITIONING EQUIPMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 431

Legal Deadline: None

DOE—EE

Final Rule Stage

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial air conditioning equipment, prescribes test procedures, and requires labeling for such equipment. This action would codify the energy conservation standards and test procedures established in the EPCA for commercial air conditioning equipment. This action will also incorporate by reference energy conservation standards and test procedures, 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 Final Action	08/09/00 02/00/03	65 FR 48828

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Cyrus Nasser, EE-2J, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9138
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RIN: 1904-AA97

866. 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 heating equipment, prescribes test procedures, and requires labeling for such equipment. This action would codify these provisions. It would also incorporate by reference energy conservation standards and test procedures revised by the American Society of Heating, Refrigerating, and Air Conditioning Engineers.

Timetable:

Action	Date	FR Cite
NPRM Final Action	08/09/00 02/00/03	65 FR 48838

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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

RIN: 1904-AB02

867. TEST PROCEDURES FOR DISHWASHERS—AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: This action would add a new test procedure for soil-sensing dishwashers, using soiled dishes. It would also incorporate standby power consumption, where applicable.

Timetable:

Action	Date	FR Cite
NPRM Final Action	09/03/02 04/00/03	67 FR 56232

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Barbara Twigg, EE-2J, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8714
Email: barbara.twigg@ee.doe.gov

RIN: 1904-AB10

868. TEST PROCEDURES FOR RESIDENTIAL REFRIGERATORS AND REFRIGERATOR-FREEZERS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6293(b)

CFR Citation: 10 CFR 430 subpart B, app A1

Legal Deadline: None

Abstract: This action would amend the calculation of the test time period for long-time automatic defrost.

Timetable:

Action	Date	FR Cite
Direct Final Rule	12/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Michael Raymond, EE-2J, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AB12

Department of Energy (DOE)

Energy Efficiency and Renewable Energy (EE)

Long-Term Actions

869. 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 (PL 102-486, October 24, 1992) provides that DOE 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.

DOE—EE

Long-Term Actions

Timetable:

Action	Date	FR Cite
NPRM	05/02/97	62 FR 24164
NPRM Comment Period End	07/14/97	
Final Action	12/00/03	

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

Agency Contact: Stephen P. Walder, EE-2J, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9209

RIN: 1904-AA53**870. 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	To Be	Determined

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

Additional Information: The Department plans to move HID lamps from low to high priority for standards determination and to begin the preliminary analyses.

Agency Contact: Ronald Lewis, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Research and Standards, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8423
Email: ronald.lewis@ee.doe.gov

RIN: 1904-AA86**871. ENERGY EFFICIENCY STANDARDS FOR CLOTHES DRYERS AND DISHWASHERS****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 430.32**Legal Deadline:** Final, Statutory, May 14, 1996, Determination Notice.

Abstract: The statute requires the Department to revise the standards to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Local

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 low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.

Agency Contact: Bryan Berringer, EE-2J, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA89**872. ENERGY EFFICIENCY STANDARDS FOR POOL HEATERS AND DIRECT HEATING EQUIPMENT****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, 1992, Determination Notice.

Abstract: The statute requires the Department to revise the standards to

achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

Timetable: Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Local

Additional Information: Due to the Department's limited 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 low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.

Agency Contact: Cyrus Nasser, EE-2J, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA90**873. ENERGY EFFICIENCY STANDARDS FOR 1-200 HP ELECTRIC MOTORS****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 6313**CFR Citation:** 10 CFR 431**Legal Deadline:** Final, Statutory, October 24, 1999, Determination Notice.

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy efficiency standards and test procedures for commercial and industrial electric motors. EPCA requires the Department to revise the standards periodically to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

Timetable: Next Action Undetermined**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

DOE—EE

Long-Term Actions

categorized as high, medium, and low priority based on significant input from the public. This action is a low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.

Agency Contact: James Raba, EE-2J, Energy Technology Program Specialist, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA91

874. ENERGY EFFICIENCY STANDARDS FOR FLUORESCENT AND INCANDESCENT LAMPS

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 430.32

Legal Deadline: Final, Statutory, November 15, 1998, Determination Notice.

Abstract: The statute requires the Department to revise the standards to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

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. While this action is presently a low priority, it may be raised to a higher priority in the near future. However, the Department does not anticipate that any formal procedures will be initiated within the next six months.

Agency Contact: Ronald Lewis, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Research and Standards, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8423
Email: ronald.lewis@ee.doe.gov

RIN: 1904-AA92

Department of Energy (DOE)

Completed Actions

Energy Efficiency and Renewable Energy (EE)

875. ENERGY EFFICIENCY STANDARDS FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS

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 430.32

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

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 undergo 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 central air conditioners and heat pumps.

Timetable:

Action	Date	FR Cite
ANPRM	09/08/93	58 FR 47326
Screening Workshop	06/30/98	
Supplemental ANPRM	11/24/99	64 FR 66305
NPRM	10/05/00	65 FR 59589
Final Rule	01/22/01	66 FR 7170
Supplemental NPRM and Proposal to Withdraw Final Rule	07/25/01	66 FR 38821
Final Action	05/23/02	67 FR 36368

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

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

RIN: 1904-AA77

Department of Energy (DOE)

Proposed Rule Stage

Defense and Security Affairs (DSA)

876. 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 ensure protective force personnel receive quality medical services that are consistent with the Americans with Disabilities Act of 1990. They also will enhance communications between

DOE—DSA

Proposed Rule Stage

Designated Physicians and personnel responsible for supervising physical fitness training and certification to assure better understanding of the risk of injury to Security Police Officers and Security Officers participating in physical fitness activities. Additionally, Security Police Officer I and Security Police Officer II positions were better defined to eliminate confusing physical fitness requirements. Finally, the current physical fitness qualification requirements are being revised.

Timetable:

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

877. 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.

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	02/00/03	
Final Action	11/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Philip Sibert, Office of Defense Nuclear Security (NA-3), Department of Energy, National Nuclear Security Administration, 1000 Independence Avenue SW, Washington, DC 20585
Phone: 202 586-2541

RIN: 1992-AA27

Department of Energy (DOE)

Defense and Security Affairs (DSA)

Final Rule Stage

878. PROCEDURAL RULES FOR DOE NUCLEAR SECURITY ACTIVITIES

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 Rule	03/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

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

879. 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	07/12/02	67 FR 46912
Final Action	05/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Linda Repass, Department of Energy, Office of Security, 19902 Germantown Road, Germantown, MD 20874
Phone: 301 903-4800
Fax: 301 903-6545
Email: linda.repass@hq.doe.gov

RIN: 1992-AA29

880. CRITERIA AND PROCEDURE FOR ESTABLISHMENT OF THE PERSONNEL SECURITY ASSURANCE PROGRAM AND DETERMINATIONS OF AN INDIVIDUAL'S ELIGIBILITY FOR ACCESS TO A PERSONNEL SECURITY ASSURANCE PROGRAM POSITION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2165; 42 USC 2201; EO 10450; 42 USC 7251, 7254, and 7256

CFR Citation: 10 CFR 710, subpart B

Legal Deadline: None

Abstract: This action would amend the Department's regulations to allow newly hired individuals in security police officer positions who have received an interim Q access authorization through DOE's Accelerated Access Authorization

DOE—DSA

Final Rule Stage

Program to be eligible to hold a Personnel Security Assurance Program (PSAP) position. Currently, DOE's regulations require a Q access authorization based on a full background investigation for all PSAP positions.

Timetable:

Action	Date	FR Cite
NPRM	04/04/02	67 FR 16061
NPRM Comment Period End	05/06/02	
Final Action	02/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Linda Repass, Department of Energy, Office of Security, 19902 Germantown Road, Germantown, MD 20874

Phone: 301 903-4800
Fax: 301 903-6545
Email: linda.repass@hq.doe.gov

RIN: 1992-AA30

881. • 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 to reflect organizational changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/02	
Interim Final Rule Effective	01/00/03	

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

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

Proposed Rule Stage

882. FREEDOM OF INFORMATION ACT

Priority: Other Significant

Legal Authority: 5 USC 552

CFR Citation: 10 CFR 1004

Legal Deadline: None

Abstract: On October 23, 1991, DOE proposed to amend the procedures and principles to be applied in responding to requests for records under the Freedom of Information Act (FOIA) 5 USC 552. The proposal updated names and addresses of organizational entities, and updated guidelines for the schedule of fees associated with processing requests. A proposed section on policies clarified DOE's operation of a first-in, first-out policy in responding to FOIA requests, and the role of the Office of Hearings and Appeals was clarified. The proposal also included a statement of DOE policy on contractor records.

On December 12, 1994, DOE adopted the contractor records policy, with certain modifications. DOE expects to take final action on the remainder of the proposal in the near future.

The new regulations will clarify the FOIA process by clearly defining the roles of the FOIA Officer and the Denying Official and comply with the new requirements of the Electronic Freedom of Information Act

Amendment of 1996. The new regulations will be written in a more customer-friendly manner in plain English.

Timetable:

Action	Date	FR Cite
Final Rule (Contractor Records)	12/12/94	59 FR 63882
NPRM	03/00/03	

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

883. PAYMENTS FOR SPECIAL BURDENS AND IN LIEU OF TAXES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2208 Atomic Energy Act of 1954, sec 168

CFR Citation: 10 CFR 610

Legal Deadline: None

Abstract: This action will revise the Department of Energy's policy on making payments for special burdens and in lieu of taxes to State and local

taxing jurisdictions pursuant to the Atomic Energy Act of 1954. Prior to the 1987 issuance of DOE Order 2100.12, the Department and its predecessor agencies approved such payment requests on an ad hoc basis. To ensure all eligible taxing jurisdictions are provided appropriate opportunity to comment, the revised policy is being established through the rulemaking process. The Department anticipates no added costs by issuing the revised policy as a regulation rather than as an internal directive revision.

Timetable:

Action	Date	FR Cite
NPRM	03/00/03	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: State, Local

Federalism: Undetermined

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

RIN: 1901-AA58

DOE—ENDEP

Proposed Rule Stage

884. 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	02/00/03	
Final Action	08/00/03	

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**885. ADMINISTRATIVE PROCEDURES AND SANCTIONS; ELECTRIC POWER SYSTEM PERMITS AND REPORTS; SHORT-TERM IMPORTS AND EXPORTS OF NATURAL GAS****Priority:** Substantive, Nonsignificant**Legal Authority:** PL 95-91; PL 10485 as amended by EO 12038; 15 USC 717 b; 42 USC 7101 et seq; EO 12009**CFR Citation:** 10 CFR 205.300; 10 CFR 590**Legal Deadline:** None**Abstract:** This action would streamline the existing procedures for applying to the DOE for Presidential permits and electricity export authorizations by eliminating the use of FERC procedures and establishing a less adversarial process of decisionmaking. It would also establish that the DOE's decisional criterion is only electric power system reliability and impacts to the environment and not the economic or commercial viability of projects. These actions are in response to the restructuring of the electric power industry.**Timetable:**

Action	Date	FR Cite
NPRM	03/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Ellen Russell, Department of Energy, FE-27, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9624

Email: ellen.russell@hq.doe.gov

RIN: 1901-AA93**886. • 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	07/00/03	

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 SW., Washington, DC 20585
Phone: 303 903-5641**RIN:** 1901-AA95**887. • COST RECOVERY ADJUSTMENT RATE PROCEEDING****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 832e; 16 USC 825s; 16 USC 838; 16 USC 839e(a)(1)**CFR Citation:** None**Legal Deadline:** None**Abstract:** BPA's Power Business Line has electric rates in effect through September 30, 2006. During the rate period, BPA periodically examines

forecast and actual loads, market prices, and expenses. Under the General Rate Schedule Provisions there is a risk mitigation tool embedded within the rates called a Cost Recovery Adjustment Clause (CRAC). There are three levels of the CRAC under which a rate may incrementally increase. The first is the Load-Based CRAC (LB CRAC), which triggers if BPA's augmentation cost exceeds the amount forecast. The second is the Financial-Based CRAC (FB CRAC), which triggers based on the generation function's forecasted level of accumulated net revenues. The third is the Safety-Net CRAC (SN CRAC), which would be an upward adjustment to posted power rates subject to the FB CRAC by modifying the FB CRAC parameters.

Prior to each six month period of the 2002-2006 rate period (beginning October 2001), BPA establishes the LB CRAC for that six-month period. The LB CRAC is calculated based on the current forecast of forward market prices for each year, shaped, and the amount by which contracted loads exceed BPA's resources. About 90 days after the end of each six-month period, BPA trues up the LB CRAC based on actual augmentation purchases during the period, and a debit or credit will be made to the customer's bill. BPA establishes the LB CRAC percentage about 90 days prior to the beginning of the next six-month period. Then, about 90 days after the end of the most recent six-month period, BPA calculates the over- or under-collection of actual LB CRAC revenues for the previous six-month period. Any over- or under-collection is treated separately from any charges for augmentation costs for the upcoming six-month period.

The FB CRAC allows a temporary, one-year adjustment to the base rates in addition to the Load Based CRAC for non-Slice customers, if the Power Business Line's accumulated net revenues fall below a preset threshold. It can trigger in all 5 years of the rate period. It is designed to generate additional cash in a given fiscal year. The thresholds for triggering the FB CRAC vary depending on the particular year of the rate period. The rate adjustment is based on the prior August's third-quarter-review forecast of year-end accumulated net revenues. If the forecast accumulated net revenues are below the threshold, the administrator will propose an FB CRAC

DOE—ENDEP

Proposed Rule Stage

adjustment by the end of August that will apply to rates beginning in October. BPA will notify customers in September of the percentage increase. It is trued-up for actual accumulated net revenues in the second half of the year. The SN CRAC would trigger if it appeared the FB CRAC parameters need modification based upon market and other risk factors as discussed above. Changes to the terms and conditions of the FB CRAC would be conducted through a rate proceeding.

Timetable:

Action	Date	FR Cite
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Proposed Record of Decision	08/00/03	
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Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Byron G. Keep, Department of Energy, Bonneville

Power Administration, P.O. Box 3621, Portland, OR 97208
Phone: 503 230-5660

RIN: 1901-AA96**888. • TRANSMISSION RATE PROCEEDING****Priority:** Substantive, Nonsignificant**Legal Authority:** 16 USC 839e**CFR Citation:** None**Legal Deadline:** Final, Statutory, October 1, 2003.

Abstract: Pursuant to section 7 of the Northwest Power Act, 16 USC 839e, the Bonneville Power Administration is required to periodically set and revise its rates. Transmission rates were last set for a two-year period in 2001, and expire September 30, 2002. BPA is required to set rates to recover its costs, including the amortization of the Federal investment in the Federal

Columbia River Power System over a reasonable period of years. Therefore, the Transmission Business Line will set its rates in this rate case in order to recover its costs. Issues of cost allocation among customer classes may also be addressed.

Timetable:

Action	Date	FR Cite
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Proposed Record of Decision	06/00/03	
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Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Barry Bennett, Department of Energy, Bonneville Power Administration, 905 N.E. 11th Street, Portland, OR 97208
Phone: 503 230-4053**RIN:** 1901-AA97

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

Final Rule Stage

889. RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT

Regulatory Plan: This entry is Seq. No. 28 in part II of this issue of the **Federal Register**.

RIN: 1901-AA38**890. 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
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Interim Final Rule	02/29/00	65 FR 10685
Final Action	03/00/03	

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**891. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254**CFR Citation:** 10 CFR 1040**Legal Deadline:** None**Abstract:** This action would amend the definition of "program."**Timetable:**

Action	Date	FR Cite
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NPRM	12/06/00	65 FR 76459
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Action	Date	FR Cite
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NPRM Comment Period End	01/05/01	
Final Action	12/00/02	
Final Action Effective	01/00/03	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Sharon Wyatt, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-2256
Fax: 202 586-0888
Email: sharon.wyatt@hq.doe.gov**RIN:** 1901-AA86**892. REIMBURSEMENT FOR COSTS OF REMEDIAL ACTION AT ACTIVE URANIUM AND THORIUM PROCESSING SITES: TECHNICAL AMENDMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2296a et seq**CFR Citation:** 10 CFR 765**Legal Deadline:** None**Abstract:** This action would adopt several technical and administrative amendments to the procedural

DOE—ENDEP

Final Rule Stage

regulations governing the reimbursement of remedial action costs at active uranium and thorium processing sites. The original legislation authorizing the program has been amended three times to increase the amounts authorized for reimbursement, extend certain program dates, and make other technical corrections. The amendments to 10 CFR part 765 will reflect the legislative amendments and

make other technical corrections that have been identified since the original rule was issued.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David E. Mathes, Leader, Albuquerque/Nevada Team, Department of Energy, Small Sites Closure Office (EM-34), Cloverleaf Building, 19901 Germantown Road, Germantown, MD 20874-1290
Phone: 301 903-7222

RIN: 1901-AA88

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

Long-Term Actions

893. ANNOTATION OF LAND RECORDS FOR REMEDIATED PROPERTIES IN THE URANIUM MILL TAILINGS REMEDIAL ACTION PROJECT (UMTRA)

Priority: Substantive, Nonsignificant

Legal Authority: PL 95-604, sec 104(d); PL 104-259, sec 4(a)

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Under section 104(d) of the Uranium Mill Tailings Radiation Control Act of 1978, the Department of Energy (DOE) is required to issue appropriate rules and regulations concerning the annotation of land records of designated inactive uranium mill sites and vicinity properties included for remedial action under the Act. The annotation is intended to ensure that future purchasers of remediated inactive uranium mill sites and vicinity properties will be notified, prior to such purchase, of the condition of the land.

Timetable:

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Federal

Additional Information: Public Law 104-259, signed into law on October 9, 1996, amended the annotation requirement to provide for States to receive certification from the Secretary for "a program which would achieve the purposes" of the annotation under section 104(d) of the UMTRCA in regards to vicinity properties. Letters have been sent to the affected States regarding the amendment language.

Agency Contact: David E. Mathes, Leader, Albuquerque/Nevada Team, Department of Energy, Small Sites Closure Office (EM-34), Cloverleaf Building, 19901 Germantown Road, Germantown, MD 20874-1290
Phone: 301 903-7222

RIN: 1901-AA57

894. • COMPLIANCE WITH FLOODPLAIN AND WETLAND ENVIRONMENTAL REVIEW REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: EO 11988; EO 11990

CFR Citation: 10 CFR 1022

Legal Deadline: None

Abstract: This action would revise the Department of Energy's floodplain and wetland environmental review requirements to add flexibility and remove unnecessary procedural burdens.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Katherine Nakata, Department of Energy, Office of NEPA Policy and Compliance, EH-42, 1000 Independence Avenue, SW., Washington, DC 20585
Phone: 202 586-0801

RIN: 1901-AA94

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

Completed Actions

895. GUIDELINES FOR PHYSICIAN PANEL DETERMINATIONS ON WORKER REQUESTS FOR ASSISTANCE IN FILING FOR STATE WORKERS' COMPENSATION BENEFITS

Priority: Other Significant

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 establish procedures to implement subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 under which a DOE contractor employee or the employee's estate can seek assistance from DOE in filing a claim with the appropriate State workers' compensation system based on an illness or death caused by exposure

to a toxic substance during the course of employment at a DOE facility.

Timetable:

Action	Date	FR Cite
NPRM Final Action	09/07/01 08/14/02	66 FR 46742 67 FR 52841

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

DOE—ENDEP

Completed Actions

Agency Contact: Kate Kimpan, Office of Worker Advocacy, EH-8, Department of Energy, 100 Independence Avenue, SW., Washington, DC 20585
Phone: 202 586-3997

RIN: 1901-AA90

896. REVISION OF ACS-02 CONTROL AREA SERVICE RATE: GENERATION IMBALANCE SERVICE RATE

Priority: Substantive, Nonsignificant

Legal Authority: PL 96-501, sec 7; PL 102-486, sec 824k(i)(2)

CFR Citation: None

Legal Deadline: None

Abstract: BPA's Transmission Business Line (TBL) announces its proposal to revise the Generation Imbalance Service rate (rate) found in its 2002 Transmission and Ancillary Service Rate Schedules, Schedule ACS-02. Generation Imbalance Service is taken when there is a difference between scheduled and actual energy delivered from a generation resource in the BPA Control Area during a schedule hour.

The existing Generation Imbalance Service rate was established in BPA's TR-02 2002 Transmission Rate Proceeding and subsequently was approved by the Federal Energy Regulatory Commission (FERC) for use during the October 1, 2001 to September 30, 2003 rate period. The current rate charges the higher of BPA's incremental cost for energy plus 10 percent or 100 mills/kWh for imbalances outside the Deviation Band when the actual energy delivered from a resource in a schedule hour is less than the energy scheduled for that hour.

The TBL believes that wind generation resources are not able to accurately predict generation and respond to dispatch instructions during the delivery hour, and that charging the 100 mill floor rate may have deleterious effects on the development of wind generation resources in the BPA Control Area. Therefore, TBL proposes to eliminate the 100 mill/kWh floor rate when applying the rate to wind generation resources. This will result in

the Generation Imbalance Service rate for wind generation resources being BPA's incremental cost for energy plus 10 percent. All other aspects of the existing Generation Imbalance Service rate are unchanged.

Timetable:

Action	Date	FR Cite
Proposed Record of Decision	04/17/02	67 FR 18871
Final Record of Decision	07/15/02	67 FR 18871

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, Tribal, Federal

Agency Contact: Mary A. Dalton, Transmission Rates Manager, Department of Energy, Bonneville Power Administration, P.O. Box 491, 5411 NE Highway 99, Vancouver, WA 98663
Phone: 360 418-8270
Email: madalton@bpa.gov

RIN: 1901-AA92

Department of Energy (DOE)

Office of Procurement and Assistance Management (PR)

Proposed Rule Stage

897. 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	03/00/03	
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

898. ENERGY DEPARTMENT MOTOR VEHICLE FLEET FUEL EFFICIENCY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201

CFR Citation: 48 CFR 947; 48 CFR 970.52

Legal Deadline: None

Abstract: This action would implement sections 403 and 505 of Executive Order 13101, Greening the Government through Federal Fleet and Transportation Efficiency.

Timetable:

Action	Date	FR Cite
NPRM	02/00/03	

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-AB59

899. DEAR: PART 970 REWRITE CONTINUATION

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	02/00/03	

DOE—PR

Proposed Rule Stage

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Michael Fishetti, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000Independence Avenue, SW., Washington, DC 20585
Phone: 202 586-8192**RIN:** 1991-AB60

Department of Energy (DOE)

Final Rule Stage

Office of Procurement and Assistance Management (PR)

900. DEAR: RECYCLING**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254; 42 USC 486(c)**CFR Citation:** 48 CFR 923; 48 CFR 970.52; 48 CFR 970.23**Legal Deadline:** None**Abstract:** This action would implement E.O. 13101, Greening the Government Through Recycling, Waste Prevention, and Federal Acquisition. It would increase the procurement of products containing recycled materials and reduce waste generation at DOE facilities.**Timetable:**

Action	Date	FR Cite
NPRM	11/30/00	65 FR 71292
Final Action	02/00/03	

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-AB47**901. 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	01/00/03	

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**902. 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	02/00/03	

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

Department of Energy (DOE)

Long-Term Actions

Office of Procurement and Assistance Management (PR)

903. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)**Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12549; EO 12689; PL 103-355, sec 2455**CFR Citation:** 10 CFR 1036**Legal Deadline:** None**Abstract:** This Governmentwide rulemaking proposes changes to clarify and simplify the debarment and suspension process and drug-free workplace requirements.**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3265
NPRM Comment Period End	03/25/02	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Cynthia Yee, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-1140**RIN:** 1991-AB56

Department of Energy (DOE)

Completed Actions

Office of Procurement and Assistance Management (PR)

904. DEAR: PATENT RIGHTS

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 7254; 40 USC 486(c)**CFR Citation:** 48 CFR 927; 48 CFR 970**Legal Deadline:** None**Abstract:** This action would update the Department's regulations on patent

rights to reflect the current practices employed in its major facility contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/15/00	65 FR 68932
Final Action	07/25/02	67 FR 48568

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8264**RIN:** 1991-AB55

Department of Energy (DOE)

Final Rule Stage

Office of General Counsel (OGC)

905. 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	02/00/03	

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

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	02/00/03	

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

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906. 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