



# Federal Register

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**Monday,  
December 13, 2004**

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**Part VII**

**Department of  
Energy**

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**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 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.

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 November 18 2004.

**Lee Liberman Otis,**  
*General Counsel.*

**National Nuclear Security Agency—Proposed Rule Stage**

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 860             | Computer Security: Access to Information on National Nuclear Security Administration Computer Systems ..... | 1994-AA01                    |

**National Nuclear Security Agency—Long-Term Actions**

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 861             | Initial Parts of NNSA Acquisition Regulation (NAR) ..... | 1994-AA00                    |

**Energy Efficiency and Renewable Energy—Prerule Stage**

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 862             | Determination for High-Intensity Discharge Lamps ..... | 1904-AA86                    |

**Energy Efficiency and Renewable Energy—Proposed Rule Stage**

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 863             | Energy Efficiency Code for New Federal Residential Low-Rise Buildings .....  | 1904-AA53                    |
| 864             | State and Local Incentives Program: Alternative Fuels .....  | 1904-AA66                    |
| 865             | Energy Efficiency Standards for Residential Furnaces and Boilers ( <b>Reg Plan Seq No. 36</b> ) .....                  | 1904-AA78                    |
| 866             | Energy Efficiency Standards for Electric Distribution Transformers ( <b>Reg Plan Seq No. 37</b> ) .....                | 1904-AB08                    |
| 867             | Energy Efficiency Standards for Commercial Unitary Air Conditioners and Heat Pumps ( <b>Reg Plan Seq No. 38</b> ) .... | 1904-AB09                    |
| 868             | Energy Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings .....                     | 1904-AB13                    |

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

## DOE

## Energy Efficiency and Renewable Energy—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 869             | Test Procedures for Residential Central Air Conditioners and Heat Pumps—Amendments ..... | 1904-AA46                    |
| 870             | Test Procedures for Electric Distribution Transformers .....                             | 1904-AA85                    |

## Energy Efficiency and Renewable Energy—Long-Term Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 871             | National Voluntary Residential Energy Efficiency Rating Guidelines .....  | 1904-AA74                    |
| 872             | Determination for Small Electric Motors .....   | 1904-AA87                    |
| 873             | Energy Efficiency Standards for Clothes Dryers and Dishwashers .....  | 1904-AA89                    |
| 874             | Energy Efficiency Standards for Pool Heaters and Direct Heating Equipment .....   | 1904-AA90                    |
| 875             | Energy Efficiency Standards for 1-200 HP Electric Motors .....  | 1904-AA91                    |
| 876             | Energy Efficiency Standards for Fluorescent and Incandescent Lamps .....  | 1904-AA92                    |
| 877             | Coverage of Certain Types of Commercial Refrigeration Equipment (Reach-In Freezers, Reach-In Refrigerators, Vending Machines, and Beverage Merchandisers) .....                         | 1904-AB14                    |
| 878             | Coverage of Certain Incandescent Reflector Lamps, Torchieres, and Ceiling Fans .....  | 1904-AB15                    |
| 879             | Energy Efficiency Standards for Commercial 3-Phase Air Conditioners and Heat Pump Less Than 65 kBtu/h .....   | 1904-AB16                    |
| 880             | Energy Efficiency Standards for Commercial Packaged Terminal Air Conditioners and Heat Pumps; Commercial Oil- and Gas-Fired Package Boilers; and Tankless Gas-Fired Water Heaters ..... | 1904-AB17                    |
| 881             | Energy Efficiency Standards for Commercial Single Packaged Vertical Air-Conditioners and Heat Pumps .....   | 1904-AB44                    |

## Energy Efficiency and Renewable Energy—Completed Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 882             | Test Procedures for Commercial Water Heaters .....  | 1904-AA95                    |
| 883             | Test Procedures for Commercial Warm Air Furnaces .....                                    | 1904-AA96                    |
| 884             | Test Procedures for Commercial Air Conditioning Equipment .....                           | 1904-AA97                    |
| 885             | Test Procedures for Commercial Package Boilers .....                                      | 1904-AB02                    |
| 886             | Energy Efficiency Standards for Residential Central Air Conditioners and Heat Pumps ..... | 1904-AB46                    |

## Defense and Security Affairs—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 887             | Counterintelligence Evaluation Regulations ..... | 1992-AA33                    |

## Defense and Security Affairs—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 888             | Procedural Rules for the Assessment of Civil Penalties for Security Violations ..... | 1992-AA28                    |

## Defense and Security Affairs—Long-Term Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 889             | Physical Protection of Security Interests ..... | 1992-AA23                    |

## DOE

## Departmental and Others—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 890             | Freedom of Information Act .....                              | 1901-AA32                    |
| 891             | Research Misconduct .....                                     | 1901-AA89                    |
| 892             | Occupational Radiation Protection .....                       | 1901-AA95                    |
| 893             | Worker Safety and Health ( <b>Reg Plan Seq No. 39</b> ) ..... | 1901-AA99                    |
| 894             | Guidelines for Voluntary Greenhouse Gas Reporting .....       | 1901-AB11                    |

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

## Departmental and Others—Final Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 895             | Radiation Protection of the Public and the Environment ( <b>Reg Plan Seq No. 40</b> ) ..... | 1901-AA38                    |
| 896             | Economic Development Transfers of Real Property .....                                       | 1901-AA82                    |
| 897             | Federal Policy for the Protection of Human Subjects .....                                   | 1901-AB14                    |

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

## Departmental and Others—Long-Term Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 898             | Annotation of Land Records for Remediated Properties in the Uranium Mill Tailings Remedial Action Project (UMTRA) .....  | 1901-AA57                    |
| 899             | Guidelines for Physician Panel Determination on Worker Requests for Assistance in Filing for State Worker's Compensation Benefits; Procedural Amendments ..... | 1901-AB13                    |

## Office of Procurement and Assistance Management—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 900             | DEAR: Make or Buy Plans .....  | 1991-AB63                    |
| 901             | DEAR Changes to Provisions for Facilities Management, Work Authorization, Contractor's Organization, Contractor Relations, and Laws, Regulations, and Directives ..... | 1991-AB65                    |
| 902             | Cooperative Audit Strategy .....   | 1991-AB67                    |
| 903             | DEAR: Biobased Content Products .....  | 1991-AB68                    |

## Office of Procurement and Assistance Management—Final Rule Stage

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 904             | Organizational Conflict of Interest Disclosure .....  | 1991-AB52                    |
| 905             | Department of Energy Acquisition Regulation: Management Contractor Compensation for Personal Services ..... | 1991-AB61                    |
| 906             | Technical Amendment of the Department of Energy Acquisition Regulation .....                                | 1991-AB62                    |
| 907             | DEAR: Work for Others .....   | 1991-AB64                    |

## DOE

## Office of General Counsel—Final Rule Stage

| Sequence Number | Title                      | Regulation Identifier Number |
|-----------------|----------------------------|------------------------------|
| 908             | Conduct of Employees ..... | 1990-AA19                    |

## Office of General Counsel—Long-Term Actions

| Sequence Number | Title   | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 909             | Claims for Damages Against Department of Energy Employees ..... | 1990-AA26                    |

## Department of Energy (DOE)

## Proposed Rule Stage

## National Nuclear Security Agency (NNSA)

**860. 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.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 01/00/05 |         |
| Final Action | 06/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1994-AA01

## Department of Energy (DOE)

## Long-Term Actions

## National Nuclear Security Agency (NNSA)

**861. INITIAL PARTS OF NNSA ACQUISITION REGULATION (NAR)**

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

**CFR Citation:** 48 CFR ch 11

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1994-AA00

## Department of Energy (DOE)

## Prerule Stage

## Energy Efficiency and Renewable Energy (EE)

**862. 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 | 04/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Additional Information:** The timetable for this action reflects program priorities, which were established with significant input from the public. The Department is gathering information and conducting analysis in preparation for a determination under 42 U.S.C. 631(b).

**Agency Contact:** Bryan Berringer, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy,

DOE—EE

Prerule Stage

Office of Building Technologies  
Program, 1000 Independence Avenue  
SW., Washington, DC 20585

Phone: 202 586-0371  
Fax: 202 586-4617

Email: bryan.berringer@ee.doe.gov

RIN: 1904-AA86

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

Proposed Rule Stage

**863. 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<br>Period End | 07/14/97 |             |
| Supplemental NPRM          | 05/00/05 |             |
| Final Action               | 05/00/06 |             |

**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  
Phone: 202 586-9209  
Fax: 202 586-4617  
Email: stephen.walder@ee.doe.gov

RIN: 1904-AA53

**864. 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 | 03/00/05 |             |

**Regulatory Flexibility Analysis  
Required:** No

**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

**865. ENERGY EFFICIENCY  
STANDARDS FOR RESIDENTIAL  
FURNACES AND BOILERS**

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

RIN: 1904-AA78

**866. ENERGY EFFICIENCY  
STANDARDS FOR ELECTRIC  
DISTRIBUTION TRANSFORMERS**

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

RIN: 1904-AB08

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

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

RIN: 1904-AB09

**868. 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         | 05/00/05 |         |
| Final Action | 11/00/05 |         |

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** Cyrus Nasser, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies

## DOE—EE

## Proposed Rule Stage

Program, 1000 Independence Avenue  
SW., Washington, DC 20585

Phone: 202 586-9138

Email: cyrus.nasseri@ee.doe.gov

RIN: 1904-AB13

## Department of Energy (DOE)

## Final Rule Stage

## Energy Efficiency and Renewable Energy (EE)

### 869. 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 Program, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-9611  
Email: michael.raymond@ee.doe.gov

**RIN:** 1904-AA46

**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    | 07/29/04 | 69 FR 45506 |
| Final Action         | 09/00/05 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**RIN:** 1904-AA85

### 870. 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.

## Department of Energy (DOE)

## Long-Term Actions

## Energy Efficiency and Renewable Energy (EE)

### 871. 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:** Stephen P. Walder, EE-2J  
Phone: 202 586-9209  
Fax: 202 586-4617

Email: stephen.walder@ee.doe.gov

**RIN:** 1904-AA74

### 872. DETERMINATION FOR SMALL ELECTRIC MOTORS

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 10 CFR 431

**Timetable:**

| Action               | Date     | FR Cite |
|----------------------|----------|---------|
| Determination Notice | 03/00/06 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** James Raba, EE-2J  
Phone: 202 586-8654

Email: jim.raba@ee.doe.gov

**RIN:** 1904-AA87

### 873. 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

## DOE—EE

## Long-Term Actions

Email: barbara.twigg@ee.doe.gov

RIN: 1904-AA89

#### 874. 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

#### 875. 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  
Email: jim.raba@ee.doe.gov

RIN: 1904-AA91

#### 876. ENERGY EFFICIENCY STANDARDS FOR FLUORESCENT AND INCANDESCENT LAMPS

**Priority:** Economically Significant. Major under 5 USC 801.

**CFR Citation:** 10 CFR 430.32

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Bryan Berringer, EE-2J  
Phone: 202 586-0371  
Fax: 202 586-4617  
Email: bryan.berringer@ee.doe.gov

RIN: 1904-AA92

#### 877. 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       | 12/00/06 |            |
| Final Rule | 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

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

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 10 CFR 430

**Timetable:**

| Action     | Date     | FR Cite    |
|------------|----------|------------|
| NPRM       | 12/00/06 |            |
| Final Rule | 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

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

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

**CFR Citation:** 10 CFR 431

**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

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

**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-AB17

#### 881. ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL SINGLE PACKAGED VERTICAL AIR-CONDITIONERS AND 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



## DOE—EE

## Long-Term Actions

Email: maureen.murphy@ee.doe.gov

RIN: 1904-AB44

## Department of Energy (DOE)

## Completed Actions

## Energy Efficiency and Renewable Energy (EE)

**882. TEST PROCEDURES FOR COMMERCIAL WATER HEATERS**

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 431

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/21/04 | 69 FR 61974 |

**Regulatory Flexibility Analysis Required:** No

Government Levels Affected: None

Agency Contact: Mohammed Kahn, EE-2J

Phone: 202 586-7892

Email: mohammed.kahn@ee.doe.gov

RIN: 1904-AA95

**883. TEST PROCEDURES FOR COMMERCIAL WARM AIR FURNACES**

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 431

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/21/04 | 69 FR 61916 |

**Regulatory Flexibility Analysis Required:** No

Government Levels Affected: None

Agency Contact: Mohammed Kahn, EE-2J

Phone: 202 586-7892

Email: mohammed.kahn@ee.doe.gov

RIN: 1904-AA96

**884. TEST PROCEDURES FOR COMMERCIAL AIR CONDITIONING EQUIPMENT**

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 431

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/21/04 | 69 FR 61962 |

**Regulatory Flexibility Analysis Required:** No

Government Levels Affected: None

Agency Contact: Mohammed Kahn, EE-2J

Phone: 202 586-7892

Email: mohammed.kahn@ee.doe.gov

RIN: 1904-AA97

**885. TEST PROCEDURES FOR COMMERCIAL PACKAGE BOILERS**

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 431

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 10/21/04 | 69 FR 61949 |

**Regulatory Flexibility Analysis Required:** No

Government Levels Affected: None

Agency Contact: Mohammed Kahn, EE-2J

Phone: 202 586-7892

Email: mohammed.kahn@ee.doe.gov

RIN: 1904-AB02

**886. ENERGY EFFICIENCY STANDARDS FOR RESIDENTIAL CENTRAL AIR CONDITIONERS AND HEAT PUMPS**

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 430

**Completed:**

| Reason       | Date     | FR Cite     |
|--------------|----------|-------------|
| Final Action | 08/17/04 | 69 FR 50997 |

**Regulatory Flexibility Analysis Required:** No

Government Levels Affected: None

Agency Contact: Michael Raymond, EE-2J

Phone: 202 586-9611

Email: michael.raymond@ee.doe.gov

RIN: 1904-AB46

## Department of Energy (DOE)

## Proposed Rule Stage

## Defense and Security Affairs (DSA)

**887. COUNTERINTELLIGENCE EVALUATION REGULATIONS**

Priority: Substantive, Nonsignificant

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

CFR Citation: 10 CFR 709; 10 CFR 710

Legal Deadline: None

Abstract: The purpose of this action is to promulgate new counterintelligence

polygraph regulations consistent with section 3152 of the National Defense Authorization Act for fiscal year 2002.

**Timetable:**

| Action             | Date     | FR Cite     |
|--------------------|----------|-------------|
| NPRM               | 04/14/03 | 68 FR 17886 |
| Correction to NPRM | 04/18/03 | 68 FR 19166 |
| Revised NPRM       | 11/00/04 |             |

**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

**888. 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<br>Period End | 07/01/02 |             |
| Final Action               | 12/00/04 |             |

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** GERALYN C. Praskievicz, Department of Energy, Office of Security, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-4451

**RIN:** 1992-AA28

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

Long-Term Actions

**889. PHYSICAL PROTECTION OF  
SECURITY INTERESTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 10 CFR 1046 subpart A;  
10 CFR 1046 subpart B

**Timetable:**

| Action                     | Date     | FR Cite     |
|----------------------------|----------|-------------|
| NPRM                       | 04/14/03 | 68 FR 17886 |
| NPRM Correction            | 04/18/03 | 68 FR 19166 |
| NPRM Comment<br>Period End | 06/13/03 |             |
| Revised NPRM               | 01/00/06 |             |
| Final Action               | 08/00/06 |             |

**Regulatory Flexibility Analysis  
Required:** No

**Government Levels Affected:** None

**Agency Contact:** John Cronin  
Phone: 301 903-6209

**RIN:** 1992-AA23

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

Proposed Rule Stage

**890. FREEDOM OF INFORMATION  
ACT**

**Priority:** Other Significant

**Legal Authority:** 5 USC 552

**CFR Citation:** 10 CFR 1004

**Legal Deadline:** None

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

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| NPRM         | 02/00/05 |         |
| Final Action | 10/00/05 |         |

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

**RIN:** 1901-AA32

**891. 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         | 02/00/05 |         |
| Final Action | 07/00/05 |         |

**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

**892. 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

## DOE—ENDEP

## Proposed Rule Stage

**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

**893. WORKER SAFETY AND HEALTH**

**Regulatory Plan:** This entry is Seq. No. 39 in part II of this issue of the **Federal Register**.

**RIN:** 1901-AA99

**894. GUIDELINES FOR VOLUNTARY GREENHOUSE GAS REPORTING**

**Priority:** Other Significant

**Legal Authority:** 42 USC 13385(b)

**CFR Citation:** 10 CFR 300

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite     |
|--------|----------|-------------|
| NPRM   | 12/05/03 | 68 FR 68204 |

| Action | Date | FR Cite |
|--------|------|---------|
|--------|------|---------|

NPRM Comment  
Period End

Supplemental NPRM  
With Technical  
Guidelines

Final Action

**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)****Final Rule Stage****Departmental and Others (ENDEP)****895. RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT**

**Regulatory Plan:** This entry is Seq. No. 40 in part II of this issue of the **Federal Register**.

**RIN:** 1901-AA38

**896. 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

**897. • FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS**

**Priority:** Other Significant

**Legal Authority:** 42 USC 289; 5 USC 301; 6 USC 551 to 559

**CFR Citation:** 10 CFR 745

**Legal Deadline:** None

**Abstract:** This action would require each institution engaged in research covered by this policy to provide written assurance that it will comply with all Federal requirements.

**Timetable:**

| Action       | Date     | FR Cite |
|--------------|----------|---------|
| Final Action | 06/00/05 |         |

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Marvin E. Frazier,  
Director, Life Sciences Division,  
Department of Energy, 1000  
Independence Avenue SW.,  
Washington, DC 20585  
Phone: 301 903-5468

**RIN:** 1901-AB14

**Department of Energy (DOE)  
Departmental and Others (ENDEP)**
**Long-Term Actions**
**898. 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<br>Final Action | 04/14/89<br>To Be | 54 FR 29732<br>Determined |

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal, State**Agency Contact:** Christopher J. Clayton  
Phone: 202 586-9034**RIN:** 1901-AA57
**899. 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.**CFR Citation:** 10 CFR 852**Timetable:**

| Action                                      | Date     | FR Cite     |
|---|----------|-------------|
| Interim Final Rule                          | 03/24/04 | 69 FR 13709 |
| Interim Final Rule<br>Comment Period<br>End | 04/24/04 |             |
| To Be Determined                            | To Be    | Determined  |

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Judy Keating  
Phone: 202 586-7551**RIN:** 1901-AB13
**Department of Energy (DOE)  
Office of Procurement and Assistance Management (PR)**
**Proposed Rule Stage****900. 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<br>Final Action | 11/00/04<br>05/00/05 |         |

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

**Agency Contact:** Irma Brown,  
Procurement Analyst, Department of  
Energy, Office of Procurement and  
Assistance Management, ME-61, 1000  
Independence Avenue SW.,  
Washington, DC 20585  
Phone: 202 287-1374  
Email: irma.brown@hq.doe.gov

**RIN:** 1991-AB63
**901. 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<br>Final Action | 01/00/05<br>04/00/05 |         |

**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: 202 287-1330

**RIN:** 1991-AB65
**902. 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   | 02/00/05 |         |

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

**Agency Contact:** Richard B. Langston,  
Procurement Analyst, Department of  
Energy, Office of Procurement and  
Assistance Management, 1000  
Independence Avenue SW.,  
Washington, DC 20585

DOE—PR

Proposed Rule Stage

Phone: 202 287-1339  
Email: richard.langston@pr.doe.gov

RIN: 1991-AB67

**903. • DEAR: BIOBASED CONTENT PRODUCTS**

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

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

**CFR Citation:** 48 CFR 923; 48 CFR 952; 48 CFR 970.23; 48 CFR 970.2370

**Legal Deadline:** None

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

**Timetable:**

| Action | Date     | FR Cite |
|--------|----------|---------|
| NPRM   | 12/00/04 |         |

**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: 202 287-1339  
Email: richard.langston@pr.doe.gov

RIN: 1991-AB68

Department of Energy (DOE)

Final Rule Stage

Office of Procurement and Assistance Management (PR)

**904. 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 | 02/00/05 |             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 287-1338

RIN: 1991-AB52

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

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This action would amend the policy and procedures regarding compensation for personal services under contracts for management of Department of Energy facilities.

**Timetable:**

| Action             | Date     | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 01/00/05 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

RIN: 1991-AB61

**906. TECHNICAL AMENDMENT OF THE DEPARTMENT OF ENERGY ACQUISITION REGULATION**

**Priority:** Substantive, Nonsignificant

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

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

**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 | 12/00/04 |         |

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

RIN: 1991-AB62

**907. 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 | 11/00/04 |         |

**Regulatory Flexibility Analysis Required:** No

DOE—PR

Final Rule Stage

**Government Levels Affected:** None

Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585

Phone: 202 287-1507

**Agency Contact:** A. Scott Geary, Program Analyst, Department of**RIN:** 1991-AB64**Department of Energy (DOE)  
Office of General Counsel (OGC)**

Final Rule Stage

**908. 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       | 01/00/05 |             |

**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

**909. 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. 04-26232 Filed 12-10-04; 8:45 am]

**BILLING CODE** 6450-01-S