



# Federal Register

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**Tuesday,  
May 27, 2003**

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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 March

20, 2003. They are divided into categories first by subagencies and then according to their stage of rulemaking action: prerule, proposed rulemaking, final rulemaking, long-term action, or completed action.

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 April 7, 2003.

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

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

| Sequence Number | Title  | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 682             | Energy Efficiency Standards for Residential Furnaces, Boilers, and Mobile Home Furnaces .....                        | 1904-AA78                        |
| 683             | Determination for Small Electric Motors .....  | 1904-AA87                        |
| 684             | Energy Efficiency Standards for Electric Distribution Transformers .....   | 1904-AB08                        |
| 685             | Energy Efficiency Standards for Commercial Central Air Conditioning Units and Heat Pumps Rated 65-240 kBtus/Hr ..... | 1904-AB09                        |

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

| Sequence Number | Title  | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 686             | State and Local Incentives Program: Alternative Fuels .....  | 1904-AA66                        |
| 687             | Test Procedures for Electric Distribution Transformers .....   | 1904-AA85                        |
| 688             | Alternative Fueled Vehicle Acquisition Requirements for Private and Local Government Fleets .....  | 1904-AA98                        |
| 689             | Energy Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings .....   | 1904-AB13                        |
| 690             | Coverage of Certain Types of Commercial Refrigeration Equipment (Reach-In Freezers, Reach-In Refrigerators, Vending Machines, and Beverage Merchandisers) .....  | 1904-AB14                        |
| 691             | Coverage of Certain Incandescent Reflector Lamps, Torchieres, and Ceiling Fans .....   | 1904-AB15                        |
| 692             | Energy Efficiency Program for Commercial and Industrial Equipment: Efficiency Standards for 3-Phase Air Conditioners and Heat Pump Less Than 65 kBtu/h; & Tankless Gas-Fired Instantaneous Water Heaters ..... | 1904-AB16                        |
| 693             | Energy Efficiency Program for Commercial and Industrial Equipment: Efficiency Standards for Packaged Terminal Air Conditioners and Heat Pumps; and Oil- and Gas-Fired Commercial Package Boilers .....         | 1904-AB17                        |

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

| Sequence Number | Title  | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 694             | Test Procedures for Central Air Conditioners and Heat Pumps—Amendments ..... | 1904-AA46                        |
| 695             | Energy Efficiency Code for New Federal Residential Low-Rise Buildings .....  | 1904-AA53                        |
| 696             | Test Procedures for Commercial Water Heaters .....                           | 1904-AA95                        |
| 697             | Test Procedures for Commercial Warm Air Furnaces .....                       | 1904-AA96                        |
| 698             | Test Procedures for Commercial Air Conditioning Equipment .....              | 1904-AA97                        |
| 699             | Test Procedures for Commercial Package Boilers .....                         | 1904-AB02                        |
| 700             | Test Procedures for Dishwashers—Amendment .....                              | 1904-AB10                        |

## DOE

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

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 701             | National Voluntary Residential Energy Efficiency Rating Guidelines .....        | 1904-AA74                        |
| 702             | Determination for High-Intensity Discharge Lamps .....                          | 1904-AA86                        |
| 703             | Energy Efficiency Standards for Clothes Dryers and Dishwashers .....            | 1904-AA89                        |
| 704             | Energy Efficiency Standards for Pool Heaters and Direct Heating Equipment ..... | 1904-AA90                        |
| 705             | Energy Efficiency Standards for 1-200 HP Electric Motors .....                  | 1904-AA91                        |
| 706             | Energy Efficiency Standards for Fluorescent and Incandescent Lamps .....        | 1904-AA92                        |

## Energy Efficiency and Renewable Energy—Completed Actions

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 707             | Test Procedures for Residential Refrigerators and Refrigerator-Freezers ..... | 1904-AB12                        |

## Defense and Security Affairs—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 708             | Physical Protection of Security Interests .....   | 1992-AA23                        |
| 709             | Computer Security; Access to Information on National Nuclear Security Administration Computer Systems ..... | 1992-AA27                        |
| 710             | Criteria and Procedures for Non-Prejudicial Restriction of Access Authorization .....                       | 1992-AA32                        |
| 711             | Polygraph Examination Regulations .....   | 1992-AA33                        |

## Defense and Security Affairs—Final Rule Stage

| Sequence Number | Title  | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 712             | Procedural Rules for DOE Nuclear Security Activities .....   | 1992-AA28                        |
| 713             | Human Reliability Program .....  | 1992-AA29                        |
| 714             | Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material, Subpart A ..... | 1992-AA31                        |

## Defense and Security Affairs—Completed Actions

| Sequence Number | Title  | Regulation Identification Number |
|-----------------|--|----------------------------------|
| 715             | 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                        |

## Departmental and Others—Proposed Rule Stage

| Sequence Number | Title                                   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 716             | Freedom of Information Act .....        | 1901-AA32                        |
| 717             | Research Misconduct .....               | 1901-AA89                        |
| 718             | Occupational Radiation Protection ..... | 1901-AA95                        |
| 719             | Transmission Rate Proceeding .....      | 1901-AA97                        |
| 720             | Worker Safety and Health .....          | 1901-AA99                        |

DOE

Departmental and Others—Final Rule Stage

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 721             | Radiation Protection of the Public and the Environment .....  | 1901-AA38                        |
| 722             | Economic Development Transfers of Real Property .....   | 1901-AA82                        |
| 723             | Nondiscrimination in Federally Assisted Programs or Activities .....  | 1901-AA86                        |
| 724             | Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites: Technical Amendments ..... | 1901-AA88                        |
| 725             | Compliance With Floodplain and Wetland Environmental Review Requirements .....  | 1901-AA94                        |
| 726             | Safety Net Cost Recovery Adjustment Rate Proceeding .....   | 1901-AA96                        |
| 727             | Collection of Claims Owed the United States .....   | 1901-AA98                        |

Departmental and Others—Long-Term Actions

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 728             | Annotation of Land Records for Remediated Properties in the Uranium Mill Tailings Remedial Action Project (UMTRA) ..... | 1901-AA57                        |

Departmental and Others—Completed Actions

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 729             | Payments for Special Burdens and In Lieu of Taxes .....   | 1901-AA58                        |
| 730             | Administrative Procedures and Sanctions; Electric Power System Permits and Reports; Short-Term Imports and Exports of Natural Gas ..... | 1901-AA93                        |

Office of Procurement and Assistance Management—Proposed Rule Stage

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 731             | Energy Department Motor Vehicle Fleet Fuel Efficiency .....   | 1991-AB59                        |
| 732             | New and Revised DEAR Clauses .....  | 1991-AB60                        |
| 733             | Department of Energy Acquisition Regulation: Management Contractor Compensation for Personal Services ..... | 1991-AB61                        |
| 734             | DEAR: Make or Buy Plans .....   | 1991-AB63                        |
| 735             | DEAR: Work for Others .....   | 1991-AB64                        |

Office of Procurement and Assistance Management—Final Rule Stage

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 736             | Organizational Conflict of Interest Disclosure .....  | 1991-AB52                        |
| 737             | Acquisition Regulation: Payment of Fee Relating to Security Issues/Conditional Payment of Fee .....                             | 1991-AB54                        |
| 738             | Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants) ..... | 1991-AB56                        |
| 739             | Financial Assistance Regulation: Administrative Requirements Related to For-Profit Organizations .....                          | 1991-AB57                        |
| 740             | Technical Amendment of the Department of Energy Acquisition Regulation .....  | 1991-AB62                        |

DOE

Office of Procurement and Assistance Management—Completed Actions

| Sequence Number | Title                 | Regulation Identification Number |
|-----------------|-----------------------|----------------------------------|
| 741             | DEAR: Recycling ..... | 1991-AB47                        |

Office of General Counsel—Final Rule Stage

| Sequence Number | Title   | Regulation Identification Number |
|-----------------|---|----------------------------------|
| 742             | Conduct of Employees .....                                      | 1990-AA19                        |
| 743             | Claims for Damages Against Department of Energy Employees ..... | 1990-AA26                        |

Department of Energy (DOE)

Prerule Stage

Energy Efficiency and Renewable Energy (EE)

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

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

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

**Legal Authority:** 42 USC 6295

**CFR Citation:** 10 CFR 430

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

**Abstract:** The Energy Policy and Conservation Act, as amended, establishes initial energy efficiency standard levels for most types of major residential appliances and generally requires DOE to undertake two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended.

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

**Timetable:**

| Action                 | Date                 |
|------------------------|----------------------|
| ANPRM                  | 09/08/93 58 FR 47326 |
| Framework Workshop     | 07/17/01             |
| Venting Workshop       | 05/08/02             |
| Notice of Availability | 08/00/03             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

**Additional Information:** Based on its recent analysis, the Department is

reclassifying this action as low priority, pending further review. The Department will publish a notice of availability discussing this analysis and seeking comments from stakeholders. Based on the comments received, a decision will be made whether any further action is necessary.

**Agency Contact:** Mohammed Kahn, Program Manager, Office of Building Technologies, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
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**RIN:** 1904-AA78

**683. 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     |
|----------------------|----------|
| Determination Notice | 09/00/03 |

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

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

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

**Legal Authority:** 42 USC 6317

**CFR Citation:** 10 CFR 430

**Legal Deadline:** None

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

## DOE—EE

## Prerule Stage

is appropriate to establish such standards.

**Timetable:**

| Action               | Date                 |
|----------------------|----------------------|
| Determination Notice | 10/22/97 62 FR 54809 |
| ANPRM                | 07/00/03             |
| NPRM                 | 03/00/04             |
| Final Action         | 10/00/04             |

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**Agency Contact:** Antonio Bouza, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20676  
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**RIN:** 1904–AB08

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

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

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

**Legal Authority:** 42 USC 6293

**CFR Citation:** 10 CFR 431

**Legal Deadline:** None

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

**Timetable:**

| Action             | Date                 |
|--------------------|----------------------|
| Screening Workshop | 10/01/01 66 FR 43123 |
| ANPRM              | 08/00/03             |
| NPRM               | 04/00/04             |
| Final Action       | 11/00/04             |

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** None

**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–AB09

## Department of Energy (DOE)

## Proposed Rule Stage

## Energy Efficiency and Renewable Energy (EE)

### 686. 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                 |
|---------------|----------------------|
| NPRM          | 03/21/95 60 FR 15020 |
| Withdraw NPRM | 12/00/03             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

**Agency Contact:** Dorothy Wormley, 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

### 687. 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                 |
|----------------------|----------------------|
| Determination Notice | 10/22/97 62 FR 54809 |
| NPRM                 | 11/12/98 63 FR 63359 |

| Action            | Date     |
|-------------------|----------|
| Supplemental NPRM | 07/00/03 |
| Final Action      | 02/00/04 |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

**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

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

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

**Unfunded Mandates:** Undetermined

## DOE—EE

## Proposed Rule Stage

**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 replacement goals of the Act. The criteria for making this determination are mandated by the Act.

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

**Timetable:**

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

**Regulatory Flexibility Analysis**

**Required:** Yes

**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  
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**RIN:** 1904-AA98

**689. • 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, 42 U.S.C 6834(a)(1), 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     |
|--------|----------|
| NPRM   | 09/00/03 |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Cyrus Nasseri, Office of Building Technologies, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
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**RIN:** 1904-AB13

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6311; 42 USC 6312

**CFR Citation:** 10 CFR 431

**Legal Deadline:** None

**Abstract:** The Energy Policy and Conservation Act (EPCA) section 341 allows the Secretary to include a type of industrial equipment as covered equipment. DOE is undertaking an analysis of reach-in refrigerators/freezers and beverage merchandisers/vending machines to determine whether to classify these products as "covered." If these products are covered, DOE will undertake rulemakings for test procedures.

**Timetable:**

| Action   | Date     |
|--|----------|
| NPRM - Coverage of Commercial Products               | 12/00/03 |
| Final Rule - Coverage of Certain Commercial Products | 05/00/04 |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Brian Card, Office of Building Technologies, EE-2J,

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**RIN:** 1904-AB14

**691. • COVERAGE OF CERTAIN INCANDESCENT REFLECTOR LAMPS, TORCHIERES, AND CEILING FANS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 6291; 42 USC 6292

**CFR Citation:** 10 CFR 430

**Legal Deadline:** None

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

**Timetable:**

| Action  | Date     |
|---|----------|
| NPRM - Coverage of Residential Products       | 12/00/03 |
| Final Rule - Coverage of Residential Products | 05/00/04 |

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Brian Card, Office of Building Technologies, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
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**RIN:** 1904-AB15

DOE—EE

Proposed Rule Stage

**692. • ENERGY EFFICIENCY PROGRAM FOR COMMERCIAL AND INDUSTRIAL EQUIPMENT: EFFICIENCY STANDARDS FOR 3-PHASE AIR CONDITIONERS AND HEAT PUMP LESS THAN 65 KBTU/H; & TANKLESS GAS-FIRED INSTANTANEOUS WATER HEATERS**

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 10 CFR 431

**Legal Deadline:** None

**Abstract:** The efficiency requirements in the statute correspond to the levels in ASHRAE/IESNA Standard 90.1 as in effect on October 24, 1992. The statute further provides that if the efficiency levels in ASHRAE/IESNA Standard 90.1 are amended after that date for any of the covered products, as recently occurred, the Secretary of Energy must establish an amended uniform national standard for such equipment at the new minimum level for each effective date specified in ASHRAE/IESNA 90.1, unless he determines that a more stringent standard is technologically feasible and economically justified and would result in significant additional energy conservation.

**Timetable:**

| Action | Date     |
|--------|----------|
| NPRM   | 12/00/03 |

**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 had previously been considered a high priority, there is no clear and convincing evidence that indicates a more stringent standard would result in significant additional energy conservation. DOE plans to propose adopting the new amended ASHRAE 90.1-1999/2002 for 3-Phase units and ASHRAE 90.1-1999 for Instantaneous Water Heaters.

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**RIN:** 1904-AB16

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

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

**Unfunded Mandates:** Undetermined

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

**CFR Citation:** 10 CFR 431

**Legal Deadline:** None

**Abstract:** The efficiency requirements in the statute correspond to the levels in ASHRAE/IESNA Standard 90.1 as in effect on October 24, 1992. The statute

further provides that if the efficiency levels in ASHRAE/IESNA Standard 90.1 are amended after that date for any of the covered products, as recently occurred, the Secretary of Energy must establish an amended uniform national standard for such equipment at the new minimum level for each effective date specified in ASHRAE/IESNA 90.1, unless he determines that a more stringent standard is technologically feasible and economically justified and would result in significant additional energy conservation.

**Timetable:**

| Action | Date     |
|--------|----------|
| NPRM   | 12/00/03 |

**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 had previously been considered a high priority, there is no clear and convincing evidence that indicates a more stringent standard would result in significant additional energy conservation.

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**RIN:** 1904-AB17

Department of Energy (DOE)

Final Rule Stage

Energy Efficiency and Renewable Energy (EE)

**694. 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 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.



DOE—EE

Final Rule Stage

**Timetable:**

| Action       | Date                |
|--------------|---------------------|
| NPRM         | 01/22/01 66 FR 6768 |
| Final Action | 07/00/03            |

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:**

Undetermined

**Agency Contact:** Michael Raymond, Office of Building Technologies, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
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Email: michael.raymond@ee.doe.gov

**RIN:** 1904-AA46**695. 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.

**Timetable:**

| Action                  | Date                 |
|-------------------------|----------------------|
| 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**696. TEST PROCEDURES FOR COMMERCIAL WATER HEATERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

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

**Timetable:**

| Action       | Date                 |
|--------------|----------------------|
| NPRM         | 08/09/00 65 FR 48852 |
| Final Action | 05/00/03             |

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

**Agency Contact:** Cyrus Nasser, Office of Building Technologies, 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**697. TEST PROCEDURES FOR COMMERCIAL WARM AIR FURNACES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

**Abstract:** The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation

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

**Timetable:**

| Action       | Date                 |
|--------------|----------------------|
| NPRM         | 12/13/99 64 FR 69597 |
| Final Action | 05/00/03             |

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

**Agency Contact:** Cyrus Nasser, Office of Building Technologies, 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**698. TEST PROCEDURES FOR COMMERCIAL AIR CONDITIONING EQUIPMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

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

DOE—EE

Final Rule Stage

**Timetable:**

| Action       | Date                 |
|--------------|----------------------|
| NPRM         | 08/09/00 65 FR 48828 |
| Final Action | 05/00/03             |

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

**Agency Contact:** Cyrus Nasser, Office of Building Technologies, 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-AA97**699. TEST PROCEDURES FOR COMMERCIAL PACKAGE BOILERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

**Abstract:** The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial boilers,

prescribes test procedures, and authorizes labeling for such equipment. This action would promulgate by regulation these provisions. It would also incorporate by reference energy conservation standards and test procedures, as promulgated by EPCA.

**Timetable:**

| Action       | Date                 |
|--------------|----------------------|
| NPRM         | 08/09/00 65 FR 48838 |
| Final Action | 05/00/03             |

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

**Agency Contact:** Cyrus Nasser, Office of Building Technologies, 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**700. 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                 |
|--------------|----------------------|
| NPRM         | 09/03/02 67 FR 56232 |
| Final Action | 08/00/03             |

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

**Agency Contact:** Barbara Twigg, Office of Building Technologies, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
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Email: barbara.twigg@ee.doe.gov

**RIN:** 1904-AB10**Department of Energy (DOE)****Energy Efficiency and Renewable Energy (EE)****Long-Term Actions****701. 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. In spite of an intensive effort by DOE to work with both the electric and gas industries, agreement was not reached, a definition regarding fuel neutrality was not resolved, and the issue 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 with DOE's notice of proposed rulemaking on voluntary HERS guidelines.

**Timetable:**

| Action       | Date                 |
|--------------|----------------------|
| NPRM         | 07/25/95 60 FR 37949 |
| Final Action | To Be Determined     |

**Regulatory Flexibility Analysis****Required:** Undetermined**Government Levels Affected:** Undetermined

**Agency Contact:** David Boomsma, EE-3B, 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

## DOE—EE

## Long-Term Actions

**702. 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     |
|----------------------|----------|
| Determination Notice | 06/00/04 |

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

**Additional Information:** The Department's regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a high priority. The Department is gathering information and conducting analysis in preparation for a determination under 42 U.S.C. 631(b).

**Agency Contact:** Brian Card, Office of Building Technologies, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-9228  
Email: brian.card@ee.doe.gov

**RIN:** 1904-AA86**703. 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 for clothes washers and dryers, 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. The dishwasher standard has been upgraded to a medium priority, and the Department plans to begin work on this standard within the next two fiscal years. However, the clothes dryer standard remains a low priority.

**Agency Contact:** Barbara Twigg, Office of Building Technologies, 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-AA89**704. 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 in the next two fiscal years.

**Agency Contact:** Cyrus Nasser, Office of Building Technologies, 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-AA90**705. 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 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 in the next two fiscal years.

**Agency Contact:** James Raba, Office of Building Technologies, 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-AA91

## DOE—EE

## Long-Term Actions

**706. 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. This action is presently a low priority. However, industry has requested that the Department consider making this a higher priority in the

case of medium base compact fluorescent lamps. The specific concerns of industry are being reviewed prior to determining the most appropriate action to be taken. This request is also being considered in the context of existing priorities for budget and staff.

**Agency Contact:** Ronald Lewis, Office of Building Technologies, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Research and Standards, 1000 Independence Avenue S.W., 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)

**707. 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 amends the calculation of the test time period for long-time automatic defrost.

**Timetable:**

| Action                      | Date                 |
|-----------------------------|----------------------|
| NPRM                        | 03/07/03 68 FR 11009 |
| Direct Final Rule           | 03/07/03 68 FR 10957 |
| NPRM Comment                | 04/07/03             |
| Period End                  |                      |
| Direct Final Rule Effective | 05/06/03             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Raymond, Office of Building Technologies, 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-AB12

## Department of Energy (DOE)

## Proposed Rule Stage

## Defense and Security Affairs (DSA)

**708. 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

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                 |
|-----------------|----------------------|
| NPRM            | 04/14/03 68 FR 17886 |
| NPRM Correction | 04/18/03 68 FR 19166 |
| NPRM Comment    | 06/13/03             |
| Period End      |                      |
| Final Action    | 10/00/03             |

**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

**709. 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

## DOE—DSA

## Proposed Rule Stage

**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     |
|--------------|----------|
| NPRM         | 08/00/03 |
| Final Action | 03/00/04 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1992-AA27

### 710. ● CRITERIA AND PROCEDURES FOR NON-PREJUDICIAL RESTRICTION OF ACCESS AUTHORIZATION

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

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

**Timetable:**

| Action             | Date     |
|--------------------|----------|
| NPRM               | 07/00/03 |
| Interim Final Rule | 09/00/03 |
| Final Action       | 12/00/03 |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Mary E. Gallion, Department of Energy, SO-112, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 301 903-6545  
Email: mary.gallion@hq.doe.gov

**RIN:** 1992-AA32

### 711. ● POLYGRAPH EXAMINATION REGULATIONS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 709

**Legal Deadline:** None

**Abstract:** The purpose of this action is to promulgate new counterintelligence polygraph regulations consistent with section 3152 of the National Defense Authorization Act for Fiscal Year 2002.

**Timetable:**

| Action | Date     |
|--------|----------|
| NPRM   | 05/00/03 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1992-AA33

## Department of Energy (DOE)

## Defense and Security Affairs (DSA)

## Final Rule Stage

### 712. 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                 |
|-------------------------|----------------------|
| NPRM                    | 04/01/02 67 FR 15339 |
| NPRM Comment Period End | 07/01/02             |
| Final Rule              | 05/00/03             |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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

**RIN:** 1992-AA28

### 713. 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.

## DOE—DSA

## Final Rule Stage

**Timetable:**

| Action       | Date                 |
|--------------|----------------------|
| 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

**714. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SPECIAL NUCLEAR MATERIAL, SUBPART A****Priority:** Info./Admin./Other**Legal Authority:** EO 12968; 42 USC 2201**CFR Citation:** 10 CFR 710, subpart A**Legal Deadline:** None**Abstract:** This action would update the responsibilities and authorities to reflect organizational changes.**Timetable:**

| Action             | Date     |
|--------------------|----------|
| Interim Final Rule | 05/00/03 |

**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)

## Defense and Security Affairs (DSA)

## Completed Actions

**715. 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 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                 |
|--------|----------------------|
| NPRM   | 04/04/02 67 FR 16061 |

| Action                     | Date                 |
|----------------------------|----------------------|
| NPRM Comment<br>Period End | 05/06/02             |
| Final Action               | 10/28/02 67 FR 65690 |

**Regulatory Flexibility Analysis**

Required: No

**Government Levels Affected:** None

**Agency Contact:** Linda Repass,  
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Security, 19902 Germantown Road,  
Germantown, MD 20874  
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**RIN:** 1992-AA30

## Department of Energy (DOE)

## Departmental and Others (ENDEP)

## Proposed Rule Stage

**716. 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     |
|--------------|----------|
| NPRM         | 09/00/03 |
| Final Action | 12/00/03 |

**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**717. 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.

## DOE—ENDEP

## Proposed Rule Stage

**Timetable:**

| Action       | Date     |
|--------------|----------|
| NPRM         | 05/00/03 |
| Final Action | 12/00/03 |

**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

**718. 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     |
|--------|----------|
| 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 S.W., Washington, DC 20585  
Phone: 301 903-5641

**RIN:** 1901-AA95

**719. 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, 2003. 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     |
|-----------------------------|----------|
| Proposed Record of Decision | 06/00/03 |

**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

**720. • WORKER SAFETY AND HEALTH**

**Priority:** Other Significant

**Legal Authority:** 42 USC 2282c

**CFR Citation:** 19 CFR 851

**Legal Deadline:** Final, Statutory, December 2, 2003.

**Abstract:** Pursuant to section 234C of the Atomic Energy Act, 42 U.S.C. 2282c, DOE will propose regulations applicable to DOPE contractors with respect to worker safety and health at DOE facilities. The regulations would also provide for enforcement assessment of civil penalties and contract fee reductions.

**Timetable:**

| Action | Date     |
|--------|----------|
| NPRM   | 06/00/03 |

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** C. Rick Jones, Acting Deputy Assistant Secretary for Safety and Health, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-6539

**RIN:** 1901-AA99

**Department of Energy (DOE)  
Departmental and Others (ENDEP)****Final Rule Stage****721. RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT**

**Priority:** Other Significant

**Legal Authority:** 42 USC 2201; 42 USC 7191

**CFR Citation:** 10 CFR 834

**Legal Deadline:** None

**Abstract:** This action would add a new 10 CFR 834 to DOE's regulations establishing a body of rules setting forth the basic requirements for

ensuring radiation protection of the public and environment in connection with DOE nuclear activities. These requirements stem from the Department's ongoing effort to strengthen the protection of health, safety, and the environment from the nuclear and chemical hazards posed by these DOE activities. Major elements of the proposal included a dose limitation system for protection of the public; requirements for liquid discharges; reporting and monitoring requirements;

and residual radioactive material requirements.

**Timetable:**

| Action       | Date                 |
|--------------|----------------------|
| NPRM         | 03/25/93 58 FR 16268 |
| Second NPRM  | 08/31/95 60 FR 45381 |
| Final Action | 09/00/03             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

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**Agency Contact:** Andrew Wallo III, Director, Air, Water and Radiation Division, Department of Energy, Office of Environmental Guidance, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-4996

RIN: 1901-AA38

## 722. 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                 |
|--------------------|----------------------|
| Interim Final Rule | 02/29/00 65 FR 10685 |
| Final Action       | 09/00/03             |

**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

## 723. 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                 |
|------------------------|----------------------|
| NPRM                   | 12/06/00 65 FR 76459 |
| NPRM Comment           | 01/05/01             |
| Period End             |                      |
| Final Action           | 09/00/03             |
| Final Action Effective | 10/00/03             |

**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

## 724. 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 regulations governing the reimbursement of remedial action costs at active uranium and thorium processing sites. The original legislation authorizing the program has been amended four 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     |
|------------|----------|
| Final Rule | 12/00/03 |

**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

## 725. 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:

| Action       | Date                 |
|--------------|----------------------|
| NPRM         | 11/18/02 67 FR 69480 |
| NPRM Comment | 01/14/03             |
| Period End   |                      |
| Final Action | 05/00/03             |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Carolyn Osborne, Department of Energy, Office of NEPA Policy and Compliance, EH-42, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-4600

RIN: 1901-AA94

## 726. SAFETY NET 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



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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 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                 |
|-----------------------------|----------------------|
| Proposed Record of Decision | 03/13/03 68 FR 12048 |
| Final Record of Decision    | 08/00/03             |

**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**727. • COLLECTION OF CLAIMS OWED THE UNITED STATES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254**CFR Citation:** 10 CFR 1015**Legal Deadline:** None

**Abstract:** This action would amend 10 CFR 1015 to reflect the revisions to the Federal Claims Collections Standards issued by the Department of Treasury and the Department of Justice on November 22, 2000. The revisions would clarify and simplify the Department of Energy's debt collection standards.

**Timetable:**

| Action            | Date     |
|-------------------|----------|
| Direct Final Rule | 08/00/03 |

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

**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-AA98
**Department of Energy (DOE)  
Departmental and Others (ENDEP)**
**Long-Term Actions**
**728. 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                 |
|--------------|----------------------|
| NPRM         | 04/14/89 54 FR 29732 |
| Final Action | To Be 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. DOE sent letters to the affected States regarding the amendment language. Some States expressed concerns about the land annotation requirements. The Department and the States are engaged in discussions to resolve those concerns before proceeding with this action.

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## Long-Term Actions

**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

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

## Completed Actions

**729. 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 would have revised 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.

**Timetable:**

| Action    | Date     |
|-----------|----------|
| Withdrawn | 03/24/03 |

**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

**730. 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     |
|-----------|----------|
| Withdrawn | 03/19/03 |

**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

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

## Proposed Rule Stage

**731. 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     |
|--------|----------|
| NPRM   | 05/00/03 |

**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

**732. NEW AND REVISED DEAR CLAUSES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 2201; 42 USC 7254

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

**Legal Deadline:** None

**Abstract:** This action would revise part 970 and related parts of DEAR to

eliminate provisions that are unnecessary, obsolete, or duplicated elsewhere in title 48.

**Timetable:**

| Action | Date     |
|--------|----------|
| NPRM   | 05/00/03 |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Michael Fishetti, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-8192

**RIN:** 1991-AB60

## DOE—PR

## Proposed Rule Stage

**733. • 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     |
|--------------|----------|
| NPRM         | 05/00/03 |
| Final Action | 09/00/03 |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-8247  
Email: richard.langston@pr.doe.gov**RIN:** 1991-AB61**734. • 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     |
|--------------|----------|
| NPRM         | 06/00/03 |
| Final Action | 10/00/03 |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Irma Brown, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, ME-61, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-8455  
Email: irma.brown@hq.doe.gov**RIN:** 1991-AB63**735. • 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     |
|--------------|----------|
| NPRM         | 06/00/03 |
| Final Action | 10/00/03 |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** A. Scott Geary, Program Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-3299**RIN:** 1991-AB64

## Department of Energy (DOE)

## Final Rule Stage

## Office of Procurement and Assistance Management (PR)

**736. 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                 |
|--------------|----------------------|
| NPRM         | 10/13/99 64 FR 55453 |
| Final Action | 05/00/03             |

**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**737. 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.

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**Timetable:**

| Action       | Date                |
|--------------|---------------------|
| NPRM         | 02/01/01 66 FR 8560 |
| Final Action | 05/00/03            |

**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

**738. 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                |
|-------------------------|---------------------|
| NPRM                    | 01/23/02 67 FR 3265 |
| NPRM Comment Period End | 03/25/02            |
| Final Action            | 06/00/03            |

**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

**739. 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                 |
|--------------|----------------------|
| ANPRM        | 05/08/01 66 FR 23197 |
| NPRM         | 08/26/02 67 FR 54850 |
| Final Action | 11/00/03             |

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

**Agency Contact:** Trudy Wood, Procurement Analyst, Department of

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

**RIN:** 1991-AB57

**740. • 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     |
|-------------------|----------|
| Direct Final Rule | 08/00/03 |

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

**Agency Contact:** Stephen Zvolensky, Department of Energy, Office of Procurement and Assistance Management, ME-61, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-5936  
Email: stephen.zvolensky@hq.doe.gov

**RIN:** 1991-AB62**Department of Energy (DOE)****Office of Procurement and Assistance Management (PR)****Completed Actions****741. 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                 |
|--------------|----------------------|
| NPRM         | 11/30/00 65 FR 71292 |
| Final Action | 02/07/03 68 FR 6355  |

**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

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

**Final Rule Stage**

**742. 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                 |
|--------------------|----------------------|
| Interim Final Rule | 07/05/96 61 FR 35085 |
| Final Action       | 05/00/03             |

**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

**743. CLAIMS FOR DAMAGES AGAINST DEPARTMENT OF ENERGY EMPLOYEES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 1014

**Legal Deadline:** None

**Abstract:** This action would provide for the indemnification of employees or former employees of the Department of

Energy who are personally liable to pay damages for their official acts or omissions as a result of an adverse judgment or settlement.

**Timetable:**

| Action             | Date     |
|--------------------|----------|
| Interim Final Rule | 05/00/03 |

**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

[FR Doc. 03-9563 Filed 05/16/03; 8:45 am]

**BILLING CODE 6450-01-S**