



Federal Register

**Monday,
May 16, 2005**

Part VII

**Department of
Energy**

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Energy has prepared and today is publishing its semiannual regulatory agenda pursuant to Executive Order 12866 "Regulatory Planning and Review," 58 FR 51735,

and the Regulatory Flexibility Act, 5 U.S.C. sections 601-612 (1988).

FOR FURTHER INFORMATION CONTACT: For further information about any particular item on the regulatory agenda, please contact the individual listed under that item. For further information on the regulatory agenda in general, please contact: Richard L. Farman, Room 6E-078, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8145.

SUPPLEMENTARY INFORMATION: Entries appended to this notice reflect the status of activities as of approximately March

30, 2005. 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 11, 2005.

Eric J. Fygi,
Acting General Counsel.

National Nuclear Security Agency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
771	Computer Security: Access to Information on Department of Energy Computer Systems	1994-AA01

National Nuclear Security Agency—Long-Term Actions

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

Energy Efficiency and Renewable Energy—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
773	Determination for High-Intensity Discharge Lamps	1904-AA86
774	Determination for Small Electric Motors	1904-AA87

Energy Efficiency and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
775	Energy Efficiency Code for New Federal Residential Low-Rise Buildings	1904-AA53
776	State and Local Incentives Program: Alternative Fuels	1904-AA66
777	Energy Efficiency Standards for Residential Furnaces and Boilers	1904-AA78
778	Energy Efficiency Standards for Electric Distribution Transformers	1904-AB08
779	Energy Efficiency Standards for Commercial Unitary Air Conditioners and Heat Pumps	1904-AB09
780	Energy Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings	1904-AB13

Energy Efficiency and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
781	Test Procedures for Residential Central Air Conditioners and Heat Pumps—Amendments	1904-AA46
782	Test Procedures for Electric Distribution Transformers	1904-AA85
783	Energy Efficiency Standards for Commercial 3-Phase Air Conditioners and Heat Pump Less Than 65 kBtu/h	1904-AB16

DOE

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

Sequence Number	Title	Regulation Identifier Number
784	Energy Efficiency Standards for Commercial Packaged Terminal Air Conditioners and Heat Pumps; Commercial Oil- and Gas-Fired Package Boilers; and Tankless Gas-Fired Water Heaters	1904-AB17
785	Energy Efficiency Standards for Commercial Single Packaged Vertical Air-Conditioners and Heat Pumps	1904-AB44

Energy Efficiency and Renewable Energy—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
786	National Voluntary Residential Energy Efficiency Rating Guidelines	1904-AA74
787	Energy Efficiency Standards for Clothes Dryers and Dishwashers	1904-AA89
788	Energy Efficiency Standards for Pool Heaters and Direct Heating Equipment	1904-AA90
789	Energy Efficiency Standards for 1-200 HP Electric Motors	1904-AA91
790	Energy Efficiency Standards for Fluorescent and Incandescent Lamps	1904-AA92
791	Coverage of Certain Types of Commercial Refrigeration Equipment (Reach-In Freezers, Reach-In Refrigerators, Vending Machines, and Beverage Merchandisers)	1904-AB14
792	Coverage of Certain Incandescent Reflector Lamps, Torchieres, and Ceiling Fans	1904-AB15

Defense and Security Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
793	Physical Protection of Security Interests	1992-AA23
794	Identification and Protection of Unclassified Controlled Nuclear Information	1992-AA35

Defense and Security Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
795	Counterintelligence Evaluation Regulations	1992-AA33

Defense and Security Affairs—Completed Actions

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

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
797	Freedom of Information Act	1901-AA32
798	Research Misconduct	1901-AA89
799	Occupational Radiation Protection	1901-AA95

DOE

Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
800	Radiation Protection of the Public and the Environment	1901-AA38
801	Economic Development Transfers of Real Property	1901-AA82
802	Worker Safety and Health	1901-AA99
803	Guidelines for Voluntary Greenhouse Gas Reporting	1901-AB11
804	Federal Policy for the Protection of Human Subjects	1901-AB14
805	Price Competitive Sale of Strategic Petroleum Reserve Petroleum; Standard Sales Provisions	1901-AB15

Departmental and Others—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
806	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 Identifier Number
807	Guidelines for Physician Panel Determination on Worker Requests for Assistance in Filing for State Worker's Compensation Benefits; Procedural Amendments	1901-AB13

Office of Procurement and Assistance Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
808	DEAR Changes to Provisions for Facilities Management, Work Authorization, Contractor's Organization, Contractor Relations, and Laws, Regulations, and Directives	1991-AB65
809	Cooperative Audit Strategy	1991-AB67
810	DEAR: Biobased Content Products	1991-AB68
811	Priorities and Allocations—Domestic Energy Supplies	1991-AB69
812	Revisions to Intellectual Property Provisions for Management Contracts	1991-AB70
813	Security Considerations—Background Checks	1991-AB71

Office of Procurement and Assistance Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
814	Organizational Conflict of Interest Disclosure	1991-AB52
815	Department of Energy Acquisition Regulation: Management Contractor Compensation for Personal Services	1991-AB61
816	Technical Amendment of the Department of Energy Acquisition Regulation	1991-AB62
817	DEAR: Make or Buy Plans	1991-AB63
818	DEAR: Work for Others	1991-AB64

Office of General Counsel—Final Rule Stage

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

DOE

Office of General Counsel—Long-Term Actions

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

Department of Energy (DOE)

Final Rule Stage

National Nuclear Security Agency (NNSA)

771. COMPUTER SECURITY: ACCESS TO INFORMATION ON DEPARTMENT OF ENERGY COMPUTER SYSTEMS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7101 et seq; 42 USC 2001 et seq; 50 USC 2425; 50 USC 2483(c)**CFR Citation:** Not Yet Determined**Legal Deadline:** None**Abstract:** This action would codify rules governing access by any individual to information on Department of Energy computer systems.**Timetable:**

Action	Date	FR Cite
NPRM	03/17/05	70 FR 12974
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Bruce Brody, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
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Email: bruce.brody@hq.doe.gov**RIN:** 1994-AA01

Department of Energy (DOE)

Long-Term Actions

National Nuclear Security Agency (NNSA)

772. INITIAL PARTS OF NNSA ACQUISITION REGULATION (NAR)**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**CFR Citation:** 48 CFR ch 11**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** James J. Cavanagh
Phone: 202 586-8559**RIN:** 1994-AA00

Department of Energy (DOE)

Prerule Stage

Energy Efficiency and Renewable Energy (EE)

773. DETERMINATION FOR HIGH-INTENSITY DISCHARGE LAMPS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6317**CFR Citation:** 10 CFR 430**Legal Deadline:** Other, Statutory, April 24, 1995, Determination Notice.**Abstract:** The Energy Policy Act of 1992 requires the Department to prescribe test procedures and efficiency standards for high-intensity discharge lamps for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.**Timetable:**

Action	Date	FR Cite
Determination Notice	06/00/05	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** The timetable for this action reflects program priorities, which were established with significant input from the public. The Department is gathering information and conducting analysis in preparation for a determination under 42 U.S.C. 631(b).**Agency Contact:** Bryan Berringer, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building TechnologiesProgram, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-0371
Fax: 202 586-4617
Email: bryan.berringer@ee.doe.gov**RIN:** 1904-AA86**774. 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 and Conservation Act (EPCA), as amended, requires the Department to prescribe test procedures for small electric

DOE—EE

Prerule Stage

motors for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.

Timetable:

Action	Date	FR Cite
Determination Notice	03/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: The timetable for this action reflects program priorities, which were established with significant input from the public. The Department is gathering information and conducting analyses in preparation for a determination under 42 U.S.C. 6317(b).

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

Department of Energy (DOE)

Proposed Rule Stage

Energy Efficiency and Renewable Energy (EE)

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

Priority: Other Significant

Legal Authority: 42 USC 6834

CFR Citation: 10 CFR 435

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

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

Timetable:

Action	Date	FR Cite
NPRM	05/02/97	62 FR 24164
NPRM Comment Period End	07/14/97	
Supplemental NPRM	05/00/05	
Final Action	05/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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

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RIN: 1904-AA53

776. STATE AND LOCAL INCENTIVES PROGRAM: ALTERNATIVE FUELS

Priority: Other Significant

Legal Authority: 42 USC 13235

CFR Citation: 10 CFR 409

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

Abstract: The Energy Policy Act of 1992 requires DOE to issue regulations establishing the State and Local Incentives Program. Under this program DOE may grant financial assistance to States for projects in DOE-approved State plans to promote use of alternative fuels and alternative-fueled vehicles. With the publication of an integrated State Energy Program (61 FR 35890), the alternative fuel grant programs may be a part of the State grant special projects, depending on funding availability. The next action will be a cancellation notice of any separate State grant program.

Timetable:

Action	Date	FR Cite
NPRM	03/21/95	60 FR 15020
Withdraw NPRM	08/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Agency Contact: Dorothy Wormley, Department of Energy, Energy Efficiency and Renewable Energy, Office of Weatherization and Intergovernmental Programs, 1000

Independence Avenue SW., Washington, DC 20585
Phone: 202 586-7028

RIN: 1904-AA66

777. ENERGY EFFICIENCY STANDARDS FOR RESIDENTIAL FURNACES AND BOILERS

Priority: Economically Significant. Major under 5 USC 801.

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

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430

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

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

This is the initial review of the statutory standards for residential furnaces and boilers.

Timetable:

Action	Date	FR Cite
ANPRM	09/08/93	58 FR 47326
Framework Workshop	07/17/01	
Venting Workshop	05/08/02	
ANPRM	07/29/04	69 FR 45419
DOE Review of Technical Support Documents	09/00/05	
NPRM	09/00/06	
Final Action	09/00/07	

DOE—EE

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Local, State**Additional Information:** The timetable for this action reflects program priorities, which were established with significant input from the public.**Agency Contact:** Mohammed Kahn, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies Program, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-7892
Email: mohammed.kahn@ee.doe.gov**RIN:** 1904-AA78**778. ENERGY EFFICIENCY STANDARDS FOR ELECTRIC DISTRIBUTION TRANSFORMERS****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 6317**CFR Citation:** 10 CFR 430**Legal Deadline:** None**Abstract:** The Energy Policy and Conservation Act, as amended, (EPCA) establishes initial energy efficiency standard levels for certain types of major residential appliances and certain types of commercial equipment. EPCA contains no energy efficiency standards for distribution transformers. This rulemaking will determine whether it is appropriate to establish such standards.**Timetable:**

Action	Date	FR Cite
Determination Notice	10/22/97	62 FR 54809
ANPRM	07/29/04	69 FR 45375
DOE Review of Technical Support Documents	09/00/05	
NPRM	09/00/06	
Final Action	09/00/07	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Additional Information:** The timetable for this action reflects program

priorities, which were established with significant input from the public.

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-AB08**779. ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL UNITARY AIR CONDITIONERS AND HEAT PUMPS****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None**Abstract:** The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy efficiency standard levels for certain types of major residential appliances and certain types of commercial equipment. EPCA requires DOE to amend the standards for products whenever ASHRAE amends its standards.**Timetable:**

Action	Date	FR Cite
Framework Document and Public Meeting	10/01/01	66 FR 43123
ANPRM	07/29/04	69 FR 45459
Notice of Availability of Joint Stakeholder Comments and Opportunity to Comment	02/15/05	70 FR 7673
Comment Period End	04/01/05	70 FR 7673
Direct Final Rule	03/00/06	
NPRM	03/00/06	
Public Meeting (If Needed)	09/00/06	
Final Action (If Needed)	09/00/07	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None**Additional Information:** The timetable for this action reflects program priorities, which were established with significant input from the public.**Agency Contact:** James Raba, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies Program, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8654
Email: jim.raba@ee.doe.gov**RIN:** 1904-AB09**780. ENERGY STANDARDS FOR NEW FEDERAL COMMERCIAL AND MULTI-FAMILY HIGH-RISE RESIDENTIAL BUILDINGS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6834**CFR Citation:** 10 CFR 434**Legal Deadline:** None**Abstract:** Section 305(a)(1) of the Energy Conservation and Production Act, as amended, requires the Department to establish by rule building energy efficiency standards for all new Federal commercial and multi-family high-rise residential (over three stories in height above ground) buildings. In developing this rule, DOE is directed to consult with other Federal agencies as well as private, State, and other appropriate entities.**Timetable:**

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

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Cyrus Nasser, EE-2J, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Technologies Program, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9138
Email: cyrus.nasser@ee.doe.gov**RIN:** 1904-AB13

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

Final Rule Stage

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

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	01/22/01	66 FR 6768
Final Action	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1904-AA46

782. TEST PROCEDURES FOR ELECTRIC DISTRIBUTION TRANSFORMERS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6317

CFR Citation: 10 CFR 430

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

Abstract: The Energy Policy Act of 1992 requires the Department to prescribe testing requirements for electric distribution transformers for which the Secretary makes a

determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.

Timetable:

Action	Date	FR Cite
Determination Notice	10/22/97	62 FR 54809
NPRM	11/12/98	63 FR 63359
Supplemental NPRM	07/29/04	69 FR 45506
Final Action	09/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 1904-AA85

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

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

Unfunded Mandates: Undetermined

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

CFR Citation: 10 CFR 431

Legal Deadline: None

Abstract: The efficiency requirements in the statute correspond to the levels in ASHRAE/IESNA Standard 90.1 as in effect on October 24, 1992. The statute further provides that if the efficiency levels in ASHRAE/IESNA Standard 90.1 are amended after that date for any of the covered products, as recently occurred, the Secretary of Energy must establish an amended uniform national standard for such equipment at the new minimum level for each effective date specified in ASHRAE/IESNA 90.1, unless he determines that a more stringent standard is technologically feasible and economically justified and would result in significant additional energy conservation. Additionally, the Secretary may not prescribe any amended standard that increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product.

Timetable:

Action	Date	FR Cite
Notice of Availability and Public Workshop	11/00/05	
Final Action	03/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

Additional Information: The timetable for this action reflects program priorities, which were established with significant input from the public.

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 Email: maureen.murphy@ee.doe.gov

RIN: 1904-AB16

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

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

Unfunded Mandates: Undetermined

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

CFR Citation: 10 CFR 431

Legal Deadline: None

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

DOE—EE

Final Rule Stage

Secretary may not prescribe any amended standard that increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product.

Timetable:

Action	Date	FR Cite
Notice of Availability and Public Workshop	11/00/05	
Final Action	03/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

Additional Information: The timetable for this action reflects program priorities, which were established with significant input from the public.

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RIN: 1904-AB17

785. ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL SINGLE PACKAGED VERTICAL AIR-CONDITIONERS AND HEAT PUMPS

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

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

CFR Citation: 10 CFR 431

Legal Deadline: None

Abstract: The efficiency requirements in the statute correspond to the levels in ASHRAE/IESNA Standard 90.1 as in effect on October 24, 1992. The statute further provides that if the efficiency levels in ASHRAE/IESNA Standard 90.1 are amended after that date for any of the covered products, as recently occurred, the Secretary of Energy must establish an amended uniform national standard for such equipment at the new minimum level for each effective date specified in ASHRAE/IESNA 90.1, unless he determines that a more stringent standard is technologically feasible and economically justified and would result in significant additional energy conservation. Additionally, the Secretary may not prescribe any amended standard that increases the

maximum allowable energy use or decreases the minimum required energy efficiency of a covered product.

Timetable:

Action	Date	FR Cite
Notice of Availability and Public Workshop	11/00/05	
Final Action	03/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: The timetable for this action reflects program priorities, which were established with significant input from the public.

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RIN: 1904-AB44

Department of Energy (DOE)

Long-Term Actions

Energy Efficiency and Renewable Energy (EE)

786. NATIONAL VOLUNTARY RESIDENTIAL ENERGY EFFICIENCY RATING GUIDELINES

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 437

Timetable:

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

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stephen P. Walder, EE-2J
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RIN: 1904-AA74

787. ENERGY EFFICIENCY STANDARDS FOR CLOTHES DRYERS AND DISHWASHERS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 430.32

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

Agency Contact: Barbara Twigg, EE-2J
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RIN: 1904-AA89

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

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 430

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

Agency Contact: Cyrus Nasser, EE-2J
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Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AA90

DOE—EE

Long-Term Actions

789. ENERGY EFFICIENCY STANDARDS FOR 1–200 HP ELECTRIC MOTORS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 431

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James Raba, EE–2J

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RIN: 1904–AA91

790. ENERGY EFFICIENCY STANDARDS FOR FLUORESCENT AND INCANDESCENT LAMPS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 430.32

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Local, State

Agency Contact: Bryan Berringer, EE–2J

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RIN: 1904–AA92

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

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 431

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Linda Graves, EE–2J

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Email: linda.graves@ee.doe.gov

RIN: 1904–AB14

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

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 430

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	
Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Linda Graves, EE–2J

Phone: 202 586–1851

Email: linda.graves@ee.doe.gov

RIN: 1904–AB15

Department of Energy (DOE)

Defense and Security Affairs (DSA)

Proposed Rule Stage

793. 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. This revision would address matters concerning physical training of Security Police Officers and Security Officers, to more clearly define Security Police Officer I and Security Police Officer II positions, and to revise physical fitness qualifications requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/06	
Final Action	08/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: John Cronin, Department of Energy, Office of Security, Germantown, MD 20874
Phone: 301 903–6209

RIN: 1992–AA23

794. IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2168

CFR Citation: 10 CFR 1017

Legal Deadline: None

Abstract: Revises 10 CFR part 1017, clarifying and streamlining requirements to reflect organizational changes, abolishing the “May Contain UCNI” marking. Adds the name of the Reviewing Official and guidance for

using the UCNI marking, and updating physical protection requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
Final Action	11/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Emily Anne Pohl, Security Specialist, Department of Energy, SO–10.2 Germantown Building, US Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–1290
Phone: 301 903–9048
Fax: 301–903–1230
Email: emily.puhl@hq.doe.gov

RIN: 1992–AA35

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

Final Rule Stage

**795. COUNTERINTELLIGENCE
EVALUATION REGULATIONS**

Priority: Substantive, Nonsignificant

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

CFR Citation: 10 CFR 709; 10 CFR 710

Legal Deadline: None

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

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

Timetable:

Action	Date	FR Cite
NPRM	04/14/03	68 FR 17886
Correction to NPRM	04/18/03	68 FR 19166
Revised NPRM	01/07/05	70 FR 1383
Final Action	08/00/05	

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)**

Completed Actions

**796. PROCEDURAL RULES FOR THE
ASSESSMENT OF CIVIL PENALTIES
FOR SECURITY VIOLATIONS**

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 824

Completed:

Reason	Date	FR Cite
Final Action	01/26/05	70 FR 3599

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: GERALYN C. Praskiewicz
Phone: 202 586-4451

RIN: 1992-AA28

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

Proposed Rule Stage

**797. FREEDOM OF INFORMATION
ACT**

Priority: Other Significant

Legal Authority: 5 USC 552

CFR Citation: 10 CFR 1004

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	08/00/05	
Final Action	02/00/06	

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

798. RESEARCH MISCONDUCT

Priority: Substantive, Nonsignificant

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

CFR Citation: None

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	
Final Action	12/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: William J. Valdez, Director, Office of Planning and Analysis, Department of Energy, Office of Science, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9942

Fax: 202 586-7719
Email: bill.valdez@science.doe.gov

RIN: 1901-AA89

**799. OCCUPATIONAL RADIATION
PROTECTION**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 7191

CFR Citation: 10 CFR 835

Legal Deadline: None

Abstract: This action would amend the Department of Energy's occupational radiation protection regulations to provide additional flexibility in meeting requirements, to update the dosimetric models and dose terms, to establish certain concentration values and limits, and to clarify requirements for radioactive material transportation not subject to DOT regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

DOE—ENDEP

Proposed Rule Stage

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

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

Final Rule Stage

**800. 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 include 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	FR Cite
NPRM	03/25/93	58 FR 16268
Second NPRM	08/31/95	60 FR 45381
Conform to Related EPA Regulation	09/00/05	
Final Action	06/00/06	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: Federal

Additional Information: The Environmental Protection Agency (EPA) is considering revising the Federal Guidance for Radiation Protection of the Public. This Presidential-level guidance would refine the radiation protection and dose limitation framework for the public, and may include numerical Radiation Protection Goals (i.e., dose limits). Because it is DOE's policy to be consistent with Federal radiation protection policy, the Department is adjusting the schedule for part 834 in anticipation of revised Federal Guidance and will issue the rule following EPA action on the

guidance. This will allow DOE to be consistent with the most current Presidential-level guidance upon its release.

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

RIN: 1901-AA38

**801. ECONOMIC DEVELOPMENT
TRANSFERS OF REAL PROPERTY**

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-85, sec 3158

CFR Citation: 10 CFR 770

Legal Deadline: None

Abstract: This action would establish procedures for indemnifying and disposing of real property by sale or lease at the Department's defense nuclear facilities for the purpose of permitting economic development. It would also establish procedures for reporting actions to Congress, informing those acquiring the property of the availability of indemnification for injury to people or property from releases or threatened releases of hazardous materials, requesting indemnification, and making claims for indemnification.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/29/00	65 FR 10685
Final Action	08/00/05	

**Regulatory Flexibility Analysis
Required:** No

Government Levels Affected: None

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

RIN: 1901-AA82

802. WORKER SAFETY AND HEALTH

Priority: Other Significant

Legal Authority: 42 USC 2011; 42 USC
5801 to 5911; 42 USC 7101 to 7352

CFR Citation: 10 CFR 851

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

Abstract: This action would add a new 10 CFR 851 regulation to DOE's regulations establishing a body of rules setting forth basic requirements to ensure workers are protected from safety and health hazards at DOE facilities.

Timetable:

Action	Date	FR Cite
NPRM	12/08/03	68 FR 68276
NPRM Comment Period End	02/06/04	
NPRM Suspension	02/27/04	69 FR 9277
Supplemental NPRM	01/26/05	70 FR 3811
Supplemental NPRM Comment Period End	04/26/05	
Final Action	11/00/05	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: A Notice of Suspension was issued on 02/27/2004 to allow time for the Department to consult with the Defense Nuclear Facilities Safety Board (DNFSB) in order to resolve its concerns.

Agency Contact: Bill McArthur,
Department of Energy, 1000
Independence Avenue, SW.,
Washington, DC 20585
Phone: 301 930-9674

RIN: 1901-AA99

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

Priority: Other Significant

Legal Authority: 42 USC 13385(b)

CFR Citation: 10 CFR 300

Legal Deadline: None

DOE—ENDEP

Final Rule Stage

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

Timetable:

Action	Date	FR Cite
NPRM	12/05/03	68 FR 68204
NPRM Comment Period End	02/17/04	
Technical Guidelines	03/24/05	70 FR 15164
Interim Final Rule	03/24/05	70 FR 15169
Final Action	09/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark Friedrichs, Office of Policy and International Affairs, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585
Phone: 202 586-0124

RIN: 1901-AB11

804. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Priority: Other Significant

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

CFR Citation: 10 CFR 745

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Final Action	06/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Michael Viola, Life Sciences Division, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 301 903-5346

RIN: 1901-AB14

805. • PRICE COMPETITIVE SALE OF STRATEGIC PETROLEUM RESERVE PETROLEUM; STANDARD SALES PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 761; 42 USC 7101; 42 USC 6201

CFR Citation: 10 CFR 625

Legal Deadline: None

Abstract: This action would revise the Standard Sales Provisions containing or describing contract clauses, terms and conditions of sale, and performance and financial responsibility measures, which may be used for particular sales of petroleum from the Strategic Petroleum Reserve.

Timetable:

Action	Date	FR Cite
Final Rule	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Nancy T. Marland, Department of Energy, FE-43, Strategic Petroleum Reserve, 1000 Independence Avenue SW, Washington, DC 20585
Phone: 202 586-4691
Email: nancy.marland@hq.doe.gov

RIN: 1901-AB15

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

Long-Term Actions

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

Priority: Substantive, Nonsignificant

CFR Citation: Not Yet Determined

Timetable:

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

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal, State

Agency Contact: Christopher J. Clayton
Phone: 202 586-9034

RIN: 1901-AA57

**Department of Energy (DOE)
Departmental and Others (ENDEP)**
Completed Actions
**807. GUIDELINES FOR PHYSICIAN
PANEL DETERMINATION ON
WORKER REQUESTS FOR
ASSISTANCE IN FILING FOR STATE
WORKER'S COMPENSATION
BENEFITS; PROCEDURAL
AMENDMENTS**

Priority: Substantive, Nonsignificant
CFR Citation: 10 CFR 852

Completed:

Reason	Date	FR Cite
Interim Final Rule	03/24/04	69 FR 13709
Interim Final Rule Comment Period End	04/24/04	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Judy Keating
Phone: 202 586-7551

RIN: 1901-AB13

**Department of Energy (DOE)
Office of Procurement and Assistance Management (PR)**
Proposed Rule Stage
**808. DEAR CHANGES TO
PROVISIONS FOR FACILITIES
MANAGEMENT, WORK
AUTHORIZATION, CONTRACTOR'S
ORGANIZATION, CONTRACTOR
RELATIONS, AND LAWS,
REGULATIONS, AND DIRECTIVES**

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

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

CFR Citation: 48 CFR 907; 48 CFR 952;
48 CFR 970

Legal Deadline: None

Abstract: This action would delete 48
CFR part 970.5237-2, Facilities
Management; add new clauses dealing
with work authorization and
government-contractor relations; and
incorporate other revisions that would
emphasize the contractor's
responsibility for effective cost
management in flowing down prime
contract requirements to its
subcontractors.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Fischetti,
Procurement Analyst, ME-61,
Department of Energy, Office of
Procurement and Assistance
Management, 1000 Independence
Avenue SW., Washington, DC 20585
Phone: 202 287-1330

RIN: 1991-AB65

**809. COOPERATIVE AUDIT
STRATEGY**

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: The Department of Energy is
amending its acquisition regulation to
more fully describe the audit
procedures to be followed under its
management and operating contracts.
The revised procedures call for an
annual audit plan and audit report as
explained under the Accounts, Records
and Inspection clause at 48 CFR
970.5232-3.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1991-AB67

**810. DEAR: BIOBASED CONTENT
PRODUCTS**

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

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard B. Langston,
Procurement Analyst, Department of
Energy, Office of Procurement and
Assistance Management, 1000
Independence Avenue SW.,
Washington, DC 20585
Phone: 202 287-1339

Email: richard.langston@pr.doe.gov

RIN: 1991-AB68

**811. • PRIORITIES AND
ALLOCATIONS—DOMESTIC ENERGY
SUPPLIES**

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 41
USC 418b; 50 USC App. 2071(c)

CFR Citation: 48 CFR 911.602; 10 CFR
216

Legal Deadline: None

Abstract: This action would update the
Department of Energy regulations and
clauses exercising the authorities to
allocate the supplies of materials,
equipment, services and facilities and
establish priorities for the acceptance
and performance of contracts and
orders to (1) promote the national
defense and (2) maximize domestic
energy supplies as authorized by the
Defense Production Act of 1950 as

DOE—PR

Proposed Rule Stage

amended (50 U.S.C. App. 2061 et seq.); the Department of Commerce Defense Priorities and Allocations System Program (15 CFR 700); and Executive Order 12919, National Defense Resource Preparedness.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Lisa Jones, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue, SW., Washington, DC 20585
Phone: 202 287-1470
Email: lisa.jones@hq.doe.gov

RIN: 1991-AB69

812. ● REVISIONS TO INTELLECTUAL PROPERTY PROVISIONS FOR MANAGEMENT CONTRACTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 2282(a) to 2282(c); 41 USC 418(b); 50 USC 2401

CFR Citation: 48 CFR 970.27; 48 CFR 970.5227

Legal Deadline: None

Abstract: This action would amend the DOE Acquisition Regulation to make provision for creation and use of software subject to open source copyright licenses. Other technical changes to the existing intellectual property clauses used in DOE's management and operating contracts will also be proposed.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1991-AB70

813. ● SECURITY CONSIDERATIONS—BACKGROUND CHECKS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2011; 41 USC 418b

CFR Citation: 48 CFR 904.4

Legal Deadline: None

Abstract: This action would amend the DOE Acquisition Regulation (DEAR) to add Protective Services to the types of contracts covered by the DEAR. The security clause would be amended to describe the Department's requirement that employers do background checks before employment of persons who will require access authorizations to perform contract duties and that they and their employees agree to the use of mediation services as may be required to ensure continuity of operations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1991-AB71

Department of Energy (DOE)

Final Rule Stage

Office of Procurement and Assistance Management (PR)

814. ORGANIZATIONAL CONFLICT OF INTEREST DISCLOSURE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 909; 48 CFR 970

Legal Deadline: None

Abstract: This action would amend provisions that cover organizational conflicts of interest and purchases from affiliated sources to protect the Department in transactions involving a DOE M&O contractor and its affiliates.

Timetable:

Action	Date	FR Cite
NPRM	10/13/99	64 FR 55453
Final Action	08/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 1991-AB52

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

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 1991-AB61

DOE—PR

Final Rule Stage

816. TECHNICAL AMENDMENT OF THE DEPARTMENT OF ENERGY ACQUISITION REGULATION**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 7101; 50 USC 2401**CFR Citation:** 48 CFR 030; 48 CFR 952; 48 CFR 970**Legal Deadline:** None**Abstract:** This action would make technical amendments and corrections to various parts of the Department of Energy Acquisition Regulations.**Timetable:**

Action	Date	FR Cite
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Stephen Zvolensky, Department of Energy, Office of Procurement and Assistance Management, ME-61, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1307
Email: stephen.zvolensky@hq.doe.gov**RIN:** 1991-AB62**CFR Citation:** 48 CFR 901; 48 CFR 970**Legal Deadline:** None**Abstract:** The requirement for detailed Make or Buy Plans under all DOE management contracts is being eliminated. Make or buy analysis will be retained for major systems acquisitions. A new clause entitled Performance Improvement and Collaboration is being added. It provides for collaboration among DOE's management contractors and the Department to identify possible improvements in contract performance.**Timetable:**

Action	Date	FR Cite
NPRM	12/15/04	69 FR 7517
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Irma Brown, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, ME-61, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1374
Email: irma.brown@hq.doe.gov**RIN:** 1991-AB63**CFR Citation:** 48 CFR 970.1707; 48 CFR 970.5217-1**Legal Deadline:** None**Abstract:** This action amended the Department of Energy Acquisition Regulations (DEAR) to provide policies and procedures regarding work for non-DOE entities performed by DOE contractors who manage and operate DOE owned or leased facilities. These procedures are being relocated from the DOE Directives to the DEAR as part of a larger effort to decrease overly prescriptive guidance. The contractor requirements previously found in DOE order 481.1B are being relocated to the DEAR.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/15/04	69 FR 75001
Final Action	06/00/05	

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: 202 287-1507**RIN:** 1991-AB64**817. DEAR: MAKE OR BUY PLANS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 7101; 50 USC 2401**818. DEAR: WORK FOR OTHERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 7101; 50 USC 2401**Department of Energy (DOE)****Office of General Counsel (OGC)**

Final Rule Stage

819. CONDUCT OF EMPLOYEES**Priority:** Info./Admin./Other**Legal Authority:** 42 USC 7211 et seq; PL 103-160, sec 3161; EO 12674**CFR Citation:** 10 CFR 1010; 5 CFR 2635**Legal Deadline:** None**Abstract:** The DOE regulation on conduct of employees needs to be revised to reflect the issuance of the

Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635) and the repeal of conflict-of-interest provisions formerly applicable to DOE employees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/96	61 FR 35085
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Undetermined**Agency Contact:** Susan Beard, Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-1522**RIN:** 1990-AA19

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

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

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Susan Beard

Phone: 202 586-1522

RIN: 1990-AA26

[FR Doc. 05-8792 Filed 05-13-05; 8:45 am]

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