



Federal Register

**Monday,
December 11, 2006**

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 to 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: Diana L. Dean, Room 6E-078, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-7440.

SUPPLEMENTARY INFORMATION: Entries appended to this notice are divided into categories first by subagencies and then according to their stage of rulemaking action: Prerule, proposed rulemaking, final rulemaking, long-term action, or completed action.

For this edition of the Department of Energy’s regulatory agenda, the most

important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory Plan entries are listed in the table of contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

A draft of this regulatory agenda has been transmitted to the Chief Counsel for Advocacy of the U.S. Small Business Administration for comment, if any, pursuant to 5 U.S.C. 602(b).

Issued in Washington, DC, on September 12, 2006.

David R. Hill,
General Counsel.

Energy Efficiency and Renewable Energy—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
922	Energy Efficiency Standards for Fluorescent and Incandescent Reflector and General Service Lamps	1904-AA92
923	Energy Conservation Standards for Residential Electric and Gas Ranges and Ovens and Microwave Ovens, Dishwashers, Dehumidifiers, and Commercial Clothes Washers (Reg Plan Seq No. 28)	1904-AB49
924	Energy Efficiency Standards for Commercial Refrigeration Equipment (Reg Plan Seq No. 29)	1904-AB59

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

Energy Efficiency and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
925	Energy Efficiency Standards for Residential Furnaces and Boilers (Reg Plan Seq No. 30)	1904-AA78
926	Test Procedure Waiver Requirements for Manufacturers of Consumer Products and Certain Industrial Equipment, and Additional Prohibited Acts	1904-AB65
927	Federal Procurement of Energy Efficient Products	1904-AB68

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

Energy Efficiency and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
928	Energy Efficiency Standards for Electric Distribution Transformers (Reg Plan Seq No. 31)	1904-AB08
929	Energy Standards for New Federal Buildings	1904-AB13
930	Energy Efficiency Standards for Certain Commercial Air Conditioners and Heat Pumps; Commercial Oil and Gas Fired Package Boilers; and Tankless Gas Fired Instantaneous Water Heaters	1904-AB44
931	Rulemaking To Adopt a Definition of Household	1904-AB52
932	Rulemaking To Codify Test Procedures Prescribed in EPACK 2005 Into the Code of Federal Regulations	1904-AB53
933	Test Procedures for Residential Air Conditioners and Heat Pumps	1904-AB55
934	Energy Efficiency Standards for Ceiling Fan Light Kits (Reg Plan Seq No. 32)	1904-AB61
935	Efficiency Certification, Compliance, and Enforcement Requirements for Commercial Heating, Air Conditioning, and Water Heating Equipment	1904-AB64
936	Compliance Waivers for the Alternative Fuel Transportation Program	1904-AB66
937	Alternative Fuel Transportation Program Replacement Fuel Goal Modification	1904-AB67

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

DOE

Energy Efficiency and Renewable Energy—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
938	Determination for High-Intensity Discharge Lamps	1904-AA86
939	Energy Efficiency Standards for Clothes Dryers and Room Air Conditioners	1904-AA89
940	Energy Efficiency Standards for Pool Heaters and Direct Heating Equipment and Water Heaters	1904-AA90
941	Energy Efficiency Standards for 1-200 HP Electric Motors	1904-AA91
942	Energy Conservation Standards for Residential Central Air Conditioners and Air Conditioning Heat Pumps	1904-AB47
943	Energy Conservation Standards for Fluorescent Lamp Ballasts	1904-AB50
944	Determination and Energy Efficiency Standards for Battery Chargers and External Power Supplies	1904-AB57
945	Energy Efficiency Standards for Refrigerated Bottled or Canned Beverage Vending Machines	1904-AB58

Energy Efficiency and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
946	Energy Efficiency Code for New Federal Residential Low-Rise Buildings	1904-AA53
947	National Voluntary Residential Energy Efficiency Rating Guidelines	1904-AA74
948	Test Procedures for Electric Distribution Transformers	1904-AA85
949	Determination for Small Electric Motors	1904-AA87
950	Weatherization Assistance Program for Low-Income Persons	1904-AB56
951	Test Procedures for Commercial Refrigeration Equipment	1904-AB60
952	Renewable Energy Production Incentive	1904-AB62
953	State Energy Program	1904-AB63

Defense and Security Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
954	Identification and Protection of Unclassified Controlled Nuclear Information	1992-AA35

Defense and Security Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
955	Physical Protection of Security Interests	1992-AA23
956	Counterintelligence Evaluation Regulation	1992-AA33

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
957	Freedom of Information Act	1901-AA32
958	Loan Guarantees for Projects That Employ Innovative Technologies (Reg Plan Seq No. 33)	1901-AB21

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

Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
959	Radiation Protection of the Public and the Environment (Reg Plan Seq No. 34)	1901-AA38
960	Economic Development Transfers of Real Property	1901-AA82

DOE

Departmental and Others—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
961	Research Misconduct	1901-AA89
962	Occupational Radiation Protection	1901-AA95

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

Departmental and Others—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
963	Annotation of Land Records for Remediated Properties in the Uranium Mill Tailings Remedial Action Project (UMTRA)	1901-AA57
964	Coordination of Federal Authorization of Electric Transmission	1901-AB18
965	Occupational Radiation Protection	1901-AB20

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identifier Number
966	Guidelines for Voluntary Greenhouse Gas Reporting	1901-AB11
967	Procedures for Acquisition of Petroleum for Strategic Petroleum Reserve	1901-AB16
968	Standby Support for Advanced Nuclear Facility Delays	1901-AB17
969	Computer Security: Access to Information on Department of Energy Computer Systems	1901-AB19

Office of Procurement and Assistance Policy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
970	Priorities and Allocations—Domestic Energy Supplies	1991-AB69
971	Revisions to Intellectual Property Provisions for Management Contracts	1991-AB70
972	Security Considerations—Background Checks	1991-AB71
973	Rescission of Obsolete Property Management Regulations	1991-AB73
974	DEAR—Price Anderson Amendments	1991-AB75
975	DEAR—National Nuclear Security Administration Supplement	1991-AB76

Office of Procurement and Assistance Policy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
976	Organizational Conflict of Interest Disclosure	1991-AB52
977	Technical Amendment of the Department of Energy Acquisition Regulation	1991-AB62
978	DEAR Changes to Provisions for Facilities Management; Work Authorization; Contractor's Organization; Contractor Relations; and Laws, Regulations, and Directives	1991-AB65
979	Cooperative Audit Strategy	1991-AB67
980	Nonprocurement Debarment and Suspension—Common Rule	1991-AB74

Office of Procurement and Assistance Policy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
981	Department of Energy Acquisition Regulation: Management Contractor Compensation for Personal Services	1991-AB61

DOE

Office of Procurement and Assistance Policy—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
982	Assistance Regulations	1991-AB72

Office of General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
983	Procedural Rules for DOE Nuclear Activities	1990-AA30

Office of General Counsel—Completed Actions

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

Department of Energy (DOE)

Prerule Stage

Energy Efficiency and Renewable Energy (EE)

922. ENERGY EFFICIENCY STANDARDS FOR FLUORESCENT AND INCANDESCENT REFLECTOR AND GENERAL SERVICE 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(i)(B)(3)-(4)

CFR Citation: 10 CFR 430.32

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

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy efficiency standard levels for many 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. The Department is committed to becoming current on all energy standards rulemakings. This is the initial review of the standards for fluorescent and incandescent lamps.

Timetable:

Action	Date	FR Cite
ANPRM	11/00/07	
NPRM	10/00/08	
Final Action	06/00/09	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Linda Graves, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-1851

Email: linda.graves@ee.doe.gov

RIN: 1904-AA92

923. ENERGY CONSERVATION STANDARDS FOR RESIDENTIAL ELECTRIC AND GAS RANGES AND OVENS AND MICROWAVE OVENS, DISHWASHERS, DEHUMIDIFIERS, AND COMMERCIAL CLOTHES WASHERS

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

RIN: 1904-AB49

924. ENERGY EFFICIENCY STANDARDS FOR COMMERCIAL REFRIGERATION EQUIPMENT

Regulatory Plan: This entry is Seq. No. 29 in part II of this issue of the **Federal Register**.

RIN: 1904-AB59

Department of Energy (DOE)

Proposed Rule Stage

Energy Efficiency and Renewable Energy (EE)

925. ENERGY EFFICIENCY STANDARDS FOR RESIDENTIAL FURNACES AND BOILERS

Regulatory Plan: This entry is Seq. No. 30 in part II of this issue of the **Federal Register**.

RIN: 1904-AA78

926. • TEST PROCEDURE WAIVER REQUIREMENTS FOR MANUFACTURERS OF CONSUMER PRODUCTS AND CERTAIN INDUSTRIAL EQUIPMENT, AND ADDITIONAL PROHIBITED ACTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6293; 42 USC 6296; 42 USC 6298 to 6299; 42 USC 6302 to 6303; 42 USC 6314; 42 USC 6316

CFR Citation: 10 CFR 430; 10 CFR 431

Legal Deadline: None

Abstract: Since DOE codified test procedures for consumer products and certain industrial products, some products have been introduced that the test procedures do not clearly address. Currently, manufacturers can petition DOE for a waiver when the test procedure does not evaluate the product in a manner that reflects the product's true energy consumption. However, manufacturers cannot request an interpretation of the test procedure, or be required to petition for a waiver,

if the test procedure underestimates the product's true energy consumption. This rulemaking would provide such procedures. DOE is also considering amendments that would prevent circumvention of test procedures that may result from product design features.

Timetable:

Action	Date	FR Cite
NPRM	01/00/07	
Final Action	08/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Linda Graves, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-1851
Email: linda.graves@ee.doe.gov

RIN: 1904-AB65

927. • FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 8259(b)

CFR Citation: 10 CFR 436

Legal Deadline: NPRM, Statutory, February 8, 2007.

Abstract: The Energy Policy Act of 2005 amended part 3 of the National Energy Conservation Policy Act (NECPA) by adding section 553 which requires each Federal agency to procure Energy Star or FEMP designated products in all procurements involving energy consuming products and systems. In addition, all inventories and listings of products by GSA and DLA must identify and prominently display Energy Star and FEMP designated products. GSA and DLA are also required to supply only Energy Star and FEMP designated products in all covered product categories.

Timetable:

Action	Date	FR Cite
NPRM	02/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Shelley Launey, EE-2L, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AB68

Department of Energy (DOE)

Final Rule Stage

Energy Efficiency and Renewable Energy (EE)

928. ENERGY EFFICIENCY STANDARDS FOR ELECTRIC DISTRIBUTION TRANSFORMERS

Regulatory Plan: This entry is Seq. No. 31 in part II of this issue of the **Federal Register**.

RIN: 1904-AB08

929. ENERGY STANDARDS FOR NEW FEDERAL BUILDINGS

Priority: Other Significant

Legal Authority: 42 USC 6834; PL 109-58, sec 109

CFR Citation: 10 CFR 434

Legal Deadline: Final, Statutory, August 8, 2005.

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 Energy Policy Act of 2005 directs DOE to establish amended standards that, if life-cycle cost-effective, would be at least 30 percent better than the ASHRAE Standard 90.1-2004 and IECC 2004 levels.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: The revised timetable reflects the fact that DOE is assessing the impact of EPACT 2005 on this action. RIN 1904-AA53 was merged with this rulemaking.

Agency Contact: Cyrus Nasser, EE-2L, Office of Federal Energy Management Program (FEMP), 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

Related RIN: Merged with 1904-AA53

RIN: 1904-AB13

DOE—EE

Final Rule Stage

930. ENERGY EFFICIENCY STANDARDS FOR CERTAIN COMMERCIAL AIR CONDITIONERS AND HEAT PUMPS; COMMERCIAL OIL AND GAS FIRED PACKAGE BOILERS; AND TANKLESS GAS FIRED INSTANTANEOUS WATER HEATERS

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

Legal Authority: 42 USC 6313(a)(6)(A)

CFR Citation: 10 CFR 431

Legal Deadline: None

Abstract: The efficiency requirements in EPCA correspond to the levels in ASHRAE/IESNA Standard 90.1 as in effect on October 24, 1992. EPCA further provides that if the efficiency levels in ASHRAE/IESNA Standard 90.1 are amended after that date for any of the covered equipment, 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 Standard 90.1, unless DOE 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. DOE published a NOA addressing whether to adopt the ASHRAE/IESNA standard for commercial 3-phase air conditioners and heat pumps less than 65kBtu/h; commercial packaged terminal air conditioners and heat pumps; commercial oil and gas fired packaged boilers; and tankless gas fired instantaneous water heaters. A final rule is planned to cover all products in the NOA except PTAC/PTHPs. DOE has identified PTAC/PTHPs for further rulemaking.

Timetable:

Action	Date	FR Cite
Notice of Availability	03/13/06	71 FR 12634
Comment Period End	04/27/06	
Final Rule (except PTAC/PTHP)	12/00/06	
NPRM (PTAC/PTHP)	01/00/08	
Final Action	09/00/08	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Local, State

Additional Information: Previously there were three agenda entries for this action. The two other agenda entries, RIN 1904-AB16 and RIN-AB17, have been merged into this rulemaking.

The revised timetable for this action reflects the fact that DOE is assessing the impact of EPACT 2005 on this product.

Agency Contact: Maureen Murphy, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-0598
Fax: 202 586-4617
Email: maureen.murphy@ee.doe.gov

Related RIN: Merged with 1904-AB16, Merged with 1904-AB17

RIN: 1904-AB44

931. RULEMAKING TO ADOPT A DEFINITION OF HOUSEHOLD

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 6292(b)(2)(C)

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: To implement the Secretary's authority to designate additional covered products, the Department must define to term "household" and set procedures under which products would be added.

Timetable:

Action	Date	FR Cite
NPRM	05/04/06	71 FR 26275
NPRM Comment	06/19/06	
Period End		
Final Action	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: The Secretary may consider other products for coverage at any time in the future.

Agency Contact: Linda Graves, EE-2J, Office of Building Technologies Program, Department of Energy, Energy Efficiency and Renewable Energy, 1000

Independence Avenue SW.,
Washington, DC 20585
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Email: linda.graves@ee.doe.gov

RIN: 1904-AB52

932. RULEMAKING TO CODIFY TEST PROCEDURES PRESCRIBED IN EPACT 2005 INTO THE CODE OF FEDERAL REGULATIONS

Priority: Info./Admin./Other

Legal Authority: PL 109-58, sec 135; PL 109-58, sec 136

CFR Citation: 10 CFR 430; 10 CFR 431

Legal Deadline: None

Abstract: EPACT 2005 establishes test procedures for numerous consumer products and commercial equipment. In order to maintain the consistency and completeness of the Department's appliance test procedure regulations codified in 10 CFR 430 and 431 and to aid interested parties in locating and using the new regulatory information, DOE plans to promulgate test procedures for the products in EPACT 2005. However, DOE will need to review these test procedures to determine their adequacy for adoption in the Code of Federal Regulations and may conduct multiple rulemakings to adopt test procedures for these products. This rulemaking(s) encompasses the following products and equipment: Commercial refrigerators, freezers, and refrigerator-freezers; remote condensing commercial refrigerators, refrigerator-freezers, and freezers; commercial icemakers; residential dehumidifiers; commercial clothes washers; ceiling fans; illuminated exit signs; medium base compact fluorescent lamps; torchieres; traffic signal modules and pedestrian modules; small commercial package air-conditioning and heating equipment; large commercial package air-conditioning and heating equipment; very large commercial package air-conditioning and heating equipment; commercial prerinse spray valves; and low-voltage dry-type distribution transformers; and battery charges and external power supplies.

Timetable:

Action	Date	FR Cite
NPRM	07/25/06	71 FR 42178
Supplemental NPRM	10/03/06	71 FR 58308
NPRM Comment	10/10/06	
Period End		
Final Action	12/00/06	

DOE—EE

Final Rule Stage

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Local, State**Federalism:** Undetermined**Additional Information:** As the Department reviews the requirements cited in EPACT 2005, DOE may determine that separate rulemakings may be warranted for some of these individual products or equipment. RIN 1904-AB60 was merged with this rulemaking.**Agency Contact:** James Raba, EE-2J, Office of Building Technologies Program, 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**Related RIN:** Merged with 1904-AB60**RIN:** 1904-AB53**933. TEST PROCEDURES FOR RESIDENTIAL AIR CONDITIONERS AND HEAT PUMPS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 430**Legal Deadline:** None**Abstract:** With this rulemaking, the Department of Energy (DOE) is amending its test procedure for residential central air conditioners and heat pumps. The rulemaking implements test procedure changes in such areas as small-duct, high-velocity systems, multiple-split systems, two-capacity units, and the referencing of current ASHRAE standards. The amendments also clarify issues associated with sampling and rating both tested and untested systems. DOE believes that the amendments will not cause products to fail to meet the energy standards in effect either before or after January 23, 2006.**Timetable:**

Action	Date	FR Cite
NPRM	07/20/06	71 FR 41320
NPRM Comment Period End	09/18/06	
NPRM Correction	10/10/06	71 FR 59410
NPRM Comment Period End	11/09/06	
Final Action	09/00/07	

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

Undetermined

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-AB55**934. ENERGY EFFICIENCY STANDARDS FOR CEILING FAN LIGHT KITS****Regulatory Plan:** This entry is Seq. No. 32 in part II of this issue of the **Federal Register**.**RIN:** 1904-AB61**935. • EFFICIENCY CERTIFICATION, COMPLIANCE, AND ENFORCEMENT REQUIREMENTS FOR COMMERCIAL HEATING, AIR CONDITIONING, AND WATER HEATING EQUIPMENT****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); 42 USC 6316(b)**CFR Citation:** 10 CFR 431**Legal Deadline:** None**Abstract:** This rulemaking is to adopt requirements for manufacturers to assure their compliance with energy conservation requirements specifically mandated under the Energy Policy and Conservation Act, as amended (EPCA), for commercial warm air furnaces and covered commercial heating, air conditioning, and water heating equipment, including furnaces. These requirements include the use of testing and calculation methods for manufacturers to rate the efficiency of their equipment, the role of voluntary independent certification programs in assuring the accuracy of the ratings, and the testing regimen and criteria that DOE would use in enforcement proceedings.**Timetable:**

Action	Date	FR Cite
NPRM	12/13/99	64 FR 69598
NPRM Comment Period End	02/28/00	
Supplemental NPRM	04/28/06	71 FR 25103

Action	Date	FR Cite
Supplemental NPRM Comment Period End	06/12/06	
Final Action	04/00/07	

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

Undetermined

Additional Information: Certification, compliance and enforcement requirements are included in RIN 1904-AB53.**Agency Contact:** James Raba, EE-2J, Office of Building Technologies Program, 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**Related RIN:** Related to 1904-AB53**RIN:** 1904-AB64**936. • COMPLIANCE WAIVERS FOR THE ALTERNATIVE FUEL TRANSPORTATION PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 13264**CFR Citation:** 10 CFR 490**Legal Deadline:** None**Abstract:** State entities and alternative fuel providers subject to alternative fuel vehicle acquisition requirements may request waiver of those requirements if their vehicle fleet will achieve a specified reduction in consumption of petroleum motor fuel. This rulemaking establishes procedures for the submission of, and action on, requests for waiver.**Timetable:**

Action	Date	FR Cite
NPRM	06/23/06	71 FR 36034
NPRM Comment Period End	08/07/06	
Final Action	02/00/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State**Agency Contact:** Linda Bluestein, EE-2G, Room 5F-034, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585

DOE—EE

Final Rule Stage

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RIN: 1904-AB66

937. • ALTERNATIVE FUEL TRANSPORTATION PROGRAM REPLACEMENT FUEL GOAL MODIFICATION

Priority: Other Significant

Legal Authority: 42 USC 13264

CFR Citation: 10 CFR 490

Legal Deadline: NPRM, Judicial, September 6, 2006, Court mandated.

Abstract: Pursuant to EPA Act 1992, DOE is modifying the 2010 goal concerning the production capacity of replacement fuels for U.S. motor fuel use because DOE has determined that the 30 percent replacement fuel production goal will not be met by 2010. DOE is proposing to revise the date for achieving the goal.

Timetable:

Action	Date	FR Cite
NPRM	09/19/06	71 FR 54771
NPRM Comment Period End	11/03/06	
Final Action	03/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Dana O'Hara, EE-34, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AB67

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

Long-Term Actions

938. DETERMINATION FOR HIGH-INTENSITY DISCHARGE LAMPS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 431

Timetable:

Action	Date	FR Cite
Determination Notice	06/00/10	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Linda Graves, EE-2J
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RIN: 1904-AA86

Email: bryan.berringer@ee.doe.gov

Related RIN: Merged with 1904-AB51

RIN: 1904-AA89

940. ENERGY EFFICIENCY STANDARDS FOR POOL HEATERS AND DIRECT HEATING EQUIPMENT AND WATER HEATERS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 430

Timetable:

Action	Date	FR Cite
ANPRM	09/00/08	
NPRM	07/00/09	
Final Action	03/00/10	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Mohammed Kahn
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Related RIN: Merged with 1904-AB48

RIN: 1904-AA90

Action	Date	FR Cite
NPRM	10/00/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Antonio Bouza, EE-2J
Phone: 202 586-4563
Fax: 202 586-4617
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RIN: 1904-AA91

939. ENERGY EFFICIENCY STANDARDS FOR CLOTHES DRYERS AND ROOM AIR CONDITIONERS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 430

Timetable:

Action	Date	FR Cite
ANPRM	11/00/09	
NPRM	10/00/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Bryan Berringer, EE-2J
Phone: 202 586-0371
Fax: 202 586-4617

941. ENERGY EFFICIENCY STANDARDS FOR 1-200 HP ELECTRIC MOTORS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 431

Timetable:

Action	Date	FR Cite
ANPRM	12/00/09	

942. ENERGY CONSERVATION STANDARDS FOR RESIDENTIAL CENTRAL AIR CONDITIONERS AND AIR CONDITIONING HEAT PUMPS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 430

Timetable:

Action	Date	FR Cite
ANPRM	11/00/09	
NPRM	10/00/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local, State

Federalism: Undetermined

Agency Contact: Michael Raymond, EE-2J
Phone: 202 586-9611
Email: michael.raymond@ee.doe.gov

RIN: 1904-AB47

DOE—EE

Long-Term Actions

943. ENERGY CONSERVATION STANDARDS FOR FLUORESCENT LAMP BALLASTS

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 430

Timetable:

Action	Date	FR Cite
ANPRM	11/00/09	
NPRM	10/00/10	
Final Action	06/00/11	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Local, State

Federalism: Undetermined

Agency Contact: Linda Graves, EE-2J

Phone: 202 586-1851

Email: linda.graves@ee.doe.gov

RIN: 1904-AB50

944. DETERMINATION AND ENERGY EFFICIENCY STANDARDS FOR BATTERY CHARGERS AND EXTERNAL POWER SUPPLIES

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 430

Timetable:

Action	Date	FR Cite
Determination Notice	08/00/08	
ANPRM	02/00/10	
NPRM	12/00/10	
Final Action	08/00/11	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Victor Petrolati, EE-2J

Phone: 202 586-4549

Email: victor.petrolati@ee.doe.gov

RIN: 1904-AB57

945. ENERGY EFFICIENCY STANDARDS FOR REFRIGERATED BOTTLED OR CANNED BEVERAGE VENDING MACHINES

Priority: Economically Significant. Major under 5 USC 801.

CFR Citation: 10 CFR 430

Timetable:

Action	Date	FR Cite
ANPRM	02/00/08	
NPRM	12/00/08	
Final Action	08/00/09	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: None

Agency Contact: Charles Llenza, EE-2J

Phone: 202 586-2192

Email: charles.llenza@ee.doe.gov

RIN: 1904-AB58

Department of Energy (DOE)

Completed Actions

Energy Efficiency and Renewable Energy (EE)

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

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 435

Completed:

Reason	Date	FR Cite
Merged With 1904-AB13	08/15/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Cyrus Nasserri, EE-2L

Phone: 202 586-9138

Email: cyrus.nasserri@ee.doe.gov

Related RIN: Merged with 1904-AB13

RIN: 1904-AA53

Government Levels Affected:

Undetermined

Agency Contact: Stephen P. Walder, EE-2L

Phone: 202 586-9209

Email: stephen.walder@ee.doe.gov

RIN: 1904-AA74

948. TEST PROCEDURES FOR ELECTRIC DISTRIBUTION TRANSFORMERS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 431

Completed:

Reason	Date	FR Cite
Final Action	04/27/06	71 FR 24972

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Antonio Bouza, EE-2J

Phone: 202 586-4563

Fax: 202 586-4617

Email: antonio.bouza@ee.doe.gov

RIN: 1904-AA85

Completed:

Reason	Date	FR Cite
Determination Notice	07/10/06	71 FR 38799

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Antonio Bouza, EE-2J

Phone: 202 586-4563

Fax: 202 586-4617

Email: antonio.bouza@ee.doe.gov

RIN: 1904-AA87

950. WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 440

Completed:

Reason	Date	FR Cite
NPRM	06/22/06	71 FR 35836
Direct Final Rule	06/22/06	71 FR 35775
Direct Final Rule Effective	08/21/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: John B. Atcheson

Phone: 202 586-0771

RIN: 1904-AB56

947. NATIONAL VOLUNTARY RESIDENTIAL ENERGY EFFICIENCY RATING GUIDELINES

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 437

Completed:

Reason	Date	FR Cite
Withdrawn	08/08/06	

Regulatory Flexibility Analysis

Required: No

949. DETERMINATION FOR SMALL ELECTRIC MOTORS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 431

DOE—EE

Completed Actions

951. TEST PROCEDURES FOR COMMERCIAL REFRIGERATION EQUIPMENT**Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 431**Completed:**

Reason	Date	FR Cite
Merged With RIN 1904-AB53	08/15/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Charles Llenza, EE-2] Phone: 202 586-2192 Email: charles.llenza@ee.doe.gov**Related RIN:** Merged with 1904-AB53**RIN:** 1904-AB60**952. RENEWABLE ENERGY PRODUCTION INCENTIVE****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 451**Completed:**

Reason	Date	FR Cite
NPRM	06/26/06	71 FR 36225
Final Action	08/14/06	71 FR 46383

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Daniel T. Beckley Phone: 202 586-1510 Fax: 202 586-1233 Email: dan.beckley@ee.doe.gov

Kimberly J. Graber Phone: 303 275-4700 Email: kim.graber@go.doe.gov

RIN: 1904-AB62**953. STATE ENERGY PROGRAM****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 420**Completed:**

Reason	Date	FR Cite
Final Action	10/02/06	71 FR 57885

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State**Agency Contact:** Eric W. Thomas, EE-2K

Phone: 202 586-2242 Email: eric.thomas@ee.doe.gov

RIN: 1904-AB63**Department of Energy (DOE)
Defense and Security Affairs (DSA)****Proposed Rule Stage****954. 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, and 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	12/00/06	
Final Action	02/00/07	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Emily Anne Puhl, Security Specialist, Department of Energy, Office of Security and Safety Performance Assurance, SP-51, Germantown Building, 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)****Completed Actions****955. PHYSICAL PROTECTION OF SECURITY INTERESTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 10 CFR 1046, subpart A; 10 CFR 1046, subpart B**Completed:**

Reason	Date	FR Cite
Withdrawn	07/31/06	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** John Cronin Phone: 301 903-6209**RIN:** 1992-AA23**956. COUNTERINTELLIGENCE EVALUATION REGULATION****Priority:** Other Significant**CFR Citation:** 10 CFR 709; 10 CFR 710**Completed:**

Reason	Date	FR Cite
Final Action	09/29/06	71 FR 57386

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Charles Costa Phone: 202 586-8657 Email: charlie.costa@cn.doe.gov**RIN:** 1992-AA33

**Department of Energy (DOE)
Departmental and Others (ENDEP)**
Proposed Rule Stage
957. FREEDOM OF INFORMATION ACT
Priority: Substantive, Nonsignificant

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	12/00/06	
Final Action	04/00/07	

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

958. • LOAN GUARANTEES FOR PROJECTS THAT EMPLOY INNOVATIVE TECHNOLOGIES

Regulatory Plan: This entry is Seq. No. 33 in part II of this issue of the **Federal Register**.

RIN: 1901-AB21

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

Regulatory Plan: This entry is Seq. No. 34 in part II of this issue of the **Federal Register**.

RIN: 1901-AA38

960. 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 establishes 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 also establishes 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. All comments received on the interim final rule have been reviewed and will be considered in the final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/29/00	65 FR 10685
Interim Final Rule	04/14/00	
Comment Period End		
Final Action	11/00/07	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: None

Agency Contact: John C. Watson, Senior Realty Officer, MA-50, Department of Energy, Office of Management, Room 4B-122, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-0072
Fax: 202 586-4500
Email: john.watson@hq.doe.gov

RIN: 1901-AA82

961. RESEARCH MISCONDUCT
Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 7101 et seq; 42 USC 7454; 50 USC 2401 et seq; 42 USC 2282a to c; 41 USC 418b; 31 USC 6301 to 6308

CFR Citation: 10 CFR 600; 10 CFR 733; 48 CFR 935; 48 CFR 952

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule and Opportunity for Comment	06/28/05	70 FR 37010
Interim Final Rule Effective	07/28/05	
Interim Final Rule Comment Period End	08/29/05	
Final Action	03/00/07	

Regulatory Flexibility Analysis
Required: No

Government Levels Affected: Federal

Agency Contact: Christine Chalk, Division of Planning and Analysis, SC-5, Department of Energy, Office of Science, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-7203
Email: christine.chalk@science.doe.gov

RIN: 1901-AA89

962. OCCUPATIONAL RADIATION PROTECTION
Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 7191; 42 USC 2282(a); 28 USC 2461 note; 50 USC 2410

CFR Citation: 10 CFR 835; 10 CFR 820

Legal Deadline: None

Abstract: This action would amend 10 CFR part 820, Procedural Rules for DOE Nuclear Activities, to take into account the establishment of the National Nuclear Security Administration. This action would also amend 10 CFR part 835, Occupational Radiation Protection, 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	08/10/06	71 FR 45996

DOE—ENDEP

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	10/10/06	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Government Levels Affected: None
Agency Contact: Peter V. O'Connell, Department of Energy, 1000

Independence Avenue SW.,
 Washington, DC 20585
 Phone: 301 903-5641
 Email: peter.o'connel@eh.doe.gov
RIN: 1901-AA95

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

Long-Term Actions

963. 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
 Email: christopher.clayton@hq.doe.gov

RIN: 1901-AA57

964. COORDINATION OF FEDERAL AUTHORIZATION OF ELECTRIC TRANSMISSION

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

CFR Citation: Not Yet Determined

Timetable:

Action	Date	FR Cite
Notice of Inquiry	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Agency Contact: David Meyer
 Phone: 202 586-3118
 Fax: 202 586-5391
 Email: david.meyer@hq.doe.gov

RIN: 1901-AB18

965. ● OCCUPATIONAL RADIATION PROTECTION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 2282(a); 42 USC 2461 note; 50 USC 2410

CFR Citation: 10 CFR 835

Legal Deadline: None

Abstract: This action would amend 10 CFR part 835 "Occupational Radiation Protection" to eliminate the need for a woman to declare her pregnancy prior to implementing lower exposure limits for her embryo/fetus.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Peter V. O'Connell, Health Physicist, Department of Energy, Office of Health, EH-52 270 CC, 1000 Independence Avenue SW., Washington, DC 20585
 Phone: 301 903-5641
 Email: peter.o'connell@eh.doe.gov

RIN: 1901-AB20

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

Completed Actions

966. GUIDELINES FOR VOLUNTARY GREENHOUSE GAS REPORTING

Priority: Other Significant

CFR Citation: 10 CFR 300

Completed:

Reason	Date	FR Cite
Final Action	04/21/06	71 FR 20784

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mark Friedrichs

Phone: 202 586-0124

RIN: 1901-AB11

967. PROCEDURES FOR ACQUISITION OF PETROLEUM FOR STRATEGIC PETROLEUM RESERVE

Priority: Other Significant

CFR Citation: 10 CFR 626

Completed:

Reason	Date	FR Cite
NPRM	04/24/06	71 FR 20909
Final Action	11/08/06	71 FR 65376

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Lynnette H. LeMat
 Phone: 202 586-4398
 Fax: 202 586-0835
 Email: lynnette.lemat@hq.doe.gov

RIN: 1901-AB16

DOE—ENDEP

Completed Actions

968. STANDBY SUPPORT FOR ADVANCED NUCLEAR FACILITY DELAYS

Priority: Other Significant

CFR Citation: 10 CFR 950

Completed:

Reason	Date	FR Cite
Interim Final Rule	05/15/06	71 FR 28200
Interim Final Rule Comment Period End	06/14/06	
Final Action	08/11/06	71 FR 46306

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No
Government Levels Affected: None
Agency Contact: K. Chuck Wade
 Phone: 301 903-6509
 Email: kenneth.wade@nuclear.energy.gov
RIN: 1901-AB17

969. COMPUTER SECURITY: ACCESS TO INFORMATION ON DEPARTMENT OF ENERGY COMPUTER SYSTEMS

Priority: Substantive, Nonsignificant
CFR Citation: 10 CFR 727; 48 CFR 904.404; 48 CFR 952.204-77

Completed:

Reason	Date	FR Cite
Final Action	07/19/06	71 FR 40880

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Kevin R. Cooke
 Phone: 202 586-6566
 Email: kevin.cooke@hq.doe.gov

Related RIN: Previously reported as 1994-AA01

RIN: 1901-AB19

Department of Energy (DOE)

Proposed Rule Stage

Office of Procurement and Assistance Policy (PR)

970. 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 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	12/00/06	
Direct Final Rule	12/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Lisa Jones, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Policy, 1000 Independence Avenue SW., Washington, DC 20585

Phone: 202 287-1470
 Email: lisa.jones@hq.doe.gov
RIN: 1991-AB69

971. 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	12/00/06	

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 Policy, 1000 Independence Avenue SW., Washington, DC 20585
 Phone: 202 287-1338

Email: robert.webb@pr.doe.gov
RIN: 1991-AB70

972. 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	12/00/06	

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 Policy, 1000 Independence Avenue SW., Washington, DC 20585
 Phone: 202 287-1339

DOE—PR

Proposed Rule Stage

Email: richard.langston@pr.doe.gov

RIN: 1991-AB71

973. RESCISSION OF OBSOLETE PROPERTY MANAGEMENT REGULATIONS**Priority:** Info./Admin./Other**Legal Authority:** 42 USC 2201; 42 USC 7101; 50 USC 2401**CFR Citation:** 41 CFR 109**Legal Deadline:** None**Abstract:** This action would rescind obsolete DOE property management provisions.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/06	

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

Agency Contact: Jerry G. Hanley, Director, Personal Property Policy Office, Department of Energy, Office of Procurement and Assistance Policy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1563
Email: jerry.hanley@hq.doe.gov

RIN: 1991-AB73

974. • DEAR—PRICE ANDERSON AMENDMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2210**CFR Citation:** 48 CFR 950.70**Legal Deadline:** None**Abstract:** To implement the Price Anderson Amendments Act of 2005 provisions on nuclear indemnification.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/07	

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 Policy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1338
Email: robert.webb@pr.doe.gov

RIN: 1991-AB75

975. • DEAR—NATIONAL NUCLEAR SECURITY ADMINISTRATION SUPPLEMENT**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.**Legal Authority:** 50 USC 2402**CFR Citation:** 48 CFR 909; 48 CFR 911; 48 CFR 912; 48 CFR 919; 48 CFR 952; 48 CFR 970**Legal Deadline:** None**Abstract:** The Department of Energy and the National Nuclear Security Administration (NNSA) are proposing to issue regulations that implement and supplement the Department of Energy Acquisition Regulations (DEAR) in areas where further guidance is necessary or to provide guidance unique to NNSA requirements.**Timetable:**

Action	Date	FR Cite
NPRM	02/00/07	

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

Agency Contact: Stephen Law NE-63, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Policy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-4321
Email: stephen.law@nnsa.doe.gov

RIN: 1991-AB76

Department of Energy (DOE)

Final Rule Stage

Office of Procurement and Assistance Policy (PR)

976. 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
NPRM Comment Period End	11/12/99	
Final Action	12/00/06	

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

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Policy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 287-1338
Email: robert.webb@pr.doe.gov

RIN: 1991-AB52

977. TECHNICAL AMENDMENT OF THE DEPARTMENT OF ENERGY ACQUISITION REGULATION**Priority:** Info./Admin./Other**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
Interim Final Rule	12/00/06	

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

Agency Contact: Stephen Zvolensky, Department of Energy, Office of Procurement and Assistance Policy, 1000 Independence Avenue SW., Washington, DC 20585

DOE—PR

Final Rule Stage

Phone: 202 287-1307
 Email: stephen.zvolensky@hq.doe.gov
RIN: 1991-AB62

978. DEAR CHANGES TO PROVISIONS FOR FACILITIES MANAGEMENT; WORK AUTHORIZATION; CONTRACTOR'S ORGANIZATION; CONTRACTOR RELATIONS; AND LAWS, REGULATIONS, AND DIRECTIVES

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

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

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

Legal Deadline: None

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

Timetable:

Action	Date	FR Cite
NPRM	07/29/05	70 FR 43832
NPRM Comment Period End	08/29/05	
Final Action	12/00/06	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sandra Cover, Procurement Analyst, ME-61, Department of Energy, Office of Procurement and Assistance Policy, 1000 Independence Avenue SW., Washington, DC 20585
 Phone: 202 287-1334

RIN: 1991-AB65

979. 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	05/08/06	71 FR 26723
NPRM Comment Period End	07/07/06	
Final Action	01/00/07	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Helen Oxberger, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Policy, 1000 Independence Avenue SW., Washington, DC 20585

Phone: 202 287-1332

RIN: 1991-AB67

980. • NONPROCUREMENT DEBARMENT AND SUSPENSION—COMMON RULE

Priority: Info./Admin./Other

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

CFR Citation: 2 CFR 900; 10 CFR 600

Legal Deadline: None

Abstract: DOE is moving its nonprocurement debarment and suspension regulations from 10 CFR part 606 to a new 2 CFR part 901. The regulations will be co-located in title 2 of the CFR with OMB debarment and suspension guidance and other Federal agency regulations. The regulatory action is an administrative simplification that will make no substance change in DOE policy or procedures for nonprocurement debarment and suspension.

Timetable:

Action	Date	FR Cite
Final Rule	02/00/07	

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 Policy, 1000 Independence Avenue SW., Washington, DC 20585
 Phone: 202 586-1140

RIN: 1991-AB74

Department of Energy (DOE)

Completed Actions

Office of Procurement and Assistance Policy (PR)

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

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date	FR Cite
Withdrawn	08/01/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Richard B. Langston
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RIN: 1991-AB61

982. ASSISTANCE REGULATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 10 CFR 603

Completed:

Reason	Date	FR Cite
Final Rule	05/09/06	71 FR 27158

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Trudy Wood
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DOE—PR

Completed Actions

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RIN: 1991-AB72

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

Proposed Rule Stage

983. PROCEDURAL RULES FOR DOE NUCLEAR ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: PL 109-58, sec 610

CFR Citation: 10 CFR 820.20

Legal Deadline: None

Abstract: Amends provisions on civil penalties with respect to certain DOE contractors, subcontractors, and

suppliers to conform with statutory change.

Timetable:

Action	Date	FR Cite
NPRM	12/00/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Howard Wilchins, Senior Litigator, Office of Price-Anderson Enforcement, EH-6, Department of Energy, Office of General Counsel, Germantown, 270-CC, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1990-AA30

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

Completed Actions

984. CONDUCT OF EMPLOYEES

Priority: Info./Admin./Other

CFR Citation: 10 CFR 1010; 5 CFR 2635

Completed:

Reason	Date	FR Cite
Final Action	08/21/06	71 FR 48447

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Susan Beard

Phone: 202 586-1522

RIN: 1990-AA19

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