



Monday
May 8, 1995

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: April 1995 regulatory agenda.

SUMMARY: The Department of Energy has prepared and today is publishing its April 1995 regulatory agenda pursuant to instructions of the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), dated December 21, 1994.

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 6B-256, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-7440.

SUPPLEMENTARY INFORMATION: In March 1995, the President directed Federal regulatory agencies to:

- Conduct a line-by-line review of regulations,
- Reward results, not red tape,
- Form grass roots partnerships, and
- Negotiate rather than dictate rules.

All elements of the President's directive are addressed by initiatives already under way at the Department of Energy.

During the past 15 months, the Department has been engaged in a continuing, comprehensive review of its entire regulatory program. The scope of the review includes all of the Department's existing internal and external regulations, planned rulemakings, and the rulemaking process itself. The Department's efforts have focused on targeting outdated or unnecessary regulations for elimination or modification, identifying innovative alternatives to traditional regulatory schemes, and revamping the Department's rulemaking procedures to enhance stakeholder involvement and public participation in the rulemaking process (including informal negotiations on rulemakings). Through these initiatives, the Department will make its rulemakings less burdensome, more

cost-effective, and more responsive to the needs of our stakeholders.

Although the review of the Department's regulatory program is ongoing, significant progress has been made in each of these areas.

Review of Existing Regulations and Internal Directives

In March 1994, the Department sought public comments on existing regulations that should be modified or eliminated. As a result of these comments and extensive internal review, the Department has targeted eight regulations for elimination and five others for streamlining. In addition, the Department has undertaken the regulatory review under the Regulatory Flexibility Act to cover all of its existing regulations, not just regulations with a significant economic impact upon a substantial number of small entities.

The Department also has identified approximately 90 internal directives, including the 26 considered most burdensome by our national laboratories and contractors, for review. The Department expects to revise or eliminate the highest priority directives by June 30, 1995, and complete the remainder by July 31, 1995. This effort will dramatically improve the cost-effectiveness of the affected programs while meeting environmental, safety, health, and fiscal accountability requirements.

Alternative Approaches to Regulation• *Climate Challenge Program:*

The Department has embarked on an innovative joint initiative with the electric utility industry to achieve cost-effective reductions of greenhouse gas emissions. The Climate Challenge Program relies on cooperation between electric utilities and the Department rather than command and control regulation. Participating electric utilities make voluntary commitments to undertake actions designed to reduce, avoid, or sequester greenhouse gas emissions. As of March 1995, 79 utilities have signed agreements with the Department; the projected benefits of these utilities' voluntary efforts are the equivalent of 44 million metric tons of avoided carbon emissions in the year 2000. The Department supports these efforts through technical assistance, policy support, and public recognition for the utility participants.

• *Procurement Performance Measurement Model:*

The Department has initiated a Procurement Performance Measurement Program, shifting from a process-oriented to a results-oriented system. This new performance measurement program will provide an assessment of each of the Department's contracting activities from the perspective of customer service, innovation, business and financial systems, and employee empowerment. This assessment will then serve as the underpinning for a more far-reaching program of continuous improvement through such mechanisms as benchmarking and process improvement teams.

Cost Savings Through Improved Procedures

In July 1994, the Secretary of Energy approved sweeping improvements to the Department's rulemaking process. These rulemaking improvements emphasize teamwork, innovation (e.g., informal negotiated rulemakings), management accountability, and public participation. Through these improvements, the Department expects to save money, improve the timeliness and quality of its rulemakings, and increase public trust and confidence in the Department's regulatory program.

Regulatory Agenda Entries

The dynamic nature of the Department's comprehensive regulatory review will result in some rulemakings listed in the regulatory agenda being modified or eliminated as the review continues. The following review activities have had an impact on current rulemakings and are reflected in regulatory agenda entries.

• *Internal Directives Reduction Initiative:*

As discussed above, the Department is undertaking a comprehensive review of directives that are burdensome to its contractors in order to eliminate unnecessary requirements. To ensure consistency of approach, related rulemakings under the Atomic Energy Act are also being reviewed. In some cases, rulemaking schedules have been modified to allow for further stakeholder consultation.

• *Unnecessary Rulemakings:*

As a result of the Department's comprehensive review of its ongoing rulemakings, some rulemakings have

DOE

been withdrawn as unneeded or because a nonregulatory approach is more appropriate. The Department also elected to withdraw from the regulatory agenda those future rulemakings that were not likely to be initiated within the next year to allow for further evaluation.

• *Streamlining the Procurement Process:*

A departmental task group is working to streamline the Department of Energy Acquisition Regulations (DEAR). This effort complements the Department's

actions to implement Executive Order 12861 Elimination of One-Half of Executive Branch Internal Regulations. As a result of these initiatives, the regulatory agenda includes actions directed at eliminating unnecessary acquisition regulations and streamlining the DEAR.

Regulatory Agenda Format

Regulatory agenda entries reflect the status of activities as of approximately March 25, 1995. They are divided into

categories, first by subagencies and then according to their stage of rulemaking action: Prerule, proposed rulemaking, final rulemaking, or completed action.

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

Issued in Washington, DC, on April 7, 1995.

Robert R. Nordhaus,
General Counsel.

Energy Efficiency and Renewable Energy—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 974 | Private/Municipal Alternative Fuels Fleet Program | 1904-AA72 |

Energy Efficiency and Renewable Energy—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 975 | Test Procedures for Central Air Conditioners and Heat Pumps—Amendments | 1904-AA46 |
| 976 | Energy Efficiency Standards for Refrigerators, Refrigerator- Freezers and Freezers | 1904-AA47 |
| 977 | Test Procedures for Water Heaters, Kitchen Ranges, Ovens and Microwaves, and Clothes Washers—Amendment | 1904-AA52 |
| 978 | Energy Efficiency Standards for Federal Residential Buildings | 1904-AA53 |
| 979 | Alternative Fuel Provider Vehicle Acquisition Mandate, State Fleet Mandate, and the Alternative Fuel Vehicle Credit Program | 1904-AA64 |
| 980 | Energy Efficiency Standards for Dishwashers, Clothes Washers, and Clothes Dryers | 1904-AA67 |
| 981 | Energy Efficiency Standards for Federal Commercial Buildings | 1904-AA69 |
| 982 | Test Procedures and Certification Requirements for Faucets, Showerheads, and Certain Other Fixtures; and Certification Requirements for Residential Appliances | 1904-AA71 |
| 983 | National Voluntary Residential Energy Efficiency Rating Guidelines | 1904-AA74 |
| 984 | Energy Efficiency Standards for Lamp Ballasts | 1904-AA75 |
| 985 | Energy Efficiency Standards for Electric Water Heaters | 1904-AA76 |
| 986 | Energy Efficiency Standards for Central Air Conditioners and Heat Pumps | 1904-AA77 |
| 987 | Energy Efficiency Standards for Furnaces | 1904-AA78 |

Energy Efficiency and Renewable Energy—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 988 | Energy Efficiency Standards for Pool Heaters, Direct Heating Equipment, Mobile Home Furnaces, Kitchen Ranges and Ovens, Oil and Gas Water Heaters, and Room Air Conditioners | 1904-AA38 |
| 989 | Equivalent Petroleum-Based Fuel Economy Calculation for Electric Vehicles | 1904-AA40 |
| 990 | Test Procedures for Furnaces/Boilers, Vented Home Heating Equipment, and Pool Heaters—Amendment | 1904-AA45 |
| 991 | Test Procedures for Fluorescent and Incandescent Reflector Lamps | 1904-AA61 |
| 992 | Federal Sector Energy Savings Performance Contracting | 1904-AA62 |
| 993 | Renewable Energy Production Incentive | 1904-AA65 |
| 994 | State and Local Incentives Program: Alternative Fuels | 1904-AA66 |
| 995 | Clarification of Existing Clothes Washer Test Procedure | 1904-AA68 |
| 996 | Definitions for Certain Fluorescent and Incandescent Lamps | 1904-AA70 |
| 997 | Weatherization Assistance Program—Amendment | 1904-AA73 |

DOE

Energy Efficiency and Renewable Energy—Completed/Longterm Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 998 | Test Procedures for Commercial Air Conditioners and Heat Pumps | 1904-AA57 |
| 999 | Test Procedures for Commercial Furnaces and Boilers | 1904-AA58 |
| 1000 | Test Procedures for Storage Water Heaters, Instantaneous Water Heaters, and Unfired Hot Water Storage Tanks . | 1904-AA59 |
| 1001 | Measurement of Alternative Fuel Use | 1904-AA63 |

Defense and Security Affairs—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|-----------------------------------|------------------------------|
| 1002 | Personnel Assurance Program | 1992-AA14 |

Defense and Security Affairs—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1003 | Personnel Security Assurance Program: Substance-Abuse Testing Procedures | 1992-AA13 |
| 1004 | Assistance to Foreign Atomic Energy Activities—Listing Updates | 1992-AA20 |

Departmental and Others—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|------------------------|------------------------------|
| 1005 | Waste Management | 1901-AA65 |

Departmental and Others—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1006 | Electric Power System Permits and Reports; Applications; Administrative Procedures and Sanctions | 1901-AA19 |
| 1007 | Review of Administrative Procedures With Respect to Imports and Exports of Natural Gas | 1901-AA25 |
| 1008 | Energy Board of Contract Appeals; Organization, Functions and Authorities; Rules of Practice | 1901-AA30 |
| 1009 | Nuclear Safety Management: Phase II | 1901-AA42 |
| 1010 | Enforcement of Employee Safety Standards at Nuclear Weapons Facilities | 1901-AA44 |
| 1011 | Standard Contract for the Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste | 1901-AA49 |
| 1012 | The Office of Energy Research Financial Assistance Program | 1901-AA54 |
| 1013 | Annotation of Land Records for Remediated Properties in the Uranium Mill Tailings Remedial Action Project (UMTRA) | 1901-AA57 |
| 1014 | Payments for Special Burdens and in Lieu of Taxes | 1901-AA58 |
| 1015 | Occupational Radiation Protection—Amendment | 1901-AA59 |
| 1016 | Financial Assistance Program for Education Purposes | 1901-AA61 |
| 1017 | Privacy Act—Exemption of an Inspector General System of Records | 1901-AA62 |
| 1018 | Redesign and Revision of Wholesale Power and Transmission Rates | 1901-AA64 |
| 1019 | Privacy Act Exemption of Certain Contractor Employee Reprisal Complaint and Investigation System of Records ... | 1901-AA66 |

Departmental and Others—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|------------------------------|------------------------------|
| 1020 | Freedom of Information | 1901-AA32 |

DOE

Departmental and Others—Final Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1021 | Nuclear Safety Management | 1901-AA34 |
| 1022 | Radiation Protection of the Public and the Environment | 1901-AA38 |
| 1023 | Energy Planning and Management Program | 1901-AA50 |
| 1024 | Privacy Act—Exemption of Certain Counterintelligence Systems of Records | 1901-AA60 |

Departmental and Others—Completed/Longterm Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1025 | Rules of Practice To Govern Proceedings To Resolve Certain Disputes Arising Between M&O Contractors and Their Subcontractors | 1901-AA31 |
| 1026 | Renegotiation of Power Sales Contracts | 1901-AA36 |
| 1027 | Implementation of DOE Science Education Enhancement Act | 1901-AA51 |
| 1028 | Office of Hearings and Appeals Procedural Regulations | 1901-AA55 |
| 1029 | Epidemiology and Other Health Studies Financial Assistance Program | 1901-AA56 |
| 1030 | Discretionary Environmental Management Funding to Federally Recognized American Indian Tribes | 1901-AA63 |

Office of Procurement and Assistance Management—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1031 | Department of Energy Property Management Regulations; Miscellaneous Personal Property | 1991-AA28 |
| 1032 | Technology Transfer: DOE Management and Operating Contractors | 1991-AA63 |
| 1033 | DEAR: Security Procedures | 1991-AA86 |
| 1034 | DEAR: Amendment to Workplace Substance Abuse Programs at DOE Sites | 1991-AA97 |
| 1035 | DEAR: Financial Management Clauses | 1991-AB02 |
| 1036 | DEAR: Review of M&O Contractor Purchasing Systems | 1991-AB07 |
| 1037 | DEAR: Extend-Compete Revisions | 1991-AB09 |
| 1038 | DEAR: Regulatory Reduction | 1991-AB18 |
| 1039 | Fee Policy for Nonprofit Organizations | 1991-AB21 |
| 1040 | DEAR: Fines and Penalties, Government Property and Third Party Liability | 1991-AB22 |
| 1041 | Financial Assistance Rules Streamlining and Simplifying Procedures | 1991-AB23 |

Office of Procurement and Assistance Management—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1042 | Debarment and Suspension (Common Rule) | 1991-AA69 |
| 1043 | Acquisition of Federal Information Resources by Contract | 1991-AA81 |
| 1044 | Amendment to Workplace Substance Abuse Programs at DOE Sites | 1991-AA90 |
| 1045 | DEAR: Recovered/Recycled Materials | 1991-AB05 |
| 1046 | Legislative Lobbying Cost Prohibition | 1991-AB08 |
| 1047 | Procurement Set-Asides for Small Business and Others | 1991-AB11 |
| 1048 | Independent Research and Development/Bid and Proposal Costs and Travel Cost Guidelines | 1991-AB12 |
| 1049 | Uniform Administrative Requirements for Grants With Educational Institutions, Hospitals, and Other Nonprofit Institutions | 1991-AB13 |
| 1050 | Limits on Participation in Certain DOE Research and Development Programs | 1991-AB14 |
| 1051 | Revision to A-102 Common Rule To Raise Threshold for Simplified Small Purchases under Grants | 1991-AB15 |
| 1052 | Certified Cost or Pricing Threshold and Determination and Findings for Use of Cost-Reimbursement Contracts | 1991-AB19 |
| 1053 | Management and Operating Contractor Purchasing Systems | 1991-AB20 |

DOE

Office of Procurement and Assistance Management—Completed/Longterm Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1054 | DEAR: Patent Policy Revisions | 1991-AA23 |
| 1055 | Resolution of Disputes Between Subcontractors and DOE Management and Operating Contractors | 1991-AA44 |
| 1056 | New Restrictions on Lobbying (Common Rule) | 1991-AA64 |
| 1057 | Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (Common Rule) | 1991-AA85 |
| 1058 | DEAR: Project Control System | 1991-AA93 |
| 1059 | DEAR: Organizational Conflicts of Interest | 1991-AA95 |
| 1060 | DEAR: Interagency Agreements | 1991-AA98 |
| 1061 | DEAR: Interagency Acquisition Under the Economy Act | 1991-AB16 |

Office of General Counsel—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 1062 | Patent Waiver Regulation | 1990-AA02 |
| 1063 | Payment of Travel Expenses of Persons Who Are Not Government Employees | 1990-AA15 |
| 1064 | Conduct of Employees | 1990-AA19 |

DEPARTMENT OF ENERGY (DOE)

Prerule Stage

Energy Efficiency and Renewable Energy (EE)

974. PRIVATE/MUNICIPAL ALTERNATIVE FUELS FLEET PROGRAM

Priority: Other Significant

Legal Authority: 42 USC 13257 Energy Policy Act, sec 507(b)

CFR Citation: 10 CFR 490

Legal Deadline: Final, Statutory, December 15, 1996.

Alternative Final Statutory Deadline is January 1, 2000.

Abstract: The Energy Policy Act of 1992 requires DOE to initiate a rulemaking to determine whether a private and municipal fleet program is deemed necessary to meet the fuel displacement goals in the Act. The criteria for making this determination are mandated by the Act.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 04/00/95 | |
| NPRM | 01/00/96 | |

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: David Rodgers or Kenneth Katz, Program Manager (EE-33), Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-8053

RIN: 1904-AA72

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Energy Efficiency and Renewable Energy (EE)

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

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: These revisions to the test procedures for central air conditioners and heat pumps in accordance with the Energy Policy and Conservation Act, as amended, will include appliances that perform water heating in addition to air

conditioning or heating. They will also add new test procedures for test of integrated central air conditioners/water heater systems. This is prompted by the issuance of a Decision and Order granting a waiver to the Carrier Corporation for its Hydrotech 2000 integrated heat pump/water heater (Waiver CAC-005, 55 FR 13607, April 11, 1990).

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 02/00/96 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Edward Pollock, Program Leader, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence, Ave. SW., Washington, DC 20585, 202 586-7140

RIN: 1904-AA46

DOE—EE

Proposed Rule Stage

976. ENERGY EFFICIENCY STANDARDS FOR REFRIGERATORS, REFRIGERATOR-FREEZERS AND FREEZERS**Priority:** Economically Significant**Legal Authority:** 42 USC 6295**CFR Citation:** 10 CFR 430.32**Legal Deadline:** Final, Statutory, November 17, 1994.

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

This rulemaking reviews the statutory standards for refrigerators, refrigerator-freezers and freezers to determine whether those levels need to be amended. This is the second reanalysis of the standard levels.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 09/08/93 | 58 FR 47326 |
| NPRM | 06/00/95 | |

Small Entities Affected: None**Government Levels Affected:** State, Local

Additional Information: Material in this entry was included in the Regulatory Plan of October 1994 and will be included in the Regulatory Plan of October 1995.

Originally this rulemaking also included central air conditioners, heat pumps and furnaces. However to allow for more manageable schedules, this rulemaking has been split into separate rulemakings. The two other rulemakings are: 1904-AA77 (central air conditioners and heat pumps) and 1904-AA78 (furnaces).

A coalition of refrigerator manufacturers, electric utilities, and energy conservation advocates negotiated intensively for two conservation standards for refrigerator-freezers. DOE is using this recommendation in its analysis.

Agency Contact: Edward Pollock, Program Leader, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-7140**

RIN: 1904-AA47**977. TEST PROCEDURES FOR WATER HEATERS, KITCHEN RANGES, OVENS AND MICROWAVES, AND CLOTHES WASHERS—AMENDMENT****Priority:** Other Significant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 430**Legal Deadline:** None

Abstract: In accordance with the Energy Policy and Conservation Act as amended, the test procedures for water heaters, kitchen ranges, ovens, microwaves, and clothes washers are being revised. Rulemaking issues include: with respect to water heater test procedures, inclusion of electric instantaneous water heaters and storage water heaters with less than 20 gallons volume and revision of the first hour rating; with respect to test procedures for kitchen ranges, ovens and microwaves, revision of the constant for annual cooking energy and incorporation by reference of test procedures adopted by the International Electrotechnical Commission; and with respect to clothes washer test procedures, measurements for water usage and water retention.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/23/95 | 60 FR 15330 |
| NPRM Comment Period End | 08/31/95 | 60 FR 15330 |
| Final Action | 04/00/96 | |

Small Entities Affected: None**Government Levels Affected:** Undetermined

Agency Contact: Ingrid Watson, Program Manager, Appliance Standards%update, Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., 5E-066, Washington, DC 20585, **202 586-7140**

RIN: 1904-AA52**978. ENERGY EFFICIENCY STANDARDS FOR FEDERAL RESIDENTIAL BUILDINGS****Priority:** Other Significant**Legal Authority:** 42 USC 6834 Energy Policy Act of 1992, sec 101(a)(2)**CFR Citation:** 10 CFR 435**Legal Deadline:** Final, Statutory, October 24, 1994.

Abstract: Title III of the Energy Conservation and Production Act as amended by the Energy Policy Act of 1992 (PL 102-486, October 24, 1992) provides that DOE establish Federal building energy standards that require in new Federal buildings those energy efficiency measures that are technologically feasible and economically justified. The standards for Federal buildings are intended to parallel closely the voluntary building energy codes of the Energy Policy Act for private sector construction. Interim energy performance standards which DOE had issued before enactment of the Energy Policy Act are to remain in effect for the Federal sector until the new Federal building energy standards become effective.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 09/00/95 | |
| Final Action | 08/00/96 | |

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Stephen P. Walder, Program Manager, Building Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, **301 586-9209**

RIN: 1904-AA53**979. ALTERNATIVE FUEL PROVIDER VEHICLE ACQUISITION MANDATE, STATE FLEET MANDATE, AND THE ALTERNATIVE FUEL VEHICLE CREDIT PROGRAM****Priority:** Other Significant

Legal Authority: 42 USC 13251 Energy Policy Act of 1992, sec 501; 42 USC 13257(o) Energy Policy Act of 1992, sec 507(o); 42 USC 13258 Energy Policy Act of 1992, sec 508; 42 USC 13261 to 13263 Energy Policy Act of 1992, sec 511 to 513

CFR Citation: 10 CFR 490**Legal Deadline:** Final, Statutory, January 1, 1994.

In addition, the statute requires final rules by 10/24/93, for electricity providers who purchase electric vehicles.

Abstract: These rules are required by the Energy Policy Act of 1992 in order to implement statutorily-imposed alternative fueled vehicle acquisition

DOE—EE

Proposed Rule Stage

requirements that become effective by operation of law on September 1, 1995, when model year 1996 begins. These statutory requirements apply to certain alternative fuel providers and some State government vehicle fleets. The proposed rules principally cover: (1) Required interpretations necessary for affected entities to determine whether and to what extent the statutory requirements apply; (2) required procedures for exemptions and administrative remedies; and (3) a program of marketable credits to reward those who voluntarily acquire vehicles in excess of mandated requirements or before the requirements take effect, and to allow use of such credits in order to demonstrate compliance with those requirements.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 02/28/95 | 60 FR 10970 |
| NPRM Comment Period End | 05/01/95 | 60 FR 10970 |
| Final Action | 07/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: **Kenneth R. Katz**, Program Manager, Office of Alternative Fuels, EE-33, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-6116**

RIN: 1904-AA64

980. ENERGY EFFICIENCY STANDARDS FOR DISHWASHERS, CLOTHES WASHERS, AND CLOTHES DRYERS

Priority: Economically Significant

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430

Legal Deadline: Final, Statutory, May 14, 1996.

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

This rulemaking reviews the energy conservation standards for dishwashers, clothes washers, and clothes dryers in order to determine whether the

standard levels need to be amended. This is the second reanalysis for these products.

Timetable:

| Action | Date | FR Cite |
|----------------------------------|----------|-------------|
| ANPRM | 11/14/94 | 59 FR 56423 |
| ANPRM Comment Period Extended | 04/17/95 | 60 FR 5880 |
| NPRM | 05/00/96 | |

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Material in this entry was included in the Regulatory Plan of October 1994 and will be included in the Regulatory Plan of October 1995.

Agency Contact: **P. Marc LaFrance**, Program Manager, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-7140**

RIN: 1904-AA67

981. ENERGY EFFICIENCY STANDARDS FOR FEDERAL COMMERCIAL BUILDINGS

Priority: Other Significant

Legal Authority: 42 USC 6834 Energy Policy Act of 1992, sec 101(a)(2)

CFR Citation: 10 CFR 435

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

Abstract: Title III of the Energy Conservation and Product Act as amended by the Energy Policy Act of 1992 (PL 102-486, October 24, 1992) provides that DOE establish Federal building energy standards that require in new Federal buildings those energy efficiency measures that are technologically feasible and economically justified. The standards for Federal buildings are intended to parallel closely the voluntary building energy codes of the Energy Policy Act for private sector construction. Interim energy performance standards which DOE had issued before enactment of the Energy Policy Act are to remain in effect for the Federal sector until the new Federal building energy standards become effective.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 05/00/95 | |
| Final Action | 05/00/96 | |

Small Entities Affected: None

Government Levels Affected: Federal
Agency Contact: **Ronald B. Majette**, Program Manager, Buildings Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-7935**

RIN: 1904-AA69

982. TEST PROCEDURES AND CERTIFICATION REQUIREMENTS FOR FAUCETS, SHOWERHEADS, AND CERTAIN OTHER FIXTURES; AND CERTIFICATION REQUIREMENTS FOR RESIDENTIAL APPLIANCES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6293; 42 USC 6295

CFR Citation: 10 CFR 430.2; 10 CFR 430.32

Legal Deadline: None

Abstract: This action is intended to incorporate by reference established test procedures and add sampling plans, certification, reporting and labeling requirements and definitions for faucets, showerheads, urinals and water closets. This action would also clarify the existing certification reporting requirements for all covered residential appliances.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: **William W. Hui**, Program Manager, Appliance Standard Division, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-7140**

RIN: 1904-AA71

983. • NATIONAL VOLUNTARY RESIDENTIAL ENERGY EFFICIENCY RATING GUIDELINES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 8236 sec 102

CFR Citation: 10 CFR 435

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

DOE—EE

Proposed Rule Stage

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

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bob Mackie, Program Manager, EE-432, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-7892

RIN: 1904-AA74

984. ENERGY EFFICIENCY STANDARDS FOR LAMP BALLASTS

Priority: Economically Significant

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Final, Statutory, January 1, 1992.

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 undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended.

This is the initial review of the statutory standards for fluorescent lamp ballasts.

Fluorescent lamp ballasts were originally included in a multiproduct rulemaking (RIN 1904-AA38). DOE is proceeding to a final rule to most of those products. However, because significant issues exist requiring further data and analysis, DOE finds it appropriate to publish a revised notice of proposed rulemaking for ballasts.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 09/28/90 | 55 FR 39624 |

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/04/94 | 59 FR 10464 |
| Revised NPRM | 09/00/95 | |

Small Entities Affected: None

Government Levels Affected: State, Local

Additional Information: This action has been split off from RIN 1904-AA38.

Agency Contact: Carl Adams, Director, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-7140

RIN: 1904-AA75

985. ENERGY EFFICIENCY STANDARDS FOR ELECTRIC WATER HEATERS

Priority: Economically Significant

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Final, Statutory, January 1, 1992.

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

This is the initial review of the statutory standards for electric water heaters.

Electric water heaters were originally included in a multiproduct rulemaking (RIN 1904-AA38). DOE is proceeding to a final rule for most of those products. However, because significant issues exist requiring further data and analysis, DOE finds it appropriate to publish a revised notice of rulemaking for electric water heaters.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 09/28/90 | 55 FR 39624 |
| NPRM | 03/04/95 | 59 FR 10464 |
| Revised NPRM | 02/00/96 | |

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Carl Adams, Director, Appliance Standards Division, Office of

Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-7140

RIN: 1904-AA76

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

Priority: Economically Significant

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

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

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

This is the initial review of the statutory standards for central air conditioners and heat pumps.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 09/08/93 | 58 FR 47326 |
| NPRM | 01/00/96 | |
| Final Action | 10/00/96 | |

Small Entities Affected: None

Government Levels Affected: State, Local

Additional Information: This action has been split off from RIN 1904-AA47.

Material in this entry was included in the Regulatory Plan of October 1994 and will be included in the Regulatory Plan of October 1995.

Agency Contact: Edward Pollock, Program Leader, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-7140

RIN: 1904-AA77

987. ENERGY EFFICIENCY STANDARDS FOR FURNACES

Priority: Economically Significant

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

DOE—EE

Proposed Rule Stage

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

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

This is the initial review of the statutory standards for furnaces.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 09/08/93 | 58 FR 47326 |
| NPRM | 06/00/96 | |
| Final Action | 04/00/97 | |

Small Entities Affected: None

Government Levels Affected: State, Local

Additional Information: This action has been split off from RIN 1904-AA47.

Material in this entry was included in the Regulatory Plan of October 1994 and will be included in the Regulatory Plan of October 1995.

Agency Contact: Edward Pollock, Program Leader, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-7140**

RIN: 1904-AA78

DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

Energy Efficiency and Renewable Energy (EE)

988. ENERGY EFFICIENCY STANDARDS FOR POOL HEATERS, DIRECT HEATING EQUIPMENT, MOBILE HOME FURNACES, KITCHEN RANGES AND OVENS, OIL AND GAS WATER HEATERS, AND ROOM AIR CONDITIONERS

Priority: Economically Significant

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Final, Statutory, January 1, 1992.

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

This is the initial review of the statutory standards for water heaters, pool heaters, direct heating equipment, mobile home furnaces, kitchen ranges and ovens, and room air conditioners.

Originally this rulemaking also included fluorescent lamp ballasts, television sets, and electric water heaters. Having preliminarily reviewed public comments, DOE believes the record is sufficient for room air conditioners, gas and oil-fired water heaters, direct heating equipment, mobile home furnaces, kitchen ranges and ovens and pool heaters to proceed to a final rule. However, with respect to fluorescent lamp ballasts, television sets and electric water heaters, the Department also has concluded that a number of significant issues exist

requiring additional data or analysis, and thus it would be appropriate to publish revised notices of proposed rulemaking for these products.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| ANPRM | 09/28/90 | 55 FR 39624 |
| NPRM | 03/04/94 | 59 FR 10464 |
| Final Action | 09/00/95 | |

Small Entities Affected: None

Government Levels Affected: State, Local

Additional Information: This rulemaking has been split into three separate rulemakings. The two other rulemakings are: 1904-AA75 (fluorescent lamp ballasts) and 1904-AA76 (electric water heaters). Based on the comments in the record, DOE is reconsidering whether efficiency standards are warranted for television sets and, if so, at what level.

Agency Contact: Carl Adams, Director, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-7140**

RIN: 1904-AA38

989. EQUIVALENT PETROLEUM-BASED FUEL ECONOMY CALCULATION FOR ELECTRIC VEHICLES

Priority: Other Significant

Legal Authority: PL 96-185, sec 18; PL 94-413, sec 13(c); PL 94-163, sec 503(a)(3)

CFR Citation: 10 CFR 474

Legal Deadline: None

Abstract: The final rule on the inclusion of electric vehicles in the Corporate Average Fuel Economy (CAFE) program was issued by DOE on April 15, 1981. It established a methodology for determining the equivalent petroleum-based fuel economy of electric vehicles so that they could be included in a manufacturer's overall CAFE program. This methodology was based on several factors including the energy efficiency of the vehicle, the efficiency of electricity generation and transmission, the fuels used to generate electricity, and the driving patterns of electric vehicles. This rulemaking would update the factors in this methodology that are necessary for calculating the CAFE credits for electric vehicles.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 02/04/94 | 59 FR 5336 |
| Final Action | 08/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Report comparing Alternative Motor Fuels Act with existing rule completed April 1992. Second report recommending new Petroleum Equivalency Factor for NPRM completed May 1992.

Agency Contact: David Hamilton, Program Manager, Electric and Hybrid Propulsion Division, Department of Energy, Energy Efficiency and Renewable Energy, EE-321, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-2314**

RIN: 1904-AA40

DOE—EE

Final Rule Stage

990. TEST PROCEDURES FOR FURNACES/BOILERS, VENTED HOME HEATING EQUIPMENT, AND POOL HEATERS—AMENDMENT**Priority:** Other Significant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 430**Legal Deadline:** None

Abstract: These revisions to the test procedures for furnaces and boilers, vented home heating equipment and pool heaters in accordance with the Energy Policy and Conservation Act, as amended, would incorporate by reference ASHRAE Standard 103-1992 and would establish a new annual efficiency descriptor. This revision is prompted by the ASHRAE revision of Standard 103-1982 and the need to add annual efficiency as a new descriptor.

On 01/20/95, DOE reopened the comment period regarding new energy descriptors and a cost factor for the production and use of electricity.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 08/23/93 | 58 FR 44583 |
| NPRM Comment Period End | 02/21/95 | 60 FR 4348 |
| Final Action | 07/00/95 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: Cyrus Nasser, Program Manager, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-7140**

RIN: 1904-AA45**991. TEST PROCEDURES FOR FLUORESCENT AND INCANDESCENT REFLECTOR LAMPS****Priority:** Other Significant**Legal Authority:** 42 USC 6293 Energy Policy Act of 1992, sec 123(d)**CFR Citation:** 10 CFR 430**Legal Deadline:** None

Abstract: The test procedures will require manufacturers to use an accredited laboratory and a standardized method to measure the energy efficiency of fluorescent and incandescent reflector lamps and to measure the color rendering index of fluorescent lamps. These measurements

will determine whether products comply with the energy efficiency standards established by PL 102-486 sec 123.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule | 09/28/94 | 59 FR 49468 |
| Interim Final Rule Effective | 10/28/94 | 59 FR 49468 |
| Interim Final Rule Comment Period End | 12/12/94 | 59 FR 49468 |
| Final Action | 05/00/95 | |

Small Entities Affected: None**Government Levels Affected:** State

Agency Contact: Terry Logee, Program Manager, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., 5E-066, Washington, DC 20585, **202 586-1689**

RIN: 1904-AA61**992. FEDERAL SECTOR ENERGY SAVINGS PERFORMANCE CONTRACTING****Priority:** Regulatory Plan**Legal Authority:** 42 USC 8287 Energy Policy Act of 1992, sec 155**CFR Citation:** 10 CFR 436**Legal Deadline:** Final, Statutory, April 24, 1993.

Abstract: The regulation would establish standard procedures and methods for use by all Federal agencies to acquire energy savings performance contract services. The regulation would permit Federal agencies to enter into contracts under which contractors would make investments in improving the energy efficiency of Federal facilities, and the savings would be split between the contractor and the Federal Government.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 04/11/94 | 59 FR 17204 |
| NPRM Correction | 04/22/94 | 59 FR 19150 |
| NPRM Comment Period End | 06/10/94 | 59 FR 17204 |
| Final Action | 04/00/95 | |

Small Entities Affected: None**Government Levels Affected:** Federal**Procurement:** This is a procurement-related action for which there is a

statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Joan G. Stone, Financing Specialist (EE-92), Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-5772**

RIN: 1904-AA62**993. RENEWABLE ENERGY PRODUCTION INCENTIVE****Priority:** Other Significant**Legal Authority:** 42 USC 13317 Energy Policy Act of 1992, sec 1212**CFR Citation:** Not yet determined**Legal Deadline:** None

Abstract: Section 1212 of the Energy Policy Act requires the Department of Energy (DOE) to pay, subject to the availability of appropriations, a production incentive to the owner or operator of a "qualified renewable energy facility" for electric energy generated by the facility.

The need for Federal action was established by the Act. The specific requirements to receive payments are to be established by DOE. The incentive payments to publicly owned utilities provide a complement to the tax credits available to privately held utilities and electric power generators.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 05/13/94 | 59 FR 24982 |
| Final Action | 05/00/95 | |

Small Entities Affected: None**Government Levels Affected:** State, Local

Additional Information: Program must be established in sufficient time to make payments during Fiscal Year 1995.

Agency Contact: Dr. Allan R. Hoffman, Associate Deputy Assistant Secretary, Office of Utility Technologies, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-1786**

RIN: 1904-AA65

DOE—EE

Final Rule Stage

994. STATE AND LOCAL INCENTIVES PROGRAM: ALTERNATIVE FUELS

Priority: Other Significant

Legal Authority: 42 USC 13235 Energy Policy Act of 1992, sec 409

CFR Citation: 10 CFR 490

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.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/21/95 | 60 FR 15020 |
| Final Action | 09/00/95 | |

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Francis X. Mallgrave (EE-33), Program Manager, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave SW., Washington, DC 20585, 202 586-8077

RIN: 1904-AA66

995. CLARIFICATION OF EXISTING CLOTHES WASHER TEST PROCEDURE

Priority: Other Significant

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: This rulemaking reviews testing requirements when clothes washers are offered with a warm rinse

lock-out design feature. DOE has concluded that an industry interpretation of the clothes washer test procedure, while inconsistent with the underlying purpose of the test procedure, has sufficient legal basis to necessitate an amendment of the test procedure in order to avoid material understatements of actual energy consumption.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/22/93 | 58 FR 67710 |
| NPRM Comment Period End | 03/24/94 | |
| Final Action | 04/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: P. Marc LaFrance, Program Manager, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-7140

RIN: 1904-AA68

996. DEFINITIONS FOR CERTAIN FLUORESCENT AND INCANDESCENT LAMPS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6293 Energy Policy Act of 1992, sec. 123(d)

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: This action would define certain incandescent and fluorescent lamps--an action that would exempt them from efficiency standards imposed by the Energy Policy Act of 1992 and relieve these product manufacturers from any related regulatory burden.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 09/28/94 | 59 FR 49478 |
| NPRM Comment Period End | 12/12/94 | 59 FR 49478 |
| Final Action | 04/00/95 | |

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Terry Logee, Program Manager, Appliance Standards Division, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202 586-1689

RIN: 1904-AA70

997. WEATHERIZATION ASSISTANCE PROGRAM—AMENDMENT

Priority: Other Significant

Legal Authority: 42 USC 6861

CFR Citation: 10 CFR 440

Legal Deadline: None

Abstract: Will change the formula for distributing funds among the States under the Weatherization Program.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/23/95 | 60 FR 4480 |
| Final Action | 05/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Greg Reamy, Weatherization Assistance Program, EE-532, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202 426-1677

RIN: 1904-AA73

DEPARTMENT OF ENERGY (DOE) Energy Efficiency and Renewable Energy (EE)

Completed/Longterm Actions

998. TEST PROCEDURES FOR COMMERCIAL AIR CONDITIONERS AND HEAT PUMPS

Legal Authority: 42 USC 6313; 42 USC 6314

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: The test procedures will require manufacturers to use a standardized method to measure the energy efficiency of commercial air conditioners and heat pumps. These measurements will determine whether the product complies with the energy efficiency standards established by PL 102-486 sec 122. The test procedures

will also provide the data used in the EnergyGuide product labeling program. This action has been withdrawn since the rulemaking is not expected to begin within the next year.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 02/24/95 | |

DOE—EE

Completed/Longterm Actions

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward Pollock, Program Leader, Appliance Standards Division, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., 5E-066, Washington, DC 20585, 202 586-7140

RIN: 1904-AA57

999. TEST PROCEDURES FOR COMMERCIAL FURNACES AND BOILERS

Legal Authority: 42 USC 6313; 42 USC 6314

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: The test procedures for commercial furnaces and boilers will require manufacturers to use a standardized method to measure energy efficiency. These measurements will determine whether the product complies with the energy efficiency standards established by PL 102-486 sec 122. The test procedure will also provide the data used in the EnergyGuide product labeling program.

This action has been withdrawn since the rulemaking is not expected to begin within the next year.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 02/24/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cyrus Nasserri, Program Manager, Appliance Standards Division, Office of Codes and Standards, Department of Energy,

Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., 5E-066, Washington, DC 20585, 202 586-7140

RIN: 1904-AA58

1000. TEST PROCEDURES FOR STORAGE WATER HEATERS, INSTANTANEOUS WATER HEATERS, AND UNFIRED HOT WATER STORAGE TANKS

Legal Authority: 42 USC 6313; 42 USC 6314

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: This action would adopt the test procedures for storage water heaters, instantaneous water heaters, and unfired hot water storage tanks from the American Society of Heating, Refrigerating and Air-Conditioning Engineers. These test procedures will require manufacturers to use a standardized method to measure energy efficiency. These measurements will determine whether the products comply with the energy efficiency standards established by PL 102-486 sec 122. The test procedures will also provide the data used in the EnergyGuide product labeling program.

This action has been withdrawn since the rulemaking is not expected to begin within the next year.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 02/24/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brian Berringer, Program Manager, Appliance Standards Division, Office of Codes and

Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-7140

RIN: 1904-AA59

1001. MEASUREMENT OF ALTERNATIVE FUEL USE

Legal Authority: 42 USC 13217 Energy Policy Act of 1992, sec 308

CFR Citation: Not yet determined

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

Abstract: Section 308 of the Energy Policy Act of 1992 requires DOE, in consultation with the General Services Administration, to develop guidelines directed at measuring alternative fuel use in Federal dual-fuel vehicles. Initial analysis of data collection and measurement requirements indicates that slight modifications to existing Form 6200.2 may be adequate to accomplish the objective of section 308. DOE collects energy consumption data from the agencies using Form 6200.2, including fuel used for transportation. If these modifications prove adequate, no rulemaking would be needed.

Timetable:

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

Withdrawn - Rule Not Needed
02/24/95

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Rodgers, Program Manager, Office of Alternative Fuels, EE-33, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-7182

RIN: 1904-AA63

DEPARTMENT OF ENERGY (DOE) Defense and Security Affairs (DSA)

Proposed Rule Stage

1002. PERSONNEL ASSURANCE PROGRAM

Priority: Informational

Legal Authority: 42 USC 2012 et seq, Atomic Energy Act of 1954

CFR Citation: 10 CFR 711

Legal Deadline: None

Abstract: The Department of Energy (DOE) conducts a Personnel Assurance

Program (PAP) under DOE 5610.11 "Program to Prevent Accidental or Unauthorized Nuclear Explosive Detonation." The PAP was created in order to assure the reliability and safety of individuals in certain critical positions and is a part of the DOE nuclear weapons and explosives safety program. To further minimize the potential risks to personnel, public health and safety, and national security,

the Department now proposes this rule which describes the PAP and provides for testing for alcohol under certain circumstances and for possible use of illegal drugs by DOE Federal and contractor employees requiring PAP certification or recertification. The DOE employees under the PAP are part of the DOE Drug-Free Workplace Program (DOE 3792.3). The DOE contractors under the PAP are a part of the

DOE—DSA

Proposed Rule Stage

Workplace Substance Abuse Programs at DOE facilities (10 CFR 707).

Timetable:

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

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David McConagha or Tom Stepan, Defense Programs, Department of Energy, Washington, DC 20545, **301 903-3463**

RIN: 1992-AA14

DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

Defense and Security Affairs (DSA)

1003. PERSONNEL SECURITY ASSURANCE PROGRAM: SUBSTANCE-ABUSE TESTING PROCEDURES

Priority: Informational

Legal Authority: 42 USC 2161; 42 USC 2165; 42 USC 2201

CFR Citation: 10 CFR 710

Legal Deadline: None

Abstract: The Department of Energy (DOE) has established the Personnel Security Assurance Program (PSAP) through the publication of the revision to 10 CFR 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material." The PSAP was created in order to assure the reliability of individuals in certain positions, defined in Section 710.50(a), and referred to as PSAP positions for purposes of this proposed rule. The Department now proposes to amend this rule to promulgate guidelines for DOE contractors for testing for possible use of illegal drugs by their PSAP-cleared employees.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/08/91 | 56 FR 10075 |
| NPRM Comment Period End | 04/08/91 | |
| Final Action | 04/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lynn Gebrowsky, Office of Nonproliferation and National Security, Department of Energy, Washington, DC 20585, **301 903-3200**

RIN: 1992-AA13

1004. ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES—LISTING UPDATES

Priority: Routine and Frequent

Legal Authority: 42 USC 2077; 42 USC 2156 to 2158; 42 USC 2201; 42 USC 2273; PL 93-438, sec 104; PL 95-91, sec 301

CFR Citation: 10 CFR 810

Legal Deadline: None

Abstract: The Department of Energy is amending 10 CFR part 810 to remove Argentina, Brazil, Chile, and South Africa from the list of countries for

which specific authorization by the Secretary of Energy is required before a person subject to U.S. jurisdiction can engage directly or indirectly in the production of special nuclear material outside the United States. The amendment will enable U.S. firms and individuals to assist civilian nuclear power reactor-related activities in these countries under general authorization. This will make the regulations consistent with U.S. foreign policy commitments and reflect the recent significant progress made by these four countries on matters related to nuclear nonproliferation.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 08/29/94 | 59 FR 44381 |
| NPRM Comment Period End | 09/28/94 | |
| Final Action | 04/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Zander Hollander, Export Control Specialist (NN-43), Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-2125**

RIN: 1992-AA20

DEPARTMENT OF ENERGY (DOE)

Prerule Stage

Departmental and Others (ENDEP)

1005. • WASTE MANAGEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2011 to 2297g-4

CFR Citation: 10 CFR Not yet determined

Legal Deadline: None

Abstract: This rule will describe the requirements for managing the different waste types resulting from DOE operations and activities and for

performing related waste management functions of characterization, packaging and transportation, treatment, storage and disposal. Specific waste types covered are high-level waste, transuranic waste, low-level waste, mill tailings, mixed waste, hazardous waste, and sanitary waste.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 11/00/95 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This rule will not apply to DOE management of commercially generated spent nuclear fuel (except where such fuel is owned or in possession of DOE for R&D and other special purposes) or to geologic disposal of spent nuclear fuel or high-level waste.

DOE—ENDEP

Prerule Stage

Also, this rule does not apply to waste disposed in situ, or to media excavated, treated, and disposed of in the location from which it was removed. Facilities or activities licensed by the Nuclear

Regulatory Commission are not covered by this rule.

Agency Contact: Michael Kleinrock, Director, Office of Environmental

Activities, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-0338**

RIN: 1901-AA65

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Proposed Rule Stage

1006. ELECTRIC POWER SYSTEM PERMITS AND REPORTS; APPLICATIONS; ADMINISTRATIVE PROCEDURES AND SANCTIONS

Priority: Informational

Legal Authority: PL 95-91; PL 66-280; EO 12038

CFR Citation: 10 CFR 205

Legal Deadline: None

Abstract: These regulations would streamline the existing procedures for applying to the DOE for Presidential permits and electricity export authorizations by eliminating the use of FERC "trial-type" procedures and establishing a less adversarial process of decisionmaking. These regulations may also establish that DOE's decisional criterion is only electric power system reliability and not the economic or commercial viability of projects.

This action is currently being reviewed in light of open access issues in the electric power industry.

Timetable:

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

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ellen Russell, Fuels Conversion Analyst, (FE-52), Office of Coal and Electricity, Department of Energy, Room 3F-094, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-9624**

RIN: 1901-AA19

1007. REVIEW OF ADMINISTRATIVE PROCEDURES WITH RESPECT TO IMPORTS AND EXPORTS OF NATURAL GAS

Priority: Routine and Frequent

Legal Authority: 15 USC 717b

CFR Citation: 10 CFR 590

Legal Deadline: None

Abstract: To review the administrative procedure regulations contained in 10 CFR part 590 in order to determine any amendments needed to the regulations in light of the amendment to the Natural Gas Act of 1938 made by section 201 of the Energy Policy Act of 1992. Section 201 deemed in the public interest, and required DOE to grant, most natural gas import and export applications for which DOE previously had made a public interest determination.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 07/11/95 | |
| NPRM Comment Period End | 09/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Clifford P. Tomaszewski, Director, Office of Natural Gas (FE-50), Office of Fossil Energy, Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-9482**

RIN: 1901-AA25

1008. ENERGY BOARD OF CONTRACT APPEALS; ORGANIZATION, FUNCTIONS AND AUTHORITIES; RULES OF PRACTICE

Priority: Informational

Legal Authority: 41 USC 601 et seq

CFR Citation: 10 CFR 1023

Legal Deadline: None

Abstract: Update statement of Board organization, functions and authorities; update rules of practice for contract appeals to provide for alternative dispute resolution (ADR) and other purposes.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Barclay Van Doren, Chairman, Board of Contract Appeals, Department of Energy, 4040 N. Fairfax Drive, Rm 1006, Arlington, VA 22203, **703 235-2700**

RIN: 1901-AA30

1009. NUCLEAR SAFETY MANAGEMENT: PHASE II

Priority: Regulatory Plan

Legal Authority: 42 USC 2201; 42 USC 7191

CFR Citation: 10 CFR 830

Legal Deadline: None

Abstract: This action would make additions to DOE's requirements concerning DOE contractor and subcontractor activities for ensuring nuclear safety at DOE facilities. These additional rulemaking requirements include nuclear facility design criteria, natural phenomenon hazards, fire protection, and criticality safety.

We are reviewing this action in the context of DOE's recently announced accelerated DOE Order Reduction Initiative. This is to insure both consistency of approach and consultation with DOE stakeholders.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 09/09/95 | |
| Final Action | 06/00/96 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Black, Director, Office of Nuclear Safety Policy and Standards (EH-31), Office of Environment, Department of Energy, Washington, DC. 20585, **301 903-3465**

RIN: 1901-AA42

1010. ENFORCEMENT OF EMPLOYEE SAFETY STANDARDS AT NUCLEAR WEAPONS FACILITIES

Priority: Regulatory Plan

Legal Authority: PL 102-190, sec 3131

DOE—ENDEP

Proposed Rule Stage

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Public Law 102-190, section 3131, directs the Department of Energy to assess civil penalties against contractors at DOE nuclear weapons facilities who fail either to provide training to employees engaged in hazardous substance response and emergency response or fail to certify that such workers have been adequately trained.

We are reviewing this action in the context of DOE's recently announced accelerated DOE Order Reduction Initiative. This is to insure both consistency of approach and consultation with DOE stakeholders.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 08/26/94 | 59 FR 44139 |
| NPRM | 09/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Smith, Industrial Hygienist, Department of Energy, EH-31.1, Washington, DC 20545, 301 903-4669

RIN: 1901-AA44

1011. STANDARD CONTRACT FOR THE DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH-LEVEL RADIOACTIVE WASTE

Priority: Other Significant

Legal Authority: 42 USC 10222

CFR Citation: 10 CFR 961

Legal Deadline: None

Abstract: On April 18, 1983, DOE published a rule that established the Standard Contract for the Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste (Standard Contract) to be used by DOE in furnishing disposal services to the owners and generators of spent nuclear fuel (SNF) and/or high-level radioactive waste (HLW) (48 FR 16590). The Standard Contract represents the sole contractual mechanism for DOE acceptance and disposal of SNF. The Standard Contract establishes the requirements and operational responsibilities of DOE and the owners and generators of SNF regarding administrative matters, fees, terms of payment, waste acceptance criteria and waste acceptance

procedures. This rulemaking concerns changes and additions to the Standard Contract.

Timetable:

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

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David Zabransky, General Engineer, Department of Energy, Office of Civilian Radioactive Waste Management (RW-44), Washington, DC 20585, 202 586-9198

RIN: 1901-AA49

1012. THE OFFICE OF ENERGY RESEARCH FINANCIAL ASSISTANCE PROGRAM

Priority: Informational

Legal Authority: 42 USC 2051; 42 USC 5817; 42 USC 5901 et seq; 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 605

Legal Deadline: None

Abstract: Action to be taken will improve grants administration by providing a more streamlined and uniform approach to post-award requirements, yet maintain stewardship and accountability responsibilities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 08/00/95 | |

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Jean A. Morrow, Grants Policy Analyst (ER-64), Department of Energy, Office of Energy Research, Washington, DC 20545, 301 903-2452

RIN: 1901-AA54

1013. ANNOTATION OF LAND RECORDS FOR REMEDIATED PROPERTIES IN THE URANIUM MILL TAILINGS REMEDIAL ACTION PROJECT (UMTRA)

Priority: Informational

Legal Authority: PL 95-604, sec 104(d)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Under section 104(d) of the Uranium Mill Tailings Radiation

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

Timetable:

| Action | Date | FR Cite |
|--------------------------|----------|-------------|
| NPRM | 07/14/89 | 54 FR 29732 |
| Next Action Undetermined | | |

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: The Department of Energy currently is considering several options for the next rulemaking step.

Agency Contact: Jacob W. Gatrell/Steve Miller, Team Leader, Grand Junction Team, Offsite Program Division (EM-451), Department of Energy, Quince Orchard Bldg., Gaithersburg, Washington, DC 20585, 301 427-1788

RIN: 1901-AA57

1014. PAYMENTS FOR SPECIAL BURDENS AND IN LIEU OF TAXES

Priority: Other Significant

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

CFR Citation: Not yet determined

Legal Deadline: None

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

DOE—ENDEP

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: Local

Agency Contact: Cathy Cunning, Staff Accountant, Office of Financial Policy, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-4860**

RIN: 1901-AA58

1015. OCCUPATIONAL RADIATION PROTECTION—AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 7191

CFR Citation: 10 CFR 835

Legal Deadline: None

Abstract: 10 CFR part 835 establishes the basic requirements for DOE contractor and subcontractor activities to ensure radiation protection of occupational workers at DOE facilities. See 58 FR 65458 (December 14, 1993). The proposed amendment to Part 835 would include several items not previously covered such as sealed radioactive source accountability and control, and surface contamination values for tritium. Sealed source accountability and control requirements currently appear in DOE Notice 5400.9, and tritium surface radioactivity values in the Radiation Control (RADCON) Manual. This rulemaking stems from DOE's ongoing effort to strengthen the protection of health and safety from the nuclear and radiological hazards posed by these DOE facilities.

We are reviewing this action in the context of DOE's recently announced accelerated DOE Order Reduction Initiative. This is to insure both consistency of approach and consultation with DOE stakeholders.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/95 | |

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Joel Rabovsky, Health Physicist (EH-52), Health Physics Programs Divisions, Department of Energy, 19901 Germantown Rd., Germantown, MD 20874, **301 903-3889**

RIN: 1901-AA59

1016. FINANCIAL ASSISTANCE PROGRAM FOR EDUCATION PURPOSES

Priority: Other Significant

Legal Authority: 42 USC 7254; 42 USC 7256

CFR Citation: 10 CFR 604

Legal Deadline: None

Abstract: This rule will support use of financial assistance awards by the Office of Science Education Programs to promote vital program missions. In addition, the rule procedures will facilitate an open and competitive process for obtaining financial assistance awards. The rule will supplement, and not supplant, DOE's generic financial assistance rules, 10 CFR Part 600.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Wolfe, Senior Program Manager (ET-31), Office of Science Education Programs, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-5462**

RIN: 1901-AA61

1017. PRIVACY ACT—EXEMPTION OF AN INSPECTOR GENERAL SYSTEM OF RECORDS

Priority: Informational

Legal Authority: 5 USC 552a

CFR Citation: 10 CFR 1008

Legal Deadline: None

Abstract: The purpose of this action is to exempt one system of records from certain subsections of the Privacy Act (5 U.S.C. 552a). The system of records is Inspection Abstract Report Files of the Office of Inspector General (DOE-83). These rules will enable the Office of the Inspector General to carry out its administrative, analytical, and investigatory duties and responsibilities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: GayLa D. Sessoms, Director, FOIA/Privacy Act Division, Office of the Executive Secretariat, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-5955**

RIN: 1901-AA62

1018. REDESIGN AND REVISION OF WHOLESALE POWER AND TRANSMISSION RATES

Priority: Informational

Legal Authority: 16 USC 839e

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This is an action by the Bonneville Power Administration (BPA) to redesign and revise its wholesale power and transmission rates. The principal purposes of this action would be to allow BPA to recover sufficient revenues to timely meet its repayment and other cost recovery obligations, to be a reliable and competitive power supplier, to send appropriate price signals to customers, and to otherwise meet BPA ratemaking standards set forth in various statutes.

Timetable:**Transmission Rates**

Notice of Intent to Revise Rates 12/28/94 (59 FR 66946)

NPRM 02/14/95 (60 FR 8505)

NPRM Comment Period End 05/15/95 (60 FR 8506)

Final Rule 10/29/95

Wholesale Power Rates

Notice of Intent to Revise Rates 12/28/94 (59 FR 66947)

NPRM 02/14/95 (60 FR 8496)

NPRM Comment Period End 05/15/95 (60 FR 8496)

Final Rule 10/29/95

Small Entities Affected: None

Government Levels Affected: None

Additional Information: On February 14, 1995, BPA also proposed comparable transmission terms and conditions (60 FR 8511).

This action would have been excluded from the regulatory agenda since it is being undertaken in accordance with the formal ratemaking provisions of section 7(i) of the Pacific Northwest Electric Power Planning and Conservation Act (16 USC 839e(i)). This action is being included, however, in order to provide the public with the fullest notice of DOE's rulemaking activities.

DOE—ENDEP

Proposed Rule Stage

For these ratemakings, BPA's final action is characterized as the "final proposal," reflected in a final record of decision filed, together with the record, with the Federal Energy Regulatory Commission for confirmation and approval.

Agency Contact: Randy Roach, Attorney/Legal Services, Department of Energy, Bonneville Power Administration - APR, P.O. Box 3621, Portland, OR 97208, **503 230-4201**

RIN: 1901-AA64

1019. • PRIVACY ACT EXEMPTION OF CERTAIN CONTRACTOR EMPLOYEE REPRISAL COMPLAINT AND INVESTIGATION SYSTEM OF RECORDS

Priority: Informational

Legal Authority: 5 USC 552a

CFR Citation: 10 CFR 100B

Legal Deadline: None

Abstract: This action would amend the Department's Privacy Act Regulations 10 CFR 1008, by adding a new system of records to the list of systems exempted from certain provisions of the Act. The proposed new system of records will be titled "Contractor Employee Reprisal Complaint and Investigation Files (DOE-88)." These

exemptions are needed to enable the Office of Contractor Employee Protection to perform its administrative, analytical and investigatory duties and responsibilities.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 10/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: GayLa D. Sessoms, Director, FOIA/Privacy Act Division, Office of the Executive Secretariat, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-5955**

RIN: 1901-AA66

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Final Rule Stage

1020. FREEDOM OF INFORMATION

Priority: Other Significant

Legal Authority: 5 USC 552

CFR Citation: 10 CFR 1004

Legal Deadline: None

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

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

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| NPRM | 10/23/91 | 56 FR 55036 |
| Final Rule (Contractor Records) | 12/12/94 | 59 FR 63882 |
| Final Action | 04/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Abel Lopez, Attorney-Advisor (GC-80), Office of General Counsel, Department of Energy, Office of General Counsel, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8618**

RIN: 1901-AA32

1021. NUCLEAR SAFETY MANAGEMENT

Priority: Regulatory Plan

Legal Authority: 42 USC 2201; 42 USC 7191

CFR Citation: 10 CFR 830

Legal Deadline: None

Abstract: On December 9, 1991, DOE proposed the addition of a new part 830 to its regulations establishing a body of rules for DOE contractor and subcontractor activities, forming the basic requirements for ensuring nuclear safety at DOE facilities. On April 6, 1994, DOE published a final rule on two of the elements included in the proposal: the general provisions of Part 830 (830.1-830.7) and the quality assurance rule (830.120). The remaining action is to promulgate the final rule establishing the requirements for: Safety Analysis Reports; Unreviewed Safety Questions; Defect Identification and Reporting; Conduct of Operations; Technical Safety Requirements; Training and Certification; Maintenance Management; and Categorization,

Notification, Reporting and Processing of Operational Occurrences at DOE nuclear facilities.

We are reviewing this action in the context of DOE's recently announced accelerated DOE Order Reduction Initiative. This is to insure both consistency of approach and consultation with DOE stakeholders.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| NPRM | 12/09/91 | 56 FR 64316 |
| Final Rule (Two Provisions) | 04/06/94 | 59 FR 15843 |
| Final Action | 08/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This RIN was erroneously reported as complete in the April 1994 Unified Agenda (59 FR 20301). This RIN was partially completed when rules were issued for two provisions.

At RIN 1901-AA42, DOE is proposing to further amend Part 830.

Agency Contact: Frank Hawkins, Nuclear Safety Policy Division (EH-62), Office of Environment, Safety and Health, Department of Energy, Washington, DC 20545, **301 903-2476**

RIN: 1901-AA34

DOE—ENDEP

Final Rule Stage

1022. RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT**Priority:** Regulatory Plan**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 part 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, radiological, and chemical hazards posed by these DOE activities. Major elements of the proposal included a dose limitation system for protection of the public, requirements for liquid discharges; reporting and monitoring requirements; and residual radioactive material requirements.

We are reviewing this action in the context of DOE's recently announced accelerated DOE Order Reduction Initiative. This is to insure both consistency of approach and consultation with DOE stakeholders.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 03/25/93 | 58 FR 16268 |
| NPRM Comment Period End | 06/22/93 | 58 FR 16268 |
| Final Action | 08/00/95 | |

Small Entities Affected: None**Government Levels Affected:** Federal

Agency Contact: Andrew Wallo, III, Director, Air, Water and Radiation Div. (EH-232), Office of Environmental Guidance, Department of Energy, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-4996**

RIN: 1901-AA38**1023. ENERGY PLANNING AND MANAGEMENT PROGRAM****Priority:** Other Significant**Legal Authority:** PL 102-486, sec 114 Energy Policy Act of 1992**CFR Citation:** Not yet determined

Legal Deadline: Final, Statutory, October 24, 1993.
Section 114 of PL 102-486 requires final regulations to be adopted by 10/24/93.

Abstract: Section 114 of PL 102-486 requires the Administrator of Western Area Power Administration (Western) to revise existing guidelines. New regulations, to be in place by 10/24/93, require each customer purchasing energy under a long-term firm power service contract with Western to implement integrated resource planning (IRP) by 10/24/95. Western's proposed rule does not consider alternatives to IRP, due to statutory mandate, although alternatives are being evaluated in the draft EIS. As part of the same rulemaking, where permitted by law, Western proposes to extend a major portion of long-term firm power sold to existing customers pursuant to contracts expiring over the next several years. Extensions of resource commitments will provide long-term resource stability necessary for effective IRP. Western is evaluating alternative lengths of contract extensions and amounts of resource commitments in the draft EIS, as well as a no-action alternative of using existing marketing criteria allocation processes for contract and resource extensions. Costs of compliance with these rules may be considerable, but utilities that have developed IRP have found the resulting

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 11/10/94 | 59 FR 40543 |
| Final Action | 04/00/95 | |

Small Entities Affected: None**Government Levels Affected:** None

Public Compliance Cost: Initial Cost: \$270,000; Yearly Recurring Cost: \$50,000; Base Year for Dollar Estimates: 1993

Sectors Affected: 491 Electric Services**Analysis:** Draft EIS 03/31/94 (59 FR 15198)**Additional Information:** ABSTRACT CONT: benefits outweigh the expense.

Agency Contact: Robert C. Fullerton, Director, Division of Marketing & Rates, Western Area Power Administration, Department of Energy, 1627 Cole Boulevard, P.O. Box 3402, Golden, CO 80401-3398, **303 275-1610**

RIN: 1901-AA50**1024. PRIVACY ACT—EXEMPTION OF CERTAIN COUNTERINTELLIGENCE SYSTEMS OF RECORDS****Priority:** Informational**Legal Authority:** 5 USC 552a**CFR Citation:** 10 CFR 1008**Legal Deadline:** None

Abstract: This action would amend the Department's Privacy Act regulations, 10 CFR Part 1008, by adding two systems or records to the list of systems exempted from certain provisions of the Act. The two systems are Counterintelligence Administrative and Analytical Records and Reports (DOE-81) and Counterintelligence Investigative Records (DOE-84). These exemptions are needed to enable the Office of Counterintelligence to perform its administrative, analytical, and investigatory duties and responsibilities. These duties and responsibilities are carried out pursuant to Executive Order 12333, "Department of Energy Procedures for Intelligence Activities," and DOE Order 5670.3, "Counterintelligence Program."

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 09/08/94 | 59 FR 46522 |
| Final Action | 04/00/95 | |

Small Entities Affected: None**Government Levels Affected:** None

Agency Contact: GayLa D. Sessoms, Director, FOIA/Privacy Act Division, Office of the Executive Secretariat, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-5955**

RIN: 1901-AA60

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)
Completed/Longterm Actions
1025. RULES OF PRACTICE TO GOVERN PROCEEDINGS TO RESOLVE CERTAIN DISPUTES ARISING BETWEEN M&O CONTRACTORS AND THEIR SUBCONTRACTORS

Legal Authority: PL 95-91, title VI, sec 644; PL 83-703, sec 161; 9 USC 1 to 14

CFR Citation: 10 CFR 1023; 48 CFR 970

Legal Deadline: None

Abstract: This action would have established procedures to resolve certain disputes arising between management and operating contractors and their subcontractors.

This action has been withdrawn as unnecessary in light of the provisions being developed to resolve such disputes in the "Federal norm" rulemaking, which was proposed March 2, 1995 (60 FR 11646). See RIN 1991-AB20.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 03/02/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Barclay Van Doren, Chairman, Board of Contract Appeals, Department of Energy, 4040 N. Fairfax Drive, Rm. 1006, Arlington, VA 22203, **703 235-2700**

RIN: 1901-AA31

1026. RENEGOTIATION OF POWER SALES CONTRACTS

Legal Authority: 16 USC 839(c)

CFR Citation: Not applicable

Legal Deadline: None

Abstract: When initially entered into the Agenda, this action was expected to develop the policies, practices and procedures that Bonneville Power Administration (BPA) would follow when offering power sales contracts (multi-year agreements describing the generally applicable terms and conditions for purchase of BPA products and services). The present intent is to renegotiate with customers mutually acceptable power sales contracts without developing a policy that serves as a basis for negotiations. Accordingly, this action has been withdrawn since no general policy is expected to be developed.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 02/24/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Scott Wilson, Department of Energy, Bonneville Power Administration, Portland, Oregon 97208-3621, **503 230-7638**

RIN: 1901-AA36

1027. IMPLEMENTATION OF DOE SCIENCE EDUCATION ENHANCEMENT ACT

Legal Authority: PL 101-510, sec 3161 to 3168; PL 101-514, sec 305

CFR Citation: None

Legal Deadline: None

Abstract: This was a review to determine what portion, if any, of the DOE Science Education Enhancement Act required implementation by rule.

This action has been withdrawn, since rules are unlikely to be needed for the exercise of any of the authorities of the Act. For example, supplying surplus equipment in order to meet program needs can be achieved through alternatives to rulemaking.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 02/24/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mike Wolfe, Senior Program Manager (ET-31), Office of Science Education Programs, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-5462**

RIN: 1901-AA51

1028. OFFICE OF HEARINGS AND APPEALS PROCEDURAL REGULATIONS

Legal Authority: 42 USC 7101 et seq; 15 USC 761 et seq

CFR Citation: 10 CFR 1003

Legal Deadline: None

Abstract: These rules streamline and distill the procedures governing the conduct of proceedings before the Office of Hearings and Appeals (OHA) and update pertinent filing information. They will be used by OHA in most

cases that do not involve the former Federal petroleum price and allocation control regulations.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 07/07/94 | 59 FR 34767 |
| Final Action | 03/21/95 | 60 FR 15004 |
| Final Action Effective | 04/20/95 | 60 FR 15004 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-2094**

RIN: 1901-AA55

1029. EPIDEMIOLOGY AND OTHER HEALTH STUDIES FINANCIAL ASSISTANCE PROGRAM

Legal Authority: 42 USC 2051

CFR Citation: 10 CFR 602

Legal Deadline: None

Abstract: The rule supports the Office of Environment, Safety and Health's use of financial assistance awards to promote vital program missions, including protecting the health of workers at Department of Energy sites, as well as other individuals potentially affected by energy production, transmission, or use. The rule procedures also will facilitate an open and competitive process for obtaining financial assistance awards.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 10/18/93 | 58 FR 53671 |
| Final Action | 01/31/95 | 60 FR 5838 |
| Final Action Effective | 03/02/95 | 60 FR 5838 |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald Petersen, Senior Epidemiologist, EH-62, Department of Energy, Office of Environment, Safety and Health, Washington, DC 20545, **301 903-2340**

RIN: 1901-AA56

1030. DISCRETIONARY ENVIRONMENTAL MANAGEMENT FUNDING TO FEDERALLY RECOGNIZED AMERICAN INDIAN TRIBES

Legal Authority: 42 USC 7254; 42 USC 7256

DOE—ENDEP

Completed/Longterm Actions

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Department would have developed eligibility standards and funding criteria for the distribution of DOE discretionary funds to federally recognized American Indian tribes by DOE's Office of Environmental

Management. DOE may proceed in a nonregulatory fashion.

Timetable:

| Action | Date | FR Cite |
|-------------------|----------|------------|
| Notice of Inquiry | 02/04/94 | 59 FR 5405 |
| Withdrawn | 10/03/94 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Fernandez/Brandt Petrasek, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-5821**

RIN: 1901-AA63

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Office of Procurement and Assistance Management (PR)

1031. DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATIONS; MISCELLANEOUS PERSONAL PROPERTY

Priority: Informational

Legal Authority: 42 USC 7254

CFR Citation: 41 CFR 109

Legal Deadline: None

Abstract: Updates the Property Management Regulations regarding management of the Department's personal property.

We are reviewing this action in the context of DOE's recently announced accelerated DOE Order Reduction Initiative. This is to insure both consistency of approach and consultation with DOE stakeholders.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|---------|
| NPRM | 07/00/95 | |
| Final Action | 03/00/96 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8260**

RIN: 1991-AA28

1032. TECHNOLOGY TRANSFER: DOE MANAGEMENT AND OPERATING CONTRACTORS

Priority: Informational

Legal Authority: PL 101-189, sec 3133; 42 USC 7256(a); PL 103-160, sec 3160

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: Public Law 101-189 amended the Stevenson-Wydler Technology

Innovation Act to include DOE management and operating laboratories. Subsequently, PL 103-160 expanded the definition of a laboratory to include DOE Weapon Production Facilities. DOE will need to amend DEAR 970 to standardize the implementation of its technology transfer program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 06/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8190**

RIN: 1991-AA63

1033. DEAR: SECURITY PROCEDURES

Priority: Informational

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 904; 48 CFR 952

Legal Deadline: None

Abstract: Revise security procedures regarding foreign ownership, control and influence to clarify requirements and simplify approval process.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no

statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Robert Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8247**

RIN: 1991-AA86

1034. DEAR: AMENDMENT TO WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE SITES

Priority: Informational

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 923.5; 48 CFR 970.2305

Legal Deadline: None

Abstract: To implement revised requirements of 10 CFR 707 concerning alcohol abuse in contracts subject to DOE's Workplace Substance Abuse Programs. This rule would conform the Department of Energy Acquisition Regulation to 10 CFR 707 in this respect. See RIN 1991-AA90.

Timetable:

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

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard Langston, Procurement Analyst, Office of Policy, Department of Energy, Office of Procurement and Assistance

DOE—PR

Proposed Rule Stage

Management, Washington, DC 20585, **202 586-8247**

RIN: 1991-AA97

1035. DEAR: FINANCIAL MANAGEMENT CLAUSES

Priority: Informational

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: The existing regulation will be revised to provide uniform guidance to management and operating contractors on required financial management contract clauses.

A schedule for this action currently is being developed as part of the implementation of the Department's Contract Reform Initiative.

Timetable:

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

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Michael L. Righi, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-8175**

RIN: 1991-AB02

1036. DEAR: REVIEW OF M&O CONTRACTOR PURCHASING SYSTEMS

Priority: Informational

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 944; 48 CFR 970

Legal Deadline: None

Abstract: This action is being reviewed in light of the "Federal norm" rulemaking, which was proposed March 2, 1995 (60 FR 11646). See RIN 1991-AB20. This action then may amend the DOE Acquisition Regulation (DEAR) to provide changed coverage on management and operating (M&O) contractor purchasing system reviews

and new coverage on M&O contractor self-assessment reviews of their purchasing systems.

Timetable:

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

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: This action was incorrectly reported as withdrawn in the October 1994 edition of the Department of Energy regulatory agenda.

Agency Contact: P. Devers Weaver, Department of Energy, Office of Procurement and Assistance Management, Procurement Policy Division, Washington, DC 20585, **202 586-8250**

RIN: 1991-AB07

1037. DEAR: EXTEND-COMPETE REVISIONS

Priority: Routine and Frequent

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: Revise policy to place greater emphasis on competition for management and operating contracts.

A schedule for this action currently is being developed as part of the implementation of the Department's Contract Reform Initiative.

Timetable:

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

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard Langston, Procurement Analyst (HR-521.1), Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave

SW., Washington, DC 20585, **202 586-8247**

RIN: 1991-AB09

1038. • DEAR: REGULATORY REDUCTION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 901 to 971

Legal Deadline: None

Abstract: The Department of Energy Acquisition Regulation is being reduced pursuant to requirements of Executive Order 12861, Elimination of One-Half of Executive Branch Internal Regulations. The DEAR provisions proposed for deletion include material that is for informational purposes only and nonregulatory in nature; recommended internal guidance; regulations that constrain the Department's procuring activities; internal nonregulatory procedures; coverage that is more restrictive than the Federal Acquisition Regulations (FAR); and coverage that is repetitive of the FAR or other regulations.

Timetable:

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

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Kevin M. Smith, Procurement Analyst (HR-521), Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-8189**

RIN: 1991-AB18

1039. • FEE POLICY FOR NONPROFIT ORGANIZATIONS

Priority: Informational

Legal Authority: 42 USC 2201

CFR Citation: 48 CFR 915; 48 CFR 970

Legal Deadline: None

Abstract: Revise current fee policy that applies to nonprofit organizations to reflect the added risks those

DOE—PR

Proposed Rule Stage

institutions will bear when the Department's Contract Reform Initiative is implemented.

A schedule for this action currently is being developed as part of the implementation of the Department's Contract Reform Initiative.

Timetable:

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

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Michael Righi, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-8175**

RIN: 1991-AB21

1040. • DEAR: FINES AND PENALTIES, GOVERNMENT PROPERTY AND THIRD PARTY LIABILITY

Priority: Informational

Legal Authority: 42 USC 2201; 42 USC 7254; 42 USC 420; 42 USC 7256a

CFR Citation: 48 CFR 950; 48 CFR 970

Legal Deadline: None

Abstract: This action would revise current regulations regarding cost allowability of fines and penalties, third party liabilities, and damage or loss of Government property to reflect the Department's contract reform initiatives to increase contractor accountability. This action would also establish new provisions on preexisting conditions and whistleblower actions.

A schedule for this action currently is being developed as part of the implementation of the Department's Contract Reform Initiative.

Timetable:

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

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laura Fullerton, Attorney Advisor, Department of Energy, Office of General Counsel, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-1900**

RIN: 1991-AB22

1041. • FINANCIAL ASSISTANCE RULES STREAMLINING AND SIMPLIFYING PROCEDURES

Priority: Informational

Legal Authority: 42 USC 7254; 42 USC 7256

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: This rulemaking will modify the provisions in 10 CFR 600, subparts A and C, to streamline and simplify DOE internal procedures. This action is responsive to Executive Order 12861, "Elimination of One-Half of Executive Branch Internal Regulations."

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 05/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

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

RIN: 1991-AB23

DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

Office of Procurement and Assistance Management (PR)

1042. DEBARMENT AND SUSPENSION (COMMON RULE)

Priority: Other Significant

Legal Authority: EO 12689

CFR Citation: 10 CFR 1035; 10 CFR 1036

Legal Deadline: None

Abstract: This conforms procurement debarment procedures and nonprocurement debarment procedures to have reciprocal Governmentwide effect.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 12/20/94 | 59 FR 65607 |
| Final Action | 05/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Cynthia Yee, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-1140**

RIN: 1991-AA69

1043. ACQUISITION OF FEDERAL INFORMATION RESOURCES BY CONTRACT

Priority: Informational

Legal Authority: 40 USC 486(c); 42 USC 7101

CFR Citation: 48 CFR 939; 48 CFR 970.39

Legal Deadline: None

Abstract: Provides procedures governing acquisition of Federal information processing resources by contract.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/02/93 | 58 FR 63556 |
| NPRM Comment Period End | 01/31/94 | |
| Final Action | 04/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

DOE—PR

Final Rule Stage

Agency Contact: P. Devers Weaver, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8250**

RIN: 1991-AA81

1044. AMENDMENT TO WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE SITES

Priority: Other Significant

Legal Authority: 42 USC 2012 et seq, Atomic Energy Act of 1954

CFR Citation: 10 CFR 707

Legal Deadline: None

Abstract: This action will amend the Department's rule governing the use of illegal drugs at DOE sites to ensure that substance abuse programs include provisions that also address misuse and abuse of alcohol. DOE expects to mitigate the potential for harm to the environment and to the public health and safety at DOE sites by contractor employees and other individuals performing health or safety sensitive functions. Cost incurred will affect primarily cost reimbursement type contracts for managing, operating, constructing, and servicing DOE facilities and certain other on-site contractors and subcontractors.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 07/22/92 | 57 FR 32664 |
| NPRM Comment Period End | 09/21/92 | 57 FR 32664 |
| Final Action | 07/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Juanita E. Smith, Special Assistant, Substance Abuse, HR-524, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-9033**

RIN: 1991-AA90

1045. DEAR: RECOVERED/RECYCLED MATERIALS

Priority: Informational

Legal Authority: 42 USC 7254; 42 USC 486(c); 42 USC 6962

CFR Citation: 48 CFR 923; 48 CFR 970

Legal Deadline: None

Abstract: This action is required by section 6002 of the Resource Conservation and Recovery Act, Executive Order 12873 entitled "Federal Acquisition, Recycling, and Waste Prevention," and other authority. This action would amend the Department of Energy Acquisition Regulation to provide for the use of recovered/recycled materials by DOE management and operating contractors.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|------------|
| NPRM | 01/11/95 | 60 FR 2727 |
| Final Action | 07/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: P. Devers Weaver, Procurement Policy Division, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8250**

RIN: 1991-AB05

1046. LEGISLATIVE LOBBYING COST PROHIBITION

Priority: Informational

Legal Authority: 42 USC 7256A

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: The existing Department of Energy Acquisition Regulation will be amended to preclude any misunderstandings between the Department and its contractors regarding the allowability of costs related to legislative lobbying.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/18/94 | 59 FR 52505 |
| Final Action | 06/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Michel L. Righi, Procurement Analyst (HR-521.1),

Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8175**

RIN: 1991-AB08

1047. PROCUREMENT SET-ASIDES FOR SMALL BUSINESS AND OTHERS

Priority: Other Significant

Legal Authority: PL 102-486, sec 3021 The Energy Policy Act of 1992

CFR Citation: 48 CFR 926; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: Section 3021 of the Energy Policy Act of 1992 requires agency heads to provide for set aside award preferences for (1) small and disadvantaged businesses, (2) historically black colleges and universities, and (3) colleges and universities with 20 percent or more Hispanic or Native American students.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 07/11/94 | 59 FR 35294 |
| Final Action | 04/00/95 | |

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert M. Webb, Procurement Analyst (HR-521.1), Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave SW., Washington, DC 20585, **202 586-8264**

RIN: 1991-AB11

1048. INDEPENDENT RESEARCH AND DEVELOPMENT/BID AND PROPOSAL COSTS AND TRAVEL COST GUIDELINES

Priority: Informational

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 915; 48 CFR 931; 48 CFR 942; 48 CFR 951; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: The action would make amendments to the Department of Energy Acquisition Regulation to provide guidance to contractors regarding the allowability of independent research and

DOE—PR

Final Rule Stage

development/bid and proposal and travel costs. It results from the recodification of cost accounting standards into Title 48 of the Code of Federal Regulations.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/31/94 | 59 FR 54421 |
| Final Action | 01/00/96 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Terrence D. Sheppard, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8174**

RIN: 1991-AB12

1049. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS WITH EDUCATIONAL INSTITUTIONS, HOSPITALS, AND OTHER NONPROFIT INSTITUTIONS

Priority: Other Significant

Legal Authority: 42 USC 7254; 42 USC 7256

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: This rulemaking will modify the provisions in 10 CFR 600 dealing with educational institutions, hospitals and other nonprofit organizations to reflect changes made to the recently revised OMB Circular A-110.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|-------------|
| Interim Final Rule | 10/21/94 | 59 FR 53260 |
| Final Action | 05/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cherrie Seckinger, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8192**

RIN: 1991-AB13

1050. LIMITS ON PARTICIPATION IN CERTAIN DOE RESEARCH AND DEVELOPMENT PROGRAMS

Priority: Other Significant

Legal Authority: 42 USC 13525 Energy Policy Act of 1992, sec 2306

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: To develop guidelines to implement section 2306 of the Energy Policy Act of 1992. Section 2306 imposes eligibility requirements for financial assistance awards under titles XX through XXIII of the Act.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 02/23/95 | 60 FR 10296 |
| Final Action | 09/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert C. Marlay, Director, Office of Technology Policy, (PO-62), Department of Energy, Departmental and Others, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-3900**

RIN: 1991-AB14

1051. REVISION TO A-102 COMMON RULE TO RAISE THRESHOLD FOR SIMPLIFIED SMALL PURCHASES UNDER GRANTS

Priority: Informational

Legal Authority: 42 USC 7254

CFR Citation: 10 CFR 600.436

Legal Deadline: None

Abstract: Proposed amendment to the common grant rules for State and local Governments, to increase the small purchase threshold under grants to \$100,000.

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 10/25/94 | 59 FR 53706 |
| Final Action | 06/00/95 | |

Small Entities Affected: None

Government Levels Affected: State, Local, Tribal

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

RIN: 1991-AB15

1052. • CERTIFIED COST OR PRICING THRESHOLD AND DETERMINATION AND FINDINGS FOR USE OF COST-REIMBURSEMENT CONTRACTS

Priority: Informational

Legal Authority: PL 103-355

CFR Citation: 48 CFR 915; 48 CFR 916; 48 CFR 970

Legal Deadline: None

Abstract: To conform regulations with Federal Acquisition Act, DOE is raising the threshold for certification of cost or pricing data from \$100,000 to \$500,000 and deleting the requirement for a determination and findings when a cost reimbursement contract is contemplated.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|---------|
| Interim Final Rule | 04/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Terry Sheppard, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-8174**

RIN: 1991-AB19

1053. • MANAGEMENT AND OPERATING CONTRACTOR PURCHASING SYSTEMS

Priority: Informational

Legal Authority: 42 USC 2201; 42 USC 7254

CFR Citation: 48 CFR 970.71

Legal Deadline: None

Abstract: This action would amend the Department of Energy Acquisition Regulation (DEAR) to modify requirements for management and operating (M&O) contractor purchasing systems. The DEAR would be revised to identify certain purchasing system objectives and standards; eliminate the application of the "Federal norm"; and place greater reliance on commercial practices. Application of the "Federal norm" over the years has contributed to replacing efficient and effective commercial business practices in M&O contractor purchasing.

DOE—PR

Final Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------------|----------|-------------|
| NPRM | 03/02/95 | 60 FR 11646 |
| Final Action | 09/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: James Cavanagh (HR 525.1), Supervisory Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, **202 586-8257**

RIN: 1991-AB20

DEPARTMENT OF ENERGY (DOE)

Completed/Longterm Actions

Office of Procurement and Assistance Management (PR)

1054. DEAR: PATENT POLICY REVISIONS

Legal Authority: 42 USC 2011 et seq, The Atomic Energy Act of 1954; 42 USC 5901 et seq, Fed. Nonnuclear Energy R&D Act of 1974; 42 USC 7101 et seq, The DOE Organization Act

CFR Citation: 48 CFR 927; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: The Department of Energy Acquisition Regulation (DEAR), promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation (FAR). A more recent Federal Acquisition Circular was issued to establish a FAR part 27 concerning patents. This action amends the DEAR to supplement and implement the FAR and to explain how DOE patent policy differs due to DOE statutory requirements.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 03/29/94 | 59 FR 14593 |
| NPRM Comment Period End | 05/31/94 | |
| Final Action | 03/02/95 | 60 FR 11812 |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8264**

RIN: 1991-AA23

1055. RESOLUTION OF DISPUTES BETWEEN SUBCONTRACTORS AND DOE MANAGEMENT AND OPERATING CONTRACTORS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: This action was dependent upon establishment by the Board of Contract Appeals (BCA) of procedures to resolve certain disputes arising between management and operating contractors and their subcontractors. This action has been withdrawn since the underlying BCA action has been withdrawn. See RIN 1901-AA31.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|---------|
| Withdrawn | 03/02/95 | |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8264**

RIN: 1991-AA44

1056. NEW RESTRICTIONS ON LOBBYING (COMMON RULE)

Legal Authority: PL 101-121, sec 319

CFR Citation: 10 CFR 1036

Legal Deadline: None

Abstract: The Department will join 28 other Executive agencies in issuing a final common rule for the purpose of implementing new statutory prohibitions and disclosure

requirements with regard to certain influencing activities.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| OMB Interim Final Guidance | 12/20/89 | 54 FR 52306 |
| Interim Final Rule | 02/26/90 | 55 FR 6736 |
| Further OMB Guidance | 06/15/90 | 55 FR 24540 |
| Further OMB Guidance | 01/15/92 | 57 FR 1772 |

Withdrawn - No action anticipated within the next 12 months.

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8190**

RIN: 1991-AA64

1057. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS (COMMON RULE)

Legal Authority: 42 USC 7254; 42 USC 7256

CFR Citation: 10 CFR 600, subpart E

Legal Deadline: None

Abstract: This rulemaking modifies the Governmentwide Common Rule pertaining to administrative requirements for grants and cooperative agreements to States, local governments and Indian tribes. The rule was first published in 1988 and this revision updates some provisions of the rule and changes others to address issues that have been raised.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 12/29/94 | 59 FR 65607 |

DOE—PR

Completed/Longterm Actions

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM Comment Period End | 02/21/95 | 59 FR 65607 |
| Final Action | 04/19/95 | 60 FR 19638 |
| Final Action Effective | 05/19/95 | 60 FR 19638 |

Small Entities Affected: None

Government Levels Affected: State, Local

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Cherie Seckinger, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8192**

RIN: 1991-AA85

1058. DEAR: PROJECT CONTROL SYSTEM

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 952.212-73; 48 CFR 970

Legal Deadline: None

Abstract: Amend the Department of Energy Acquisition Regulation (DEAR) to require selected contractors performing project work to have project control system in place which meets the requirements set forth in DOE Notice 4700.5, Project Control System Guidelines.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|------------|
| NPRM | 02/08/94 | 59 FR 5751 |
| Withdrawn | 01/23/95 | 60 FR 4397 |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Kevin M. Smith, Procurement Analyst, HR-521, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave.

SW., Washington, DC 20585, **202 586-8189**

RIN: 1991-AA93

1059. DEAR: ORGANIZATIONAL CONFLICTS OF INTEREST

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 909.57

Legal Deadline: None

Abstract: Regulation is to clarify certain aspects of existing regulations covering organizational conflicts of interest in the award of contracts and subcontracts.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| NPRM | 07/16/93 | 58 FR 38340 |
| Final Action | 12/23/94 | 59 FR 66259 |
| Final Action Effective | 01/23/95 | 59 FR 66259 |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-8264**

RIN: 1991-AA95

1060. DEAR: INTERAGENCY AGREEMENTS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 917.5

Legal Deadline: None

Abstract: DOE originally proposed substantial revisions to the text of 48 CFR subpart 917.5 (59 FR 36918, July 9, 1993). As a result of the comments received and DOE's own further review under Executive Order 12861, "Elimination of One-Half of Executive Branch Internal Regulations," and Executive Order 12866, "Regulatory Planning and Review," DOE has decided to cancel the proposed rule. At RIN 1991-AB16, DOE is cancelling the entirety of the existing regulation.

Timetable:

| Action | Date | FR Cite |
|-----------|----------|-------------|
| NPRM | 07/09/93 | 58 FR 36918 |
| Withdrawn | 12/15/94 | 59 FR 64791 |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Richard Langston, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Ave. SW., Washington, DC 20585, **202 586-8247**

RIN: 1991-AA98

1061. DEAR: INTERAGENCY ACQUISITION UNDER THE ECONOMY ACT

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 917.5

Legal Deadline: None

Abstract: DOE has removed 48 CFR subpart 917.5 from the Code of Federal Regulations. Please see RIN 1991-AA98.

Timetable:

| Action | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 12/15/94 | 59 FR 64790 |
| Final Action Effective | 01/17/95 | 59 FR 64790 |

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Additional Information: This action is procedural in nature and does not raise any substantive issues. Thus, DOE did not request public comment.

Agency Contact: Richard Langston, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585, **202 586-8247**

RIN: 1991-AB16

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Proposed Rule Stage

1062. PATENT WAIVER REGULATION

Priority: Informational

Legal Authority: 42 USC 2182; 42 USC 5908; PL 99-661

CFR Citation: 10 CFR 784

Legal Deadline: None

Abstract: The regulation provides procedures and standards for obtaining a waiver of the Government's rights in inventions made under DOE research and development contracts with entities that are not small businesses or nonprofit institutions, and terms and conditions of such waivers. Currently, DOE waiver policy is provided in DOE Procurement Regulations (41 CFR 9-9.109-6). The proposed regulation places DOE patent waiver policy in a separate regulation, and also provides updates, revisions and clarifications to waiver policy as contained in 41 CFR 9-9.109-6.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 09/00/95 | |

Small Entities Affected: Undetermined

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Michael P. Hoffman, Patent Attorney (GC-62), Department of Energy, Office of General Counsel, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-3441
RIN: 1990-AA02

1063. PAYMENT OF TRAVEL EXPENSES OF PERSONS WHO ARE NOT GOVERNMENT EMPLOYEES

Priority: Informational

Legal Authority: 42 USC 7254

CFR Citation: 10 CFR 1060

Legal Deadline: None

Abstract: The regulation needs to be revised to reflect the delegation of authority from the Office of Personnel Management to pay travel expenses of certain job applicants in traveling to preemployment interviews required by the Department.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 07/00/95 | |

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Susan Beard, Acting Deputy Assistant General for Standards of Conduct, Department of Energy, Office of General Counsel, 1000 Independence Ave. SW., Washington, DC 20585, 202 586-1522
RIN: 1990-AA15

1064. CONDUCT OF EMPLOYEES

Priority: Informational

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 |
|--------|----------|---------|
| NPRM | 01/00/96 | |

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Susan Beard, Acting Deputy Assistant General Counsel for Standards of Conduct, Department of Energy, Office of General Counsel, 1000 Independence Ave SW., Washington, DC 20585, 202 586-1522

RIN: 1990-AA19

[FR Doc. 95-9296 Filed 05-05-95; 8:45 am]

BILLING CODE 6450-01-F