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Monday  
April 26, 1999

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Part VII

**Department of  
Energy**

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Semiannual Regulatory Agenda

**DEPARTMENT OF ENERGY (DOE)**

**DEPARTMENT OF ENERGY**

**10 CFR Chs. II, III, and X**

**48 CFR Ch. 9**

**Regulatory Agenda**

**AGENCY:** Department of Energy.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Department of Energy has prepared and today is publishing its semiannual regulatory agenda pursuant to instructions of the Administrator, Office of Information and Regulatory

Affairs, Office of Management and Budget (OMB).

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

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

February 26, 1999. They are divided into categories, first by subagencies and then according to their stage of rulemaking action: Prerule, proposed rulemaking, final rulemaking, long-term action, or completed action.

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

Issued in Washington, DC, on March 2, 1999.

**Mary Anne Sullivan,**  
*General Counsel.*

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

Sequence Number	Title	Regulation Identifier Number
841	Energy Efficiency Standards for Central Air Conditioners and Heat Pumps .....	1904-AA77

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

Sequence Number	Title	Regulation Identifier Number
842	Equivalent Petroleum-Based Fuel Economy Calculation for Electric and Hybrid Electric Vehicles .....	1904-AA40
843	Test Procedures for Central Air Conditioners and Heat Pumps—Amendments .....	1904-AA46
844	Energy Efficiency Standards for Clothes Washers .....	1904-AA67
845	Energy Efficiency Standards for Lamp Ballasts .....	1904-AA75
846	Energy Efficiency Standards for Water Heaters .....	1904-AA76
847	Test Procedures for Commercial Water Heaters .....	1904-AA95
848	Test Procedures for Warm Air Furnaces .....	1904-AA96
849	Test Procedures for Commercial Air Conditioning Equipment .....	1904-AA97
850	Alternate Fueled Vehicle Acquisition Requirements for Private and Local Government Fleets .....	1904-AA98
851	Test Procedures for Commercial Package Boilers .....	1904-AB02

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

Sequence Number	Title	Regulation Identifier Number
852	Energy Efficiency Code for New Federal Residential Low Rise Buildings .....	1904-AA53
853	State and Local Incentives Program: Alternative Fuels .....	1904-AA66
854	Energy Code for New Federal Commercial and Multi-Family High Rise Residential Buildings .....	1904-AA69
855	Energy Conservation Program for Certain Commercial and Industrial Equipment: Test Procedures, Labeling, and Certification Requirements for Electric Motors .....	1904-AA82
856	Test Procedures for Electric Distribution Transformers .....	1904-AA85
857	Alternative Fuel Transportation Program: P-Series Fuels .....	1904-AA99
858	Alternate Fuel Program: Biodiesel .....	1904-AB00
859	State Energy Program .....	1904-AB01

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

Sequence Number	Title	Regulation Identifier Number
860	National Voluntary Residential Energy Efficiency Rating Guidelines .....	1904-AA74

## DOE

## Energy Efficiency and Renewable Energy—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
861	Energy Efficiency Standards for Residential Furnaces and Boilers and Mobile Home Furnaces .....	1904-AA78
862	Determination for High Intensity Discharge Lamps .....	1904-AA86
863	Determination for Small Electric Motors .....	1904-AA87
864	Energy Efficiency Standards for Clothes Dryers and Dishwashers .....	1904-AA89
865	Energy Efficiency Standards for Pool Heaters and Direct Heating Equipment .....	1904-AA90
866	Energy Efficiency Standards for 1-200 HP Electric Motors .....	1904-AA91
867	Energy Efficiency Standards for Fluorescent and Incandescent Lamps .....	1904-AA92

## Defense and Security Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
868	General Criteria and Procedures for Determining Eligibility for Access to Classified Matters or Special Nuclear Material .....	1992-AA22
869	Physical Protection of Security Interests .....	1992-AA23

## Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
870	Freedom of Information Act .....	1901-AA32
871	Enforcement of Employee Safety Standards at Nuclear Weapons Facilities .....	1901-AA44
872	Privacy Act System of Records Update .....	1901-AA69
873	Environmental Management Financial Assistance Program .....	1901-AA71
874	Community Transition Activities .....	1901-AA77
875	Economic Development Transfers of Real Property .....	1901-AA82

## Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
876	Nuclear Safety Management .....	1901-AA34
877	Radiation Protection of the Public and the Environment .....	1901-AA38
878	Chronic Beryllium Disease Prevention Program .....	1901-AA75
879	Criteria and Procedures for Contractor Employee Protection Program .....	1901-AA78

## Departmental and Others—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
880	Annotation of Land Records for Remediated Properties in the Uranium Mill Tailings Remedial Action Project (UMTRA) .....	1901-AA57
881	Payments for Special Burdens and in Lieu of Taxes .....	1901-AA58
882	General Guidelines for the Recommendation of Sites for Nuclear Waste Repository .....	1901-AA72

DOE

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identifier Number
883	Electric Power System Permits and Reports; Applications; Administrative Procedures and Sanctions .....	1901-AA19
884	Office of Energy Research Financial Assistance Program .....	1901-AA54
885	Occupational Radiation Protection—Amendment .....	1901-AA59
886	Procedural Rules for DOE Nuclear Activities .....	1901-AA80
887	Price Competitive Sale of Strategic Petroleum Reserve Petroleum Standard Sales Provisions .....	1901-AA81

Office of Procurement and Assistance Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
888	DEAR: Management and Operating Contract Whistleblower Costs .....	1991-AB36
889	Acquisition Regulation: Project Management .....	1991-AB39
890	Classified National Security Information—E.O. 12958 .....	1991-AB42
891	DEAR: Mentor-Protege Program .....	1991-AB45
892	DEAR: Cost Principles .....	1991-AB46
893	DEAR: Recycling .....	1991-AB47
894	DEAR: Work for Others .....	1991-AB48
895	DEAR: Part 970 Rewrite .....	1991-AB49
896	DEAR: Management and Operating Contract Clause Updates .....	1991-AB50
897	DEAR: Purchasing by DOE Management and Operating Contractors From Affiliated Sources .....	1991-AB52

Office of Procurement and Assistance Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
898	DEAR: Financial Management Clauses .....	1991-AB02
899	Fee Policy .....	1991-AB32
900	Acquisition Regulations: Guarantees of Performance .....	1991-AB44
901	DEAR: Technical Amendments .....	1991-AB51

Office of Procurement and Assistance Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
902	Amendment to Workplace Substance Abuse Programs at DOE Sites .....	1991-AA90
903	Acquisition Regulation: Technical Amendment .....	1991-AB40

Office of General Counsel—Final Rule Stage

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

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

Prerule Stage

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

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

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

**Legal Authority:** 42 USC 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
Screening Workshop	06/30/98	
Supplemental ANPRM	10/00/99	
NPRM	07/00/00	
Final Action	04/00/01	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** State, Local

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

**Agency Contact:** Michael Raymond, Program Manager, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-9611  
Fax: 202 586-4617  
Email: michael.raymond@ee.doe.gov

**RIN:** 1904-AA77

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

Proposed Rule Stage

**842. EQUIVALENT PETROLEUM-BASED FUEL ECONOMY CALCULATION FOR ELECTRIC AND HYBRID 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); PL 103-272

**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 (PEF) for 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 electric generation and transmission, the fuels used to generate electricity, and the driving patterns of electric vehicles. It established a method for determining the PEF of electric vehicles that are recharged from stationary sources only. Hybrid electric vehicles, a type of electric vehicle, are electrically recharged by an on-board mobile generator. Hybrid vehicles are not covered by this action. This rulemaking would update the methodology for calculating the CAFE credits for electric vehicles that are recharged by

stationary sources. Rulemaking authority for establishing PEF values for electric and hybrid electric vehicles is provided under Public Law 103-272 (49 USC 32904).

**Timetable:**

Action	Date	FR Cite
NPRM	02/04/94	59 FR 5336
Revised NPRM	04/00/99	
Final Action	07/00/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Rogelio Sullivan, Program Manager, Electric and Hybrid Propulsion Division, Department of Energy, Energy Efficiency and Renewable Energy, EE-32, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-8042  
Fax: 202 586-1600

**RIN:** 1904-AA40

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

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6293

**CFR Citation:** 10 CFR 430

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/99	
Final Action	01/00/00	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Michael Raymond, Program Manager, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable

DOE—EE

Proposed Rule Stage

Energy, 1000 Independence Avenue  
SW., Washington, DC 20585  
Phone: 202 586-9611  
Fax: 202 586-4617  
Email: michael.raymond@ee.doe.gov  
RIN: 1904-AA46

#### 844. ENERGY EFFICIENCY STANDARDS FOR CLOTHES WASHERS

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

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

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6295

**CFR Citation:** 10 CFR 430

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

**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 current standard for a covered product should be amended.

This is the second review of the standard for clothes washers.

#### Timetable:

Action	Date	FR Cite
ANPRM	11/14/94	59 FR 56423
Screening Workshop	11/15/96	
Supplemental ANPRM	11/19/98	63 FR 64343
Workshop	12/15/98	
NPRM	09/00/99	
Final Action	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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

**Agency Contact:** Byran Berringer, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-0371

RIN: 1904-AA67

#### 845. ENERGY EFFICIENCY STANDARDS FOR LAMP BALLASTS

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

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

**Legal Authority:** 42 USC 6295

**CFR Citation:** 10 CFR 430.32

**Legal Deadline:** Final, Statutory, 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.

#### Timetable:

Action	Date	FR Cite
ANPRM	09/28/90	55 FR 39624
NPRM	03/04/94	59 FR 10464
Ballast Analysis Workshop	03/18/97	
Reissue NPRM	08/00/99	
Final Action	05/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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

**Agency Contact:** Carl Adams, Program Manager, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable

Energy, 1000 Independence Avenue  
SW., Washington, DC 20585  
Phone: 202 586-9142  
Fax: 202 586-4617  
Email: carl.adams@ee.doe.gov  
RIN: 1904-AA75

#### 846. ENERGY EFFICIENCY STANDARDS FOR WATER HEATERS

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

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

**Legal Authority:** 42 USC 6295

**CFR Citation:** 10 CFR 430.32

**Legal Deadline:** Final, Statutory, 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.

#### Timetable:

Action	Date	FR Cite
ANPRM	09/28/90	55 FR 39624
NPRM	03/04/94	59 FR 10464
Screening Workshop	06/24/97	
Notice of Availability	01/14/98	63 FR 2186
Impact Workshop	11/09/98	
Reissue NPRM	09/00/99	
Final Action	06/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

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

**Agency Contact:** Terry Logee, Program Manager, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue

DOE—EE

Proposed Rule Stage

SW., Room 1J-018, Washington, DC 20585

Phone: 202 586-1689

Fax: 202 586-4617

Email: terry.logee@hq.doe.gov

RIN: 1904-AA76

#### 847. TEST PROCEDURES FOR COMMERCIAL WATER HEATERS

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6293

**CFR Citation:** 10 CFR 431

**Legal Deadline:** None

**Abstract:** The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial water heaters, prescribes test procedures, and requires labeling for such equipment. This action would codify the energy conservation standards and test procedures established in the EPCA for commercial water heaters. This action will incorporate by reference energy conservation standards and test procedures, revised by the Air Conditioning and Refrigerating Institute or by the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ARI/ASHRAE), and will establish certification and labeling requirements for storage water heaters, instantaneous water heaters, and unfired hot water storage tanks.

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/99	
Final Action	12/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Cyrus Nasser, Program Manager, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-9138  
Fax: 202 586-4617  
Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AA95

#### 848. TEST PROCEDURES FOR WARM AIR FURNACES

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6293

**CFR Citation:** 10 CFR 431

**Legal Deadline:** None

**Abstract:** The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial heating equipment, prescribes test procedures, and requires labeling for such equipment. This action would codify the energy conservation standards and test procedures established in the EPCA for commercial heating equipment. This action will also incorporate by reference energy conservation standards and test procedures, revised by the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), and will establish certification and labeling requirements warm air furnaces.

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/99	
Final Action	01/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Cyrus Nasser, Program Manager, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-9138  
Fax: 202 586-4617  
Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AA96

#### 849. TEST PROCEDURES FOR COMMERCIAL AIR CONDITIONING EQUIPMENT

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6293

**CFR Citation:** 10 CFR 431

**Legal Deadline:** None

**Abstract:** The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial air conditioning equipment, prescribes test procedures, and requires labeling for such equipment. This action would codify the energy conservation standards and test procedures established in the EPCA for commercial air conditioning equipment. This action will also incorporate by reference energy conservation standards and test procedures, revised by the Air Conditioning and Refrigerating Institute or by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ARI/ASHRAE), and will establish certification and labeling requirements for small and large commercial package air conditioning equipment and packaged terminal air conditioners and heat pumps.

#### Timetable:

Action	Date	FR Cite
NPRM	04/00/99	
Final Action	01/00/00	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Cyrus Nasser, Program Manager, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-9138  
Fax: 202 586-4617  
Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AA97

#### 850. ALTERNATE FUELED VEHICLE ACQUISITION REQUIREMENTS FOR PRIVATE AND LOCAL GOVERNMENT FLEETS

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

**Unfunded Mandates:** Undetermined

**Legal Authority:** 42 USC 13257

**CFR Citation:** 10 CFR 490

**Legal Deadline:** NPRM, Statutory, May 1, 1999. Final, Statutory, January 1, 2000.

**Abstract:** The Energy Policy Act of 1992 requires DOE to initiate a rulemaking to determine whether a private and local fleet program is

DOE—EE

Proposed Rule Stage

deemed necessary to meet the fuel displacement goals of the Act. The criteria for making this determination is mandated by the Act. The Department held discussions with stakeholders as to whether the rule will be promulgated or whether the Department will pursue other voluntary or incentive programs.

**Timetable:**

Action	Date	FR Cite
ANPRM	04/17/98	63 FR 19372
NPRM	05/00/99	
Final Action	01/00/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Local

**Agency Contact:** Kenneth Katz, Program Manager, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585

Phone: 202 586-6116  
Fax: 202 586-1610  
Email: kenneth.katz@hq.doe.gov

RIN: 1904-AA98

**851. • TEST PROCEDURES FOR COMMERCIAL PACKAGE BOILERS**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 431

Legal Deadline: None

**Abstract:** The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial heating equipment, prescribes test procedures, and requires labeling for such equipment. This action would codify these provisions. It would also incorporate by reference energy conservation standards and test

procedures revised by the American Society of Heating Refrigerating, and Air Conditioning Engineers, and would establish certification and labeling requirements for warm air furnaces.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/99	
Final Action	01/00/00	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Cyrus Nasser, Program Manager, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-9138  
Fax: 202 586-9617  
Email: cyrus.nasser@ee.doe.gov

RIN: 1904-AB02

DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

Energy Efficiency and Renewable Energy (EE)

**852. ENERGY EFFICIENCY CODE FOR NEW FEDERAL RESIDENTIAL LOW RISE BUILDINGS**

Priority: Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 42 USC 6834

CFR Citation: 10 CFR 435

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

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

new Federal building energy standards become effective.

**Timetable:**

Action	Date	FR Cite
NPRM	05/02/97	62 FR 24164
NPRM Comment Period End	07/14/97	
Final Action	12/00/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: Federal

**Agency Contact:** Stephen P. Walder, Program Manager, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-9209

RIN: 1904-AA53

**853. STATE AND LOCAL INCENTIVES PROGRAM: ALTERNATIVE FUELS**

Priority: Other Significant

Legal Authority: 42 USC 13235

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. With the publication of an integrated State Energy Program (61 FR 35890), the alternative fuel grant programs may be a part of the State grant special projects, depending on funding availability. The next action will be a cancellation notice of any separate State grant program.

**Timetable:**

Action	Date	FR Cite
NPRM	03/21/95	60 FR 15020
NPRM Comment Period End	05/22/95	
Final Action	06/00/99	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: State, Local

**Agency Contact:** Marcy A. Rood (EE-34), Program Manager, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Ave SW., Washington, DC 20585  
Phone: 202 586-8161  
Fax: 202 586-1558  
Email: marcy.rood@hq.doe.gov

RIN: 1904-AA66

DOE—EE

Final Rule Stage

**854. ENERGY CODE FOR NEW FEDERAL COMMERCIAL AND MULTI-FAMILY HIGH RISE RESIDENTIAL BUILDINGS****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 42 USC 6834**CFR Citation:** 10 CFR 434; 10 CFR 435 subpart A**Legal Deadline:** Final, Statutory, November 14, 1997.**Abstract:** Title III of the Energy Conservation and Production Act as amended by the Energy Policy Act of 1992 (PL 102-486) 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	08/06/96	61 FR 40882
NPRM Comment Period End	11/04/96	
Final Action	04/00/99	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Agency Contact:** Ronald B. Majette, Program Manager, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-7935  
Fax: 202 586-4617  
Email: ronald.majette@hq.doe.gov**RIN:** 1904-AA69**855. ENERGY CONSERVATION PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT: TEST PROCEDURES, LABELING, AND CERTIFICATION REQUIREMENTS FOR ELECTRIC MOTORS****Priority:** Other Significant**Legal Authority:** 42 USC 6311 to 6316**CFR Citation:** 10 CFR 431**Legal Deadline:** Final, Statutory, October 24, 1997.**Abstract:** The Energy Policy and Conservation Act, as amended, establishes energy efficiency standards for commercial and industrial electric motors, prescribes test procedures, and requires labeling for such equipment. The Department proposes to create a new part (10 CFR part 431) in the Code of Federal Regulations. This action will establish procedures for energy efficiency testing, labeling, and certification requirements for certain commercial and industrial electric motors.**Timetable:**

Action	Date	FR Cite
NPRM	11/27/96	61 FR 60440
NPRM Comment Period End	03/10/97	62 FR 6888
NPRM Comment Period Reopened	06/25/98	63 FR 34758
Final Action	05/00/99	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** James Raba, Energy Technology Program Specialist, Department of Energy, Energy Efficiency and Renewable Energy, EE-43, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-8654  
Fax: 202 586-4617  
Email: jim.raba@ee.doe.gov**RIN:** 1904-AA82**856. TEST PROCEDURES FOR ELECTRIC DISTRIBUTION TRANSFORMERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6317**CFR Citation:** 10 CFR 430**Legal Deadline:** Other, Statutory, April 24, 1995.

Determination Notice

**Abstract:** The Energy Policy Act of 1992 requires the Department to prescribe testing requirements for electric distribution transformers for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.**Timetable:**

Action	Date	FR Cite
Determination Notice	10/22/97	62 FR 54809
NPRM	11/12/98	63 FR 63359
Final Action	09/00/99	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Additional Information:** Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a high priority, and the Department is working actively on this action.**Agency Contact:** Kathi Epping, Program Manager, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., 1J-018, Washington, DC 20585  
Phone: 202 586-7425  
Fax: 202 586-4617**RIN:** 1904-AA85**857. ALTERNATIVE FUEL TRANSPORTATION PROGRAM: P-SERIES FUELS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 13211(2)**CFR Citation:** 10 CFR 490**Legal Deadline:** None**Abstract:** In response to a petition filed by Pure Energy Corporation, the Department proposes to amend the rules for the statutory program requiring alternative fuel providers and State government fleets to acquire an annually increasing percentage of alternative fueled vehicles from among their purchases of light duty vehicles.

The proposed revisions would add certain blends of methyltetrahydrocarbon, ethanol and hydrocarbons known as P-series fuels to the definition of "alternative fuel".

DOE—EE

Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/28/98	63 FR 40202
Final Action	05/00/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** State

**Agency Contact:** Kenneth Katz, Program Manager, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-6116  
Fax: 202 586-1610  
Email: kenneth.katz@hq.doe.gov

**RIN:** 1904-AA99

**858. ALTERNATE FUEL PROGRAM: BIODIESEL**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 13211(2); 42 USC 13211(14); 42 USC 13252(b)(2)

**CFR Citation:** 10 CFR 490

**Legal Deadline:** Final, Statutory, January 1, 1999.

**Abstract:** This action would implement the the biodiesel fuel use credit created by the Energy Conservation Reauthorization Act of 1998. It would provide for the allocation of an alternative fuel vehicle acquisition credit for a specified amount of biodiesel fuel use by those required to purchase alternative fuel vehicles under titles III and V of the Energy Policy Act of 1992.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	04/00/99	
Final Action	09/00/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Paul McArdle, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-4445  
Fax: 202 586-1610  
Email: paul.mcardle@ee.doe.gov

**RIN:** 1904-AB00

**859. • STATE ENERGY PROGRAM**

**Priority:** Info./Admin./Other

**Legal Authority:** 42 USC 6321; 42 USC 7101

**CFR Citation:** 10 CFR 420

**Legal Deadline:** None

**Abstract:** This action would clarify the applicability of requirements under parts B and C.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/00/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** Thomas P. Stapp, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., EE-44, Washington, DC 20585  
Phone: 202 586-2096  
Fax: 202 586-1233

**RIN:** 1904-AB01

DEPARTMENT OF ENERGY (DOE)

Long-Term Actions

Energy Efficiency and Renewable Energy (EE)

**860. NATIONAL VOLUNTARY RESIDENTIAL ENERGY EFFICIENCY RATING GUIDELINES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 8236

**CFR Citation:** 10 CFR 437

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

**Abstract:** DOE is required to establish by rule national voluntary guidelines for home energy rating 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	07/25/95	60 FR 37949

Action	Date	FR Cite
NPRM Comment Period End	05/09/96	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Michael T. McCabe, Program Manager, EE-40, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-9155

**RIN:** 1904-AA74

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

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

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

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6295

**CFR Citation:** 10 CFR 430

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

**Abstract:** The Energy Policy and Conservation Act, as amended, establishes initial energy efficiency standard levels for most types of major residential appliances and generally requires DOE to 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
Next Action	Undetermined	

## DOE—EE

## Long-Term Actions

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Local

**Additional Information:** Due to the Department's limited financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, or low priority based on significant input from the public. This action is low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.

**Agency Contact:** Cyrus Nasser, Program Manager, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-9138  
Email: cyrus.nasser@ee.doe.gov

**RIN:** 1904-AA78**862. DETERMINATION FOR HIGH INTENSITY DISCHARGE LAMPS****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6317**CFR Citation:** 10 CFR 430**Legal Deadline:** Other, Statutory, April 24, 1995.

Determination Notice

**Abstract:** The Energy Policy Act of 1992 requires the Department to prescribe test procedures and efficiency standards for high intensity discharge lamps for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.

**Timetable:**

Action	Date	FR Cite
Determination Notice	To Be	Determined

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

**Additional Information:** Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been

categorized as high, medium, and low priority based on significant input from the public. While this action is a medium priority, the Department does not plan to begin work on it until next year.

**Agency Contact:** Terry Logee, Program Manager, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., 1J-018, Washington, DC 20585  
Phone: 202 586-1689  
Fax: 202 586-4617

**RIN:** 1904-AA86**863. DETERMINATION FOR SMALL ELECTRIC MOTORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6317**CFR Citation:** 10 CFR 430**Legal Deadline:** Other, Statutory, April 24, 1995.

Determination Notice

**Abstract:** The Energy Policy Act of 1992 requires the Department to prescribe test procedures for small electric motors for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.

**Timetable:**

Action	Date	FR Cite
Determination Notice	To Be	Determined

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

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

**Agency Contact:** Jim Raba, Energy Technology Program Specialist, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., 1J-018, Washington, DC 20585  
Phone: 202 586-8654  
Fax: 202 586-4617

**RIN:** 1904-AA87**864. ENERGY EFFICIENCY STANDARDS FOR CLOTHES DRYERS AND DISHWASHERS****Priority:** Economically Significant. Major under 5 USC 801.

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

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6295**CFR Citation:** 10 CFR 430.32**Legal Deadline:** Final, Statutory, May 14, 1996.

**Abstract:** The statute requires the Department to revise the standards to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Local

**Additional Information:** Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.

**Agency Contact:** Bryan Berringer, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Room 1J-018, Washington, DC 20585  
Phone: 202 586-0371  
Fax: 202 586-4617

**RIN:** 1904-AA89**865. ENERGY EFFICIENCY STANDARDS FOR POOL HEATERS AND DIRECT HEATING EQUIPMENT****Priority:** Economically Significant. Major under 5 USC 801.

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

## DOE—EE

## Long-Term Actions

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6295

**CFR Citation:** 10 CFR 430

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

**Abstract:** The statute requires the Department to revise the standards to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

**Additional Information:** Due to the Department's limited financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.

**Agency Contact:** Cyrus Nasser, Program Manager, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., 1J-018, Washington, DC 20585  
Phone: 202 586-9138  
Fax: 202 586-4617  
Email: cyrus.nasser@ee.doe.gov

**RIN:** 1904-AA90

**866. ENERGY EFFICIENCY STANDARDS FOR 1-200 HP ELECTRIC MOTORS**

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

**Legal Authority:** 42 USC 6313

**CFR Citation:** 10 CFR 431

**Legal Deadline:** Final, Statutory, October 24, 1999.

**Abstract:** The statute requires the Department to revise the standards to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Additional Information:** Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.

**Agency Contact:** James Raba, Energy Technology Program Specialist, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., 1J-018, Washington, DC 20585

Phone: 202 586-8654

Fax: 202 586-4617

**RIN:** 1904-AA91

**867. ENERGY EFFICIENCY STANDARDS FOR FLUORESCENT AND INCANDESCENT LAMPS**

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

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

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 6295

**CFR Citation:** 10 CFR 430.32

**Legal Deadline:** Final, Statutory, November 15, 1998.

**Abstract:** The statute requires the Department to revise the standards to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

**Timetable:** Next Action Undetermined

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** State, Local

**Additional Information:** Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.

**Agency Contact:** Terry Logee, Program Manager, Office of Codes and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., 1J-018, Washington, DC 20585

Phone: 202 586-1689

Fax: 202 586-4617

**RIN:** 1904-AA92

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

Proposed Rule Stage

**868. GENERAL CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTERS OR SPECIAL NUCLEAR MATERIAL**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** EO 12968; 42 USC 2201

**CFR Citation:** 10 CFR 710 subpart A

**Legal Deadline:** None

**Abstract:** 10 CFR part 710, which stipulates DOE access authorization "due process" procedures, will be revised to comply with section 5.2(a) of EO 12968. This section requires three decision levels in the process of determining whether an individual's access to classified matter will be denied or revoked, with the final decision being made by a three member high level appeal panel. While the DOE decision structure will be revised, the DOE will continue to offer the individual the right to a hearing before a hearing officer in such cases. These revisions are not expected to significantly impact the costs, time intervals, or risks associated with DOE's administrative review process. There are no alternatives to the

Department for assuring full compliance with the new requirements.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/99	
Final Action	08/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Barry Dalinsky, Personnel Security Specialist, Office of Safeguards and Security, Department of Energy, Germantown, MD 20874-1290  
Phone: 301 903-5010  
Fax: 301 903-6545

**RIN:** 1992-AA22

**869. PHYSICAL PROTECTION OF SECURITY INTERESTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 2011; 42 USC 7101

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

**Legal Deadline:** None

**Abstract:** 10 CFR part 1046, subparts A and B, establishes DOE contractor requirements in the areas of protective

force medical, physical fitness, and firearms qualifications and training. The proposed revisions are to ensure protective force personnel receive quality medical services that are consistent with the Americans with Disabilities Act of 1990. They also will enhance communications between Designated Physicians and personnel responsible for supervising physical fitness training and certification to assure better understanding of the risk of injury to Security Police Officers and Security Officers participating in physical fitness activities.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/99	
Final Action	09/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Russell Showers, Security Specialist, Office of Safeguards and Security, Department of Energy, Germantown, MD 20874-1290  
Phone: 301 903-5122  
Fax: 301 903-8717

**RIN:** 1992-AA23

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

Proposed Rule Stage

**870. FREEDOM OF INFORMATION ACT**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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.

The new regulations will clarify the FOIA process by clearly defining the roles of the FOIA Officer and the Denying Official and comply with the new requirements of the Electronic Freedom of Information Act Amendment of 1996. The new regulations will be written in a more customer-friendly manner in plain English.

**Timetable:**

Action	Date	FR Cite
Final Rule (Contractor Records)	12/12/94	59 FR 63882
NPRM	04/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Sectors Affected:** All

**Agency Contact:** Abel Lopez, Acting Director, FOIA and Privacy Act Division, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-5955

**RIN:** 1901-AA32

**871. ENFORCEMENT OF EMPLOYEE SAFETY STANDARDS AT NUCLEAR WEAPONS FACILITIES**

**Priority:** Other Significant

**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.

**Timetable:**

Action	Date	FR Cite
ANPRM	08/26/94	59 FR 44139
NPRM	10/00/99	
Final Action	06/00/00	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Agency Contact:** Harry Pettengill, Director, Occupational Health and Safety Policy, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 301 903-4343  
Fax: 301 903-2582

**RIN:** 1901-AA44

### 872. PRIVACY ACT SYSTEM OF RECORDS UPDATE

**Priority:** Info./Admin./Other

**Legal Authority:** 5 USC 552a

**CFR Citation:** 10 CFR 1008

**Legal Deadline:** None

**Abstract:** This action will amend the Department's Privacy Act Regulations, 10 CFR 1008, by deleting Privacy Act system notices no longer used by the Department. It will also update the remaining systems, many of which require minor amendments to location, authority, purpose, storage, or system manager.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Abel Lopez, Acting Director, FOIA and Privacy Act Division, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585

Phone: 202 586-5955

Fax: 202 586-0575

Email: abel.lopez@hq.doe.gov

**RIN:** 1901-AA69

### 873. ENVIRONMENTAL MANAGEMENT FINANCIAL ASSISTANCE PROGRAM

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 31 USC 6301 to 6308; 42 USC 7254; 42 USC 7256

**CFR Citation:** 10 CFR 600

**Legal Deadline:** None

**Abstract:** The purpose of this action is to establish and implement policies and procedures applicable to the award and administration of grants and cooperative agreements by the Office of Environmental Management (EM) in the areas of: environmental waste management, environmental restoration, pollution prevention and supporting technologies, decommissioning and decontamination activities, technology integration and transfer, environmental education and transportation technologies as it relates to environmental restoration and waste management.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/99	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**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:** Malika S. Hobbs, Contract Management Specialist, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-6174  
Fax: 202 586-9469

**RIN:** 1901-AA71

### 874. COMMUNITY TRANSITION ACTIVITIES

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7274h

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** Section 3161 of the National Defense Authorization Act for Fiscal

Year 1993, 42 U.S.C. 7274h, provides authority for DOE to provide impact assistance to communities that are adversely affected by work force restructuring. This action would establish the regulations governing the community transition program.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Deborah Swichkow, Deputy Director, Office of Worker and Community Transition, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-0876  
Fax: 202 586-8403

**RIN:** 1901-AA77

### 875. • ECONOMIC DEVELOPMENT TRANSFERS OF REAL PROPERTY

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 105-85, sec 3158

**CFR Citation:** Not yet determined

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/99	
Final Action	08/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Andrew Duran, General Engineer, Office of Field Management, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-4548  
Fax: 202 586-4500

## DOE—ENDEP

## Proposed Rule Stage

Email: andrew.duran@hq.doe.gov

RIN: 1901-AA82

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

## Final Rule Stage

**876. NUCLEAR SAFETY  
MANAGEMENT****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 42 USC 2201; 42 USC 7191**CFR Citation:** 10 CFR 830**Legal Deadline:** None**Abstract:** This action will add regulations under 10 CFR 830 to establish nuclear safety management requirements for the Department's nuclear facilities. These requirements stem from the Department's obligations to assure adequate protection and to hold contractors who manage and operate these facilities accountable and responsible for safe operations. Under phase 1 of this action, major requirements will include conduct of operations, safety analysis reports, technical safety requirements training, maintenance, unreviewed safety questions and occurrence reporting. Under phase 2 of this action, major requirements will include nuclear design criteria, fire protection, natural phenomena hazards mitigation, and nuclear criticality safety. An initial phase adopted a quality assurance rule and definitions.**Timetable:****Initial Phase**NPRM 12/09/91 (56 FR 64316)  
Final Action 04/05/94 (59 FR 15843)**Phase 1**NPRM 12/09/91 (56 FR 64316)  
Notice Reopening Comment Period  
08/31/95 (60 FR 45381)  
Final Action 12/00/99**Phase 2**NPRM 06/00/00  
Final Action 06/00/01**Regulatory Flexibility Analysis  
Required:** No**Government Levels Affected:** None**Agency Contact:** Richard Stark,  
Nuclear Safety and Policy Standards(EH-31), Department of Energy,  
Washington, DC 20545  
Phone: 301 903-4407**RIN:** 1901-AA34**877. RADIATION PROTECTION OF  
THE PUBLIC AND THE ENVIRONMENT****Priority:** Other Significant**Legal Authority:** 42 USC 2201; 42 USC 7191**CFR Citation:** 10 CFR 834**Legal Deadline:** None**Abstract:** This action would add a new 10 CFR 834 to DOE's regulations establishing a body of rules setting forth the basic requirements for ensuring radiation protection of the public and environment in connection with DOE nuclear activities. These requirements stem from the Department's ongoing effort to strengthen the protection of health, safety, and the environment from the nuclear, 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.**Timetable:**

Action	Date	FR Cite
NPRM	03/25/93	58 FR 16268
NPRM Comment Period End	06/22/93	
Final Action	09/00/99	

**Regulatory Flexibility Analysis  
Required:** No**Government Levels Affected:** Federal**Agency Contact:** Andrew Wallo, III,  
Director, Air, Water and Radiation  
Division (EH-232), Office of  
Environmental Guidance, Department  
of Energy, 1000 Independence Avenue  
SW., Washington, DC 20585  
Phone: 202 586-4996**RIN:** 1901-AA38**878. CHRONIC BERYLLIUM DISEASE  
PREVENTION PROGRAM****Priority:** Other Significant**Legal Authority:** 42 USC 2201; 42 USC 7191**CFR Citation:** 10 CFR 850**Legal Deadline:** None**Abstract:** This action will add requirements for the control of occupational exposures to beryllium at DOE and DOE contractor facilities and operations. This action reflects the Department's ongoing commitment to strengthen the protection of health, safety, and the environment from the hazards posed by its facilities.**Timetable:**

Action	Date	FR Cite
NPRM	12/03/98	63 FR 66940
Final Action	12/00/99	

**Regulatory Flexibility Analysis  
Required:** No**Government Levels Affected:** None**Agency Contact:** C. Rick Jones,  
Director, Office of Worker Protection  
Programs and Hazards Management,  
Department of Energy, 19901  
Germantown Road, EH-521/270CC,  
Germantown, MD 20874  
Phone: 301 903-6061  
Fax: 301 903-7773**RIN:** 1901-AA75**879. CRITERIA AND PROCEDURES  
FOR CONTRACTOR EMPLOYEE  
PROTECTION PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254**CFR Citation:** 10 CFR 708**Legal Deadline:** None**Abstract:** This action will amend the Department's contractor employee protection program to include employees who perform work directly related to the operation of programs and activities at DOE-owned and -leased sites, even if the contractor is located, or the work is performed, off-site.

## DOE—ENDEP

Final Rule Stage

## Timetable:

Action	Date	FR Cite
NPRM	01/05/98	63 FR 374
Interim Final Rule	03/15/99	64 FR 12861
Interim Final Rule Effective	04/14/99	

Action	Date	FR Cite
Interim Final Rule Comment Period End	05/14/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Richard S. Fein,  
Department of Energy, Office of  
Employee Concerns, 1000  
Independence Avenue SW.,  
Washington, DC 20585  
Phone: 202 586-4043

**RIN:** 1901-AA78

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

Long-Term Actions

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

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 95-604, sec 104(d);  
PL 104-259, sec 4(a)

**CFR Citation:** Not yet determined

**Legal Deadline:** None

**Abstract:** Under section 104(d) of the Uranium Mill Tailings Radiation Control Act of 1978, the Department of Energy (DOE) is required to issue appropriate rules and regulations concerning the annotation of land records of designated inactive uranium mill sites and vicinity properties included for remedial action under the Act. The annotation is intended to ensure that future purchasers of remediated inactive uranium mill sites and vicinity properties will be notified, prior to such purchase, of the condition of the land.

## Timetable:

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State,  
Federal

**Additional Information:** Public Law 104-259, signed into law on October 9, 1996, amended the annotation requirement to provide for States to receive certification from the Secretary for "a program which would achieve the purposes" of the annotation under section 104(d) of the UMTRCA in regards to vicinity properties. Letters have been sent to the affected States regarding the amendment language.

**Agency Contact:** Loretta Fahy,  
Environmental Protection Spec.  
UMTRA Team, Department of Energy,  
Cloverleaf Building, 19901 Germantown  
Road, Germantown, MD 20874-1290  
Phone: 301 903-3895  
Fax: 301 903-3877

**RIN:** 1901-AA57

**881. PAYMENTS FOR SPECIAL  
BURDENS AND IN LIEU OF TAXES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 610

**Legal Deadline:** None

**Abstract:** This action will 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.

## Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** State,  
Local

**Agency Contact:** Helen O. Sherman,  
Director, Office of Financial Policy,  
Department of Energy, 1000

Independence Avenue SW.,  
Washington, DC 20585  
Phone: 202 586-4860

**RIN:** 1901-AA58

**882. GENERAL GUIDELINES FOR THE  
RECOMMENDATION OF SITES FOR  
NUCLEAR WASTE REPOSITORY**

**Priority:** Other Significant

**Legal Authority:** 42 USC 10132

**CFR Citation:** 10 CFR 960

**Legal Deadline:** None

**Abstract:** This action would amend the guidelines that will be used by the Department in deciding whether to recommend a site for the development of the geologic repository for the disposal of high-level radioactive waste and spent nuclear fuel. The amended guidelines would reflect statutory and policy changes that have occurred since the Nuclear Waste Policy Act was passed in 1982. The amendments would also be based on the experience the Department has gained over the last decade of investigative efforts.

## Timetable:

Action	Date	FR Cite
NPRM	12/16/96	61 FR 66158
NPRM Comment Period End	05/17/97	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Susan Rives, Counsel,  
Department of Energy, Yucca Mountain  
Site Characterization Office, PO Box  
98608, Las Vegas, NV 89193  
Phone: 702 794-5519  
Fax: 702 794-7907

**RIN:** 1901-AA72

**DEPARTMENT OF ENERGY (DOE)**  
**Departmental and Others (ENDEP)**
**Completed Actions**
**883. ELECTRIC POWER SYSTEM PERMITS AND REPORTS; APPLICATIONS; ADMINISTRATIVE PROCEDURES AND SANCTIONS**

**Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

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

**CFR Citation:** 10 CFR 205.300

**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 and restructuring issues in the electric power industry.

**Timetable:**

Action	Date	FR Cite
Withdrawn	02/23/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Ellen Russell, Electricity Analyst, (FE-27), Office of Coal and Power Systems, Department of Energy, Room 3H-087, 1000 Independence Avenue SW., Washington, DC 20585  
 Phone: 202 586-9624  
 Fax: 202 586-5736  
 Email: ellen.russell@hq.doe.gov

**RIN:** 1901-AA19

**884. OFFICE OF ENERGY RESEARCH FINANCIAL ASSISTANCE PROGRAM**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**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
Withdrawn	02/04/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State, Local

**Agency Contact:** John A. Alleva, Director, Grants and Contracts Division, Department of Energy, Office of Energy Research, 1000 Independence Avenue SW., Washington, DC 20585  
 Phone: 301 903-5212

**RIN:** 1901-AA54

**885. OCCUPATIONAL RADIATION PROTECTION—AMENDMENT**

**Priority:** Other Significant

**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 items not previously covered such as sealed radioactive source accountability and control, posting of areas where radioactive material is present, and surface contamination values for tritium. Several additional changes are proposed to ensure continuity in DOE's system of radiation protection standards by codifying in part 835 critical provisions of the "DOE Radiological Control Manual" which is no longer a mandatory document. DOE also proposes to exclude explicitly from part 835 radiological transportation conducted in compliance with applicable DOE Orders and certain

activities conducted on foreign soil. This rulemaking stems from DOE's ongoing effort to strengthen the protection of health and safety from the nuclear and radiological hazards that may exist at these DOE facilities.

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/96	61 FR 67600
NPRM Comment Period End	03/31/97	
Final Action	11/04/98	63 FR 59661

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Agency Contact:** Joel Rabovsky, Health Physicist (EH-52), Office of Worker Protection Programs and Hazards Management, Department of Energy, 19901 Germantown Road, Germantown, MD 20874-1290  
 Phone: 301 903-2135

**RIN:** 1901-AA59

**886. PROCEDURAL RULES FOR DOE NUCLEAR ACTIVITIES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 10 CFR 820

**Legal Deadline:** None

**Abstract:** This action will delete the exemption in section 820.20(d) for the automatic remission of any civil penalty for DOE contractors that are educational institutions but are not exempt under the Price-Anderson Amendments Act, and require Revised Rule Implementation Plans to be filed with the Office of Docketing clerk.

**Timetable:**

Action	Date	FR Cite
Withdrawn	02/23/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Howard Wilchins, Attorney (EH-10), Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585  
 Phone: 301 903-0107

**RIN:** 1901-AA80

## DOE—ENDEP

## Completed Actions

**887. PRICE COMPETITIVE SALE OF STRATEGIC PETROLEUM RESERVE PETROLEUM STANDARD SALES PROVISIONS****Priority:** Routine and Frequent**Legal Authority:** 42 USC 7254**CFR Citation:** 10 CFR 625**Legal Deadline:** None**Abstract:** This action is a periodic update of certain appendices to the Strategic Petroleum Reserves

regulations that govern the contract terms to be used by the Federal government when selling petroleum from the reserves in response to severe energy supply interruptions or other energy obligations of the United States.

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/98	63 FR 17260
Final Action	10/08/98	63 FR 54257

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None**Agency Contact:** Nancy T. Marland, Department of Energy, Strategic Petroleum Reserve (FE-43), 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-4691  
Fax: 202 586-7919  
Email: nancy.marland@hq.doe.gov**RIN:** 1901-AA81

## DEPARTMENT OF ENERGY (DOE)

## Proposed Rule Stage

## Office of Procurement and Assistance Management (PR)

**888. DEAR: MANAGEMENT AND OPERATING CONTRACT WHISTLEBLOWER COSTS****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 7254; 40 USC 486(c)**CFR Citation:** 48 CFR 922; 48 CFR 952; 48 CFR 970**Legal Deadline:** None**Abstract:** The Department's acquisition regulation is being amended to implement a recommendation of its Department-wide contract reform initiative concerning allowability of costs in whistleblower actions.**Timetable:**

Action	Date	FR Cite
NPRM	01/05/98	63 FR 386
Revised NPRM	04/00/99	

**Regulatory Flexibility Analysis Required:** No**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:** P. Devers Weaver, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-8250**RIN:** 1991-AB36**CFR Citation:** 48 CFR 970**Legal Deadline:** None**Abstract:** Revises the contractual language for management of the Department's projects and facilities by contractors to more closely reflect industry practices.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/99	

**Regulatory Flexibility Analysis Required:** No**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, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-8189**RIN:** 1991-AB39**890. CLASSIFIED NATIONAL SECURITY INFORMATION—E.O. 12958****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254; 42 USC 486(c)**CFR Citation:** 48 CFR 904; 48 CFR 952; 48 CFR 970**Legal Deadline:** None**Abstract:** This action implements Executive Order 12958, which prescribes a uniform system for classifying, safeguarding, and

declassifying national security information.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/99	
Final Action	08/00/99	

**Regulatory Flexibility Analysis Required:** No**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 Avenue SW., Washington, DC 20585  
Phone: 202 586-8247**RIN:** 1991-AB42**891. • DEAR: MENTOR-PROTEGE PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254; 40 USC 486(c)**CFR Citation:** 48 CFR 919**Legal Deadline:** None**Abstract:** This action would amend the Department of Energy Acquisition Regulations (DEAR) to formally encourage DOE prime contractors to assist small disadvantaged firms certified by the Small Business Administration under section 8(a) of the Small Business Act, other small disadvantaged businesses, and small businesses owned and controlled by**889. ACQUISITION REGULATION: PROJECT MANAGEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254

## DOE—PR

## Proposed Rule Stage

women in enhancing their capabilities to perform contracts and subcontracts for DOE and other Federal agencies.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/99	
Final Action	06/00/99	

**Regulatory Flexibility Analysis Required:** No

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

**RIN:** 1991-AB45

**892. • DEAR: COST PRINCIPLES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7254

**CFR Citation:** 49 CFR 970

**Legal Deadline:** None

**Abstract:** This action would amend various clauses that address cost principles.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/99	

**Regulatory Flexibility Analysis Required:** No

**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:** Terry Sheppard, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-8193

**RIN:** 1991-AB46

**893. • DEAR: RECYCLING**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 923; 48 CFR 970.52; 48 CFR 970.23

**Legal Deadline:** None

**Abstract:** This action would implement E.O. 13101, Greening the Government Through Recycling, Waste Prevention, and Federal Acquisition. It would increase the procurement of products containing recycled materials and reduce waste generation at DOE facilities.

**Timetable:**

Action	Date	FR Cite
NPRM	08/00/99	

**Regulatory Flexibility Analysis Required:** No

**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 Avenue SW., Washington, DC 20585  
Phone: 202 586-8247  
Fax: 202 586-0545  
Email: richard.langston@hq.doe.gov

**RIN:** 1991-AB47

**894. • DEAR: WORK FOR OTHERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7254

**CFR Citation:** 48 CFR 970

**Legal Deadline:** None

**Abstract:** This action would provide policies and procedures governing work for others by DOE contractors and would ensure that authorization is consistent and uniform.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/99	

**Regulatory Flexibility Analysis Required:** No

**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:** A. Scott Geary, Program Analyst, Department of

Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, Dc 20585  
Phone: 202 586-3299

**RIN:** 1991-AB48

**895. • DEAR: PART 970 REWRITE**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 970

**Legal Deadline:** None

**Abstract:** This action would revise part 970 of the Department of Energy Acquisition Regulations to eliminate provisions that are unnecessary, obsolete, or duplicated elsewhere in title 48.

**Timetable:**

Action	Date	FR Cite
NPRM	07/00/99	

**Regulatory Flexibility Analysis Required:** No

**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:** John R. Bashita, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-8192  
Email: john.bashita@hq.doe.gov

**RIN:** 1991-AB49

**896. • DEAR: MANAGEMENT AND OPERATING CONTRACT CLAUSE UPDATES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7254

**CFR Citation:** 48 CFR 970

**Legal Deadline:** None

**Abstract:** This action would update management and operating contract clauses to eliminate unnecessary or obsolete provisions. It would also standardize commonly-used alterations.

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/99	

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**Regulatory Flexibility Analysis Required:** No

**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  
Phone: 202 586-8175

**RIN:** 1991-AB50

**897. • DEAR: PURCHASING BY DOE MANAGEMENT AND OPERATING CONTRACTORS FROM AFFILIATED SOURCES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7254

**CFR Citation:** 48 CFR 909; 48 CFR 970

**Legal Deadline:** None

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

**Timetable:**

Action	Date	FR Cite
NPRM	09/00/99	

**Regulatory Flexibility Analysis Required:** No

**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  
Phone: 202 586-8264

**RIN:** 1991-AB52

DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

Office of Procurement and Assistance Management (PR)

**898. DEAR: FINANCIAL MANAGEMENT CLAUSES**

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 970

**Legal Deadline:** None

**Abstract:** This rule revises selected financial management clauses and clarifies language in existing clauses. It will strengthen M&O contractor financial management and make the regulation easier to understand.

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/98	63 FR 64024
Final Action	04/00/99	

**Regulatory Flexibility Analysis Required:** No

**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  
Phone: 202 586-8175

**RIN:** 1991-AB02

**899. FEE POLICY**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 42 USC 7254

**CFR Citation:** 48 CFR 970

**Legal Deadline:** None

**Abstract:** This action will redefine the Department's policy regarding fees paid to nonprofit entities, incentives paid to contractors for cost avoidance and cost reduction, and the use of multiple fee arrangements. It is an integral part of the Department's contract reform initiative to improve contractor performance and reduce overall program costs.

**Timetable:**

Action	Date	FR Cite
NPRM	04/10/98	63 FR 17800
Final Action	06/00/99	

**Regulatory Flexibility Analysis Required:** No

**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  
Phone: 202 586-8175  
Fax: 202 586-0545

**RIN:** 1991-AB32

**900. ACQUISITION REGULATIONS: GUARANTEES OF PERFORMANCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7254

**CFR Citation:** 48 CFR 909.970

**Legal Deadline:** None

**Abstract:** This action is to amend the Department's acquisition regulations to deal with contracting officer's determinations of responsibility in cases where the prospective awardee has been created solely for performance of the instant contract in the award of all contracts, including management and operating contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	11/09/98	63 FR 60268
Final Action	06/00/99	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

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

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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  
Phone: 202 586-8264

**RIN:** 1991-AB44

**901. • DEAR: TECHNICAL AMENDMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 7254

**CFR Citation:** 48 CFR 900 to 970

**Legal Deadline:** None

**Abstract:** This action would make corrections and technical changes to the Department of Energy Acquisition Regulations.

**Timetable:**

Action	Date	FR Cite
Final Action	09/00/99	

**Regulatory Flexibility Analysis Required:** No

**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, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 596-8189

**RIN:** 1991-AB51

**DEPARTMENT OF ENERGY (DOE)**

**Completed Actions**

**Office of Procurement and Assistance Management (PR)**

**902. 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	09/21/92	
Period End		
Withdrawn	03/10/99	64 FR 11819

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:** None

**Agency Contact:** John Edmondson, Director, Office of Contractor Personnel Management, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585  
Phone: 202 586-9008

**RIN:** 1991-AA90

**903. ACQUISITION REGULATION: TECHNICAL AMENDMENT**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This action makes corrections and technical changes to the regulation.

**Timetable:**

Action	Date	FR Cite
Final Action	01/23/98	63 FR 56849

**Regulatory Flexibility Analysis Required:** No

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

**RIN:** 1991-AB40

**DEPARTMENT OF ENERGY (DOE)**

**Final Rule Stage**

**Office of General Counsel (OGC)**

**904. CONDUCT OF EMPLOYEES**

**Priority:** Info./Admin./Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

duplication, or streamline requirements.

**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.

DOE—OGC

Final Rule Stage

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**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/05/96	61 FR 35085
Final Action	08/00/99	

**Regulatory Flexibility Analysis**

**Required:** No

**Government Levels Affected:**

Undetermined

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

Phone: 202 586-1522

**RIN:** 1990-AA19

[FR Doc. 99-5642 Filed 04-23-99; 8:45 am]

**BILLING CODE** 6450-01-F