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**Monday,
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Part VII

**Department of
Energy**

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: Semiannual regulatory agenda.

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

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

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

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

15, 2002. They are divided into categories first by subagencies and then according to their stage of rulemaking action: prerule, proposed rulemaking, final rulemaking, long-term action, or completed action.

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

Issued in Washington, DC, on April 29, 2002.

Lee Liberman Otis,
General Counsel.

Energy Efficiency and Renewable Energy—Prerule Stage

Sequence Number	Title	Regulation Identification Number
655	Energy Efficiency Standards for Residential Furnaces, Boilers, and Mobile Home Furnaces	1904-AA78
656	Alternative Fueled Vehicle Acquisition Requirements for Private and Local Government Fleets	1904-AA98
657	Energy Efficiency Standards for Electric Distribution Transformers	1904-AB08
658	Energy Efficiency Standards for Commercial Central Air Conditioning Units and Heat Pumps Rated 65-240 kBtus/Hr	1904-AB09

Energy Efficiency and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
659	Test Procedures for Electric Distribution Transformers	1904-AA85
660	Test Procedures for Dishwashers - Amendment	1904-AB10
661	Test Procedures for Residential Refrigerators and Refrigerator-Freezers	1904-AB12

Energy Efficiency and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
662	Test Procedures for Central Air Conditioners and Heat Pumps—Amendments	1904-AA46
663	National Voluntary Residential Energy Efficiency Rating Guidelines	1904-AA74
664	Energy Efficiency Standards for Central Air Conditioners and Heat Pumps	1904-AA77
665	Test Procedures for Commercial Water Heaters	1904-AA95
666	Test Procedures for Commercial Warm Air Furnaces	1904-AA96
667	Test Procedures for Commercial Air Conditioning Equipment	1904-AA97
668	Test Procedures for Commercial Package Boilers	1904-AB02

Energy Efficiency and Renewable Energy—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
669	Energy Efficiency Code for New Federal Residential Low Rise Buildings	1904-AA53
670	State and Local Incentives Program: Alternative Fuels	1904-AA66
671	Determination for High Intensity Discharge Lamps	1904-AA86
672	Determination for Small Electric Motors	1904-AA87
673	Energy Efficiency Standards for Clothes Dryers and Dishwashers	1904-AA89

DOE

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

Sequence Number	Title	Regulation Identification Number
674	Energy Efficiency Standards for Pool Heaters and Direct Heating Equipment	1904-AA90
675	Energy Efficiency Standards for 1-200 HP Electric Motors	1904-AA91
676	Energy Efficiency Standards for Fluorescent and Incandescent Lamps	1904-AA92

Energy Efficiency and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identification Number
677	Test Procedures for Dishwashers—Amendment	1904-AB04
678	Weatherization Assistance Program for Low-Income Persons	1904-AB05
679	Energy Efficiency Program for Certain Commercial and Industrial Equipment: Extension of Time for Electric Motor Manufacturers To Certify Compliance With Energy Efficiency Standards	1904-AB11

Defense and Security Affairs—Prerule Stage

Sequence Number	Title	Regulation Identification Number
680	Computer Security; Access to Information on National Nuclear Security Administration Computer Systems	1992-AA27

Defense and Security Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
681	Physical Protection of Security Interests	1992-AA23
682	Procedural Rules for DOE Nuclear Security Activities	1992-AA28
683	Human Reliability Program	1992-AA29
684	Criteria and Procedure for Establishment of the Personnel Security Assurance Program and Determinations of an Individual's Eligibility for Access to a Personnel Security Assurance Program Position	1992-AA30

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
685	Freedom of Information Act	1901-AA32
686	Payments for Special Burdens and In Lieu of Taxes	1901-AA58
687	Research Misconduct	1901-AA89
688	Revision of ACS-02 Control Area Service Rate: Generation Imbalance Service Rate	1901-AA92
689	Administrative Procedures and Sanctions; Electric Power System Permits and Reports; Short-Term Imports and Exports of Natural Gas	1901-AA93

Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
690	Radiation Protection of the Public and the Environment	1901-AA38
691	Economic Development Transfers of Real Property	1901-AA82
692	Nondiscrimination in Federally Assisted Programs or Activities	1901-AA86
693	Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites: Technical Amendments	1901-AA88

DOE

Departmental and Others—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
694	Guidelines for Physician Panel Determinations on Worker Requests for Assistance in Filing for State Workers' Compensation Benefits	1901-AA90

Departmental and Others—Long-Term Actions

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

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identification Number
696	Enforcement of Employee Safety Standards at Nuclear Weapons Facilities	1901-AA44
697	Privacy Act System of Records Update	1901-AA69
698	Community Transition Activities	1901-AA77
699	Policy Review of Three Issues Arising Under Bonneville Power Administration's New Large Single Load (NLSL) Policy	1901-AA91

Office of Procurement and Assistance Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
700	Financial Assistance Regulation: Administrative Requirements Related to For-Profit Organizations	1991-AB57
701	Energy Department Motor Vehicle Fleet Fuel Efficiency	1991-AB59
702	DEAR: Part 970 Rewrite Continuation	1991-AB60

Office of Procurement and Assistance Management—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
703	DEAR: Recycling	1991-AB47
704	DEAR: Purchasing by DOE Management and Operating Contractors From Affiliated Sources	1991-AB52
705	Acquisition Regulation: Payment of Fee Relating to Security Issues	1991-AB54
706	DEAR: Patent Rights	1991-AB55

Office of Procurement and Assistance Management—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
707	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	1991-AB56

DOE

Office of Procurement and Assistance Management—Completed Actions

Sequence Number	Title	Regulation Identification Number
708	Classified National Security Information—E.O. 12958	1991-AB42
709	DEAR: Technical Amendments	1991-AB51

Office of General Counsel—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
710	Conduct of Employees	1990-AA19
711	Claims for Damages Against Department of Energy Employees	1990-AA26

Department of Energy (DOE)

Prerule Stage

Energy Efficiency and Renewable Energy (EE)

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

Priority: Economically Significant. Major under 5 USC 801.

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

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430

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

Abstract: The Energy Policy and Conservation Act, as amended, establishes initial energy efficiency standard levels for most types of major residential appliances and generally requires DOE to 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, boilers and mobile home furnaces.

Timetable:

Action	Date	FR Cite
ANPRM	09/08/93	58 FR 47326
Screening Workshop	07/17/01	
Venting Workshop	05/00/02	
ANPRM	01/00/03	
NPRM	02/00/04	
Final Action	09/00/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Agency Contact: Cyrus Nasser, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA78

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

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

Unfunded Mandates: Undetermined

Legal Authority: 42 USC 13257

CFR Citation: 10 CFR 490

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

Abstract: The Energy Policy Act of 1992 (the Act) requires DOE to initiate a rulemaking to determine whether a private and local fleet program is deemed necessary to meet the fuel displacement goals of the Act. The criteria for making this determination is mandated by the Act. DOE conducted a series of informal workshops, including two for State and local government officials, to discuss regulatory options and other issues related to the alternative fueled vehicle requirements under the Act. The

analysis required to make the determination is more extensive than originally estimated. Before DOE can make its determination, it must first evaluate the program goals.

Timetable:

Action	Date	FR Cite
ANPRM	04/17/98	63 FR 19372
Notice of Public Workshops	07/20/00	65 FR 44987
Notice of Goals Evaluation	06/00/02	
Goals Evaluation Workshop	07/00/02	
Notice of Determination	05/00/03	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

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RIN: 1904-AA98

657. ENERGY EFFICIENCY STANDARDS FOR ELECTRIC DISTRIBUTION TRANSFORMERS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 42 USC 6317

CFR Citation: 10 CFR 430

DOE—EE

Prerule Stage

Legal Deadline: None

Abstract: The Energy Policy and Conservation Act, as amended, (EPCA) establishes initial energy efficiency standard levels for most types of major residential appliances and certain types of commercial equipment. The EPCA 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 initial review of the statutory standards for electric distribution transformers

Timetable:

Action	Date	FR Cite
Determination Notice	10/22/97	62 FR 54809
ANPRM	09/00/02	
NPRM	09/00/03	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

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Washington, DC 20676
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RIN: 1904-AB08

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

Priority: Economically Significant.
Major under 5 USC 801.

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

Legal Authority: 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy efficiency standard levels for most types of major residential appliances and certain types of commercial equipment. The EPCA 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 initial review of the statutory standards for these products.

Timetable:

Action	Date	FR Cite
Screening Workshop	10/01/01	66 FR 43123
ANPRM	03/00/03	
NPRM	03/00/04	
Final Action	09/00/04	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

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RIN: 1904-AB09

Department of Energy (DOE)

Proposed Rule Stage

Energy Efficiency and Renewable Energy (EE)

659. TEST PROCEDURES FOR ELECTRIC DISTRIBUTION TRANSFORMERS

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 6317**CFR Citation:** 10 CFR 430

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

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

Timetable:

Action	Date	FR Cite
Determination Notice	10/22/97	62 FR 54809
NPRM	11/12/98	63 FR 63359
Supplemental NPRM	06/00/02	
Final Action	09/00/02	

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.

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RIN: 1904-AA85

660. • TEST PROCEDURES FOR DISHWASHERS - AMENDMENT

Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 430**Legal Deadline:** None

Abstract: This action would add a new test procedure for soil-sensing dishwashers, using soiled dishes. It would also incorporate standby power consumption, where applicable.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
Final Action	10/00/02	

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

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RIN: 1904-AB10

DOE—EE

Proposed Rule Stage

661. • TEST PROCEDURES FOR RESIDENTIAL REFRIGERATORS AND REFRIGERATOR-FREEZERS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293(b)**CFR Citation:** 10 CFR 430 subpart B, app A1**Legal Deadline:** None**Abstract:** This action would revise the test procedures for residential refrigerators and refrigerator-freezers.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Michael Raymond, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9611
Email: michael.raymond@ee.doe.gov**RIN:** 1904—AB12

Department of Energy (DOE)

Final Rule Stage

Energy Efficiency and Renewable Energy (EE)

662. TEST PROCEDURES FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS—AMENDMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 430**Legal Deadline:** None**Abstract:** These revisions to the test procedures for central air conditioners and heat pumps in accordance with the Energy Policy and Conservation Act will reorganize the document in a logical order and update the references. The revisions include an updated nomenclature compatible with the eventual test procedure for combined (domestic hot water and central air conditioners or heat pumps) appliances, additional tables listing test tolerances, a clearer specification for the demand defrost credit, and test methods for ECM (electronically commutated motor) blowers and history-dependent defrosts.**Timetable:**

Action	Date	FR Cite
NPRM	01/22/01	66 FR 6768
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** Michael Raymond, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9611
Email: michael.raymond@ee.doe.gov**RIN:** 1904—AA46**663. NATIONAL VOLUNTARY RESIDENTIAL ENERGY EFFICIENCY RATING GUIDELINES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 8236**CFR Citation:** 10 CFR 437**Legal Deadline:** Final, Statutory, April 24, 1994.**Abstract:** DOE is required to establish by rule national voluntary guidelines for home energy rating systems. The guidelines are designed to encourage uniformity with regard to systems for rating the annual energy efficiency of residential buildings. The guidelines may be used to enable and encourage the assignment of energy efficiency ratings to residential buildings and the development of criteria for attractive financial instruments for energy efficient homes.

In response to the directives of the Energy Policy Act of 1992, DOE collaborated with hundreds of stakeholders and organizations, including the Home Energy Rating System (HERS) Council, the National Association of State Energy Officials, and HERS providers, many of whom had been meeting regarding HERS since about 1987. Based on input from all the stakeholders, DOE issued for public comment a Notice of Proposed Rulemaking on voluntary guidelines.

Most of the comments that DOE received on the proposed rule were readily resolved. But the issue of “fuel neutrality” was not easily incorporated into the rule. “Fuel neutrality” involved an interpretation of the requirement that the rule not “discriminate among fuel types” for which the EPACT legislation provided no clarification. Yet, in spite of an intensive effort by DOE to work with

both the electric and gas industries, a definition regarding fuel neutrality was not resolved and remains hotly disputed.

In the fall of 2002, DOE plans to issue a Report to Congress on the HERS and Energy Efficient Mortgages, as required by Congress. This report will note that despite the fact that DOE has not issued a final rule, home energy raters are now available in 47 States, and the guidelines used by these raters are generally consistent in content to DOE’s Notice of Proposed Rulemaking on voluntary HERS guidelines.

Timetable:

Action	Date	FR Cite
NPRM	07/25/95	60 FR 37949
NPRM Comment Period End	05/09/96	
Final Action	11/00/02	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** Undetermined**Agency Contact:** David Boomsma, EE-40, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-7086
Fax: 202 586-1233
Email: david.boomsma@ee.doe.gov**RIN:** 1904—AA74**664. 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

DOE—EE

Final Rule Stage

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	11/24/99	64 FR 66305
NPRM	10/05/00	65 FR 59589
Final Rule	01/22/01	66 FR 7170
Supplemental NPRM and Proposal to Withdraw Final Rule	07/25/01	66 FR 38821
Final Action	05/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

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RIN: 1904-AA77**665. TEST PROCEDURES FOR COMMERCIAL WATER HEATERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial water 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 American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE).

Timetable:

Action	Date	FR Cite
NPRM	08/09/00	65 FR 48852
Final Action	07/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Cyrus Nasser, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA95**666. TEST PROCEDURES FOR COMMERCIAL WARM AIR FURNACES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial 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 compliance requirements for commercial heating equipment.

Timetable:

Action	Date	FR Cite
NPRM	12/13/99	64 FR 69597
Final Action	05/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Cyrus Nasser, EE-41, Program Manager, Office of Building Research and Standards, Department of

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RIN: 1904-AA96**667. TEST PROCEDURES FOR COMMERCIAL AIR CONDITIONING EQUIPMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6293**CFR Citation:** 10 CFR 431**Legal Deadline:** None

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes energy conservation standards for commercial air conditioning equipment, prescribes test procedures, and 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 Refrigeration Institute or by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ARI/ASHRAE).

Timetable:

Action	Date	FR Cite
NPRM	08/09/00	65 FR 48828
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1904-AA97**668. 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,

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Final Rule Stage

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.

Timetable:

Action	Date	FR Cite
NPRM	08/09/00	65 FR 48838
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 1904-AB02

Department of Energy (DOE)

Long-Term Actions

Energy Efficiency and Renewable Energy (EE)

669. ENERGY EFFICIENCY CODE FOR NEW FEDERAL RESIDENTIAL LOW RISE BUILDINGS

Priority: Other Significant

Legal Authority: 42 USC 6834

CFR Citation: 10 CFR 435

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

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

Timetable:

Action	Date	FR Cite
NPRM	05/02/97	62 FR 24164
NPRM Comment Period End	07/14/97	
Final Action	12/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

Agency Contact: Stephen P. Walder, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585

Phone: 202 586-9209

RIN: 1904-AA53

670. STATE AND LOCAL INCENTIVES PROGRAM: ALTERNATIVE FUELS

Priority: Other Significant

Legal Authority: 42 USC 13235

CFR Citation: 10 CFR 409

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

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

Timetable:

Action	Date	FR Cite
NPRM	03/21/95	60 FR 15020
NPRM Comment Period End	05/22/95	
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Agency Contact: Dorothy Wormley, Program Manager, EE-34, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
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RIN: 1904-AA66

671. DETERMINATION FOR HIGH INTENSITY DISCHARGE LAMPS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6317

CFR Citation: 10 CFR 430

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

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

Timetable:

Action	Date	FR Cite
Determination Notice	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 low priority and the Department does not plan to work on it this year.

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RIN: 1904-AA86

DOE—EE

Long-Term Actions

672. DETERMINATION FOR SMALL ELECTRIC MOTORS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 6317**CFR Citation:** 10 CFR 431**Legal Deadline:** Other, Statutory, April 24, 1995, Determination Notice.**Abstract:** The Energy Policy Act of 1992 requires the Department to prescribe test procedures for small electric motors for which the Secretary makes a determination that energy conservation standards would be technologically feasible and economically justified, and would result in significant energy savings.**Timetable:**

Action	Date	FR Cite
Determination Notice	To Be	Determined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Additional Information:** The Department's regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a high priority and the Department has initiated work to gather information and conduct analyses in preparation for a determination under 42 U.S.C. 6317(b).**Agency Contact:** James Raba, EE-41, Energy Technology Program Specialist, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8654
Email: jim.raba@ee.doe.gov**RIN:** 1904-AA87**673. ENERGY EFFICIENCY STANDARDS FOR CLOTHES DRYERS AND DISHWASHERS****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 42 USC 6295**CFR Citation:** 10 CFR 430.32**Legal Deadline:** Final, Statutory, May 14, 1996, Determination Notice.**Abstract:** The statute requires the Department to revise the standards to

achieve the maximum improvement in energy efficiency 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, EE-41, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-0371
Fax: 202 586-4617
Email: bryan.berringer@ee.doe.gov**RIN:** 1904-AA89**674. ENERGY EFFICIENCY STANDARDS FOR POOL HEATERS AND DIRECT HEATING EQUIPMENT****Priority:** Economically Significant. Major under 5 USC 801.**Unfunded Mandates:** This action may affect the private sector under PL 104-4.**Legal Authority:** 42 USC 6295**CFR Citation:** 10 CFR 430**Legal Deadline:** Final, Statutory, January 1, 1992, Determination Notice.**Abstract:** The statute requires the Department to revise the standards to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Local**Additional Information:** Due to the Department's limited financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low

priority based on significant input from the public. This action is a low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.

Agency Contact: Cyrus Nasser, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9138
Email: cyrus.nasser@ee.doe.gov**RIN:** 1904-AA90**675. ENERGY EFFICIENCY STANDARDS FOR 1-200 HP ELECTRIC MOTORS****Priority:** Economically Significant. Major under 5 USC 801.**Legal Authority:** 42 USC 6313**CFR Citation:** 10 CFR 431**Legal Deadline:** Final, Statutory, October 24, 1999, Determination Notice.**Abstract:** The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy efficiency standards and test procedures for commercial and industrial electric motors. EPCA requires the Department to revise the standards periodically to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None**Additional Information:** Due to the Department's limited staff and financial resources, regulatory actions related to energy efficiency standards have been categorized as high, medium, and low priority based on significant input from the public. This action is a low priority, and the Department does not plan to begin substantive work on this action for the next two fiscal years.**Agency Contact:** James Raba, EE-41, Energy Technology Program Specialist, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8654
Email: jim.raba@ee.doe.gov**RIN:** 1904-AA91

DOE—EE

Long-Term Actions

676. ENERGY EFFICIENCY STANDARDS FOR FLUORESCENT AND INCANDESCENT LAMPS

Priority: Economically Significant. Major under 5 USC 801.

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

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

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

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

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

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

categorized as high, medium, and low priority based on significant input from the public. This action is a low priority, and the Department does not plan to begin substantive work on this action for at least the next two fiscal years.

Agency Contact: Ronald Lewis, Department of Energy, Energy Efficiency and Renewable Energy, Office of Building Research and Standards, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8423
Email: ronald.lewis@ee.doe.gov

RIN: 1904-AA92

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

Completed Actions

677. TEST PROCEDURES FOR DISHWASHERS—AMENDMENT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430

Legal Deadline: None

Abstract: This action would improve the testing specifications for the current dishwasher test procedure, revise the calculation of estimated annual operating cost, and change the definitions of compact and standard models.

Timetable:

Action	Date	FR Cite
NPRM	09/28/99	64 FR 52248
NPRM Comment Period End	02/14/00	65 FR 2077
Final Action	12/18/01	66 FR 65091

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Barbara Twigg, EE-41, Program Manager, Office of Building Research and Standards, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8714
Email: barbara.twigg@ee.doe.gov

RIN: 1904-AB04

678. WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6861; 42 USC 7101

CFR Citation: 10 CFR 440

Legal Deadline: None

Abstract: This would amend the Weatherization Assistance Program for Low-Income Persons to include the three statutory changes made to the program by the Congress. The changes would add clarifying language, delete obsolete provisions, improve the overall operation of the program, and give State and local agencies additional flexibility.

Timetable:

Action	Date	FR Cite
NPRM	01/26/00	65 FR 4331
NPRM Comment Period End	03/27/00	
Interim Final Rule	12/08/00	65 FR 77209
Final Action	11/21/01	66 FR 58364

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal

Agency Contact: Gregory Reamy, Office of Technology Assistance, EE-42, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-4074

RIN: 1904-AB05

679. • ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT: EXTENSION OF TIME FOR ELECTRIC MOTOR MANUFACTURERS TO CERTIFY COMPLIANCE WITH ENERGY EFFICIENCY STANDARDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 6311 to 6316

CFR Citation: 10 CFR 431

Legal Deadline: None

Abstract: This procedural rule amends the Compliance Certification section of subpart G, Certification and Enforcement, of 10 CFR Part 431, by revising the deadline from November 5, 2001 to June 7, 2002, for certain electric motor manufacturers.

Timetable:

Action	Date	FR Cite
Final Action	11/09/01	66 FR 56604

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: James Raba, EE-41, Energy Technology Program Specialist, Department of Energy, Energy Efficiency and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8654
Email: jim.raba@ee.doe.gov

RIN: 1904-AB11

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

Prerule Stage

680. COMPUTER SECURITY; ACCESS TO INFORMATION ON NATIONAL NUCLEAR SECURITY ADMINISTRATION COMPUTER SYSTEMS
Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 7101 et seq; 42 USC 2011 et seq; 50 USC 2425; 50 USC 2483(c)**CFR Citation:** Not Yet Determined**Legal Deadline:** NPRM, Statutory, January 3, 2000.**Abstract:** This action would codify rules governing access by any individual to information on National Nuclear Security Administration computer systems.**Timetable:**

Action	Date	FR Cite
ANPRM	05/00/02	
NPRM	09/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Philip Sibert, Office of Defense Nuclear Security (NA-3), Department of Energy, National Nuclear Security Administration, 1000 Independence Avenue SW, Washington, DC 20585
Phone: 202 586-2541**RIN:** 1992-AA27
Department of Energy (DOE)
Defense and Security Affairs (DSA)

Proposed Rule Stage

681. PHYSICAL PROTECTION OF SECURITY INTERESTS
Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 2011; 42 USC 7101**CFR Citation:** 10 CFR 1046 subpart A; 10 CFR 1046 subpart B**Legal Deadline:** None**Abstract:** 10 CFR part 1046, subparts A and B, establishes DOE contractor requirements in the areas of protective force medical, physical fitness, and firearms qualifications and training. The proposed revisions are to ensure protective force personnel receive quality medical services that are consistent with the Americans with Disabilities Act of 1990. They also will enhance communications between Designated Physicians and personnel responsible for supervising physical fitness training and certification to assure better understanding of the risk of injury to Security Police Officers and Security Officers participating in physical fitness activities. Additionally, Security Police Officer I and Security Police Officer II were better defined to eliminate confusing physical fitness requirements.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	
Final Action	03/00/03	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Ronnie M. Edge, Department of Energy, Office of Security, Germantown, MD 20874

Phone: 301 903-4247

RIN: 1992-AA23
682. PROCEDURAL RULES FOR DOE NUCLEAR SECURITY ACTIVITIES
Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 2011 et seq; 42 USC 7101 et seq; 42 USC 2282(b)**CFR Citation:** 10 CFR 824**Legal Deadline:** None**Abstract:** This action would define the process for the imposition of civil penalties on contractors for violations relating to the safeguarding or security of classified or sensitive data.**Timetable:**

Action	Date	FR Cite
NPRM	04/01/02	67 FR 15339
NPRM Comment Period End	07/01/02	
Final Rule	10/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** GERALYN C. PRASKIEVICZ, Department of Energy, Office of Security, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-4451**RIN:** 1992-AA28
683. HUMAN RELIABILITY PROGRAM
Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 7254**CFR Citation:** 10 CFR 710; 10 CFR 711; 10 CFR 712**Legal Deadline:** None**Abstract:** This action would establish a Human Reliability Program that would consolidate the Department's Personnel Security Assurance Program (PSAP) and its Personnel Assurance Program (PAP). PSAP is an access authorization program for individuals who apply for or occupy certain positions that are critical to the national security. The PSAP requires an initial and annual supervisory review, medical assessment, management evaluation, and a DOE personnel security review of all applicants or incumbents. The PAP is a nuclear explosives safety program using many of the evaluations of the PSAP to ensure that employees assigned to nuclear explosive duties do not have emotional, mental, or physical conditions that could result in an accidental or unauthorized detonation of nuclear explosives.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Agency Contact:** Linda Repass, Department of Energy, Office of Security, 19902 Germantown Road, Germantown, MD 20874
Phone: 301 903-4800
Fax: 301 903-6545
Email: linda.repass@hq.doe.gov**RIN:** 1992-AA29

DOE—DSA

Proposed Rule Stage

684. CRITERIA AND PROCEDURE FOR ESTABLISHMENT OF THE PERSONNEL SECURITY ASSURANCE PROGRAM AND DETERMINATIONS OF AN INDIVIDUAL'S ELIGIBILITY FOR ACCESS TO A PERSONNEL SECURITY ASSURANCE PROGRAM POSITION**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2165; 42 USC 2201; EO 10450; 42 USC 7251, 7254, and 7256**CFR Citation:** 10 CFR 710, subpart B**Legal Deadline:** None**Abstract:** This action would amend the Department's regulations to allow

newly hired individuals in security police officer positions who have received an interim Q access authorization through DOE's Accelerated Access Authorization Program to be eligible to hold a Personnel Security Assurance Program (PSAP) position. Currently, DOE's regulations require a Q access authorization based on a full background investigation for all PSAP positions.

Timetable:

Action	Date	FR Cite
NPRM	04/04/02	67 FR 16061

Action	Date	FR Cite
NPRM Comment Period End	05/06/02	
Final Action	10/00/02	

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

Agency Contact: Linda Repass, Department of Energy, Office of Security, 19902 Germantown Road, Germantown, MD 20874
Phone: 301 903-4800
Fax: 301 903-6545
Email: linda.repass@hq.doe.gov

RIN: 1992-AA30**Department of Energy (DOE)
Departmental and Others (ENDEP)**

Proposed Rule Stage

685. FREEDOM OF INFORMATION ACT**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.

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	07/00/02	

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

Agency Contact: Abel Lopez, Director, FOIA and Privacy Act Division, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-5955
Email: abel.lopez@hq.doe.gov

RIN: 1901-AA32**686. 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	03/00/03	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** State, Local**Federalism:** Undetermined

Agency Contact: Helen O. Sherman, Director, Office of Financial Policy, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-4860

RIN: 1901-AA58**687. RESEARCH MISCONDUCT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2201; 42 USC 7101 et seq; 50 USC 2401 et seq**CFR Citation:** Not Yet Determined**Legal Deadline:** None

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

DOE—ENDEP

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
Final Action	12/00/02	

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

Agency Contact: William J. Valdez, Director, Office of Planning and Analysis, Department of Energy, Office of Science, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9942
Fax: 202 586-7719
Email: bill.valdez@science.doe.gov

RIN: 1901-AA89

688. • REVISION OF ACS-02 CONTROL AREA SERVICE RATE: GENERATION IMBALANCE SERVICE RATE

Priority: Substantive, Nonsignificant**Legal Authority:** PL 96-501, sec. 7; PL 102-486, sec. 824k(i)(2)**CFR Citation:** None**Legal Deadline:** None

Abstract: BPA's Transmission Business Line (TBL) announces its proposal to revise the Generation Imbalance Service rate (rate) found in its 2002 Transmission and Ancillary Service Rate Schedules, Schedule ACS-02. Generation Imbalance Service is taken when there is a difference between scheduled and actual energy delivered from a generation resource in the BPA Control Area during a schedule hour. The existing Generation Imbalance Service rate was established in BPA's TR-02 2002 Transmission Rate Proceeding and subsequently was approved by the Federal Energy Regulatory Commission (FERC) for use during the October 1, 2001 to

September 30, 2003 rate period. The current rate charges the higher of BPA's incremental cost for energy plus 10 percent or 100 mills/kWh for imbalances outside the Deviation Band when the actual energy delivered from a resource in a schedule hour is less than the energy scheduled for that hour.

The TBL believes that wind generation resources are not able to accurately predict generation and respond to dispatch instructions during the delivery hour, and that charging the 100 mill floor rate may have deleterious effects on the development of wind generation resources in the BPA Control Area. Therefore, TBL proposes to eliminate the 100 mill/kWh floor rate when applying the rate to wind generation resources. This will result in the Generation Imbalance Service rate for wind generation resources being BPA's incremental cost for energy plus 10 percent. All other aspects of the existing Generation Imbalance Service rate are unchanged.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
Final Action	07/00/02	

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

Agency Contact: Mary A. Dalton, Transmission Rates Manager, Department of Energy, Bonneville Power Administration, P.O. Box 491, 5411 NE Highway 99, Vancouver, WA 98663
Phone: 360 418-8270
Email: madalton@bpa.gov

RIN: 1901-AA92

689. • ADMINISTRATIVE PROCEDURES AND SANCTIONS; ELECTRIC POWER SYSTEM PERMITS AND REPORTS; SHORT-TERM IMPORTS AND EXPORTS OF NATURAL GAS

Priority: Substantive, Nonsignificant**Legal Authority:** PL 95-91; PL 10485 as amended by EO 12038; 15 USC 717 b; 42 USC 7101 et seq; EO 12009**CFR Citation:** 10 CFR 205.300; 10 CFR 590**Legal Deadline:** None

Abstract: This action would streamline the existing procedures for applying to the DOE for Presidential permits and electricity export authorizations by eliminating the use of FERC procedures and establishing a less adversarial process of decisionmaking. It would also establish that the DOE's decisional criterion is only electric power system reliability and impacts to the environment and not the economic or commercial viability of projects. These actions are in response to the restructuring of the electric power industry.

Timetable:

Action	Date	FR Cite
NPRM	03/00/03	

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

Agency Contact: Ellen Russell, Department of Energy, FE-27, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-9624
Email: ellen.russell@hq.doe.gov

RIN: 1901-AA93

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

Final Rule Stage

690. RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT

Priority: Other Significant**Legal Authority:** 42 USC 2201; 42 USC 7191**CFR Citation:** 10 CFR 834**Legal Deadline:** None

Abstract: This action would add a new 10 CFR 834 to DOE's regulations establishing a body of rules setting forth the basic requirements for ensuring radiation protection of the public and environment in connection with DOE nuclear activities. These requirements stem from the Department's ongoing effort to strengthen the protection of health,

safety, and the environment from the nuclear and chemical hazards posed by these DOE activities. Major elements of the proposal included a dose limitation system for protection of the public; requirements for liquid discharges; reporting and monitoring requirements; and residual radioactive material requirements.

DOE—ENDEP

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/25/93	58 FR 16268
Second NPRM	08/31/95	60 FR 45381
Final Action	09/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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

RIN: 1901-AA38

691. ECONOMIC DEVELOPMENT TRANSFERS OF REAL PROPERTY**Priority:** Substantive, Nonsignificant**Legal Authority:** PL 105-85, sec 3158**CFR Citation:** 10 CFR 770**Legal Deadline:** None

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

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/29/00	65 FR 10685
Final Action	09/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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

RIN: 1901-AA82

692. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254**CFR Citation:** 10 CFR 1040**Legal Deadline:** None

Abstract: This action would amend the definition of "program."

Timetable:

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76459
NPRM Comment Period End	01/05/01	
Final Action	08/00/02	
Final Action Effective	09/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Sharon Wyatt, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-2256
Fax: 202 586-0888
Email: sharon.wyatt@hq.doe.gov

RIN: 1901-AA86

693. REIMBURSEMENT FOR COSTS OF REMEDIAL ACTION AT ACTIVE URANIUM AND THORIUM PROCESSING SITES: TECHNICAL AMENDMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2296a et seq**CFR Citation:** 10 CFR 765**Legal Deadline:** None

Abstract: This action would adopt several technical and administrative amendments to the procedural regulations governing the reimbursement of remedial action costs at active uranium and thorium processing sites. The original legislation authorizing the program has been amended three times to increase the amounts authorized for reimbursement, extend certain program dates, and make other technical corrections. The amendments to 10 CFR part 765 will reflect the legislative amendments and make other technical corrections that have been identified since the original rule was issued.

Timetable:

Action	Date	FR Cite
Final Rule	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: David E. Mathes, Leader, Albuquerque/Nevada Team, Department of Energy, Small Sites Closure Office (EM-34), Cloverleaf Building, 19901 Germantown Road, Germantown, MD 20874-1290
Phone: 301 903-7222

RIN: 1901-AA88

694. GUIDELINES FOR PHYSICIAN PANEL DETERMINATIONS ON WORKER REQUESTS FOR ASSISTANCE IN FILING FOR STATE WORKERS' COMPENSATION BENEFITS**Priority:** Other Significant**Legal Authority:** 42 USC 7384 et seq; 42 USC 2201 and 7101 et seq; 50 USC 2401 et seq**CFR Citation:** 10 CFR 852**Legal Deadline:** None

Abstract: This action would establish procedures to implement subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 under which a DOE contractor employee or the employee's estate can seek assistance from DOE in filing a claim with the appropriate State workers' compensation system based on an illness or death caused by exposure to a toxic substance during the course of employment at a DOE facility.

Timetable:

Action	Date	FR Cite
NPRM	09/07/01	66 FR 46742
Final Action	05/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Kate Kimpan, Office of Worker Advocacy, EH-8, Department of Energy, 100 Independence Avenue, SW., Washington, DC 20585
Phone: 202 586-3997

RIN: 1901-AA90

**Department of Energy (DOE)
Departmental and Others (ENDEP)**
Long-Term Actions
695. 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: David E. Mathes, Leader, Albuquerque/Nevada Team, Department of Energy, Small Sites Closure Office (EM-34), Cloverleaf Building, 19901 Germantown Road, Germantown, MD 20874-1290
Phone: 301 903-7222

RIN: 1901-AA57

**Department of Energy (DOE)
Departmental and Others (ENDEP)**
Completed Actions
696. ENFORCEMENT OF EMPLOYEE SAFETY STANDARDS AT NUCLEAR WEAPONS FACILITIES

Priority: Other Significant

Legal Authority: PL 102-190, sec 3131

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
Withdrawn	03/25/02	

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

RIN: 1901-AA44

697. PRIVACY ACT SYSTEM OF RECORDS UPDATE

Priority: Substantive, Nonsignificant

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, to add three additional systems of records to the list of systems of records that are exempt from certain provisions of the Privacy Act.

Timetable:

Action	Date	FR Cite
NPRM	06/14/01	66 FR 32272
Final Action	01/24/02	67 FR 4167

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Abel Lopez, Director, FOIA and Privacy Act Division, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-5955
Email: abel.lopez@hq.doe.gov

RIN: 1901-AA69

698. 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 USC 7274h, provides authority for DOE to provide impact assistance to communities that are adversely affected by workforce restructuring. This action would establish the regulations governing the community transition program.

Timetable:

Action	Date	FR Cite
Withdrawn	03/07/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Robert Baney, Office of Worker and Community Transition, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-3751

RIN: 1901-AA77

699. POLICY REVIEW OF THREE ISSUES ARISING UNDER BONNEVILLE POWER ADMINISTRATION'S NEW LARGE SINGLE LOAD (NLSL) POLICY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 839a(13)

CFR Citation: None

Legal Deadline: None

DOE—ENDEP

Completed Actions

Abstract: BPA is directed by law to determine whether large retail loads of consumer facilities served by a public body, cooperative, investor-owned utility, or Federal agency customer, whose power requirements increase or are in excess of 10 aMWs in any consecutive 12-month period, fall within the definition of NLSL. BPA may not sell electric power at the Priority Firm (PF) rate to utilities for service to NLSLs. Electric power sold by BPA for utility service to NLSLs is sold at the New Resources (NR) rate (which historically has been a higher rate), with one exception. Any load for which service by the utility customer was “committed to or contracted for” (CTCF) prior to September 1, 1979, is served at the lower PF rate. The BPA Administrator determines whether a consumer facility is a CFCT load.

The Bonneville Power Administration (BPA) has invited public comment on three specific issues relating to its existing NLSL policy: (1) whether BPA should allow current and future direct service industry (DSI) customer production load served at BPA’s Industrial Firm (IP) rate (or any other rate) to transfer and receive service from a public body, cooperative, or Federal agency customer at the PF rate; (2) whether a load at a facility previously determined to be a CTCF load should be allowed to receive service from a different BPA preference customer and retain its CTCF status; and (3) whether BPA should close the class of future CFCT loads after providing customers one last opportunity to identify and request, if any, a CFCT load determination by BPA. After receipt of public comments,

BPA will determine whether changes to its current NLSL policy are warranted.

Timetable:

Action	Date	FR Cite
Notice	06/25/01	66 FR 33671
Comment Period End	08/10/01	
Record of Decision	11/01/01	66 FR 55171

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: David Fitzsimmons, Account Executive, PSW-6, Department of Energy, Bonneville Power Administration, 905 NE 11th Avenue, Portland, OR 97232
Phone: 503 230-3685

RIN: 1901-AA91

Department of Energy (DOE)

Proposed Rule Stage

Office of Procurement and Assistance Management (PR)

700. FINANCIAL ASSISTANCE REGULATION: ADMINISTRATIVE REQUIREMENTS RELATED TO FOR-PROFIT ORGANIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7173

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: This action seeks comments on whether to issue a rule that prescribes administrative requirements for financial assistance awards tailored specifically to for-profit organizations.

Timetable:

Action	Date	FR Cite
ANPRM	05/08/01	66 FR 23197
NPRM	07/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1991-AB57

701. ENERGY DEPARTMENT MOTOR VEHICLE FLEET FUEL EFFICIENCY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201

CFR Citation: 48 CFR 947; 48 CFR 970.52

Legal Deadline: None

Abstract: This action would implement sections 403 and 505 of Executive Order 13101, Greening the Government through Federal Fleet and Transportation Efficiency.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

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

RIN: 1991-AB59

702. DEAR: PART 970 REWRITE CONTINUATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2201; 42 USC 7254

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

Legal Deadline: None

Abstract: This action would revise part 970 and related parts of DEAR to eliminate provisions that are unnecessary, obsolete, or duplicated elsewhere in title 48.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
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Michael L. Righi, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585

DOE—PR

Proposed Rule Stage

Phone: 202 586-8175

RIN: 1991—AB60

Department of Energy (DOE)

Final Rule Stage

Office of Procurement and Assistance Management (PR)**703. 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	11/30/00	65 FR 71292
Final Action	06/00/02	

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

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8247
Email: richard.langston@pr.doe.gov

RIN: 1991—AB47

704. 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	10/13/99	64 FR 55453
Final Action	07/00/02	

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

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

RIN: 1991—AB52

705. ACQUISITION REGULATION: PAYMENT OF FEE RELATING TO SECURITY ISSUES**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254; 40 USC 486(c)**CFR Citation:** 48 CFR 970**Legal Deadline:** None

Abstract: This action would make the payment of fees to the Department's major operating contractors conditional on meeting safeguard and security requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/01/01	66 FR 8560
Final Action	09/00/02	

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

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

RIN: 1991—AB54

706. DEAR: PATENT RIGHTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7254; 40 USC 486(c)**CFR Citation:** 48 CFR 927; 48 CFR 970**Legal Deadline:** None

Abstract: This action would update the Department's regulations on patent rights to reflect the current practices employed in its major facility contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/15/00	65 FR 68932
Final Action	07/00/02	

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

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

RIN: 1991—AB55

Department of Energy (DOE)

Long-Term Actions

Office of Procurement and Assistance Management (PR)

707. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)**Priority:** Substantive, Nonsignificant**Legal Authority:** EO 12549; EO 12689; PL 103-355, sec 2455**CFR Citation:** 10 CFR 1036**Legal Deadline:** None**Abstract:** This Governmentwide rulemaking proposes changes to clarify and simplify the debarment and suspension process and drug-free workplace requirements.**Timetable:**

Action	Date	FR Cite
NPRM	01/23/02	67 FR 3265
NPRM Comment Period End	03/25/02	
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Cynthia Yee, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-1140**RIN:** 1991-AB56

Department of Energy (DOE)

Completed Actions

Office of Procurement and Assistance Management (PR)

708. 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
Final Action	03/28/02	67 FR 14873

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Richard B. Langston, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue SW., Washington, DC 20585
Phone: 202 586-8247
Email: richard.langston@pr.doe.gov**RIN:** 1991-AB42**709. 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	03/28/02	67 FR 14869

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None**Agency Contact:** Denise Wright, Procurement Analyst, Department of Energy, Office of Procurement and Assistance Management, 1000 Independence Avenue, SW., Washington, DC 20588
Phone: 202 586-6217**RIN:** 1991-AB51

Department of Energy (DOE)

Final Rule Stage

Office of General Counsel (OGC)

710. CONDUCT OF EMPLOYEES**Priority:** Info./Admin./Other**Legal Authority:** 42 USC 7211 et seq; PL 103-160, sec 3161; EO 12674**CFR Citation:** 10 CFR 1010; 5 CFR 2635**Legal Deadline:** None**Abstract:** The DOE regulation on conduct of employees needs to be revised to reflect the issuance of the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635) and the repeal of conflict-of-interest provisions formerly applicable to DOE employees.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/05/96	61 FR 35085
Final Action	07/00/02	

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 Avenue SW., Washington, DC 20585

Phone: 202 586-1522

RIN: 1990-AA19**711. CLAIMS FOR DAMAGES AGAINST DEPARTMENT OF ENERGY EMPLOYEES****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 28 USC 2672; 42 USC 7101 et seq**CFR Citation:** 10 CFR 1014**Legal Deadline:** None**Abstract:** This action would provide for the indemnification of employees or former employees of the Department of Energy who are personally liable to pay

DOE—OGC

Final Rule Stage

damages for their official acts or omissions as a result of an adverse judgment or settlement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Susan Beard, Deputy Assistant General Counsel for Standards of Conduct, Department of Energy, Office of General Counsel, 1000

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RIN: 1990-AA26

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