

DOE Retrospective Review Plan and Burden Reduction Report
August 2014

Newly Added Actions

Agency/ Sub-agency	RIN/ OMB Control Number	Title of Initiative/ Rule/ICR	Brief Description	Actual or Target Completion Date	Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits	Progress updates and anticipated accomplishments	Notes
DOE/OE	N/A	Export of Electricity & Permitting of Electricity Transmission Facilities at International Boundaries; New Administrative Procedures; Proposed Rule	DOE is considering amendments to 10 C.F.R. Part 205 to modernize the existing regulations governing (i) authorizations to transmit electric energy across international boundaries under Section	In progress	For both electricity export authorizations and Presidential permits, the anticipated benefits are to streamline the application process and increase transparency by: (1) providing for	This rule is currently under development at DOE.	This is a newly added initiative in response to E.O. 13604.

			202(e) of the Federal Power Act (16 U.S.C. § 824a(e)), and (ii) Presidential permits authorizing the construction, operation, maintenance, and connection of facilities for transmission of electric energy at international boundaries under Executive Order 10485, as amended by Executive Order 12038.		increased communication between DOE staff and applicants, and (2) providing applicants with additional details about the project information necessary for a determination on an application.		
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Ongoing Actions

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DOE/GC	N/A	Request for information on reducing regulatory burden	DOE is continually engaging in review of its rules to determine whether there are burdens on the public that can be avoided by amending or rescinding existing requirements. To that end, while DOE is always open to receiving information about the impact of its regulations, it published this RFI to solicit public input.	July 3, 2014 (79 FR 37963)	This information solicitation is expected to lead to savings in costs and/or information collection burdens that will be accomplished through and quantified in future actions.		
DOE/EE	1904- AB57	Energy Conservation Standards for Battery Chargers	DOE is considering energy conservation standards for battery chargers.	In progress	These nationwide standards would be expected to eliminate industry burden in complying with a patchwork of state standards – for publicly available information on standards development in California, see .e.g, http://www.energy.ca.gov/appliances/battery_chargers/ and http://www.energy.ca.gov/2011publicatio	DOE published a proposed rule (77 FR 18478, Mar. 12, 2012) and is considering comments on the proposal	

					ns/CEC-400-2011-001/CEC-400-2011-001-SD.PDF.	in developing any final standards.	
DOE/FE		Strategic Petroleum Reserve rule	DOE is considering revisions to its regulation concerning sales from the Strategic Petroleum Reserve (SPR) in the event that the SPR is drawn down to respond to a severe energy supply interruption or to meet obligations of the United States under the International Energy Program.	In progress	This rule is expected to reduce the burden on applicants for sales from the SPR by streamlining the process for periodic review and publication of the standard contract provisions. The agency is evaluating these potential burden reductions, as well as any other potential impacts of the rule.	This rule is currently under development at DOE. The rule is listed as a candidate for retrospective review in DOE's final plan.	
DOE/EE		Consumer welfare and use of price forecasts made in applying learning curve analyses	DOE seeks comment in its energy conservation standards rulemakings on how to assess the potential impact of energy conservation standards on consumer choice and how to quantify any such impact in its regulatory analysis.	In progress	As required by the Energy Policy and Conservation Act (EPCA), DOE considers impacts to manufacturers and consumers, as well as other factors, in determining whether a new or amended standard achieves the maximum improvement in energy efficiency that is technologically feasible and economically justified.	DOE continues to work with OMB during review of its energy conservation standards under Executive Order	

						12866/13563 to determine how best to assess and quantify the potential impact of energy conservation standards on consumer choice.	
DOE/EE		Negotiated Rulemaking for Commercial/Industrial Pumps	A working group was created by the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) on June 27, 2013, to negotiate a standard for commercial and industrial pumps. The first open meeting of the working group was held on December 18-19, 2013.	In progress	As required by the Energy Policy and Conservation Act (EPCA), DOE considers impacts to manufacturers and consumers, as well as other factors, in determining whether a new or amended standard achieves the maximum improvement in energy efficiency that is technologically feasible and economically justified. By initiating a negotiated rulemaking, DOE seeks to achieve a consensus standard that brings all interest groups together and achieves the appropriate balance between energy savings and feasibility.	The working group has developed standards for several classes of pumps. These standards have been submitted to the Appliance Standards and Rulemaking Advisory Committee (ASRAC) for their review. The ASRAC will then vote	

						whether to recommend that DOE propose the standards developed by the working group.	
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Information Collection Burden Reduction Activities

In addition to the information collection burden reduction initiatives identified below, the Department of Energy Office of the Chief Information Officer is also establishing a regular process of reviewing approved information collections to ensure DOE imposes only the minimum necessary paperwork burden on subject entities. This new initiative will focus on programs responsible for active collections with burden hours of 20,000 or more. An assessment of the program's regulatory reporting requirements will be conducted, focusing on: frequency of reporting, duplication of information collected, the number of reports, and possible revisions to streamline collection instruments. DOE estimates completing the assessment by December 2014. The estimate is expected to benefit State, local and tribal governments, universities, non-profit and for-profit companies, and may necessitate regulatory change.

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Department of Energy/Office of Management	1910-4100	Procurement Reporting and Record-keeping Burdens	DOE has initiated the use of asset management software to ease the reporting of property inventories required by the Department of Energy Acquisition Regulation (48 CFR 970.5245-1). The software will reduce burden hours on DOE contractors as it automates the inventory planning, reconciliation, and reporting.	This burden reduction initiative will be included in DOE's next submission for information collection 1910-1400.	This initiative is estimated to reduce the reporting burden by 225,166 hours for DOE property management and operating contractors.		
Department of Energy/Office of Efficiency and Renewable Energy	1910-5150	Energy Efficiency Conservation Block Grant Program	This program, established by the Energy Independence and Security Act of 2007 and funded by the American Recovery and Reinvestment Act, authorizes DOE to issue or award formula-based and competitive grants under the program to States, units of local government, and Indian tribes to create and implement strategies to: Reduce fossil fuel	In progress.	This initiative will reduce the reporting burden on state, local, and tribal government agencies by 77,344 hours and also reduce the cost burden on the federal government by \$ 40,680 per year.		

		<p>emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximize benefits for local and regional communities;</p> <p>Reduce the total energy use of the eligible entities; and</p> <p>Improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors.</p> <p>DOE is planning to reduce the frequency of reporting for grantees from quarterly to semi-annually, which would reduce the number of responses by 50 percent, from 12,504 to 6,252.</p>				
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DOE/EE	1904-AC70	Test Procedure Waiver Regulations	DOE is considering amendments to its waiver regulations at 10 CFR 430.27 and 10 CFR 431.401 to restore inadvertently deleted text and make other improvements to the process for manufacturers to petition for a waiver from the applicable DOE test procedure. DOE issued a proposed rule in December 2012 (77 FR 74616, Dec. 17, 2012) and is considering comments received on the proposal in developing any final revisions.	79 FR 26591 (May 9, 2014)	<p>In response to comments from stakeholders, DOE promulgated amendments to its regulations that allow manufacturers to petition for a waiver from the applicable DOE test procedure if their product or equipment cannot be tested under the DOE test procedure, or if testing under the DOE test procedure would evaluate the product or equipment in a manner unrepresentative of its true energy or water consumption.</p> <p>The cost savings of this rule are realized through the grant of the waiver authorizing an alternative test method appropriate for the product or equipment at issue. A waiver allows the manufacturer to demonstrate that the product or equipment meets the applicable energy conservation standard and can be distributed in commerce.</p>	This rule addresses comments received through the certification and enforcement process.	
DOE/EE	1904-AC46	Alternative Efficiency Determination Methods and Alternate Rating Methods rule	DOE revised its regulations on the use of alternatives to testing to certify compliance with applicable energy conservation standards and the reporting of related ratings for covered commercial and industrial equipment. These	Dec. 31, 2013 (78 FR 79579)	This rule is expected to reduce testing burden and eliminate as much as \$500 million dollars of testing costs. It is particularly significant as industry has suggested that testing under the current rule could take several years to complete and undermine their research and development efforts.	The final rule incorporates a consensus proposal agreed upon by the commercial HVAC and refrigeration equipment	

			<p>regulations arose from a negotiated rulemaking effort on issues regarding certification of commercial heating, ventilating, air-conditioning (HVAC), water heating (WH), and refrigeration equipment. In addition, DOE amended the compliance dates for the initial certification of commercial HVAC, WH, and refrigeration equipment. For details on the rulemaking process, please see http://www.regulations.gov/#!documentDetail;D=ERE-2011-BT-TP-0024-0089.</p>			negotiated rulemaking working group.	
DOE/EE	1904-AC04	Energy Conservation Standards for Distribution Transformers	DOE conducted a negotiated rulemaking to develop proposed standards for distribution transformers.	April 18, 2013 (78 FR 23335)	DOE was required by consent decree to publish amended standards for distribution transformers by February 1, 2012. DOE conducted a negotiated rulemaking to develop the proposed standards. DOE believes that the negotiated rulemaking process provided valuable information to DOE and led to energy conservation standards that	More information is available at http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/	

					minimize the burden on manufacturers and consumers of distribution transformers.	66	
DOE/GC	1990-AA34	National Environmental Policy Act Implementing Procedures	DOE finalized changes to its existing National Environmental Policy Act (NEPA) regulations. The changes, proposed primarily for the categorical exclusions provisions, are intended to better align DOE's categorical exclusions with current activities and recent experiences, and to update the provisions with respect to current technologies and regulatory requirements.	October 13, 2011 (76 FR 63764)	Changes made by this rulemaking are expected to save the taxpayers as much as \$100 million over ten years and provide greater transparency to the public as to the NEPA standards that DOE employs in analyzing particular technologies.	More information is available at http://energy.gov/nepa/office-nepa-policy-and-compliance .	
DOE/EE	1904-AC58	Test Procedure Compliance Date for Walk-In Coolers and Freezers and Metal Halide	DOE published a final rule to, among other things: (1) clarify the compliance date by which manufacturers must use portions of the test procedure published on April 15, 2011 when	October 21, 2011 (76 FR 65362)	In response to concerns raised by manufacturers, this rule clarifies when use of the amended test procedure is required to certify walk-in coolers and freezers. The rule also provides additional time before submission of certification reports is required metal halide lamp ballasts and fixtures.	The rule was issued in October 2011.	

		Ballasts and Fixtures	certifying walk-in coolers and walk-in freezers; and (2) adopt an extension to the compliance date for which manufacturers, including importers, need to certify compliance to the Department of metal halide lamp ballasts and fixtures.				
DOE-EE	N/A	DOE Showerhead Enforcement Guidance	DOE established water conservation standards for showerheads to implement the Energy Policy Conservation Act. DOE learned that some manufacturers had misinterpreted the definition of the types of showerheads affected by the rule and therefore were manufacturing products that were out of compliance. DOE provided a two year enforcement grace period for the water conservation standards for showerheads to allow manufacturers to sell any remaining non-compliant products and to	DOE issued the guidance on March 4, 2011, providing a 2 year enforcement grace period that ended on March 3, 2013.	Industry estimated a one-time \$400 million reduction in compliance costs to manufacturers due to the two year extension of the enforcement grace period.	Guidance is available at: http://www1.eere.energy.gov/buildings/appliance_standards/residential/pdfs/showerhead_guidance_3-4-2011.pdf	

			give manufacturers additional time to adjust their product designs to meet the 2.5 gpm standard.				
DOE/EE	1904-AC23	Energy Conservation Program: Certification, Compliance, and Enforcement for Consumer Products and Commercial and Industrial Equipment	DOE established an extension of compliance dates for some commercial products subject to final energy efficiency certification and enforcement rule. Commercial products affected include: commercial refrigeration equipment; commercial heating, ventilating, air-conditioning (HVAC) equipment; commercial water heating equipment; and automatic commercial ice makers. Manufacturers of these products and equipment were not required to certify until December 31, 2012.	June 30, 2011 (76 FR 38287)	The extension of the compliance dates is particularly significant as industry has suggested that testing under the current rule could take several years to complete and undermine their research and development efforts.	More information is available at http://www1.eere.energy.gov/buildings/appliance_standards/certification_enforcement.html .	

DOE/EE	1904-AC08	Test Procedure for Residential Clothes Washers	DOE published a final rule to amend the test procedure for clothes washers.	77 FR 13888 (Mar. 7, 2012)	In response to comments from interested parties, DOE amended the test procedures for clothes washers to, among other things, incorporate the most recent version of the applicable industry test method, provide a test method for large-capacity machines, and clarify the definition of “energy test cycle”.	DOE believes that the final test procedure will reduce manufacturer test burden by using the most recent industry test method, clarifying ambiguous provisions and providing a means to test large-capacity clothes washers. Previously, manufacturers of large-capacity units had to apply for a DOE waiver to test and market these machines.	
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DOE/EE	1910-5156	Utility Billing information collection request (ICR)	DOE reduced the number of responses for its utility billing ICR 608,424 to 60,629. Burden hours for this ICR were reduced from 312,500 to 29,998. The cost of the ICR was reduced from \$428,000 to \$37,000.	December 8, 2011	As a result in the reduction of responses for this ICR, burden hours for this ICR were reduced from 312,500 to 29,998. The cost of the ICR was also reduced from \$428,000 to \$37,000.	More information is available at reginfo.gov .	
DOE/EE	1904-AB90	Energy Conservation Standards for Residential Clothes Washers	DOE issued a direct final rule to establish amended energy conservation standards for residential clothes washers and, after the required 110-day comment period, confirmed adoption of the standards established direct final rule.	May 11, 2012 http://www1.eere.energy.gov/buildings/appliances/standards/pdfs/rcw_direct_final_rule_5_14_2012.pdf ; 77 FR 59719 (Oct. 1, 2012).	These standards were developed and submitted to DOE as a consensus agreement signed on behalf of all major manufacturers of these products, as well as energy advocates and consumer groups. DOE believes that the consensus agreement process will lead to standards that minimize manufacturer burden while reducing energy consumption and maintaining product quality for consumers.	DOE requested comment on the direct final rule for 110 days, as required by Energy Policy and Conservation Act (EPCA). DOE considered all comments received and published a notice on October 1, 2012 affirming the direct final rule.	

DOE/EE	1904-AC64	Energy Conservation Standards for Residential Dishwashers	DOE issued a direct final rule to establish amended energy conservation standards for residential dishwashers and, after the required 110-day comment period, confirmed adoption of the standards established direct final rule.	May 11, 2012 http://www1.eere.energy.gov/buildings/appliance_standards/pdfs/dw_direct_final_rule_5_14_2012.pdf ; 77 FR 59712 (Oct. 1, 2012).	These standards were developed and submitted to DOE as a consensus agreement signed on behalf of all major manufacturers of these products, as well as energy advocates and consumer groups. DOE believes that the consensus agreement process will lead to standards that minimize manufacturer burden while reducing energy consumption and maintaining product quality for consumers.	DOE requested comment on the direct final rule for 110-days, as required by EPCA. DOE considered all comments received and published a notice on October 1, 2012 affirming the direct final rule.	
Department of Energy/Office of Electricity Delivery and Energy Reliability	1910-5148	Reliability Survivability and Resiliency Project	The project focused on possible supply chain constraints and vulnerabilities of energy sector asset owners and operators. As a voluntary program, it required cooperation from participants. The sensitivity of the possible information and protection of that information were major concerns from the	The discontinuation of this program was expected in December 2012.	This initiative will eliminate the entire reporting burden of the collection on the energy sector, which is 30,000 hours.	The information collection was discontinued on December 18, 2012.	

			sector. Results of the pilot and the memorandum, “Reducing Reporting and Paperwork Burden” issued by OMB on June 22, 2012, were key elements in determining the need for a project assessment. This project was found to be non essential to the mission of this program and imposed unjustified burden on the public. As a result of these findings, the project is no longer required.				
DOE/EE	1904-AC60	Federal Building Standards Rule–Update–90.1-2010	EPCA, as amended, requires DOE to update the baseline Federal energy efficiency performance standards for the construction of new Federal buildings, including commercial and multi-family high-rise residential buildings. This action updates the baseline Federal commercial standard to the American Society of	78 FR 70945 (July 9, 2013)	This rule is intended to establish a baseline energy efficiency standard for the construction of new Federal buildings and result in corresponding energy savings and emissions reductions. The standards must contain energy efficiency measures that are technologically feasible, economically justified, and meet the energy efficiency levels in the applicable voluntary consensus energy codes specified in EPCA. DOE will consider all comments and information received from interested	78 FR 70945 (July 9, 2013)	

			Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2010.		parties in developing standards that meet these requirements.		
DOE/EE		Waiver of R-Value Door Requirement for Walk-in Cooler/ Freezer (WICF)	Pursuant to section 2 of the American Energy Manufacturing Technical Corrections Act, DOE waived the R-Value door requirement for a WCIF door that was shown to reduce energy consumption at least as much as the insulation requirement would.	Completed	DOE worked with a small business that otherwise might have been severely harmed by a rigid application of the existing statutory standard. Using a flexible approach facilitates innovation while still preserving DOE's mission of increasing energy efficiency and reducing overall demand.		Absent the waiver, the small business would no longer be permitted to manufacture the subject product. As a result of the waiver, the small business was able to retain over 100 employees. Additionally,

							similarly situated businesses could also take advantage of this opportunity for requesting regulatory relief.
DOE/EE	1904-AC63	Test Procedure for Residential Clothes Dryers	DOE issued a final rule containing amend test procedures for clothes dryers to measure the energy use/energy savings from automatic termination controls.	78 FR 49608 (Aug. 14, 2013)	In response to comments from stakeholders, DOE adopted a final rule that contains amended test procedures for clothes dryers to account for the energy use/energy savings from automatic termination controls.	This item addresses comments received during the clothes dryer test procedure rulemaking process.	