

fuels, natural gas, or electricity for periods of up to 12 months. In developing these plans, agencies shall consider the potential for emergency reductions in energy use in buildings and facilities which the agency owns, leases, or has under contract and by employees through increased use of car and van pooling, preferential parking for multi-passenger vehicles, and greater use of mass transit. Agencies may formulate whatever additional scenarios they consider necessary to plan for various energy emergencies.

(c) In general, Federal agencies' priorities shall go to those activities which directly support the agencies' primary missions. Secondary mission activities which must be curtailed or deferred will be reported to DOE as mission impacts. The description of mission impacts shall include estimates of the associated resources and time required to mitigate the effects of the reduction in energy. Other factors or assumptions to be used in energy conservation emergency planning are as follows:

(1) Agencies will be given 15-30 days notice to implement any given plan.

(2) Substitution of fuels in plentiful supply for fuels in short supply is authorized, if the substitution can be completed within a 3-month period and the cost is within the approval authority of the executive branch.

(3) All costs and increases in manpower or other resources associated with activities or projects to assuage mission impacts will be clearly defined in respective agency plans. One-time costs will be identified separately.

(4) Confronting the emergency situation will be considered a priority effort and all projects and increases in operating budgets within the approval authority of the executive branch will be expeditiously considered and approved if justified.

(d) Summary plans for agency-wide emergency conservation management shall be provided to DOE pursuant to § 436.102(b)(2)(vi). Such summaries shall include:

(1) Agency-wide impacts of energy reductions as determined in accordance with paragraph (b) of this section.

(2) Actions to be taken agency-wide to alleviate the energy shortfalls as they occur.

(3) An assessment of agency services or production that may need to be curtailed or limited after corrective actions have been taken.

(4) A summation of control and feedback mechanisms for managing an energy emergency situation.

**§ 436.106 Reporting requirements.**

(a) By July 1 of each year each Federal agency shall submit an "Annual Report on Energy Management" based on fiscal year data to the Secretary of DOE. The general operations portion of this report will encompass all agency energy use not reported in the buildings portion and shall include:

(1) A summary evaluation of progress toward the achievement of energy consumption, energy efficiency, and fuel switching goals established by the agency in its plans;

(2) Energy consumption reported by functional categories. Reports must include General Transportation and one or more of the following functional categories: industrial or production, services, operational training and readiness, and other. Agencies may report in subcategories of their own choosing. The following information is to be reported for the usage of each fuel type in physical units for each selected functional category:

- (i) Total energy consumption goal;
- (ii) Total energy consumed;
- (iii) Total energy use avoidance;
- (iv) Variance between actual consumption and consumption goal;
- (v) Cost saved;
- (vi) Status of planned investments, and if different from the investment program upon which existing goals are based, the expected impact on meeting goals; and
- (vii) Summary of any other benefits realized.

(3) The energy efficiencies as calculated in accordance with appendix B of this subpart, or by an equivalent method, for the appropriate functional categories identified in paragraph (a)(2) of this section. The following information is to be reported for the energy efficiency for each fuel type by functional category:

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(i) Energy efficiency goal;  
(ii) Efficiency for the reporting period;

(iii) Summary of any other benefits realized.

(4) A summary of fuel switching progress including:

(i) Description and cost of investments in fuel switching;

(ii) Avoidance in use of oil-based fuels and natural gas;

(iii) Increased use of solar, wood, gasohol and other renewable energy sources;

(iv) Increased use of coal and coal derivatives, and

(v) Use of all other alternative fuels.

(b) Each agency's annual report shall be developed in accordance with a format to be provided by DOE and will include agency revisions to 10-year plans.

(c) Agencies whose annual total energy consumption exceeds one hundred billion Btu's, shall, in addition to the annual report required under paragraph (a) of this section, submit quarterly reports of the energy usage information specified in paragraph (a)(2) of this section.

(d) Agencies who consume energy in operations in foreign countries will include data on foreign operations if foreign consumption is greater than 10% of that consumed by the agency in the United States, its territories and possessions. If an agency's estimated foreign consumption is less than 10% of its total domestic energy use, reporting of foreign consumption is optional. Reports should be annotated if foreign consumption is not included.

[45 FR 44561, July 1, 1980, as amended at 51 FR 4586, Feb. 6, 1986]

### § 436.107 Review of plan.

(a) Each plan or revision of a plan shall be submitted to DOE and DOE will evaluate the sufficiency of the plan in accordance with the requirements of this subpart. Written notification of the adequacy of the plan including a critique, will be made by DOE and sent to the agency submitting the plan or revision within 60 days of submission. Agencies shall be afforded an opportunity to modify and return the plan within an appropriate period of time for review by DOE.

(b) A general operations plan under the guidelines will be evaluated with respect to:

(1) Adequacy of information or plan content required to be included by § 436.102;

(2) Adequacy of goal setting methodology or baseline justification as stated in § 436.103;

(3) Adequacy of a well-justified investment program which considers all measures included in appendix C of this subpart; and

(4) Other factors as appropriate.

(c) After reviewing agency plans or revisions of plans, the Under Secretary of DOE, may submit to the "656" Committee for its recommendation, major problem areas or common deficiencies.

(d) Status of the plan review, the Under Secretary's decisions, and "656" Committee recommendations, will be published as appropriate in the DOE annual report to the President, titled "Energy Management in the Federal Government."

### § 436.108 Waivers.

(a) Any Federal agency may submit a written request to the Under Secretary for a waiver from the procedures and requirements of this subpart. The request for a waiver must identify the specific requirements and procedures of this subpart from which a waiver is sought and provide a detailed explanation, including appropriate information or documentation, as to why a waiver should be granted.

(b) A request for a waiver under this section must be submitted at least 60 days prior to the due date for the required submission.

(c) A written response to a request for a waiver will be issued by the Under Secretary no later than 30 days from receipt of the request. Such a response will either (1) grant the request with any conditions determined to be necessary to further the purposes of this subpart, (2) deny the request based on a determination that the reasons given in the request for a waiver do not establish a need that takes precedence over the furtherance of the purposes of this subpart, or (3) deny the request based on the failure to submit adequate information upon which to grant a waiver.