

with this section, this part, and other applicable DoD Directives or Instructions, for the implementation and operation of the TRICARE program overseas.

The benefit referred to in this Notice for TRICARE Prime enrollees is the HMO Benefit option, outlined in the TRICARE regulation, which incorporates the existing CHAMPUS benefit package, with potential additions of preventive services and a case management program to approve coverage of usually noncovered health care services (such as home health services) in special situations.

**EFFECTIVE DATE:** October 1, 1996.

**POINT OF CONTACT:** Carol Ortega, Chief, Special Projects and Policy Formulation, OASD(HA)(HSF Policy), (703) 697-8975.

Dated: September 24, 1996.

L. M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 96-24815 Filed 9-26-96; 8:45 am]

**BILLING CODE 5000-04-M**

## Department of the Navy

### Chief Of Naval Operations (CNO) Executive Panel; Closed Meeting

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel will meet October 11, 1996 from 1:45 p.m. to 2:45 p.m. in room 4E630, Pentagon, Washington, DC. This session will be closed to the public.

The purpose of this meeting is to conduct discussions on the Planning, Programming and Budgeting Process, Navy modernization strategies, resource allocation, and manpower issues. These matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and are, in fact, properly, classified pursuant to such Executive Order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

**FOR FURTHER INFORMATION:** Contact Janice Graham, Assistant for CNO Executive Panel Management, 4401 Ford Avenue, Suite 601, Alexandria, Virginia 22302-0268, telephone number (703) 681-6205.

Dated: September 18, 1996.

Donald E. Koenig,

*LCDR, JAGC, USN, Federal Register Liaison Officer.*

[FR Doc. 96-24762 Filed 9-26-96; 8:45 am]

**BILLING CODE 3810-FF-P**

## DEPARTMENT OF ENERGY

### Public Meetings on Electricity Restructuring

**AGENCY:** Office of Policy, U.S. Department of Energy.

**ACTION:** Notice of public meetings.

**SUMMARY:** The U.S. Department of Energy is announcing two public meetings to solicit input from affected constituencies before formulating the Department's recommendation respecting electric industry restructuring. Two additional meetings in proximity to the scheduled dates will be announced at a later date. Each meeting will focus on specific issue areas, however, participants will be allowed to address other topics pertaining to electric industry restructuring.

**DATES:** October 10, 1996: Sayreville, New Jersey; October 22, 1996: Santa Fe, New Mexico.

**INFORMATION HOTLINE:** (423) 576-3610.

Issued in Washington, D.C. September 23, 1996.

Marc Chupka,

*Acting Assistant Secretary for Policy and International Affairs.*

[FR Doc. 96-24734 Filed 9-25-96; 8:45 am]

**BILLING CODE 6450-01-P**

## Bonneville Power Administration

### Policy on Excess Federal Power

**AGENCY:** Bonneville Power Administration (Bonneville), Department of Energy (DOE).

**ACTION:** Notice.

**SUMMARY:** On March 29, 1996, BPA initiated a public process to develop a policy to implement the excess federal power marketing provisions of the Energy and Water Development Act of 1996, Pub. L. No. 104-46, § 508(a) and (b), 109 Stat. 402, (1995) (codified at 16 U.S.C. § 832m) (hereinafter "P.L. 104-46"). BPA published a proposed policy in the Federal Register for public review and received comment during a 60-day public comment period. BPA has considered all comments received and has finalized its policy to implement this new power marketing authority. The policy is published below.

A Record of Decision (ROD) regarding this policy has been prepared and explains the public process; the distinction between BPA's surplus power marketing under prior legislation and excess federal power marketing activities under P.L. 104-46; provides an overview and delineates BPA's final policy on excess federal power; responds to public comment; explains this action's compliance with the National Environmental Policy Act; and adopts a final policy on excess federal power.

The publication of this policy and execution of the ROD is a final action of the BPA Administrator under section 9(e) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), 16 U.S.C. § 839(e).

**ADDRESSES:** Copies of the ROD may be obtained by calling BPA's toll-free document request line: 1-800-622-4520.

**FOR FURTHER INFORMATION, CONTACT:** David J. Armstrong—MPF, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208-3621, phone number (503) 230-3658, fax number (503) 230-7568.

## Policy on Excess Federal Power

### I. Definitions

A. *Firm Contractual Obligations:* are those Bonneville sales or other dispositions of power entered into under and governed by sections 5(b) and 5(d) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), 16 U.S.C. 839c(b) and 839c(d). Such sales include the firm requirements power sales in the Pacific Northwest region to Bonneville's actual and planned computed requirements customers, metered requirements customers, direct-service industrial customers and investor-owned utility customers.

B. *Delayed-Delivery Contracts:* are contracts by Bonneville for the sale or disposition of power which provide for actual delivery of power to begin at some time after the effective date of the contract.

C. *Surplus Power:* shall have the same meaning as electric power which is surplus under section 5(f) of the Northwest Power Act. 16 U.S.C. 839c(f).

### II. Determination of Excess Federal Power

A. *Reductions in Contractual Obligations under Sections 5(b) and 5(d) of the Northwest Power Act:*

1. As of January 1, 1995, BPA's Firm Contractual Obligations equaled 8298 average megawatts (aMW). This number

will be the baseline for comparing reductions in such obligations to determine annual amounts of excess federal power. This is a fixed number that will not change.

2. To determine the energy component of excess federal power, each year Bonneville will prepare a current forecast, in average megawatts, of Firm Contractual Obligations based upon its then-current contracts. In order to allow for sales or dispositions of excess federal power under Delayed-Delivery Contracts with delivery terms of up to 7 years, Bonneville will produce a 10-year annual average energy (average megawatts) forecast of its then-current Firm Contractual Obligations. For each year of the forecast period, the excess federal power in firm energy from reductions in Firm Contractual Obligations will equal the difference between the forecasted Firm Contractual Obligations and 8298 aMW.

3. Bonneville will calculate an amount of excess peaking capacity (megawatts) associated with reductions and increases in its then-current Firm Contractual Obligations by calculating an average annual load factor based on all of its forecasted Firm Contractual Obligations. This load factor will be applied to the result of the calculation in section (2) above to determine an amount of excess capacity.

*B. Operations of the Federal Columbia River Power System Primarily for the Benefit of Fish and Wildlife:* The amount of excess federal power resulting from operations of the Federal Columbia River Power System primarily for the benefit of fish and wildlife is 129 average megawatts annually. The amount of excess peaking capacity associated with these operations is 129 megawatts. This is a fixed number that will not change unless there is a need to modify the number as determined by Bonneville.

*C. Net Excess Federal Power:* The sum of the results of the calculation in (2) above (the Reductions in Bonneville's sections 5(b) and 5(d) contractual obligations) and, unless modified, 129 aMW will be reduced by the amount of then-current sales or other dispositions of excess federal power to determine the net amount available for marketing in each year of the forecast period. Bonneville will determine this amount annually.

*D. Process:* The results of the preceding determinations will be included in an annual notification to Bonneville's then-existing regional customers, and at Bonneville's discretion, non-regional customers, of Bonneville's intent to market excess federal power. Bonneville may also

include in this annual notification the amount of Surplus Power available for disposition.

### *III. Sales of Excess Federal Power in Any Region*

A. Bonneville will, at its discretion, sell or otherwise dispose of excess federal power in any region consistent with its authority to market federal power under its authorizing legislation, including section 508 of the 1996 Energy and Water Development Appropriations Act (P.L. 104-46). The actual amount of power sold or otherwise disposed of as excess federal power will not exceed and may be less than the amount of Surplus Power projected to be available based upon Bonneville's then-current load/resource planning and the amount of excess federal power Bonneville determines to be available consistent with section II above.

B. Sales or other dispositions of excess federal power shall not be subject to the second sentence of section 5(a) of the Bonneville Project Act, 16 U.S.C. 832d(a).

C. Bonneville will annually notify then-existing regional customers, and at its discretion, non-regional customers, of the amount of excess federal power resulting from the determinations in section II above. This notification will also contain the range of rates, terms and conditions within which Bonneville will market available power and may contain the amount of Surplus Power determined by Bonneville to be available for marketing. This notice will be an invitation to contract for the sale or other disposition of power consistent with the range of terms and conditions contained in the notice. Regional customers will have 30 days from the date of this notification to contact Bonneville with a request to purchase power consistent with the notice in order to have preference and priority to purchase the power. Upon such a request, Bonneville will enter into good faith negotiations for the sale or other disposition of power with the regional customer consistent with the general rate, terms and conditions contained in the notice. Upon conclusion of the negotiations, Bonneville will offer the power to the regional customer. If Bonneville receives competing requests to purchase excess federal power, Bonneville will proceed to negotiate sales consistent with public preference and then preference under section 508 of P.L. 104-46. Within each class of customer, Bonneville will negotiate and offer to sell, based upon the time of receipt of the request.

D. On a case by case basis, Bonneville will average the net amount of available excess federal power in each year of a proposed sale or other disposition to determine whether the amount of excess federal power is sufficient for a multi-year transaction.

E. All contracts for the sale or other disposition of excess federal power will be binding in accordance with their terms for the duration of the contract and will be firm obligations of the Administrator.

### *IV. Sales or Other Dispositions of Excess Federal Power to Purchasers Outside the Pacific Northwest Region*

A. Bonneville will, at its discretion, sell or otherwise dispose of excess federal power, to purchasers outside the region for delivery terms of up to 7 years as permitted by section 508(b) of P.L. 104-46. Such transactions may be renewed subject to the availability of excess federal power. Prior to executing a renewal of one or more years, Bonneville will notify regional customers of the proposed renewal, consistent with the notice procedures for long-term transactions in subsection IV(C) below.

B. Sales or other dispositions of excess federal power to purchasers outside the region will not be subject to section 2, subsections (a), (b), and (c) of section 3, and section 7 of the Act of August 31, 1964, 16 U.S.C. 837a, 837b(a), (b) and (c), and 837f (the Northwest Preference Act), and section 9(c) of the Northwest Power Act, 16 U.S.C. 839f(c).

*C. Long-term Sales or Other Dispositions of Excess Federal Power To Purchasers Outside the Pacific Northwest:* For proposed sales or other dispositions of excess federal power to purchasers outside the region for a period of one or more years, Bonneville will notify then-existing regional customers of the proposed transactions. This notice will contain information on the essential rate, terms and conditions of the proposed out-of-region transaction as determined by Bonneville. Regional customers interested in purchasing the power under the rate, terms and conditions contained in the notice will have up to 30 days and no less than five days, as determined by Bonneville, to request a purchase. Upon a request to purchase, Bonneville will offer the power to the regional customer under the identical rate, terms and conditions in the notice, except those terms and conditions that clearly do not apply to the particular purchaser (such as points of delivery). This offer will remain open for five days.

*D. Short-term Sales or Other Dispositions of Excess Federal Power To Purchasers Outside the Pacific Northwest:*

1. *Primary Notice:* For proposed sales or other dispositions of excess federal power to purchasers outside the region for a period of less than one year, the annual notification in section III(C) above will be the primary notification.

2. *Additional Notice:* As determined by Bonneville and as warranted in Bonneville's opinion by system or market conditions, Bonneville will issue additional notices of available excess federal power which will contain the same type of information as in the annual notice. Regional customers interested in purchasing this power will have 5 days or less, depending upon the effective delivery date and the duration of the short-term sale or other disposition, within which to contact Bonneville may provide such notices in its daily prescheduling conferences with customers.

*Policy on Sales of Excess Federal Power Outside the Pacific Northwest Region to Retail Customers*

In marketing excess Federal power outside the Pacific Northwest, Bonneville does not intend to use its status as a Federal agency as a basis for seeking to shield retail sales to non-Federal entities from restrictions, terms and conditions of State law concerning access to retail markets. Moreover, Bonneville intends to defer to State policies concerning access to retail markets with respect to any dispositions of excess Federal power to Federal end users unless an exception is made by the Secretary of Energy in a specific circumstance. Consequently, Bonneville adopts the following policy:

*A. Retail Sales to non-Federal Customers:* Bonneville will not make direct retail sales of excess Federal power outside the Pacific Northwest to non-Federal customers unless the purchaser obtains any third-party transmission or distribution services needed to effect delivery of such power to the purchaser. As a matter of law, the purchaser's acquisition of such transmission or distribution services would be subject to any terms and conditions of service established under applicable State and Federal law (including rules and orders thereunder).

*B. Dispositions to Federal End Users:* The policy under subsection (a) will guide dispositions of excess Federal power to Federal end users outside the Pacific Northwest unless the Secretary of Energy determines on a case-by-case basis that the interests of the United States otherwise require.

Issued in Portland, OR on September 19, 1996.

Randall W. Hardy,  
*Administrator and Chief Executive Officer.*  
[FR Doc. 96-24807 Filed 9-26-96; 8:45 am]  
BILLING CODE 6450-01-P

**Office of Energy Efficiency and Renewable Energy**

[Case No. F-086]

**Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Furnace Test Procedure to Bard Manufacturing Company**

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Decision and order.

**SUMMARY:** Notice is given of the Decision and Order (Case No. F-086) granting a Waiver to Bard Manufacturing Company (Bard) from the existing Department of Energy (DOE or Department) test procedure for furnaces. The Department is granting Bard's Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its TU and TDU series furnaces.

**FOR FURTHER INFORMATION CONTACT:**

Cyrus H. Nasseri, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0121, (202) 586-9138

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0103, (202) 586-9507.

**SUPPLEMENTARY INFORMATION:** In accordance with 10 CFR 430.27(j), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Bard has been granted a Waiver for its TU and TDH series furnaces permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, on September 19, 1996.

Christine A. Ervin,  
*Assistant Secretary, Energy Efficiency and Renewable Energy.*

**Decision and Order**

**Background**

The Energy Conservation Program for Consumer Products (other than

automobiles) was established pursuant to the Energy Policy and Conservation Act, Public Law 94-163, 89 Stat. 917, as amended (EPCA), which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

Bard filed a "Petition for Waiver," dated April 4, 1996, in accordance with section 430.27 of 10 CFR Part 430. The Department published in the Federal Register on June 25, 1996, Bard's Petition and solicited comments, data and information respecting the Petition. 61 FR 32790, June 25, 1996. Bard also filed an "Application for Interim Waiver" under section 430.27(b)(2), which DOE granted on June 13, 1996. 61 FR 32790, June 25, 1996.

No comments were received concerning either the "Petition for Waiver" or the "Application for Interim Waiver." The Department consulted with The Federal Trade Commission (FTC) concerning the Bard Petition. The FTC did not have any objections to the issuance of the waiver to Bard.

**Assertions and Determinations**

Bard's Petition seeks a waiver from the DOE test provisions that require a