

(Pub. L. 95-617, title I, § 133, Nov. 9, 1978, 92 Stat. 3132.)

## REFERENCES IN TEXT

The Energy Supply and Environmental Coordination Act of 1974, referred to in subsec. (d), is Pub. L. 93-319, June 22, 1974, 88 Stat. 246, as amended, which is classified principally to chapter 16C (§791 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 791 of Title 15 and Tables.

**§ 2644. Relationship to other authority**

Nothing in this chapter shall be construed to limit or affect any authority of the Secretary or the Commission under any other provision of law.

(Pub. L. 95-617, title I, § 134, Nov. 9, 1978, 92 Stat. 3133.)

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this title", meaning title I (§101 et seq.) of Pub. L. 95-617, Nov. 9, 1978, 92 Stat. 3120, which enacted subchapters I to IV of this chapter and section 6808 of Title 42, The Public Health and Welfare, and amended sections 6802 to 6807 of Title 42. For complete classification of title I to the Code, see Tables.

**§ 2645. Utility regulatory institute****(a) Matching grants**

The Secretary may make grants under this section to an institute established by the National Association of Regulatory Utility Commissioners to enable such institute to—

- (1) conduct research on electric and gas utility regulatory policy issues,
- (2) develop data processing and retrieval methods for electric and gas utility rate-making, and
- (3) perform other functions directly related to assisting State regulatory authorities in carrying out their functions under State law and this Act.

**(b) Federal share**

Grants under this section shall not be used to provide more than the following percentages of the cost to the institute of carrying out the activities specified in subsection (a) of this section:

- (1) 80 percent for the fiscal year 1979; and
- (2) 60 percent for the fiscal year 1980.

The remaining amounts expended by the institute may not be provided from Federal sources.

**(c) Restrictions**

Grants under this section may not be made subject to terms and conditions other than those the Secretary deems necessary for purposes of administering this section and for purposes of assuring that—

- (1) all information gathered by the institute is available to the Secretary, the Commission, and the public, and
- (2) no portion of any such grant is used to support or oppose any legislative proposal except by means of testimony by representatives of the institute provided by invitation to a committee of Congress or of a State legislature.

**(d) Authorization of appropriations**

There is authorized to be appropriated not more than \$2,000,000 for each of the fiscal years 1979 and 1980 for purposes of making grants under this section. No amounts may be appropriated for any fiscal year after the fiscal year 1980 to carry out the purposes of this section without a specific authorization of Congress.

(Pub. L. 95-617, title VI, § 603, Nov. 9, 1978, 92 Stat. 3165.)

## REFERENCES IN TEXT

This Act, referred to in subsec. (a)(3), is Pub. L. 95-617, Nov. 9, 1978, 92 Stat. 3117, as amended, known as the Public Utility Regulatory Policies Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of this title and Tables.

## CODIFICATION

This section was not enacted as part of title I of Pub. L. 95-617 which comprises this chapter.

**CHAPTER 47—SMALL HYDROELECTRIC POWER PROJECTS**

Sec. 2701.	Establishment of program.
2702.	Loans for feasibility studies.
2703.	Loans for project costs.
2704.	Loan rates and repayment.
2705.	Simplified and expeditious licensing procedures.
2706.	New impoundments.
2707.	Authorizations.
2708.	Definitions.

**§ 2701. Establishment of program**

The Secretary shall establish a program in accordance with this chapter to encourage municipalities, electric cooperatives, industrial development agencies, nonprofit organizations, and other persons to undertake the development of small hydroelectric power projects in connection with existing dams which are not being used to generate electric power.

(Pub. L. 95-617, title IV, § 401, Nov. 9, 1978, 92 Stat. 3154.)

## REFERENCES IN TEXT

The Secretary, referred to in text, means the Secretary of Energy, see section 2602(14) of this title.

## PROMULGATION OF IMPLEMENTING RULES AND REGULATIONS

Pub. L. 96-294, title IV, § 408(d), June 30, 1980, 94 Stat. 718, provided that: "The Secretary shall take such action as may be necessary to assure the establishment, as soon as possible after the date of the enactment of this Act [June 30, 1980] (and in any event within six months after such date in the case of the amendments made by subsections (a) and (c) of this section and in the case of the loan program under section 403 of the Public Utility Regulatory Policies Act of 1978) [amending section 2708 of the title, and section 2703 of this title respectively], of such rules and regulations as may be necessary to fully implement his responsibilities under title IV of the Public Utility Regulatory Policies Act of 1978 [this subchapter] and the amendments thereto made by this section [amending sections 2705 and 2708 of this title]".

**§ 2702. Loans for feasibility studies****(a) Loan authority**

The Secretary, after consultation with the Commission, is authorized to make a loan to

any municipality, electric cooperative, industrial development agency, nonprofit organization, or other person to assist such person in defraying up to 90 percent of the costs of—

(1) studies to determine the feasibility of undertaking a small hydroelectric power project at an existing dam or dams and

(2) preparing any application for a necessary license or other Federal, State, and local approval respecting such a project at an existing dam or dams and of participating in any administrative proceeding regarding any such application.

#### (b) Cancellation

The Secretary may cancel the unpaid balance and any accrued interest on any loan granted pursuant to this section if he determines on the basis of the study that the small hydroelectric power project would not be technically or economically feasible.

(Pub. L. 95-617, title IV, §402, Nov. 9, 1978, 92 Stat. 3154.)

#### REFERENCES IN TEXT

The Secretary, referred to in text, and the Commission, referred to in subsec. (a), mean the Secretary of Energy and the Federal Energy Regulatory Commission, respectively, see section 2602(3), (14) of this title.

### § 2703. Loans for project costs

#### (a) Authority

The Secretary is authorized to make loans to any municipality, electric cooperative, industrial development agency, nonprofit organization, or other person of up to 75 percent of the project costs of a small hydroelectric power project. No such loan may be made unless the Secretary finds that—

(1) the project will be constructed in connection with an existing dam or dams,

(2) all licenses and other required Federal, State, and local approvals necessary for construction of the project have been issued,

(3) the project will have no significant adverse environmental effects, including significant adverse effects on fish and wildlife, on recreational use of water, and on stream flow, and

(4) the project will not have a significant adverse effect on any other use of the water used by such project.

The Secretary may make a commitment to make a loan under this subsection to an applicant who has not met the requirements of paragraph (2), pending compliance by such applicant with such requirements. Such commitment shall be for period<sup>1</sup> of not to exceed 3 years unless the Secretary, in consultation with the Commission, extends such period for good cause shown. Notwithstanding any such commitment, no such loan shall be made before such person has complied with such requirements.

#### (b) Preference

The Secretary shall give preference to applicants under this section who do not have available alternative financing which the Secretary

<sup>1</sup> So in original. Probably should be “for a period”.

deems appropriate to carry out the project and whose projects will provide useful information as to the technical and economic feasibility of—

(1) the generation of electric energy by such projects, and

(2) the use of energy produced by such projects.

#### (c) Information

Every applicant for a license for a small hydroelectric power project receiving loans pursuant to this section shall furnish the Secretary with such information as the Secretary may require regarding equipment and services proposed to be used in the design, construction, and operation of such project. The Secretary shall have the right to forbid the use in such project of any equipment or services he finds inappropriate for such project by reason of cost, performance, or failure to carry out the purposes of this section. The Secretary shall make information which he obtains under this subsection available to the public, other than information described as entitled to confidentiality under section 796(d) of title 15.

#### (d) Joint participation

In making loans for small hydroelectric power projects under this section, the Secretary shall encourage joint participation, to the extent permitted by law, by applicants eligible to receive loans under this section with respect to the same project.

(Pub. L. 95-617, title IV, §403, Nov. 9, 1978, 92 Stat. 3155.)

#### REFERENCES IN TEXT

The Secretary, referred to in text, and the Commission, referred to in subsec. (a), mean the Secretary of Energy and the Federal Energy Regulatory Commission, respectively, see section 2602(3), (14) of this title.

### § 2704. Loan rates and repayment

#### (a) Interest

Each loan made pursuant to this chapter shall bear interest at the discount or interest rate used at the time the loan is made for water resources planning projects under section 1962d-17 of title 42. Each such loan shall be for such term, as the Secretary deems appropriate, but not in excess of—

(1) 10 years (in the case of a loan under section 2702 of this title) or

(2) 30 years (in the case of a loan under section 2703 of this title).

#### (b) Repayments

Amounts repaid on loans made pursuant to this chapter shall be deposited into the United States Treasury as miscellaneous receipts.

(Pub. L. 95-617, title IV, §404, Nov. 9, 1978, 92 Stat. 3155.)

#### REFERENCES IN TEXT

In subsec. (a), “section 1962d-17 of title 42” was in the original “section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962-17(a))”.

The Secretary, referred to in subsec. (a), means the Secretary of Energy, see section 2602(14) of this title.