

REFERENCES IN TEXT

The effective date of this chapter, referred to in text, is the effective date of Pub. L. 95-620. See section 901 of Pub. L. 95-620, set out as an Effective Date note under section 8301 of this title.

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 95-620, Nov. 9, 1978, 92 Stat. 3289, known as the Powerplant and Industrial Fuel Use Act of 1978, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 8301 of this title and Tables.

§ 8473. Environmental impact statements under section 4332 of this title

The following actions are not deemed to be major Federal actions for purposes of section 4332(2)(C) of this title:

(1) the grant or denial of any temporary exemption under this chapter for any electric powerplant;

(2) the grant or denial of any permanent exemption under this chapter for any existing electric powerplant, other than an exemption—

(A) under section 8352(c) of this title, relating to cogeneration;

(B) Repealed. Pub. L. 100-42, §1(c)(24)(B), May 21, 1987, 101 Stat. 314;

(C) under section 8352(b) of this title, relating to certain State or local requirements;

(D) under section 8352(g) of this title, relating to certain intermediate load powerplants; and

(3) the grant or denial of any exemption under this chapter for any powerplant for which the Secretary finds, in consultation with the appropriate Federal agency, and publishes such finding that an environmental impact statement is required in connection with another Federal action and such statement will be prepared by such agency and will reflect the exemption adequately.

Except as provided in the preceding provisions of this section, any determination of what constitutes or does not constitute a major Federal action shall be made under section 4332 of this title.

(Pub. L. 95-620, title VII, §763, Nov. 9, 1978, 92 Stat. 3346; Pub. L. 100-42, §1(c)(24), May 21, 1987, 101 Stat. 314.)

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AMENDMENTS

1987—Par. (1). Pub. L. 100-42, §1(c)(24)(A), struck out “or major fuel-burning installation” after “powerplant”.

Par. (2). Pub. L. 100-42, §1(c)(24), struck out “or major fuel-burning installation” after “powerplant” and struck out subpar. (B) which read as follows: “under section 8352(l) of this title, relating to scheduled equipment outages;”.

Par. (3). Pub. L. 100-42, §1(c)(24)(A), struck out “or major fuel-burning installation” after “powerplant”.

SUBCHAPTER VIII—MISCELLANEOUS PROVISIONS

§ 8481. Repealed. Pub. L. 100-42, § 1(a)(7), May 21, 1987, 101 Stat. 310

Section, Pub. L. 95-620, title VIII, §801, Nov. 9, 1978, 92 Stat. 3346, required annual disclosure of extent, characteristics, and productive capacity of coal reserves, and of interests held therein, with discretionary exception for small reserves, and publication of such information by Secretary.

§ 8482. Repealed. Pub. L. 104-66, title I, § 1051(e), Dec. 21, 1995, 109 Stat. 716

Section, Pub. L. 95-620, title VIII, §806, Nov. 9, 1978, 92 Stat. 3348, directed Secretary of Energy to submit annual report to Congress on actions already taken and actions to be taken under this chapter and under section 792 of title 15.

§ 8483. Submission of reports

Copies of any report required by this chapter to be submitted to the Congress shall be separately submitted to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(Pub. L. 95-620, title VIII, §807, Nov. 9, 1978, 92 Stat. 3348.)

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CHANGE OF NAME

Committee on Interstate and Foreign Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives immediately prior to noon on Jan. 3, 1981, by House Resolution No. 549, Ninety-sixth Congress, Mar. 25, 1980. Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred to Committee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

§ 8484. Electric utility conservation plan

(a) Applicability

An electric utility is subject to this subsection¹ if—

(1) the utility owns or operates any existing electric powerplant in which natural gas was used as a primary energy source at any time during the 1-year period ending on August 13, 1981, and

(2) the utility plans to use natural gas as a primary energy source in any electric powerplant.

¹ So in original. Probably should be “section”.

(b) Submission and approval of plan

The Secretary shall require each electric utility subject to this section to—

- (1) submit, within 1 year after August 13, 1981, and have approved by the Secretary, a conservation plan which meets the requirements of subsection (c); and
- (2) implement such plan during the 5-year period beginning on the date of the initial approval of such plan.

(c) Contents of plan

(1) Any conservation plan under this section shall set forth means determined by the utility to achieve conservation of electric energy not later than the 5th year after its initial approval at a level, measured on an annual basis, at least equal to 10 percent of the electric energy output of that utility during the most recent 4 calendar quarters ending prior to August 13, 1981, which is attributable to natural gas.

(2) The conservation plan shall include—

- (A) all activities required for such utility by part 1 of title II of the National Energy Conservation Policy Act [42 U.S.C. 8211 et seq.];
- (B) an effective public information program for conservation; and
- (C) such other measures as the utility may consider appropriate.

(3) Any such plan may set forth a program for the use of renewable energy sources (other than hydroelectric power).

(4) Any such plan shall contain procedures to permit the amounts expended by such utility in developing and implementing the plan to be recovered in a manner specified by the appropriate State regulatory authority (or by the utility in the case of a nonregulated utility).

(d) Plan approval

(1) The Secretary shall, by order, approve or disapprove any conservation plan proposed under this subsection¹ by an electric utility within 120 days after its submission. The Secretary shall approve any such proposed plan unless the Secretary finds that such plan does not meet the requirements of subsection (c) and states in writing the reasons therefor.

(2) In the event the Secretary disapproves under paragraph (1) the plan originally submitted, the Secretary shall provide a reasonable period of time for resubmission.

(3) An electric utility may amend any approved plan, except that the plan as amended shall be subject to approval in accordance with paragraph (1).

(Pub. L. 95-620, title VIII, §808, as added Pub. L. 97-35, title X, §1023(a), Aug. 13, 1981, 95 Stat. 616.)

REFERENCES IN TEXT

The National Energy Conservation Policy Act, referred to in subsec. (c)(2)(A), is Pub. L. 95-619, Nov. 9, 1978, 92 Stat. 3208, as amended. Part 1 of title II of the National Energy Conservation Policy Act was classified generally to part A (§8211 et seq.) of subchapter II of chapter 91 of this title, and was omitted from the Code pursuant to section 8229 of this title which terminated authority under that part June 30, 1989. For complete classification of this Act to the Code, see Short Title note set out under section 8201 of this title and Tables.

EFFECTIVE DATE

Section effective Aug. 13, 1981, see section 1038 of Pub. L. 97-35, set out as an Effective Date of 1981 Amendment note under section 6240 of this title.

CHAPTER 93—EMERGENCY ENERGY CONSERVATION

- Sec. 8501. Congressional findings and purposes.
- 8502. Definitions.

SUBCHAPTER I—EMERGENCY ENERGY CONSERVATION PROGRAM

- 8511. National and State emergency conservation targets.
- 8512. State emergency conservation plan.
- 8513. Standby Federal conservation plan.
- 8514. Judicial review.
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SUBCHAPTER II—OTHER AUTOMOBILE FUEL PURCHASE MEASURES

- 8521. Minimum automobile fuel purchase measures.
- 8522. Out-of-State vehicles to be exempted from odd-even motor fuel purchase restrictions.

SUBCHAPTER III—STUDIES

- 8531. Study and report.
- 8532. Middle distillate monitoring program.

SUBCHAPTER IV—ADMINISTRATIVE PROVISIONS

- 8541. Administration.

§ 8501. Congressional findings and purposes

(a) Findings

The Congress finds that—

- (1) serious disruptions have recently occurred in the gasoline and diesel fuel markets of the United States;
- (2) it is likely that such disruptions will recur;
- (3) interstate commerce is significantly affected by those market disruptions;
- (4) an urgent need exists to provide for emergency conservation and other measures with respect to gasoline, diesel fuel, home heating oil, and other energy sources in potentially short supply in order to cope with market disruptions and protect interstate commerce; and
- (5) up-to-date and reliable information concerning the supply and demand of gasoline, diesel fuel, and other related data is not available to the President, the Congress, or the public.

(b) Purposes

The purposes of this chapter are to—

- (1) provide a means for the Federal Government, States, and units of local government to establish emergency conservation measures with respect to gasoline, diesel fuel, home heating oil, and other energy sources which may be in short supply;
- (2) establish other emergency measures to alleviate disruptions in gasoline and diesel fuel markets;
- (3) obtain data concerning such fuels; and
- (4) protect interstate commerce.

(Pub. L. 96-102, title II, §201, Nov. 5, 1979, 93 Stat. 757.)

EFFECTIVE DATE

Pub. L. 96-102, title III, §302, Nov. 5, 1979, 93 Stat. 770, provided that: "The amendments made by this Act [en-