

In the House of Representatives, U. S.,

October 7, 1994.

Resolved, That the bill from the Senate (S. 2384) entitled “An Act to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert:

1 ***SECTION 1. EXTENSIONS OF DEADLINES FOR HYDRO-***
2 ***POWER PROJECTS.***

3 *(a) IN GENERAL.—Notwithstanding the time limita-*
4 *tions of section 13 of the Federal Power Act (16 U.S.C.*
5 *806), the Federal Energy Regulatory Commission, upon the*
6 *request of the licensees for FERC Projects No. 3701, 3943,*
7 *3944, 4204, 4474, 4660, 4659, 4797, 6901, 6902, 9423, and*
8 *10228 (and after reasonable notice), is authorized, in ac-*
9 *cordance with the good faith, due diligence, and public in-*
10 *terest requirements of such section 13 and the Commission’s*
11 *procedures under such section, to extend the time required*
12 *for commencement of construction for each such project for*
13 *a maximum of 2 years. This section shall take effect for*
14 *each such project upon the expiration of the extension (is-*
15 *sued by the Commission under such section 13 or by Act*

1 of Congress) of the period required for commencement of
2 construction of such project.

3 (b) *TERMINATION.*—The authorization for issuing ex-
4 tensions under this section shall terminate 3 years after the
5 date of enactment of this section. To facilitate requests for
6 extensions, the Commission may consolidate the requests.
7 The Commission shall, in the case of any project referenced
8 in subsection (a) that has had more than 2 extensions under
9 the Federal Power Act or any other provision of law, shall
10 examine and, at the time of granting extensions under this
11 Act, report to the Congress the reasons for delay in construc-
12 tion by each licensee and the Commission's views on the
13 ability of the licensee to comply with the construction re-
14 quirements of the Federal Power Act before the end of such
15 extension.

16 **SEC. 2. REINSTATEMENT.**

17 (a) *IN GENERAL.*—The Federal Energy Regulatory
18 Commission authorized and directed to reinstate effective
19 May 23, 1993, in accordance with the good faith, due dili-
20 gence, and public interest requirements of section 13 of the
21 Federal Power Act (16 U.S.C. 806) and the Commission's
22 procedures under such section, the hydroelectric license pre-
23 viously issued for Project No. 7829. Commencement of con-
24 struction within the meaning of section 13 of the Federal
25 Power Act shall commence within 4 years of such date.

1 (b) *TERMINATION.*—*The authorization under this sec-*
 2 *tion shall terminate 3 years after the date of enactment of*
 3 *this section.*

4 ***SEC. 3. EXEMPTION OF PORTION OF EL VADO HYDRO-***
 5 ***ELECTRIC PROJECT FROM LICENSING RE-***
 6 ***QUIREMENT OF PART I OF THE FEDERAL***
 7 ***POWER ACT.***

8 (a) *EXEMPTION.*—*The Federal Energy Regulatory*
 9 *Commission shall provide that the 69 KV transmission line,*
 10 *including the right-of-way, which originates in the switch-*
 11 *yard of the El Vado Hydroelectric Project, New Mexico*
 12 *(FERC project numbered 5226) and extends north to the*
 13 *Spills Switching Station operated by the Northern Rio*
 14 *Arriba Electric Cooperative, Inc. (“NORA”), located in Rio*
 15 *Arriba County, New Mexico may be exempt for the term*
 16 *of the applicable license from so much of part I of the Fed-*
 17 *eral Power Act as the Commission deems necessary to per-*
 18 *mit NORA to effectively and prudently utilize its system*
 19 *in conjunction with, and in furtherance of, the license un-*
 20 *less the Commission finds after reasonable notice that such*
 21 *exemption is not in the public interest. The Commission*
 22 *shall initiate this action upon application of the licensee*
 23 *made within 120 days after the enactment of this Act, and*
 24 *the Commission shall provide such exemption without*
 25 *delay.*

1 **SEC. 4. CERTAIN PROJECTS UNDER THE FEDERAL POWER**
2 **ACT IN ALASKA.**

3 (a) *AMENDMENT TO SECTION 2407(a).*—Section
4 *2407(a) of the Energy Policy Act of 1992 is amended by*
5 *striking “may” and inserting “shall, in the case of the*
6 *projects referenced in paragraphs (1) and (3) of this sub-*
7 *section and may, in the case of the project in paragraph*
8 *(2) of this subsection.”.*

9 (b) *AMENDMENT TO SECTION 2407(f).*—Section
10 *2407(f) of such Act is amended by adding the following new*
11 *sentence at the end thereof: “The Commission shall, on its*
12 *own motion, provide such exemption at any time after the*
13 *enactment of this sentence, taking into consideration any*
14 *application filed with the Commission prior to such enact-*
15 *ment. The Commission shall report to the Congress the ac-*
16 *tions taken under this section and if the Commission fails*
17 *to grant any such exemption in paragraphs (1) and (3)*
18 *of subsection (a), shall explain the reasons for such failure.”.*

19 **SEC. 5. HAWAII LEGISLATIVE REPORT.**

20 *The Federal Energy Regulatory Commission, taking*
21 *into consideration the Commission’s Study, April 13, 1994,*
22 *of Hydroelectric Licensing in the State of Hawaii, shall ini-*
23 *tiate a proceeding for the purpose of making recommenda-*
24 *tions to the Congress in the first session of the 104th Con-*
25 *gress for legislation to provide for the transfer to the State*
26 *of Hawaii of all or part of the Commission’s authority*

1 *under the Federal Power Act for the licensing of new hydro-*
2 *electric projects in the State of Hawaii without affecting*
3 *the applicability of other Federal environmental laws and*
4 *regulations to such projects, without transferring such au-*
5 *thority to the State in the case of any such projects that*
6 *could conflict with the management and operation of any*
7 *National Wildlife Refuge or National Park in Hawaii, and*
8 *without, to the greatest extent possible, establishing a prece-*
9 *dent with respect to other States, Guam, the Virgin Islands,*
10 *and the Commonwealth of Puerto Rico. The Commission*
11 *shall obtain the views of the State of Hawaii and other Fed-*
12 *eral environmental agencies on any proposed legislative rec-*
13 *ommendation and shall include such views in the report*
14 *of the Commission transferring the Commission's rec-*
15 *ommendations to the Congress. The Commission shall in-*
16 *clude its views and recommendations and those of any indi-*
17 *vidual member of the Commission.*

1 **SEC. 6. SIZE LIMITATIONS OF ELIGIBLE FACILITIES UNDER**
2 **PURPA.**

3 *Section 3(17)(E) of the Federal Power Act (16 U.S.C.*
4 *791a and following) is amended by striking "1994" and*
5 *inserting "1996".*

Attest:

Clerk.

103^D CONGRESS
2^D SESSION

S. 2384

AMENDMENT