

(Pub. L. 95-617, title V, § 504, Nov. 9, 1978, 92 Stat. 3158.)

§ 2005. Review schedule

(a) Establishment

The Secretary of the Interior, after consultation with the heads of appropriate Federal agencies, shall establish an expedited schedule for conducting reviews and making recommendations concerning crude oil transportation systems proposed in applications filed under section 2004 of this title and for obtaining information necessary for environmental impact statements required under section 4332 of title 42 with respect to such proposed systems.

(b) Additional information

(1) On his own initiative or at the request of the head of any Federal agency covered by the review schedule established under subsection (a) of this section, the Secretary of the Interior shall require that an applicant provide such additional information as may be necessary to conduct the review of the applicant's proposal. Such information may include—

(A) specific details of the route (and alternative routes) and identification of Federal lands affected by any such route;

(B) information necessary for environmental impact statements; and

(C) information necessary for the President's determination under section 2007(a) of this title.

(2) If, within a reasonable time, an applicant does not—

(A) provide information required under this subsection, or

(B) comply with any requirement of section 1734 of this title,

the Secretary of the Interior may declare the application ineligible for consideration under this chapter. After making such a declaration, the Secretary of the Interior shall notify the applicant and the President of such ineligibility.

(c) Recommendations of heads of Federal agencies

(1) Pursuant to the schedule established under subsection (a) of this section, heads of Federal agencies covered by such schedule shall conduct a review of a proposed crude oil transportation system eligible for consideration under this chapter and shall submit their recommendations concerning such systems (and the basis for such recommendations) to the Secretary of the Interior for submission to the President. After receipt of such recommendations and before their submission to the President, the Secretary of the Interior shall provide an opportunity for comments in accordance with paragraph (2). The Secretary of the Interior shall forward such comments to the President with the recommendations—

(A) in the case of applications filed under section 2004(1) of this title, on or before December 1, 1978, and

(B) in the case of applications filed under section 2004(2) of this title, on or before the 60th day after December 1, 1978.

(2)(A) After receipt of recommendations under paragraph (1) the Secretary of the Interior shall

provide appropriate means by which the Governor and any other official of any State and any official of any political subdivision of a State, may submit written comments concerning proposed crude oil transportation systems eligible for consideration under this chapter.

(B) After receipt of recommendations referred to in subparagraph (A), the Secretary of the Interior shall make such comments and recommendations available to the public and provide an opportunity for submission of written comments.

(d) Review by Federal Trade Commission; effect on the antitrust laws

(1) Promptly after he receives an application for a proposed crude oil transportation system eligible for consideration under this chapter, the Secretary of the Interior shall submit to the Federal Trade Commission a copy of such application and such other information as the Commission may reasonably require. The Commission may prepare and submit to the President a report on the impact of implementation of such application upon competition and restraint of trade and on whether such implementation would be inconsistent with the antitrust laws. Such report shall be made available to the public. Nothing in this subsection shall be construed to prevent the President from making his decision under section 2007(a) of this title in the absence of such report.

(2) Nothing in this chapter shall bar the Attorney General or any other appropriate officer or agent of the United States from challenging any anticompetitive act or practice related to the ownership, construction, or operation of any crude oil transportation system approved under this chapter. The approval of any such system under this chapter shall not be deemed to convey to any person immunity from civil or criminal liability or to create defenses to actions under the antitrust laws and shall not modify or abridge any private right of action under such laws.

(e) Filing and review of permits, rights-of-way applications, etc., not affected

Nothing in this chapter shall be construed to prevent the acceptance and review by any Federal agency of any application for any Federal permit, right-of-way, or other authorizations under other provisions of law for a crude oil transportation system eligible for consideration under this chapter; except that any determination with respect to such an application may be made only in accordance with the provisions of section 2009(a) of this title.

(Pub. L. 95-617, title V, § 505, Nov. 9, 1978, 92 Stat. 3158.)

DEFINITIONS

The definitions of "State" and "antitrust laws" in section 2602 of Title 16, Conservation, apply to this section.

§ 2006. Environmental impact statements

(a) Preparation of environmental impact statements

Any Federal agency required under section 102 of the National Environmental Policy Act of