

ture of the quarterly, monthly, and, as appropriate, weekly supply and consumption of the various nonmineral energy resources, mineral fuels, and electricity in the United States; the information reported may be organized by company, by States, by regions, or by such other producing and consuming sectors, or combinations thereof, and shall be accompanied by an appropriate discussion of the evolution of the energy supply and consumption situation and such national and international trends and their effects as the Director may find to be significant; and

(2) an annual report which includes, but is not limited to, a description of the activities of the Office and the National Energy Information System during the preceding year; a summary of all special reports published during the preceding year; a summary of statistical information collected during the preceding year; short-, medium-, and long-term energy consumption and supply trends and forecasts under various assumptions; and, to the maximum extent practicable, a summary or schedule of the amounts of mineral fuel resources, nonmineral energy resources, and mineral fuels that can be brought to market at various prices and technologies and their relationship to forecasted demands.

**(b) Duty of Director to insure adequate documentation of forecasts and reports; periodic audit and validation of analytical methodologies; availability of information to public**

(1) The Director, on behalf of the Administrator, shall insure that adequate documentation for all statistical and forecast reports prepared by the Director is made available to the public at the time of publication of such reports. The Director shall periodically audit and validate analytical methodologies employed in the preparation of periodic statistical and forecast reports.

(2) The Director shall, on a regular basis, make available to the public information which contains validation and audits of periodic statistical and forecast reports.

**(c) Approval prior to publication of forecasts and reports**

Prior to publication, the Director may not be required to obtain the approval of any other officer or employee of the United States with respect to the substance of any statistical or forecasting technical reports which he has prepared in accordance with law.

(Pub. L. 93-275, § 57, as added Pub. L. 94-385, title I, § 142, Aug. 14, 1976, 90 Stat. 1139.)

**EFFECTIVE DATE**

Section effective 150 days after Aug. 14, 1976, see section 143 of Pub. L. 94-385, set out as a note under section 790 of this title.

**TERMINATION OF REPORTING REQUIREMENTS**

For termination, effective May 15, 2000, of provisions in subsec. (a)(2) of this section relating to an annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 90 of House Document No. 103-7.

**TRANSFER OF FUNCTIONS**

Functions assigned to Director of Office of Energy Information and Analysis under this subchapter vested in Administrator of Energy Information Administration within Department of Energy by section 7135(c) of Title 42, The Public Health and Welfare.

Federal Energy Administration terminated and functions vested by law in Administrator thereof transferred to Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of Title 42.

**§ 790g. Access by Director to energy information**

**(a) Access by Director to energy information in possession of other Federal agencies; limitations**

In furtherance and not in limitation of any other authority, the Director, on behalf of the Administrator, shall have access to energy information in the possession of any Federal agency except information—

(1) the disclosure of which to another Federal agency is expressly prohibited by law; or

(2) the disclosure of which the agency so requested determines would significantly impair the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

**(b) Authority to obtain information from original or alternate sources**

In the event that energy information in the possession of another Federal agency which is required to achieve the purposes of this chapter is denied the Director or the Administrator pursuant to paragraph (1) or paragraph (2) of subsection (a) of this section, the Administrator, or the Director, on behalf of the Administrator, shall take appropriate action, pursuant to authority granted by law, to obtain said information from the original sources or a suitable alternate source. Such source shall be notified of the reason for this request for information.

(Pub. L. 93-275, § 58, as added Pub. L. 94-385, title I, § 142, Aug. 14, 1976, 90 Stat. 1139.)

**EFFECTIVE DATE**

Section effective 150 days after Aug. 14, 1976, see section 143 of Pub. L. 94-385, set out as a note under section 790 of this title.

**TRANSFER OF FUNCTIONS**

Functions assigned to Director of Office of Energy Information and Analysis under this subchapter vested in Administrator of Energy Information Administration within Department of Energy by section 7135(c) of Title 42, The Public Health and Welfare.

Federal Energy Administration terminated and functions vested by law in Administrator thereof transferred to Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of Title 42.

**§ 790h. Congressional access to energy information; disclosure by Congress**

The Director shall promptly provide upon request any energy information in the possession of the Office to any duly established committee of the Congress. Such information shall be deemed the property of such committee and may not be disclosed except in accordance with the rules of such committee and the Rules of the House of Representatives or the Senate and as permitted by law.

(Pub. L. 93-275, § 59, as added Pub. L. 94-385, title I, § 142, Aug. 14, 1976, 90 Stat. 1140.)

EFFECTIVE DATE

Section effective 150 days after Aug. 14, 1976, see section 143 of Pub. L. 94-385, set out as a note under section 790 of this title.

TRANSFER OF FUNCTIONS

Functions assigned to Director of Office of Energy Information and Analysis under this subchapter vested in Administrator of Energy Information Administration within Department of Energy by section 7135(c) of Title 42, The Public Health and Welfare.

**CHAPTER 16C—ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION**

Sec.

791.	Congressional declaration of purpose.
792.	Coal conversion and allocation.
793.	Protection of public health and environment.
794.	Energy conservation study.
795.	Report to Congress by January 31, 1975.
796.	Reporting of energy information.
797.	Enforcement.
798.	Definitions.

**§ 791. Congressional declaration of purpose**

The purposes of this chapter are (1) to provide for a means to assist in meeting the essential needs of the United States for fuels, in a manner which is consistent, to the fullest extent practicable, with existing national commitments to protect and improve the environment, and (2) to provide requirements for reports respecting energy resources.

(Pub. L. 93-319, § 1(b), June 22, 1974, 88 Stat. 246.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 93-319 which, in addition to enacting this chapter and provision set out as a note under this section, enacted sections 1857c-10 and 1857f-6f of Title 42, The Public Health and Welfare, and amended sections 1857b-1, 1857c-5, 1857c-8, 1857c-9, 1857d-1, 1857f-1, 1857f-6e, 1857f-7, 1857h-5, and 1857i of Title 42. For complete classification of this Act to the Code, see Tables.

SHORT TITLE

Pub. L. 93-319, § 1(a), June 22, 1974, 88 Stat. 246, provided that Pub. L. 93-319 [enacting this chapter, enacting sections 1857c-10 and 1857f-6f of Title 42, The Public Health and Welfare, and amending sections 1857b-1, 1857c-5, 1857c-8, 1857c-9, 1857d-1, 1857f-1, 1857f-6e, 1857f-7, 1857h-5, and 1857i of Title 42] may be cited as the "Energy Supply and Environmental Coordination Act of 1974".

**§ 792. Coal conversion and allocation**

**(a) Powerplant and fuel burning installations**

The Federal Energy Administrator—

(1) shall, by order, prohibit any powerplant, and

(2) may, by order, prohibit any major fuel burning installation, other than a powerplant,

from burning natural gas or petroleum products as its primary energy source, if the requirements of subsection (b) are met and if (A) the Federal Energy Administrator determines such powerplant or installation on June 22, 1974, had, or thereafter acquires or is designed with, the

capability and necessary plant equipment to burn coal, or (B) such powerplant or installation is required to meet a design or construction requirement under subsection (c).

**(b) Prerequisites to issuance or effectiveness of orders prohibiting use of natural gas or petroleum products as primary energy source**

The requirements referred to in subsection (a) are as follows:

(1) An order under subsection (a) may not be issued with respect to a powerplant or installation unless the Federal Energy Administrator finds (A) that the burning of coal by such plant or installation, in lieu of petroleum products or natural gas, is practicable and consistent with the purposes of this chapter, (B) that coal and coal transportation facilities will be available during the period the order is in effect, and (C) in the case of a powerplant, that the prohibition under subsection (a) will not impair the reliability of service in the area served by such plant. Such an order shall be rescinded or modified to the extent the Federal Energy Administrator determines that any requirement described in subparagraph (A), (B), or (C) of this paragraph is no longer met; and such an order may at any time be modified if the Federal Energy Administrator determines that such order, as modified, complies with the requirements of this section.

(2)(A) Before issuing an order under subsection (a) which is applicable to a powerplant or installation for a period ending on or before June 30, 1975, the Federal Energy Administrator (i) shall give notice to the public and afford interested persons an opportunity for written presentations of data, views, and arguments, (ii) shall consult with the Administrator of the Environmental Protection Agency, and (iii) shall take into account the likelihood that the powerplant or installation will be permitted to burn coal after June 30, 1975.

(B) An order described in subparagraph (A) of this paragraph shall not become effective until the date which the Administrator of the Environmental Protection Agency certifies pursuant to section 1857c-10(d)(1)(A)<sup>1</sup> of title 42 is the earliest date that such plant or installation will be able to comply with the air pollution requirements which will be applicable to it. Such order shall not be effective for any period certified by the Administrator of the Environmental Protection Agency pursuant to section 1857c-10(d)(3)(B)<sup>1</sup> of title 42.

(3)(A) Before issuing an order under subsection (a) which is applicable to a powerplant or installation after June 30, 1975 (or modifying an order to which paragraph (2) applies, so as to apply such order to a powerplant or installation after such date), the Federal Energy Administrator shall give notice to the public and afford interested persons an opportunity for oral and written presentations of data, views, and arguments.

(B) An order (or modification thereof) described in subparagraph (A) of this paragraph shall not become effective until (i) the Administrator of the Environmental Protection

<sup>1</sup> See References in Text note below.