

Sec.	
2010.	Negotiations with Government of Canada.
2011.	Judicial review.
2012.	Authorization for appropriation.

(Pub. L. 95-617, title V, § 502, Nov. 9, 1978, 92 Stat. 3157.)

### § 2001. Findings

The Congress finds and declares that—

- (1) a serious crude oil supply shortage may soon exist in portions of the United States;
- (2) a large surplus of crude oil on the west coast of the United States is projected;
- (3) any substantial curtailment of Canadian crude oil exports to the United States could create a severe crude oil shortage in the northern tier States;
- (4) pending the authorization and completion of west-to-east crude oil delivery systems, Alaskan crude oil in excess of west coast needs will be transshipped through the Panama Canal at a high transportation cost;
- (5) national security and regional supply requirements may be such that west-to-east crude delivery systems serving both the northern tier States and inland States, consistent with the requirements of section 410 of the Act approved November 16, 1973 (87 Stat. 594), commonly known as the Trans-Alaska Pipeline Authorization Act, are needed;
- (6) expeditious Federal and State decisions for west-to-east crude oil delivery systems are of the utmost priority; and
- (7) resolution of the west coast crude oil surplus and the need for crude oil in northern tier States and inland States require the assignment and coordination of overall responsibility within the executive branch to permit expedited action on all necessary environmental assessments and decisions on permit applications concerning delivery systems.

(Pub. L. 95-617, title V, § 501, Nov. 9, 1978, 92 Stat. 3157.)

#### REFERENCES IN TEXT

Section 410 of the Act approved November 16, 1973 (87 Stat. 594), commonly known as the Trans-Alaska Pipeline Authorization Act, referred to in par. (5), is section 410 of Pub. L. 93-153, Nov. 16, 1973, 87 Stat. 594, which is set out as a note under section 1651 of this title.

#### DEFINITIONS

The definition of “State” in section 2602 of Title 16, Conservation, applies to this section.

### § 2002. Statement of purposes

The purposes of this chapter are—

- (1) to provide a means for—
  - (A) selecting delivery systems to transport Alaskan and other crude oil to northern tier States and inland States, and
  - (B) resolving both the west coast crude oil surplus and the crude oil supply problems in the northern tier States;
- (2) to provide an expedited procedure for acting on applications for all Federal permits, licenses, and approvals required for the construction and operation or any transportation system approved under this chapter and the Long Beach-Midland project; and
- (3) to assure that Federal decisions with respect to crude oil transportation systems are coordinated with State decisions to the maximum extent practicable.

#### DEFINITIONS

The definition of “State” in section 2602 of Title 16, Conservation, applies to this section.

### § 2003. Definitions

As used in this chapter—

- (1) The term “northern tier States” means the States of Washington, Oregon, Idaho, Montana, North Dakota, Minnesota, Michigan, Wisconsin, Illinois, Indiana, and Ohio.
- (2) The term “inland States” means those States in the United States other than northern tier States and the States of California, Alaska, and Hawaii.
- (3) The term “crude oil transportation system” means a crude oil delivery system (including the location of such system) for transporting Alaskan and other crude oil to northern tier States and inland States, but such term does not include the Long Beach-Midland project.
- (4) The term “Long Beach-Midland project” means the crude oil delivery system which was the subject of, and is generally described in, the “Final Environmental Impact Statement, Crude Oil Transportation System: Valdez, Alaska, to Midland, Texas (as proposed by Sohio Transportation Company)”, the availability of which was announced by the Department of the Interior in the Federal Register on June 1, 1977 (42 Fed. Reg. 28008).
- (5) The term “Federal agency” means an Executive agency, as defined in section 105 of title 5.

(Pub. L. 95-617, title V, § 503, Nov. 9, 1978, 92 Stat. 3158.)

#### DEFINITIONS

The definition of “State” in section 2602 of Title 16, Conservation, applies to this section.

### § 2004. Applications for approval of proposed crude oil transportation systems

The following applications for construction and operation of a crude oil transportation system submitted to the Secretary of the Interior by an applicant are eligible for consideration under this chapter:

- (1) Applications received by the Secretary before the 30th day after November 9, 1978.
- (2) Applications received by the Secretary during the 60-day period beginning on the 30th day after November 9, 1978, if the Secretary determines that consideration and review of the proposal contained in such application is in the national interest and that such consideration and review could be completed within the time limits established under this chapter.

An application under this section may be accepted by the Secretary only if it contains a general description of the route of the proposed system and identification of the applicant and any other person who, at the time of filing, has a financial or other interest in the system or is a party to an agreement under which such person would acquire a financial or other interest in the system.

(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), 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), 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