

consider the criteria established under section 1505 of this title.”

Subsec. (h)(2). Pub. L. 107–295, §106(g), inserted “and unless prohibited by law,” after “Notwithstanding any other provision of this chapter.”

Subsec. (i)(4). Pub. L. 107–295, §106(c)(2), added par. (4). 1996—Subsec. (c)(3). Pub. L. 104–324 added par. (3).

1984—Subsec. (g). Pub. L. 98–419 substituted “issued” for “issued, transferred, or renewed”.

Statutory Notes and Related Subsidiaries

REGULATIONS

Pub. L. 107–295, title I, §106(e), Nov. 25, 2002, 116 Stat. 2087, provided that:

“(1) AGENCY AND DEPARTMENT EXPERTISE AND RESPONSIBILITIES.—Not later than 30 days after the date of the enactment of this Act [Nov. 25, 2002], the heads of Federal departments or agencies having expertise concerning, or jurisdiction over, any aspect of the construction or operation of deepwater ports for natural gas shall transmit to the Secretary of Transportation written comments as to such expertise or statutory responsibilities pursuant to the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) or any other Federal law.

“(2) INTERIM FINAL RULE.—The Secretary may issue an interim final rule as a temporary regulation implementing this section [amending this section and sections 1501 to 1503, 1507, and 1520 of this title] (including the amendments made by this section) as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code.

“(3) FINAL RULES.—As soon as practicable after the date of the enactment of this Act, the Secretary of Transportation shall issue additional final rules that, in the discretion of the Secretary, are determined to be necessary under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) for the application and issuance of licenses for a deepwater port for natural gas.”

INFORMATION TO BE PROVIDED

Pub. L. 109–241, title III, §304(c)(2), July 11, 2006, 120 Stat. 527, which required the Coast Guard, when operating as a contributing agency in the Federal Energy Regulatory Commission’s shoreside licensing process for certain liquefied natural gas or liquefied petroleum gas terminals, to provide the information described in subsec. (c)(2)(K) of this section, was repealed by Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8502(b)(1), Jan. 1, 2021, 134 Stat. 4747. See subsec. (j)(2) of this section.

§ 1505. Environmental review criteria

(a) Establishment

The Secretary, in accordance with the recommendations of the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration and after consultation with any other Federal departments and agencies having jurisdiction over any aspect of the construction or operation of a deepwater port, shall establish, as soon as practicable after January 3, 1975, environmental review criteria consistent with the National Environmental Policy Act [42 U.S.C. 4321 et seq.]. Such criteria shall be used to evaluate a deepwater port as proposed in an application, including—

- (1) the effect on the marine environment;
- (2) the effect on oceanographic currents and wave patterns;
- (3) the effect on alternate uses of the oceans and navigable waters, such as scientific study, fishing, and exploitation of other living and nonliving resources;

(4) the potential dangers to a deepwater port from waves, winds, weather, and geological conditions, and the steps which can be taken to protect against or minimize such dangers;

(5) effects of land-based developments related to deepwater port development;

(6) the effect on human health and welfare; and

(7) such other considerations as the Secretary deems necessary or appropriate.

(b) Review and revision

The Secretary shall periodically review and, whenever necessary, revise in the same manner as originally developed, criteria established pursuant to subsection (a) of this section.

(c) Requirement

The criteria established pursuant to this section shall be developed concurrently with the regulations promulgated pursuant to section 1504(a) of this title and in accordance with that section and in accordance with the provisions of that subsection.

(Pub. L. 93–627, §6, Jan. 3, 1975, 88 Stat. 2135; Pub. L. 118–31, div. C, title XXXV, §3514(k)(5), Dec. 22, 2023, 137 Stat. 818.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act, referred to in subsec. (a), probably means the National Environmental Policy Act of 1969, Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

2023—Subsec. (a). Pub. L. 118–31, §3514(k)(5)(A), inserted heading.

Subsec. (b). Pub. L. 118–31, §3514(k)(5)(B), inserted heading.

Subsec. (c). Pub. L. 118–31, §3514(k)(5)(C), inserted heading and, in text, substituted “The criteria” for “Criteria” and “concurrently with the regulations promulgated pursuant to section 1504(a) of this title and in accordance with that section” for “concurrently with the regulations in subsection (a) of section 1504 of this title and in accordance with the provisions of that subsection”.

§ 1506. Repealed. Pub. L. 104–324, title V, § 506, Oct. 19, 1996, 110 Stat. 3927

Section, Pub. L. 93–627, §7, Jan. 3, 1975, 88 Stat. 2135; Pub. L. 98–419, §2(g), (h), Sept. 25, 1984, 98 Stat. 1607, provided for antitrust review by Attorney General and Federal Trade Commission prior to issuance of license for ownership, construction, and operation of deepwater port.

§ 1507. Common carrier status

(a) Status of deepwater ports and storage facilities

A deepwater port and a storage facility serviced directly by that deepwater port shall operate as a common carrier under applicable provisions of part I of the Interstate Commerce Act and subtitle IV of title 49, and shall accept, transport, or convey without discrimination all oil delivered to the deepwater port with respect