

ing to judicial review). A decision approving a crude oil transportation system may include such modifications and alterations in such system as the President finds appropriate. The President shall issue his decision within 45 days after receiving recommendations and comments submitted to him under section 2005(c) of this title, except that the President, for such period as he deems necessary, but not to exceed 60 days, may delay his decision and its issuance if he determines that additional time is otherwise necessary to enable him to make a decision. If the President so delays his decision, he shall promptly notify the House of Representatives and the Senate of such delay and shall submit a full explanation of the basis for such delay.

(2) Any decision made under this subsection approving a system proposed under this chapter shall include a determination that construction and operation of such system is in the national interest and shall be based upon the criteria specified in subsection (b).

**(b) Criteria**

(1) The criteria for making a decision under this subsection shall include findings of—

(A) environmental impacts of the proposed systems and the capability of such systems to minimize environmental risks resulting from transportation of crude oil;

(B) the amount of crude oil available to northern tier States and inland States and the projected demand in those States under each of such systems;

(C) transportation costs and delivered prices of crude oil by region under each of such systems;

(D) construction schedules for each of such systems and possibilities for delay in such schedules;

(E) feasibility of financing for each of such systems;

(F) capital and operating costs of each of such systems, including an analysis of the reliability of cost estimates and the risk of cost overruns;

(G) net national economic costs and benefits of each such system;

(H) the extent to which each system complies with the provisions of section 410 of the Act approved November 16, 1973 (87 Stat. 594), commonly known as the Trans-Alaska Pipeline Authorization Act;

(I) the effect of each such system on international relations, including the status and time schedule for any necessary Canadian approvals and plans;

(J) impact upon competition by each system;

(K) degree of safety and efficiency of design and operation of each system;

(L) potential for interruption of deliveries of crude oil from the west coast under each such system;

(M) capacity and cost of expanding such system to transport additional volumes of crude oil in excess of initial system capacity;

(N) national security considerations under each such system;

(O) relationship of each such system to national energy policy; and

(P) such other factors as the President deems appropriate.

(2) The period of time for which such findings shall be made shall be the useful life of the crude oil transportation system involved.

**(c) Publication of findings and decision**

The President shall make available to the public at the time of issuance of a decision under this section a written statement setting forth findings with respect to each of the criteria specified in subsection (b) and describing the nature and route of crude oil transportation systems, if any, which are approved in the decision. If the President's decision is to approve a system, each statement shall set forth his reasons for approving such system over other proposed systems (if any) eligible for consideration under this chapter. Such statement along with notification of such decision shall be published in the Federal Register.

(Pub. L. 95-617, title V, § 507, Nov. 9, 1978, 92 Stat. 3160.)

**Editorial Notes**

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 subsec. (b)(1)(H), 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.

**§ 2008. Procedures for waiver of Federal law**

**(a) Waiver of provisions of Federal law**

The President may identify those provisions of Federal law (including any law or laws regarding the location of a crude oil transportation system but not including any provision of the antitrust laws) which, in the national interest, as determined by the President, should be waived in whole or in part to facilitate construction or operation of any such system approved under section 2007 of this title or of the Long Beach-Midland project, and he shall submit any such proposed waiver to both Houses of the Congress. The provisions so identified shall be waived with respect to actions to be taken to construct or operate such system or project only upon enactment of a joint resolution within the first period of 60 calendar days of continuous session of Congress beginning on the date of receipt by the House of Representatives and the Senate of such proposal.

**(b) Joint resolution**

The resolving clause of the joint resolution referred to in subsection (a) is as follows: "That the House of Representatives and Senate approve the waiver of the provisions of law ( ) as proposed by the President, submitted to the Congress on , 19 .". The first blank space therein being filled with the citation to the provisions of law proposed to be waived by the President and the second blank space therein being filled with the date on which the President submits his decision to wave<sup>1</sup> such provisions of law to the House of Representatives and

<sup>1</sup> So in original. Probably should be "waive".

the Senate. Rules and procedures for consideration of any such joint resolution shall be governed by section 719f(c) and (d) of title 15, other than paragraph (2) of section 719f(d) of title 15, except that for the purposes of this subsection, the phrase “a waiver of provisions of law” shall be substituted in section 719f(d) of title 15 each place where the phrase “an Alaska natural gas transportation system” appears.

(Pub. L. 95–617, title V, § 508, Nov. 9, 1978, 92 Stat. 3162.)

#### Statutory Notes and Related Subsidiaries

##### DEFINITIONS

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

#### § 2009. Expedited procedures for issuance of permits: enforcement of rights-of-way

##### (a) Expedited procedures for approved systems

After issuance of a decision by the President approving any crude oil transportation system, all Federal officers and agencies shall expedite, to the maximum extent practicable, consistent with applicable provisions of law, all actions necessary to determine whether to issue, administer, or enforce rights-of-way across Federal lands and to issue Federal permits in connection with, or otherwise to authorize, construction and operation of such system. Any such action shall be consistent with applicable provisions of law. After taking any such action, such officer or agency shall publish notification of the taking of such action in the Federal Register.

##### (b) Expedited procedures for Long Beach-Midland project

All decisions regarding issuance of Federal permits, rights-of-way, and leases and other Federal authorizations necessary for construction and operation of the Long Beach-Midland project shall be consistent with applicable provisions of Federal law, except that such decisions shall be made within 30 days after the date this chapter becomes effective. The President may extend the date by which such decisions, under the preceding sentence, are to be made to a date not later than 90 days after the effective date of this chapter. Notification of the making of such decisions shall be published in the Federal Register. Nothing in this section affects any decision made before November 9, 1978.

##### (c) Law governing rights-of-way

Rights-of-way over any Federal land with respect to an approved crude oil transportation system or the Long Beach-Midland project shall be governed by the provisions of section 185 of title 30, other than subsection (w)(2) of such section.

(Pub. L. 95–617, title V, § 509, Nov. 9, 1978, 92 Stat. 3162.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date this chapter becomes effective and the effective date of this chapter, referred to in subsec. (b), mean the date of enactment of title V of Pub. L. 95–617, which was approved Nov. 9, 1978.

#### § 2010. Negotiations with Government of Canada

With respect to any crude oil transportation system approved under section 2007(a) of this title all or any part of which is to be located in Canada, the President of the United States is authorized and requested to enter into negotiations with the Government of Canada to determine what measures can be taken to expedite the granting of approvals by the Government of Canada for construction or operation of such system, and he is authorized and requested to explore the possibility of further exchanges of crude oil supplies between the United States and Canada.

(Pub. L. 95–617, title V, § 510, Nov. 9, 1978, 92 Stat. 3163.)

#### § 2011. Judicial review

##### (a) Notice

The President or any other Federal officer shall cause notice to be published in the Federal Register and in newspapers of general circulation in the areas affected whenever he makes any decision described in subsection (b).

##### (b) Review of certain Federal actions

Any action seeking judicial review of an action or decision of the President or any other Federal officer taken or made after November 9, 1978, concerning the approval or disapproval of a crude oil transportation system or the issuance of necessary rights-of-way, permits, leases, and other authorizations for the construction, operation, and maintenance of the Long Beach-Midland project or a crude oil transportation system approved under section 2007(a) of this title may only be brought within 60 days after the date on which notification of the action or decision of such officer is published in the Federal Register, or in newspapers of general circulation in the areas affected, whichever is later.

##### (c) Jurisdiction of courts

An action under subsection (b) shall be barred unless a petition is filed within the time specified. Any such petition shall be filed in the appropriate United States district court. A copy of such petition shall be transmitted by the clerk of such court to the Secretary. Notwithstanding the amount in controversy, such court shall have jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided and to provide appropriate relief. No State or local court shall have jurisdiction of any such claim whether in a proceeding instituted before, on, or after the date this chapter becomes effective. No court shall have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization in connection with a crude oil transportation system approved under section 2007(a) of this title or the Long Beach-Midland project, except as part of a final judgment entered in a case involving a claim filed pursuant to this section.

(Pub. L. 95–617, title V, § 511, Nov. 9, 1978, 92 Stat. 3163; Pub. L. 98–620, title IV, § 402(45), Nov. 8, 1984, 98 Stat. 3360.)