

(2) Members of the Technical Panel need not be members of the full Energy Research Advisory Board.

(c) Compliance with laws and regulations

The activities of the Technical Panel shall be in compliance with any laws and regulations guiding the activities of technical and fact-finding groups reporting to the Energy Research Advisory Board.

(d) Review and recommendations

The Technical Panel shall review and may make recommendations on the following items, among others:

- (1) implementation and conduct of the programs established by this chapter;
- (2) definition of ocean thermal energy conversion system performance requirements for various user applications; and
- (3) economic, technological, and environmental consequences of the deployment of ocean thermal energy conversion systems.

(e) Report

The Technical Panel shall submit to the Energy Research Advisory Board on at least an annual basis a written report of its findings and recommendations with regard to the program. Such report, shall include at a minimum—

- (1) a summary of the Panel's activities for the preceding year;
- (2) an assessment and evaluation of the status of the programs mandated by this chapter; and
- (3) comments on and recommendations for improvements in the comprehensive program management plan required under section 9002 of this title.

(f) Submittal of report to Secretary of Energy

After consideration of the Technical Panel report, the Energy Research Advisory Board shall submit such report, together with any comments such Board deems appropriate, to the Secretary.

(g) Cooperation by agency heads

The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Technical Panel in carrying out the requirements of this section and shall furnish to the Technical Panel such information as the Technical Panel deems necessary to carry out this section.

(h) Staff, funds, and other support from Secretary of Energy

The Secretary shall provide sufficient staff, funds, and other support as necessary to enable the Technical Panel to carry out the functions described in this section.

(Pub. L. 96-310, § 8, July 17, 1980, 94 Stat. 945.)

TERMINATION OF ADVISORY PANELS

Advisory panels established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a panel established by the President or an officer of the Federal Government, such panel is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a panel estab-

lished by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9005 of this title.

§ 9008. Definitions

As used in this chapter, the term—

(1) "ocean thermal energy conversion" means a method of converting part of the heat from the Sun which is stored in the surface layers of a body of water into electrical energy or energy product equivalent;

(2) "energy product equivalent" means an energy carrier including, but not limited to, ammonia, hydrogen, or molten salts or an energy-intensive commodity, including, but not limited to, electrometals, fresh water, or nutrients for aquaculture; and

(3) "Secretary" means the Secretary of Energy.

(Pub. L. 96-310, § 9, July 17, 1980, 94 Stat. 946.)

§ 9009. Authorization of appropriations

(a) There is hereby authorized to be appropriated to carry out the purposes of this chapter the sum of \$20,000,000 for operating expenses for the fiscal year ending September 30, 1981, in addition to any amounts authorized to be appropriated in the fiscal year 1981 Authorization Act pursuant to section 7270 of this title.

(b) There is hereby authorized to be appropriated to carry out the purposes of this chapter the sum of \$60,000,000 for operating expenses for the fiscal year ending September 30, 1982.

(c) Funds are hereby authorized to be appropriated for fiscal year 1981 to carry out the purposes of section 9004 of this title for plant and capital equipment as follows:

Project 81-ES-1, ocean thermal energy conversion demonstration plants with a combined capacity of at least one hundred megawatts electrical or the energy product equivalent, sites to be determined, conceptual and preliminary design activities only \$5,000,000.

(d) Funds are hereby authorized to be appropriated for fiscal year 1982 to carry out the purposes of section 9004 of this title for plant and capital equipment as follows:

Project 81-ES-1, ocean thermal energy conversion demonstration plants with a combined capacity of at least one hundred megawatts electrical or the energy product equivalent, sites to be determined, conceptual and preliminary design activities only \$25,000,000.

(Pub. L. 96-310, § 10, July 17, 1980, 94 Stat. 946.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9005 of this title.

CHAPTER 99—OCEAN THERMAL ENERGY CONVERSION

Sec.

9101. Congressional declaration of policy.

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| <p>Sec.
9102. Definitions.</p> <p>SUBCHAPTER I—REGULATION OF OCEAN THERMAL ENERGY CONVERSION FACILITIES AND PLANTSHIPS</p> <p>9111. License for ownership, construction, and operation of ocean thermal energy conversion facilities or plantships.</p> <p>(a) License requirement.</p> <p>(b) Documented plantships; documented facilities; facilities located in territorial sea; facilities connected to United States by pipeline or cable.</p> <p>(c) License issuance prerequisites.</p> <p>(d) Issuance conditions; written agreement of compliance; disposal or removal requirements.</p> <p>(e) License transfer.</p> <p>(f) License eligibility.</p> <p>(g) License term and renewal.</p> <p>9112. Procedure.</p> <p>(a) Rules and regulations.</p> <p>(b) Site evaluation and preconstruction testing.</p> <p>(c) Expertise or statutory responsibility descriptions.</p> <p>(d) Application.</p> <p>(e) Area description; additional license applications.</p> <p>(f) Copies of application to other agencies.</p> <p>(g) Notice, comments, and hearing.</p> <p>(h) Administrative fee.</p> <p>(i) Approval or denial of application; applications for same area; factors determinative of facility selection.</p> <p>9113. Protection of submarine electric transmission cables and equipment.</p> <p>(a) Prohibited acts; misdemeanor; penalty and fine.</p> <p>(b) Culpable negligence; misdemeanor; penalty and fine.</p> <p>(c) Exceptions.</p> <p>(d) Suits for damages.</p> <p>(e) Indemnity.</p> <p>(f) Repair costs.</p> <p>9114. Antitrust review.</p> <p>(a) Review of applications by Attorney General.</p> <p>(b) Issuance of license as constituting no defense for antitrust violations.</p> <p>9115. Adjacent coastal States.</p> <p>(a) Designation of adjacent coastal State.</p> <p>(b) State coastal zone management program.</p> <p>(c) Agreements and compacts between States.</p> <p>9116. Diligence requirements.</p> <p>(a) Rules and regulations.</p> <p>(b) Termination of license.</p> <p>9117. Protection of the environment.</p> <p>(a) Environmental assessment program.</p> <p>(b) Program purposes.</p> <p>(c) Plan submittal to Congress.</p> <p>(d) Reduction of program to minimum necessary level.</p> <p>(e) Environmental impact statement.</p> <p>(f) Discharge of pollutants.</p> <p>9118. Marine environmental protection and safety of life and property at sea.</p> <p>(a) Coast Guard operations.</p> <p>(b) Promotion of safety of life and property.</p> <p>(c) Marking components for protection of navigation.</p> <p>(d) Safety zones.</p> <p>(e) Rules and regulations; vessels; "ocean thermal energy conversion facility" defined.</p> | <p>Sec.</p> <p>(f) Protection of navigation.</p> <p>9119. Prevention of interference with other uses of high seas.</p> <p>(a) License conditions.</p> <p>(b) Rules and regulations.</p> <p>(c) Coast Guard operations.</p> <p>9120. Monitoring of licensees' activities.</p> <p>9121. Suspension, revocation, and termination of licenses.</p> <p>(a) Filing of action by Attorney General; automatic suspension.</p> <p>(b) Immediate suspension of construction or operation pending completion of proceedings.</p> <p>9122. Recordkeeping and public access to information.</p> <p>(a) Records and reports.</p> <p>(b) Confidential information.</p> <p>9123. Relinquishment or surrender of license.</p> <p>(a) Relinquishment or surrender authority; continuation of liability.</p> <p>(b) Transfer of right of way.</p> <p>9124. Civil actions.</p> <p>(a) Jurisdiction.</p> <p>(b) Notice.</p> <p>(c) Right of Administrator or Attorney General to intervene.</p> <p>(d) Award of costs.</p> <p>(e) Other remedies not restricted.</p> <p>9125. Judicial review.</p> <p>9126. 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Law of the sea treaty.</p> <p>9162. International negotiations.</p> <p>9163. Relationship to other laws.</p> <p>(a) Facilities and plantships as comparable to areas of exclusive Federal jurisdiction located within a State.</p> <p>(b) Responsibilities and authorities of States or United States within territorial seas; applicability of State law to facilities located beyond territorial seas.</p> <p>(c) Customs laws.</p> <p>9164. Submarine electric transmission cable and equipment safety.</p> <p>(a) Standards and regulations.</p> <p>(b) Report to Congress on appropriation and staffing needs.</p> |
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Sec.	
9165.	Omitted.
9166.	Authorization of appropriations.
9167.	Severability.
9168.	Report to Congress on promotion and enhancement of export potential of ocean thermal energy conversion components, facilities, and plantships.

§ 9101. Congressional declaration of policy

(a) It is declared to be the purposes of the Congress in this chapter to—

(1) authorize and regulate the construction, location, ownership, and operation of ocean thermal energy conversion facilities connected to the United States by pipeline or cable, or located in whole or in part between the highwater mark and the seaward boundary of the territorial sea of the United States consistent with the Convention on the High Seas, and general principles of international law;

(2) authorize and regulate the construction, location, ownership, and operation of ocean thermal energy conversion plantships documented under the laws of the United States, consistent with the Convention on the High Seas and general principles of international law;

(3) authorize and regulate the construction, location, ownership, and operation of ocean thermal energy conversion plantships by United States citizens, consistent with the Convention on the High Seas and general principles of international law;

(4) establish a legal regime which will permit and encourage the development of ocean thermal energy conversion as a commercial energy technology;

(5) provide for the protection of the marine and coastal environment, and consideration of the interests of ocean users, to prevent or minimize any adverse impact which might occur as a consequence of the development of such ocean thermal energy conversion facilities or plantships;

(6) make applicable certain provisions of the Merchant Marine Act, 1936 (46 U.S.C. 1177 et seq.) [46 App. U.S.C. 1101 et seq.] to assist in financing of ocean thermal energy conversion facilities and plantships;

(7) protect the interests of the United States in the location, construction, and operation of ocean thermal energy conversion facilities and plantships; and

(8) protect the rights and responsibilities of adjacent coastal States in ensuring that Federal actions are consistent with approved State coastal zone management programs and other applicable State and local laws.

(b) The Congress declares that nothing in this chapter shall be construed to affect the legal status of the high seas, the superjacent airspace, or the seabed and subsoil, including the Continental Shelf.

(Pub. L. 96-320, § 2, Aug. 3, 1980, 94 Stat. 974; Pub. L. 98-623, title VI, § 602(a)(1), Nov. 8, 1984, 98 Stat. 3410.)

REFERENCES IN TEXT

The Merchant Marine Act, 1936, referred to in subsec. (a)(6), is act June 29, 1936, ch. 858, 49 Stat. 1985, as

amended, which is classified principally to chapter 27 (§1101 et seq.) of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see section 1245 of Title 46, Appendix, and Tables.

AMENDMENTS

1984—Subsec. (a)(1). Pub. L. 98-623 substituted “located in whole or in part between the highwater mark and the seaward boundary of the territorial sea” for “located in the territorial sea”.

SHORT TITLE

Section 1 of Pub. L. 96-320 provided: “That this Act [enacting this chapter and section 1279c of Title 46, Appendix, Shipping, amending sections 1271, 1273, and 1274 of Title 46, Appendix, and enacting provisions set out as a note under section 1273 of Title 46, Appendix] may be cited as the ‘Ocean Thermal Energy Conversion Act of 1980.’”

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

§ 9102. Definitions

As used in this chapter, unless the context otherwise requires, the term—

(1) “adjacent coastal State” means any coastal State which is required to be designated as such by section 9115(a)(1) of this title or is designated as such by the Administrator in accordance with section 9115(a)(2) of this title;

(2) “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration;

(3) “antitrust laws” includes the Act of July 2, 1890, as amended [15 U.S.C. 1 et seq.], the Act of October 15, 1914, as amended [15 U.S.C. 12 et seq.], and sections 73 and 74 of the Act of August 27, 1894, as amended [15 U.S.C. 8 and 9];

(4) “application” means any application submitted under this chapter (A) for issuance of a license for the ownership, construction, and operation of an ocean thermal energy conversion facility or plantship; (B) for transfer or renewal of any such license; or (C) for any substantial change in any of the conditions and provisions of any such license;

(5) “coastal State” means a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes;

(6) “construction” means any activities conducted at sea to supervise, inspect, actually build, or perform other functions incidental to the building, repairing, or expanding of an ocean thermal energy conversion facility or plantship or any of its components, including but not limited to, piledriving, emplacement of mooring devices, emplacement of cables and pipelines, and deployment of the cold water pipe, and alterations, modifications, or additions to an ocean thermal energy conversion facility or plantship;

(7) “facility” means an ocean thermal energy conversion facility;

(8) “Governor” means the Governor of a State or the person designated by law to exercise the powers granted to the Governor pursuant to this chapter;

(9) “high seas” means that part of the oceans lying seaward of the territorial sea of