§ 1465. Appeals to the Secretary

(a) Notice
Not later than 30 days after the date of the filing of an appeal to the Secretary of a consistency determination under section 1456 of this title, the Secretary shall publish an initial notice in the Federal Register.

(b) Closure of record
(1) In general
Not later than the end of the 160-day period beginning on the date of publication of an initial notice under subsection (a) of this section, except as provided in paragraph (3), the Secretary shall immediately close the decision record and receive no more filings on the appeal.

(2) Notice
After closing the administrative record, the Secretary shall immediately publish a notice in the Federal Register that the administrative record has been closed.

(3) Exception
(A) In general
Subject to subparagraph (B), during the 160-day period described in paragraph (1), the Secretary may stay the closing of the decision record—
(i) for a specific period mutually agreed to in writing by the appellant and the State agency; or
(ii) as the Secretary determines necessary to receive, on an expedited basis—
(I) any supplemental information specifically requested by the Secretary to complete a consistency review under this chapter; or
(II) any clarifying information submitted by a party to the proceeding related to information in the consolidated record compiled by the lead Federal permitting agency.

(B) Applicability
The Secretary may only stay the 160-day period described in paragraph (1) for a period not to exceed 60 days.

(c) Deadline for decision
(1) In general
Not later than 60 days after the date of publication of a Federal Register notice stating when the decision record for an appeal has been closed, the Secretary shall issue a decision or publish a notice in the Federal Register explaining why a decision cannot be issued at that time.

(2) Subsequent decision
Not later than 15 days after the date of publication of a Federal Register notice explaining why a decision cannot be issued within the 60-day period, the Secretary shall issue a decision.

References in Text

This chapter, referred to in subsec. (b)(3)(A)(ii)(I), was in the original “this Act” which was translated as reading “this title”, meaning title III of Pub. L. 89–454 which is classified generally to this chapter, to reflect the probable intent of Congress.

Amendments

2005—Pub. L. 109–58 amended section catchline and text generally, substituting provisions relating to notice, closure of record, and deadline for decision for provisions relating to notice, deadline for decision, and application of section.