

§ 580.70

30 CFR Ch. V (7-1-14 Edition)

PROTECTIONS

§ 580.70 What data and information will be protected from public disclosure?

In making data and information available to the public, the Regional Director will follow the applicable requirements of:

- (a) The Freedom of Information Act (5 U.S.C. 552);
- (b) The implementing regulations at 43 CFR part 2;
- (c) The Act; and
- (d) The regulations at 30 CFR parts 550 and 552.

(1) If the RD determines that any data or information is exempt from disclosure under the Freedom of Information Act, we will not disclose the data and information unless either:

- (i) You and all third parties agree to the disclosure; or
- (ii) A provision of 30 CFR parts 550 and 552 allows us to make the disclosure.

(2) We will keep confidential the identity of third-party recipients of data and information collected under a permit. We will not release the identity unless you and the third parties agree to the disclosure.

(3) When you detect any significant hydrocarbon occurrences or environmental hazards on unleased lands during drilling operations, the Regional Director will immediately issue a public announcement. The announcement must further the National interest without unduly damaging your competitive position.

§ 580.71 What is the timetable for release of data and information?

We will release data and information that you or a third party submits and we retain according to paragraphs (a) and (b) of this section.

(a) If the data and information are not related to a deep stratigraphic test, we will release them to the public according to items (1), (2), and (3) in the following table:

If you or a third party submits and we retain . . .	The Regional Director will disclose them to the public . . .
(1) Geological data and information, (2) Geophysical data, (3) Geophysical information, (4) Data and information related to a deep stratigraphic test,	10 years after issuing the permit. 50 years after you or a third party submit the data. 25 years after you or a third party submit the information. 25 years after you complete the test, unless the provisions of paragraph (b) of this section apply.

(b) This paragraph applies if you are covered by paragraph (a)(4) of this section and a lease sale is held or a non-competitive agreement is negotiated after you complete a test well. We will release the data and information related to the deep stratigraphic test at the earlier of the following times:

- (1) Twenty-five years after you complete the test; or
- (2) Sixty calendar days after we issue a lease, located partly or totally within 50 geograph miles (92.7 kilometers) of the test.

§ 580.72 What procedure will BOEM follow to disclose acquired data and information to a contractor for reproduction, processing, and interpretation?

(a) When practical, the Regional Director will advise the person who submitted data and information under § 580.40 or § 580.50 of the intent to pro-

vide the data or information to an independent contractor or agent for reproduction, processing, and interpretation.

(b) The person notified will have at least five working days to comment on the action.

(c) When the Regional Director advises the person who submitted the data and information, all other owners of the data or information will be considered to have been notified.

(d) The independent contractor or agent must sign a written commitment not to sell, trade, license, or disclose data or information to anyone without the Regional Director's consent.

§ 580.73 Will BOEM share data and information with coastal States?

(a) We can disclose proprietary data, information, and samples submitted to us by permittees or third parties that