

(2) *Standards.* The Board will not apply any state inheritance law requirement that an action to establish paternity must have been commenced within a specific time period, measured from the employee's death or the child's birth, or that an action to establish paternity must have been commenced or completed before the employee's death. If state laws on inheritance require a court to determine paternity, the Board will not require such a determination, but the Board will decide paternity using the standard of proof that the state court would apply as the basis for making such a determination.

(3) *Employee is living.* If the employee is living, the Board will apply the state law where the employee is domiciled which was in effect when the annuity may first be increased under the social security overall minimum (see part 229 of this chapter). If under a version of state law in effect at that time, a person does not qualify as a child of the employee, the Board will look to all versions of state law in effect from when the employee's annuity may first have been increased until the Board makes a final decision, and will apply the version of state law most favorable to the employee.

(4) *Employee is deceased.* The Board will apply the state law where the employee was domiciled when he or she died. The Board will apply the version of state law in effect at the time of the final decision on the application for benefits. If under that version of state law the claimant does not qualify as the child of the employee, the Board will apply the state law in effect when the employee died, or any version of state law in effect from the month of potential entitlement to benefits until a final determination on the application. The Board will apply the version most beneficial to the claimant. The following rules determine the law in effect as of the employee's death:

(i) Any law enacted after the employee's death, if that law would have retroactive application to the employee's date of death, will apply; or

(ii) Any law that supersedes a law declared unconstitutional, that was considered constitutional on the employee's date of death, will apply.

4. A new paragraph (c) is added to § 222.33 to read as follows:

**§ 222.33 Relationship resulting from legal adoption.**

\* \* \* \* \*

(c) The adoption laws of the state or foreign country where the adoption took place, not the state inheritance laws, will determine whether the claimant is the employee's adopted child.

Dated: November 29, 1999.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 99-31791 Filed 12-7-99; 8:45 am]

BILLING CODE 7905-01-P

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

**29 CFR Part 2700**

**Procedural Rules**

**AGENCY:** Federal Mine Safety and Health Review Commission.

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** The Federal Mine Safety and Health Review Commission is extending the comment period for a notice of proposed rulemaking published on November 10, 1999 (64 FR 61236-39). On November 10, 1999, the Commission proposed to amend its procedural rules by adding a new rule setting forth settlement procedures which are intended to facilitate and promote the pre-hearing settlement of contested cases that come before the Commission. The new procedures would be instituted as a pilot program for a two-year trial period. In response to a request by the Department of Labor's Office of the Solicitor, the Commission is extending the comment period for 30 days.

**DATES:** Comments must be received in writing on or before January 10, 2000.

**ADDRESSES:** Comments should be submitted to Norman M. Gleichman, General Counsel, Federal Mine Safety and Health Review Commission, 1730 K Street, NW, 6th Floor, Washington, DC 20006. For the convenience of persons who will be reviewing the comments, it is requested that commenters provide an original and three copies of their comments.

**FOR FURTHER INFORMATION CONTACT:** Norman M. Gleichman, General Counsel, 202-653-5610 (202-653-2673 for TDD relay). These are not toll-free numbers. Dated: December 1, 1999.

Mary Lu Jordan,

Chairman.

[FR Doc. 99-31790 Filed 12-7-99; 8:45 am]

BILLING CODE 6735-01-P

**DEPARTMENT OF THE INTERIOR**

**Minerals Management Service**

**30 CFR Part 280**

**RIN 1010-AC48**

**Prospecting for Minerals Other Than Oil, Gas, and Sulphur in the Outer Continental Shelf**

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule specifies how to conduct Geological and Geophysical (G&G) prospecting and research for minerals other than oil, gas, and sulphur in the Outer Continental Shelf (OCS) under a permit; requires everyone conducting G&G scientific research in the OCS without a permit to file a notice with us; informs small operators of environmental laws and regulations for safe and sound practices; and rewrites the proposed rule in plain English. These revisions respond to changes in technology and practice.

**DATES:** We will consider all comments we receive by February 7, 2000. We will begin reviewing comments then and may not fully consider comments we receive after February 7, 2000.

**ADDRESSES:** If you wish to comment, you may mail or hand-carry comments (three copies) to the Department of the Interior; Minerals Management Service; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170-4817; Attention: Rules Processing Team. The Rules Processing Team's e-mail address is: [rules.comments@MMS.gov](mailto:rules.comments@MMS.gov).

Mail or hand-carry comments with respect to the information collection burden of the proposed rule to the Office of Information and Regulatory Affairs; Office of Management and Budget; Attention: Desk Officer for the Department of the Interior (OMB control number 1010-0072); 725 17th Street, N.W., Washington, D.C. 20503.

**FOR FURTHER INFORMATION CONTACT:** Keith Meekins, Resource Evaluation Division, at (703) 787-1517.

**SUPPLEMENTARY INFORMATION:** The Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331 *et seq.*) is the basis for our regulations to administer G&G prospecting and scientific research activities in the OCS. Section 11(a) of the OCSLA provides authority for the Secretary of the Interior to allow any person to conduct G&G explorations in the OCS if the explorations:

(1) Do not interfere with or endanger operations under a lease covered by the OCSLA; and

(2) Are not unduly harmful to aquatic life in the area.

The regulations at 30 CFR part 280 implement the Secretary's authority for prospecting for minerals other than oil, gas, and sulphur. They prescribe:

(1) Requirements for a permit or statement of intent (notice) to conduct G&G prospecting or scientific research in the OCS;

(2) Operating procedures for conducting prospecting or scientific research;

(3) Conditions for reimbursing permittee for certain costs;

(4) Other conditions for conducting prospecting and research; and

(5) Procedures for drilling deep stratigraphic tests in the OCS.

Our intent is to create parallelism with the regulations for G&G exploration on the OCS for oil, gas, and sulphur (30 CFR part 251), and we welcome comments on this.

### Background for Expanding the Notice Requirement

We developed the revised requirement for a notice before conducting any G&G scientific research to address instances in which academic and other institutions conduct research and:

(1) They or industry sponsors hold the data and analyze and process information as proprietary; and

(2) They also offer for sale at least some data and information.

We define activities that meet these criteria as G&G prospecting and do not consider them G&G scientific research. A permit is required for prospecting. For these reasons, we need the expanded notice requirement to inform us of any G&G scientific research conducted on the OCS related to minerals other than oil, gas, and sulphur. After receiving the notice, we will inform those conducting research of all necessary environmental regulations and laws. In this way, the researcher will be better able to follow safe and environmentally sound practices.

### Discussion of Proposed Rule

These revisions bring 30 CFR part 280—Prospecting for Minerals Other Than Oil, Gas, and Sulphur—up to date with recent changes in the related regulations at 30 CFR part 251.

Section 280.1 of the proposed regulation updates the definition list by removing unnecessary words and adding, modifying, or expanding definitions.

Section 280.11 explains that a notice will be required for all G&G scientific research related to minerals other than oil, gas, and sulphur conducted in the

OCS, except for research requiring a permit.

Section 280.12 clarifies that at the earliest possible time, the data and information acquired through scientific research will be made available to the public by the permittee or person filing a notice.

Section 280.13 provides the current addresses of our regional offices as filing locations for permit applications and notices.

Section 280.22 specifies that a permittee must request in writing to modify or extend operations and could proceed with the modifications only after the Regional Director approves them.

Section 280.24 directs a permittee to submit status reports on a schedule specified in the permit rather than monthly. This would allow variations in the reporting requirements among OCS Regions.

Section 280.24 requires that the final report contain digital navigational data in a format the Regional Director specifies in addition to charts, maps, and plats.

Section 280.24 requires that a permittee report any hard minerals, hydrocarbon, or sulphur occurrences encountered.

Section 280.31 requires us to notify the Governor(s) of adjacent State(s) in cases where a Coastal Zone Consistency Review is required.

Sections 280.40, 280.41, 280.50, and 280.51, respectively, break out, for clarification, procedures for submission, inspection, and selection of G&G data and information.

Sections 280.42 and 280.52 clarify that any transfer of G&G data and information to a third party would transfer the obligations to provide access to us as well. When the third party accepts the transfer, they must also accept the obligation to provide access and are subject to the penalty provisions of 30 CFR part 250, subpart N, if they fail to do so.

Section 280.60 requires us to reimburse permittees or third parties for reasonable costs of reproducing data and information that the Regional Director requests.

Section 280.71 requires the Regional Director to disclose geological data and information to the public 10 years after issuing the permit.

The requirement for submission of a prospecting plan has been eliminated as that data and information will now be submitted as part of the permit form itself.

### Procedural Matters

#### Public Comment Procedure

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours.

Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

#### Federalism (Executive Order (E.O.) 13132)

According to E.O. 13132, the proposed rule does not have Federalism implications. A Federalism assessment is not required as the proposed rule does not change the role or responsibilities between the Federal, State, or local governments and, therefore, does not have direct, substantive, or significant effects on the States.

#### Takings Implications Assessment (E.O. 12630)

According to E.O. 12630, the proposed rule does not have significant Takings implications.

A Takings implication assessment is not required because the proposed rule would not take away or restrict an operators right to collect data and information under the permit terms.

#### Regulatory Planning and Review (E.O. 12866)

According to the criteria in E.O. 12866, this proposed rule is not a significant regulatory action and is not subject to review by the Office of Management and Budget (OMB).

a. This proposed rule will not have an annual economic effect of \$100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of government. This is due to the small amount of activity currently being experienced in offshore prospecting as well as the smaller size of the companies involved as compared to those involved in oil, gas, and sulphur exploration. We estimate that

this rule will affect only one entity per year, and that the total cost to regulated entities for complying with this rule will be approximately \$3,000 per year. For full details, see the information under the heading "Regulatory Flexibility Act."

b. This proposed rule does not create inconsistencies with other agencies' actions because there are no changes in requirements. The notification process will allow the customer to know of the operations of other users in the area. In addition, current regulations are consistent with other agencies' actions.

c. This proposed rule is an administrative change that will not affect entitlements, grants, user fees, loan programs, or their recipients. This proposed rule has no effect on these programs or rights of the programs' recipients.

d. This proposed rule does not raise any novel legal or policy issues. As previously stated, the intent of this proposed rule is to establish consistency in all prelease activities for all minerals on the OCS.

#### *Clarity of This Regulation*

E.O. 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this proposed rule easier to understand, including answers to questions such as the following:

- (1) Are the requirements in the proposed rule clearly stated?
- (2) Does the proposed rule contain technical language or jargon that interferes with its clarity?
- (3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity?
- (4) Would the proposed rule be easier to understand if it were divided into more (but shorter) sections?
- (5) Is the description of the proposed rule in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful in understanding the proposed rule? What else can we do to make the proposed rule easier to understand?

Send a copy of any comments that concern how we could make this proposed rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW, Washington, DC 20240. You may also e-mail the comments to this address: [Exsec@ios.doi.gov](mailto:Exsec@ios.doi.gov).

#### *Civil Justice Reform (E.O. 12988)*

According to E.O. 12988, the Office of the Solicitor has determined that this proposed rule does not unduly burden the judicial system and meets the

requirements of §§ 3(a) and 3(b)(2) of the Order.

#### *National Environmental Policy Act*

This proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment.

#### *Paperwork Reduction Act (PRA) of 1995*

This proposed rule contains a collection of information that has been submitted to OMB for review and approval under § 3507(d) of the PRA. As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on any aspect of the reporting burden. Submit your comments to the Office of Information and Regulatory Affairs; OMB; Attention: Desk Officer for the Department of the Interior (OMB control number 1010-0072); Washington, DC 20503. Send a copy of your comments to the Rules Processing Team, Engineering and Operations Division; Mail Stop 4024; Minerals Management Service; 381 Elden Street; Herndon, Virginia 20170-4817. You may obtain a copy of the supporting statement for the collection of information by contacting the Bureau's Information Collection Clearance Officer at (202) 208-7744.

The PRA provides that an agency may not conduct or sponsor, and you are not required, to respond to a collection of information unless it displays a currently valid OMB control number. OMB is required to make a decision to approve or disapprove this collection of information between 30 to 60 days after publication of this document. Therefore, your comments are best assured of being considered by OMB if OMB receives them by January 7, 2000. However, we will consider all comments received during the comment period for this notice of proposed rulemaking.

The title of this collection of information is "30 CFR Part 280, Prospecting for Minerals other than Oil, Gas, and Sulphur in the OCS." OMB had previously approved the information collection requirements in the current 30 CFR part 280 regulations under OMB control number 1010-0072. However, the OMB approval has expired. Our submission to OMB requests that OMB reinstate control number 1010-0072 based upon the information collection requirements in this proposed rule.

The proposed rule contains the following primary information collection requirements with the estimated hour burden for each shown in parentheses.

(a) Sections 280.12 and 280.13: Submit permit application (form MMS-134) to conduct G&G prospecting for hard minerals or file notice to conduct scientific research activities (6 hours).

(b) Section 280.22: Submit modification of approved operations (0.5 hour).

(c) Section 280.24: Submit status and final reports (8 hours).

(d) Section 280.28: Request relinquishment of permit (1 hour).

(e) Sections 280.40, 280.41, 280.50, and 280.51: Submit G&G data/information collected under a permit and/or processed by permittees or third parties (4 hours).

(f) Sections 280.42 and 280.52: Notify MMS of third-party transactions (0.5 hour).

(g) Sections 280.60 and 280.61: Request reimbursement for costs of reproducing data/information and certain processing costs (20 hours).

The proposed rule contains a few other minor information collection aspects. However, we anticipate either no responses over a 3-year period or that the burden would be very minimal.

Respondents would be hard mineral permittees or notice filers. The frequency of response is on occasion, with the exception of the status reports. The frequency of those will be specified in the permit. We estimate only one respondent per year and a total annual reporting and recordkeeping burden of 88 hours. Responses are required to obtain or retain a benefit. We will protect information considered confidential or proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2), and under regulations at § 280.71 and applicable sections of 30 CFR parts 250 and 252.

We need and use the information to ensure there is no environmental degradation, personal harm or unsafe operations and conditions, damage to historical or archaeological sites, or interference with other uses; to analyze and evaluate preliminary or planned drilling activities; to monitor progress and activities in the OCS; to acquire G&G data and information collected under a Federal permit offshore; and to determine eligibility for reimbursement from the Government for certain costs.

We will summarize written responses to this notice and address them in the final rule. All comments will become a matter of public record.

1. We specifically solicit comments on the following questions:

(a) Is the proposed collection of information necessary for the proper performance of our functions, and will it be useful?

(b) Are the estimates of the burden hours of the proposed collection reasonable?

(c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

(d) Is there a way to minimize the information collection burden on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other forms of information technology?

2. In addition, the PRA requires agencies to estimate the total annual cost burden to respondents or recordkeepers resulting from the collection of information. We need your comments on this item. Your response should split the cost estimate into two components: (a) total capital and startup cost component; and (b) annual operation, maintenance, and purchase of services component. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: before October 1, 1995; to comply with requirements not associated with the information collection; for reasons other than to provide information or keep records for the Government; or as part of customary and usual business or private practices.

#### *Regulatory Flexibility Act*

The changes to 30 CFR part 280 should not have a significant economic effect. The rulemaking may involve small businesses or small entities if they want to perform prospecting activities or scientific research on the OCS. The Small Business Administration defines a *small business* as having the following:

- annual revenues of \$5 million or less for service companies and colleges and universities; and
- less than 500 employees for companies that extract natural resources (*i.e.*, sand and gravel).

In many ways, we try to offer customer service at no cost to smaller companies that are active on the OCS. These services include informing

customers of environmental laws and regulations, making permit applications available on the Internet, making various offshore maps and stipulations accessible, etc.

There are no changes or effects with respect to the number of people performing the activities nor is there any change with regard to technology or operating costs. Changes in this proposed rule make it parallel to the prelease exploration regulations covering oil, gas, and sulphur (30 CFR part 251). In applying for a permit, we will not require a prospecting plan. Information previously required for a prospecting plan will be submitted as a part of the permit itself. Operators will need to submit a notice for all scientific research. The proposed rule also breaks out, for clarification, procedures for submission, inspection, and selection of G&G data and information, as well as clarifying the responsibilities of third parties. It also requires us to reimburse permittees or third parties for reasonable costs for reproducing data and information that we request.

We expect that either one company will apply for a prospecting permit or one institution will file a notice of intent to conduct scientific research per year, based on MMS receiving six applications for a prospecting permit in the last 10 years. Previous activities in these areas indicate that most of these entities would be considered small.

The primary economic effect on small businesses is the cost associated with information collection activities. The only major change in reporting requirements would represent a small increase, not for those engaged in the mineral industry but, rather, for those involved in scientific research. This increased reporting requirement relates to the filing of a notice for all scientific research activities. The current regulations are silent on this issue. We estimate that the new requirements will result in filing one notice per year. Each notice would require 6 hours to prepare, at a cost of \$35 per hour, for a total cost of \$210 per notice, which would also be the total annual cost. These numbers would also represent the total cost for a permit. These figures may be compared to similar ones for oil, gas, and sulphur activities, whose numbers are 24 to 36 hours for a total cost of \$840 to \$1,260.

In our proposed information collection budget for this proposed rule, we estimate the total burden in complying with these regulations to be 88 hours for a total \$3,080. Cost does not vary with the size of the company. We compare these figures with those for oil, gas, and sulphur activities, which

are 10,604 hours for a total of \$371,140. In addition, because of the small numbers of entities expected to engage in these activities at this time, the number of small businesses that would experience a significant economic effect is not substantial. As a result, this proposed rule will not have a significant economic effect on a substantial number of small entities.

We should note that this proposed rule only applies to preliminary prelease prospecting activities. As long as sufficient sources for economically recoverable mineral resources exist onshore, the higher costs of offshore development will constrain industry. To develop and produce even the relatively easier minerals (sand and gravel), large investments of up to \$15 to \$25 million will be necessary for technology and establishing both land-based processing and marketing facilities. Currently, sand and gravel are being dredged from the OCS to support large-scale public works projects to nourish beaches. These projects are authorized and funded by Federal, State, and local governments and, to date, there have been only two or three commercial aggregate producers who have expressed an interest in future OCS development.

Locating and delineating offshore mineral resources can be expensive, depending on how much is already known about an offshore area. A prospecting program to collect seismic information and to collect a number of 20-foot cores of sediment can cost approximately \$100,000 to \$400,000. Compared to the magnitude of these costs, the costs associated with the requirements of this proposed rule are relatively small. Given the high costs of mineral prospecting, we expect an applicant's time and expense in order to comply with information collection on a prelease prospecting permit to represent only a small fraction of the total costs of locating, assessing, and developing offshore strategic minerals.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small business about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734-3247.

*Small Business Regulatory Enforcement Fairness Act (SBREFA)*

This proposed rule is not a major rule under the (5 U.S.C. 804(2)), SBREFA. This proposed rule:

(a) Does not have an annual effect on the economy of \$100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or ability of U.S.-based enterprises to compete with foreign-based enterprises. This is based upon the small amount of activity currently being experienced in offshore prospecting as well as the smaller size of the companies involved as compared with those involved in oil, gas, and sulphur exploration.

*Unfunded Mandate Reform Act (UMRA) of 1995*

This proposed rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The proposed rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

**List of Subjects in 30 CFR Part 280**

Continental shelf, Freedom of information, Prospecting, Public lands—mineral resources, Reporting and recordkeeping requirements, Research.

Dated: October 20, 1999.

**Sylvia V. Baca,**

*Acting Assistant Secretary, Land and Minerals Management.*

For the reasons stated in the preamble, the Minerals Management Service (MMS) proposes to revise 30 CFR part 280 as follows:

**PART 280—PROSPECTING FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF****Prospecting and Scientific Research in the Outer Continental Shelf****Subpart A—General Information**

Sec.

280.1 What definitions apply to this part?

280.2 What is the purpose of this part?

280.3 What requirements must I follow when I conduct prospecting or research activities?

280.4 What activities are not covered by this part?

**Subpart B—How To Apply for a Permit or File a Notice**

280.10 What must I do before I can conduct prospecting activities?

280.11 What must I do before I can conduct scientific research?

280.12 What must I include in my application or notification?

280.13 Where must I send my application or notification?

**Subpart C—Obligations Under This Part****Prohibitions and Requirements**

280.20 What may I not do?

280.21 What must I do?

280.22 What must I do when seeking approval for modifications?

280.23 How must I cooperate with inspection activities?

280.24 What reports must I file?

**Interrupted Activities**

280.25 When can MMS require me to stop activities under this part?

280.26 When can I resume activities?

280.27 When can MMS cancel my permit?

280.28 Can I give up my permit?

**Environmental Issues**

280.29 Will MMS monitor the environmental effects of my activity?

280.30 What activities will not require environmental analysis?

280.31 Whom will MMS notify about environmental issues?

**Penalties and Appeals**

280.32 What penalties may I be subject to?

280.33 How can I appeal a penalty?

**Subpart D—Data Requirements****Geological Data and Information**

280.40 When do I notify MMS that geological data and information are available for submission, inspection, and selection?

280.41 What types of geological data and information must I submit to MMS?

280.42 When geological data and information are obtained by a third party, what must we both do?

**Geophysical Data and Information**

280.50 When do I notify MMS that geophysical data and information are available for submission, inspection, and selection?

280.51 What types of geophysical data and information must I submit to MMS?

280.52 When geophysical data and information are obtained by a third party, what must we both do?

**Reimbursement**

280.60 Which of my costs will be reimbursed?

280.61 Which of my costs will not be reimbursed?

**Protections**

280.70 What data and information will be protected from public disclosure?

280.71 What is the timetable for release of data and information?

280.72 What procedures will be followed to disclose data and information?

280.73 Will data and information be shared with coastal States?

**Subpart E—Information Collection**

280.80 Paperwork Reduction Act statement—information collection.

**Authority:** 43 U.S.C. 1331 *et seq.*, 42 U.S.C. 4332 *et seq.*

**Subpart A—General Information****§ 280.1 What definitions apply to this part?**

Definitions in this part have the following meaning:

*Act* means OCS Lands Act, as amended (43 U.S.C. 1331 *et seq.*).

*Adjacent State* means with respect to any activity proposed, conducted, or approved under this part, any coastal State(s):

(1) That is used, or is scheduled to be used, as a support base for geological and geophysical (G&G) prospecting or scientific research activities; or

(2) In which there is a reasonable probability of significant effect on land or water uses from such activity.

*Analyzed geological information* means data collected under a permit or a lease that have been analyzed. Some examples of analysis include, but are not limited to, identification of lithologic and fossil content, core analyses, laboratory analyses of physical and chemical properties, well logs or charts, results from formation fluid tests, and descriptions of mineral occurrences or hazardous conditions.

*Archaeological interest* means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques, such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation.

*Archaeological resource* means any material remains of human life or activities that are at least 50 years of age and are of archaeological interest.

*Coastal environment* means the physical, atmospheric, and biological components, conditions, and factors that interactively determine the productivity, state, condition, and quality of the terrestrial ecosystem from the shoreline inward to the boundaries of the coastal zone.

*Coastal zone* means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder) that are strongly influenced by each other and in proximity to the shorelands of the several coastal States. The coastal zone includes islands, transition and intertidal areas, salt marshes, wetlands, and beaches. The coastal zone extends seaward to the

outer limit of the U.S. territorial sea and extends inland from the shorelines to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and the inward boundaries of which may be identified by the several coastal States, under the authority in section 305(b)(1) of the Coastal Zone Management Act (CZMA) of 1972.

*Coastal Zone Management Act* means the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 *et seq.*).

*Data* means facts and statistics, measurements, or samples that have not been analyzed, processed, or interpreted.

*Deep stratigraphic test* means drilling that involves the penetration into the sea bottom of more than 500 feet (152 meters).

*Director* means the Director of the Minerals Management Service, U.S. Department of the Interior, or an official authorized to act on the Director's behalf.

*Geological and geophysical (G&G) prospecting activities* means the commercial search for mineral resources other than oil, gas, or sulphur. Activities classified as prospecting include, but are not limited to:

(1) Geological and geophysical marine and airborne surveys where magnetic, gravity, seismic reflection, seismic refraction, or the gathering through coring or other geological samples are used to detect or imply the presence of hard minerals; and

(2) Any drilling, whether on or off a geological structure.

*Geological and geophysical (G&G) scientific research activities* means any investigation related to hard minerals that is conducted in the OCS for academic or scientific research. These investigations would involve gathering and analyzing geological, geochemical, or geophysical data and information that are made available to the public for inspection and reproduction at the earliest practical time. The term does not include commercial G&G exploration or commercial G&G prospecting activities.

*Geological sample* means a collected portion of the seabed, the subseabed, or the overlying water acquired while conducting prospecting or scientific research activities.

*Governor* means the Governor of a State or the person or entity lawfully designated by or under State law to exercise the powers granted to a Governor under the Act.

*Hard minerals* means any minerals found on or below the surface of the seabed except for oil, gas, or sulphur.

*Interpreted geological information* means the knowledge, often in the form of schematic cross sections, 3-dimensional representations, and maps, developed by determining the geological significance of geological data and analyzed and processed geologic information.

*Interpreted geophysical information* means knowledge, often in the form of seismic cross sections, 3-dimensional representations, and maps, developed by determining the geological significance of geophysical data and processed geophysical information.

*Lease* means, depending upon the requirements of the context, either:

(1) An agreement issued under section 8 or maintained under section 6 of the Act that authorizes mineral exploration, development and production; or

(2) The area covered by an agreement specified in paragraph (1) of this definition.

*Material remains* means physical evidence of human habitation, occupation, use, or activity, including the site, location, or context in which evidence is situated.

*Minerals* means all minerals authorized by an Act of Congress to be produced from "public lands" as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702). The term includes oil, gas, sulphur, geopressured-geothermal and associated resources.

*Notice* means a written statement of intent to conduct G&G scientific research that is:

(1) Related to hard minerals in the OCS; and

(2) Not covered under a permit.

*Oil, gas, and sulphur* means oil, gas, and sulphur, geopressured-geothermal and associated resources.

*Outer Continental Shelf (OCS)* means all submerged lands—

(1) That lie seaward and outside of the area of lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301); and

(2) Whose subsoil and seabed belong to the United States and are subject to its jurisdiction and control.

*Permit* means the contract or agreement, other than a lease, issued under this part. The permit gives a person the right, under appropriate statutes, regulations, and stipulations, to conduct on the OCS:

(1) Geological prospecting for hard minerals;

(2) Geophysical prospecting for hard minerals;

(3) Geological scientific research; or

(4) Geophysical scientific research.

*Permittee* means the person authorized by a permit issued under this part to conduct activities on the OCS.

*Person* means—

(1) A citizen or a national of the United States;

(2) An alien lawfully admitted for permanent residence in the United States as defined in section 8 U.S.C. 1101(a)(20);

(3) A private, public, or municipal corporation organized under the laws of the United States or of any State or territory thereof, and association of such citizens, nationals, resident aliens or private, public, or municipal corporations, States, or political subdivisions of States; or

(4) Anyone operating in a manner provided for by treaty or other applicable international agreements. The term does not include Federal agencies.

*Processed geological or geophysical information* means data collected under a permit and later processed or reprocessed.

(1) Processing involves changing the form of data as to facilitate interpretation. Some examples of processing operations may include, but are not limited to:

(i) Applying corrections for known perturbing causes;

(ii) Rearranging or filtering data; and

(iii) Combining or transforming data elements.

(2) Reprocessing is the additional processing other than ordinary processing used in the general course of evaluation. Reprocessing operations may include varying identified parameters for the detailed study of a specific problem area.

*Secretary* means the Secretary of the Interior or a subordinate authorized to act on the Secretary's behalf.

*Shallow test drilling* means drilling into the sea bottom to depths less than those specified in the definition of a deep stratigraphic test.

*Significant archaeological resource* means those archaeological resources that meet the criteria of significance for eligibility of the National Register of Historic Places as defined in 36 CFR 60.4.

*Third party* means any person other than the permittee or a representative of the United States, including all persons who obtain data or information acquired under a permit from the permittee, or from another third party, by sale, trade, license agreement, or other means.

*You* means a person who applies for and/or obtains a permit, or files a notice to conduct G&G prospecting or scientific research related to hard minerals in the OCS.

**§ 280.2 What is the purpose of this part?**

The purpose of this part is to:

(a) Allow you to conduct prospecting activities or scientific research activities in the OCS relating to hard minerals on unleased lands or on lands under lease to a third party.

(b) Ensure that you carry out prospecting activities or scientific research activities in a safe and environmentally sound manner so as to prevent harm or damage to, or waste of, any natural resources (including any hard minerals in areas leased or not leased), any life (including fish and other aquatic life), property, or the marine, coastal, or human environment.

(c) Inform you and third parties of your legal and contractual obligations.

(d) Inform you and third parties of:

(1) The U.S. government's rights to access G&G data and information collected under permit in the OCS;

(2) Reimbursement we will make for data and information that are submitted; and

(3) The proprietary terms of data and information that we retain.

**§ 280.3 What requirements must I follow when I conduct prospecting or research activities?**

You must conduct G&G prospecting activities or scientific research activities under this part according to:

(a) The Act;

(b) The regulations in this part;

(c) Orders of the Director/Regional Director; and

(d) Other applicable statutes, regulations, and amendments.

**§ 280.4 What activities are not covered by this part?**

This part does not apply to:

(a) G&G prospecting activities conducted by, or on behalf of, the lessee on a lease in the OCS.

(b) Federal agencies.

(c) G&G exploration or G&G scientific research activities related to oil, gas, and

sulphur which are covered by regulations at 30 CFR part 251.

**Subpart B—How To Apply for a Permit or File a Notice**

**§ 280.10 What must I do before I can conduct prospecting activities?**

You must have an MMS-approved permit to conduct G&G prospecting activities, including deep stratigraphic tests, for hard minerals. If you conduct both geological and geophysical prospecting activities, you must have a separate permit for each.

**§ 280.11 What must I do before I can conduct scientific research?**

You may conduct G&G scientific research activities related to hard minerals in the OCS only after you obtain an MMS-approved permit or file a notice.

(a) *Permit.* You must obtain a permit if the research activities you want to conduct involve:

- (1) Using solid or liquid explosives;
- (2) Drilling a deep stratigraphic test;

or

(3) Developing data and information for proprietary use or sale.

(b) *Notice.* If you conduct research activities not covered by paragraph (a) of this section, you must file a notice with the Regional Director at least 30 days before you begin. If you cannot file a 30-day notice, you must provide oral notification before you begin and follow up in writing. You must also inform MMS in writing when you conclude your work.

**§ 280.12 What must I include in my application or notification?**

(a) *Permits.* You must submit to the Regional Director a signed original and three copies of the permit application (form MMS-134) at least 30 days before the startup date for activities in the permit area. If unusual circumstances prevent you from meeting this deadline, you must immediately contact the Regional Director to arrange an

acceptable deadline. The form includes names of persons, type, location, purpose, and dates of activity, as well as environmental and other information.

(b) *Disapproval of permit application.* If we disapprove your application for a permit, the Regional Director will tell you why and tell you what you need to do to obtain approval.

(c) *Notices.* You must sign and date a notice that includes:

(1) The name(s) of the person(s) who will conduct the proposed research;

(2) The name(s) of any other person(s) participating in the proposed research, including the sponsor;

(3) The type of research and a brief description of how you will conduct it;

(4) A map, plat, or chart, that shows the location where you will conduct research;

(5) The proposed projected starting and ending dates for your research activity;

(6) The name, registry number, registered owner, and port of registry of vessels used in the operation;

(7) The earliest practical time you expect to make the data and information resulting from your research activity available to the public;

(8) Your plan of how you will make the data and information you collect available to the public;

(9) A statement that you and others involved will not sell or withhold the data and information resulting from your research; and

(10) At your option, the nonexclusive use agreement for scientific research attachment to form MMS-134. (If you submit this agreement, you do not have to submit the material required in paragraphs (c)(7), (c)(8), and (c)(9) of this section.)

**§ 280.13 Where must I send my application or notification?**

You must apply for a permit or file a notice at one of the following locations:

For the OCS off the—	Apply to—
(a) State of Alaska .....	Regional Supervisor for Resource Evaluation, Minerals Management Service, Alaska OCS Region, 949 East 36th Avenue, Anchorage, Alaska 99508-4363.
(b) Atlantic Coast, Gulf of Mexico, Puerto Rico, or U.S. territories in the Caribbean Sea.	Regional Supervisor for Resource Evaluation, Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394.
(c) States of California, Oregon, Washington, Hawaii, or U.S. territories in the Pacific Ocean.	Regional Supervisor for Resource Evaluation, Minerals Management Service, Pacific OCS Region, 770 Paseo Camarillo, Camarillo, California 93010-6064.

## Subpart C—Obligations Under This Part

### Prohibitions and Requirements

#### § 280.20 What may I not do?

While conducting G&G prospecting or scientific research activities under a permit or notice, you must not:

(a) Interfere with or endanger operations under any lease, right-of-way, easement, right-of-use, notice, or permit issued or maintained under the Act;

(b) Cause harm or damage to life (including fish and other aquatic life), property, or the marine, coastal, or human environment;

(c) Cause harm or damage to any mineral resources (in areas leased or not leased);

(d) Cause pollution;

(e) Disturb archaeological resources;

(f) Create hazardous or unsafe conditions;

(g) Unreasonably interfere with or cause harm to other uses of the area; or

(h) Claim any oil, gas, sulphur, or other minerals you discover while conducting operations under a permit or notice.

#### § 280.21 What must I do?

While conducting G&G prospecting or scientific research activities under a permit or notice, you must:

(a) Immediately report to the Regional Director if you:

(1) Detect hydrocarbon or any other mineral occurrence;

(2) Detect environmental hazards that imminently threaten life and property; or

(3) Adversely affect the environment, aquatic life, archaeological resources, or other uses of the area where you are prospecting or conducting scientific research activities.

(b) Consult and coordinate your G&G activities with other users of the area for navigation and safety purposes.

(c) If you conduct shallow test drilling or deep stratigraphic test drilling activities, use the best available and safest technologies that the Regional Director considers economically feasible.

#### § 280.22 What must I do when seeking approval for modifications?

Before you begin modified operations, you must submit a written request describing the modifications and receive the Regional Director's oral or written approval. If circumstances preclude a written request, you must make an oral request and follow up in writing.

#### § 280.23 How must I cooperate with inspection activities?

You must allow our representatives to inspect your G&G prospecting or any

scientific research activities that are being conducted under a permit. They will determine whether operations are adversely affecting the environment, aquatic life, archaeological resources, or other uses of the area. We will reimburse you for food, quarters, and transportation that you provide for our representatives if you send in your reimbursement request to the Region that issued the permit within 90 days of the inspection.

#### § 280.24 What reports must I file?

(a) You must submit status reports on a schedule specified in the permit and include a daily log of operations.

(b) You must submit a final report of G&G prospecting or scientific research activities under a permit within 30 days after you complete acquisition activities under the permit. You may combine the final report with the last status report and must include each of the following:

(1) A description of the work performed.

(2) Charts, maps, plats and digital navigation data in a format specified by the Regional Director, showing the areas and blocks in which any G&G prospecting or permitted scientific research activities were conducted. Identify the lines of geophysical traverses and their locations including a reference sufficient to identify the data produced during each activity.

(3) The dates on which you conducted the actual prospecting or scientific research activities.

(4) A summary of any:

(i) Hard mineral, hydrocarbon, or sulphur occurrences encountered;

(ii) Environmental hazards; and

(iii) Adverse effects of the G&G prospecting or scientific research activities on the environment, aquatic life, archaeological resources, or other uses of the area in which the activities were conducted.

(5) Other descriptions of the activities conducted as specified by the Regional Director.

### Interrupted Activities

#### § 280.25 When can MMS require me to stop activities under this part?

(a) We may temporarily stop prospecting or scientific research activities under a permit when the Regional Director determines that:

(1) Activities pose a threat of serious, irreparable, or immediate harm. This includes damage to life (including fish and other aquatic life), property, and any minerals (in areas leased or not leased), to the marine, coastal, or human environment, or to an archeological resource;

(2) You failed to comply with any applicable law, regulation, order or

provision of the permit. This would include our required submission of reports, well records or logs, and G&G data and information within the time specified; or

(3) Stopping the activities is in the interest of national security or defense.

(b) The Regional Director will advise you either orally or in writing of the procedures to temporarily stop activities. We will confirm an oral notification in writing and deliver all written notifications by courier or certified/registered mail. You must stop all activities under a permit as soon as you receive an oral or written notification.

#### § 280.26 When can I resume activities?

The Regional Director will advise you when you may start your permit activities again.

#### § 280.27 When can MMS cancel my permit?

The Regional Director may cancel, or a permittee may relinquish, a permit at any time.

(a) If we cancel your permit, the Regional Director will advise you by certified or registered mail 30 days before the cancellation date and will state the reason.

(b) After we cancel your permit, you are still responsible for proper abandonment of any drill site according to the requirements of 30 CFR 251.7(b)(8). You must comply with all other obligations specified in this part or in the permit.

#### § 280.28 Can I give up my permit?

(a) You may relinquish the permit by advising the Regional Director by certified or registered mail 30 days in advance.

(b) After you relinquish your permit, you are still responsible for proper abandonment of any drill sites according to the requirements of 30 CFR 251.7(b)(8). You must also comply with all other obligations specified in this part or in the permit.

### Environmental Issues

#### § 280.29 Will MMS monitor the environmental effects of my activity?

We will evaluate the potential of proposed prospecting or scientific research activities for adverse impact on the environment to determine the need for mitigation measures.

#### § 280.30 What activities will not require environmental analysis?

We anticipate that activities of the type listed in this section typically will

not cause significant environmental impact and will normally be categorically excluded from additional environmental analysis. The types of activities include:

- (a) Gravity and magnetometric observations and measurements;
- (b) Bottom and subbottom acoustic profiling or imaging without the use of explosives;
- (c) Hard minerals sampling of a limited nature such as shallow test drilling;
- (d) Water and biotic sampling, if the sampling does not adversely affect shellfish beds, marine mammals, or an endangered species or if permitted by the National Marine Fisheries Service or another Federal agency;
- (e) Meteorological observations and measurements, including the setting of instruments;
- (f) Hydrographic and oceanographic observations and measurements, including the setting of instruments;
- (g) Sampling by box core or grab sampler to determine seabed geological or geotechnical properties;
- (h) Television and still photographic observation and measurements;
- (i) Shipboard hard mineral assaying and analysis; and
- (j) Placement of positioning systems, including bottom transponders and surface and subsurface buoys reported in Notices to Mariners.

**§ 280.31 Whom will MMS notify about environmental issues?**

(a) In cases where Coastal Zone Consistency Review is required, the Director will notify the Governor of each adjacent State with a copy of the application for a permit immediately upon the submission for approval.

(b) In cases where an environmental assessment is to be prepared, the Director will invite the Governor of each adjacent State to review and provide comments regarding the proposed activities. The Director's invitation to provide comments will allow the Governor a specified period of time to comment.

(c) When a permit is issued, the Director will notify affected parties including each affected coastal State, Federal agency, local government, and special interest organization that has expressed an interest.

**Penalties and Appeals**

**§ 280.32 What penalties may I be subject to?**

(a) *Penalties for noncompliance under a permit.* You are subject to the penalty provisions of:

- (1) Section 24 of the Act (43 U.S.C. 1350); and

(2) The procedures contained in 30 CFR part 250, subpart N, for noncompliance with:

- (i) Any provision of the Act;
- (ii) Any provisions of a G&G or drilling permit; or
- (iii) Any regulation or order issued under the Act.

(b) *Penalties under other laws and regulations.* The penalties prescribed in this section are in addition to any other penalty imposed by any other law or regulation.

**§ 280.33 How can I appeal a penalty?**

See 30 CFR part 290 for instructions on how to appeal any order or decision that we issue under this part.

**Subpart D—Data Requirements**

**Geological Data and Information**

**§ 280.40 When do I notify MMS that geological data and information are available for submission, inspection, and selection?**

(a) You must notify the Regional Director, in writing, when you complete the initial analysis, processing, or interpretation of any geological data and information. Initial analysis and processing are the stages of analysis or processing where the data and information first become available for in-house interpretation by the permittee or become available commercially to third parties via sale, trade, license agreement, or other means.

(b) The Regional Director may ask if you have further analyzed, processed, or interpreted any geological data and information. When asked, you must respond to us in writing within 30 days.

(c) The Regional Director may ask the permittee or third party to submit the analyzed, processed, or interpreted geologic data and information for us to inspect or permanently retain. You must submit the data and information within 30 days after such a request.

**§ 280.41 What types of geological data and information must I submit to MMS?**

Unless the Regional Director specifies otherwise, you must submit geological data and information that include:

(a) An accurate and complete record of all geological (including geochemical) data and information describing each operation of analysis, processing, and interpretation;

(b) Paleontological reports identifying by depth any microscopic fossils collected, including the reference datum to which paleontological sample depths are related and, if the Regional Director requests, washed samples, that you maintain for paleontological determinations;

(c) Copies of well logs or charts in a digital format, if available;

(d) Results and data obtained from formation fluid tests;

(e) Analyses of core or bottom samples and/or a representative cut or split of the core or bottom sample;

(f) Detailed descriptions of any hydrocarbons or other minerals or hazardous conditions encountered during operations, including near losses of well control, abnormal geopressures, and losses of circulation; and

(g) Other geological data and information that the Regional Director may specify.

**§ 280.42 When geological data and information are obtained by a third party, what must I and the third party do?**

A third party may obtain geological data and information from a permittee, or from another third party, by sale, trade, license agreement, or other means. If this happens:

(a) The third-party recipient of the data and information assumes the obligations under this part, except for the notification provisions of § 280.40(a) and is subject to the penalty provisions of § 280.32(a)(1) and 30 CFR part 250, subpart N; and

(b) A permittee or third party that sells, trades, licenses, or otherwise provides data and information to a third party must advise the recipient, in writing, that accepting these obligations is a condition precedent of the sale, trade, license, or other agreement; and

(c) Except for license agreements, a permittee or third party that sells, trades, or otherwise provides data and information to a third party must advise the Regional Director in writing within 30 days of the sale, trade, or other agreement, including the identity of the recipient of the data and information; or

(d) For license agreements, a permittee or third party that licenses data and information to a third party must, within 30 days of a request by the Regional Director, advise the Regional Director, in writing, of the license agreement, including the identity of the recipient of the data and information.

**Geophysical Data and Information**

**§ 280.50 When do I notify MMS that geophysical data and information are available for submission, inspection, and selection?**

(a) You must notify the Regional Director in writing when you complete the initial processing and interpretation of any geophysical data and information. Initial processing is the stage of processing where the data and information become available for in-house interpretation by the permittee, or

become available commercially to third parties via sale, trade, license agreement, or other means.

(b) The Regional Director may ask whether you have further processed or interpreted any geophysical data and information. When asked, you must respond to us in writing within 30 days.

(c) The Regional Director may request that the permittee or third party submit geophysical data and information before making a final selection for retention. Our representatives may inspect and select the data and information on your premises, or the Regional Director can request delivery of the data and information to the appropriate regional office for review.

(d) You must submit the geophysical data and information within 30 days of receiving the request, unless the Regional Director extends the delivery time.

(e) At any time before final selection, the Regional Director may review and return any or all geophysical data and information. We will notify you in writing of any data the Regional Director decides to retain.

**§ 280.51 What types of geophysical data and information must I submit to MMS?**

Unless the Regional Director specifies otherwise, you must include:

(a) An accurate and complete record of each geophysical survey conducted under the permit, including digital navigational data and final location maps;

(b) All seismic data collected under a permit presented in a format and of a quality suitable for processing;

(c) Processed geophysical information derived from seismic data with extraneous signals and interference removed, presented in a quality format suitable for interpretive evaluation, reflecting state-of-the-art processing techniques; and

(d) Other geophysical data, processed geophysical information, and interpreted geophysical information including, but not limited to, shallow and deep subbottom profiles, bathymetry, sidescan sonar, gravity and magnetic surveys, and special studies such as refraction and velocity surveys.

**§ 280.52 When geophysical data and information are obtained by a third party, what must I and the third party do?**

A third party may obtain geophysical data, processed geophysical information, or interpreted geophysical

information from a permittee, or from another third party, by sale, trade, license agreement, or other means. If this happens:

(a) The third-party recipient of the data and information assumes the obligations under this part, except for the notification provisions of § 280.50(a) and is subject to the penalty provisions of § 280.32(a)(1) and 30 CFR 250, subpart N; and

(b) A permittee or third party that sells, trades, licenses, or otherwise provides data and information to a third party must advise the recipient, in writing, that accepting these obligations is a condition precedent of the sale, trade, license, or other agreement; and

(c) Except for license agreements, a permittee or third party that sells, trades, or otherwise provides data and information to a third party must advise the Regional Director, in writing within 30 days of the sale, trade, or other agreements, including the identity of the recipient of the data and information; or

(d) For license agreements, a permittee or third party that licenses data and information to a third party must, within 30 days of a request by the Regional Director, advise the Regional Director, in writing, of the license agreement, including the identity of the recipient of the data and information.

**Reimbursement**

**§ 280.60 Which of my costs will be reimbursed?**

(a) We will reimburse you or a third party for reasonable costs of reproducing data and information that the Regional Director requests if:

(1) You deliver G&G data and information to us for the Regional Director to inspect or select and retain (according to §§ 280.40 and 280.50);

(2) We receive your request for reimbursement and the Regional Director determines that the requested reimbursement is proper; and

(3) The cost is at your lowest rate (or a third party's) or at the lowest commercial rate established in the area, whichever is less.

(b) We will reimburse you or the third party for the reasonable costs of processing geophysical information (which does not include cost of data acquisition) if, at the request of the Regional Director, you processed the geophysical data or information in a form or manner other than that used in the normal conduct of business.

**§ 280.61 Which of my costs will not be reimbursed?**

(a) When you request reimbursement, you must identify reproduction and processing costs separately from acquisition costs.

(b) We will not reimburse you or a third party for data acquisition costs or for the costs of analyzing or processing geological information or interpreting geological or geophysical information.

**Protections**

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

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

(1) The Freedom of Information Act (5 U.S.C. 552);

(2) The implementing regulations of 43 CFR part 2;

(3) The Act; and

(4) The regulations at 30 CFR parts 250 and 252.

(b) If the Regional Director 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:

(1) You and all third parties agree to the disclosure; or

(2) A provision of 30 CFR parts 250 and 252 allows us to make the disclosure.

(c) 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.

(d) 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.

**§ 280.71 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 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 .....	10 years after issuing the permit.
(2) Geophysical data .....	50 years after you or a third party submit the data.
(3) Geophysical information .....	25 years after you or a third party submit the information.
(4) Data and information related to a deep stratigraphic test.	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 noncompetitive 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 geographic miles (92.7 kilometers) of the test.

**§ 280.72 How will MMS disclose data and information?**

(a) When practical, the Regional Director will advise the person who submitted data and information under § 280.40 or 280.50 of the intent to disclose the data or information to an independent contractor or agent.

(b) The person notified will have at least 5 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) Before disclosure, the 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.

**§ 280.73 Will MMS 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 we receive under this part to the Governor of any adjacent State that requests it according to paragraphs (b), (c), and (d) of this section.

(b) We will make a disclosure under this section only after the Governor and the Secretary have entered into an agreement containing all of the following provisions:

- (1) The confidentiality of the information will be maintained.
- (2) In any action taken for failure to protect the confidentiality of proprietary information, neither the Federal Government nor the State may raise as a defense:
  - (i) Any claim of sovereign immunity; or
  - (ii) Any claim that the employee who revealed the proprietary information

was acting outside the scope of his/her employment in revealing the information.

(3) The State agrees to hold the Federal Government harmless for any violation by the State or its employees or contractors of the agreement to protect the confidentiality of proprietary data and information and samples.

(4) The materials containing the proprietary data, information, and samples will remain the property of the Federal Government.

(c) The data, information, and samples available for reproduction to the State(s) under an agreement must be related to leased lands. Data and information on unleased lands may be viewed but not copied or reproduced.

(d) The State must return to us the materials containing the proprietary data, information, and samples when we ask for them or when the State no longer needs them.

(e) Information received and knowledge gained by a State official under paragraph (d) of this section is subject to confidentiality requirements of:

- (1) The Act; and
- (2) The regulations at 30 CFR parts 280, 281, and 282.

**Subpart E—Information Collection**

**§ 280.80 Paperwork Reduction Act statement—information collection.**

(a) OMB has approved the information collection requirements in this part under 44 U.S.C. 3501 *et seq.* and assigned OMB control number 1010-0072. The title of this information collection is “30 CFR Part 280, Prospecting for Minerals other than Oil, Gas, and Sulphur in the Outer Continental Shelf.”

(b) We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

(c) We use the information collected under this part to:

- (1) Evaluate permit applications and monitor scientific research activities for environmental and safety reasons.
- (2) Determine that prospecting does not harm resources, result in pollution, create hazardous or unsafe conditions, or interfere with other users in the area.
- (3) Approve reimbursement of certain expenses.

(4) Monitor the progress and activities carried out under an OCS prospecting permit.

(5) Inspect and select G&G data and information collected under an OCS prospecting permit.

(d) Respondents are Federal OCS permittees and notice filers. Responses are mandatory or are required to obtain or retain a benefit. We will protect information considered proprietary under applicable law and under regulations at § 280.70 and 30 CFR part 281.

(e) Send comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Minerals Management Service, Mail Stop 4230, 1849 C Street, N.W., Washington, D.C. 20240.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 50 and 81**

[FRL-6505-3]

**Rescinding Findings That the 1-Hour Ozone Standard No Longer Applies in Certain Areas**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice to Reopen Comment Period.

**SUMMARY:** The EPA is reopening the comment period for the notice of proposed rulemaking (NPR) that was published on October 25, 1999 (64 FR 57424) regarding the rescinding of findings made by EPA that the 1-hour national ambient air quality standard (NAAQS) for ozone no longer applies in certain areas and which was further clarified on November 18, 1999 (64 FR 63002). The October 25 proposal established a 30-day comment period, which ended on December 1. The EPA believes this provided an adequate opportunity to comment on the specific issues identified in the proposal. However, in response to requests from the public, EPA is reopening the comment period to January 3, 2000.