

Total assets of licensee	Base fee	Plus, percent of assets
\$0 to \$1,500,000	\$3,500	+0%.
\$1,500,001 to \$5,000,000	3,700	+ .065% of the amount over \$1,500,000.
\$5,000,001 to \$10,000,000	6,000	+ .02% of the amount over \$5,000,000.
\$10,000,001 to \$15,000,000	7,000	+ .01% of the amount over \$10,000,000.
\$15,000,001 to \$25,000,000	7,700	+ .015% of the amount over \$15,000,000.
\$25,000,001 to \$50,000,000	9,200	+ .015% of the amount over \$25,000,000.
\$50,000,001 to \$60,000,000	13,000	+ .01% of the amount over \$50,000,000.
\$60,000,001 and above	14,000	+0%.

(c) Adjustments to base fee. Your base fee, as determined by the table in paragraph (b) of this section, will be adjusted (increased or decreased) based on the following criteria:

(1) If you have no outstanding regulatory violations at the time of the commencement of the examination and SBA did not identify any violations as a result of the most recent prior examination, you will receive a 15% discount on your base fee;

(2) If you were fully responsive to the letter of notification of examination

(that is, you provided all requested documents and information within the time period stipulated in the notification letter in a complete and accurate manner, and you prepared and had available all information requested by the examiner for on-site review), you will receive a 10% discount on your base fee;

(3) If you are organized as a partnership or limited liability company, you will pay an additional charge equal to 5% of your base fee;

(4) If you are a Licensee authorized to issue Participating Securities, you will pay an additional charge equal to 10% of your base fee; and

(5) If you maintain your records/files in multiple locations (as permitted under § 107.600(b)), you will pay an additional charge equal to 10% of your base fee.

(d) Fee discounts and additions table. The following table summarizes the discounts and additions noted in paragraph (c) of this section:

Examination fee discounts	Amount of discount—% of base examination fee	Examination fee additions	Amount of addition—% of base examination fee
No prior violations	15	Partnership or limited liability co	5
Responsiveness	10	Participating Security Licensee	10
		Financing Records at Multiple Locations	10

(e) Delay fee. If, in the judgment of SBA, the time required to complete your examination is delayed due to your lack of cooperation or the condition of your records, SBA may assess an additional fee of up to \$500 per day.

Dated: February 4, 1997.

Philip Lader,

Administrator.

[FR Doc. 97-3280 Filed 2-10-97; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 251

RIN 1010-AC10

Geological and Geophysical (G&G) Explorations of the Outer Continental Shelf

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: We propose to revise the regulations that specify how to conduct G&G exploration and research for oil, gas, and sulphur in the Outer

Continental Shelf (OCS) under a permit and to expand the provisions governing research by requiring everyone conducting G&G scientific research in the OCS without a permit to file a notice with MMS. These revisions respond to changes in technology and practice.

DATES: MMS will consider all comments we receive by April 14, 1997. We will begin reviewing comments then and may not fully consider comments we receive after April 14, 1997.

ADDRESSES: Mail or hand-carry written comments to the Department of the Interior, Minerals Management Service, Mail Stop 4700, 381 Elden Street, Herndon, Virginia 20170-4817, Attention: John V. Mirabella, Chief, Engineering and Standards Branch.

FOR FURTHER INFORMATION CONTACT: David R. Zinzer, Geologic Assessment Branch, (703) 787-1515 or Kumkum Ray, Engineering and Standards Branch, (703) 787-1600.

SUPPLEMENTARY INFORMATION: The Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331 *et seq.*) is the basis for MMS regulations to administer G&G exploration and scientific research activities in the OCS. Section 11(a) of the OCSLA provides authority for the

Secretary of the Interior (Secretary) to permit G&G exploration activities as follows:

(a) Approved exploration plans.
 (1) Any person authorized by the Secretary and any person authorized by the Secretary may conduct geological and geophysical explorations in the outer Continental Shelf, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this Act, and which are not unduly harmful to aquatic life in such area.

The regulations at 30 CFR part 251 implement the Secretary's authority and prescribe:

- (1) MMS requirements for a permit or the filing of a statement of intent (notice) to conduct G&G exploration or scientific research in the OCS,
- (2) Operating procedures for conducting exploration or scientific research,
- (3) Conditions for reimbursing permittee for certain costs,
- (4) Other conditions for conducting exploration and research, and
- (5) Procedures for drilling deep stratigraphic tests in the OCS.

This proposed rule is especially timely now. Advances in 3-D seismic

acquisition and processing, graphics imaging, modeling, and other technologies have significantly increased exploration, especially in deep water, subsalt plays, and in deeper horizons of the Gulf of Mexico OCS.

I. Background for Expanding the Notice Requirement

The revised requirement for a notice before conducting any G&G scientific research was developed to address instances in which academic institutions conducted research and:

- They or industry sponsors held the data and analyzed and processed information as proprietary.
- They also offered for sale at least some of the data and information.

MMS defines such activities as G&G explorations and does not consider them G&G scientific research. A permit is required for exploration. For these reasons, the expanded notice requirement is needed to keep MMS informed of any G&G scientific research conducted on the OCS related to oil, gas, and sulphur. After receiving the notice, MMS 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.

II. Clarification of Meaning of Terms "Transfer" and "Third Party"

The current rule at §§ 251.11 and 251.12 specifies what happens when G&G data and information are transferred from one person to another person. MMS lists in the proposed rule several different ways by which a "transfer" can take place, for example, by sale, sale of rights, license agreement, or trade. The proposed rule clarifies that if a permittee transfers data and information to a third party, no matter how that transfer is formulated or characterized by the participants, the obligation to provide access to MMS of the data and information is a condition of the transfer. Further, MMS clarifies that all third party recipients of the data and information will be subject to the penalty provisions of part 250, subpart N, if they fail to meet the obligation to provide access. The term "third party" continues to mean "any person other than a representative of the United States or the permittee" as stated in the current rule. The proposed rule clarifies that the third party includes "all persons to whom the permittee sold, licensed, traded, or otherwise transferred data or information acquired under a permit." These clarifications are not new requirements. MMS routinely obtains G&G data and information from

permittees and third parties to whom data and information were transferred by a permittee.

MMS is including these clarifications in the proposed rule to eliminate any confusion that may arise due to misinterpretation of the rule. As mentioned earlier in the preamble, MMS administers G&G exploration and certain scientific research on the public lands of the OCS under the authority of the OCSLA. Since G&G exploration occurs on public lands, the MMS, before issuing a permit, imposes the condition that access to any data or information acquired must be provided to MMS. The regulated community is aware before obtaining a permit and expending any resources, or collecting any data and information, that it must agree to provide MMS all the data and information MMS requests and that MMS will pay reasonable costs for reproducing the data and information.

III. Discussion of Proposed Rule

These revisions bring Part 251—Geological and Geophysical (G&G) Explorations of the Outer Continental Shelf up to date with recent changes in related regulations at 30 CFR part 250.

Section 251.1 of the proposed regulation updates the definition list by removing unnecessary words and adding, modifying, or expanding definitions.

Section 251.4(b)(2) explains that a notice will be required for all G&G scientific research related to oil, gas, and sulphur conducted in the OCS except for research requiring a permit.

Section 251.5(c)(7) clarifies that at the earliest possible time, the data and information acquired through scientific research will be made available to the public or the permittee or person filing a notice.

Section 251.5(d) provides current addresses of MMS regional offices as filing locations for permit applications and notices.

Section 251.6(c) adds requirements for consulting and coordinating all G&G activities with other users of the area.

Section 251.7(d) changes the bond amount for drilling of a deep stratigraphic test for a single test well, or for an area bond, to be consistent with the current bonding requirements in 30 CFR part 256, subpart I, for drilling under an Exploration Plan. MMS published a proposed rule revising surety bond requirements on December 8, 1995 (60 FR 63011). After MMS publishes the final rule on surety bond requirements, we will modify 30 CFR part 251 to reflect the changes.

Section 251.8(b) 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 251.8(c) 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 251.8(c)(2)(ii) requires that the final report contain digital navigational data in a format the Regional Director specifies in addition to charts, maps, and plats.

Section 251.11 adds processed geological information to the types of data requested throughout this section. The revision of § 251.11(b)(2) clarifies that washed samples may no longer replace paleontological reports and, if maintained, should be made available for MMS inspection if requested by the Regional Director. Sections 251.11(c) and 251.12(d) clarify that any transfer of geological or geophysical data and information to a third party would transfer the obligations to provide access to MMS as well. When the third party accepts the transfer, it must also accept the obligation to provide access and is subject to the penalty provisions of 30 CFR part 250 subpart N, if it fails to do so.

IV. Procedural Matters

Executive Order (E.O.) 12866

This proposed rule is not significant under E.O. 12866.

Regulatory Flexibility Act

The Department of the Interior (DOI) has determined that this proposed rule will not have a significant economic effect on a substantial number of small entities. In many ways MMS offers customer service to a number of small companies that participate in G&G work. An example is the northern Gulf of Mexico Oil and Gas Atlas which MMS helped to develop. This atlas classifies reservoirs based upon geologic and engineering parameters. The atlas will assist smaller oil and gas companies to more efficiently discover and develop hydrocarbons in the offshore northern Gulf of Mexico. The revised requirements in this proposed rule contain simple and routine requirements that can be carried out at a negligible cost. The benefits of the revisions are many. MMS would inform those conducting G&G research of environmental laws and regulations and thus ensure environmentally safe and sound practices. The revisions would also help to minimize conflict with other users of the area. The rule is in

“plain English” so small companies unfamiliar with MMS regulations will find it easier to follow.

Paperwork Reduction Act

This proposed rule contains a collection of information which has been submitted to the Office of Management and Budget (OMB) for review and approval under section 3507 (d) of the Paperwork Reduction Act of 1995. As part of our continuing effort to reduce paperwork and respondent burdens, MMS invites 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 1010-0048); Washington, D.C. 20503. Send a copy of your comments to the Chief, Engineering and Standards 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 (703) 787-1242.

OMB may make a decision to approve or disapprove this collection of information within 30 days after receipt of our request. Therefore, your comments are best assured of being considered by OMB if they are received within the time period. However, MMS will consider all comments received during the comment period for this notice of proposed rulemaking.

OMB previously approved the information collections in the current 30 CFR Part 251 under OMB control numbers 1010-0031, 1010-0034, 1010-0036, and 1010-0048. For the proposed new rule, all of the requirements will be included under OMB control number 1010-0048. The title of this collection of information is “30 CFR Part 251, Geological and Geophysical (G&G) Explorations of the OCS.”

The collection of information in the proposed rule consists of:

(a) A permit application for conducting geological and geophysical (G&G) exploration offshore or filing a notice for monitoring scientific research activities (30 CFR 251.5). The notification requirement for scientific research is new;

(b) Reporting the detection of hydrocarbon occurrences, environmental hazards, or adverse effects (30 CFR 251.6(b));

(c) Informing others in the OCS area of your G&G activities (30 CFR 251.6(c));

(d) Information required for test drilling activities (30 CFR 251.7);

(e) Requesting reimbursement of expenses incurred when MMS inspects your exploration activity (30 CFR 251.8(a));

(f) Requesting modifications to and reporting progress of activities conducted under a permit (30 CFR 251.8(c));

(g) Notifying MMS to relinquish a permit (30 CFR 251.9(c)(2));

(h) Accurate and complete information on G&G data and information and subsequent analyses and interpretations (30 CFR 251.11 and 251.12); and

(i) Requesting reimbursement for costs of:

(1) Reproducing the data and information MMS selects; and

(2) Processing, or reprocessing certain geophysical information (30 CFR 251.13).

MMS needs and uses the information to ensure there is no environmental degradation, personal harm, 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 geological and geophysical data and information collected under a Federal permit offshore; and to determine eligibility for reimbursement from the government for certain costs.

Respondents represent the oil, gas, and sulphur industry or academic institutions conducting G&G exploration or scientific research on the Federal OCS. The frequency of response is on occasion, with the exception of the status reports. The frequency of those will be specified in the G&G permit.

The estimated annual reporting burden is 10,604 hours—an average of 7.7 hours per response. Based on \$35 per hour, the burden hour cost to respondents is estimated to be \$371,140. The estimate of other annual costs to respondents is unknown.

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

1. MMS specifically solicits comments on the following questions:

(a) Is the proposed collection of information necessary for the proper performance of MMS's 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 Paperwork Reduction Act of 1995 requires agencies to estimate the total annual cost burden to respondents or recordkeepers resulting from the collection of information. MMS needs 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.

The Paperwork Reduction Act of 1995 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.

Takings Implication Assessment

The proposed rule does not represent a Government action capable of interference with constitutionally protected property rights. A new requirement in the rule is a notice for scientific research in the OCS. Since MMS is not requiring the researcher to submit data and information or analyses resulting from the research activity, there is no direct or indirect taking.

The proposed rule also clarifies the terms “transfer” and “third party.” When a permittee transfers data and information to a third party, there is a transfer of the obligation to provide access to MMS as well. Further, the recipient of the data and information is subject to the same penalty provisions as the original permittee—if a third party fails to provide access. These

clarifications better define existing requirements and add no new requirements.

Other changes are not substantive or were made to put the regulation into plain English. Thus, a Takings Implication Assessment need not be prepared pursuant to E.O. 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights."

Unfunded Mandates Reform Act of 1995

The DOI has determined and certifies according to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rule will not impose a cost of \$100 million or more in any given year on local, tribal, and State governments, or the private sector.

E.O. 12988

The DOI has certified to OMB that the rule meets the applicable reform standards provided in sections 3 (a) and 3 (b)(2) of E.O. 12988, "Civil Justice Reform."

National Environmental Policy Act

The DOI has also determined that this action does not constitute a major Federal action affecting the quality of the human environment; therefore, an Environmental Impact Statement is not required.

List of Subjects in 30 CFR Part 251

Continental shelf, Freedom of information, Oil and gas exploration, Public lands-mineral resources, Reporting and recordkeeping requirements, Research.

Dated: January 23, 1997.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, 30 CFR Part 251 is proposed to be revised to read as follows:

PART 251—GEOLOGICAL AND GEOPHYSICAL (G&G) EXPLORATIONS OF THE OUTER CONTINENTAL SHELF (OCS)

Sec.

- 251.1 Definitions.
- 251.2 Purpose of this part.
- 251.3 Authority and applicability of this part.
- 251.4 Types of G&G activities that require permits or notices.
- 251.5 Applying for permits or filing notices.
- 251.6 Obligations and rights under a permit or a notice.
- 251.7 Test drilling activities under a permit.
- 251.8 Inspection and reporting requirements for activities under a permit.

251.9 Temporarily stopping, canceling, or relinquishing activities approved under a permit.

251.10 Penalties and appeals.

251.11 Inspection, selection, and submission of geological data and information collected under a permit.

251.12 Inspection, selection, and submission of geophysical data and information collected under a permit.

251.13 Reimbursement for the cost of reproducing data and information and certain processing cost.

251.14 Protecting and disclosing data and information submitted to MMS under a permit.

251.15 Authority for information collection. Authority: 43 U.S.C. 1331 *et seq.*

§ 251.1 Definitions.

Terms used in this part have the following meaning:

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

Analyzed geological information means data collected under a permit or a lease that have been analyzed. Analysis may include but is 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 hydrocarbon occurrences or hazardous conditions.

Archaeological resources means any material remains of human life or activities that are at least 50 years of age and 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), strongly influenced by each other and in proximity to the shorelines of the several coastal States and extends seaward to the outer limit of the U.S. territorial sea. Section 305(b)(1) of the Coastal Zone Management Act identifies the inward boundaries of several coastal States.

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

Data means facts, 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 a subordinate authorized to act on the Director's behalf.

Exploration means the commercial search for oil, gas, and sulphur.

Activities classified as exploration include but are not limited to:

(1) Geological and geophysical surveys where magnetic, gravity, seismic reflection, seismic refraction, gas sniffers, coring, or other systems are used to detect or imply the presence of oil, gas, or sulphur; and

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

Geological exploration means exploration that utilizes geological and geochemical techniques (e.g., coring and test drilling, well logging, and bottom sampling) to produce data and information on oil, gas, and sulphur resources in support of possible exploration and development activities. The term does not include geological scientific research.

Geological and geophysical scientific research means any oil, gas, or sulphur related investigation conducted in the OCS for scientific and/or research purposes. Geological, geophysical, and geochemical data and information gathered and analyzed are made available to the public for inspection and reproduction at the earliest possible time. The term does not include commercial geological or geophysical exploration.

Geophysical exploration means exploration that utilizes geophysical techniques (e.g., gravity, magnetic, or seismic) to produce data and information on oil, gas, and sulphur resources in support of possible exploration and development activities. The term does not include geophysical scientific research.

Governor means the Governor of a State or the person or entity lawfully designated to exercise the powers granted to a Governor pursuant to the Act.

Human environment means the physical, social, and economic components, conditions, and factors. These factors interactively determine the quality of life of those affected, directly or indirectly, by OCS activities.

Hydrocarbon occurrence means the direct or indirect detection during drilling operations of any liquid or gaseous hydrocarbons by examination of well cuttings, cores, gas detector readings, formation fluid tests, wireline logs, or by any other means. The term does not include background gas, minor accumulations of gas, or heavy oil residues on cuttings and cores.

Information means geological and geophysical data that have been analyzed, processed, or interpreted.

Interpreted geological information means 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 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:

(1) Any form of authorization which is issued under section 8 or maintained under section 6 of the Act and which authorizes exploration for, and/or development and production of, minerals; or

(2) The area covered by such authorization, whichever is required by the context.

Lessee has the same meaning as provided in 30 CFR 250.2.

Marine environment means the physical, atmospheric, and biological components, conditions, and factors that interactively determine the quality of the marine ecosystem in the coastal zone and in the OCS.

Minerals means oil, gas, sulphur, geopressured-geothermal and associated resources, and all other minerals which are 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).

Notice means a written statement of intent to conduct geological or geophysical scientific research related to oil, gas, and sulphur in the OCS other than under a permit.

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

Outer Continental Shelf (OCS) means all submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Permit means the contract or agreement, other than a lease, issued pursuant to this part, under which a person acquires the right to conduct in the OCS:

(1) Geological exploration for mineral resources;

(2) Geophysical exploration for mineral resources;

(3) Geological scientific research; or
(4) Geophysical scientific research in accordance with appropriate statutes, regulations, and stipulations.

Permittee means the person authorized by a permit issued pursuant to this part to conduct activities in the OCS.

Person means a citizen or national of the United States; an alien lawfully admitted for permanent residence in the United States as defined in section 8 U.S.C. 1101(a)(20); a private, public, or municipal corporation organized under the laws of the United States or of any State or territory thereof; and associations of such citizens, nationals, resident aliens, or private, public, or municipal corporations, States, or political subdivisions of States or 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. Processing involves changing the form of data so as to facilitate interpretation. Processing operations may include, but are not limited to, applying corrections for known perturbing causes, rearranging or filtering data, and combining or transforming data elements. 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.

Third Party means any person other than a representative of the United States or the permittee, including all persons to whom the permittee sold, licensed, traded, or otherwise transferred data or information acquired under a permit.

Violation means a failure to comply with any provision of the Act, or a provision of a regulation or order issued under the Act, or any provision of a lease, license, or permit issued under the Act.

You means a person who inquires about or obtains a permit or files a notice to conduct geological or geophysical exploration or scientific research related to oil, gas, and sulphur in the OCS.

§ 251.2 Purpose of this part.

(a) To allow you to conduct G&G activities in the OCS related to oil, gas, and sulphur on unleased lands or on lands under lease to a third party.

(b) To ensure that you carry out G&G activities in a safe and environmentally sound manner so as to prevent harm or damage to, or waste of, any natural resources (including any mineral deposit in areas leased or not leased), any life (including fish and other aquatic life), property, or the marine, coastal, or human environment.

(c) To inform you of your legal and contractual obligations.

§ 251.3 Authority and applicability of this part.

MMS authorizes you to conduct exploration or scientific research activities under this part in accordance with the Act, the regulations in this part, orders of the Director/Regional Director, and other applicable statutes, regulations, and amendments.

(a) This part does not apply to G&G exploration conducted by or on behalf of the lessee on a lease in the OCS. Refer to 30 CFR part 250 if you plan to conduct G&G activities related to oil, gas, or sulphur under terms of a lease.

(b) Federal agencies are exempt from the regulations in this part.

(c) G&G exploration or G&G scientific research related to minerals other than oil, gas, and sulphur is covered by regulations at 30 CFR part 280.

§ 251.4 Types of G&G activities that require permits or notices.

(a) *Exploration.* You must have an MMS-approved permit to conduct G&G exploration, including deep stratigraphic tests, for oil, gas, or sulphur resources. If you conduct both geological and geophysical exploration, you must have a separate permit for each.

(b) *Scientific research.* You may only conduct G&G scientific research related to oil, gas, and sulphur in the OCS after you obtain an MMS-approved permit or file a notice.

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

(i) Using solid or liquid explosives; or

(ii) Drilling a deep stratigraphic test.

(2) *Notice.* Any other G&G scientific research that you conduct related to oil, gas, and sulphur in the OCS requires you to file a notice with the Regional Director at least 30 days before you begin. If circumstances preclude a 30-day notice, you must provide oral notice and followup in writing. You must also notify MMS in writing when you conclude your work.

§ 251.5 Applying for permits or filing notices.

(a) *Permits.* You must submit the original and three copies of the MMS permit application form (Form MMS-327). The form includes names of persons, type, location, purpose, and dates of activity, and environmental and other information.

(b) *Disapproval of permit application.* If MMS disapproves your application for a permit, the Regional Director will state the reasons for the denial and will advise you of the changes needed to obtain approval.

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

- (1) The name(s) of the person(s) who will conduct the proposed research;
- (2) The name 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) The location in the OCS, indicated on a map, plat, or chart, where you will conduct research;
- (5) The proposed dates you project for your research activity to start and end;
- (6) The name, registry number, registered owner, and port of registry of vessels used in the operation;
- (7) The earliest 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 collected available to the public;
- (9) That you and others involved will not sell or withhold for exclusive use the data and information resulting from your research; and
- (10) At your option, you may submit (as a substitute for the material required in paragraphs (c)(7), (c)(8), and (c)(9) of this section) the nonexclusive use agreement for scientific research attachment to Form 327.

(d) *Filing locations.* You must apply for a permit or file a notice at one of the following locations:

- (1) For the OCS off the State of Alaska—the Regional Supervisor for Resource Evaluation, Minerals Management Service, Alaska OCS Region, 949 East 36th Avenue, Anchorage, Alaska 99508-4302.
- (2) For the OCS off the Atlantic Coast and in the Gulf of Mexico—the Regional Supervisor for Resource Evaluation, Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394.
- (3) For the OCS off the coast of the States of California, Oregon, Washington, or Hawaii—the Regional Supervisor for Resource Evaluation,

Minerals Management Service, Pacific OCS Region, 770 Paseo Camarillo, Camarillo, California 93010-6064.

§ 251.6 Obligations and rights under a permit or a notice.

While conducting G&G exploration or scientific research activities under an MMS permit or notice:

- (a) You must not:
- (1) Interfere with or endanger operations under any lease, or right-of-way, or permit issued or maintained under the Act;
 - (2) Cause harm or damage to life (including fish and other aquatic life) or to the marine, coastal, or human environment;
 - (3) Cause harm or damage to property or to any mineral (in areas leased or not leased);
 - (4) Cause pollution;
 - (5) Disturb archaeological resources;
 - (6) Create hazardous or unsafe conditions; or
 - (7) Interfere with or cause harm to other uses of the area.
- (b) You must immediately report to the Regional Director if you:
- (1) Detect hydrocarbon occurrences;
 - (2) Detect environmental hazards which imminently threaten life and property; or
 - (3) Adversely affect the environment, aquatic life, archaeological resources, or other uses of the area where you are conducting exploration or scientific research activities.
- (c) You must also consult and coordinate your G&G activities with other users of the area, such as the fishing, marine transportation, oil and gas, and geophysical survey industries, U.S. Navy, Coast Guard, etc.
- (d) You must use the best available and safest technologies that the Regional Director determines to be economically feasible.
- (e) You may not claim any oil, gas, sulphur, or other minerals you discover while conducting operations under a permit or notice.

§ 251.7 Test drilling activities under a permit.

(a) *Shallow test drilling.* Before you begin shallow test drilling under a permit, the Regional Director may require you to:

- (1) Gather and submit seismic, bathymetric, sidescan sonar, magnetometer, or other geophysical data and information to determine shallow structural detail across and in the vicinity of the proposed test.
- (2) Submit information for coastal zone consistency certification according to paragraphs (b)(3) and (b)(4) of this section and for protecting archaeological

resources according to paragraph (b)(5) of this section.

(3) Allow all interested parties the opportunity to participate in the shallow test according to paragraph (c) of this section and meet bonding requirements according to paragraph (d) of this section.

(b) *Deep stratigraphic tests.* You must submit to the Regional Director at the address given in § 251.5, a drilling plan, an environmental report, and an application for permit to drill as follows:

- (1) *Drilling plan.* The drilling plan must include:
 - (i) The proposed type, sequence, and timetable of drilling activities;
 - (ii) A description of your drilling rig, indicating the important features with special attention to safety, pollution prevention, oil-spill containment and cleanup plans, and onshore disposal procedures;
 - (iii) The location of each deep stratigraphic test you will conduct, including the location of the surface and projected bottomhole of the borehole;
 - (iv) The types of geophysical survey instruments you will use before and during drilling;
 - (v) Seismic, bathymetric, sidescan sonar, magnetometer, or other geophysical data and information sufficient to evaluate seafloor characteristics, shallow geologic hazards, and structural detail across and in the vicinity of the proposed test to the total depth of the proposed test well; and
 - (vi) Other relevant data and information that the Regional Director requires.

(2) *Environmental report.* The environmental report must include all of the following material:

- (i) A summary with data and information available at the time you submitted the related drilling plan. MMS will consider site-specific data and information developed since the most recent environmental impact statement or other environmental impact analysis in the immediate area. The summary must meet the following requirements:
 - (A) You must concentrate on the issues specific to the site(s) of drilling activity. However, you only need to summarize data and information discussed in any environmental reports, analyses, or impact statements prepared for the geographic area of the drilling activity.
 - (B) You must list referenced material. Include brief descriptions and a statement of where the material is available for inspection.

(C) You must refer only to data that are available to MMS.

(ii) Details about your project such as:

- (A) A list and description of new or unusual technologies;
- (B) The location of travel routes for supplies and personnel;
- (C) The kinds and approximate levels of energy sources;
- (D) The environmental monitoring systems; and
- (E) Suitable maps and diagrams showing details of the proposed project layout.

(iii) A description of the existing environment. For this section, you must include the following information on the area:

- (A) Geology;
- (B) Physical oceanography;
- (C) Other uses of the area;
- (D) Flora and fauna;
- (E) Existing environmental monitoring systems; and

(F) Other unusual or unique characteristics that may affect or be affected by the drilling activities.

(iv) A description of the probable impacts of the proposed action on the environment and the measures you propose for mitigating these impacts.

(v) A description of any unavoidable or irreversible adverse effects on the environment that could occur.

(vi) Other relevant data that the Regional Director requires.

(3) *Copies for coastal States.* You must submit copies of the drilling plan and environmental report to the Regional Director for transmittal to the Governor of each affected coastal State and the coastal zone management agency of each affected coastal State that has an approved program under the Coastal Zone Management Act. (The Regional Director will make the drilling plan and environmental report available to appropriate Federal agencies and the public according to DOI policies and procedures.)

(4) *State concurrence.* When required under an approved coastal zone management program of an affected State, your proposed activities must receive State concurrence before the Regional Director can approve the activities.

(5) *Protecting archaeological resources.* The Regional Director may require you to conduct and submit studies that determine whether any archaeological resources exist in the area that the drilling may affect.

(i) You must include a description of any archaeological resources you detect.

(ii) You must not take any action that could disturb the archaeological resources.

(iii) If you discover any archaeological resource after you submit the study

results (i.e., during site preparation or drilling), you must immediately halt operations within the area of discovery, and you must report the discovery to the Regional Director.

(iv) If investigations determine that the resource is significant, the Regional Director will inform you how to protect it. You must make every reasonable effort to protect the archaeological resource from damage until the Regional Director has given you further directions for preserving it.

(6) *Application for permit to drill (APD).* Before commencing deep stratigraphic test drilling activities under an approved drilling plan, you must submit an APD and receive approval. You must comply with all regulations relating to drilling operations in 30 CFR part 250.

(7) *Revising an approved drilling plan.* Before you revise an approved drilling plan, you must obtain the Regional Director's approval.

(8) *After drilling.* When you complete the test activities, you must permanently plug and abandon the borehole of all deep stratigraphic tests in compliance with 30 CFR part 250. If the tract on which you conducted a deep stratigraphic test is leased to another party for exploration and development, and if the lessee has not disturbed the borehole, MMS will hold you and not the lessee responsible for problems associated with the test hole.

(9) *Deadline for completing a deep stratigraphic test.* If your deep stratigraphic test well is within 50 geographic miles of a tract that MMS has identified for a future lease sale, as listed on the currently approved OCS leasing schedule, you must complete all drilling activities and submit the data and information to the Regional Director at least 60 days before the first day of the month in which MMS schedules the lease sale. However, the Regional Director may extend your permit duration to allow you to complete drilling activities and submit data and information if the extension is in the national interest.

(c) *Group participation in test drilling.* MMS encourages group participation for deep stratigraphic tests.

(1) *Purpose of group participation.* The purpose is to minimize duplicative G&G activities involving drilling into the seabed of the OCS.

(2) *Providing opportunity for participation in a deep stratigraphic test.* When you propose to drill a deep stratigraphic test, you must give all interested persons an opportunity to participate in the test drilling through a signed agreement on a cost-sharing basis. You may include a penalty for

late participation of not more than 100 percent of the cost to each original participant in addition to the original share cost.

(i) The participants must assess and distribute penalties in accordance with the terms of the agreement.

(ii) For a significant hydrocarbon occurrence that the Regional Director announces to the public, the penalty for subsequent late participants may be raised to not more than 300 percent of the cost of each original participant in addition to the original share cost.

(3) *Providing opportunity for participation in a shallow test drilling project.* When you apply to conduct shallow test drilling activities, you must, if ordered by the Regional Director or required by the permit, give all interested persons an opportunity to participate in the test activity on a cost-sharing basis. You may include a penalty provision for late participation of not more than 50 percent of the cost to each original participant in addition to the original share cost.

(4) *Procedures for group participation in drilling activities.* You must:

(i) Publish a summary statement that describes the approved activity in a relevant trade publication;

(ii) Forward a copy of the published statement to the Regional Director;

(iii) Allow at least 30 days from the summary statement publication date for other persons to join as original participants;

(iv) Compute the estimated cost by dividing the estimated total cost of the program by the number of original participants; and

(v) Furnish the Regional Director with a complete list of all participants before starting operations or at the end of the advertising period if you begin operations before the advertising period is over. Forward the names of all late participants to the Regional Director.

(5) *Changes to the original application for test drilling.* If you propose changes to the original application and the Regional Director determines that the changes are significant, the Regional Director will require you to publish the changes for an additional 30 days to give other persons a chance to join as original participants.

(d) *Bonding requirements.* You must submit a bond under this part before you may start a deep stratigraphic test. You must submit a bond for shallow drilling if the Regional Director so requires.

(1) Before MMS authorizes the drilling of a deep stratigraphic test, you must furnish to MMS:

(i) A corporate surety bond in the amount specified at 30 CFR 256.61(a)(1)

conditioned on compliance with the terms of the permit.

(ii) An areawide bond in the amount specified at 30 CFR 256.61(a)(2) conditioned on compliance with the terms of the permit issued to you.

(2) If the Regional Director requires a bond for shallow drilling, you must furnish the appropriate bond.

(3) Any bond you furnish or maintain under this section must be on a form that the Regional Director has approved or prescribed.

(4) The Regional Director may require additional security in the form of a supplemental bond or bonds or increase the coverage of an existing surety bond when the Regional Director deems that additional security is necessary.

§ 251.8 Inspection and reporting requirements for activities under a permit.

(a) *Inspection of permit activities.* You must allow MMS representatives to inspect your exploration or scientific research activities under a permit. They will determine whether operations are adversely affecting the environment, aquatic life, archaeological resources, or other uses of the area. MMS will reimburse you for food, quarters, and transportation that you provide for MMS representatives if you send in your reimbursement request within 90 days of the inspection.

(b) *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.

(c) *Reports.* (1) You must submit status reports on a schedule specified in the permit and include a daily log of operations.

(2) You must submit a final report of exploration or scientific research activities under a permit within 30 days after the completion of activities. You may combine the final report with the last status report and must include:

(i) A description of the work performed.

(ii) Charts, maps, plats, and digital navigational data in a format specified by the Regional Director, showing the areas and blocks in which any exploration 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.

(iii) The dates on which you conducted the actual exploration or scientific research activities.

(iv) A summary of any:

(A) Hydrocarbon or sulphur occurrences encountered;

(B) Environmental hazards; and

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

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

§ 251.9 Temporarily stopping, canceling, or relinquishing activities approved under a permit.

(a) MMS may temporarily stop exploration 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, any mineral deposit (in areas leased or not leased), to the marine, coastal, or human environment, or to an archaeological resource;

(2) You failed to comply with any applicable law, regulation, order, or provision of the permit. This would include MMS's required submission of reports and well records or logs within the time specified; or

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

(b) *Procedures to temporarily stop activities.* (1) The Regional Director will notify you either orally or in writing. MMS will confirm an oral notification in writing and deliver all written notifications by courier or certified or registered mail. You must halt all activities under a permit as soon as you receive an oral or written notification.

(2) The Regional Director will notify you when you may start your permit activities again.

(c) *Procedure to cancel or relinquish a permit.* The Regional Director may cancel, or a permittee may relinquish, a permit at any time.

(1) If MMS cancels your permit, the Regional Director will notify you by certified or registered mail 30 days before the cancellation date and will state the reason.

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

(3) After MMS cancels your permit or you relinquish it, you are still responsible for proper abandonment of any drill sites in accordance with the requirements of § 251.7 (b)(8). You must also comply with all other obligations specified in this part or in the permit.

§ 251.10 Penalties and appeals.

(a) *Penalties for noncompliance under a permit issued by MMS.* 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 provision of the 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.

(c) *Procedures to appeal orders or decisions MMS issues.* You may appeal any orders or decisions that MMS issues under the regulations in this part by referring to 30 CFR part 290. When you file an appeal with the Director, you must continue to follow all requirements for compliance with an order or decision other than payment of a civil penalty.

§ 251.11 Inspection, selection, and submission of geological data and information collected under a permit.

(a) *Availability of geological data and information collected under a permit.*

(1) You must notify the Regional Director immediately, in writing, after you acquire, analyze, process, or interpret geological data and information.

(2) Within 30 days of the Regional Director's request, you must inform MMS in writing of subsequent analysis, processing, or interpretation of geological data and information.

(3) The Regional Director may, at some time, request that you submit the analyzed, processed, and interpreted geologic data and information for inspection and/or permanent retention by MMS.

(b) *Submission of geological data and information collected under a permit.* Unless the Regional Director specifies otherwise, geological data and information must include:

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

(2) Paleontological reports identifying microscopic fossils by depth, 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;

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

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

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

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

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

(c) *Permit obligations when transferring geological data and information to a third party.* If you transfer geological data and information, in any manner, such as by sale, sale of rights, license agreement, or trade to a third party; or if a third party transfers data and information to another third party, the recipient of the data and information assumes the obligations of a permittee under this section and is subject to the penalty provisions of subpart N of part 250.

(1) The party transferring the data and information must notify the recipient, in writing, that accepting these obligations is a condition of the transfer. The recipient must accept those obligations before the transfer of data and information can occur.

(2) The party transferring the data and information must notify the Regional Director of the transfer of the data and information within 30 days of transfer.

§ 251.12 Inspection, selection, and submission of geophysical data and information collected under a permit.

(a) *Availability of geophysical data and information collected under a permit.* (1) You must notify the Regional Director immediately, in writing, after you initially acquire, process, and interpret any geophysical data and information you collect under a permit.

(2) Within 30 days of a request from the Regional Director, you must inform MMS in writing of the availability of any geophysical data and information that you further processed or interpreted.

(b) *Review and selection of geophysical data and information collected under a permit.* The Regional Director is authorized to inspect geophysical data and information before making a final selection for retention. MMS representatives may inspect and select the data and information on your premises, or the Regional Director can request that you deliver data and information to the appropriate MMS regional office for review.

(1) You must submit the geophysical data and information within 30 days of

receiving the request, unless the Regional Director extends the delivery time.

(2) At any time before final selection, the Regional Director may return any or all geophysical data and information following review. You will be notified in writing of all or portions of those data the Regional Director decides to retain.

(c) *Submission of geophysical data and information collected under a permit.* Unless the Regional Director specifies otherwise, you must include:

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

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

(3) 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

(4) 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.

(d) *Permit obligations when transferring geophysical data and information to a third party.* If you transfer geophysical data, processed geophysical information, or interpreted geophysical information in any manner, such as by sale of rights, license agreement, or trade to a third party; or if a third party transfers the data and information to another third party, the recipient of the data and information assumes the obligations of a permittee under this section and is subject to the penalty provisions of part 250, subpart N.

(1) The party that transfers the data and information must notify the recipient of the data, in writing, that accepting these obligations is a condition of the transfer. The recipient must accept those obligations before the transfer of data and information can occur.

(2) The party that transfers the data and information must notify the Director of the transfer of the data and information within 30 days of transfer, unless the transfer is by means of a license agreement.

(3) If the transfer is by means of a license agreement, you or the next transferor must notify the Regional Director of any transfers of data and

information within 30 days of a request by the Regional Director.

§ 251.13 Reimbursement for the costs of reproducing data and information and certain processing cost.

(a) MMS 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 MMS for the Regional Director to review, or select and retain (according to §§ 251.11 or 251.12);

(2) MMS receives 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) MMS will reimburse you or the third party for the reasonable costs of processing geophysical information (which does not include cost of data acquisition):

(1) 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; or

(2) If you collected the information under a permit that MMS issued to you before October 1, 1985, and the Regional Director requests and retains the information.

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

(d) MMS 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.

§ 251.14 Protecting and disclosing data and information submitted to MMS under a permit.

(a) *Disclosure of data and information to the public by MMS.* (1) In making data and information available to the public, the Regional Director will follow the applicable requirements of:

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

(ii) The implementing regulations at 43 CFR part 2;

(iii) The Act; and

(iv) The regulations at 30 CFR parts 250 and 252 of this chapter.

(2) Except as specified in this section or in 30 CFR parts 250 and 252, if the Director determines any data or information is exempt from public disclosure under paragraph (a) of this section, MMS will not provide the data and information to any State or to the

executive of any local government or to the public, unless you and all third parties agree to the disclosure. (Third party includes all persons to whom you sold, licensed, traded, or otherwise transferred the data or information.)

(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 but without unduly damaging your competitive position.

(b) *Timetable for release of G&G data and information that MMS acquires.* MMS will release data and information that you or a third party submits and MMS retains in accordance with paragraphs (b)(1) and (b)(2) of this section.

(1) If the data and information are not related to a deep stratigraphic test, MMS will release them to the public in accordance with the following table:

If you or a third party submits and MMS retains	The Regional Director will disclose them to the public
Geological data and information.	10 years after issuing the permit.
Geophysical data	50 years after you submit the data.
Geophysical information.	25 years after you submit the information.

(2) If the data and information are related to a deep stratigraphic test, MMS will release them to the public at the earlier of the following times:

- (i) Twenty-five years after you complete the test; or
- (ii) If a lease sale is held after you complete a test well, 60 calendar days after MMS issues the first lease, a portion of which is located within 50 geographic miles (92.7 kilometers) of the test.

(c) *Procedure that MMS follows to disclose acquired data and information to a contractor for reproduction, processing, and interpretation.* (1) When

practicable, the Regional Director will notify you of the intent to disclose the data or information to an independent contractor or agent.

(2) The notice will give you at least 5 working days to comment on the action.

(3) When the Regional Director notifies you, all other owners of such data or information will be considered to have been so notified.

(4) Before disclosure, the contractor or agent must sign a written commitment not to transfer or disclose data or information to anyone without the Regional Director's consent.

(d) *Sharing data and information with coastal States.* (1) When MMS solicits nominations for leasing lands located within 3 geographic miles (5.6 kilometers) of the seaward boundary of any coastal State, the Regional Director in accordance with 30 CFR 252.7 (a)(4) and (b) and subsections 8(g) and 26(e) of the Act (43 U.S.C. 1337(g) and 1352(e)) will provide the Governor with:

- (i) All information on the geographical, geological, and ecological characteristics of the areas and regions MMS proposes to offer for lease;
- (ii) An estimate of the oil and gas reserves in the areas proposed for leasing; and
- (iii) An identification of any field, geological structure, or trap on the OCS within 3 geographic miles (5.6 kilometers) of the seaward boundary of the State.

(2) After receiving nominations for leasing an area of the OCS within 3 geographic miles of the seaward boundary of any coastal State, MMS will carry out a tentative area identification according to 30 CFR part 256, subparts D and E. At that time, the Regional Director will consult with the Governor to determine whether any tracts further considered for leasing may contain any oil or gas reservoirs that underlie both the OCS and lands subject to the jurisdiction of the State.

(3) Before a sale, if a Governor requests, the Regional Director, in accordance with 30 CFR 252.7(a)(4) and

(b) and sections 8(g) and 26(e) of the Act (43 U.S.C. 1337(g) and 1352(e)) will share with the Governor information that identifies potential and/or proven common hydrocarbon bearing areas within 3 geographic miles of the seaward boundary of that State.

(4) Knowledge received by the State official who receives information described in paragraph (d) of this section is subject to applicable confidentiality requirements of:

- (i) The Act; and
- (ii) The regulations at 30 CFR parts 250, 251, and 252 of this chapter.

§ 251.15 Authority for information collection.

(a) The Office of Management and Budget has approved the information collection requirements in part under 44 U.S.C. 3501 *et seq.* and assigned OMB control number 1010-0048. The title of this information collection is "30 CFR Part 251, Geological and Geophysical (G&G) Explorations of the OCS." Paragraph (d) of this section lists the sections in this part requiring the information collection, summarizes how MMS will use the information, and indicates the reason for the response.

(b) An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

(c) 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 2053, 381 Elden Street, Herndon, Virginia 20170-4817; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Department of the Interior (1010-0048), 725 17th Street, NW, Washington, DC 20503.

(d) MMS is collecting this information for the reasons given in the following table:

Regulation cite	Information used	Response
30 CFR 251.5	To evaluate permit applications and to monitor scientific research activities for environmental and safety reasons.	The response is required to obtain a benefit.
30 CFR 251.6(b)	To determine that explorations do not harm resources, result in pollution or create hazardous or unsafe conditions.	The response is mandatory.
30 CFR 251.6(c)	To coordinate activities in the OCS and not harm or interfere with other users in the area.	The response is required to obtain a benefit.
30 CFR 251.7: The burden for this section is included with 30 CFR 250.31 and 250.33 (OMB Control No. 1010-0049).	To analyze and evaluate preliminary or planned drilling activities of permittees in the OCS.	The response is mandatory.
30 CFR 251.8(a)	To approve reimbursement of certain expenses	The response is required to obtain a benefit.
30 CFR 251.8 (b) and (c)	To monitor the progress of activities carried out under an OCS G&G permit.	The response is mandatory.

Regulation cite	Information used	Response
30 CFR 251.9(c)(2)	To monitor the activities carried out under an OCS G&G permit	The response is mandatory.
30 CFR 251.11 and 251.12	To inspect and select G&G data and information collected under an OCS G&G permit.	The response is mandatory.
30 CFR 251.13	To determine eligibility for reimbursement from the Government for certain costs.	The response is required to obtain a benefit.

[FR Doc. 97-3200 Filed 2-10-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL154-b-1; FRL-5685-8]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: On October 11, 1996, Illinois submitted a negative declaration regarding the need for rules controlling air emissions from sources classified as part of the "Shipbuilding and Ship Repair Industry" (SSRI) or "Marine Coatings" category in the Standard Industrial Classification (SIC) Manual. This negative declaration indicates that the State of Illinois has determined that there are no major sources (sources with a potential to emit twenty-five or more tons per year of volatile organic material (VOM)) in the Chicago ozone nonattainment area or the Metro-East ozone nonattainment area. In this action, USEPA is proposing to approve the State's finding that no additional control measures are needed. In the final rules section of this Federal Register, the USEPA is approving these actions as a direct final rule without prior proposal because USEPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. USEPA will not institute a second comment period on this action. Any parties interested in commenting on this notice should do so at this time.

DATES: Comments on this proposed rule must be received on or before March 13, 1997.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR18-J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Air Programs Branch (AR18-J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:

Randolph O. Cano, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6036.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this Federal Register.

Dated: January 23, 1997.

Steve Rothblatt,

Acting Regional Administrator.

[FR Doc. 97-3255 Filed 2-10-97; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[IL153-b1; FRL-5684-9]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: On October 11, 1996, Illinois submitted a negative declaration regarding the need for rules controlling air emissions from sources classified as part of the "Aerospace Manufacturing and Rework Industry" (AMRI) or "Aerospace Coatings" category in the Standard Industrial Classification (SIC) Manual. This negative declaration indicates that the State of Illinois has determined that there are no major sources (sources with a potential to emit twenty-five or more tons per year of volatile organic material (VOM)) in the Chicago ozone nonattainment area or the Metro-East ozone nonattainment area. In this action, USEPA is proposing

to approve the State's finding that no additional control measures are needed. In the final rules section of this Federal Register, the USEPA is approving these actions as a direct final rule without prior proposal because USEPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. USEPA will not institute a second comment period on this action. Any parties interested in commenting on this notice should do so at this time.

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Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Air Programs Branch (AR18-J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this Federal Register.

Dated: January 23, 1997.

Steve Rothblatt,

Acting Regional Administrator.

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