

Minerals Management Service, Interior

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(b) The permittee or scientific researcher shall allow the Director to be present on any cruise.

(c) The permittee shall notify and obtain the prior approval of the Director before a substantial change from the approved plan is initiated.

§ 280.8 Reporting.

(a) The permittee shall submit a status report to the Director within 30 days of the close of each calendar quarter or more frequently if requested by the Director. The report shall include a summary of the prospecting or scientific research activities conducted prior to the end of the reporting period and the results obtained. The last quarterly report may be combined with the final report if the final report is submitted within 30 days after the end of the last quarter in which permitted activity occurs. Each permittee shall submit to the Director a final report of activities conducted under the permit within 6 months after expiration of the permit or after the completion of prospecting or scientific research activities, or 60 days prior to a planned lease offering when prospecting or scientific research activities are within the planned leasing area, whichever is sooner, provided that no report shall be required less than 30 days after completion of permitted activities. The report shall include—

(1) A description of the work performed;

(2) Charts, maps, or plats depicting the area and blocks in which any activities were conducted specifically, identifying the lines of geophysical traverses and/or the locations where geological activity was conducted;

(3) The dates on which the actual activities were performed;

(4) A narrative summary of any mineral occurrences encountered including location, environmental features, and the nature and degree of adverse effects, if any, of the permitted activities on the environment, aquatic life, archaeological resources, or other uses of the area in which the activities were conducted;

(5) A report of the results of the environmental monitoring required in § 280.6(a)(8) of this part; and

(6) Such other descriptions of the activities conducted as may be specified by the Director.

(b) All persons shall immediately notify the Director of all serious accidents, any death or serious injury, or fire or explosion connected with any activity conducted pursuant to this part.

§ 280.9 Recordkeeping.

(a) Any permittee who acquires rock and mineral samples under a permit shall keep for 1 year after submittal of the final report a representative split of each geological sample and a quarter longitudinal segment of each core which shall be available for inspection at the convenience of the Director who may cut such core and geological samples for retention by MMS.

(b) Any permittee who acquires G&G data and information under a permit shall keep the data and information available for 3 years after submittal of the final report. The data and information shall be available for inspection and copying at a location within the appropriate OCS Region or at another location approved by the Director. The records shall include environmental data and information; G&G data and information; drill logs; analyses of cores, cuttings, and samples; and maps and navigation tapes showing the location where samples were taken and test drilling conducted.

§ 280.10 Environmental effects.

The potential of proposed prospecting or scientific research activities for adverse impact on the environment will be evaluated by MMS to determine the need for mitigation measures. The MMS anticipates that activities of the type listed below typically will not cause significant environmental impact and, in accordance with 516 DM 6, Appendix 10 to the Departmental Manual, 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;

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(c) Mineral sampling of a limited nature such as that using either test drillholes or cores to less than 300 feet below the seafloor;

(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 mineral assaying and analysis; and

(j) Placement of positioning systems, including bottom transponders and surface and subsurface buoys reported in Notices to Mariners.

§ 280.11 Notification.

(a) The Governor(s) of adjacent State(s) shall be notified by the Director with a copy of the application for a permit with the accompanying plan immediately upon the submission of an application for approval.

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

(c) The Director shall notify Federal Agencies, as appropriate, with a copy of the application for a permit with the accompanying plan immediately upon the submission of the application for approval.

§ 280.12 Disclosure of information to the public.

(a) The Director shall make data, information, and samples available in accordance with the requirements and subject to the limitations of the Act, the Freedom of Information Act (5

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U.S.C. 552), and the implementing regulations.

(b) For geological data, information, and samples and geophysical information submitted under a permit and retained by MMS, the Director shall make such data, information, and samples available to the public 25 years after the date of submission of the data and information or such earlier time as may be agreed to by the permittee who provides the data or information. Geophysical data submitted under a permit and retained by MMS shall be made available to the public by the Director 50 years after the date of submission to MMS unless an earlier date is agreed to by the permittee who submits the data.

(c) The Director reserves the right to disclose any data, information, or samples submitted by a permittee to an independent contractor or agent for the purpose of reproducing, processing, reprocessing, or interpreting the data or information. Such contractor or agent shall be subject to the same limitations on disclosure of data, information, and samples as those applicable to the Director under paragraph (b) of this section.

§ 280.13 Disclosure of data and information to the adjacent States.

(a) Proprietary data, information, and samples submitted to MMS by permittees shall be made available to adjacent State(s) upon request by the Governor(s) in accordance with paragraphs (b), (c), and (d) of this section.

(b) Disclosure shall occur only after the Governor has entered into an agreement with the Secretary providing that—

(1) The confidentiality of the information shall be maintained;

(2) In any action commenced against the Federal Government or the State for the failure to protect the confidentiality of proprietary information, the Federal Government or the State, as the case may be, may not raise as a defense any claim of sovereign immunity or any claim that the employee who revealed the proprietary information, which is the basis of the suit, was acting outside the scope of the person's employment in revealing the information;