

Minerals Management Service, Interior

§ 250.196

(c) If you discover any archaeological resource while conducting operations in the lease area, you must immediately halt operations within the area of the discovery and report the discovery to the Regional Director. If investigations determine that the resource is significant, the Regional Director will tell you how to protect it.

§ 250.195 Reimbursements for reproduction and processing costs.

(a) MMS will reimburse you for costs of reproducing data and information that the Regional Director requests if:

(1) You deliver geophysical and geological (G&G) data and information to MMS for the Regional Director to inspect or select and retain;

(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 at the lowest commercial rate established in the area, whichever is less.

(b) MMS will reimburse you for the costs of processing geophysical information (that does not include cost of data acquisition):

(1) If, at the request of the Regional Director, you processed the geo-

physical 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 for data acquisition costs or for the costs of analyzing or processing geological information or interpreting geological or geophysical information.

§ 250.196 Data and information to be made available to the public.

MMS will protect data and information you submit under this part, as described in this section. The tables in paragraphs (a) and (b) of this section describe what data and information will be made available to the public without the consent of the lessee and under what circumstances and in what time period.

(a) MMS will disclose data and information you submit on MMS forms according to the following table:

| Data and information that you submit on form | In the following items | Will be released | And |
|--|---|-----------------------------------|--|
| (1) MMS-123, Application for Permit to Drill. | All entries except items 17, 24, and 25. | At any time | The data and information in items 17, 24, and 25 will be released according to the table in paragraph (b) of this section or when the well goes on production, whichever is earlier. |
| (2) MMS-124, Sundry Notices and Reports on Wells. | All entries except item 36. | At any time | The data and information in item 36 will be released according to the table in paragraph (b) or when the well goes on production, whichever is earlier. |
| (3) MMS-125, Well Summary Report. | All entries except items 17, 24, 34, 37, and 46 through 87. | At any time | The data and information in the excepted items will be released according to the table in paragraph (b) of this section or when the well goes on production, whichever is earlier. However, items 78 through 87 will not be released when the well goes on production unless the period of time in the table in paragraph (b) has expired. |
| (4) MMS-126, Well Potential Test Report. | All entries except item 101. | When the well goes on production. | The data and information in item 101 will be released 2 years after you submit it. |
| (5) MMS-127, Request for Reservoir Maximum Efficient Rate (MER). | All entries except items 124 through 168. | At any time | The data and information in items 124 through 168 will be released according to the time periods in the table in paragraph (b) of this section. |
| (6) MMS-128, Semi-annual Well Test Report. | All entries | At any time. | |

(b) MMS will disclose lease data and information that you submit, but that are not usually submitted on MMS forms, according to the following table:

| If | MMS will release | At this time | Special provisions |
|--|--|--|---|
| (1) The Director determines that data and information are needed to unitize operations on two or more leases, to determine whether a reservoir is competitive to ensure proper plans of development for competitive reservoirs, or to promote operational safety or protect the environment. | Geophysical data, Geological data, Interpreted (G&G) information, Processed G&G information, Analyzed geological information. | At any time | Data and information will be shown only to persons with an interest in the issue. |
| (2) The Director determines that data and information are needed for specific scientific or research purposes for the Government. | Geophysical data, Geological data, Interpreted G&G information, Processed G&G information, Analyzed geological information. | At any time | MMS will release data and information only if release would further the national interest without unduly damaging the competitive position of the lessee. |
| (3) Data or information is collected with high-resolution systems (e.g., bathymetry, side-scan sonar, subbottom profiler, and magnetometer) to comply with safety or environmental protection requirements. | Geophysical data, Geological data, Interpreted G&G information, Processed geological information, Analyzed geological information. | 60 days after MMS receives the data or information, if the Regional Supervisor deems it necessary. | MMS will release the data and information earlier than 60 days if the Regional Supervisor determines it is needed by affected States to make decisions under subpart B. The Regional Supervisor will reconsider earlier release if you satisfy him/her that it would unduly damage your competitive position. |
| (4) Your lease is no longer in effect | Geophysical data, Geological data, Processed G&G information, Interpreted G&G information, Analyzed geological information. | When your lease terminates. | This release time applies only if the provisions in this table governing high-resolution systems and the provisions in §252.7 do not apply. The release time applies to the geophysical data and information only if acquired postlease for a lessee's exclusive use. |
| (5) Your lease is still in effect | Geophysical data, Processed geophysical information, Interpreted G&G information. | 10 years after you submit the data and information. | This release time applies only if the provisions in this table governing high-resolution systems and the provisions in §252.7 do not apply. This release time applies to the geophysical data and information only if acquired postlease for a lessee's exclusive use. |
| (6) Your lease is still in effect and within the primary term specified in the lease. | Geological data, Analyzed geological information. | 2 years after the required submittal date or 60 days after a lease sale if any portion of an offered lease is within 50 miles of a well, whichever is later. | These release times apply only if the provisions in this table governing high-resolution systems and the provisions in §252.7 do not apply. If the primary term specified in the lease is extended under the heading of "Suspensions" in this subpart, the extension applies to this provision. |
| (7) Your lease is in effect and beyond the primary term specified in the lease. | Geological data, Analyzed geological information. | 2 years after the required submittal date. | None. |
| (8) Data is released to the owner of an adjacent lease under subpart D of part 250. | Directional survey data. | If the lessee from whose lease the directional survey was taken consents. | None. |
| (9) Data and information are obtained from beneath unleased land as a result of a well deviation that has not been approved by the Regional or District Supervisor. | Any data or information obtained. | At any time | None. |
| (10) Data and information acquired by a permit under part 251 is submitted by a lessee under part 250. | Geophysical data, Processed geophysical information, Interpreted geophysical information. | Geophysical data: 50 years, Geophysical information: 25 years after you submit it. | None. |

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REFERENCES

§ 250.198 Documents incorporated by reference.

(a) MMS is incorporating by reference the documents listed in the table in paragraph (e) of this section. The Director of the Federal Register has approved this incorporation by reference according to 5 U.S.C. 552(a) and 1 CFR part 51.

(1) MMS will publish any changes to these documents in the FEDERAL REGISTER.

(2) MMS may make the rule amending the document effective without prior opportunity for public comment when MMS determines:

(i) That the revisions to a document result in safety improvements or represent new industry standard technology and do not impose undue costs on the affected parties; and

(ii) MMS meets the requirements for making a rule immediately effective under 5 U.S.C. 553.

(b) MMS incorporated each document or specific portion by reference in the sections noted. The entire document is

incorporated by reference, unless the text of the corresponding sections in this part calls for compliance with specific portions of the listed documents. In each instance, the applicable document is the specific edition or specific edition and supplement or addendum cited in this section.

(c) Under §§ 250.141 and 250.142, you may comply with a later edition of a specific document incorporated by reference, provided:

(1) You show that complying with the later edition provides a degree of protection, safety, or performance equal to or better than would be achieved by compliance with the listed edition; and

(2) You obtain the prior written approval for alternative compliance from the authorized MMS official.

(d) You may inspect these documents at the Minerals Management Service, 381 Elden Street, Room 3313, Herndon, Virginia; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. You may obtain the documents from the publishing organizations at the addresses given in the following table:

| For | Write to |
|---|---|
| ACI Standards | American Concrete Institute, P. O. Box 19150, Detroit, MI 48219. |
| AISC Standards | American Institute of Steel Construction, Inc., P.O. Box 4588, Chicago, IL 60680. |
| ANSI/ASME Codes | American National Standards Institute, Attention Sales Department, 25 West 43rd Street, 4th Floor, New York, NY 10036; and/or American Society of Mechanical Engineers, 22 Law Drive, P.O. Box 2900, Fairfield, NJ 07007. |
| API Recommended Practices, Specs, Standards, Manual of Petroleum Measurement Standards (MPMS) chapters. | American Petroleum Institute, 1220 L Street, NW., Washington, DC 20005-4070. |
| ASTM Standards | American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959. |
| AWS Codes | American Welding Society, 550 NW, LeJeune Road, P.O. Box 351040, Miami, FL 33135. |
| NACE Standards | National Association of Corrosion Engineers, P.O. Box 218340, Houston, TX 77218. |

(e) This paragraph lists documents incorporated by reference. To easily reference text of the corresponding sections with the list of documents incor-

porated by reference, the list is in alphanumeric order by organization and document.

| Title of documents | Incorporated by reference at |
|---|---|
| ACI Standard 318-95, Building Code Requirements for Reinforced Concrete, plus Commentary on Building Code Requirements for Reinforced Concrete (ACI 318R-95). | § 250.908(b)(4)(i), (b)(6)(i), (b)(7), (b)(8)(i), (b)(9), (b)(10), (c)(3), (d)(1)(v), (d)(5), (d)(6), (d)(7), (d)(8), (d)(9), (e)(1)(i), (e)(2)(i). |
| ACI Standard 357R-84, Guide for the Design and Construction of Fixed Offshore Concrete Structures, 1984. | § 250.900(g); § 250.908(c)(2), (c)(3). |
| AISC Standard Specification for Structural Steel Buildings, Allowable Stress Design and Plastic Design, June 1, 1989, with Commentary. | § 250.907(b)(1)(ii), (c)(4)(ii), (c)(4)(vii). |