

# Donahue Development

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13 February 1997

Department of the Interior  
Minerals Management Service, Mail Stop 4700  
Attn: Mr. John V. Mirabella  
381 Elden Street  
Herndon, Virginia 20170-4817

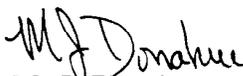
Dear Mr. Mirabella,

I am writing to comment on the proposed rule on "Geological and Geophysical Explorations of the Outer Continental Shelf" that appeared in the Federal Register of February 11, 1997.

I note that the proposed rule cites 43 U.S.C. 1331 *et seq.* as its authority, and I would refer you specifically to 43 U.S.C. 1333(a)(1) which defines the civil and political jurisdiction of the United States (and accordingly, of the Secretary of Interior) over activities on the outer Continental Shelf. You will note that the statute, as amended in 1978 by Pub. L. 95-372, does not extend jurisdiction under the Outer Continental Shelf Lands Act to "a ship or vessel." Thus, I would question the Secretary's authority to issue regulations, as proposed in this notice (or as currently exist) effecting ships or vessels.

I also find: (1) No basis in statute for the Secretary to allow geological and geophysical explorations on the basis of notice rather than by permit; (2) No basis for the exemption of Federal agencies; and (3) No regulatory language dealing with the Secretary's review or approval of permit applications or the time limits within which the Secretary must take action.

Sincerely yours,

  
M. J. Donahue