

**UNITED STATES DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE**

NTL No. 2009-N02

Effective Date: February 10, 2009

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**NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL, GAS AND SULPHUR
LEASES IN THE OUTER CONTINENTAL SHELF**

Timely Submission of Suspension Requests

This NTL is issued to clarify the timing for submitting a request for a lease or unit suspension.

Authority and Background

Pursuant to 30 CFR 250.171, “You must submit your request for a suspension to the Regional Supervisor, and MMS must receive the request before the end of the lease term (i.e., end of primary term, end of the 180-day period following the last leaseholding operation, and end of a current suspension).”

In a memorandum from the Solicitor of the United States Department of the Interior dated January 5, 2009, to the Director, Minerals Management Service (MMS), the Solicitor states that any request for a suspension filed subsequent to the expiration of a lease is simply a request for lease reinstatement, and that the OCS Lands Act does not grant authority to revive or reinstate leases after they have expired. Also, the MMS is bound by the regulations it has promulgated under the OCS Lands Act. The MMS can only act on applications that are received prior to lease expiration. If requests are received in a timely manner, however, MMS may act on them after the expiration date. Allowing retroactive suspensions in contravention of statutes and regulations would create an impermissible alternative scheme of lease maintenance (M-37019 dated January 15, 2009).

Submittal of Suspensions

If a suspension request is received after the end of the lease term (e.g. administrative oversight), the suspension will be denied and the lease or unit will be deemed to have expired. It is the lessee’s responsibility to protect its interests by making sure suspensions are requested on time.

Guidance Document Statement

The MMS issues NTLs as guidance documents in accordance with 30 CFR 250.103 to clarify, supplement, and provide more detail about certain MMS regulatory requirements and to outline the information you must provide in your various submittals. Under that authority, this NTL sets

forth a policy on, and an interpretation of, a regulatory requirement that provides a clear and consistent approach to complying with that requirement.

Paperwork Reduction Act of 1995 (PRA) Statement

This NTL provides clarification, description, or interpretation of requirements in MMS regulations at 30 CFR 250, Subpart A. The Office of Management and Budget (OMB) has approved the information collection requirements in those regulations and assigned OMB Control Number 1010-0114. This NTL does not impose additional information collection requirements subject to the PRA.

Contacts

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Dated:

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