# Small Business Compliance Guide for the Deep Seabed Hard Mineral Resources Act Final Rule

**January 21, 2026**

On January 21, 2026, NOAA published the Final Rule to revise the NOAA regulations (15 CFR parts 970 and 971) that implement the Deep Seabed Hard Mineral Resources Act, 30 U.S.C. §§ 1401, et. seq., (DSHMRA or the Act). NOAA is providing this Small Business Compliance Guide (SBC Guide), pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, Title II of Pub. L. No. 104-121 (Mar. 29, 1996), to provide general information for small businesses to comply with the changes to the DSHMRA regulations.

While the Final Rule does not add new regulatory requirements or new substantive obligations, the Final Rule establishes the opportunity for qualified and eligible applicants to use a streamlined and consolidated exploration license and commercial recovery permit application process. NOAA anticipates that this new process would lead to compliance cost savings for small entities and for DSHMRA applicants in general. This SBC Guide only applies to small businesses who are submitting to NOAA a DSHMRA exploration license application, a commercial recovery permit application, or a consolidated license and permit application.

This SBC Guide does not establish legally binding requirements and does not constitute legal advice. Applicants are responsible for being aware of and complying with DSHMRA (30 U.S.C. §§ 1401-1473) and NOAA's regulations at 15 CFR Part 970 (exploration licenses) and 15 CFR Part 971 (commercial recovery permits, consolidated applications, and miscellaneous provisions). Any information provided in this SBC Guide may not be used for enforcement or compliance purposes. The information presented here is intended to help applicants, or potential applicants, navigate the regulations. However, DSHMRA and the implementing regulations, and not this SBC Guide, establish application requirements and users should not rely on the information presented here for compliance with legal requirements.

These instructions are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

**Consolidated exploration license and commercial recovery permit application process - 15 CFR § 971.214.**

This provision is for U.S. citizens interested in applying to NOAA to conduct deep seabed mining activities in areas beyond national jurisdiction under the new consolidated license and permit application process in 15 CFR § 971.214. U.S. citizens who are qualified for these consolidated procedures may concurrently apply for an exploration license and a commercial recovery permit. A U.S. citizen is qualified to use these consolidated procedures if it can demonstrate that the applicant possesses the scientific, technical, and financial resources to pursue commercial recovery activities in an expeditious and diligent manner.

Under the consolidated license and permit process, a qualified applicant submits one application for both the exploration license and commercial recovery permit at the same time that meets the requirements of the new § 970.214, rather than submit two, sequential applications (one for the exploration license and one for the commercial recovery permit). Other provisions of the DSHMRA exploration regulations (15 CFR part 970) and the commercial recovery permit regulations (15 CFR part 971) still apply.

The NOAA Administrator then conducts a consolidated review through one process, not two separate reviews, and, where necessary, publishes separate proposals to issue a license and permit; terms, conditions, and restrictions; and licenses and permits. Pursuant to DSHMRA, priority of right shall be based on "the chronological order in which *license* applications which are in substantial compliance with the requirements established under subsection (a)(2) of this section are filed with the Administrator." 30 U.S.C. 1413(b) (emphasis added). The determination of priority of right is not changing with the January 2026 Final Rule. For purposes of this section, consolidated applications for both a license and a permit will qualify as a "license application."

The Administrator will provide an opportunity for public comment and will hold at least one public hearing on any consolidated license and permit applications. NOAA expects that the Administrator will likely prepare a single National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS) that would evaluate the impacts of both exploration activities and commercial recovery activities as opposed to separate EISs. However, there may be situations in which two EISs are appropriate. See 30 U.S.C. 1419(d).

**Substantial compliance with application requirements - 15 CFR § 970.209.**
NOAA revised § 970.209 to clarify substantial compliance and to reference the proposed § 971.214 consolidated license and permit application process. NOAA notes that this section applies to "new entrants," which is defined in § 970.101(m) as any applicant with respect to any application or amendment which has not been accorded a pre-enactment explorer priority of right. By statute and regulation, pre-enactment explorers are only those who were engaged in exploration before the effective date of the Act (June 28, 1980). 30 USC § 1411(b); 15 CFR § 970.101(q). While NOAA is not changing how to determine priority of right and payment of the administrative fee, NOAA notes that the payment of the administrative fee does not determine priority of right; instead, the submission date of the exploration license application that is found to be in substantial compliance determines priority of right under the terms of § 970.200(e), which also describes how priority of right may be lost during the application process. NOAA is also not changing the 30-day and 60-day time periods for determining substantial and full compliance as these time periods facilitate expedited review.

**Place, form and copies - 15 CFR §§ 970.200(b) and 971.200(b).**
NOAA removed the requirement for mailing 30 hard copies (exploration license applications), 25 hard copies (commercial recovery permit applications), and removed mailing addresses that are no longer valid, and replaced it with a requirement to submit one copy electronically only. NOAA also added a requirement that applications must be formatted according to regulatory sections and topics. Formatting an application by the regulatory sections and topics will help ensure that an

application contains the required information and will allow NOAA to complete its review of an application in an expeditious manner. Applications must be formatted so that they follow the specific regulatory topics and sections included in parts 970 and 971 of the regulations.

**Public disclosure of documents received by NOAA - 15 CFR § 971.802**.
NOAA removed outdated procedures and cross-references for handling records and instead replaced the section with a cross-reference to the regulations that govern public disclosure of documents received by NOAA. When an applicant requests that parts or all of an application be kept confidential, e.g., under § 971.214(c), the applicant should understand that NOAA must provide for public review of applications and that NOAA expects to release substantial portions of an application for this review.

Regarding public review and comment of formal DSHMRA applications that applicants have submitted to NOAA, NOAA will provide public review and opportunities to comment on those parts of applications that are not confidential in accordance with the applicable provisions of DSHMRA and 15 CFR parts 970 and 971. NOAA publishes notice of DSHMRA applications and opportunity to comment in the Federal Register after NOAA finds an application in full compliance.

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