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NOAA Office of Ocean Exploration and Research
National Oceanic and Atmospheric Administration
U.S. Department of Commerce

Re: Public Comment on Notice by the National Oceanic and Atmospheric Administration of Receipt of Applications for Deep Seabed Mining Exploration License from The Metals Company USA, LLC

Federal Register Docket Nos.: NOAA-NOS-2025-0702 and NOAA-NOS-2025-1330

On behalf of my client, Deep Sea Rare Minerals, Inc. (“DSRM”), I submit these comments in response to the National Oceanic and Atmospheric Administration’s (“NOAA”) request for public comment regarding the applications submitted by The Metals Company USA, LLC (“TMC USA”) for exploration licenses under the Deep Seabed Hard Mineral Resources Act of 1980 and its implementing regulations at 15 C.F.R. Part 970 (“DSHMRA”).

DSRM supports NOAA’s approval of the applications. Based on the publicly available application materials, the administrative record indicates that TMC USA satisfies—and in several respects exceeds—the statutory and regulatory criteria governing the issuance of exploration licenses.

National Security Context, Supply Chain Resilience, and Executive Direction

In Executive Order 13953, Addressing the Threat to the Domestic Supply Chain from Reliance on Critical Minerals from Foreign Adversaries, President Donald J. Trump formally determined that U.S. dependence on foreign-controlled sources of critical minerals constitutes an “unusual and extraordinary threat” to the national security, foreign policy, and economic resilience of the United States. The Executive Order directed federal agencies to utilize existing statutory authorities to reduce vulnerabilities across critical mineral supply chains, including both upstream resource access and downstream processing capacity.¹

Polymetallic nodules in the Clarion-Clipperton Zone contain nickel, cobalt, copper, and manganese—minerals indispensable to defense systems, energy infrastructure, aerospace manufacturing, and advanced industrial technologies. While the United States maintains some domestic and allied sources

¹ Executive Order No. 13953, Addressing the Threat to the Domestic Supply Chain from Reliance on Critical Minerals from Foreign Adversaries, 85 Fed. Reg. 62583 (Sept. 30, 2020).

of raw mineral inputs, a persistent and well-documented strategic vulnerability exists in the processing and refining stages of these supply chains.

At present, the People's Republic of China exercises dominant control over the global processing and refining of several critical minerals, including nickel, cobalt, and manganese, regardless of where those minerals are initially extracted. This concentration of downstream capacity has been repeatedly identified by U.S. government agencies as a structural supply chain risk, as it creates chokepoints that are largely insulated from market diversification and geopolitical shocks. Control over processing confers effective control over usable supply.²

DSHMRA represents a core statutory mechanism Congress enacted to ensure that U.S. citizens may lawfully explore and potentially develop seabed mineral resources under U.S. jurisdiction, subject to rigorous environmental and operational oversight. Exploration licenses issued under DSHMRA are not merely a precursor to potential recovery; they are a necessary foundation for developing secure, diversified, and transparent mineral supply chains that can support future domestic or allied processing capacity.

Approval of TMC USA's exploration license applications would therefore advance national security objectives by enabling the United States to better assess and, if appropriate, responsibly develop seabed mineral resources that could reduce long-term reliance on foreign-controlled processing ecosystems. At the same time, approval preserves NOAA's full regulatory authority and discretion with respect to environmental review, operational conditions, and any future commercial recovery permitting.

Numerous U.S. government and allied assessments have identified concentration risks in critical mineral processing and refining, including findings by the U.S. Department of Energy, the International Energy Agency, and the U.S. Geological Survey, which consistently note that China controls a majority share of global refining and chemical conversion capacity for several critical minerals regardless of extraction origin.³

Comparative Environmental Considerations

Responsible exploration under the Deep Seabed Hard Mineral Resources Act does not presuppose commercial recovery or environmental superiority. Rather, it enables informed decision-making by allowing regulators to evaluate whether, and under what conditions, seabed mineral resources could contribute to diversified mineral supply chains while potentially avoiding or reducing certain terrestrial impacts associated with conventional mining practices.

Consideration of deep seabed mineral resources also arises against the backdrop of well-documented environmental and social challenges associated with certain forms of land-based mining, including deforestation, habitat loss, water contamination, and impacts on local communities. While deep seabed mineral activities present their own uncertainties and risks, exploration conducted under a rigorous

² International Energy Agency, Global Critical Minerals Outlook (most recent ed.); U.S. Department of Energy, Critical Materials Assessment; U.S. Geological Survey, Mineral Commodity Summaries (various years).

³ See, e.g., U.S. Department of Energy, Critical Materials Strategy; International Energy Agency, The Role of Critical Minerals in Clean Energy Transitions; U.S. Department of Defense, Industrial Base Assessments.

regulatory framework provides an opportunity to develop the scientific information necessary to assess comparative environmental tradeoffs across mineral supply options.⁴

TMC USA has demonstrated a level of technical qualification, operational maturity, and institutional experience that directly aligns with NOAA’s licensing criteria. Through affiliated entities, TMC USA has conducted sustained polymetallic nodule exploration in the Clarion-Clipperton Zone since 2011.

This experience includes more than twenty offshore exploration and test campaigns since 2018, extensive geophysical surveying, environmental baseline characterization, and engineering system validation. TMC USA has formalized access to this experience through intercompany intellectual property and data-sharing agreements.⁵

TMC USA’s applications describe a proven offshore operating model using appropriately classed vessels equipped with dynamic positioning, ROV and AUV support, and advanced navigation and communications systems. These capabilities have been deployed repeatedly under abyssal conditions comparable to those proposed in the applications.

TMC USA’s exploration methodologies include multibeam sonar, side-scan sonar, sub-bottom profiling, photographic transects, and physical sampling. These tools have generated data supporting recognized resource estimates and environmental analyses.

TMC USA’s applications also reflect a strong history of safety and environmental performance. Hundreds of offshore operational days have been completed without fatalities or lost-time injuries, supported by a comprehensive Health, Safety, and Environmental Management System aligned with U.S. and international standards.

Taken together, the applications establish that TMC USA possesses the experience, systems, and organizational capacity necessary to conduct exploration activities in an efficient, orderly, and responsible manner.

Financial Capacity

TMC USA is supported by a publicly traded parent company with demonstrated access to capital markets and a history of funding complex offshore programs. The applications include a detailed discussion of liquidity, funding mechanisms, and projected expenditures, demonstrating the ability to meet all license obligations.

Environmental Safeguards and Scientific Integrity

⁴ World Bank, Minerals for Climate Action: The Mineral Intensity of the Clean Energy Transition; International Energy Agency, Global Critical Minerals Outlook.

⁵ TMC USA Exploration License Application, Sections 3, 6, and 8 (describing offshore campaigns, vessel operations, and safety performance).

The applications propose exploration-only activities designed to generate data necessary for future environmental review. Activities are limited in scope and duration, rely on existing baseline data supplemented by targeted studies, and align with NOAA’s technical guidance.⁶

Use Conflicts and High Seas Freedoms

Based on Automatic Identification System (“AIS”) data, fisheries records, and regional analyses, the applications demonstrate that the likelihood of conflicts with fishing, navigation, cables, or scientific research is minimal and manageable.

Regulatory Purpose, Congressional Intent, and Program Integrity

DSHMRA reflects a congressional determination that policy outcomes concerning deep seabed exploration should be implemented through an established regulatory framework, rather than through the absence of an operational licensing process. Acting on qualified applications ensures that the balance struck by Congress between resource access, environmental protection, and federal oversight is preserved.

Timely action on applications that satisfy statutory and regulatory criteria also promotes regulatory certainty and efficient administration of the licensing program. Where an applicant has provided extensive technical, environmental, and financial information responsive to NOAA’s regulations and guidance, agency action reinforces confidence in the integrity and predictability of the U.S. permitting process.

Congress enacted the Deep Seabed Hard Mineral Resources Act of 1980 to establish an active and functioning licensing regime for United States citizens seeking to explore deep seabed mineral resources, subject to comprehensive environmental and operational oversight. Although NOAA issued a limited number of exploration licenses during the Act’s early implementation in the 1980s, the licensing program has seen little to no activity for several decades. Approval of a well-supported application under the current statutory and regulatory framework would demonstrate that the program remains viable and capable of supporting responsible exploration consistent with modern scientific and environmental standards.

Broader Policy Implications of Regulatory Administration

In addition, the effective administration of DSHMRA has implications for the broader public capital markets that finance large-scale, long-duration infrastructure and resource development projects. Publicly traded companies and their investors rely on predictable regulatory processes and the timely exercise of agency authority when evaluating risk, allocating capital, and supporting projects that require substantial upfront investment and extended development timelines.

Where Congress has established a licensing framework to permit regulated activity, the consistent and transparent application of that framework contributes to market confidence by reducing regulatory uncertainty and signaling that lawful projects can proceed through established channels. Conversely, prolonged uncertainty regarding whether statutory licensing authorities will be exercised can materially

⁶ TMC USA Exploration License Application, Environmental Information Volume (describing baseline studies, monitoring commitments, and mitigation measures).

affect the willingness of public markets to support projects that are otherwise designed to operate under rigorous regulatory oversight.

Acting on qualified applications in accordance with DSHMRA therefore serves not only the purposes of environmental protection and national resource policy, but also reinforces the credibility of the United States as a jurisdiction in which complex, capital-intensive projects can be evaluated and advanced through rule-based processes. This regulatory clarity supports informed participation by public investors while preserving the agency's full discretion with respect to environmental review and operational conditions.

Conclusion

For these reasons, NOAA should approve the exploration license applications submitted by The Metals Company USA, LLC, thereby advancing U.S. national security interests, upholding congressional intent, and reinforcing the credibility of the U.S. deep-seabed regulatory framework.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Hamilton", is positioned above the printed name.

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