

technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Generally, your estimates should not include equipment or services purchased: before October 1, 1995; to comply with requirements not associated with the information collection; for reasons other than to provide information or keep records for the Government; or as part of customary and usual business or private practice.

#### **Federalism (Executive Order 13132)**

According to Executive Order 13132, this rule does not have Federalism implications. It does not substantially and directly affect the relationship between the Federal and State governments. This rule applies to lessees/operators and pipeline right-of-way holders on the OCS. It does not impose costs on States or localities. Any costs will be the responsibility of the lessees/operators and pipeline right-of-way holders.

#### **Takings Implication Assessment (Executive Order 12630)**

According to Executive Order 12630, this proposed rule does not have significant Takings implications. A Takings Implication Assessment is not required. This rule revises existing incident reporting regulations. It does not prevent any lessee, operator, or pipeline right-of-way holder from performing operations on the OCS, provided they follow the regulations.

#### **Civil Justice Reform (Executive Order 12988)**

According to Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and does meet the requirements of sections 3(a) and 3(b)(2) of the Order.

#### **National Environmental Policy Act of 1969**

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. An environmental assessment is not required. This rule only revises reporting requirements for incidents on the OCS through oral notification and electronic submission of written reports. It does not require, promote, or modify the conduct of operations or activities on the OCS.

#### **Unfunded Mandates Reform Act (UMRA)**

According to the UMRA (2 U.S.C. 1501 *et seq.*):

(1) This rule will not "significantly or uniquely" affect small governments. A

Small Government Agency Plan is not required. This rule revises reporting regulations for oil and gas operations and does not involve the activities of any small governments, so no small governments are affected.

(2) This rule will not produce a Federal mandate of \$100 million or greater in any year, *i.e.*, it is not a "significant regulatory action" under the UMRA. This rule does not have any Federal mandates.

#### **Government-to-Government Relationship With Tribes**

According to the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951) and 512 DM 2, we have evaluated potential effects on federally recognized Indian tribes and have determined that there are no potential effects because the OCS operating regulations have no effect on any Indian tribe.

#### **Clarity of the Regulation**

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this proposed rule easier to understand, including answers to questions, such as the following:

(1) Are the requirements in the proposed rule clearly stated?

(2) Does the proposed rule contain technical language or jargon that interferes with its clarity?

(3) Is the description in the SUPPLEMENTARY INFORMATION section of this preamble helpful in understanding the proposed rule? What else can we do to make it easier to understand?

Send a copy of any comments that concern how we could make this proposed rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW., Washington, DC 20240. You may also e-mail the comments to this address: [Exsec@ios.doi.gov](mailto:Exsec@ios.doi.gov).

#### **List of Subjects**

##### **30 CFR Part 250**

Continental shelf; Environmental impact statements; Environmental protection; Government contracts; Investigations; Mineral royalties; Oil and gas development and production; Oil and gas exploration; Oil and gas reserves; Penalties; Pipelines; Public lands—mineral resources; Public lands—rights-of-way; Reporting and recordkeeping requirements; Sulphur development and production; Sulphur exploration; Surety bonds.

##### **30 CFR Part 254**

Continental shelf; Environmental protection; Oil and gas development and production; Oil and gas exploration; Pipelines; Public lands—mineral resources; Public lands—rights-of-way; Reporting and recordkeeping requirements.

Dated: May 21, 2003.

**Rebecca W. Watson,**  
*Assistant Secretary, Land and Minerals Management.*

For the reasons stated in the preamble, the MMS proposes to amend 30 CFR Part 250 and Part 254 as follows:

#### **PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF**

1. The authority citation for 30 CFR Part 250 continues to read as follows:

**Authority:** 43 U.S.C. 1331 *et seq.*

2. In § 250.105 the following definitions are added in alphabetical order:

##### **§ 250.105 Definitions**

\* \* \* \* \*

*Collision* means the striking of:

(1) An OCS facility by a vessel or helicopter; or

(2) Two vessels together where at least one is engaged in OCS activities, regardless of whether one or both vessels are in motion.

\* \* \* \* \*

*Fire* means the phenomenon of combustion manifested in light, flame, and heat and has the same meaning as in the American Petroleum Institute, Recommended Practice 14G, Third Edition, December 1, 1993. In addition, the term fire as used in this part includes incidents of combustion that involve smoke with no visible flame.

*Gas release* means any unintentional release of gas at an OCS facility that could, without corrective action, raise hydrocarbon or other gas concentrations to the lower flammable (explosive) limit. Gas releases do not include events where gas is successfully released through the vent or flare system.

\* \* \* \* \*

*Incident* means an accident or unexpected event occurring in the course of an OCS activity that affects or is likely to affect operational safety or environmental protection. "Incident" includes the term "casualty" and "marine casualty" used in United States Coast Guard (USCG) regulations.

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*Loss of well control* means either of the following:

(1) Uncontrolled flow of formation or other well fluids. The flow may be