

TABLE—WHERE TO FIND INFORMATION FOR CONDUCTING OPERATIONS—Continued

| For information about            | Refer to    |
|----------------------------------|-------------|
| (16) Pipeline right-of-way ..... | § 250.1010. |
| (17) Sulphur operations .....    | § 250.1604. |
| (18) Training .....              | § 250.1500. |
| (19) Unitization .....           | § 250.1300. |

[64 FR 72775, Dec. 28, 1999, as amended at 67 FR 35405, May 17, 2002; 68 FR 8422, Feb. 20, 2003]

**§ 250.103 Where can I find more information about the requirements in this part?**

MMS may issue Notices to Lessees and Operators (NTLs) that clarify, supplement, or provide more detail about certain requirements. NTLs may also outline what you must provide as required information in your various submissions to MMS.

**§ 250.104 How may I appeal a decision made under MMS regulations?**

To appeal orders or decisions issued under MMS regulations in 30 CFR parts 250 to 282, follow the procedures in 30 CFR part 290.

**§ 250.105 Definitions.**

Terms used in this part will have the meanings given in the Act and as defined in this section:

*Act* means the OCS Lands Act, as amended (43 U.S.C. 1331 *et seq.*).

*Affected State* means with respect to any program, plan, lease sale, or other activity proposed, conducted, or approved under the provisions of the Act, any State:

(1) The laws of which are declared, under section 4(a)(2) of the Act, to be the law of the United States for the portion of the OCS on which such activity is, or is proposed to be, conducted;

(2) Which is, or is proposed to be, directly connected by transportation facilities to any artificial island or installation or other device permanently or temporarily attached to the seabed;

(3) Which is receiving, or according to the proposed activity, will receive oil for processing, refining, or transshipment that was extracted from the OCS and transported directly to such State by means of vessels or by a combination of means including vessels;

(4) Which is designated by the Secretary as a State in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in the social, governmental, or economic infrastructure, resulting from the exploration, development, and production of oil and gas anywhere on the OCS; or

(5) In which the Secretary finds that because of such activity there is, or will be, a significant risk of serious damage, due to factors such as prevailing winds and currents to the marine or coastal environment in the event of any oil spill, blowout, or release of oil or gas from vessels, pipelines, or other transshipment facilities.

*Air pollutant* means any airborne agent or combination of agents for which the Environmental Protection Agency (EPA) has established, under section 109 of the Clean Air Act, national primary or secondary ambient air quality standards.

*Analyzed geological information* means data collected under a permit or a lease that have been analyzed. Analysis may include, but is not limited to, identification of lithologic and fossil content, core analysis, laboratory analyses of physical and chemical properties, well logs or charts, results from formation fluid tests, and descriptions of hydrocarbon occurrences or hazardous conditions.

*Archaeological interest* means capable of providing scientific or humanistic understanding of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques, such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation.

*Archaeological resource* means any material remains of human life or activities that are at least 50 years of age and that are of archaeological interest.

*Attainment area* means, for any air pollutant, an area that is shown by monitored data or that is calculated by air quality modeling (or other methods determined by the Administrator of EPA to be reliable) not to exceed any primary or secondary ambient air quality standards established by EPA.

*Best available and safest technology (BAST)* means the best available and safest technologies that the Director determines to be economically feasible wherever failure of equipment would have a significant effect on safety, health, or the environment.

*Best available control technology (BACT)* means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation, taking into account energy, environmental and economic impacts, and other costs. The Regional Director will verify the BACT on a case-by-case basis, and it may include reductions achieved through the application of processes, systems, and techniques for the control of each air pollutant.

*Coastal environment* means the physical, atmospheric, and biological components, conditions, and factors that interactively determine the productivity, state, condition, and quality of the terrestrial ecosystem from the shoreline inward to the boundaries of the coastal zone.

*Coastal zone* means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder) strongly influenced by each other and in proximity to the shorelands of the several coastal States. The coastal zone includes islands, transition and intertidal areas, salt marshes, wetlands, and beaches. The coastal zone extends seaward to the outer limit of the U.S. territorial sea and extends inland from the shorelines to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and the inward boundaries of which may be identified by the several coastal States, under the authority in section 305(b)(1) of the Coast-

al Zone Management Act (CZMA) of 1972.

*Competitive reservoir* means a reservoir in which there are one or more producible or producing well completions on each of two or more leases or portions of leases, with different lease operating interests, from which the lessees plan future production.

*Correlative rights* when used with respect to lessees of adjacent leases, means the right of each lessee to be afforded an equal opportunity to explore for, develop, and produce, without waste, minerals from a common source.

*Data* means facts and statistics, measurements, or samples that have not been analyzed, processed, or interpreted.

*Departures* means approvals granted by the appropriate MMS representative for operating requirements/procedures other than those specified in the regulations found in this part. These requirements/procedures may be necessary to control a well; properly develop a lease; conserve natural resources, or protect life, property, or the marine, coastal, or human environment.

*Development* means those activities that take place following discovery of minerals in paying quantities, including but not limited to geophysical activity, drilling, platform construction, and operation of all directly related onshore support facilities, and which are for the purpose of producing the minerals discovered.

*Director* means the Director of MMS of the U.S. Department of the Interior, or an official authorized to act on the Director's behalf.

*District Supervisor* means the MMS officer with authority and responsibility for operations or other designated program functions for a district within an MMS Region.

*Easement* means an authorization for a nonpossessory, nonexclusive interest in a portion of the OCS, whether leased or unleased, which specifies the rights of the holder to use the area embraced in the easement in a manner consistent with the terms and conditions of the granting authority.

*Eastern Gulf of Mexico* means all OCS areas of the Gulf of Mexico the Director decides are adjacent to the State of

Florida. The Eastern Gulf of Mexico is not the same as the Eastern Planning Area, an area established for OCS lease sales.

*Emission offsets* means emission reductions obtained from facilities, either onshore or offshore, other than the facility or facilities covered by the proposed Exploration Plan (EP) or Development and Production Plan (DPP).

*Enhanced recovery operations* means pressure maintenance operations, secondary and tertiary recovery, cycling, and similar recovery operations that alter the natural forces in a reservoir to increase the ultimate recovery of oil or gas.

*Existing facility*, as used in §250.303, means an OCS facility described in an Exploration Plan or a Development and Production Plan approved before June 2, 1980.

*Exploration* means the commercial search for oil, gas, or sulphur. Activities classified as exploration include but are not limited to:

(1) Geophysical and geological (G&G) surveys using magnetic, gravity, seismic reflection, seismic refraction, gas sniffers, coring, or other systems to detect or imply the presence of oil, gas, or sulphur; and

(2) Any drilling conducted for the purpose of searching for commercial quantities of oil, gas, and sulphur, including the drilling of any additional well needed to delineate any reservoir to enable the lessee to decide whether to proceed with development and production.

*Facility* means:

(1) As used in §250.130, any installation permanently or temporarily attached to the seabed on the OCS (including manmade islands and bottom-sitting structures). It includes mobile offshore drilling units (MODUs) or other vessels engaged in drilling or downhole operations, used for oil, gas, or sulphur drilling, production, or related activities. It also includes facilities for product measurement and royalty determination (e.g., Lease Automatic Custody Transfer units, gas meters) of OCS production on installations not on the OCS. Any group of OCS installations interconnected with walkways, or any group of installations that includes a central or pri-

mary installation with processing equipment and one or more satellite or secondary installations is a single facility. The Regional Supervisor may decide that the complexity of the individual installations justifies their classification as separate facilities.

(2) As used in §250.303, means any installation or device permanently or temporarily attached to the seabed. It includes mobile offshore drilling units (MODUs), even while operating in the "tender assist" mode (i.e. with skid-off drilling units) or other vessels engaged in drilling or downhole operations. They are used for exploration, development, and production activities for oil, gas, or sulphur and emit or have the potential to emit any air pollutant from one or more sources. During production, multiple installations or devices are a single facility if the installations or devices are at a single site. Any vessel used to transfer production from an offshore facility is part of the facility while it is physically attached to the facility.

(3) As used in §250.490(b), means a vessel, a structure, or an artificial island used for drilling, well-completion, well-workover, and/or production operations.

*Gas reservoir* means a reservoir that contains hydrocarbons predominantly in a gaseous (single-phase) state.

*Gas-well completion* means a well completed in a gas reservoir or in the associated gas-cap of an oil reservoir.

*Governor* means the Governor of a State, or the person or entity designated by, or under, State law to exercise the powers granted to such Governor under the Act.

*H<sub>2</sub>S absent* means:

(1) Drilling, logging, coring, testing, or producing operations have confirmed the absence of H<sub>2</sub>S in concentrations that could potentially result in atmospheric concentrations of 20 ppm or more of H<sub>2</sub>S; or

(2) Drilling in the surrounding areas and correlation of geological and seismic data with equivalent stratigraphic units have confirmed an absence of H<sub>2</sub>S throughout the area to be drilled.

*H<sub>2</sub>S present* means drilling, logging, coring, testing, or producing operations have confirmed the presence of H<sub>2</sub>S in concentrations and volumes

that could potentially result in atmospheric concentrations of 20 ppm or more of H<sub>2</sub>S.

*H<sub>2</sub>S unknown* means the designation of a zone or geologic formation where neither the presence nor absence of H<sub>2</sub>S has been confirmed.

*Human environment* means the physical, social, and economic components, conditions, and factors that interactively determine the state, condition, and quality of living conditions, employment, and health of those affected, directly or indirectly, by activities occurring on the OCS.

*Interpreted geological information* means geological knowledge, often in the form of schematic cross sections, 3-dimensional representations, and maps, developed by determining the geological significance of data and analyzed geological information.

*Interpreted geophysical information* means geophysical knowledge, often in the form of schematic cross sections, 3-dimensional representations, and maps, developed by determining the geological significance of geophysical data and analyzed geophysical information.

*Lease* means an agreement that is issued under section 8 or maintained under section 6 of the Act and that authorizes exploration for, and development and production of, minerals. The term also means the area covered by that authorization, whichever the context requires.

*Lease term pipelines* means those pipelines owned and operated by a lessee or operator that are completely contained within the boundaries of a single lease, unit, or contiguous (not cornering) leases of that lessee or operator.

*Lessee* means a person who has entered into a lease with the United States to explore for, develop, and produce the leased minerals. The term lessee also includes the MMS-approved assignee of the lease, and the owner or the MMS-approved assignee of operating rights for the lease.

*Major Federal action* means any action or proposal by the Secretary that is subject to the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. (2)(C) (i.e., an action that will have a significant impact on the quality of the human environment requiring preparation of an

environmental impact statement under section 102(2)(C) of the National Environmental Policy Act).

*Marine environment* means the physical, atmospheric, and biological components, conditions, and factors that interactively determine the productivity, state, condition, and quality of the marine ecosystem. These include the waters of the high seas, the contiguous zone, transitional and intertidal areas, salt marshes, and wetlands within the coastal zone and on the OCS.

*Material remains* means physical evidence of human habitation, occupation, use, or activity, including the site, location, or context in which such evidence is situated.

*Maximum efficient rate (MER)* means the maximum sustainable daily oil or gas withdrawal rate from a reservoir that will permit economic development and depletion of that reservoir without detriment to ultimate recovery.

*Maximum production rate (MPR)* means the approved maximum daily rate at which oil or gas may be produced from a specified oil-well or gas-well completion.

*Minerals* includes oil, gas, sulphur, geopressured-geothermal and associated resources, and all other minerals that are authorized by an Act of Congress to be produced.

*Natural resources* includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include water power or the use of water for the production of power.

*Nonattainment area* means, for any air pollutant, an area that is shown by monitored data or that is calculated by air quality modeling (or other methods determined by the Administrator of EPA to be reliable) to exceed any primary or secondary ambient air quality standard established by EPA.

*Nonsensitive reservoir* means a reservoir in which ultimate recovery is not decreased by high reservoir production rates.

*Oil reservoir* means a reservoir that contains hydrocarbons predominantly in a liquid (single-phase) state.

*Oil reservoir with an associated gas cap* means a reservoir that contains hydrocarbons in both a liquid and gaseous (two-phase) state.

*Oil-well completion* means a well completed in an oil reservoir or in the oil accumulation of an oil reservoir with an associated gas cap.

*Operating rights* means any interest held in a lease with the right to explore for, develop, and produce leased substances.

*Operator* means the person the lessee(s) designates as having control or management of operations on the leased area or a portion thereof. An operator may be a lessee, the MMS-approved designated agent of the lessee(s), or the holder of operating rights under an MMS-approved operating rights assignment.

*Outer Continental Shelf (OCS)* means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301) whose subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

*Person* includes, in addition to a natural person, an association (including partnerships and trusts), a State, a political subdivision of a State, or a private, public, or municipal corporation.

*Pipelines* are the piping, risers, and appurtenances installed for transporting oil, gas, sulphur, and produced waters.

*Processed geological or geophysical information* means data collected under a permit or a lease that have been processed or reprocessed. Processing involves changing the form of data to facilitate interpretation. Processing operations may include, but are not limited to, applying corrections for known perturbing causes, rearranging or filtering data, and combining or transforming data elements. Reprocessing is the additional processing other than ordinary processing used in the general course of evaluation. Reprocessing operations may include varying identified parameters for the detailed study of a specific problem area.

*Production* means those activities that take place after the successful completion of any means for the removal of minerals, including such re-

moval, field operations, transfer of minerals to shore, operation monitoring, maintenance, and workover operations.

*Production areas* are those areas where flammable petroleum gas, volatile liquids or sulphur are produced, processed (e.g., compressed), stored, transferred (e.g., pumped), or otherwise handled before entering the transportation process.

*Projected emissions* means emissions, either controlled or uncontrolled, from a source or sources.

*Regional Director* means the MMS officer with responsibility and authority for a Region within MMS.

*Regional Supervisor* means the MMS officer with responsibility and authority for operations or other designated program functions within an MMS Region.

*Right-of-use* means any authorization issued under this part to use OCS lands.

*Right-of-way pipelines* are those pipelines that are contained within:

- (1) The boundaries of a single lease or unit, but are not owned and operated by a lessee or operator of that lease or unit;
- (2) The boundaries of contiguous (not cornering) leases that do not have a common lessee or operator;
- (3) The boundaries of contiguous (not cornering) leases that have a common lessee or operator but are not owned and operated by that common lessee or operator; or
- (4) An unleased block(s).

*Routine operations*, for the purposes of subpart F, means any of the following operations conducted on a well with the tree installed:

- (1) Cutting paraffin;
- (2) Removing and setting pump-through-type tubing plugs, gas-lift valves, and subsurface safety valves that can be removed by wireline operations;
- (3) Bailing sand;
- (4) Pressure surveys;
- (5) Swabbing;
- (6) Scale or corrosion treatment;
- (7) Caliper and gauge surveys;
- (8) Corrosion inhibitor treatment;
- (9) Removing or replacing subsurface pumps;

§ 250.106

30 CFR Ch. II (7-1-03 Edition)

(10) Through-tubing logging (diagnostics);

(11) Wireline fishing;

(12) Setting and retrieving other sub-surface flow-control devices; and

(13) Acid treatments.

*Sensitive reservoir* means a reservoir in which high reservoir production rates will decrease ultimate recovery. For submitting the first MER, all oil reservoirs with an associated gas cap are classified as sensitive.

*Significant archaeological resource* means those archaeological resources that meet the criteria of significance for eligibility to the National Register of Historic Places as defined in 36 CFR 60.4, or its successor.

*Suspension* means a granted or directed deferral of the requirement to produce (Suspension of Production (SOP)) or to conduct leaseholding operations (Suspension of Operations (SOO)).

*Waste of oil, gas, or sulphur* means:

(1) The physical waste of oil, gas, or sulphur;

(2) The inefficient, excessive, or improper use, or the unnecessary dissipation of reservoir energy;

(3) The locating, spacing, drilling, equipping, operating, or producing of any oil, gas, or sulphur well(s) in a manner that causes or tends to cause a reduction in the quantity of oil, gas, or sulphur ultimately recoverable under prudent and proper operations or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas; or

(4) The inefficient storage of oil.

*Welding* means all activities connected with welding, including hot tapping and burning.

*Wellbay* is the area on a facility within the perimeter of the outermost wellheads.

*Well-completion operations* means the work conducted to establish production from a well after the production-casing string has been set, cemented, and pressure-tested.

*Well-control fluid* means drilling mud, completion fluid, or workover fluid as appropriate to the particular operation being conducted.

*Western Gulf of Mexico* means all OCS areas of the Gulf of Mexico except those the Director decides are adjacent

to the State of Florida. The Western Gulf of Mexico is not the same as the Western Planning Area, an area established for OCS lease sales.

*Workover operations* means the work conducted on wells after the initial well-completion operation for the purpose of maintaining or restoring the productivity of a well.

*You* means a lessee, the owner or holder of operating rights, a designated agent of the lessee(s), a pipeline right-of-way holder, or a State lessee granted a right-of-use and easement.

[64 FR 72775, Dec. 28, 1999, as amended at 68 FR 8422, Feb. 20, 2003]

PERFORMANCE STANDARDS

§ 250.106 What standards will the Director use to regulate lease operations?

The Director will regulate all operations under a lease, right-of-use and easement, or right-of-way to:

(a) Promote orderly exploration, development, and production of mineral resources;

(b) Prevent injury or loss of life;

(c) Prevent damage to or waste of any natural resource, property, or the environment; and

(d) Cooperate and consult with affected States, local governments, other interested parties, and relevant Federal agencies.

§ 250.107 What must I do to protect health, safety, property, and the environment?

(a) You must protect health, safety, property, and the environment by:

(1) Performing all operations in a safe and workmanlike manner; and

(2) Maintaining all equipment in a safe condition.

(b) You must immediately control, remove, or otherwise correct any hazardous oil and gas accumulation or other health, safety, or fire hazard.

(c) You must use the best available and safest technology (BAST) whenever practical on all exploration, development, and production operations. In general, we consider your compliance with MMS regulations to be the use of BAST.