

Administration. If such misuse or insufficient notice relates to a broadcast or telecast, the Office of the Inspector General may impose a penalty of not more than \$25,000 for each violation.

(d) For purposes of paragraph (c) of this section, a violation is defined as—

(1) In the case of a mailed solicitation or advertisement, each separate piece of mail which contains one or more program words, letters, symbols, or emblems or insufficient notice related to a determination under § 498.102(c); and

(2) In the case of a broadcast or telecast, each airing of a single commercial or solicitation related to a determination under § 498.102(c).

6. Revise § 498.104 to read as follows:

**§ 498.104 Amount of assessment.**

A person subject to a penalty determined under § 498.102(a) and (b) may be subject, in addition, to an assessment of not more than twice the amount of benefits or payments paid as a result of the statement, representation, omission, withheld disclosure of a material fact, or conversion which was the basis for the penalty. An assessment is in lieu of damages sustained by the United States because of such statement, representation, omission, withheld disclosure, or conversion, as referred to in § 498.102(a) and (b).

7. Amend § 498.106 by revising paragraphs (a) introductory text, (a)(1), and (b) introductory text to read as follows:

**§ 498.106 Determinations regarding the amount or scope of penalties and assessments.**

(a) In determining the amount or scope of any penalty and assessment, as applicable, in accordance with §§ 498.103(a) and (b) and 498.104, the Office of the Inspector General will take into account:

(1) The nature of the statements, representations, or actions referred to in § 498.102(a) and (b) and the circumstances under which they occurred;

(b) In determining the amount of any penalty in accordance with § 498.103(c), the Office of the Inspector General will take into account—

8. Amend § 498.109 by revising paragraph (a)(2) to read as follows:

**§ 498.109 Notice of proposed determination.**

(2) A description of the false statements, representations, or other actions (as described in § 498.102(a) and (b)), and incidents, as applicable, with

respect to which the penalty and assessment, as applicable, are proposed;

9. Amend § 498.114 by revising paragraph (a) to read as follows:

**§ 498.114 Collateral estoppel.**

(a) Is against a person who has been convicted (whether upon a verdict after trial or upon a plea of guilty or *nolo contendere*) of a Federal or State crime; and

10. Amend § 498.128 by revising paragraphs (b), (c)(1), and (d)(1) to read as follows:

**§ 498.128 Collection of penalty and assessment.**

(b) In cases brought under section 1129 of the Social Security Act, a penalty and assessment, as applicable, imposed under this part may be compromised by the Commissioner or his or her designee and may be recovered in a civil action brought in the United States District Court for the district where the violation occurred, or where the respondent resides.

(1) Violation referred to in § 498.102(c) and (d) occurred; or

(1) Monthly title II, title VIII, or title XVI payments, notwithstanding section 207 of the Social Security Act as made applicable to title XVI by section 1631(d)(1) of the Social Security Act;

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**DEPARTMENT OF THE INTERIOR**

**Minerals Management Service**

**30 CFR Part 250**

**RIN 1010-AC99**

**Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS); Data Release and Definitions**

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rulemaking would revise certain existing definitions, add a first production notice requirement, and make some administrative changes. MMS recently redesigned and renamed some of its forms to aid submission and streamline

data. MMS also discovered inconsistent practices in first production reporting, which is a prime parameter in determining inspection and testing schedules for safety system devices. This proposed rulemaking would correspond to recently revised forms, provide clarity and explanation of definitions and forms, and correct form submittal with first production notices. It would also clarify the basis upon which the Regional Director invokes the requirement for an archaeological survey on a lease area.

**DATES:** We will consider all comments received by June 21, 2005. We will begin reviewing comments then and may not fully consider comments we receive after June 21, 2005.

**ADDRESSES:** You may submit comments on the rulemaking by any of the following methods listed below. Please use 1010-AC99 as an identifier in your message. See also Public Comment Procedures under Procedural Matters.

MMS's Public Connect on-line commenting system, <https://occonnect.mms.gov>. Follow the instructions on the Web site for submitting comments.

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions on the Web site for submitting comments.

E-mail MMS at [rules.comments@mms.gov](mailto:rules.comments@mms.gov). Identify the Regulation Identifier Number (RIN) in the subject line.

Fax: 703-787-1093. Identify the RIN.

Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170-4817; Attention: Rules Processing Team (RPT). Please reference "Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS), 30 CFR 250 Subpart A, General-Data Release and Definitions." in your comments.

You may also send comments on the information collection aspects of this rule directly to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, OMB Attention: Desk Officer for the Department of the Interior via OMB e-mail ([OIRA\\_DOCKET@omb.eop.gov](mailto:OIRA_DOCKET@omb.eop.gov)) or by fax (202) 395-6566; identify with 1010-AC99. Please also send a copy to MMS.

**FOR FURTHER INFORMATION CONTACT:** Kumkum Ray, Rules Processing Team, Regulations and Standards Branch, (703) 787-1600.

**SUPPLEMENTARY INFORMATION:** MMS proposes to make the following

amendments to its regulations in Title 30 CFR Part 250:

1. Amend the definition of the term "Person" in § 250.105 to include joint ventures as an example of an association.

2. Amend the definition of the term "You" at § 250.105 to include the words "designated operator." Under § 250.143, a designated operator is authorized to act on behalf of, and to fulfill the obligations of, a lessee under the Outer Continental Shelf Lands Act, the lease, and the regulations in Part 250. Therefore, a designated operator is an entity that must comply with applicable requirements, and hence is a part of the regulated community covered by the word "You."

3. Clarify in § 250.194(a) the basis upon which the Regional Director invokes the requirement for an archaeological survey on a lease area. Because it cannot be determined whether it is "likely" that an archaeological resource exists on a specific lease area until the archaeological survey has first been conducted, the wording would be changed to state, "if the Regional Director has reason to believe that an archaeological resource may exist." The "reason to believe" is established by a technical analysis of existing archaeological, geological, and other pertinent environmental data. To more closely reflect the wording of the new Subpart B regulations, and to clarify that the archaeological report accompanies, but is not part of, the Exploration Plan (EP) or Development and Production Plan (DPP), we propose to modify the second part of this sentence to state that "\* \* \* the Regional Director will request in writing that your EP or DPP be accompanied by an archaeological report."

4. Redesignate §§ 250.195 and 250.196 as §§ 250.196 and 250.197, respectively, and add a new § 250.195 requiring the lessee or operator to notify MMS when a well has actually begun producing. When the lessee or operator files a form MMS-125 (OMB Approval No. 1010-0046), End of Operations Report (formerly Well Summary Report), the well status is often shown as "shut in" since production facilities are not ready. Therefore, a "first production notice" often will be the only indication MMS receives that a well has actually begun producing. Such a notice is not currently required by our regulations, but has become standard practice. MMS is proposing to add this requirement because this information has become one of the prime parameters in determining inspection and testing schedules for safety system devices.

5. Reorganize the forms data release table in the proposed redesignated § 250.197(a), and add entries for the new forms MMS-123S, Supplemental APD Information Sheet; MMS-137, OCS Plan Information; MMS-133, Well Activity Report; and MMS-140, Bottomhole Pressure Survey Report. The Office of Management and Budget (OMB) has approved the use of these new forms, all of which contain proprietary data. MMS also proposes deleting the entry for form MMS-128, Semiannual Well Test Report, because no proprietary information is reported on this form. The reorganization of the table does not change the current data release timeframe for any of the other forms included in the table.

It should be noted that MMS very recently redesigned and renamed some of its forms. This is part of a separate process to provide a future option for electronic submission and streamlining of the data collected on MMS forms. In addition to any actual data element changes we made to the forms, we completely renumbered all of the data elements on most of the forms. The form and item numbers shown in the table at proposed

§ 250.197(a) correspond to the revised forms. You may obtain copies of the forms listed in the table from any of the OCS regional offices or at the Web site: <http://www.gomr.mms.gov/homepg/mmsforms/jrmindx.html>

6. Revise § 250.197(b)(8) to clarify existing requirements by including release times for certain data and information submitted on well operations, and adding special provisions for the release of directional surveys.

7. Insert a new form MMS-144, Rig Movement in the table at existing § 250.199.

8. Remove the definitions of "I, me, or you" and "Person" at § 250.1402, because the definitions for these terms are found at § 250.105.

#### Procedural Matters

##### Public Comment Procedure

All submissions received must include the agency name and docket number or Regulation Identifier Number (RIN) for this rulemaking. Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by

the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

##### Regulatory Planning and Review (Executive Order (E.O.) 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866. This proposed rule:

1. Would not have an annual economic effect of \$100 million or more on the economy. It would not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. A cost-benefit and economic analysis is not required because:

a. The proposed changes to the definitions and data release tables would have no financial impact on the oil and gas industry.

b. The proposed requirements would minimally increase the paperwork burden for submitting first production notices under newly proposed § 250.195. At an average cost of \$50 per hour, the increase of approximately 250 hours each year would result in an hour burden impact of \$12,500. (Refer to the Paperwork Reduction Act section later in the preamble.)

2. Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. It would not affect how lessees or operators interact with other agencies.

3. Would not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. It would have no effect on the rights of the recipients of entitlements, grants, user fees, or loan programs.

4. Does not raise novel legal or policy issues.

##### Regulatory Flexibility (RF) Act

The Department of Interior (DOI) certifies that this proposed rule would not have a significant economic effect on a substantial number of small entities under the RF Act (5 U.S.C. 601 *et seq.*). It would apply to all lessees operating on the OCS. Small lessees would fall under the Small Business Administration's (SBA) North American

Industry Classification System Codes 211111, which includes companies that extract crude petroleum and natural gas. Under this code, a small company is one with fewer than 500 employees. Based on these criteria, MMS estimates that about 70 percent of these companies are considered small. The proposed requirements would minimally increase the paperwork burden for submitting first production notices under newly proposed § 250.195. At an average cost of \$50 per hour, the increase of approximately 250 hours each year would result in an hour burden impact of \$12,500. (Refer to the Paperwork Reduction Act section later in the preamble.) Thus, based on 130 lessees/operators, the average increase would be \$100, for both large and small entities. Since 70 percent of the companies are small businesses, the total paperwork burden for small companies would be approximately 175 man hours, representing an annual hour cost burden of \$8,750.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free at (888) 734-3247. You may comment to the SBA without fear of retaliation. Disciplinary action for retaliation by an MMS employee may include suspension or termination from employment with the DOI.

*Small Business Regulatory Enforcement Fairness Act (SBREFA)*

This proposed rule is not a major rule under the SBREFA (5 U.S.C. 804(2)). This proposed rule:

1. Would not have an annual effect on the economy of \$100 million or more. As described above, we estimate an annual increase of \$100 per respondent. These costs will not cause an annual effect on the economy of \$100 million.

2. Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. The minor increase in cost would not change the way the oil and gas industry conducts business, nor would it affect regional oil and gas prices. Therefore, it would not cause major cost increases for consumers, the oil and gas industry, or any government agencies.

3. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or ability of United States (U.S.)-based enterprises to compete with foreign-based enterprises. All lessees and drilling contractors, regardless of nationality, would have to comply with the requirements of this proposed rule, so it would not affect competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

*Paperwork Reduction Act (PRA) of 1995*

The proposed rule would require a new information collection (IC), and an IC request (form OMB 83-I) has been submitted to OMB for review and approval under section 3507(d) of the PRA. The title of the collection of information is "30 CFR 250, Subpart A, General, Data Release and Definitions." The PRA provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves the collection of information and assigns a control number, you are not required to respond.

Respondents include approximately 130 Federal OCS oil and gas lessees. The frequency of reporting and recordkeeping is generally on occasion. Responses are mandatory. The IC does not include questions of a sensitive nature. MMS will protect information considered proprietary according to 30 CFR § 250.196, "Data and information to be made available to the public," 30 CFR Part 252, "OCS Oil and Gas Information Program," and the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR Part 2).

The proposed rule addresses several reports and forms required by current regulations. All the burdens for the individual reports and forms have been approved by OMB and assigned OMB control numbers according to their associated subparts.

Proposed § 250.195 would require the lessee or operator to notify MMS when a well has actually begun producing. When the lessee or operator files a form MMS-125, End of Operations Report (formerly the Well Summary Report), the well status is often shown as "shut in" since production facilities are not ready. Currently there is no regulatory requirement for lessees or operators to formally notify MMS of "first production," although most companies already notify MMS when a well begins to produce. This practice serves to alert both MMS and the operator of the

requirements pertaining to the inspection, installation, and maintenance of safety systems. We estimate 250 annual notifications would be submitted, requiring about 1 hour each to prepare and submit.

The proposed rule would increase the total paperwork hour burden of the 30 CFR Part 250, Subpart A, regulations by 250 hours. Based on a cost factor of \$50 per hour, the hour burden of the new paperwork requirements would be \$12,500. When this rulemaking becomes effective, MMS will consolidate the 250 burden hours with the primary information collection for 30 CFR 250, Subpart A (OMB control number 1010-0114, expiration date October 31, 2007).

As part of our continuing effort to reduce paperwork and respondent burdens, MMS invites the public and other Federal agencies to comment on any aspect of the reporting burden in the proposed rule.

1. We specifically solicit comments on the following questions:

a. Is the proposed collection of information necessary for MMS to properly perform its functions, and will it be useful?

b. Are the estimates of the burden hours of the proposed collection reasonable?

c. Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

d. Is there a way to minimize the information collection burden on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology?

2. In addition, the PRA requires agencies to estimate the total annual reporting and recordkeeping "non-hour" cost burden resulting from the collection of information. We have not identified any non-hour cost burden and solicit your comments on this item. For reporting and recordkeeping only, your response should split the cost estimate into two components: (a) the total capital and startup cost component and (b) the annual operation, maintenance, and purchase of services component. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and 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.

If you wish to comment on the hour burdens in response to this notice, you may send your comments to OMB, with a copy to MMS (see the ADDRESSES section of this notice). OMB is required to make its decision on the information collection aspects of this proposed rule between 30 to 60 days after publication in the Federal Register. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it by April 22, 2005. This does not affect the deadline for the public to comment to MMS on the proposed regulations.

Federalism (E.O. 13132)

According to E.O. 13132, this proposed rule does not have Federalism implications. This proposed rule would not substantially and directly affect the relationship between Federal and State Governments. This proposed rule would clarify and require information from lessees/operators on the OCS, which is outside State jurisdiction. States have no role in this activity with or without this proposed rule, and this proposed rule would not impose costs on States or localities.

Takings Implication Assessment (E.O. 12630)

According to E.O. 12630, the proposed rule does not have significant Takings Implications. A Takings Implication Assessment is not required. The rulemaking is not a governmental action capable of interfering with constitutionally protected property rights.

Civil Justice Reform (E.O. 12988)

According to E.O. 12988, the Office of the Solicitor has determined that this proposed rule would 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

The rule does not constitute a major Federal action significantly affecting the quality of the human environment. An environmental impact statement is not required.

Unfunded Mandates Reform Act (UMRA) of 1995 (E.O. 12866)

This proposed rule would not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. It does not have any Federal mandates,

nor a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the UMRA (2 U.S.C. 1531 et seq.) is not required.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

In accordance with E.O. 13175, this proposed rule would not have tribal implications that impose substantial direct compliance costs on Indian tribal governments.

List of Subjects in 30 CFR Part 250

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

Dated: February 16, 2005.

Chad Calvert,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Minerals Management Service proposes to amend 30 CFR Part 250 as follows:

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

1. The authority citation for part 250 continues to read as follows:

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

2. In § 250.105, revise the definitions of the terms, "Person" and "You," to read as follows:

§ 250.105 Definitions.

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

3. In § 250.194 revise the introductory text of paragraph (a) to read as follows:

§ 250.194 What archaeological reports and surveys must I submit?

(a) If the Regional Director has reason to believe that an archaeological resource may exist in the lease area, the Regional Director will request in writing that your EP or DPP be accompanied by an archaeological report. If the archaeological report suggests that an archaeological resource may be present, you must either:

\* \* \* \* \*

§§ 250.195 and 250.196 [Redesignated]

4. Redesignate § 250.195 and § 250.196 as § 250.196 and § 250.197 respectively.

5. Add new § 250.195 to read as follows:

§ 250.195 What notification does MMS require on the production status of wells?

You must notify the appropriate MMS District Manager when you successfully complete or recomplete a well for production as follows:

(a) Make the notification on the date you place the well in a production status. You may provide the notification orally if confirmed in writing by telefax or by e-mail.

(b) Include the following information in your notification:

- (1) Operator name;
(2) Well number, lease number, area, and block;

(3) Date you place the well on production (indicate whether or not this is first production on the lease);

- (4) Type of production; and
(5) Depth (measured depth) of production interval.

6. In newly redesignated § 250.197 the following changes are made:

- A. Revise the introductory text and paragraph (a) to read as set forth below.
B. Revise paragraph (8) in the table in paragraph (b) to read as set forth below.

§ 250.197 Data and information to be made available to the public.

MMS will protect data and information you submit under this part. MMS will make certain data and information available to the public without the consent of the lessee. The tables in paragraphs (a) and (b) of this section specify when MMS will make data available to the public without the consent of the lessee, and describe the data and information that MMS will make available.

(a) All data and information you submit on MMS forms will be made available to the public upon submission except as specified in the following table:

On form. . .	Data and information not immediately available are . . .	Excepted data will be made available . . .
(1) MMS-123, Application for Permit to Drill ....	Items 13, 14, 20, 21, and 22 .....	When the well goes on production or according to the table in paragraph (b) of this section, whichever is earlier.
(2) MMS-123S, Supplemental APD Information Sheet.	Items 4, 13, 14, 15 and 20 .....	When the well goes on production or according to the table in paragraph (b) of this section, whichever is earlier.
(3) MMS-124, Application for Permit to Modify	Item 22 .....	When the well goes on production or according to the table in paragraph (b) of this section, whichever is earlier.
(4) MMS-125, End of Operations Report .....	Items 12, 13, 17, 18, 23, 24 through 29, and 33 through 38.	When the well goes on production or according to the table in paragraph (b) of this section, whichever is earlier. However, items 33 through 38 will not be released when the well goes on production unless the period of time in the table in paragraph (b) has expired.
(5) MMS-126, Well Potential Test Report .....	Item 101 .....	2 years after you submit it.
(6) MMS-127, Sensitive Reservoir Information Report.	Items 124 through 168 .....	2 years after the effective date of the Sensitive Reservoir Information Report.
(7) MMS-133 Well Activity Report .....	Item 10 Fields [WELLBORE, START DATE, TD DATE, OP STATUS, END DATE, MD, TVD AND MW PPG] Item 11 Fields [WELLBORE START DATE, TD DATE, PLUGBACK DATE, FINAL MD, AND FINAL TVD]. and Items 12 through 15.	When the well goes on production or according to the table in paragraph (b) of this section, whichever is earlier.
(8) MMS-137, OCS Plan Information .....	Items providing the bottomhole location, true vertical depth, and measured depth of wells.	When the well goes on production or according to the table in paragraph (b) of this section, whichever is earlier.
(9) MMS-140, Bottomhole Pressure Survey Report.	All items .....	2 years after the date of the survey.

(b) \* \* \*

If . . .	MMS will release . . .	At this time . . .	Special provisions
* * *	* * *	* * *	* * *
(8) Data or information is submitted on well operations.	Descriptions of downhole locations, operations, and equipment.	When the well goes on production or geological data is released according to §§250.197(b)(6) and (b)(7), whichever is earlier.	Directional survey data may be released earlier to the owner of an adjacent lease according to Subpart D of this part.
* * *	* * *	* * *	* * *

7. Amend the table at § 250.199(e), by adding paragraph (26) to read as follows:

**§ 250.199 Paperwork Reduction Act statements—information collection.**  
\* \* \* \* \*

(e) \* \* \*

30 CFR 250 subpart/title (OMB control number)	Reasons for collecting information and how used
* * *	* * *
(26) Form MMS-144, Rig Movement (used in GOM region), Subparts D, E, F (1010-0150).	The rig notification requirement is essential for MMS inspection scheduling and to verify that the equipment being used complies with approved permits.

**§ 250.1402 [Amended]**

8. In § 250.1402, remove the definitions of “I, me, or you” and “Person.”

[FR Doc. 05-5678 Filed 3-22-05; 8:45 am]

BILLING CODE 4310-MR-P

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**DEPARTMENT OF HOMELAND SECURITY**
**Coast Guard**
**33 CFR Part 147**

[CGD08-05-015]

RIN 1625-AA00

**Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 787**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a safety zone around a petroleum and gas production facility in Green Canyon 787 of the Outer Continental Shelf in the Gulf of Mexico. The facility needs to be protected from vessels operating outside the normal shipping channels and fairways, and placing a safety zone around this area would significantly reduce the threat of allisions, oil spills and releases of natural gas. This proposed rule prohibits all vessels from entering or remaining in the specified area around the facility's location except for the following: an attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander.

**DATES:** Comments and related material must reach the Coast Guard on or before May 23, 2005.

**ADDRESSES:** You may mail comments and related material to Commander, Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 500 Poydras Street, New Orleans, LA 70130, or comments and related material may be delivered to Room 1341 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-6271. Commander, Eighth Coast Guard District (m) maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the location listed above during the noted time periods.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant (LT) Kevin Lynn, Project Manager for Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 500 Poydras Street, New Orleans, LA 70130, telephone (504) 589-6271.

**SUPPLEMENTARY INFORMATION:**
**Requests for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD08-05-015], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

**Public Meeting**

We do not plan to hold a public meeting. However, you may submit a request for a meeting by writing to Commander, Eighth Coast Guard District (m) at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that a public meeting would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

**Background and Purpose**

The Coast Guard proposes the establishment of a safety zone around the Atlantis Semi-Submersible facility, a petroleum and gas production facility in the Gulf of Mexico in Green Canyon 787 (GC 787), located at position 27°11'44" N, 90°01'37" W. This facility is expected to be on location beginning September 1, 2005.

This proposed safety zone is in the deepwater area of the Gulf of Mexico. For the purposes of this regulation it is considered to be in waters of 304.8 meters (1,000 feet) or greater depth extending to the limits of the Exclusive Economic Zone (EEZ) contiguous to the territorial sea of the United States and extending to a distance up to 200 nautical miles from the baseline from which the breadth of the sea is measured. Navigation in the area of the proposed safety zone consists of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows and the occasional recreational vessel. The deepwater area of the Gulf of Mexico

also includes an extensive system of fairways. The fairway nearest the proposed safety zone is the South of Gulf Safety Fairway. Significant amounts of vessel traffic occur in or near the various fairways in the deepwater area.

British Petroleum Exploration and Production, Inc., hereafter referred to as BP, has requested that the Coast Guard establish a safety zone in the Gulf of Mexico around the Atlantis Semi-Submersible facility.

The request for the safety zone was made due to the high level of shipping activity around the facility and the associated safety concerns for both the onboard personnel and the environment. Information provided by BP to the Coast Guard indicates that the location, production level, and personnel levels on board the facility make it highly likely that any allision with the facility or its mooring system would result in a catastrophic event.

The Coast Guard has evaluated BP's information and concerns against Eighth Coast Guard District criteria developed to determine if an Outer Continental Shelf facility qualifies for a safety zone. Several factors were considered to determine the necessity of a safety zone for the Atlantis Semi-Submersible facility: (1) The facility is located approximately 36 nautical miles south of the South of Gulf Safety Fairway; (2) the facility will have a high daily production capacity of petroleum oil and gas per day; (3) the facility will be manned; and (4) the facility will be of the semi-submersible type.

We conclude that the risk of allision to the facility and the potential for loss of life and damage to the environment resulting from such an accident warrants the establishment of this proposed safety zone. The proposed rule would significantly reduce the threat of allisions, oil spills and natural gas releases and increase the safety of life, property, and the environment in the Gulf of Mexico. This proposed regulation is issued pursuant to 14 U.S.C. 85 and 43 U.S.C. 1333 as set out in the authority citation for 33 CFR part 147.

**Discussion of Proposed Rule**

The proposed safety zone would encompass the area within 500 meters (1640.4 feet) from each point on the Atlantis's structure outer edge. No vessel would be allowed to enter or remain in this proposed safety zone except the following: an attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander.