

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### § 71.1 [Revised]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### ACE IA E5 Decorah, IA [Revised]

Decorah Municipal Airport, IA  
(Lat. 43°16'32" N., long. 91°44'22" W.)  
Waukon VORTAC  
(Lat. 43°16'48" N., long. 91°32'15" W.)  
Decorah NDB  
(Lat. 43°16'32" N., long. 91°44'11" W.)  
Winneshiek County Memorial Hospital, IA  
Point in Space Coordinates  
(Lat. 43°16'57" N., long. 91°45'56" W.)  
That airspace extending upward from 700 feet above the surface within a 6.4-mile

radius of Decorah Municipal Airport and within 2.0 miles each side of the 267° radial of the Waukon VORTAC extending from the 6.4-mile radius to the VORTAC and within 2.6 miles each side of the 122° bearing from the Decorah NDB extending from the 6.4-mile radius to 7.0 miles southeast of the airport, and within a 6.0-mile radius of the point in space serving Winneshiek County Memorial Hospital.

\* \* \* \* \*

Issued in Kansas City, MO, on March 18, 1999.

**Herman J. Lyons, Jr.,**

*Manager, Air Traffic Division, Central Region.*

[FR Doc. 99-9795 Filed 4-19-99; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Part 250

RIN 1010-AC41

#### Training of Lessee and Contractor Employees Engaged in Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)

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

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would amend our regulations governing training of lessee employees engaged in oil and gas and sulphur operations in the OCS. We are proposing to establish a performance-based training system that would:

- Lead to safer and cleaner OCS operations;
- Allow the development of new and innovative training techniques;
- Impose fewer prescriptive requirements on the oil and gas industry; and
- Provide increased training flexibility.

**DATES:** We will consider all comments received by July 19, 1999. We will begin reviewing comments then and may not fully consider comments we receive after July 19, 1999.

**ADDRESSES:** If you wish to comment, you may mail or hand-carry comments (three copies) to the Department of the Interior; Minerals Management Service; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170-4817; Attention: Rules Processing Team.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from

the rulemaking record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the rulemaking 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.

**FOR FURTHER INFORMATION CONTACT:** Wilbon Rhome, Industrial Specialist, or Joseph Levine, Chief, Operations Analysis Branch, at (703) 787-1600 or FAX (703) 787-1093.

**SUPPLEMENTARY INFORMATION:** On February 5, 1997, we published a final rule in the **Federal Register** (62 FR 5320) concerning the training of lessee and contractor employees engaged in drilling, well completion, well workover, well servicing, or production safety system operations in the OCS. The final rule streamlined the regulations by 80 percent, provided the flexibility to use alternative training methods, and simplified the training options at 30 CFR Part 250, Subpart O—Training.

The February 5, 1997, final rule did not sufficiently address developing a performance-based training system. This proposed rule retains some elements of our existing training program related to identifying minimum required training elements and affords lessees the flexibility to design a performance-based training plan and to ensure that their contractors are in compliance with such a plan.

On June 10, 1997, we conducted a public workshop in Houston, Texas, to get information pertinent to a revision of the February 5, 1997, Subpart O—Training regulation. The purpose of this workshop was to discuss the development of a performance-based training system for OCS oil and gas activities. In the April 4, 1997, **Federal Register** notice (62 FR 18070) announcing the workshop, we stated that the goal of the meeting was to develop a procedure which ensures that lessee and contractor employees are trained in well control or production safety system operations by creating a less prescriptive training program focusing on results and not on processes.

To improve the regulations at 30 CFR Part 250, Subpart O—Training, the

workshop notice asked attendees to be prepared to present and discuss comments on the following four performance measures and indicators which could be used as part of a performance-based program:

- *MMS Written Test*: We may test lessee or contractor employees. We may give announced or unannounced written tests at a training site, office, or work location.

- *MMS Simulator and Hands-On Testing*: We may conduct production safety system equipment hands-on testing or well-control simulator testing of lessee or contractor employees. We may give announced or unannounced tests at a training site, office, or work location.

- *Audits, Interviews or Cooperative Reviews*: We may meet with lessee or contractor employees periodically to determine the effectiveness of their training program. These announced or unannounced meetings may include an evaluation of training documents, procedures, or interviews of key personnel.

- *Incident of Noncompliance (INC), Civil Penalty, and Event Data*: We may analyze the performance of a lessee by evaluation of INC, civil penalty, and event data. Event data includes information dealing with spills, fires, explosions, blowouts, fatalities, collisions, and injuries. As part of this evaluation, we may analyze the data in relation to the following:

- Number of facilities (platform/rig) operated by a company;
- Production volumes of an operator;
- Location of activity; or
- Frequency of events.

The notice also encouraged the public to suggest other viable performance measures or indicators for us to consider for a performance-based training program. Workshop participants suggested no new measures or indicators.

Approximately 150 people attended the workshop, representing a diverse cross section of the oil and gas industry. Most of the attendees were associated with major and independent oil and gas producing companies. There was no significant participation from contractors. Representatives from 12 of the 55 MMS-accredited training schools attended the workshop.

We discussed industry views concerning a performance-based training program and gathered comments. Some commenters favored the development of a performance-based training system while others suggested that the current system be modified to provide added flexibility. Another

group of commenters favored the development of a dual training system incorporating elements from both a performance-based program and MMS's current system. This proposal would allow individual companies to collect performance measures data, and to petition us for alternative compliance to Subpart O. The petition would include a company's individual performance measures versus industry averages and ranges, and information on a company's individual training program. If we approved a company's petition, then it would implement its own program instead of complying with existing Subpart O requirements. Companies that do not petition us to use alternative compliance methods, or have their petition denied, would continue implementing current Subpart O regulations.

We believe that the proposed rule retains critical safety elements from the current system and provides added flexibility by allowing lessees to develop training programs in a performance-based environment. Under the proposal, lessees, not MMS, will be responsible for ensuring that personnel employed at their facilities are trained and competent. We intend to focus our resources on evaluating lessee performance, not on accrediting schools. Lessees wishing to continue using an existing school program or develop a new school program to train their employees may do so as long as the program meets the minimum requirements included in the proposed rule.

Another issue raised by segments of the oil and gas industry in attendance at the workshop was the potential for certain companies to neglect training under a performance-based regime. As part of the proposed rule, lessees will be required to develop a training plan defining their program. Minimum information to be included in the plan is listed in this proposed rule. We will monitor company training programs to determine their effectiveness. Those lessees performing satisfactorily will receive less oversight by the agency, allowing us to concentrate on those companies achieving less than satisfactory results. Under such a system, companies will not be able to neglect training.

Another issue highlighted at the workshop dealt with a recommendation for MMS to use caution when changing from the current prescriptive training system to a performance-based system. Workshop participants questioned why we were willing to abandon the current system, which has been successful, and implement a new program. We believe

that this proposed training regulation provides companies the opportunity to develop their own individual program, tailored to the needs of their employees. This flexibility will contribute to the development of new and innovative training techniques. We encourage such diversity because we feel that its ultimate result is safer and cleaner OCS operations.

Workshop participants also commented on the type of performance measures and indicators that we are considering. The participants felt that an unannounced written test could cause employees stress that would lead to poor performance on the exams. We do not feel that this is a valid concern. Although a testing situation may be stressful, the employee should be able to answer fundamental questions about production safety systems or well control operations. This same employee would be expected to respond positively in an actual situation where the risks to personnel health, safety, and environmental damage are great. We realize that the results of written tests are not always indicative of an individual's performance. For that reason, we propose to use a variety of performance measures to assess employees' skill and safety knowledge relative to their job.

Certain commenters stated that hands-on simulator testing was an excellent and realistic means of gauging performance, while others felt that we do not have the necessary expertise or equipment to conduct simulator tests. We agree that hands-on testing, using either well-control simulator technology, interactive computer systems, live well testing, or hands-on production safety system testing is an excellent means of evaluating an individual's performance. We also agree that we do not have the equipment or the expertise to conduct simulator testing. For that reason, the proposed rule includes a provision that either we or our authorized representative would administer or witness the testing if we find it necessary.

Other commenters stressed the point that all hands-on testing should be conducted at onshore facilities and not in an offshore environment so it does not interfere with offshore operations. Whenever possible, we will try to accommodate this concern. However, under certain circumstances it may be appropriate to conduct hands-on testing in an offshore environment. Therefore, either onshore or offshore testing are viable options for MMS to use in evaluating the performance of OCS employees.

Other commenters at the workshop stated that many offshore workers have difficulty reading regulations or company operating manuals. We believe this is a significant issue that should be addressed by individual lessees. We also feel that lessees are responsible for hiring well qualified and competent workers who should possess the ability to read appropriate and necessary information.

A commenter asked how we would react to a company that does not train its employees but has a good safety record as measured by appropriate performance measures. The proposed rule requires a company to develop a training plan and provide its employees with the necessary skills to perform their job. We will periodically evaluate the performance of companies relative to their plan to see how well employees are being trained. Regardless of a company's safety record, if we determine that the company is not training its employees, we will initiate appropriate enforcement actions as discussed in the rule.

Another commenter said that although there is an increase in OCS activity, there appears to be a shortage of trained and experienced workers. The commenter thought that this is not the right time to move towards a performance-based training system. We agree that we are seeing a significant upturn in OCS activity and an associated increase in the use of inexperienced personnel. However, the proposed changes are expected to improve company training programs by holding lessees accountable for the competency of their employees. We believe that a performance-based system that focuses on results and the ability of employees to demonstrate their job skills is preferable to the current school certification system.

To implement this rule, we will periodically assess company performance to determine how well its employees are trained. This assessment will include implementation of one or more of the following techniques: training system audits, employee interviews, written testing, and equipment-based hands-on testing. We are seeking input on what situations and threshold levels we should use as part of our assessment of your training program to trigger the different enforcement actions included in this rule. Some specific issues to address in your comments should include the following:

—Is there a specific written test score (re: threshold level) we should use to

signify the competency of an individual?

- If an individual or group of individuals receives a written test score below a level determined to signify competency, should we issue an INC, conduct a retest, or initiate some other type of enforcement action?
  - What issues should we focus on when conducting employee interviews? How often should these interviews be conducted? What situation(s) should trigger MMS to conduct an interview?
  - What type of enforcement action should we initiate if during an employee interview an employee exhibits only a minimal understanding of the employer's training program?
  - Are there any situations where we should not allow an employee to continue working on the OCS?
  - Under what circumstances should we initiate hands-on testing of employees?
- We intend to conduct at least one workshop on this proposed training rule during the comment period. We will notify you in a separate document.

#### Procedural Matters

##### *Federalism (Executive Order (E.O.) 12612*

In accordance with E.O. 12612, the rule does not have significant Federalism implications. A Federalism assessment is not required.

##### *Takings Implications Assessment (E.O. 12630)*

In accordance with E.O. 12630, the rule does not have significant Takings Implications. A Takings Implication Assessment is not required.

##### *Regulatory Planning and Review (E.O. 12866)*

This document is a significant rule and is subject to review by the Office of Management and Budget (OMB) under E.O. 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It will 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. The estimated yearly gross cost to the oil and gas industry to train its employees at MMS accredited schools is \$5,955,000. We feel that the cost of complying with the proposed rule would be somewhat less than this amount. Under the proposed rule, the oil and gas industry would have flexibility to tailor its training program

to the specific needs of each company, resulting in lower training costs. The rule does not add any new cost to the oil and gas industry and it will not reduce the level of safety to personnel or the environment.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule does raise novel legal or policy issues. This is a performance-based rule.

#### Clarity of This Regulation

E.O. 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 rule clearly stated?

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

(3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity?

(4) Would the rule be easier to understand if it were divided into more (but shorter) sections?

(5) Is the description of the rule in the "Supplementary Information" section of this preamble helpful in understanding the rule? What else can we do to make the rule easier to understand?

Send a copy of any comments on how we could make this 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).

##### *Civil Justice Reform (E.O. 12988)*

In accordance with E.O. 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

##### *National Environmental Policy Act (NEPA)*

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA of 1969 is not required.

##### *Paperwork Reduction Act (PRA) of 1995*

The proposed rule contains a collection of information which has

been submitted to OMB for review and approval under section 3507(d) of the PRA. As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on any aspect of the reporting and recordkeeping burden. Submit your comments to the Office of Information and Regulatory Affairs; OMB; Attention: Desk Officer for the Department of the Interior (OMB control number 1010-NEW); 725 17th Street, NW, Washington, DC 20503. Send a copy of your comments to the Rules Processing Team, Attn: Comments; Mail Stop 4024; Minerals Management Service; 381 Elden Street; Herndon, Virginia 20170-4817. You may obtain a copy of the supporting statement for the new collection of information by contacting the Bureau's Information Collection Clearance Officer at (202) 208-7744.

The PRA provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 to 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it by May 20, 1999. This does not affect the deadline for the public to comment to MMS on the proposed regulations.

The title of the collection of information for this proposed rule is "Proposed Rulemaking, 30 CFR 250, Subpart O—Training" (OMB control number 1010-NEW). Respondents are approximately 130 Federal OCS oil and gas or sulphur lessees. The frequency of response is primarily "on occasion." Responses to this collection of information are mandatory. We will protect proprietary information in accordance with the Freedom of Information Act and 30 CFR 250.118, "Data and information to be made available to the public."

The proposed rule contains the following information collection requirements and estimated burdens:

1. Develop and maintain training plans (average 2.2 hours per plan). The burden will be greater during the first year when some companies will need to develop plans, but will decrease in subsequent years when companies will only have to maintain plans. The burden per plan is annualized over a three-year period.

2. Maintain documentation of employee training activities (average 5 minutes per training record).

3. Employee responses to oral interviews conducted by MMS to evaluate the effectiveness of the company's training program (10 minutes per interview).

4. Revise and submit training plans to correct deficiencies identified by MMS (4 hours per revised plan).

We estimate the total annual reporting and recordkeeping "hour" burden for the proposed rule to be 2,044 hours. This will reflect a decrease of 917 hours when it replaces the collection of information approved for the current requirements in 30 CFR 250, Subpart O (1010-0078).

We will summarize written responses to this notice and address them in the final rule preamble. All comments will become a matter of public record.

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 "cost" burden resulting from the collection of information. We have not identified any and solicit your comments on this item. For reporting and recordkeeping only, your response should split the cost estimate into two components: (a) total capital and startup cost component, and (b) 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. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. 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 practices.

#### *Regulatory Flexibility Act*

The Department certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Currently there are 55 MMS accredited training schools: we have approved 24 schools to teach production safety courses, 26 schools to teach well control courses, and 5 schools to teach both well control and production courses. The training companies best fit under the SIC 8249 and the criteria for small businesses is \$5 million in revenue. Based on that criteria, 25 training companies will fall into the small business category.

Although we would no longer be accrediting schools, lessee personnel and those hired by the lessee will have to be trained and competent in the duties associated with their particular job.

The training schools that teach a broad range of vocational courses in addition to MMS accreditation courses will not be significantly affected. Also, schools that teach only MMS accreditation courses and provide quality training at a competitive price will continue to compete effectively for customers. Based on our experience, the failure rate of the schools in the offshore training industry should not change significantly under a performance-based program. Under the current regulations we maintain a database that tracks training schools approved by the agency. Based on information from this database less than 2 percent of the training schools approved by MMS go out of business each year; under the new rule we expect this to remain the same. MMS experience has shown that because of lower overhead and competitive pricing, small training schools are just as capable as the larger schools at adapting to change. Under this proposal schools will have the flexibility to tailor their training programs to accommodate the needs of the oil and gas industry. The training industry has been requesting this flexibility for years, and this performance-based training rule will make that possible.

We believe these changes will make it easier for small schools to market their program at a competitive rate to small contractors who may have special needs working in the oil and gas industry. We

view this is as a positive impact for the training industry.

Under the proposed rule we will monitor the lessees and hold them responsible for ensuring that their employees are trained in a timely manner. We believe this will encourage lessees to provide their employees training in a more consistent and timely manner, thus increasing student enrollment resulting in financial benefits to both large and small training schools.

The oil and gas companies that operate on the OCS are predominately in SIC 1311, crude petroleum and natural gas. Under the SIC 1311, companies with less than 500 employees are considered small businesses and we estimate that 70 percent of the 130 OCS operating companies fall into the small business category. Although, these companies may be technically "small," they have to be financially strong to operate in the marine environment.

A positive effect for both small and large companies is that they will have increased options concerning where to get their training. This will change how a company does business. Small businesses operating on the OCS will continue to have the option of using a third-party training organization to train their employees, the same as under the current system. These businesses will not be subject to any additional training costs or economic burdens as a result of the proposed rule.

Under the proposed rule, the oil and gas industry would have the flexibility to tailor its training program to the specific needs of each company. Small businesses that operate on the OCS will be positively impacted by this proposal. They will be given the added flexibility to determine the type of training, methodology (classroom, computer, team, on-the-job), length of training, frequency and subject matter content for their training program. Since this rule will not have a significant effect on small training schools, or small lessees working on the OCS, the Department has certified that this rule will not have a significant effect on a substantial number of small entities.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small business 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 any enforcement actions, call toll-free at (888) 734-3247.

#### *Small Business Regulatory Enforcement Fairness Act (SBREFA)*

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

- (a) Does not have an annual effect on the economy of \$100 million or more,
- (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or ability of U.S.-based enterprises to compete with foreign-based enterprises.

#### *Unfunded Mandates Reform Act of 1995*

DOI has determined and certifies according to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rule will not impose a cost of \$100 million or more in any given year on State, local, and tribal governments, or the private sector.

#### **List of Subjects in 30 CFR Part 250**

Reporting and record-keeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: December 23, 1998.

**Sylvia V. Baca,**

*Acting Assistant Secretary, Land and Minerals Management.*

For the reasons stated in the preamble, Minerals Management Service (MMS) 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. Subpart O is revised to read as follows:

#### **Subpart O—Training**

Sec.

- 250.1500 Definitions.
- 250.1501 What is the goal of my training program?
- 250.1502 What are my general responsibilities for training?
- 250.1503 What job skills and safety knowledge elements must my training cover for well control, production safety systems, and other types of training?
- 250.1504 What well control training must my employees receive?
- 250.1505 What training must my production safety system employees receive?
- 250.1506 What other types of training must my employees receive?

- 250.1507 May I use alternative training methods?
- 250.1508 Where may I get training for my employees?
- 250.1509 How often must I train my employees?
- 250.1510 How will MMS measure training results?
- 250.1511 What must I do when MMS administers written tests?
- 250.1512 What must I do when MMS administers hands-on, simulator, or other types of testing?
- 250.1513 What will MMS do if my employees are not properly trained?

#### **§ 250.1500 Definitions.**

Terms used in this subpart have the following meaning:

*Employee* means lessee or contractor employees.

*Floorhand* means rotary helpers, derrick-men, or their equivalent.

*I or you* means the lessee engaged in oil, gas, or sulphur operations in the Outer Continental Shelf (OCS).

*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 an owner of operating rights for that lease and the MMS-approved assignee of that lease.

*Production safety system employee* means employees who install, repair, test, maintain, or operate surface or subsurface safety devices, as well as the platform employee who oversees production operations.

*Supervisor* means the driller, tool-pusher, operator's representative, or their equivalent.

*Training school* means a party who has developed a course to teach well-control for drilling, well completion and well workover, well servicing, or production safety systems.

*Well completion/well workover* means those operations following the drilling of a well that are intended to establish production or to restore production to a well. For the purpose of this subpart, well completion/well workover includes small tubing operations but does not include those operations defined as well servicing.

*Well servicing* means snubbing and coil tubing operations.

#### **§ 250.1501 What is the goal of my training program?**

The goal of your training program is safe and clean OCS operations. To accomplish this goal, you must ensure that your employees are experienced and competent in their respective work assignments.

#### **§ 250.1502 What are my general responsibilities for training?**

(a) You must ensure that your employees are properly trained in the

job skills and safety knowledge elements for their positions. We regard the job skills and safety knowledge elements in this subpart as the minimum qualifications OCS workers must have to complete their assigned duties safely and in a manner which protects the environment. You may expand the knowledge elements as appropriate for particular operations. Because you are accountable for the performance of your employees, you must focus on training results, regardless of the method or process used to train them.

(b) You must have a training plan which specifies the type, method, length, frequency, and content of the training. This plan must include at least the following information:

(1) Training in operating procedures, welding, burning, hot tapping practices,

safe work practices, emergency response and control measures.

(2) Training and job qualification requirements for each employee's position.

(3) Procedures for maintaining and enhancing job skill requirements, including the latest technological advancements.

(4) Procedures for evaluating contractor personnel.

(5) Procedures for verifying the skills of employees on a periodic basis.

(6) Recordkeeping and documentation procedures.

(7) Audit procedures for your training plan.

(c) You must keep copies of your training plan and documentation for each employee for 5 years at the lessee's or contractor's field office, Headquarters office, or at another location conveniently available to the MMS Regional Supervisor, Field Operations.

**§ 250.1503 What job skills and safety knowledge elements must my training cover for well control, production safety systems, and other types of training?**

(a) Employees must receive enough training to ensure competency in their assigned duties.

(b) Employees must receive training in basic safety and environmental issues and procedures.

(c) Employees must receive training in the use of each safety device that they will encounter in their normal duties.

(d) Employees must receive additional training as required by §§ 250.1504 through 250.1506.

**§ 250.1504 What well control training must my employees receive?**

Employees must receive training in well control knowledge and skills as indicated in the following table:

Safety knowledge and skill elements	Drilling		WC/WO <sup>3</sup>		WS <sup>4</sup>
	Super <sup>1</sup>	Floor <sup>2</sup>	Super	Floor	
(a) Hands-on training in:					
(1) Choke manifold operation .....		√		√	
(2) Stand pipe operation .....		√		√	
(3) Mud room valves operation .....		√			
(b) Care, handling & characteristics of drilling and well completion/well workover fluids .....	√	√			√
(c) Care, handling & characteristics of well completion/well workover fluids & packer fluids .....			√	√	√
(d) Major causes of uncontrolled fluids from a well including:					
(1) Failure to keep the hole full .....	√		√		
(2) Swabbing effect .....	√		√		
(3) Loss of circulation .....	√		√		
(4) Insufficient drilling fluid density .....	√		√		
(5) Abnormally pressured formations .....	√		√		
(6) Effect of too rapidly lowering the pipe in the hole .....	√		√		
(e) Importance of & instructions on measuring the volume of fluid to fill the hole during trips .....	√		√		
(f) The importance of filling the hole as it relates to shallow gas conditions .....	√				
(g) Filling the tubing & casing with fluid to control bottomhole pressure .....				√	
(h) Warning signals that indicate a kick & conditions that can lead to a kick .....	√	√	√	√	
(i) Controlling shallow gas kicks and using diverters .....	√				
(j) At least one bottomhole pressure well control method including conditions unique to a surface or subsea BOP stack .....	√		√		
(k) Installing, operating, maintaining & testing BOP & diverter systems .....	√	√			
(l) Installing, operating, maintaining & testing BOP systems .....			√	√	
(m) Government regulations on:					
(1) Emergency shutdown systems .....					√
(2) Production safety systems .....					√
(3) Drilling procedures .....	√				
(4) Wellbore plugging & abandonment .....	√		√		
(5) Pollution prevention & waste management .....	√	√	√	√	√
(6) Well completion & well workover requirements (Subparts E & F of 30 CFR part 250) .....			√		√
(n) Procedures & sequential steps used on the following pieces of equipment when shutting in a well:					
(1) BOP system .....	√		√		√
(2) Surface/subsurface safety system .....			√		√
(3) Choke manifold .....	√		√		
(o) Well control exercises with a simulator, interactive computer system or live well suitable for modeling well completion/well workover operations .....			√		
(p) Well control exercises with a simulator, interactive computer system or live well suitable for modeling drilling operations .....	√				
(q) Instructions & simulator or live well experience on organizing & directing a well killing operation .....	√		√		

Safety knowledge and skill elements	Drilling		WC/WO <sup>3</sup>		WS <sup>4</sup>
	Super <sup>1</sup>	Floor <sup>2</sup>	Super	Floor	
(r) At least two simulator practice problems rotating trainees using teams of three or less members .....	√		√		
(s) Care, operation, purpose, and installation of well control equipment .....	√	√	√	√	
(t) Limitations of the equipment that may wear or be subjected to pressure .....	√		√		√
(u) Instructions in well control equipment, including:					
(1) Surface equipment .....	√		√		√
(2) Well completion/well workover, BOP & tree equipment .....	√		√		√
(3) Downhole tools & tubulars .....	√		√		√
(4) Tubing hanger, back pressure valve (threaded/profile), landing nipples, lock mandrels for corresponding nipples & operational procedures for each, gas lift equipment & running & pulling tools operation .....	√				√
(5) Packers .....	√		√		√
(v) Instructions in special tools & systems, such as:					
(1) Automatic shutdown systems (control points, activator pilots, monitor pilots, control manifolds & subsurface systems) .....					√
(2) Flow string systems (tubing, mandrels & nipples, flow couplings, blast joints, & sliding sleeves) .....					√
(3) Pumpdown equipment (purpose, applications, requirements, surface circulating systems, entry loops and tree connection/flange) .....					√
(w) Instructions for detecting entry into abnormally pressured formations & warning signals .....	√				
(x) Instructions on well completion/ well control problems .....	√				
(y) Well control problems during well completion/well workover operations including:					
(1) Killing a flow .....			√		
(2) Simultaneous drilling & well completion & well workover operations on the same platform .....			√		
(3) Killing a producing well .....			√		
(4) Removing the tree .....			√		
(z) Calculations on the following:					
(1) Fluid density increases that controls fluid flow into the wellbore .....	√		√		
(2) Fluid density to pressure conversion & the danger of formation breakdown under the pressure caused by a fluid column, especially when setting casing in shallow formations .....	√				
(3) Fluid density to pressure conversion & the danger of formation breakdown under the pressure caused by a fluid column .....			√		
(4) Equivalent pressures at the casing seat depth .....	√				
(5) Drop in pump pressure as fluid density increases & the relationship between pump pressure, pump rate, & fluid density .....	√		√		
(6) Pressure limitations on casings .....	√		√		
(7) Hydrostatic pressure & pressure gradients .....	√		√		√
(aa) Unusual well control situations, including the following:					
(1) Drill pipe is off bottom or out of the hole. Work string is off bottom or out of the hole .....	√		√		
(2) Lost circulation occurs .....	√		√		
(3) Drill pipe is plugged. Work string is plugged .....	√		√		
(4) Excessive casing pressure .....	√		√		
(5) There is a hole in drill pipe. Hole in the work string. Hole in the casing string .....	√		√		
(6) Multiple well completion .....			√		
(bb) Special well control problems while drilling with a subsea stack including:					
(1) Choke line friction pressure determinations .....	√		√		
(2) Use of marine risers .....	√		√		
(3) Riser collapse .....	√		√		
(4) Removing trapped gas from the BOP stack after controlling a well kick .....	√		√		
(5) "U" tube effect as gas hits the choke line .....	√		√		
(cc) Mechanics of various well controlled situations, including:					
(1) Gas bubble migration & expansion .....	√		√		
(2) Bleeding volume from a shut-in well during gas migration .....	√		√		
(3) Excessive annular surface pressure .....	√		√		
(4) Differences between a gas kick, a salt water and/or oil kick .....	√		√		
(5) Special well control techniques (such as, but not limited to, barite plugs & cement plugs) .....	√		√		
(6) Procedures & problems involved when experiencing lost circulation .....	√		√		
(7) Procedures & problems involved when experiencing a kick while working over or completing a well including conducting small tubing operations in a hydrogen sulfide (H <sub>2</sub> S) environment .....			√		
(8) Procedures & problems involved when experiencing a kick while drilling in a H <sub>2</sub> S environment .....	√				
(9) Procedures & problems involved when experiencing a kick while servicing a well including snubbing, coil-tubing, and stripping & snubbing operations with work string .....					√

Safety knowledge and skill elements	Drilling		WC/WO <sup>3</sup>		WS <sup>4</sup>
	Super <sup>1</sup>	Floor <sup>2</sup>	Super	Floor	
(dd) Reasons for well completion/well workover, including:					
(1) Reworking a reservoir to control production .....			√		√
(2) Water coning .....			√		
(3) Completing a new reservoir .....			√		√
(4) Completing multiple reservoirs .....			√		√
(5) Stimulating a reservoir to increase production .....			√		√
(6) Repairing mechanical failure .....			√		√
(ee) Methods of preparing a well for entry:					
(1) Using back pressure valves .....			√		
(2) Using surface & subsurface safety systems .....			√		√
(3) Removing the tree & tubing hanger .....			√	√	√
(4) Installing & testing BOP & wellhead prior to removing back pressure valves & tubing plugs .....			√		√
(ff) Instructions in small tubing units:					
(1) Applications (stimulation operations, cleaning out tubing obstructions, plugback, and squeeze cementing) .....			√		
(2) Equipment description (derrick & drawworks, small tubing, pumps, weighted fluid facilities, and weighted fluids) .....			√		
(3) BOP equipment (rams, wellhead connection, & check valve) .....			√		
(gg) Methods for killing a producing well, including:					
(1) Bullheading .....			√		√
(2) Lubricating & bleeding .....			√		√
(3) Coil tubing .....			√		√
(4) Equipment description (coil tubing, reel, injection head, control assembly & injector hoist) .....					√
(5) BOP equipment (tree connection or flange, rams, injector assembly & circulating system) .....					√
(6) Snubbing .....			√		√
(7) Types (rig assist & stand alone) .....					√
(8) Applications (running & pulling production or kill strings, resetting weight on packers, fishing for lost wireline tools or parted kill strings, circulating cement or fluid initiating, flow and cleaning out sand in tubing.) .....					√
(9) Equipment (operating mechanism, power supply, control assembly & basket, slip assembly, mast & counterbalance winch & access window) .....					√
(10) BOP equipment (tree connection or flange, rams, spool, traveling slips, manifolds, auxiliary—full opening safety valve inside BOP, maintenance & testing) .....					√
(hh) The purpose & use of BOP closing units, including the following:					
(1) Charging procedures include precharge & operating pressure .....	√		√		
(2) Fluid volumes (usable & required) .....	√		√		
(3) Fluid pumps .....	√		√		
(4) Maintenance that includes charging fluid & inspection procedures .....	√		√		
(ii) Instructions on stripping & snubbing operations & using the BOP system for working pipe in or out of a wellbore under pressure .....	√				

**Footnotes:**

<sup>1</sup> Super = Supervisor.

<sup>2</sup> Floor = Floorhand.

<sup>3</sup> WC/WO = Well Completion and Well Workover.

<sup>4</sup> WS = Well Servicing.

**§ 250.1505 What training must my production safety system employees receive?**

You must ensure that your employees receive all of the training specified in this section.

(a) You must ensure that your employees understand Government regulations related to:

- (1) Pollution prevention and waste management; and
- (2) Requirements for well completion and well workover operations.

(b) You must give your employees instruction in the following (contained in, but not limited to, API RP 14C):

- (1) Failures or malfunctions in systems that cause abnormal conditions

and the detection of abnormal conditions;

(2) Primary and secondary protection devices and procedures;

(3) Safety devices that control undesirable events;

(4) Safety analysis concepts;

(5) Safety analysis of each basic production process component; and

(6) Protection concepts.

(c) You must give your employees hands-on training on covering, installing, operating, repairing, or maintaining the following equipment:

- (1) High-low pressure sensors;
- (2) High-low level sensors;
- (3) Combustible gas detectors;
- (4) Pressure relief devices;
- (5) Flowline check valves;

- (6) Surface safety valves;
- (7) Shutdown valves;
- (8) Fire (flame, heat, or smoke) detectors;

(9) Auxiliary devices (3-way block and bleed valves, time relays, 3-way snap acting valves, etc.);

(10) Surface-controlled subsurface safety valves and surface-control equipment; and

(11) Subsurface-controlled subsurface safety valves.

(d) You must give your employees instructions on inspecting, testing and maintaining surface and subsurface devices and surface control systems for subsurface safety valves.

(e) You must give your employees instructions in at least one safety device



that illustrates the primary operation principle in each class for safety devices:

- (1) Basic operational principles;
- (2) Limits affecting application;
- (3) Problems causing equipment malfunction and how to correct these problems;
- (4) A test for proper actuation point and operations;
- (5) Adjustments or calibrations;

- (6) Recording inspection results and malfunctions; and
- (7) Special techniques for installing safety devices.

(f) You must give your employees instructions on the following basic principles and on the logic of the emergency support system:

- (1) Combustible and toxic gas detection system;
- (2) Liquid containment system;

- (3) Fire loop system;
- (4) Other fire detection systems;
- (5) Emergency shutdown system; and
- (6) Subsurface safety valves.

**§ 250.1506 What other types of training must my employees receive?**

Your employees must receive other training as shown in the following table.

Training elements	Where can you find information on these training elements?
Operational Hazards .....	MMS approved plans or permits.
Hydrogen Sulfide .....	30 CFR 250.417(g)(1) through (5) Subpart D.
Crane Operation .....	30 CFR 250.101 (API RP 2D).
Environmental .....	Lease stipulations and NTLs.
Pollution .....	30 CFR 254.29(b) and 254.41(c).
Cultural .....	Lease stipulations and NTLs.
Electrical .....	30 CFR 250.403(d).

**§ 250.1507 May I use alternative training methods?**

You may use alternative training methods. These methods may include team, self-paced, hands-on, on-the-job, or computer-based learning.

**§ 250.1508 Where may I get training for my employees?**

You may get training from any source that meets your employee's job qualification requirements. These may include your own training programs, private vendors, universities, or government institutions.

**§ 250.1509 How often must I train my employees?**

You determine the frequency of the training you provide your skilled employees. You must train them as often and as much as necessary to maintain their job and knowledge qualifications, and to keep them current in the latest technological advances and regulatory changes.

**§ 250.1510 How will MMS measure training results?**

(a) MMS may periodically assess your training program to see how well your employees are trained.

(b) To assess your program, MMS may use one of the following evaluation methods:

*(1) Training system audit.*

A training system audit may be conducted by MMS personnel and/or its authorized representative at your office. You will be asked to explain your overall training program. This review may include an evaluation of your training plans and/or records.

*(2) Employee interviews.*

MMS may conduct interviews at either onshore or offshore locations to determine what type of training your employees have had, when and where this training was conducted, and an employee's evaluation of the training in relation to his/her specific job.

*(3) Written test.*

MMS personnel and/or its authorized representative may conduct testing at either onshore or offshore locations for the purpose of evaluating an individual's knowledge of the training elements specified in this subpart. Your performance will be evaluated on how your employees perform relative to past written tests or compared to the written test scores of other companies.

*(4) Hands-on production safety, simulator, or live well testing.*

MMS personnel and/or its authorized representative may conduct tests at either onshore or offshore locations. Tests will be designed to evaluate the performance of employees in the job skills and safety knowledge elements identified in this subpart. You are responsible for the costs associated with this testing.

**§ 250.1511 What must I do when MMS administers written tests?**

If MMS tests your employees at either your worksite or an onshore location, you must:

(a) Allow MMS and/or its authorized representative to administer written tests to your employees.

(b) Identify your employees by current position, years of experience in present position, years of total oil field

experience, and employer's name (e.g., operator, contractor, or sub-contractor company name).

**§ 250.1512 What must I do when MMS requires hands-on, simulator, or other types of testing?**

If MMS conducts or requires you to conduct hands-on, simulator, or other types of testing, you must:

(a) Allow MMS and/or its authorized representative to administer or witness the testing.

(b) Identify your employees by current position, years of experience in present position, years of total oil field experience, and employer's name (e.g., operator, contractor, or sub-contractor company name).

(c) Pay for all costs associated with the testing.

**§ 250.1513 What will MMS do if my employees are not properly trained?**

If MMS determines that you are not training your employees to perform their jobs effectively, we may initiate one or more of the following enforcement actions:

(a) Issue an Incident of Noncompliance;

(b) Require you to revise and submit to MMS your training plan to address identified deficiencies;

(c) Assess civil/criminal penalties; or

(d) Initiate disqualification procedures.

[FR Doc. 99-9683 Filed 4-19-99; 8:45 am]

BILLING CODE 4310-MR-P