slender tube and any necessary connecting fittings, such as luer hubs, and accessories that facilitate the placement of the device. The device allows for repeated access to the vascular system for long-term use of 30 days or more, and it is intended for administration of fluids, medications, and nutrients; the sampling of blood; and monitoring blood pressure and temperature. The device may be constructed of metal, rubber, plastic, composite materials, or any combination of these materials and may be of single or multiple lumen design.

(b) *Classification*. Class II (special controls) Guidance Document: ''Guidance on Premarket Notification [510(k)] Submission for Short-Term and Long-Term Intravascular Catheters.''

Dated: September 24, 1999.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 99–25554 Filed 9–30–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC56

Producer-Operated Outer Continental Shelf Pipelines That Cross Directly into State Waters

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would clarify some unresolved regulatory issues involving the 1996 memorandum of understanding on Outer Continental Shelf pipelines between the Departments of the Interior and Transportation. It would primarily address producer-operated pipelines that do not connect to a transporting operator's pipeline on the OCS before crossing into State waters. It is complementary to the final rule published on August 17, 1998, that addressed producer-operated oil or gas pipelines that connect to transporting operators' pipelines on the Outer Continental Shelf. The proposed rule also would set up procedures for producer and transportation pipeline operators to get permission to operate under either MMS or Department of Transportation regulations governing pipeline design, construction, operation, and maintenance according to their operating circumstances.

DATES: MMS will consider all comments we receive by November 30, 1999. We will begin reviewing comments then and may not fully consider comments we receive after November 30, 1999.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Mail Stop 4020; 381 Elden Street; Herndon, Virginia 20170–4817; Attention: Rules Processing Team.

Mail or hand-carry comments with respect to the information collection burden of the proposed rule to the Office of Information and Regulatory Affairs; Office of Management and Budget; Attention: Desk Officer for the Department of the Interior (OMB control number 1010–NEW); 725 17th Street, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Carl W. Anderson, Operations Analysis Branch, at (703) 787–1608; e-mail carl.anderson@mms.gov.

SUPPLEMENTARY INFORMATION:

Background

MMS, through delegations from the Secretary of the Interior, has authority to issue and enforce rules to promote safe operations, environmental protection, and resource conservation on the Outer Continental Shelf (OCS). (The Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*) defines the OCS). Under this authority, MMS regulates pipeline transportation of mineral production and rights-of-way for pipelines and associated facilities. MMS approves all OCS pipeline applications, regardless of whether a pipeline is built and operated under Department of the Interior (DOI) or Department of Transportation (DOT) regulatory requirements. MMS also has sole authority to grant rights-of-way for OCS pipelines. MMS administers the following laws as they relate to OCS pipelines:

(1) the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) for oil and gas production measurement, and

(2) the Federal Water Pollution Control Act, as amended by the Oil Pollution Act and implemented under Executive Order (E.O.) 12777. (Under a February 3, 1994, Memorandum of Understanding (MOU) to better define their responsibilities under the Oil Pollution Act, DOI, DOT, and the U.S. Environmental Protection Agency divided their responsibilities for oil spill prevention and response according to the definition of ''coastline'' in the Submerged Lands Act, 43 U.S.C. 1301(c) (59 FR 9494–9495).) Nothing in this rule will affect MMS's authority under either FOGRMA or the Oil Pollution Act.

The May 6, 1976, Memorandum of Understanding

A May 6, 1976, MOU between DOI and DOT, MMS regulated oil and gas pipelines located upstream of the ''outlet flange'' of each facility where produced hydrocarbons were first separated, dehydrated, or otherwise processed. A result of this arrangement was that downstream (generally shoreward) of the first production platform where processing takes place, DOT-regulated pipelines crossed MMS-regulated facilities. Because of incompatible regulatory requirements, this arrangement was not satisfactory for either agency.

The December 10, 1996, Memorandum of Understanding

In the summer of 1993, MMS and DOT's Research and Special Programs Administration (RSPA) renewed their negotiations that resulted in the MOU of December 1996. In May 1995, MMS and RSPA published a **Federal Register** Notice proposing to revise the 1976 MOU and scheduling a public meeting on the proposal (60 FR 27546–27552). Under the MOU, as proposed in the joint notice:

> The DOI area of responsibility will extend from producing wells to 50 meters (164 feet) downstream from the base of the departing pipeline riser on the last OCS production or processing facility. * * * Additionally, DOI will have responsibility for the following pipelines:
>
> a. That portion of a pipeline otherwise subject to DOT responsibility that crosses an OCS production or processing facility from 50 meters upstream of the base of the incoming riser to 50 meters downstream of the base of the [departing] riser. * * *

Succeeding paragraphs described various other arrangements involving the 50-meter regulatory boundary. The notice included an illustrated appendix to assist readers in interpreting various situations under which either DOI or DOT regulatory responsibility would apply.

Commenters on the May 1995 notice found the proposed 50-meter regulatory boundary to be unsatisfactory for two reasons. First, the boundary was not tied to an identifiable valve or other device that could isolate any pipeline segment under consideration. Second, the boundary was submerged and inaccessible to both operators and the regulatory agencies.

MMS and RSPA soon agreed to ask a joint industry workgroup representing OCS oil and natural gas producers and transmission pipeline operators to recommend a solution for defining regulatory boundaries.

In May 1996, the joint industry workgroup, led by the American Petroleum Institute (API), proposed that the agencies rely upon individual operators of production and transportation facilities to agree upon the boundaries of their facilities. This was based on the reasoning that producers and transporters can best make these decisions because of their knowledge of the operating characteristics peculiar to each facility. MMS and RSPA agreed with the industry proposal.

Section I, ''Purpose,'' of the resulting MOU of December 10, 1996, concludes: ''This MOU puts, to the greatest extent practicable, OCS production pipelines under DOI responsibility and OCS transportation pipelines under DOT responsibility.'' Thus, MMS will have primary regulatory responsibility for producer-operated facilities and pipelines on the OCS, while RSPA will have primary regulatory responsibility for transporter-operated pipelines and associated pumping or compressor facilities. Producing operators are companies that extract and process hydrocarbons on the OCS. Transporting operators are companies that transport those hydrocarbons from the OCS. (There are about 130 designated operators of producer-operated pipelines and 75 operators of transportation pipelines on the OCS.) MMS and RSPA published the 1996 MOU in a **Federal Register** notice on February 14, 1997 (62 FR 7037–7039).

The 1996 MOU redefines the DOI–DOT regulatory boundary from the OCS facility where hydrocarbons are *first* separated, dehydrated, or processed to the point at which operating responsibility for the pipeline transfers from a producing operator to a transporting operator. Although the MOU does not address the question of producer-operated pipelines that cross the Federal/State boundary without first connecting to a transportation pipeline, it states that the two departments intend to put producer-operated pipelines under DOI regulation and transporter-operated lines under DOT regulation. Moreover, the MOU includes the flexibility to cover situations that do not correspond to the general definition of the regulatory boundary as ''the point at which operating responsibility transfers from a producing operator to a transporting operator.'' Paragraph 7 under ''Joint Responsibilities'' in the MOU provides: ''DOI and DOT may, through their enforcement agencies and in consultation with the affected parties, agree to exceptions to this MOU on a facility-by-facility or area-by-area basis. Operators may also petition DOI and DOT for exceptions to this MOU.''

The Purpose of This Rule

The rule would amend 30 CFR Part 250, Subpart J—Pipelines and Pipeline Rights-of-Way, § 250.1000, ''General Requirements,'' and § 250.1001, ''Definitions.'' It has three purposes:

1. To address questions about producer-operated pipelines that cross the Federal/State boundary (the ''OCS/State boundary'') without first connecting to a transporting operator's facility on the OCS.
2. To clarify the status of producer-operated pipelines connecting production facilities on the OCS.
3. To set up a procedure that OCS operators can use to petition to have their pipelines regulated as either DOI or DOT facilities.

We published our first Notice of Proposed Rulemaking (NPR) to implement the December 1996 MOU on October 2, 1997 (62 FR 51614–51618). In response to the NPR, we received comments from Chevron U.S.A. Production Company and Chevron Pipe Line Company. They stated that the proposed rule did not appear to allow OCS producer-operated pipelines to remain under DOT regulatory responsibility. This was because both the 1996 MOU and the NPR:

1. Described boundaries in terms of points on pipelines where operating responsibility transfers from a producing operator to a transporting operator.
2. Did not address the producer-operated pipelines that cross the OCS/State boundary into State waters without first connecting to a transporter-operated facility.
3. Did not address producer lines that flow from wells in State waters to production platforms on the Federal OCS.

Regulating Producer-Operated Pipelines

Valves are the principal means of isolating one segment of a pipeline from another. Thus, a valve location is the best place to establish a regulatory boundary for a pipeline that crosses two jurisdictions. By contrast, a purely geographic boundary—such as the OCS/State boundary—does not allow for the isolation of conditions from one side of the boundary to the other and is therefore not as desirable as a valve for establishing a regulatory boundary. Still, in many cases it is unavoidable that a geographic boundary will serve as the regulatory boundary.

Concerning producer-operated pipelines that cross into State waters without first connecting to a transporting operator's facility, we have determined for this proposal that pipeline segments upstream (generally seaward) of the last valve on the last OCS production facility should be operated under DOI regulatory responsibility. DOI's regulatory responsibility would include the last valve on the last production facility and any related safety equipment, such as pressure safety-high and pressure safety-low (PSHL) sensors. Under this new interpretation, DOT would have regulatory responsibility for the pipeline segments shoreward of the last valve. For all of these downstream pipeline segments, DOT would have authority to inspect upstream safety equipment (including valves, over-pressure protection devices, cathodic protection equipment, and pigging devices, etc.) that may serve to protect the integrity of the DOT-regulated pipeline segments.

For any OCS pipeline segment that DOT has determined to be ''DOT non-jurisdictional,'' the OCS portion of the pipeline would be subject to MMS regulation, and the portion of the pipeline that lies in State waters would be under State jurisdiction.

If a producer-operated pipeline has a subsea valve located on the OCS and shoreward of the last OCS production facility, the operator may choose that valve as the boundary between DOI and DOT regulatory responsibility.

Under this proposed rule, producer pipelines upstream (generally seaward) of the last valve on the OCS and any related safety equipment, such as PSHL sensors, would be regulated under DOI (MMS) regulations consistent with the MOU. Paragraph (c)(6) under § 250.1000 in the proposed rule addresses producer-operated pipelines that cross directly into State waters without first connecting to a transporter-operated pipeline.

Without this revision, all such pipelines would remain subject to DOT regulations for design, construction, operation, and maintenance. This includes about 35 producers in Gulf of Mexico (GOM) OCS waters and 10 producers in California OCS waters. This would be contrary to the intent of the API-industry agreement and the MOU, which is for DOI to regulate producer-operated pipelines and DOT to regulate transporter-operated pipelines.

Several pipeline operators have expressed confusion because MMS and RSPA did not apply the policies of the MOU to all pipelines in their previous rulemakings. DOT-regulated pipelines are still crossing MMS-regulated production facilities, causing regulatory and jurisdictional confusion. (This

proposal will reduce but not eliminate these situations.) Currently, about 215 of the approximately 375 pipelines crossing the Federal/State boundary are not being regulated according to the intent of the MOU.

An important principle of the industry agreement leading to the MOU was to allow, to the extent permissible, the operators to decide the regulatory boundaries on or near their facilities. Therefore, under the proposed rule, producer and transportation pipeline operators may petition, in writing, the Regional Supervisor for permission to operate under either MMS or DOT regulations governing pipeline design, construction, operation, and maintenance according to the operating characteristics of their pipelines. In considering these petitions, the Regional Supervisor will consult with the Regional Director of RSPA's Office of Pipeline Safety (OPS) and the affected parties. We have added paragraph (c)(12) to § 250.1000 to respond to the concerns raised by Chevron. It would allow producing operators who have been operating under DOT regulations to ask, in writing, the MMS Regional Supervisor for permission to continue operating under DOT regulations governing pipeline design, construction, operation, and maintenance. The Regional Supervisor will decide on a case-by-case basis whether to grant the operator's request.

Similarly, we have added paragraph (c)(13) to § 250.1000 to allow transportation pipeline operators to ask, in writing, the MMS Regional Supervisor for permission to operate under MMS regulations governing pipeline design, construction, operation, and maintenance. In considering these petitions, the Regional Supervisor will consult with the OPS Regional Director.

With further regard to the matter of producer-operated pipelines that cross the Federal/State boundary without first connecting to a transportation pipeline, we have revised the definition for ''DOI pipelines'' recently added to § 250.1001 in the final rule published on August 17, 1998 (63 FR 43876-43881). We also have added a definition for ''DOT pipelines.''

Procedural Matters

Public Comment

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.

Regulatory Planning and Review (E.O. 12866)

This is not a significant rule under E.O. 12866 and does not require review by the Office of Management and Budget (OMB). An analysis of the rule indicates that the direct costs to industry for the entire rule total approximately $167,000 for the first year, and that for succeeding years, the maximum cost of the rule to industry in any given year would not likely exceed $53,800.

Regulatory Flexibility Act

DOI has determined that this rule will not have a significant economic effect on a substantial number of small entities. While this rule will affect a substantial number of small entities, the economic effects of the rule will not be significant.

The regulated community for this proposal consists of 35 producer-pipeline operators in the GOM and 8 producer-pipeline operators in the Pacific OCS. Of these operators, 15 are considered to be ''small.'' Of the small operators to be affected by the proposed rule, almost all are represented by Standard Industrial Classification code 1311 (crude petroleum and natural gas producers).

DOI's analysis of the economic impacts indicates that direct costs to industry for the entire rule total approximately $167,000 for the first year, and in succeeding years, the maximum cost of the rule to industry in any given year would not likely exceed $53,800. These annual costs would not persist for long, because all pipelines converted to MMS regulation eventually would come into compliance with MMS safety valve requirements. There are up to 150 designated operators of leases and 75 operators of transportation pipelines on the OCS (both large and small operators), and the economic impacts on the oil and gas production and transportation companies directly affected will be minor. Not all operators affected will be small businesses, but much of their modification costs may be paid to offshore service contractors who may be classified as small businesses. Perhaps two or three operators may eventually be required to install new automatic shutdown valves as a result of becoming subject to MMS regulation. These few operators will sustain the greatest economic impact from this rule.

To the extent that this rule might eventually cause some of the relatively larger OCS operators to make modifications to their pipelines, it may have a minor beneficial effect of increasing demand for the services and equipment of smaller service companies and manufacturers. This rule will not impose any new restrictions on small pipeline service companies or manufacturers, nor will it cause their business practices to change.

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 the enforcement actions of MMS, call toll-free (888) 734–3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the SBREFA. Based on our economic analysis, this rule:

a. Does not have an annual effect on the economy of $100 million or more. As indicated in our cost analysis, direct costs to industry for the entire proposed rule total approximately $167,000 for the first year. In succeeding years, the cost of the rule to industry would not likely exceed $53,800 in any given year. The proposed rule will have a minor economic effect on the offshore oil and gas and transmission pipeline industries.

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 the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act (UMRA) of 1995

This rule does not contain any unfunded mandates to State, local, or tribal governments, nor would it impose significant regulatory costs on the

private sector. Anticipated costs to the private sector will be far below the $100 million threshold for any year that was established by UMRA.

Takings (E.O. 12630)

DOI certifies that this rule does not represent a governmental action capable of interference with constitutionally protected property rights.

Federalism (E.O. 12612)

As required by E.O. 12612, the rule does not have significant Federalism effects. The proposed rule does not change the role or responsibilities of Federal, State, and local governmental entities. The rule does not relate to the structure and role of States and will not have direct, substantive, or significant effects on States.

Civil Justice Reform (E.O. 12988)

DOI has certified to OMB that this regulation meets the applicable civil justice reform standards provided in sections 3(a) and 3(b)(2) of E.O. 12988.

Paperwork Reduction Act (PRA) of 1995

This proposed rule involves information collection that we have 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, MMS invites the public and other Federal agencies to comment on any aspect of the reporting burden in this proposed rule. 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); Washington, D.C. 20503. Send a copy of your comments to the Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. You may obtain a copy of the supporting statement for the collection of information by contacting the Bureau's Information Collection Clearance Officer at (202) 208–7744.

The Act 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 has up to 60 days to approve or disapprove this collection of information but may respond after 30 days from receipt of our request. Therefore, your comments are best assured of being considered by OMB if OMB receives them by November 1, 1999. However, MMS will consider all comments received during the comment period for this notice of proposed rulemaking.

The title of this collection of information is ''Further Implementation of Memorandum of Understanding Between the Departments of the Interior and Transportation.''

The following are new information collection activities in the proposed rule and estimated burden hours:

(1) In § 250.1000(c)(8), operators may request MMS recognize valves landward of the last production facility but still located on the OCS as the point where MMS regulatory authority begins. We estimate possibly one, maybe two, such request(s) each year with an estimated burden of one-half hour per request for a total annual burden of 1 hour.

(2) In § 250.1000(c)(12), producing operators operating pipelines under DOT regulatory authority may petition MMS to continue to operate under DOT upstream of the last valve on the last production facility. In the first year, nearly all producer-pipeline operators would decide whether to automatically convert to DOI regulation or apply to remain under DOT regulation. We estimate that not more than 10 one-time requests to remain under DOT regulation, with an estimated average burden of 40 hours per request. Annualized over a 3-year period, this would result in 135 annual burden hours. We anticipate that in following years, not more than two operators a year would petition to change their regulatory status.

(3) In § 250.1000(c)(13), transportation pipeline operators operating pipelines under DOT regulatory authority may also petition OPS and MMS to operate under MMS regulations governing pipeline design, construction, operation, and maintenance. Although we have allowed for this possibility in the proposed rule, we expect these would be rare. We estimate the burden would be 40 hours per request.

The total public reporting burden for this information collection requirement is estimated to be 176 annual burden hours. This includes the time for reviewing instructions, searching existing data sources, and gathering the data. The proposed rule requires no recordkeeping burdens. At $35 per hour, the annual paperwork ''hour'' burden would be $6,160.

The requirement to respond is mandatory in some cases and required to obtain or retain a benefit in others. MMS uses the information to determine the demarcation where pipelines are subject to MMS design, construction, operation, and maintenance requirements, as distinguished from similar OPS requirements.

Converting to DOI regulation could also result in the installation of as many as three automatic shutdown valves, either in the first year or in subsequent years. In these instances, operators would be subject to the regulatory and paperwork requirements in 30 CFR 250, subpart J, on Pipelines and Pipeline Rights-of-Way. The information collection requirements in this subpart have already been approved by OMB under OMB control number 1010–0050.

We will summarize written responses to this notice and address them in the final rule. 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 the proper performance of MMS's 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 through the use of appropriate automated electronic, mechanical, or other forms of information technology?

2. In addition, the PRA requires agencies to estimate the paperwork ''non-hour cost'' burden to respondents or record keepers resulting from the collection of information. We have not identified any such burdens in addition to the ''hour'' burden cost. We solicit your comments if there are any that you do not consider as part of your usual and customary business practices.

National Environmental Policy Act

Under 516 DM 6, Appendix 10.4, ''issuance and/or modification of regulations'' is considered a categorically excluded action causing no significant effects on the environment and, therefore, does not require preparation of an environmental assessment or impact statement. DOI completed a Categorical Exclusion Review (CER) for this action on March 26, 1999, and concluded: ''The proposed rulemaking does not represent an exception to the established criteria for categorical exclusion. Therefore, preparation of an environmental document will not be required, and further documentation of this CER is not required.''

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 that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, N.W., Washington, D.C. 20240. You may also e-mail the comments to this address: Exsec@ios.doi.gov.

List of Subjects in 30 CFR Part 250

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

Dated: September 21, 1999.

Sylvia V. Baca,

Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the 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. In § 250.1000, paragraphs (c)(6) through (c)(13) are added as follows:

§ 250.1000 General requirements.

* * * * *

(c) * * *

(6) Any producer operating a pipeline that crosses into State waters without first connecting to a transporting operator's pipeline on the OCS must comply with this subpart. Compliance must extend from the point where hydrocarbons are first produced, through and including the last valve and associated safety equipment (e.g., pressure safety sensors) on the last production facility on the OCS.

(7) Any producer operating a pipeline that connects facilities on the OCS must comply with this subpart.

(8) Any operator of a pipeline that has a valve on the OCS downstream (generally landward) of the last production facility may ask in writing that the MMS Regional Supervisor recognize that valve as the point to which MMS will exercise its regulatory authority.

(9) A producer pipeline segment is not subject to MMS regulations for design, construction, operation, and maintenance if:

(i) It is downstream (generally shoreward) of the last valve and associated safety equipment on the last production facility on the OCS; and

(ii) It is subject to regulation under 49 CFR parts 192 and 195.

(10) DOT may inspect all upstream safety equipment (including valves, over-pressure protection devices, cathodic protection equipment, and pigging devices, etc.) that serve to protect the integrity of DOT-regulated pipeline segments.

(11) OCS pipeline segments not subject to DOT regulation under 49 CFR parts 192 and 195 are subject to all MMS regulations.

(12) A producer may request that its pipeline operate under DOT regulations governing pipeline design, construction, operation, and maintenance.

(i) The operator's request must be in the form of a written petition to the MMS Regional Supervisor that states the justification for the pipeline to operate under DOT regulation.

(ii) The Regional Supervisor will decide, on a case-by-case basis, whether to grant the operator's request. In considering each petition, the Regional Supervisor will consult with the Office of Pipeline Safety (OPS) Regional Director.

(13) A transporter who operates a pipeline regulated by DOT may request to operate under MMS regulations governing pipeline design, construction, operation, and maintenance.

(i) The operator's request must be in the form a written petition to the OPS Regional Director and the MMS Regional Supervisor.

(ii) The MMS Regional Supervisor and the OPS Regional Director will decide how to act on this petition.

* * * * *

3. In § 250.1001, the definition for the term ''DOI pipelines'' is revised and the definitions for the terms ''DOT pipelines,'' and ''Production facility'' are added in alphabetical order as follows:

§ 250.1001 Definitions.

* * * * *

DOI pipelines include:

(1) Producer-operated pipelines extending upstream (generally seaward) from each point on the OCS at which operating responsibility transfers from a producing operator to a transporting operator;

(2) Producer-operated pipelines extending upstream (generally seaward) of the last valve (including associated safety equipment) on the last production facility on the OCS that do not connect to a transporter-operated pipeline on the OCS before crossing into State waters;

(3) Producer-operated pipelines connecting production facilities on the OCS;

(4) Transporter-operated pipelines that DOI and DOT have agreed are to be regulated as DOI pipelines; and

(5) All OCS pipelines not subject to regulation under 49 CFR parts 192 and 195.

DOT pipelines include:

(1) Transporter-operated pipelines under DOT requirements governing design, construction, maintenance, and operation; or

(2) Producer-operated pipelines that DOI and DOT have agreed are to be regulated under DOT requirements governing design, construction, maintenance, and operation.

* * * * *

Production facilities means OCS facilities that receive hydrocarbon production either directly from wells or from other facilities that produce hydrocarbons from wells. They may include processing equipment for treating the production or separating it into its various liquid and gaseous components before transporting it to shore.

* * * * *

[FR Doc. 99–25498 Filed 9–30–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 20

RIN 2900–AJ73

Board of Veterans' Appeals: Rules of Practice—Notice of Appeal in Simultaneously Contested Claim

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.