DEPARTMENT OF THE INTERIOR
Minerals Management Service

30 CFR Part 250


RIN 1010–AD54

Update of Revised and Reaffirmed Documents Incorporated by Reference

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: This final rule incorporates 21 revised editions and 17 reaffirmed editions of documents previously incorporated by reference in regulations governing oil and gas and sulphur operations in the Outer Continental Shelf. Additionally, this final rule will rectify an incorrect reference to American Petroleum Institute (API) 510. The revised and reaffirmed editions of these documents will ensure that lessees use the best and safest technologies available while operating in the Outer Continental Shelf.

DATES: Effective Date: This final rule is effective May 28, 2010. The incorporation by reference of publications listed in the regulation is approved by the Director of the Federal Register as of May 28, 2010.

FOR FURTHER INFORMATION CONTACT: Wilbon Rhome at (703) 787–1587.

SUPPLEMENTARY INFORMATION: The MMS uses standards, specifications, and recommended practices developed by standard-setting organizations and the oil and gas industry as a means of establishing requirements for activities on the Outer Continental Shelf (OCS). This practice, known as incorporation by reference, allows us to incorporate the provisions of technical standards into the regulations. The legal effect of incorporation by reference is that the material is treated as if the entire document was published in the Federal Register. This material, like any other properly issued regulation, then has the force and effect of law. We hold operators/lessees accountable for complying with these documents incorporated by reference in our regulations. We currently incorporate by reference 97 consensus standards into the offshore operating regulations.

The regulations at 1 CFR part 51 govern how we and other Federal agencies incorporate various documents by reference. Agencies may only incorporate a document by reference by publishing the document title and publication date in the Federal Register. Agencies must also gain approval from the Director of the Federal Register for each publication incorporated by reference. Incorporation by reference of a document or publication is limited to the specific edition, supplement, or addendum cited in the regulations. The MMS is reformatting the appearance of this section in the regulations concerning documents incorporated by reference. This section, 30 CFR 250.198, will now be formatted to be consistent with the guidance provided by the Office of the Federal Register. This new format will continue to clearly identify the documents incorporated by reference in the 30 CFR part 250 regulations. Under 5 U.S.C. 553 and the regulations found at 30 CFR 250.198(a), MMS may update documents without an opportunity for public comment when we determine that the revisions to
a document result in safety improvements, or represent new industry standard technology and do not impose undue cost or burden on the affected parties. Accordingly, this final rule incorporates the revised editions of 21 documents and 17 reaffirmed documents previously incorporated by reference in regulations governing oil and gas and sulphur operations in the OCS. These new and reaffirmed documents will ensure that lessees use the best and safest technologies available while operating in the OCS.

In this final rule, “reaffirmed” references an action taken by the American Petroleum Institute (API) standards committee, normally within a 5-year timeframe, and confirms that the information contained within the standard is still applicable and requires no change at this time. Also, the edition number and date of the standard does not change as a result of reaffirmation by the standards committee.

Additionally, we are correcting a reference to API 510, Pressure Vessel Inspections Code: In-Service Inspection, Rating, Repair, and Alteration, in our regulations at § 250.803(b)(1) and § 250.1629(b)(1) to make a section reference change (from 6.5 and 8.5 to 5.8 and 9.5). The MMS has reviewed these documents and determined the revised editions must be incorporated into the regulations to ensure the use of the best and safest technologies. Our review shows that changes between the old and new editions result in safety improvements, or represent new industry standard technology and will not impose undue cost or burden on the offshore oil and gas industry. Furthermore, old editions may not be readily available to the affected parties because they are out of publication, so we are amending our regulations to incorporate the updated editions.

Revised Editions

The revised editions of the documents incorporated by reference in this final rule are:

Title of Documents


The purpose of this final rule is to incorporate the revision of some documents previously incorporated by reference into MMS regulations, and to acknowledge the reaffirmation of other documents previously incorporated by reference into MMS regulations.

Procedural Matters

Regulatory Planning and Review

(Executive Order (E.O.) 12866)

This final rule is not a significant rule as determined by the Office of Management and Budget (OMB) and is not subject to review under E.O. 12866.

(1) The final rule will not have an annual effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, employment, environment, health or safety, or State, local, or tribal governments or communities. This final rule will not have any new requirements.

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

(3) The final rule will not alter the budgetary effects or entitlements, grants, user fees, or loan programs, or the rights or obligations of their recipients. The changes in this final rule will not impose undue cost on the offshore oil and gas industry.

(4) The final rule will not raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in E.O. 12866.

Regulatory Flexibility Act

The Department of the Interior certifies that this final rule will not have a significant economic effect on a substantial number of small entities because it will not impose new costs or burdens on the offshore oil and gas industry.

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 businesses. If you wish to comment on the actions of MMS, call 1–888–734–3247. You may comment to the Small Business Administration without fear of retaliation. Allegations of discrimination/retaliation filed with the Small Business Administration will be investigated for appropriate action.

Small Business Regulatory Enforcement Fairness Act

The final rule is not a major rule under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 et seq.). This final rule:

a. Will not have an annual effect on the economy of $100 million or more. The only costs will be the purchase of the new API documents and minor
revisions to some operating and maintenance procedures.

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. Will 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

This final rule will not impose an unfunded mandate on State, local, and tribal governments or the private sector of more than $100 million per year. The rule will not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.) is not required.

Takings Implication Assessment (E.O. 12630)

Under the criteria in E.O. 12630, this final rule does not have significant takings implications. The final rule is not a governmental action capable of interfering with constitutionally protected property rights. A Takings Implication Assessment is not required.

Federalism (E.O. 13132)

Under the criteria in E.O. 13132, this final rule does not have federalism implications. This final rule will not substantially and directly affect the relationship between the Federal and State governments. To the extent that State and local governments have a role in OCS activities, this final rule will not affect that role. A Federalism Assessment is not required.

Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988.

Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (Executive Order 13175)

Under the criteria in E.O. 13175, we have evaluated this rule and determined that it has no substantial effects on federally recognized Indian tribes.

Paperwork Reduction Act (PRA) of 1995

This rulemaking does not contain any information collection requirements and does not require a submission to Office of Management and Budget for review and approval subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

National Environmental Policy Act (NEPA) of 1969

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 because the rule is covered by a categorical exclusion. The MMS has analyzed this rule under the criteria of the NEPA and 516 Departmental Manual Chapter 15.4.C(1).

We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 42.215 that would require further analysis under the NEPA.

Data Quality Act

In developing this rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554, app. C § 515, 114 Stat. 2763, 2763A–153–154).

Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in E.O. 13211. A Statement of Energy Effects is not required.

List of Subjects in 30 CFR Part 250

Continental shelf, Incorporation by reference, Oil and gas exploration, Pipelines, Public lands—mineral resources, Reporting and recordkeeping requirements.

Dated: March 11, 2010.

Ned Farquhar,
Deputy Assistant Secretary—Land and Minerals Management.

For the reasons stated in the preamble, Minerals Management Service (MMS) is amending 30 CFR part 250 as follows:

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

§ 250.198 Documents incorporated by reference.

(a) The MMS is incorporating by reference the documents listed in paragraphs (e) through (k) of this section. Paragraphs (e) through (k) identify the publishing organization of the documents, the address and phone number where you may obtain these documents, and the documents incorporated by reference. The Director of the Federal Register has approved the incorporations by reference according to 5 U.S.C. 552(a) and 1 CFR part 51.

(1) Incorporation by reference of a document is limited to the edition of the publication that is cited in this section. Future amendments or revisions of the document are not included. The MMS will publish any changes to a document in the Federal Register and amend this section.

(2) The MMS may make the rule amending the document effective without prior opportunity for public comment when MMS determines:

(i) That the revisions to a document result in safety improvements or represent new industry standard technology and do not impose undue costs on the affected parties; and

(ii) The MMS meets the requirements for making a rule immediately effective under 5 U.S.C. 553.

(b) The MMS incorporated each document or specific portion by reference in the sections noted. The entire document is incorporated by reference, unless the text of the corresponding sections in this part calls for compliance with specific portions of the listed documents. In each instance, the applicable document is the specific edition or specific edition and supplement or addendum cited in this section.

(c) Under §§ 250.141 and 250.142, you may comply with a later edition of a specific document incorporated by reference, provided:

(1) You show that complying with the later edition provides a degree of protection, safety, or performance equal to or better than would be achieved by compliance with the listed edition; and

(2) You obtain the prior written approval for alternative compliance from the authorized MMS official.

(d) You may inspect these documents at the Minerals Management Service, 381 Elenk Street, Room 3313, Herndon, Virginia 20170; phone: 703–787–1587; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(e) American Concrete Institute (ACI), ACI Standards, P. O. Box 9094, Farmington Hill, MI 48333–9094;
(35) API MPMS, Chapter 11.2.2—Compressibility Factors for Hydrocarbons: 0.350–0.637 Relative Density (60 °F/60 °F) and −50 °F to 140 °F Metroking Temperature, Second Edition, October 1986; reaffirmed: December 2007, Order No. 852–27307; incorporated by reference at § 250.1202(a)(3), (l)(4):
production equipment—Wellhead and Christmas tree equipment; Errata 1, September 2004; Errata 2, April 2005, Errata 3, June 2006, Errata 4, August 2007, Errata 5, May 2009; Addendum 1, February 2008; Addendum 2, 3, and 4, December 2008; Product No. GX06A19; incorporated by reference at § 250.806(a)(3); § 250.1002(b)(1), (b)(2); (71) API Spec. 6AV1, Specification for Verification Test of Wellhead Surface Safety Valves and Underwater Safety Valves for Offshore Service, First Edition, February 1, 1996; reaffirmed January 2003, Order No. G06AV1; incorporated by reference at § 250.806(a)(3); (72) ANSI/API Spec. 6D, Specification for Pipeline Valves, Twenty-third Edition, April 2008; Effective Date: October 1, 2008, Errata 1, June 2008; Errata 2, November 2008; Errata 3, February 2009; Addendum 1, October 2009; Contains API Monogram Annex as Part of U.S. National Adoption; ISO 14319:2007 (Identical), Petroleum and natural gas industries—Pipeline transportation systems—Pipeline valves; Product No. GX6D23; incorporated by reference at § 250.1002(b)(1); (73) ANSI/API Spec. 14A, Specification for Subsurface Safety Valve Equipment, Eleventh Edition, October 2005, Effective Date: May 1, 2006; also available as ISO 10432:2004, Product No. GX14A11; incorporated by reference at § 250.806(a)(3); (74) ANSI/API Spec. 17, Specification for Unbonded Flexible Pipe, Third Edition, July 2008; Effective Date: January 1, 2009, Contains API Monogram Annex as Part of U.S. National Adoption; ISO 13628–2:2006 (Identical), Petroleum and natural gas industries—Design and operation of subsea production systems—Part 2: Unbonded flexible pipe systems for subsea and marine application; Product No. GX17J03; incorporated by reference at § 250.803(b)(2)(iii); § 250.1002(b)(4); § 250.1007(a)(4); (75) API Standard 2551, Measurement and Calibration of Horizontal Tanks, First Edition, 1965, reaffirmed March 2002, API Stock No. H25510; incorporated by reference at § 250.1202(l)(4); (76) API Standard 2552, USA Standard Method for Measurement and Calibration of Spheres and Spheroids, First Edition, 1966; reaffirmed, October 2007 (ASTM designation: D 1408–65; date of joint API/ASTM approval, 1965); incorporated by reference at § 250.1202(l)(4); (77) API Standard 2555, Method for Liquid Calibration of Tanks, First Edition, September 1966; reaffirmed March 2002; Order No. 852–25550; incorporated by reference at § 250.1202(l)(4). (i) American Society for Testing and Materials (ASTM), ASTM Standards, 100 Bar Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428–2950; http://www.astm.org; phone: 610–832–9500: (1) ASTM Standard C 33–07, approved December 15, 2007, Standard Specification for Concrete Aggregates; incorporated by reference at § 250.901(a), (d); (2) ASTM Standard C 94/C 94M–07, approved January 1, 2007, Standard Specification for Ready-Mixed Concrete; incorporated by reference at § 250.901(a), (d); (3) ASTM Standard C 150–07, approved May 1, 2007, Standard Specification for Portland Cement; incorporated by reference at § 250.901(a), (d); (4) ASTM Standard C 330–05, approved December 15, 2005, Standard Specification for Lightweight Aggregates for Structural Concrete; incorporated by reference at § 250.901(a), (d); (5) ASTM Standard C 595–08, approved January 1, 2008, Standard Specification for Blended Hydraulic Cements; incorporated by reference at § 250.901(a), (d); (j) American Welding Society (AWS), AWS Codes, 550 NW, LeJeune Road, Miami, FL 33126; http://www.aws.org; phone: 800–443–9353: (1) AWS D1.1:2000, Structural Welding Code—Steel; incorporated by reference at § 250.901(a), (d); (2) AWS D1.4–98, Structural Welding Code—Reinforcing Steel; incorporated by reference at § 250.901(a), (d); (3) AWS D3.6M:1999, Specification for Underwater Welding; incorporated by reference at § 250.901(a), (d); (k) National Association of Corrosion Engineers (NACE), NACE Standards, 1440 South Creek Drive, Houston, TX 77084; http://www.nace.org; phone: 281–229–6200: (1) NACE Standard MR0175–2003, Item No. 21302, Standard Material Requirements, Metals for Sulphide Stress Cracking and Stress Corrosion Cracking Resistance in Sour Oilfield Environments; incorporated by reference at § 250.901(a), § 250.490(p)(2); (2) NACE Standard RP0176–2003, Item No. 21018, Standard Recommended Practice, Corrosion Control of Steel Fixed Offshore Structures Associated with Petroleum Production; incorporated by reference at § 250.901(a), (d). ▪ 3. Amend § 250.803(b)(1) introductory text by revising the last sentence to read as follows: § 250.803 Additional production system requirements. * * * * * * (b) * * * (1) * * * Pressure and fired vessels must have maintenance inspection, rating, repair, and alteration performed in accordance with the applicable provisions of API Pressure Vessel Inspections Code: In-Service Inspection, Rating, Repair, and Alteration, API 510 (except Sections 5.8 and 9.5) (incorporated by reference as specified in § 250.198). * * * * * * ▪ 4. Amend § 250.806 by revising paragraph (a)(2)(i) to read as follows: § 250.806 Safety and pollution prevention equipment quality assurance requirements. (a) * * * (2) * * * (i) ANSI/ASME SPPE–1–1994 and SPPE–1d–1996 Addenda, Quality Assurance and Certification of Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations; and * * * * * * ▪ 5. Amend § 250.901 by: A. Revising paragraph (a)(1) and (a)(2); B. Revising (a)(15) through (a)(19), and C. Revising paragraphs (d)(1), (d)(7) through (d)(11), and (d)(16) in the table to read as follows: § 250.901 What industry standards must your platform meet? * * * * * (a) * * * (1) ACI Standard 318–95, Building Code Requirements for Reinforced Concrete (ACI 318–95) and Commentary (ACI 318R–95) (incorporated by reference at § 250.198); (2) ACI 357R–84, Guide for the Design and Construction of Fixed Offshore Concrete Structures, 1984; reapproved 1997 (incorporated by reference at § 250.198); * * * * * (15) American Society for Testing and Materials (ASTM) Standard C 33–07, approved December 15, 2007, Standard Specification for Concrete Aggregates (incorporated by reference as specified in § 250.198); (16) ASTM Standard C 94/C 94M–07, approved January 1, 2007, Standard Specification for Ready-Mixed Concrete (incorporated by reference as specified in § 250.198); (17) ASTM Standard C 150–07, approved May 1, 2007, Standard Specification for Portland Cement (incorporated by reference as specified in § 250.198);
6. Amend § 250.1628 by revising paragraphs (b)(3) and (d)(4)(i) to read as follows:

§ 250.1628 Design, installation, and operation of production systems.

(b) * * *

(3) Electrical system information including a plan of each platform deck, outlining all hazardous areas classified according to API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Division 2, or API RP 505, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2 (incorporated by reference as specified in § 250.198), and outlining areas in which potential ignition sources are to be installed;

(d) * * *

(4) * * *

(i) A plan of each platform deck, outlining all hazardous areas classified according to API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Division 1 and Divisions 2, or API RP 505, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities Classified as Class I, Zone 0, Zone 1, and Zone 2 (incorporated by reference as specified in § 250.198), and outlining areas in which potential ignition sources are to be installed;

7. Amend § 250.1629 by:

A. Revising the last sentence of paragraph (b)(1) introductory text; and

B. Revising paragraph (b)(3) introductory text; and

C. Revising the last sentence of paragraph (b)(4)(i).

The revisions read as follows:

§ 250.1629 Additional production and fuel gas system requirements.

(b) * * *

(1) * * * Pressure and fired vessels must have maintenance inspection, rating, repair, and alteration performed in accordance with the applicable provisions of API Pressure Vessel Inspections Code: In-Service Inspection, Rating, Repair, and Alteration, API 510 (except Sections 5.8 and 9.5) (incorporated by reference as specified in § 250.198).

(d) * * *