

## BURDEN BREAKDOWN—Continued

| Citation 30 CFR, Part 256         | Reporting requirement   | Annual No. of responses   | Burden per response | Annual burden hours |
|-----------------------------------|---|---|---------------------|---------------------|
| 256.55(b) .....                   | Notify MMS of action filed alleging lessee, surety, or guarantor are insolvent or bankrupt.     | 1 notice .....  | .5 hour .....       | .5                  |
| 256.56 .....                      | Provide plan to fund lease-specific abandonment account and related information.                | 3 submissions .....   | 8 hours .....       | 24                  |
| 256.57 .....                      | Provide third-party guarantee, related notices, and annual update.                              | 10 submissions .....  | .5 hour .....       | 5                   |
| 256.58(a) .....                   | Request termination of period of liability and cancellation of bond.                            | 50 requests .....   | .5 hour .....       | 25                  |
| Subpart J 256.62; 256.64; 256.67. | File application for assignment or transfer .....   | 2,275 applications .....  | 5 hours .....       | 11,375              |
| 256.64(a)(7) .....                | File required instruments creating or transferring working interest, etc., for record purposes. | 500 filings .....   | .5 hour .....       | 250                 |
| 256.64(a)(8) .....                | Submit non-required documents for record purposes.  | Voluntary, non-required submissions of documents the lessee wants MMS to file with the lease. |                     | 0                   |
| Subpart K 256.76 .....            | File written request for relinquishment .....   | 505 relinquishments .....   | 5 hours .....       | 2,525               |
| Total Reporting .....             |   | 6,649 .....   |                     | 17,856              |

<sup>1</sup> Rounded.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$420,875 for transfer application fees (approximately 2,275 applications x \$185 fee) and \$50,000 for non-required documents filing fees (approximately 2,000 requests x \$25 fee).

*Comments:* Section 3506 (c)(2)(A) of the Paperwork Reduction Act requires each agency “\* \* \* to provide notice \* \* \* and otherwise consult with members of the public and affected agencies concerning each proposed collection of information \* \* \*.” Agencies must specifically solicit comments to: (a) evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful, (b) evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, (c) enhance the quality, usefulness, and clarity of the information to be collected, and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Send your comments directly to the offices listed under the addresses section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments February 4, 1998.

*MMS Information Collection Clearance Officer:* Jo Ann Lauterbach, (202) 208-7744.

Dated October 30, 1997.

**E. P. Danenberger,**  
Chief, Engineering and Operations Division.  
[FR Doc. 98-126 Filed 1-2-98; 8:45 am]  
BILLING CODE 4310-MR-P

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Memorandum of Understanding (MOU) Between the Minerals Management Service and the United States Coast Guard

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice.

**SUMMARY:** Minerals Management Service (MMS) and the United States Coast Guard (USCG) are updating their MOU concerning responsibilities for offshore facilities. The update is necessary to add responsibilities associated with floating facilities, the Oil Pollution Act (OPA), and civil penalties.

**DATES:** MMS and USCG will consider all comments received by March 6, 1998. We will begin reviewing comments at that time and may not fully consider comments we receive after March 6, 1998.

**ADDRESSES:** Mail or hand-carry comments to the Department of Interior; Minerals Management Service; Mail Stop 4700; 381 Elden Street; Herndon, Virginia 20170-4817; Attention: Rules Processing Team.

**FOR FURTHER INFORMATION CONTACT:** Sharon Buffington, MMS at (703) 787-

1147 or LCDR Stephen Kantz, USCG at (202) 267-0505.

**SUPPLEMENTARY INFORMATION:** In August, 1989 the MMS and the USCG signed an MOU that outlined responsibilities associated with facilities located on the Outer Continental Shelf (OCS). The purpose was to minimize duplication, and to promote consistent regulation of these facilities. The use of floating facilities, and responsibilities assigned by OPA created by need to update the MOU. Therefore, the MMS and USCG are coordinating an update of the 1989 MOU to add responsibilities for:

- Floating facilities;
- OPA; and
- Civil penalties.

For floating facilities, we plan to use jointly approved third party verification agents to conduct the joint reviews specified in Table C of the MOU.

We are working to ensure that the MOU is a workable document that we will update whenever necessary. MMS is publishing this request for comment on behalf of both MMS and the USCG. Please send comments on the MOU (Appendix A) to the address listed in the addresses section of this notice.

Also, please comment on whether you believe that the MMS and USCG should exchange other responsibilities to improve efficiency. For example, would it be more efficient if MMS assumed the remaining USCG responsibilities for fixed facilities? We are considering all options to improve customer service under the guidelines of the National Performance Review.

Dated: December 29, 1997.

**Carolita U. Kallaur,**

*Associate Director for Offshore Minerals Management.*

**Appendix A—Memorandum of Understanding between the Minerals Management Service and the United States Coast Guard**

**I. Purpose**

This Memorandum of Understanding (MOU) defines the responsibilities of the Minerals Management Service (MMS) and the United States Coast Guard (USCG). The jurisdictional area covered by this MOU is the Outer Continental Shelf (OCS) except for oil-spill preparedness and response functions that are seaward of the coast line. An MOU, dated February 3, 1994, among the Departments of Transportation and the Interior, and the Environmental Protection Agency established jurisdictional responsibilities for facilities located both seaward and landward of the coast line.

This MOU will minimize duplication and promote consistent regulation of facilities in the offshore. This MOU does not apply to deepwater ports as licensed by the Secretary of Transportation under the Deepwater Port Act of 1974, as amended.

**II. Definition**

For purposes of this MOU, the following definitions apply:

**Act**—The OCS Lands Act (OCSLA) of 1953 (43 U.S.C. 1331 *et seq.*), as amended by the OCSLA amendments of 1978 (Pub. L. 95–372).

**Coast Line**—The line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, as defined by the Submerged Lands Act (43 U.S.C. 1301 (c)).

**Mobile Offshore Drilling Unit (MODU)**—A vessel capable of engaging in drilling

operations for exploring or exploiting subsea resources of oil, gas, or minerals. An MODU is also classified as a facility when engaged in drilling or downhole operations.

**OCS**—The submerged lands which are subject to the Act.

**OCS Activity**—Any activity in the OCS associated with exploration, development, production, transporting, or processing of OCS mineral resources including but not limited to oil and gas.

**OCS Facility**—Any artificial island, and installation or other device permanently or temporarily attached to the sea bed, erected for the purpose of exploring for, developing, or producing resources from the OCS. This term does not include ships or vessels on the waters above the OCS used for construction or conveyance in support of OCS activities, or in uses of these waters unrelated to OCS activities. The following are types of OCS facilities:

1. **Fixed OCS Facility**—A bottom founded OCS facility permanently attached to the seabed or subsoil of the OCS, including platforms, guyed towers, articulated gravity platforms, and other structures. This definition also includes gravel and ice islands and caisson retained islands engaged in OCS activities used for drilling, production, or both.

2. **Floating OCS Facility**—A buoyant OCS facility securely and substantially moored so that it cannot be moved without a special effort. This term includes tension leg platforms, spars, and permanently moored semisubmersibles or shipshape hulls but does not include MODUs solely engaged in drilling activities.

3. **OCS Terminal**—Any facility or vessel located on the OCS which is designated for use as a port or terminal for transferring OCS mineral resources or hydrocarbons from other sources to or from a vessel. This includes OCS facilities and their associated pipelines licensed by the Secretary of

Transportation under the Deepwater Port Act of 1974.

**OPA**—The Oil Pollution Act of 1990 (Pub. L. 101–380).

**Person**—A natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation.

**Production Facility**—Any OCS facility designated by the lessee of an OCS lease for the purpose of producing, transporting, processing, or supporting the production of the mineral resources. This definition also includes gravel and caisson retained islands engaged in any OCS activities even though they may be used for purposes other than producing, transporting, processing, or supporting the production of OCS mineral resources.

**Regional Director (RD)**—The MMS officer delegated the responsibility and authority for a region within MMS. The USCG referrals for violations occurring in a particular MMS Region would be made to that MMS Region's RD.

**Regional Supervisor (RS)**—The MMS officer (or the authorized representative) in charge of operations with a region.

**Vessel**—Every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the water. This term does not include atmospheric or pressure vessels used for containing liquids or gases.

**Violation**—Failure to comply with the OCSLA, with any regulations, or the terms or provisions of leases, licenses, permits, or rights-of-way issued under the OCSLA.

**III. Responsibilities.**

The responsibilities in section III are organized as follows:

- Table A lists MODUs;
- Table B lists fixed facilities; and
- Table C lists floating systems.

|   | MMS   | USCG  |
|---|-------|-------|
| <b>A. MODUs:</b>  |       |       |
| 1. Design and construction .....  | ..... | 1     |
| 2. Structural integrity & modification & repair requirements .....  | ..... | 2     |
| 3. Stability & buoyancy in transit and operation .....  | ..... | 3     |
| 4. General arrangement .....  | ..... | 4     |
| 5. Cranes, booms, elevators, handling equipment (includes BOP handling) .....                                 | ..... | 5     |
| 6. Electrical system design and equipment & classified area designations .....                                | ..... | 6     |
| 7. Permanently installed boilers, pressure vessels, piping, & machinery not covered by MMS .....              | ..... | 7     |
| 8. Mooring systems design, rating, & compatibility—not site-specific .....                                    | ..... | 8     |
| 9. Helicopter deck installations, including refueling facilities and operations .....                         | ..... | 9     |
| 10. Pollution prevention systems (33 CFR 151–156) .....   | ..... | 10    |
| 11. Firefighting for systems under USCG authority .....   | ..... | 11    |
| 12. Structural inspection .....   | ..... | 12    |
| 13. Safe welding and burning procedures on structural members .....   | ..... | 13    |
| 14. Transferring materials and personnel by crane or other—on or off facility .....                           | ..... | 14    |
| 15. Well-control equipment—surface and subsurface .....   | 15    | ..... |
| 16. Safety systems required by MMS .....  | 16    | ..... |
| 17. Emergency shutdown systems .....  | 17    | ..... |
| 18. H <sub>2</sub> S equipment and control, gas detection systems, worker protection (not fire related) ..... | 18    | ..... |
| 19. Subsea completions .....  | 19    | ..... |
| 20. Gas detection systems .....   | 20    | ..... |
| 21. Containment systems for overflow .....  | 21    | ..... |
| 22. Well or production related pressure vessels and piping .....  | 22    | ..... |
| 23. Pollution prevention and equipment (not vessel transfers) .....   | ..... | 23    |
| 24. Administers a shut down of a facility .....   | 24    | ..... |

|  | MMS   | USCG  |
|--|-------|-------|
| <b>B. Fixed facilities:</b>  |       |       |
| 1. Fire protection—structural (quarters, bulkheads, decks, escape routes, testing & material classification; fire detection, control & extinguishing systems; equipment & helicopter deck & refueling facilities. Fire fighting for structural systems not in #2 below ..... | ..... | 1     |
| 2. Fire protection systems (deluge & sprinkler in well bay areas, detectors, and fire loop in wellhead production area and quarters) .....   | 2     | ..... |
| 3. Dehydration equipment and gas compressor units used in production .....   | 3     | ..... |
| 4. Occupational health and workplace safety .....  | ..... | 4     |
| 5. Evacuation procedures and escape routes .....   | ..... | 5     |
| 6. Lifesaving systems and equipment .....  | ..... | 6     |
| 7. Ventilation system requirements .....   | ..... | 7     |
| 8. General alarms .....  | ..... | 8     |
| 9. Personnel protection equipment (not H2S) .....  | ..... | 9     |
| 10. Living quarters .....  | ..... | 10    |
| 11. Communications .....   | ..... | 11    |
| 12. Navigation & obstruction lights and sound signals .....  | ..... | 12    |
| 13. Review design, fabrication, and installation .....   | 13    | ..... |
| 14. Verify site specific considerations .....  | 14    | ..... |
| 15. Well-control equipment—surface and subsurface .....  | 15    | ..... |
| 16. Safety systems .....   | 16    | ..... |
| 17. Emergency shutdown system .....  | 17    | ..... |
| 18. Wellhead, flowline, pipeline, & well test equipment includes safety valves & pressure sensors .....  | 18    | ..... |
| 19. H2S equipment and control, gas detection systems, worker protection (not fire-related) .....   | 19    | ..... |
| 20. Piping systems (production and related) includes incoming and departing .....  | 20    | ..... |
| 21. Pumps used to transfer liquids within the production systems & into pipes .....  | 21    | ..... |
| 22. Odorant treatment of gas piped into enclosures .....   | 22    | ..... |
| 23. Subsea completions .....   | 23    | ..... |
| 24. Gas-detection systems (drilling, production, gas-transmission or equipment) .....  | 24    | ..... |
| 25. Sale and metering equipment for production of oil, gas & sulphur .....   | 25    | ..... |
| 26. Containment systems for overflow from drilling and production equipment .....  | 26    | ..... |
| 27. Vessels (pressure, atmospheric, & fired) and piping-drilling and production .....  | 27    | ..... |
| 28. Well-head and platform removal .....   | 28    | ..... |
| 29. Drilling, workover, completion, well-servicing (includes well-control) .....   | 29    | ..... |
| 30. Pollution prevention and equipment (not vessel transfers) .....  | 30    | ..... |
| 31. Safe welding, burning and hot tapping .....  | 31    | ..... |
| 32. Pipeline operations—associated with the facility .....   | 32    | ..... |
| 33. Emergency egress procedures (includes lifesaving & emergency equipment) .....  | ..... | 33    |
| 34. Explosive, radioactive & flammable (not hydrocarbon) material handling, transferring & stowage (& other HAZMATs) .....   | ..... | 34    |
| 35. Petroleum and other product transfer (to & from a vessel) .....  | ..... | 35    |
| 36. Vehicle and vessel operations .....  | ..... | 36    |
| 37. Diving operations and equipment .....  | ..... | 37    |
| 38. Administers a shut down of a facility .....  | 38    | ..... |
| 39. Investigation lead for collisions, deaths, injuries .....  | ..... | 39    |
| 40. Structural integrity, modification, and repair requirements .....  | 40    | ..... |
| 41. Electrical system design and equipment .....   | 41    | ..... |
| 42. Engine exhaust insulation and spark arrestors .....  | 42    | ..... |
| 43. Material handling equipment (including cranes and booms) .....   | 43    | ..... |

### C. Floating OCS Systems

Table C lists the responsibilities for floating OCS systems:

| MMS  | MMS/USCG   | USCG   |
|--|--|--|
| Production equipment (including risers & turret).                | Design of turret hull interface & fabrication of turret & turret hull interface.     | Fire Protection & Response For All Other Areas<br>Fire Detection—Remainder of Vessel/Facility.     |
| Fire detection—production & drilling areas .....                 | System interfaces for non-independent fire detection and fire extinguishing systems. |  |
| Fire extinguishing—well bay gas &/or H2S detection in all areas. |  |  |
| Site specific considerations (including geotechnics.             | TLP tendons & mooring systems of other floating production systems.                  | Hull structure-shipshape FPS Accommodations—all types Structural fire protection for all types.    |
| TLP foundations .....  | Hull structure for TLP, SPAR, & hybrid .....   |  |
|  | Hazardous areas & general arrangement.   | Stability for all types.   |
|  | Design Environmental Conditions (DEC) Station keeping—DP vessels.                    |  |
|  | Design operating conditions .....  | Lifesaving equipment [MODU or tankship requirements].<br>Helicopter facilities (MODU regulations). |
|  | Non-production machinery/electrical systems..  |  |

TLP—Tension leg platform.

DP—Dynamically Positioned.

#### IV. Civil Penalties

A. The USCG reports violations of OCSLA statutes or regulations which may result in civil penalty action to MMS by using the Compliance Review Form, MMS-129. The USCG will investigate and document OCSLA based violation cases according to the procedures in 33 CFR 140.40 with the following clarification:

1. The cognizant Officer in Charge, Marine Inspection (OCMI) provides the violator written notice of the violation and establishes a reasonable time for the violator to correct the violation. However, a violation that constitutes a threat of serious, irreparable, or immediate harm does not need a time for correction before the OCMI proceeds with a civil penalty recommendation. For violations which do not constitute a threat of serious, irreparable, or immediate harm, the OCMI may consult the MMS RD to establish reasonable corrective times, particularly on matters in which MMS has expertise or knowledge of industry practice.

2. If the appropriate time to file an appeal has past, and the violator has not filed an appeal with the appropriate USCG official, pursuant to 43 USC 1248(a), the OCMI provides the MMS Regional Civil Penalty Coordinator with the following information:

i. The case file, which consists of a summary of the investigation and a USCG determination of the regulations violated.

ii. A description of the seriousness of violation and any incidents actually associated with the violation.

iii. If requested, additional information concerning the merits of a civil penalty action. All physical evidence remains with the USCG, but available to MMS upon request.

3. If the violator files an appeal, the USCG will forward the case to MMS after the USCG Hearing Officer issues a final decision on the appeal.

4. Upon receipt of the violation report, the MMS Regional Civil Penalty Coordinator will appoint a Reviewing Officer (RO) who will process the report in accordance with the MMS OCS Criminal/Civil Penalties Program Guidebook.

5. Notification of the MMS RO's decision regarding the civil penalty assessment, collection, compromise, or dismissal shall be provided to the OCMI originating the violation report.

#### V. Pollution responsibilities

##### A. Certificates of Financial Responsibility (COFR)

1. The MMS issues Certificates of Financial Responsibility (COFR) for all facilities seaward of the coast line. The MMS COFR ensures that lessees possess adequate oil spill financial responsibility for the clean up and damages from oil discharges resulting from oil exploration and production facilities and the associated pipelines.

2. The USCG issues COFR for vessels and floating OCS facilities which store oil. This COFR is in addition to the MMS COFR and addresses the operators financial responsibility for the clean up and damages from oil discharges resulting from non-well

related sources and produced oil store on board the floating OCS facility.

##### B. Oil Spill Preparedness and Response Planning

1. The MMS, for all facilities seaward of the coast line, requires that responsible parties maintain approved Oil Spill Response Plan (OSRP) consistent with the area contingency plan (ACP); ensures that response personnel receive training; and that response equipment is inspected. The MMS may require unannounced oil spill response drills. The MMS RS will notify the Federal On Scene Coordinator (FOSC) of drills to coordinate participation, and avoid conflict or duplication.

2. The USCG Captain of the Port serves as the pre-designated FOSC in accordance with the national Contingency Plan. The cognizant FOSC will also jointly approve OSRPs for floating OCS facilities which store oil. Participation in MMS drills will be at the discretion of the FOSC. The FOSC will advise the MMS RS of spill response drills and activities occurring offshore.

##### C. Spill Response

1. All spills are required to be reported to the NRC. The NRC provides notification to the appropriate agencies and state offices. Additionally, offshore facility owners or operators are required to report spills over one barrel to the MMS RS.

2. The FOSC will direct and monitor federal, state, and private actions, consult with affected trustees, and determine removal completion. The MMS RS will direct measures to abate sources of pollution from an offshore facility.

#### VI. Exchanging Services and Personnel

To the extent its own operations and resources permit, each Agency will provide the other Agency with assistance, technical advice, and support, including transportation, if requested. Exchange of services and personnel is non-reimbursable (except for pollution removal funding authorizations for incident specific fund access). The assistance may extend to areas beyond the OCS where one Agency's expertise will benefit the other Agency in applying and enforcing its safety regulations.

#### VII. Other Cooperative Functions

A. Both agencies will exchange data and study results, participate in research and development projects and exchange early drafts of rulemaking notices to avoid duplicative or conflicting requirements.

B. Both Agencies will review current standards, regulations, and directives and will propose revisions to them necessary in keeping with the provision of this MOU.

C. Both Agencies will review reporting and data collection requirements imposed on operators of OCS facilities and, where feasible, eliminate or minimize duplicate reporting and data collection requirements.

#### VIII. Implementing this MOU

A. Each Agency will review its internal procedures, and where appropriate, will revise them to accommodate the provisions

of this MOU. Each Agency will also designate in writing one senior official who will be responsible for coordinating and implementing the provisions of this MOU.

B. Each agency will designate regional officials to be responsible for coordinating and implementing the provisions of this MOU in their respective regions.

C. The USCG—MMS MOU concerning regulation of activities and facilities in the OSC, dated August 29, 1990, is canceled on the effective date of this agreement.

D. The MOU between the Department of the Interior and the Department of Transportation regarding responsibilities under the National Oil and Hazardous Substances Pollution Contingency Plan, dated August 16, 1971, is canceled on the effective date of this agreement.

E. If new technology (or new uses of current technology) require a change to this MOU, the MMS regional office and appropriate USCG district will work together to solve the situation. The MMS regional office and the USCG district will notify their respective headquarters office of the change. If the MMS regional office and the USCG district office can't solve the situation, it will be elevated to MMS and USCG headquarters. The new policy will become part of a revised MOU the next time the MOU is revised.

#### IX. Savings Provision

Nothing in this MOU alters, amends, or affects in any way the statutory authority of MMS or the USCG.

#### X. Effective Date

This MOS is effective upon signature. Both parties may amend it by mutual agreement and either agency may terminate it with a 30-day written notice.

Signed at Washington, D.C. this

\_\_\_\_\_  
Commandant, U.S. Coast Guard, Department of Transportation.

\_\_\_\_\_  
Director, Minerals Management Service, Department of the Interior.

[FR Doc. 98-9 Filed 1-2-98; 8:45 am]

BILLING CODE 4310-MR-M

#### DEPARTMENT OF JUSTICE

##### Office of the Assistant Attorney General for Civil Rights; Certification of the State of Maine Accessibility Regulations Under the Americans with Disabilities Act

AGENCY: Department of Justice.

ACTION: Notice of certification.

SUMMARY: The Department of Justice has certified that the Maine Human Rights