

**§ 250.1008**

**30 CFR Ch. II (7-1-00 Edition)**

(ix) Proposed date for commencing installation and estimated time for construction; and

(x) Type of protection to be afforded crossing pipelines, subsea valves, taps, and manifold assemblies, if applicable.

(4) The application shall include a description of any additional design precautions which were taken to enable the pipeline to withstand the effects of water currents, storm or ice scouring, soft bottoms, mudslides, earthquakes, permafrost, and other environmental factors.

(5) The application shall include a shallow hazards survey report and, if required by the Regional Director, an archaeological resource report that covers the entire length of the pipeline. A shallow hazards analysis may be included in a lease term pipeline application in lieu of the shallow hazards survey report with the approval of the Regional Director. The Regional Director may require the submission of the data upon which the report or analysis is based.

(b) Applications to modify an approved lease term pipeline or right-of-way grant shall be submitted in quadruplicate to the Regional Supervisor. These applications need only address those items in the original application affected by the proposed modification.

(c) Applications to abandon a lease term pipeline or relinquish a right-of-way grant shall be submitted in triplicate to the Regional Supervisor and shall include the following:

- (1) Reason for operation,
- (2) Proposed procedures,
- (3) "As-built" location plat,
- (4) Length in feet of segment to be abandoned or relinquished, and
- (5) Length in feet of segment remaining.

[53 FR 10690, Apr. 1, 1988, as amended at 59 FR 53094, Oct. 21, 1994. Redesignated at 63 FR 29479, May 29, 1998, as amended at 63 FR 43881, Aug. 17, 1998]

**§ 250.1008 Reports.**

(a) The lessee, or right-of-way holder, shall notify the Regional Supervisor at least 48 hours prior to commencing the installation or relocation of a pipeline or conducting a pressure test on a pipeline.

(b) The lessee or right-of-way holder shall submit a report to the Regional Supervisor within 90 days after completion of any pipeline construction. The report, submitted in triplicate, shall include an "as-built" location plat drawn to a scale specified by the Regional Supervisor showing the location, length in Federal waters, and X-Y coordinates of key points; the completion date; the proposed date of first operation; and the HPT data. Pipeline right-of-way "as-built" location plats shall be certified by a registered engineer or land surveyor and show the boundaries of the right-of-way as granted. If there is a substantial deviation of the pipeline route as granted in the right-of-way, the report shall include a discussion of the reasons for such deviation.

(c) The lessee or right-of-way holder shall report to the Regional Supervisor any pipeline taken out of service. If the period of time in which the pipeline is out of service is greater than 60 days, written confirmation is also required.

(d) The lessee or right-of-way holder shall report to the Regional Supervisor when any required pipeline safety equipment is taken out of service for more than 12 hours. The Regional Supervisor shall be notified when the equipment is returned to service.

(e) The lessee or right-of-way holder shall notify the Regional Supervisor prior to the repair of any pipeline or as soon as practicable. A detailed report of the repair of a pipeline or pipeline component shall be submitted to the Regional Supervisor within 30 days after completion of the repairs. The report shall include the following:

- (1) Description of repairs,
- (2) Results of pressure test, and
- (3) Date returned to service.

(f) The Regional Supervisor may require that DOI pipeline failures be analyzed and that samples of a failed section be examined in a laboratory to assist in determining the cause of the failure. A comprehensive written report of the information obtained shall be submitted by the lessee to the Regional Supervisor as soon as available.

(g) If the effects of scouring, soft bottoms, or other environmental factors are observed to be detrimentally affecting a pipeline, a plan of corrective

## Minerals Management Service, Interior

## § 250.1009

action shall be submitted to the Regional Supervisor for approval within 30 days of the observation. A report of the remedial action taken shall be submitted to the Regional Supervisor by the lessee or right-of-way holder within 30 days after completion.

(h) The results and conclusions of measurements of pipe-to-electrolyte potential measurements taken annually on DOI pipelines in accordance with §250.1005(b) of this part shall be submitted to the Regional Supervisor by the lessee before March of each year.

[53 FR 10690, Apr. 1, 1988. Redesignated and amended at 63 FR 29479, 29486, May 29, 1998]

### § 250.1009 General requirements for a pipeline right-of-way grant.

(a)(1) In addition to applicable requirements of §§250.1000 through 250.1008 and other regulations of this part, regulations of the Department of Transportation, Department of the Army, and the Federal Energy Regulatory Commission (FERC), when a pipeline qualifies as a right-of-way pipeline, the pipeline shall not be installed until a right-of-way has been requested and granted in accordance with this subpart. The right-of-way grant is issued pursuant to 43 U.S.C. 1334(e) and may be acquired and held only by citizens and nationals of the United States; aliens lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. 1101(a)(20); private, public, or municipal corporations organized under the laws of the United States or territory thereof, the District of Columbia, or of any State; or associations of such citizens, nationals, resident aliens, or private, public, or municipal corporations, States, or political subdivisions of States.

(2) A right-of-way shall include the site on which the pipeline and associated structures are to be situated, shall not exceed 200 feet in width unless safety and environmental factors during construction and operation of the associated right-of-way pipeline require a greater width, and shall be limited to the area reasonably necessary for pumping stations or other accessory structures.

(b)(1) When you apply for, or are the holder of, a right-of-way, you must:

(i) Provide and maintain a \$300,000 bond (in addition to the bond coverage required in part 256) that guarantees compliance with all the terms and conditions of the rights-of-way you hold in an OCS area; and

(ii) Provide additional security if the Regional Director determines that a bond in excess of \$300,000 is needed.

(2) For the purpose of this paragraph, there are three areas:

(i) The areas offshore the Gulf of Mexico and Atlantic Coast;

(ii) The area offshore the Pacific Coast States of California, Oregon, Washington, and Hawaii; and

(iii) The area offshore the Coast of Alaska.

(3) If, as the result of a default, the surety on a right-of-way grant bond makes payment to the Government of any indebtedness under a grant secured by the bond, the face amount of such bond and the surety's liability shall be reduced by the amount of such payment.

(4) After a default, a new bond in the amount of \$300,000 shall be posted within 6 months or such shorter period as the Regional Supervisor may direct. Failure to post a new bond shall be grounds for forfeiture of all grants covered by the defaulted bond.

(c) An applicant, by accepting a right-of-way grant, agrees to comply with the following requirements:

(1) The right-of-way holder shall comply with applicable laws and regulations and the terms of the grant.

(2) For the first calendar year, or fraction thereof, and annually thereafter, the right-of-way holder shall pay MMS, in advance, an annual rental of \$15 for each statute mile, or fraction thereof, traversed by the right-of-way and \$75 for each area to be used as a site for an accessory to the right-of-way pipeline including, but not limited to, a platform. Payments may be on an annual basis, for a 5-year period, or for multiples of 5 years.

(3) The granting of the right-of-way shall be subject to the express condition that the rights granted shall not prevent or interfere in any way with the management, administration, or the granting of other rights by the United States, either prior or subsequent to the granting of the right-of-