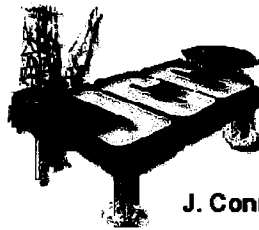


Gulf Coast Environmental Affairs Group

Regulatory Update January 2011

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Federal Register

1. Pipeline Safety: Updates to Pipeline and Liquefied Natural Gas Reporting Requirements; Final Rule

Agency: Department of Transportation

Published: November 26, 2010

Action Detail: Final rule

Citation:

Date Description: Effective January 1, 2011

This final rule revises the Pipeline Safety Regulations to improve the reliability and utility of data collections from operators of natural gas pipelines, hazardous liquid pipelines, and LNG facilities.

See Federal Register for full list:

Section	Revision
191.1	Includes regulated rural gathering lines
191.3	Revised the definition of an incident for gas pipelines and LNG facilities. Principal changes include definition of an incident based on an unintentional volume of gas released, and omitting the consideration of the cost of gas for incidents determined by \$50,000 property damage.
191.7 / 195.58	All required reports, except safety-related condition reports and offshore condition reports, must be submitted electronically
191.9	Requires LNG facilities that are part of distribution pipeline systems to submit incident reports.
191.11 / 191.17	Require LNG facilities to submit annual reports.
191.15	requires operators of LNG facilities to submit written incident reports.
191.19 / 195.62	Sections being removed
191.21 / 195.63	Are amended to include new forms for gas pipelines.
191.22 / 195.64	Are added to create a National Registry of Pipeline and LNG Operators for obtaining and changing an OPID. Operators who already have OPIDs are required to validate the information in PHMSA's records within six months
192.945	Integrates reporting of Integrity Management (IM) performance measures for gas transmission pipelines into the annual report as semi-annual reporting of IM performance measures is no longer required
195.48	Specifies the scope of hazardous liquid pipelines subject to the reporting requirements of Subpart B of Part 195.
195.49	Requires that some parts of the hazardous liquid pipeline annual report form (designated on the form) must be completed separately for each state a pipeline traverses.
195.52	Requires that hazardous liquid pipeline operators have a written procedure for calculating an initial estimate of the amount of product released in an accident. The amended Section also requires that operators provide an additional telephonic report if significant new information becomes available during the emergency response phase.



2. Interim Final Regulation Deferring the Reporting Date for Certain Data Elements Required Under the Mandatory Reporting of Greenhouse Gases Rule

Agency: **Environmental Protection Agency**

Published: **December 27, 2010**

Action Detail: **Interim final rule**

Citation: **None**

EPA is promulgating this interim final rule to defer until August 31, 2011 the reporting deadline for year 2010 data elements that are inputs to emission equations under the Mandatory Greenhouse Gas Reporting Rule. In response to EPA's July 7, 2010 proposed confidentiality determinations for data required under the reporting rule, EPA received several comments raising concerns that warrant further consideration before EPA issues final confidentiality determinations for data elements that are inputs to emission equations for direct emitters. To allow time for EPA to consider these comments and other information concerning these data elements before they are reported to EPA, EPA is deferring direct emitter reporting of the data elements in the inputs to emission equations data category until August 31, 2011, while concurrently publishing both a proposed notice and comment rulemaking to defer the reporting date for these inputs and a call for information to assist EPA in its deliberations on this matter.

This action affects only facilities that are subject to the source category-specific reporting requirements in 40 CFR part 98, subparts C through HH, excluding subparts I, L, T, W, DD, and FF. This includes only direct-emitting facilities covered by the Part 98 subparts published on October 30, 2009, which require these facilities to begin monitoring emissions on January 1, 2010 and to submit their first annual GHG report (covering calendar year 2010 emissions) by March 31, 2011. The list of affected source categories is provided in Table 2 of the Rule's preamble.

3. Call for Information: Information on Inputs to Emission Equations Under the Mandatory Reporting of Greenhouse Gases Rule

Agency: **Environmental Protection Agency**

Published: **December 27, 2010**

Action Detail: **Call for Information**

Citation: **None**

EPA is publishing this call for information and public comment to solicit certain additional information pertaining to reporting of inputs to emission equations under the Mandatory Greenhouse Gas Reporting Rule. In response to EPA's July 7, 2010 proposed confidentiality determinations for data required under the reporting rule, EPA received several comments that warrant in-depth evaluation of potential harm to businesses from possible public availability of some of this data. The information and comment solicited by this notice will assist EPA as they consider a long-term approach that will balance data quality and transparency with the reporting businesses' need to protect sensitive business information.

EPA is soliciting information and viewpoints from interested parties on how, specifically, public availability of inputs to emission equations in Part 98 could cause competitive harm. We are also interested in information on additional approaches to calculating GHG emissions that do not use data elements that may be considered sensitive and on additional approaches to verifying reported GHG emission data if any inputs to emission equations are not reported to EPA. In addition, we are soliciting information on whether any of the inputs to emission equations data elements are already published or publicly available elsewhere, discernable from publicly available information or otherwise not sensitive. The specific information requested is listed in Section III of the Federal Register listing.

4. Change to the Reporting Date for Certain Data Elements Required Under the Mandatory Reporting of Greenhouse Gases Rule

Agency: **Environmental Protection Agency**

Published: **December 27, 2010**

Action Detail: **Proposed rule**

Citation: **None**

EPA is proposing to defer the reporting date of certain data elements that are inputs to emission equations under the Mandatory Greenhouse Gas Reporting Rule for three years. In response to EPA's July 7, 2010 proposed confidentiality determinations for data required under the



reporting rule, EPA received several comments raising concerns that warrant further consideration before EPA issues final confidentiality determinations for data elements that are inputs to emission equations for direct emitters. To allow time for EPA to consider these comments and other information concerning these data elements before they are reported to EPA, when they may become publicly available, EPA is proposing to defer direct emitter reporting of inputs to emission equations for calendar years through 2012 until March 31, 2014. This proposal would not change any other requirements of the reporting rule.

Comments must be received on or before January 26, 2011 unless a public hearing is requested by January 6, 2011. If a hearing is requested on this proposed rule, written comments must be received by February 10, 2011.

This proposed action would affect only facilities that directly emit GHGs and are subject to Part 98. It would not affect suppliers of fuels or industrial gases. Specifically, the amendment would apply to facilities that are subject to the source category-specific reporting requirements in 40 CFR part 98, subparts C through JJ and subparts RR, SS, and TT, including any subparts that EPA finalizes in future actions. The list of affected source categories is provided in Table 2 of the preamble in the Federal Register listing. Included in this deferral is subpart W, Petroleum and Natural Gas Systems.

5. Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems

Agency: **Environmental Protection Agency**

Published: **November 30, 2010**

Action Detail: **Final rule**

Citation: **None**

Date Description: The final rule is effective on December 30, 2010.

EPA is promulgating a regulation to require monitoring and reporting of greenhouse gas emissions from petroleum and natural gas systems. This action adds this source category to the list of source categories already required to report greenhouse gas emissions. This action applies to sources with carbon dioxide equivalent emissions above certain threshold levels as described in this regulation. This action does not require control of greenhouse gases.

This action finalizes monitoring and reporting requirements for petroleum and natural gas systems.

On April 12, 2010, EPA proposed subpart W—Petroleum and Natural Gas Systems, amending 40 CFR part 98 (i.e., the regulatory requirements for the Greenhouse Gas Reporting Program). The GHG Reporting Program requires reporting of GHG emissions and other relevant information from certain source categories. The GHG Reporting Program, which became effective on December 29, 2009, includes reporting requirements for facilities and suppliers in 32 source categories. EPA established this program in response to the fiscal year 2008 Consolidated Appropriations Act. This Act authorized funding for EPA to develop and publish a rule “* * * to require the mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States.” An accompanying joint explanatory statement directed EPA to “use its existing authority under the Clean Air Act” to develop a mandatory GHG reporting rule.

This final action adds requirements for facilities that contain petroleum and natural gas systems to report equipment leaks and vented GHG emissions (subpart W) to the GHG Reporting Program. The rule applies to facilities in specific segments of the petroleum and natural gas industry that emit GHGs greater than or equal to 25,000 metric tons of CO2 equivalent per year. These data will inform EPA’s implementation of CAA section 103(g) regarding improvements in sector based nonregulatory strategies and technologies for preventing or reducing air pollutants, and inform policy on possible regulatory actions to address GHG emissions.

6. Proposed Collection; Comment Request; Gulf Worker Study: Gulf Long-Term Follow-Up Study for Oil Spill Clean-Up Workers and Volunteers

Agency: **Health and Human Services**

Published: **December 14, 2010**

Action Detail: **None**

Citation: **None**

The National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of a



proposed information collection. This proposed collection was previously published in the Federal Register on 7 October 2010 on pages 62132-3 and allowed 60-days for public comment. One public comment was received and addressed regarding the appropriateness and sources for funding the survey. The purpose of this notice is to allow an additional 30 days for public comment.

The purpose of the Gulf Study is to investigate potential short- and long-term health effects associated with oil spill clean-up activities and exposures surrounding the Deepwater Horizon disaster; and to create a resource for additional collaborative research on focused hypotheses or subgroups.

Over 55,000 persons participating in oil-spill clean-up activities have been exposed to a range of known and suspected toxins in crude oil, burning oil, and dispersants, to excessive heat, and possibly to stress due to widespread economic and lifestyle disruption. Exposures range from negligible to potentially significant, however, potential long-term human health consequences are largely unknown due to insufficient research in this area.

Recruitment of subjects should begin in late 2010, with telephone interviews and the baseline home visits conducted within 18 months.

7. Pipeline Safety: Safety of On-Shore Hazardous Liquid Pipelines

Agency: Pipeline and Hazardous Materials Safety Administration

Published: January 4, 2011

Action Detail: Notice of proposed rulemaking; Extension of comment period

Citation: None

Date Description: The closing date for filing comments is extended from January 18, 2011, until February 18, 2011.

On October 18, 2010, PHMSA published an Advance Notice of Proposed Rulemaking (ANPRM) titled: "Safety of On-Shore Hazardous Liquid Pipelines" seeking comments on the need for changes to the regulations covering hazardous liquid onshore pipelines. PHMSA has received requests to extend the comment period in order to have more time to evaluate the ANPRM. PHMSA has concurred in part with these requests and has extended the comment period from January 18, 2011, to February 18, 2011.

8. Pipeline Safety: Random Drug Testing Rate

Agency: Pipeline and Hazardous Materials Safety Administration

Published: December 7, 2010

Action Detail: Notice of minimum annual percentage rate for random drug testing

Citation: None

Date Description: Effective January 1, 2011, through December 31, 2011.

PHMSA has determined that the minimum random drug testing rate for covered employees will remain at 25 percent during calendar year 2011.

Operators of gas, hazardous liquid, and carbon dioxide pipelines and operators of liquefied natural gas facilities must select and test a percentage of covered employees for random drug testing. Pursuant to 49 CFR 199.105(c)(2), (3), and (4), the PHMSA Administrator's decision on whether to change the minimum annual random drug testing rate is based on the reported random drug test positive rate for the pipeline industry.

9. Pipeline Safety: Emergency Preparedness Communications

Agency: Pipeline and Hazardous Materials Safety Administration

Published: November 3, 2010



Action Detail: Notice; Issuance of Advisory Bulletin.	Citation: None
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PHMSA is issuing an Advisory Bulletin to remind operators of gas and hazardous liquid pipeline facilities that they must make their pipeline emergency response plans available to local emergency response officials. PHMSA recommends that operators provide their emergency response plans to officials through their required liaison and public awareness activities. PHMSA intends to evaluate the extent to which operators have provided their emergency plans to local emergency officials when PHMSA performs future inspections for compliance with liaison and public awareness code requirements.

Federal regulations for both gas and hazardous liquid pipelines require operators to have written procedures for responding to emergencies involving their pipeline facility. Because pipelines are often located in public space, the regulations further require that operators include procedures for planning with emergency and other public officials to ensure a coordinated response. Under 49 CFR 192.605, 192.615, and 195.402, operators must include in their emergency plans provisions for coordinating with appropriate fire, police, and other public officials both preplanned drills and actual responses to pipeline emergencies. Operators must also establish and maintain liaison with the emergency officials to, among other things, acquaint the officials and the operator with their respective responsibilities and resources in planning for and responding to emergencies.

Under §§ 192.616 and 195.440, operators must also develop and implement a written continuing public education program that follows the American Petroleum Institute's (API) Recommended Practice (RP) 1162. Incorporated by reference, API RP 1162 further requires operators to develop their emergency response plans with appropriate emergency officials to include in such plans information about how emergency officials can access the operator's emergency response plan, and to conduct emergency response drills.

10. Notice of Scoping Meetings on the EIS for the Proposed 2012-2017 OCS Oil and Gas Leasing Program

Agency: The Bureau of Ocean Energy Management Regulation and Enforcement	Published: January 4, 2011
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Action Detail: Notice of scoping meetings and request for comments	Citation: None
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BOEMRE provided notice in the Federal Register on April 2, 2010, of its intent to prepare a Programmatic EIS for the proposed OCS Oil and Gas Leasing Program for 2012-2017 and request for comments. The notice also announced that scoping meetings would be held during June and early July 2010 in coastal states bordering the Mid and South Atlantic; Western, Central, and a portion of the Eastern Gulf of Mexico; and at several locations in Alaska. Subsequently, on June 30, 2010, the Secretary of the Interior Ken Salazar announced that the scoping meetings were postponed until later in 2010 because of the need for BOEMRE to focus on reviewing and evaluating safety and environmental requirements of offshore drilling in response to the Deepwater Horizon incident and that a new public comment period would later be announced. On December 1, 2010, the Secretary announced an updated oil and gas leasing strategy for the OCS. Consistent with the Secretary's direction to proceed with caution and focus on leasing in areas with current active leases, the area in the Eastern Gulf of Mexico that remains under a congressional moratorium, and the Mid and South Atlantic planning areas are no longer under consideration for potential sales and development through 2017. Therefore, meetings will not be held in these areas. The Western Gulf of Mexico, Central Gulf of Mexico, and the Cook Inlet, Chukchi Sea, and Beaufort Sea areas offshore Alaska will continue to be considered for potential leasing in the 2012-2017 OCS Program.

Meeting Dates (for additional information, see the full Federal Register listing):

Houston, Texas, Tuesday, February 15, 2011, Houston Airport Marriott at George Bush Intercontinental, 18700

John F. Kennedy Boulevard, Houston, Texas, 1 p.m.

New Orleans, Louisiana, Wednesday, February 16, 2011, New Orleans Airport Hilton, 901 Airline Drive, Kenner, Louisiana, 1 p.m.

Mobile, Alabama, Thursday, February 17, 2011, Five Rivers—Alabama's Delta Resource Center, 30945 Five Rivers Boulevard, Spanish Fort, Alabama, 1 p.m.

12. Flaring Versus Venting To Reduce Greenhouse Gas Emissions in the Outer Continental Shelf; Public Workshop

Agency: The Bureau of Ocean Energy Management	Published: December 29, 2010
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Regulation and Enforcement	
Action Detail: Public workshop	Citation: None
Date Description: The workshop will be held on Wednesday, March 30, 2011, from 9 a.m. to 12 p.m.	
<p>Bureau of Ocean Energy Management, Regulation and Enforcement is announcing a workshop to discuss possible new requirements on flaring versus venting of natural gas in the Outer Continental Shelf (OCS), when such atmospheric release of natural gas is necessary and in compliance with regulations. The main focus of this workshop will be aimed at the potential reduction of Greenhouse Gas (GHG) emissions.</p> <p>On March 6, 2007, the Department of the Interior published a Notice of Proposed Rulemaking (NPR) requesting comments on proposed revisions to 30 CFR part 250, subpart K, Oil and Gas Production Requirements. The Department conducted analyses to assess the costs and benefits of requiring flare/vent meters and of requiring flaring instead of venting.</p> <p><input type="checkbox"/> The first analysis supported the recommendation to require meters for facilities that process more than 2,000 barrels of oil per day (BOPD). This requirement was included in the final rule, published on April 19, 2010, Oil and Gas Production Requirements, at 30 CFR part 250, subpart K.</p> <p><input type="checkbox"/> The second analysis indicated that a regulatory change to require flaring instead of venting may be appropriate. However, the cost of implementing this requirement could be significant, and input from potentially affected parties is necessary. We requested comments on this issue in the proposed rule.</p> <p><input type="checkbox"/> Commenters pointed out that converting facilities already equipped to vent gas to be able to flare natural gas may require significant redesign for safety.</p> <p><input type="checkbox"/> They also pointed out that there are many factors in determining whether to flare natural gas or vent natural gas when designing a facility. These factors include the operating philosophy, nature and type of reservoir, facility design limitations or capabilities, operating practices, safety, and economics.</p> <p><input type="checkbox"/> Industry comments also recommended that, in addition to considering requiring flaring instead of venting, BOEMRE should work with them to find ways to reduce overall natural gas emissions.</p> <p><input type="checkbox"/> Industry representatives also stated that a requirement for flaring instead of venting should be only for new facilities.</p> <p>Request for a Workshop</p> <p>Commenters requested that BOEMRE hold a workshop to discuss the issue. BOEMRE plans to work directly with interested parties to study the costs and benefits (especially GHG benefits) of requiring that companies flare the natural gas, whenever possible, when flaring or venting is necessary. This workshop and additional cost-benefit analysis will consider GHG issues associated with flaring and venting and help determine how to best implement a General Accounting Office (GAO) recommendation on venting / flaring.</p> <p>Proposed Rulemaking</p> <p>BOEMRE will decide how to move forward with rulemaking on flaring natural gas after the workshop. The next step would likely be a proposed rule.</p>	

13. Production Measurement Documents Incorporated by Reference	
Agency: The Bureau of Ocean Energy Management Regulation and Enforcement	Published: November 26, 2010
Action Detail: Proposed rule	Citation: None.
Date Description: Submit comments by January 25, 2011. BOEMRE may not fully consider comments received after this date.	
<p>BOEMRE proposes to incorporate by reference 15 new production measurement industry standards into the regulations governing oil, gas, and sulphur operations in the Outer Continental Shelf. Incorporation of the production measurement standards provides industry with up-to-date guidance for measuring oil and gas production volumes. This will result in more efficient measurement of oil and gas production.</p> <p>BOEMRE is proposing to incorporate the requirements found in 12 American Petroleum Institute (API) and 3 American Gas Association</p>	



(AGA) measurement documents to add the most current and updated measurement standards to provide industry with up-to-date guidance for measurement technology.

14. Requirements for Measurement Facilities Used for the Royalty Valuation of Processed Natural Gas

Agency: **The Bureau of Ocean Energy Management Regulation and Enforcement**

Published: **November 24, 2010**

Action Detail: **Notice summarizing the requirements of royalty measurement equipment at gas plants and other processing facilities**

Citation: **None**

Date Description: Effective Date: This notice becomes effective December 27, 2010.

This notice provides information regarding the responsibilities of lessees, operators, and lessees' representatives with respect to the measurement of Federal production at gas processing plants when royalty is reported and paid on processed gas at or downstream of the plant tailgate under 30 CFR 1206.153. This equipment includes any metering, sampling, or recording devices associated with the measurement of inlet production, residue gas, fuel gas, flare gas, condensate, natural gas liquids, or any other products recovered from Federal production.

30 CFR 1202.151(a)(1)(ii), pertaining to royalty on processed gas, provides that royalty must be paid on the value of "residue gas and all gas plant products resulting from processing the gas produced from a lease subject to this subpart." Since the measurement of production at gas plants and separation facilities has a direct impact on royalty reported and paid under 30 CFR 1206.153, BOEMRE has begun to inspect measurement devices at plants and separation facilities that process production from Federal leases in the GOM Region for compliance with established standards governing gas and liquid hydrocarbon production measurement. BOEMRE has recently completed the first phase of the inspection program and will share findings with the operators of the measurement devices at these facilities. The findings will also be made available upon request to lessees and operators who may have interest in one or more specific gas plants. In the future, BOEMRE will inspect these facilities again to determine if previously observed problems have been rectified.

15. OCS Western and Central Planning Areas, GOM Oil and Gas Lease Sales for the 2007-2012 5-Year OCS Program

Agency: **BOEMRE**

Published: **November 10, 2010**

Action Detail: **Notice of Intent to Prepare a Supplemental EIS**

Citation: **None**

The BOEMRE is announcing its intent to prepare a supplemental environmental impact statement (SEIS) for Western Planning Area (WPA) Lease Sale 218 and Central Planning Area (CPA) Lease Sale 222 in the 2007-2012 5-Year OCS Program. The proposed sales are in the Gulf of Mexico's WPA off the States of Texas and Louisiana and in the CPA off the States of Texas, Louisiana, Mississippi, and Alabama. The SEIS will update the multiple environmental and socioeconomic analyses in previous Gulf of Mexico OCS Oil and Gas Lease Sales. Lease Sales 218 and 222 are proposed to be held in late 2011 or early 2012, before the end of the 2007-2012 5-Year OCS Program.

16. Policy for Banning of Foreign Vessels From Entry into United States Ports

Agency: **United States Coast Guard**

Published: **November 2, 2010**

Action Detail: **Notice of policy.**

Citation: **None.**

Date Description: This policy became effective on September 1, 2010.

The U.S. Coast Guard announces release of policy letter 10-03, Banning of Foreign Vessels. This policy letter outlines U.S. Coast Guard procedures for denying entry of certain foreign flagged commercial vessels into any port or place in the United States as a result of the vessel's history of operating in a continuous substandard condition in waters subject to United States jurisdiction.



The U.S. Coast Guard will continue to screen, prioritize, and coordinate all foreign vessel exams in accordance with existing policies. When a vessel has been repeatedly detained (meaning three or more detentions within twelve months) and it is determined by the U.S. Coast Guard's Foreign and Offshore Vessels Division (CG-5432) that failure to effectively implement the SMS was a contributing factor for the substandard condition(s) that led to the detentions, the vessel will be denied entry into any port or place in the United States in compliance with 33 U.S.C. 1228 and 1223(b) until specified actions are completed to the satisfaction of the Coast Guard.

Notices to Lessees

1. NTL 2010-N10

Title: Statement of Compliance with Applicable Regulations and Evaluation of Information Demonstrating Adequate Spill Response and Well Containment

Effective Date: November 8, 2010

Status: Effective

This NTL is issued pursuant to 30 CFR 250.103 and applied only to operators conducting operations using subsea blowout preventers (BOPs) or surface BOPs on floating facilities. The NTL informs lessees and operators that a statement, signed by an authorized company official stating that the operator will conduct all authorized activities in compliance with all applicable regulations, including the Increased Safety Measures regulations (75 FR 63346), must be submitted with each application for a well permit. This NTL also informs lessees and operators that the BOEMRE will be evaluating whether each operator has submitted adequate information demonstrating that it has access to and can deploy containment resources that would be adequate to promptly respond to a blow-out or other loss of well control. This NTL clarifies, supplements, and provides more detail about existing regulations, including 30 CFR 250.101, 254.2 (b), 254.23, 254.24, 254.25, and 254.26(d). This NTL may be followed by a rulemaking setting forth additional requirements; however BOEMRE intends to process applications under existing regulations in the interim, as interpreted through this NTL.

2. NTL 2010-G07

Title: Drilling Windows, Eastern Gulf of Mexico

Effective Date: December 1, 2010

Status: Supersedes

The Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) Gulf of Mexico OCS Region (GOMR), after consultation with the U.S. Air Force, established a drilling window program in 1991 for exploration activities on oil and gas leases that were obtained through Lease Sales Nos. 79, 94, and 116 and that contain Lease Stipulation No. 5. In accordance with this lease stipulation, the drilling window program ensures that exploration activities can be conducted predictably, orderly, and safely without interfering with scheduled military activities or jeopardizing the national defense mission.

The drilling window program divides the subject leases into four groups designated as Groups "A", "B", "D", and "E." For a map showing these geographic areas, refer to the BOEMRE GOMR Internet Web site at <http://www.gomr.mms.gov/homepg/regulate/regs/ntls/2008NTLs/drillwindow.pdf>

