

You may submit comments with respect to the information collection burden of the proposed rule either by fax (202) 395-5806 or email (*Ruth\_Solomon@omb.eop.gov*) directly 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 1010-0XXX).

**FOR FURTHER INFORMATION CONTACT:**

Melinda Mayes at 703-787-1063 or Staci Atkins at 703-787-1620, Engineering and Operations Division.

**SUPPLEMENTARY INFORMATION:** Current MMS incident reporting requirements at 30 CFR 250.191 do not include detailed reporting thresholds and definitions. This allows a range of interpretations by the lessees/operators as to what should be reported. It is difficult to conduct meaningful incident analyses on data that are not consistently reported. Additionally, MMS does not currently require the submission of written incident reports. This also makes it more difficult to gather consistent information about each incident. The OCS lessees/operators have the best and most immediate access to information about incidents that are associated with their operations.

MMS's top priority is that OCS operations be conducted in a safe and environmentally sound manner. We must continue to identify unsafe equipment and procedures, as well as the human and organizational factors that cause incidents. To do this effectively, we need to upgrade our incident data analysis, investigation, and information publication functions. MMS uses incident data analyses and investigations to identify incident causes and trends. We also use it to evaluate both industry and individual operator performance. With this knowledge, we can develop strategies for promoting safety on the OCS. Strategies may include: developing regulatory initiatives, performing needed research, working with industry to develop new standards, conducting risk-based inspections, holding joint MMS/industry workshops to address specific safety issues, working with individual lessees/operators to address particular safety concerns, or other appropriate actions. Publishing information on incident causes and trends also allows industry to identify potentially unsafe equipment, conditions, or procedures so that lessees and operators can take appropriate steps to improve the safety of their operations.

Current MMS incident reporting requirements are not consistent with the

USCG reporting requirements for OCS activities. This creates confusion for OCS lessees/operators in determining what incidents to report to each agency and makes it more difficult for MMS and the USCG to coordinate their respective responsibilities on the OCS as agreed to in a Memorandum of Understanding (MOU) signed December 16, 1998. The purpose of the MOU is to minimize duplication and promote consistent regulation of OCS facilities. This proposed rule will help achieve that goal in the area of incident investigation, data collection, and analysis.

This proposed rule revises and clarifies MMS requirements for reporting incidents associated with OCS oil and gas and other mineral operations:

- a. Several definitions are added, including the term "incident" which replaces the term "accident" currently used in the regulations;
- b. More specific incident reporting thresholds for various incident types are established;
- c. Written reports are required and must be submitted electronically; and
- d. Two new MMS forms are proposed so that consistent information will be reported to MMS for all incidents.

MMS is working with the USCG to develop a single point electronic reporting system that would allow reports submitted through a single point to fulfill the requirements of both MMS and the USCG.

**Relationship of This Rule to USCG Reporting Requirements**

On December 7, 1999, the USCG published a Notice of Proposed Rulemaking (NPR) (64 FR 68416) amending its regulations at 33 CFR parts 140-147, Outer Continental Shelf Activities. Among many other things, the USCG NPR revises requirements for reporting incidents related to OCS facilities and vessels engaged in OCS activities. After several extensions, the comment period closed on November 30, 2000. MMS has worked with the USCG to ensure that the MMS proposed reporting requirements are as consistent as possible with the USCG's proposed rule.

This MMS proposed rule revises reporting requirements for all incidents that must be reported to MMS. The proposed rule also lists USCG reporting requirements for incidents where the two agencies have mutual interest and responsibility. We listed the USCG requirements so that both agencies' reporting requirements for these incidents can be found in one location. Our goal is for OCS lessees/operators to

be able to submit reports to both agencies through one electronic system for those incidents where the two agencies have mutual interest and responsibility. Since this is an MMS rule, we can require that incidents be reported to MMS, but cannot require that the incidents be reported to the USCG. The USCG's regulations impose that requirement. The USCG will need to take some action that will allow the appropriate segments of its regulated community to report incidents electronically according to the MMS regulation. We have discussed this with the USCG, and we will continue to work closely with the USCG as we review the comments to the proposed rule and finalize the MMS incident reporting regulation.

During the comment period for this rule, MMS will hold a workshop to discuss the rule and the development of an electronic reporting system. We will publish information on the workshop in the **Federal Register**. MMS and USCG encourage your comments on any aspect of this proposed rule and your participation in the workshop.

**Background**

On January 5, 1998, (63 FR 256), MMS and the USCG published proposed revisions to the MMS/USCG MOU in the **Federal Register**.

On February 13, 1998 (63 FR 7335), MMS published a proposed rule to revise MMS regulations for Postlease Operations Safety. The revisions were, among other things, intended to upgrade our incident investigation, data collection, and analysis functions. Some of the comments expressed concerns that were similar to those raised at an April 22, 1998, USCG-sponsored National Offshore Safety Advisory Committee (NOSAC) meeting. At that NOSAC meeting, industry expressed concerns about the duplicative and inconsistent incident reporting requirements of MMS and the USCG and the lack of specific reporting definitions and thresholds contained in the MMS February 1998 proposed rule. Because of these concerns, NOSAC formed an Incident Reporting Subcommittee to develop recommendations for a consistent approach to incident reporting between the two agencies. MMS, USCG, and industry representatives served on this subcommittee.

On May 29, 1998 (63 FR 29478), MMS published a final rule that redesignated sections of 30 CFR part 250 to provide additional section numbers for future revisions. This redesignation did not change any requirements. Former § 250.19, dealing with incident