

reporting, was redesignated as § 250.119.

At a November 5, 1998, NOSAC meeting, the Incident Reporting Subcommittee presented a framework and recommendations for MMS and the USCG to use in developing incident reporting regulations. Recommendations included:

- Delay the portion of the final rule for Postlease Operations Safety dealing with incident reporting regulations (to allow MMS and USCG time to address inconsistencies between the two agencies' requirements);
- Improve the cycle time to provide better feedback of incident data (incident analysis, faster safety alerts, trend analysis);
- Establish a USCG/MMS team to focus on the incident reporting process;
- Include stakeholders in the process;
- Use, wherever possible, common definitions for like terms;
- Strive for a process that requires single agency reporting;
- Explore the value of a single form with multiple data needs;
- Investigate alternate reporting methods and timing for reports; and
- Clarify and identify who is responsible for initiating the reports.

MMS and the USCG concurred with the NOSAC Subcommittee's recommendations, and in December 1998 met to begin developing mutually agreeable reporting requirements and an electronic reporting system. The two agencies developed a draft set of requirements and, in June 1999, invited industry representatives from the NOSAC Subcommittee to meet and discuss the draft requirements.

On December 16, 1998, MMS and the USCG signed a new MOU, which was published in the **Federal Register** on January 15, 1999 (64 FR 2660). The purpose of the MOU is to minimize duplication and promote consistent regulation of OCS facilities. In the **Federal Register** notice, we also described several actions that the two agencies would consider in implementing the MOU. Several were related to incident investigation, data collection, and analysis, and they included:

- Work on safety management, including accident investigations to promote safe practices;
- Continue to work on single point reporting;
- Communicate electronically;
- Improve the process of reporting and collecting incident data; and
- Share incident data to prevent accidents, particularly fatalities.

On December 28, 1999 (64 FR 72756), MMS published the final rule for

Postlease Operations Safety (30 CFR 250, subpart A). In the final rule, the section relating to incident reporting, 30 CFR 250.119, was renumbered as 30 CFR 250.191. We addressed a few of the comments on the proposed incident reporting requirements in that final rule. However, we did not make changes to incident reporting requirements (except for rewriting them in plain English) and deferred the issue to a separate rulemaking process, *i.e.*, this MMS proposed rule.

Discussion of Proposed Changes in This MMS Proposed Rule

1. Renumbering

We propose to renumber 30 CFR 250.190 as 250.186.

We propose to revise 30 CFR 250.191 into several sections as follows:

Section 250.187—What is the scope of the incident reporting requirements?

Section 250.188—What incidents must I immediately report to MMS, USCG, National Response Center (NRC), or the Responsible Party?

Section 250.189—What other incidents must I report to MMS?

Section 250.190—What reporting procedures must I follow?

Section 250.191—How does MMS conduct incident investigations?

2. Definitions (§ 250.105)

Twelve new definitions are proposed. Five definitions are proposed to clarify specific MMS incident reporting requirements. Seven are proposed to clarify both MMS and USCG requirements.

Definitions that clarify specific MMS reporting requirements:

- Collision—We developed this definition to clarify the types of collisions that should be reported. The USCG does not have a definition for collision.
- Gas release—Reporting these incidents is a new proposed requirement, so a definition was added.
- Loss of well control—Loss of well control incidents have the potential to result in very serious consequences from both a safety and environmental standpoint. Because of the potential consequences, MMS needs to investigate and understand the causes of all of these incidents so that appropriate measures to prevent them can be identified. Currently, MMS regulations require reporting of all “blowouts,” and the term “blowout” is undefined. Because of the seriousness of loss of well control incidents, we believe most of these incidents are already being reported under current MMS regulations. However, a small number of

lessees/operators may not be reporting all types of loss of well control incidents. In particular, some lessees/operators may not be reporting incidents where the well is put on a diverter and subsequently controlled. MMS proposes to replace the term “blowout” with “loss of well control” and has defined “loss of well control” as broadly as possible, including diverter incidents.

- Reportable releases of H₂S—§ 250.490(l) currently requires lessees/operators to notify MMS of these incidents. We are retaining that requirement and are providing a definition for “Reportable Releases of H₂S” that uses the same wording found in § 250.490(l).

- Fire—Industry comments on the MMS proposed rule for Postlease Operations Safety (February 13, 1998, 63 FR 7335) requested that MMS provide a definition for fires and identify what types of fires are to be reported. In response to these comments, we are proposing a definition of fire. We started with the definition from the American Petroleum Institute's (API) Recommended Practice 14G, Third Edition, December 1, 1993. It is likely the one used by most OCS lessees/operators. To this definition, MMS has specifically added incidents involving smoke with no visible flame. This addition is in response to industry questions about whether “smoke only” incidents must be reported.

Definitions needed to clarify both MMS and USCG requirements:

- Incident—We propose to replace the term “accident” with the term “incident” and have proposed a definition. Current MMS regulations refer to “accidents.” Many people think of an accident as an event that results in serious personal injury or involves significant damage to property, while the term “incident” connotes a broader range of events. This proposed rule, like the current rule, includes reporting of events that result in serious injury or damage to property and events that result in minor or no injuries and little or no property damage. Thus, we believe the term “incident” is more appropriate. We do not intend to require reporting of illnesses and injuries arising from causes other than operational incidents, such as communicable diseases, food poisoning, etc. The definition of “incident” is designed to exclude these types of events.

The current USCG regulations and the USCG proposed rule use the term “casualty” or “marine casualty” to refer to events that must be reported. The definition of incident in this MMS proposed rule includes these terms.