

• **Mobile Offshore Drilling Unit (MODU)**—Current MMS regulations do not include a definition for MODU. The definition proposed in this NPR is taken from the USCG NPR (33 CFR 140.25) with one change. We have eliminated the exclusion of MIDUs (Mobile Inland Drilling Units) that appears in the USCG NPR. The USCG proposed rule specifies the limited locations where MIDUs may operate on the OCS (33 CFR 145.505) and also proposes some requirements for MIDUs that are different than those for MODUs (33 CFR, part 145, Subpart F). Therefore, the USCG proposed rule includes separate definitions for MODUs and MIDUs. However, for the purpose of incident reporting, this distinction is not needed. Therefore, in this MMS NPR we have eliminated the exclusion of MIDUs from the USCG NPR definition of MODUs, so that the reporting requirements apply to both MODUs and MIDUs when they operate on the OCS.

• **OCS Activity**—A definition of “OCS activity” is added to help define other terms. This proposed definition is taken directly from the MMS/USCG MOU with a minor editorial change.

• **OCS Facility**—A definition of “OCS facility” is added to clarify reporting requirements for vessels in relation to these facilities. Current MMS regulations include three definitions for facility. However, their applications are limited to specific sections of the 30 CFR part 250 regulations. The USCG proposed rule definition of “facility” (33 CFR 140.25) does not include pipelines, which MMS needs to include in this rulemaking. In this MMS proposed rule, we added a definition for OCS facility that is taken from the MMS/USCG MOU, which does include pipelines. To this definition, we added a phrase that specifies when MODUs are considered to be an OCS facility. We are also correcting a typographical error in

the MMS/USCG MOU definition by replacing the word “and” with the word “or” to indicate that the purpose of an OCS facility is “exploring for, developing, producing, or transporting resources from the OCS.”

• **Property Damage**—Since some of the proposed incident reporting thresholds are based on the dollar amount of property damage, a definition is needed. At 33 CFR 143.110(a)(6), the USCG NPR incorporates a description of what “property damage” includes. We have used the USCG wording for our proposed definition with minor editorial changes and one additional change. We have replaced the term “facility” with the term “OCS facility.” The USCG NPR includes a definition for “facility,” which is not the same as our proposed definition of “OCS facility.” The definition of “OCS facility” is broader in scope than the USCG proposed rule definition of “facility,” particularly because it includes pipelines and MODUs. For incident reporting purposes, the use of the broader term, “OCS facility,” in relation to property damage is more appropriate and should satisfy the needs of both agencies.

• **Vessel**—We are proposing reporting of certain incidents involving vessels (boats, barges, etc.) and need to define the term “vessel.” The USCG NPR definition for vessel (33 CFR 140.25) does not specifically exclude atmospheric or pressurized vessels used for containing liquids and gases. We propose to use the definition from the MMS/USCG MOU, which does specifically exclude atmospheric and pressure vessels. We have made minor editorial changes to this definition.

• **Vessels engaged in OCS activities**—This definition is needed to help identify the scope of the proposed reporting requirements (§ 250.187). There is no definition for these vessels in current MMS or USCG regulations,

proposed USCG regulations, or the MMS/USCG MOU. The definition in this proposed rule is based on a vessel’s distance from an OCS facility.

3. Scope (§ 250.187)

We propose to expand the scope of the current regulations and provide additional guidance. Current regulations do not specify when incidents involving vessels are related to operations on a lease, easement, right-of-way, or other permit. As a result, it is unclear when these incidents must be reported to MMS. Numerous crew, supply, and other vessels transit the OCS daily. They visit OCS facilities to load/unload crew and supplies and to provide fuel and other services to those facilities. The USCG has jurisdiction over vessel operations on the OCS. However, to coordinate response and investigation responsibilities, both MMS and the USCG need to know about incidents where vessels may be involved with or pose a threat to an OCS facility. We have identified these situations as incidents involving “vessels engaged in OCS activities,” and have added a reporting requirement. A definition of “vessels engaged in OCS activities” is also proposed and is based on the distance of the vessel from an OCS facility.

As noted earlier in the preamble, we list the USCG’s reporting requirements in this MMS proposed rule so that reports for both agencies can be made through one electronic system. Since MMS cannot require that incidents be reported to the USCG, the USCG will need to take some action to allow its regulated community to report incidents according to MMS regulations. This issue is also addressed in the scope of this MMS proposed rule.

The following table compares the scope of current MMS regulations and this MMS proposed rule.

SCOPE OF MMS CURRENT AND PROPOSED REGULATIONS

MMS proposed rule	MMS current regulations
<p>§ 250.187(a) Incidents that:</p> <p>(1) Occur on the area covered by your lease, easement, right-of-way, or other permit; and</p> <p>(2) Are related to operations resulting from the exercise of your rights under your lease, easement, right-of-way, or permit. This includes incidents involving vessels engaged in OCS activities as defined in § 250.105.</p> <p>§ 250.187(b) You may be required to report incidents described in §§ 250.188 and 250.190 to the USCG under USCG rules. You may use the notifications and reports that you make to MMS under those sections to satisfy USCG incident reporting requirements if and to the extent allowed by USCG regulations.</p> <p>§ 250.187(c)</p>	<p>250.191(a) [Accidents] connected with any activities or operations on the lease.</p> <p>§ 250.191(b) If you hold an easement, right-of-way, or other permit, and your operation is related to the exercise of the easement, right-of-way, or other permit, you must comply with paragraph (a) for any accident occurring on the area covered by the easement, right-of-way, or other permit.</p> <p>Not addressed in current regulations.</p>