

## SCOPE OF MMS CURRENT AND PROPOSED REGULATIONS—Continued

MMS proposed rule	MMS current regulations
Nothing in this subpart relieves you from making notifications and reports of incidents that may be required by other regulatory agencies.	Not addressed in current regulations.

#### 4. Reporting Thresholds (§ 250.188 through § 250.189)

Three reporting categories are proposed based on the seriousness of the outcome of the incident. Those categories are “Immediate,” “12-Hour,” and “15-Day” and are named for the time when the first notification or report is due. Within each of these categories, reporting thresholds are proposed for various incident types (fires, explosions, injuries, gas releases, etc.).

We are proposing three reporting categories to ensure that MMS and the USCG receive timely notification of incidents so that we may respond appropriately. For incidents in the “Immediate” category, one or both agencies need to be notified right away because they may need to take one or more of the following actions: (1) Be involved in or monitor the ongoing response to the incident; (2) determine if the incident jeopardizes ongoing operational safety and take appropriate action; or (3) initiate an incident investigation. Although incidents in the “12-Hour” category are less serious in terms of outcome, MMS still needs to be notified to determine if any of the actions previously listed are needed. Incidents in the “15-Day” category are not likely to require immediate action from MMS. However, the agency still needs to know about them because they involve unsafe conditions or actions related to offshore operations that we may need to address.

The following discussion summarizes the thresholds we are proposing for each incident type. A table comparing these proposed thresholds with those in the current regulation is found at the end of this discussion.

For some incident types, the proposed overall reporting threshold is the same as in MMS current regulations. For other incident types, reporting thresholds have been modified through proposed definitions or more specific reporting thresholds. Other incident types included in this proposed rule are not specifically addressed in the current regulations. One incident type in the current regulation is not specifically addressed in this proposed rule.

*Incidents—No change to the current reporting thresholds.* Although the language may be different for the

following four incident types, the reporting thresholds remain the same.

- **Death**—Current regulations and the proposed rule both require reporting any death. In the proposed rule, all deaths other than deaths due to natural causes would have to be reported to MMS and would be reported in the “Immediate” category. Although current regulations do not specifically exclude deaths due to natural causes, they do indicate that reportable incidents are those that are connected with any activities or operations on the lease or operations that are related to the exercise of rights under an easement, right-of-way, or other permit. We therefore believe that the reporting threshold in this proposed rule is essentially the same as that in the current regulation.

- **Explosions**—Current regulations and the proposed rule require reporting all explosions. In the proposed rule, explosions are reported in either the “Immediate” or “12 Hour” category, depending on the amount of property damage resulting from the explosion.

- **H<sub>2</sub>S Releases**—The current regulations at § 250.490(l) and the proposed rule require reporting of H<sub>2</sub>S releases. The reporting threshold of both the current and proposed rule is also the same. In the proposed rule, all H<sub>2</sub>S releases are reported in the “Immediate” category.

- **Oil spills**—The reporting threshold in the current regulation and the proposed rule is the same. In the proposed rule, all oil spills are reported in the “Immediate” category.

*Incidents where current reporting thresholds are modified.* Overall reporting thresholds for the following three incident types have been modified.

- **Fires**—Current regulations require reporting of all fires, and the term fire is undefined. As noted earlier, MMS, in response to industry comments, is proposing a definition for fire based on the definition from API Recommended Practice 14G, Third Edition, December 1, 1993. Incidents involving smoke with no visible flame are also included to address questions we have received from the industry. The proposed rule requires reporting of all fires except those that are completely contained in the living quarters and result in \$25,000 or less in property damage. This

exception eliminates the need to report minor fires that pose little risk to safety. In this proposed rule, fires are reported in the “Immediate,” “12-Hour,” or “15-Day” categories, depending on the amount of property damage or number of injuries resulting from the fire.

- **Loss of well control**—Current regulations require reporting of all blowouts, and the term “blowout” is undefined. Because of the potential risks associated with these incidents, the term “loss of well control” is proposed as a substitute for “blowout,” and has been broadly defined to ensure all of these incidents are included. The proposed rule requires that all losses of well control be reported in the “Immediate” category.

- **Injuries**—Current MMS regulations require reporting of all serious injuries, without defining the term “serious.” In this MMS NPR, we have maintained the current MMS requirement to report all serious injuries. We have specified what constitutes a serious injury, using the same criteria that the USCG has included in its NPR. Although the USCG NPR does not include a requirement for reporting less serious injuries, MMS has determined that it is important for us to develop a better understanding of the causes of these incidents as precursors or “near misses” to the more serious injury incidents. To do this, we need to examine more than just the most serious incidents.

Examining the causes of less serious incidents will enable us to work with the industry to identify effective ways for preventing serious injury incidents. When MMS began to prepare this proposed rule, we decided to use the Occupational Safety and Health Administration (OSHA) terms “lost workdays” and “first aid” to define reporting thresholds because these were widely used by the petroleum and other industries and had been in place for many years. For calendar year 1997, many OCS operators submitted incident data for the voluntary MMS/USCG/ Industry performance measures program. Data from the resulting report (Outer Continental Shelf Performance Measures; Safety, Environmental and Regulatory Compliance Indicators from the U.S. Offshore Oil and Gas Industry, Report for 1996–1998), published in August 1999, indicated that there were 507 “lost workday” cases in 1997. In