

that same year, MMS received reports for 83 injuries, or only about 16 percent of the “lost workday” cases reported by the performance measures participants.

- “Lost workdays,” as defined by OSHA, encompassed relatively minor injuries and illnesses up through the most serious ones. To eliminate the more minor injuries and illnesses included under the OSHA definition of “lost workdays,” MMS considered establishing a reporting threshold based on a certain number of “lost workdays.” Discussions with offshore industry representatives indicated that the industry keeps basic information about lost workday cases, but that tracking the number of “lost workdays” for each case in order to determine which cases should be reported to MMS would be very burdensome. Therefore, we decided not to set the threshold at a certain number of “lost workdays.” Instead, we decided to propose that all “lost workday” cases as defined by OSHA be reported while minimizing the amount of information requested for these incidents.

On January 19, 2001, OSHA published a final rule for occupational injury and illness recording and reporting requirements (29 CFR 1904.7, 66 FR 5916) which became effective on January 1, 2002. In that rule, the term “lost workday” was eliminated. We have adopted the terms from OSHA’s final rule that replace “lost workdays.” Therefore, to define reporting thresholds for injuries, we are proposing the use of “days away from work” and “restricted work or job transfer” where we originally had decided to use “lost workdays.” Similarly, to define a threshold for fires involving injuries, we are proposing OSHA’s new term “medical treatment beyond first aid” instead of referring to “first aid” as defined in the previous version of OSHA’s regulations. We have adopted these terms as defined by OSHA, to be consistent with these already existing recording requirements and definitions rather than promulgating requirements with different criteria.

In this proposed rule, an injury threshold for each reporting category is proposed. The most serious injuries would be reported in the “Immediate” category, and the reporting threshold is defined by the nature of the injury.

In the “12-Hour” category, we propose the reporting of: (1) incidents resulting in injuries or illnesses to more than one person that involve “days away from work” or “restricted work or job transfer” and (2) all fires resulting in injuries or illnesses to more than one person that involve “medical treatment beyond first aid.” Incidents already

reported under the “Immediate” category are excluded.

In the “15-Day” category, we propose the reporting of all incidents resulting in injuries or illnesses to one person that involve “days away from work” or “restricted work or job transfer.” Incidents already reported in the “Immediate” or “12-Hour” category are excluded.

Incident types that are not addressed in the current regulations. The following eight incident types are not addressed in current MMS regulations. Six of these must be reported to MMS; the others must be reported to the USCG or NRC.

- Collision—Because these incidents have potentially serious consequences, MMS wants to ensure that they are reported. A specific requirement is included to report collisions and sets the reporting threshold at those incidents resulting in more than \$25,000 of property damage. All collisions are reported in either the “Immediate” or “12-Hour” category, depending on whether the amount of property damage is more or less than \$100,000.

- Incidents Involving Property Damage—Although incidents involving property damage alone do not result in serious outcomes in terms of personal injury, they do represent unsafe conditions that have the potential for more serious consequences, including personal injury. Receiving information about these incidents will help MMS identify safety concerns and work with industry on appropriate preventative measures. The dollar amount of property damage is proposed as a reporting threshold for specific incidents such as collisions, fires, and explosions, as well as a general threshold for other incidents. The proposed rule requires that incidents resulting in property damage greater than \$25,000 be reported. They are reported in either the “Immediate” or “12-Hour” category, depending on the amount of property damage.

- Gas Releases—Because of the potential hazard that a release of flammable gas poses to an offshore facility as a precursor to an explosion, MMS needs to determine how often and under what circumstances these incidents are occurring on the OCS. This information will enable us to work with the industry to determine if additional prevention measures are needed. The proposed rule defines gas releases as unintentional releases that without correction could raise gas concentrations to the lower flammable (explosive) limit. Gas releases do not include gas that is vented or flared. These events have their own reporting requirements. In this proposed rule, gas

releases are reported in the “15-day” category.

- Non-weather-related incidents where personnel muster for evacuation—Incidents where personnel prepare for evacuation represent situations that have the potential to become serious. MMS needs to determine how often and under what circumstances these incidents are occurring on the OCS. This information will enable us to identify additional safety concerns that may need to be addressed and to work with the industry on prevention measures. The proposed rule requires that these incidents be reported in the “15-day” category.

- Incidents that impair the operation of an OCS facility’s primary firefighting and lifesaving equipment—Firefighting and lifesaving equipment are critical to the protection of offshore operations, personnel, property, and the environment. If this equipment is impaired, MMS and the USCG need to know immediately to coordinate appropriate response. Therefore, we are proposing that these incidents be reported.

- Vessels engaged in OCS activities that are involved in incidents listed in the USCG regulations at 46 CFR 4.05–1(a)(1) through 4.05–1(a)(4)—These incidents involve things such as a vessel’s loss of main propulsion, etc., and are the responsibility of the USCG. If such incidents occur near an OCS facility, they have the potential to jeopardize the safety of operations, personnel, or property, on the facility or the surrounding environment. In these situations, both MMS and the USCG need to know about the incident to coordinate appropriate response and investigation actions. As noted earlier, MMS is proposing a definition for “vessels engaged in OCS activities.” This definition is based on the vessel being within 500 meters of an OCS facility. Because vessels within this distance have the potential to be involved with or affect the safety of both the vessel and the facility, these incidents would be immediately reported to both agencies.

- Vessels not engaged in OCS activities that are involved in accidents listed in the USCG regulations at 46 CFR 4.05—This NPR is intended to address both MMS and the USCG reporting requirements for incidents where we have mutual interest. However, this NPR also includes a statement that nothing in this subpart would relieve the obligation for any vessel not engaged in OCS activities to provide notices or reports to the USCG as required by 46 CFR 4.05. These incidents are beyond the scope of MMS interest and