

MMS proposed rule	MMS current regulations
<p>§ 250.190(a)(4)(iii) “12-Hour” Initial Reports must be submitted to MMS on Forms CG-2692 and MMS-142, Sections 1–2.</p> <p>§ 250.190(a)(4)(iv) “12-Hour” category Follow-up Reports must be submitted to MMS on Forms CG-2692 and MMS-142, Sections 1–3.</p> <p>§ 250.190(a)(4)(v) “15-Day” category 15-Day Reports must be submitted to MMS on Form MMS-143.</p>	
Written Report Timing	
<p>§ 250.188 (a) “Immediate” category Follow-up Reports within 5 days; Final Report within 60 days; Follow-up Report for spills of 1 barrel or more within 15 days after the spillage has been stopped.</p> <p>§ 250.190(b)(3) If Final Report is submitted within the timeframe for the Follow-up Report, no additional reporting is required.</p> <p>§§ 250.189(a)(1) 250.189(a)(4) “12-Hour” category Initial Report within 12 hours; Follow-up Report within 5 days.</p> <p>§§ 250.189(a)(5)—250.189(a)(8) “15-Day” category 15-Day Report within 15 days.</p>	<p>§ 254.46(b)(2) Only spills of a barrel or more require a written Follow-up report. The report is due within 15 days after the spillage has been stopped.</p>
Other Requirements	
<p>§ 250.190(a)(3) MMS District Supervisor may require additional information on a case-by-case basis if the District Supervisor concludes that the information is needed to determine the cause of the incident (for all reported incidents).</p> <p>§ 250.190(a)(1) Requires electronic submission of all written reports .....</p> <p>§ 250.190(b)(1) If reports are being submitted under § 250.188 to fulfill USCG requirements, a written report for each OCS facility and vessel involved in the incident is required.</p>	<p>§ 254.46(b)(2) For spills, the Regional Supervisor can require additional information if it is determined that an analysis of the response is necessary.</p> <p>Not addressed in current regulations.</p>

#### 6. Incident Investigations—Proposed § 250.191

The proposed revisions to this section include:

- Placement of the information about incident investigations in a separate section;
- Removing the reference to the USCG in relation to incident investigations;
- Removing the reference to the panel’s legal advisors; and
- Removing the reference to “no civil and criminal issues.”

The first three revisions were made in response to comments on the previous proposed rule on “Postlease Safety Operations,” published on February 13, 1998 (63 FR 7335). For additional information, please refer to the “Response to Comments Section.”

In the fourth revision, we propose to remove the existing version’s reference to “no civil and criminal issues” from this section. We believe that the presence of this language could be misconstrued by some as an exemption from MMS enforcement actions associated with incidents.

The sole purpose of MMS incident investigations is to find the facts relevant to the incident, draw conclusions from the facts with respect to the cause, and make recommendations to prevent incidents in the future. MMS strongly believes that the best way to accomplish this is to conduct our investigations in a non-adversarial manner. MMS incident

investigations are not a forum for either potential plaintiffs or potential defendants in any civil action (tort, etc.) that may arise from the incident. However, regulatory violations may come to light as a result of the investigation, and MMS reserves the right to pursue any such violation according to the Outer Continental Shelf Lands Act and the procedures in 30 CFR 250, Subpart N.

We do not anticipate that removal of this language in the regulation will make any significant difference in the way we conduct our incident investigations.

#### 7. Hydrogen Sulfide—Conforming Changes to § 250.490

Revisions to 30 CFR 250.490(l) are proposed so that this section conforms to the proposed reporting requirements. They include:

- Revision of the term “facility” to read “OCS facility”;
- Addition of a requirement to submit a written Follow-up Report; and
- Clarification that notifications and reports must be made according to §§ 250.187 through 250.188 and § 250.190.

#### 8. Oil Spills—Conforming Changes to § 254.46

Revisions to 30 CFR 254.46 are proposed so that this section conforms to the proposed reporting requirements. They include:

- Clarification that oil spill notifications must be made to the appropriate MMS “District” Supervisor rather than the MMS “Regional” Supervisor;
- Addition of a requirement to submit a written Final Report for spills of 200 barrels or more; and
- Clarification that notifications and reports must be made according to §§ 250.187 through 250.188 and § 250.190.

#### Request for Comments on Issues Related to the Proposed Rule

In addition to comments on the proposed rule, we specifically solicit comments on the following questions:

1. Should MMS require operators to submit information on the total number of hours worked by their employees and contractors offshore? If so, what recommendations do you have for MMS collecting the data, and how can we minimize the collection burden?

The Bureau of Labor Statistics uses a formula based on the total number of hours worked to normalize injury/illness data and calculate incident rates. MMS currently does not require “collection of hours worked” information for offshore workers and, therefore, cannot normalize the raw injury data we receive to produce comparable rates for the OCS. Through the voluntary joint Government/industry OCS Performance Measures Program, MMS does receive total hours worked for company employees and