

Previous proposed rule section	Comment	Rationale	MMS response
<b>American Petroleum Institute/Offshore Operators Committee</b>			
§ 250.20 .....	Except for requirements to report oil spills, delete all other reporting requirements and incorporate recommendations of the USCG NOSAC Incident Reporting Subcommittee established on April 22, 1998, consisting of MMS, USCG and industry personnel.	Definitions of accidents are inconsistent with those used in SEMP (NTL 98-6N) and those required by the USCG for similar incidents. These proposed regulations in many cases duplicate reporting requirements of the United States Coast Guard. At a meeting of NOSAC in Washington on April 22, 1998, a Subcommittee was established to review and recommend changes to improve the process of defining and reporting incidents to the MMS and the USCG. This effort was endorsed by Carolita Kallaur, Associate Director for Offshore Minerals Management. Recommendations will be completed by October 1998.  Significant administrative burden would be added to all operators if this proposed regulation was implemented. This would be the most expedient method to resolve this issue and avoid OMB and other intervention in adding this administrative burden to operators and contractors.	MMS and the USCG participated in the NOSAC Subcommittee. In response to the subcommittee's recommendations, the two agencies have worked to make the proposed reporting requirements as consistent as possible with those in the USCG's proposed rule for incidents that are of interest to both agencies. The electronic reporting would allow reports submitted at a single point to satisfy the requirements of both agencies.  Most of the information requested in the MMS form is not duplicative of the information requested in form CG-2692. We will continue to work with the USCG on developing a joint incident reporting form (§ 250.105 and § 250.187-190).
§ 250.20(a) .....	Industry has expressed concerns to the MMS that "fires" needs to be better defined since industry has confusion on what needs to be reported. We recommend that the MMS include a description or definition for what a fire is and what types of fires they expect to receive in the reports.	To avoid uncertainty, the rule should include the definition, especially when the MMS is planning to use fires as one of the criteria included with the disqualification procedures found in this proposed rule in Section 250.12. The preamble states that more guidance will be given in an NTL. We prefer that the language be included in a rule.	Definitions and thresholds are included so that operators/lessees can comment on what is proposed, including fires (§ 250.105 and § 250.187-190).
§ 250.20(a) .....	MMS should include language that allows the Operator to submit this information marked "Confidential" and the MMS to maintain it in such a way without divulging the details that may be involved in legal action.	MMS should respect the confidentiality and sensitivity of information marked "Confidential" as they do with other information they receive from operators.	We did not make the recommended change. MMS protects proprietary information submitted by lessees and operators to protect their competitive interests. Information that might be involved in legal action at some unknown time in the future can only be protected if it falls within one of the exceptions to the Freedom of Information Act and Privacy Act (§ 250.191).
§ 250.20(a)(1) .....	We recommend that this subsection qualify that the operation must be related to the exercise of the easement, right-of-way, or other permit.	It would be impossible for a pipeline right-of-way owner to be aware of any accidents which might happen to occur within the pipeline right-of-way corridor which did not directly influence or impact the exercise of the right-of-way itself.	We included recommended changes in § 250.191(b) of the final rule for Subpart A, Postlease Operations Safety (64 FR 72756, December 28, 1999). Similar language is included at § 250.187(a) in this proposed rule.
§ 250.20(a)(2) .....	We recommend that the final rule qualify the investigative authority so that it is not exercised by both the Department of Transportation's United States Coast Guard, and the Department of Interior's MMS.	The cited portions of the OCS Lands Act specify that either the Secretary of the U.S. Coast Guard may institute investigations, but not both. This limitation must be contained in the regulations in order for them to be lawful.	We included recommended changes in § 250.191(c) of the final rule for Subpart A, Postlease Operations Safety (64 FR 72756, December 28, 1999).