

between two or more exposed formations or it may be at or above the mudline. This includes uncontrolled flow resulting from failures of either surface or subsurface equipment or procedures.

(2) Flow of formation or other well fluids through a diverter.

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Mobile Offshore Drilling Unit (MODU) means a vessel, other than a public vessel of the United States, that is capable of engaging in drilling operations for exploration or exploitation of subsea resources.

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OCS activity means any activity on the OCS associated with exploration, development, production, transporting, or processing of OCS mineral resources, including but not limited to, oil and gas.

OCS facility means any artificial island, installation, pipeline, or other device permanently or temporarily attached to the seabed, erected for the purpose of exploring for, developing, producing, or transporting resources from the OCS. This term does not include ships or vessels for transporting produced hydrocarbons. A MODU is an OCS facility when it is located on the area covered by a lease, easement, right-of-way, or permit and is engaged in operations related to the exercise of

rights under that lease, easement, right-of-way, or permit.

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Property damage means the cost of labor and material to restore all affected items, including, but not limited to, OCS facilities, vessels, or helicopters, to their condition before the damage. Property damage does not include the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage of an OCS facility, vessel, or helicopter.

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Reportable releases of H₂S gas means a gas release that results in a 15-minute time-weighted average atmospheric concentration of H₂S of 20 ppm or more anywhere on the facility, as defined in 30 CFR 250.490(l).

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Vessel means any watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the water. The term "vessel" does not include atmospheric or pressure vessels used for containing liquids or gases.

Vessel engaged in OCS activities means any vessel that is located within 500 meters of an OCS facility and is engaged in any OCS activity.

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3. Section 250.190 is redesignated § 250.186.

4. New §§ 250.187 through 250.190 are added to read as set forth below:

§ 250.187 What is the scope of the incident reporting requirements?

(a) The reporting requirements in §§ 250.188 through 250.190 apply to incidents that:

(1) Occur on the area covered by your lease, easement, right-of-way, or other permit; and

(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.

(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.

(c) Nothing in this subpart relieves you from making notifications and reports of incidents that may be required by other regulatory agencies.

§ 250.188 What incidents must I immediately report to MMS, USCG, National Response Center (NRC), or the Responsible Party?

(a) After aiding the injured and stabilizing the situation, you must immediately make the following oral notifications and written reports for any of the incidents indicated in the following table.

If the following incident occurs:	You must make immediate oral notification to:	And provide the following written reports to:	
		Follow-up report (within 5 days unless otherwise specified) to:	Final report (within 60 days) to:
(1) All incidents resulting in death, except for deaths due to natural causes	MMS USCG	MMS USCG	MMS
(2) All incidents involving injuries that result in one or more of the following:	MMS USCG	MMS USCG	MMS
(i) Hospitalization of a person for more than 48 hours within 5 days of the incident;			
(ii) Fractured bone (other than in a finger, toe, or nose);			
(iii) Loss of limb;			
(iv) Severe hemorrhaging;			
(v) Severe damage to a muscle, nerve, or tendon;			
(vi) Damage to an internal organ; or			
(vii) Evacuation to shore of three or more people			
(3) All losses of well control	MMS	MMS	MMS
(4) All fires, explosions, or other incidents that result in property damage greater than \$100,000.	MMS USCG	MMS USCG	MMS
(5) All collisions resulting in property damage greater than \$100,000	MMS USCG	MMS USCG	No report.
(6) Any incident that impairs the operation of any OCS facility's primary:	MMS USCG	MMS USCG	No report.
(i) Lifesaving equipment; or			
(ii) Firefighting equipment.			
(7) All reportable releases of H ₂ S gas.	MMS	MMS	No report.
(8) All oil spills (per § 254.46(a)) which includes:	NRC	No report	No report.
(i) A spill from your facility;			
(ii) A spill from another offshore facility; or			
(iii) An offshore spill of unknown origin.			