



## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Parts 140 and 146

#### 46 CFR Parts 4 and 109

[Docket No. USCG-2013-1057]

RIN 1625-AB99

### Marine Casualty Reporting on the Outer Continental Shelf

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

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**SUMMARY:** This final rule revises marine casualty reporting criteria for Outer Continental Shelf (OCS) activities to focus on characteristics of the involved entity rather than location of the casualty. It also raises the property damage dollar threshold (PDT) for reporting marine casualties involving fixed OCS facilities from \$25,000 to \$75,000 and aligns other OCS units with that threshold, consistency with the PDT for vessels in U.S. waters. The rule reduces costs to U.S. industry by \$10,775 over 10 years and better harmonizes reporting requirements between U.S. and foreign floating offshore facilities, mobile offshore drilling units, and vessels engaged in OCS activities.

**DATES:** This final rule is effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2013-1057 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

**FOR FURTHER INFORMATION CONTACT:** For information about this document

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### **I. Abbreviations**

|       |                                                   |
|-------|---------------------------------------------------|
| BLS   | U.S. Bureau of Labor Statistics                   |
| BSEE  | Bureau of Safety and Environmental Enforcement    |
| CFR   | Code of Federal Regulations                       |
| COI   | Collection of information                         |
| DHS   | Department of Homeland Security                   |
| FOF   | Floating OCS facility                             |
| FR    | <b>Federal Register</b>                           |
| FRFA  | Final Regulatory Flexibility Analysis             |
| MISLE | Marine Information for Safety and Law Enforcement |
| MODU  | Mobile offshore drilling unit                     |
| NAICS | North American Industry Classification System     |
| NCOE  | National Center of Expertise                      |
| NOSAC | National Offshore Safety Advisory Committee       |
| NPDES | National Pollutant Discharge Elimination System   |
| NPRM  | Notice of proposed rulemaking                     |
| OCMI  | Officers in Charge, Marine Inspection             |
| OCS   | Outer Continental Shelf                           |
| OCSLA | Outer Continental Shelf Lands Act                 |
| OMB   | Office of Management and Budget                   |
| PDT   | Property damage dollar threshold                  |
| RA    | Regulatory analysis                               |

|           |                                                  |
|-----------|--------------------------------------------------|
| RCC       | Rescue Coordination Center                       |
| SNPRM     | Supplemental notice of proposed rulemaking       |
| Secretary | Secretary of the Department of Homeland Security |
| §         | Section                                          |
| U.S.C.    | United States Code                               |

## **II. Executive Summary**

There are currently two different marine casualty reporting regimes that apply to entities on the Outer Continental Shelf (OCS). One regime focuses on casualties involving U.S.-flagged vessels, and the other focuses on casualties involving foreign-flagged vessels and all entities fixed to the seabed. Placing various entities into one regime or the other has occurred over time; however, developments in technology have blurred the distinctions between the types of entities, and the law governing these entities has evolved. As a result, placing fixed or floating entities into one regime or the other reflects historical considerations instead of practical considerations.

The primary purpose of this final rule is to harmonize applicability provisions for the two marine casualty reporting regimes under 46 CFR part 4 and 33 CFR subchapter N. To achieve that alignment, we also had to consider some of the changes in technology used on the OCS since the regulations for marine casualty reporting in 33 CFR subchapter N were first published in 1982.

As a consequence of this realignment, we have grouped entities into two groups for reporting purposes. We categorize them roughly as fixed entities and floating entities. Floating entities include both U.S.- and foreign-flagged mobile offshore drilling units (MODUs), floating OCS facilities (FOFs), and vessels. Fixed entities include OCS facilities affixed to the OCS, such as U.S.- and foreign-flagged MODUs affixed to the seabed.

This final rule makes those floating entities not already subject to existing reporting requirements found in 46 CFR part 4, subject to part 4. Part 4 of title 46 of the CFR, Marine Casualties and Investigations, already generally applies to casualties

occurring on the U.S. navigable waters and to U.S.-flagged vessels involved in casualties wherever located.

Finally, to harmonize the reporting threshold for fixed OCS facilities with the threshold for vessels, we are raising the property damage casualty reporting threshold for fixed OCS facilities from \$25,000 to \$75,000.00. The legal basis of this rulemaking is 43 U.S.C. 1333(d)(1) and Department of Homeland Security (DHS) Delegation No. 00170.1, Revision No. 01.4, paragraph 90.

The economic impact of this final rule is a cost savings to U.S. industry of about \$10,775 over a 10-year period in 2023 dollars and discounted to 7 percent, or \$1,534 annualized. Because of this final rule's further application to foreign vessels, there is also a net cost of \$94,977 to foreign industry over a 10-year period, or \$13,523 annualized. These net costs include the cost of increased reporting and cost savings from raising the property damage threshold. The cost of increased reporting is estimated at \$107,218 for foreign industry over a 10-year period, or \$15,265 annualized, and \$26,107 to the U.S. Government over a 10-year period, or \$3,717 annualized. Cost savings from raising the property damage threshold are estimated at \$12,241 for foreign industry over a 10-year period, or \$1,743 annualized. The affected population that will now report casualties under 46 CFR part 4 includes 649 foreign-flagged entities, including MODUs, FOFs, and vessels; 1,385 fixed platforms will continue to report under 33 CFR part 146.

### **III. Basis, Purpose, and Regulatory History**

Through 43 U.S.C. 1333(d)(1), Congress authorizes the Secretary of the Department in which the Coast Guard is operating to promulgate and enforce reasonable regulations to promote the safety of life and property on artificial islands on the OCS, and on installations and other devices permanently or temporarily attached to the seabed of the OCS, as well as in waters adjacent to such artificial islands, installations, or devices. The Coast Guard operates under DHS except when it is operating as a service in the U.S.

Navy per 14 U.S.C. 103, and it is presently operating in DHS. The Secretary of the Department of Homeland Security (Secretary) delegated their authority under section 1333(d)(1) to the Commandant of the Coast Guard through DHS Delegation No. 00170.1, Revision No. 01.4, paragraph 90.

This rulemaking began with a notice of proposed rulemaking (NPRM) titled “Marine Casualty Reporting on the Outer Continental Shelf,” published on January 10, 2014 (79 FR 1780). In the NPRM, we explained our rationale for changing the criteria under which MODUs, FOFs, and vessels engaged in OCS activities report marine casualties, specifically to improve the Coast Guard’s ability to capture data on casualties that occur on the U.S. OCS.

Subsequently, we published a supplemental notice of proposed rulemaking (SNPRM) titled “Marine Casualty Reporting on the Outer Continental Shelf”<sup>1</sup> with a 90-day comment period on June 14, 2023 (88 FR 38765). The SNPRM, which completely replaced the 2014 NPRM, differed from the NPRM primarily in two ways. First, we decided not to pursue changing the casualty reporting requirement for fixed OCS facilities as we proposed in the NPRM. Second, we decided to propose increasing the property damage dollar reporting threshold to \$75,000, thereby aligning the threshold reporting requirements of title 33 of the CFR with those of title 46 of the CFR.

This final rule, which revises and finalizes the regulations detailed in the SNPRM, improves the regulatory scheme in two ways. First, this final rule enables the Coast Guard to collect more comprehensive data on casualties occurring on the OCS than the Coast Guard could previously. That, in turn, helps the Coast Guard better protect the safety of life and property on the OCS, and to account for changes in technology, which improves the Coast Guard’s maritime domain awareness. Second, this final rule reduces the regulatory burden on fixed OCS facilities by raising the monetary property damage

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<sup>1</sup> 88 FR 38765, June 14, 2023.

threshold for reporting a marine casualty from \$25,000 to \$75,000. Further details on the changes from the SNPRM to final rule are shown in table 2.

#### **IV. Background**

The Coast Guard's regulations in 33 CFR subchapter N<sup>2</sup> apply to OCS facilities, such as FOFs and fixed OCS facilities, as well as to vessels, such as MODUs<sup>3</sup> and to other units engaged in OCS activities. Among these regulations in subchapter N are regulations for reporting casualties on the OCS. These reside in 33 CFR part 146, Operations.

##### **Differences in Marine Casualty Reporting Regimes before the Final Rule**

The owner, operator, or person in charge of a U.S.- or foreign-flagged MODU, FOF, fixed OCS facility, or vessel must submit marine casualty reports according to the applicable regulations. Section 146.30 of title 33 of the CFR applies to U.S. and foreign OCS facilities, including MODUs affixed to the seabed. Sections 146.301 and 146.303 of title 33 of the CFR apply both to U.S. and foreign vessels, including MODUs that are engaged in OCS activities, but which are not affixed to the seabed. However, §§ 146.301 and 146.303 do not apply to those U.S. vessels, including MODUs,<sup>4</sup> which are already required to report marine casualties under 46 CFR subpart 4.05.

The criteria for reporting casualties are not identical between titles 33 and 46 of the CFR. The differences in these regulations stem from the fact that the original casualty reporting regulations in title 33 of the CFR published on February 9, 1956 (21 FR 900) applied only to stationary artificial islands and fixed structures. On March 4, 1982 (47 FR 9366), the Coast Guard extended the application of these regulations to floating facilities and vessels engaged in OCS activities to implement amendments to the

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<sup>2</sup> 33 CFR subchapter N consists of parts 140 through 147.

<sup>3</sup> Definitions of "OCS facility," "floating OCS facility," "fixed OCS facility," and "MODU" are provided in 33 CFR 140.10.

<sup>4</sup> On December 14, 1987 (52 FR 47526, 47536), the Coast Guard amended 46 CFR 109.411 to require the owner, operator, or person in charge of a U.S. MODU to report accidents in accordance with 46 CFR part 4.

Outer Continental Shelf Lands Act (OCSLA) (Pub. L. 95-372). However, the reporting criteria in 46 CFR part 4 do not align with the reporting criteria currently found in 33 CFR part 146. As table 1 shows, the result of evolving the casualty reporting requirements on the OCS is that U.S. MODUs are regulated by two different reporting regimes, and the casualty reporting requirements for foreign MODUs are less stringent than those for U.S. MODUs.

**Table 1: Coast Guard Marine Casualty Reporting Requirements.**

| <b>Topic</b>          | <b>33 CFR part 146</b>                                                                                                                                                                                                                              | <b>46 CFR part 4</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Statutory authority   | 43 U.S.C. 1333                                                                                                                                                                                                                                      | 43 U.S.C. 1333; 46 U.S.C. 2103, 2303a, 2306, 6101, 6301                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Applies to            | U.S. and foreign FOFs, fixed OCS facilities, and MODUs when in contact with the seabed, and vessels engaged in OCS activities.                                                                                                                      | U.S. vessels and MODUs in any waters.<br><br>Foreign vessels in U.S. waters.                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Reportable casualties | No similar requirement for vessel in distress<br><br>Death<br><br>Injuries to 5+ persons<br><br>Incapacitation > 72 hours<br><br>Property damage > \$25,000<br><br>Damage affecting the usefulness of primary lifesaving or firefighting equipment. | Vessel in distress or loss of communication with vessel.<br><br>Death<br><br>Injury<br><br>No similar incapacitation requirement<br><br>Property damage > \$75,000<br><br>Grounding<br><br>Allision<br><br>Loss of— <ul style="list-style-type: none"> <li>• Main propulsion</li> <li>• Primary steering</li> <li>• Associated systems or components affecting maneuverability.</li> </ul><br>Impairment of— <ul style="list-style-type: none"> <li>• Vessel operation</li> <li>• Vessel components</li> <li>• Cargo</li> </ul> |

|                      |                                                         |                                                                                                                                                                                                                                                                                                                                             |
|----------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      |                                                         | Material or adverse impact to vessel's— <ul style="list-style-type: none"> <li>• Seaworthiness</li> <li>• Fitness for service</li> <li>• Fitness for route</li> </ul> * Examples—fire, flooding, failure of or damage to fire extinguishing, lifesaving, auxiliary power, and bilge pumping systems.<br>Significant harm to the environment |
| When to report       | As soon as possible.                                    | Immediately after addressing resultant safety concerns.                                                                                                                                                                                                                                                                                     |
| Subsequent reports   | Within 10 days, describe possible contributing factors. | Within 5 days, written casualty report required.                                                                                                                                                                                                                                                                                            |
| Alcohol/drug testing | Required.                                               | Required.                                                                                                                                                                                                                                                                                                                                   |

Under 33 CFR 146.30, for facilities, and 33 CFR 146.303 for vessels, the owner, operator, or person in charge of an FOF, a fixed OCS facility, a MODU (when in contact with the seabed of the OCS for exploration or exploitation of subsea resources), or a vessel when engaged in OCS activities must report to the Coast Guard as soon as possible any casualties involving:

- Death;
- Injury to five or more persons in a single incident;
- Injury causing any person to be incapacitated for more than 72 hours;
- Damage affecting the usefulness of primary lifesaving or firefighting equipment; and
- Certain other property damage in excess of \$25,000.

The reporting party must follow up the initial report with a written report that contains a description of the factors that may have contributed to the casualty, including whether there is any evidence of alcohol or drug use by individuals directly involved in the casualty. The written report must be submitted on Coast Guard Form CG-2692 “Report of Marine Casualty, Commercial Diving Casualty, or OCS-Related Casualty” or

in a narrative that supplies the same information as in the form. The CG-2692 form or narrative can be supplemented, as necessary, by appended Forms CG-2692 A “Barge Addendum,” CG-2692B “Report of Mandatory Chemical Testing Following a Serious Marine Incident Involving Vessels in Commercial Service,” CG-2693C “Personnel Casualty Addendum,” or CG-2692D “Involved Persons and Witnesses Addendum.”<sup>5</sup>

U.S. vessels operating anywhere and foreign vessels operating within the navigable waters of the United States are subject to the marine casualty reporting requirements found in 46 CFR part 4. The regulations in 46 CFR part 4 also apply to U.S. MODUs operating on the OCS because 46 CFR 109.411 requires U.S. MODUs to report casualties in accordance with 46 CFR part 4. U.S. FOFs also report casualties under 46 CFR part 4. Part 4 of title 46 of the CFR does not apply to foreign MODUs, FOFs, or vessels operating on waters beyond the navigable waters of the United States, except for certain foreign tank vessels operating in the Exclusive Economic Zone. See 46 CFR 4.05-2(b).

Under 46 CFR part 4, a vessel’s owner, agent, master, operator, or person-in-charge must report any casualties to the Coast Guard, as required by 46 CFR 4.05-1. The initial marine casualty report required under 46 CFR 4.05-1 must be followed within 5 days by a written report on the CG-2692 form. See 46 CFR 4.05-10. Additionally, under 46 CFR 4.05-12, the Coast Guard requires the marine employer to determine whether there is any evidence of alcohol or drug use by individuals directly involved in the casualty. This information can be included on the CG-2692 form or, as necessary, on a CG-2692B form. Reports for closed investigations of reportable marine casualties investigated by the Coast Guard from 2002 to the current year are publicly available at

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<sup>5</sup> The CG-2692 form and other CG-2692 addendum forms are accessible at <https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Office-of-Investigations-Casualty-Analysis/2692-Reporting-Forms-NVIC-01-15/>; accessed 01/21/2026.

the USCG Maritime Information Exchange.<sup>6</sup>

### **Need for Aligning Marine Casualty Reporting Regimes**

A fatal incident in 2010 that resulted in the largest oil spill in U.S. history illustrates the discrepancies between the two reporting regimes. On April 20, 2010, the foreign MODU *Deepwater Horizon* was performing drilling operations on the Macondo Well. That evening, an explosion and fire took 11 lives, injured 16 others, and severely crippled and sank the MODU. The casualty resulted in a continuous flow of hydrocarbons into the Gulf of America for 87 days, causing significant environmental damage to the Gulf of America.<sup>7</sup>

During their casualty analysis, the members of the Marine Board of Investigation for the *Deepwater Horizon*<sup>8</sup> incident noted the inconsistencies between the marine casualty reporting criteria in 33 CFR part 146 and 46 CFR part 4. In their accident report, the board members emphasized the disparate casualty reporting and chemical testing requirements between U.S. MODUs and foreign MODUs operating beyond navigable waterways of the United States.

The investigative team noted that the *Deepwater Horizon* had experienced a flooding and total loss of power events in 2008, but because of the marine casualty reporting criteria in 33 CFR subchapter N, the flooding and loss of power events were not considered reportable marine casualties that would have been reported to the Coast Guard. The investigative team stated in their report the following:

Had *Deepwater Horizon* been required to report to the Coast Guard marine casualties described in 46 CFR 4.05-1, it would have had to report both 2008 incidents, which in turn likely would have led to the identification of the systemic failure of the vessel's work permit system. It also likely would have led to

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<sup>6</sup> <https://cgmix.uscg.mil/IIR/Default.aspx>. Users should select "Search IIR" in the top left corner; accessed 01/21/2026.

<sup>7</sup> Report of Investigation into the Circumstances Surrounding the Explosion, Fire, Sinking and Loss of Eleven Crew Members Aboard the MOBILE OFFSHORE DRILLING UNIT DEEPWATER HORIZON In the GULF OF MEXICO April 20 – 22, 2010, Vol. I, MISLE Activity Number 3721503, [dco.uscg.mil/Portals/9/OCSNCOE/Casualty-Information/DWH-Macondo/USCG-ROI-Deepwater-Horizon-Vol-I-Redacted.pdf?ver=2ezL6ldZjL6mCRGZE28pXQ%3d%3d](https://dco.uscg.mil/Portals/9/OCSNCOE/Casualty-Information/DWH-Macondo/USCG-ROI-Deepwater-Horizon-Vol-I-Redacted.pdf?ver=2ezL6ldZjL6mCRGZE28pXQ%3d%3d); accessed 01/21/2026.

<sup>8</sup> Ibid.

scrutiny of the vessel's SMS and a requirement that corrections be made. Reporting of marine casualties allows the Coast Guard to identify trends and safety issues across specific industries or types of vessels to be investigated, evaluated and addressed.<sup>9</sup>

As a result of this investigation, the Commandant directed the Coast Guard to amend subchapter N to align reporting requirements between U.S.- and foreign-flagged MODUs engaged in OCS activities. The risks are similar for other floating entities and vessels engaged in OCS activities.

U.S. MODUs, FOFs, and vessels engaged in OCS activities report casualties under 46 CFR part 4, while foreign MODUs, FOFs, and vessels engaged in OCS activities report casualties under 33 CFR part 146. The reporting criteria in 33 CFR part 146 includes fewer types of casualties than the reporting criteria in 46 CFR part 4. Thus, foreign MODUs, FOFs, and vessels engaged in OCS activity have a less comprehensive casualty-reporting regime than their U.S. counterparts. These differences are important in the offshore oil and gas exploration, development, and production industry because a lack of casualty data could hamper early detection of risks.

As the coastal State with jurisdiction, we note that the reporting criteria under 46 CFR part 4 has the same casualty reporting standards for foreign MODUs, floating facilities, and vessels that engage in OCS activities as their U.S. counterparts. Additionally, having a uniform reporting standard for both U.S. and foreign MODUs, FOFs, and vessels that engage in OCS activities equalizes the regulatory burden.

Further, the casualty reporting regulations in 33 CFR subchapter N and 46 CFR part 4 reflect neither technological developments nor present-day operations in the OCS industry since the Coast Guard updated marine casualty reporting requirements on the OCS in 1982. At that time, MODUs affixed to the seabed, such as jack-up units, conducted most of the oil and natural gas exploration on the OCS in waters to about 500

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<sup>9</sup> Ibid.

feet deep. Similarly, oil and gas companies erected fixed facilities to produce oil and natural gas because these types of facilities are feasible to the same 500-foot water depth.

Over the past 30 years, the use of floating MODUs and facilities has become commonplace, as exploration and production activities moved into increasingly deeper waters of the OCS. Today, MODUs and FOFs operate in waters deeper than 5,000 feet. They also operate much farther offshore, and, consequently, more distant from emergency assistance. These MODUs and floating facilities are more like ocean-going vessels than older MODUs or fixed OCS facilities grounded to the seabed.

Therefore, in this final rule, as noted in the SNPRM and NPRM, the Coast Guard changes the criteria that foreign MODUs, FOFs, and vessels engaged in OCS activities will use to report casualties. This action will improve collection and analysis of casualty information on the OCS to help the Coast Guard and industry develop policies and procedures that prevent future marine casualties.

### **Raising the Property Damage Threshold**

In this final rule, as noted in the SNRPM, the Coast Guard raises the dollar threshold for reporting property damage under 33 CFR part 146. The Coast Guard established the property damage threshold of \$25,000 in 33 CFR part 146 through a final rule that published on March 4, 1982 (47 FR 9366).

The \$25,000 threshold has not been changed in over 30 years and has not kept pace with inflation. Over time, this has resulted in reports of a greater number of casualties involving relatively minor property damage. In the regulatory analysis (RA), we address the reduction of regulatory burden from not having to report marine casualties with less than \$75,000 in property damage.

Until recently, a similar situation existed with reporting property damage under 46 CFR part 4. In that case, to account for inflation, the Coast Guard published a final rule titled “Marine Casualty Reporting Property Damage Thresholds” on March 19, 2018 (83

FR 11889) (hereafter the 2018 Final Rule). In that final rule, the Coast Guard raised the property damage reporting criteria in 46 CFR part 4 from \$25,000 per incident to \$75,000 based on the increase in the Consumer Price Index for all urban consumers between 1980 (82.408) and 2016 (240.007).<sup>10</sup>

The original \$25,000 threshold had not been selected arbitrarily. In the NPRM for the 2018 Final Rule, we quoted from a 1980 interim final rule to explain that “the Coast Guard’s selection of a monetary value as a reporting criterion is based upon the premise that increased repair costs are indicative of the increased seriousness of a marine casualty. . . . The monetary damage criterion has been chosen as the most effective method of ensuring that only the more serious casualties are reported.” (45 FR 77439, 77440). Accordingly (as we had explained in the NPRM to the 2018 Final Rule), “it has never been our intent to require owners or operators to notify us of casualties involving relatively minor property damage; consequently, we are amending the property damage monetary threshold amounts in order to eliminate the reporting of insignificant property damage incidents.” (82 FR 7755, 7756.)

The Coast Guard believes the property damage threshold in 33 CFR part 146 should be consistent with the threshold in 46 CFR part 4. Accordingly, this final rule results in a \$75,000 property damage dollar threshold (PDT) for OCS units, which has the practical effect of reducing confusion across regulatory frameworks. It amends 33 CFR part 146 to apply this PDT increase to fixed OCS facilities and 46 CFR part 4 to make MODUs, floating offshore facilities, and vessels operating on the OCS subject to reporting criteria already subject to that PDT.

## **V. Discussion of Comments and Changes from SNPRM**

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<sup>10</sup> 2016 was the most recent full year of data available at the time of the analysis for the final rule (83 FR 11889, March 19, 2018). See CPI Detailed Report, Data for December 2016, Table 24, <https://www.bls.gov/cpi/tables/historical-cpi-u-201710.pdf>; accessed 01/26/2026.

The Coast Guard received 11 comment submissions from the SNPRM comment period.<sup>11</sup> During the SNPRM's initial 90-day comment period, beginning on June 14, 2023, the Coast Guard received a comment requesting an extension of the comment period. The Coast Guard granted this request and, on September 12, 2023, published an extension of the comment period (88 FR 62491) for an additional 60 days until November 13, 2023. These written submissions can be viewed in the docket following the instructions in the **ADDRESSES** section of the preamble. The Coast Guard appreciates the comments from the public, as these insights continue to inform Coast Guard actions and programs. We summarize the comments by topic and discuss our responses in the following paragraphs.

### **General Comments**

The Coast Guard received one comment requesting a comment period extension and a public meeting. The initial SNPRM comment period was set for 90 days, which we extended for an additional 60 days upon request. Because the comment period was 150 days, we determined a public meeting was unnecessary as 5 months is sufficient time for comments.<sup>12</sup>

We received another comment recommending we use input from the U.S. Coast Guard OCS National Center of Expertise (NCOE) when drafting rulemakings related to operations on the OCS. In line with the commenter's suggestion, the Coast Guard received input from the OCS NCOE when drafting this regulation.

### **Property Damage Threshold**

One commenter recommended keeping a \$25,000 threshold for reporting property damage for continuity and consistency. Another commenter recommended increasing the reporting threshold from \$75,000 to \$250,000.

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<sup>11</sup> In the SNPRM, we responded to comments submitted during the NPRM comment period. See Section VII of the preamble to the SNPRM (Discussion of Comments on the 2014 NPRM), which begins at 88 FR 38770.

<sup>12</sup> 88 FR 62491, September 12, 2023.

The Coast Guard does not agree with keeping the threshold for reporting property damage at \$25,000 or with raising it to \$250,000. The purpose of updating the property damage threshold in 33 CFR part 146 is to harmonize the reporting criteria across reporting protocols and neither of those two recommendations would result in consistent reporting criteria.

As discussed in the 2018 Final Rule, the property damage threshold was initially set at \$25,000 in the 1980s and that original \$25,000 was selected as indicator that a marine casualty was serious enough to warrant an investigation. This 1980's property damage threshold has not kept pace with inflation, and over time, that has diminished its value as an indicator of the seriousness of a marine casualty and resulted in the reporting of casualties involving relatively minor property damage.

Raising the property damage threshold in 33 CFR part 146 to \$250,000 would increase the threshold well above the inflation amount. It would, moreover, not only fail to address the inconsistency in reporting criteria across different entities but actually exacerbate that inconsistency by setting the 33 CFR part 146 damage threshold well above that of a Serious Marine Incident under 46 CFR part 4. The threshold for a Serious Marine Incident was raised to \$200,000 from \$100,000 in the 2018 Final Rule to adjust that threshold for inflation and recalibrate that amount to reclaim its place as an indicator of serious marine incidents.

Updating the property damage to \$75,000 accounts for inflation, restores the dollar threshold to its role as an indicator of the seriousness of a marine casualty, and it results in consistent reporting criteria across all entities reporting marine casualties to the Coast Guard. The change to the threshold in 46 CFR part 4 also addressed a concern expressed by NOSAC in its comment on the 2014 NPRM, that the property damage threshold for casualty reporting should be increased from \$25,000 to account for

inflation. We are, therefore, updating the reporting thresholds for reporting property damage due to marine casualties to \$75,000.

### **Pollution**

We received two comments on reporting and investigating pollution spills. The first commenter stated that pollution spills must already be reported under the Clean Water Act<sup>13</sup> and that requiring them to be reported as marine casualties with a CG-2692 form is duplicative and adds no value. The second commenter expressed concerns that there will be a significant increase in the number of marine casualty notifications that require a CG-2692 form due to only pollution spills and will increase the number of investigations being conducted. Both commenters state that there are conflicting requirements related to spill reporting between the Coast Guard, BSEE, and EPA, and that permitted discharge points (under the National Pollutant Discharge Elimination System (NPDES)) would now be required to be reported as marine casualties.

The Coast Guard agrees that pollution spills are already required to be reported under the Clean Water Act. Those notifications are done through the National Response Center and are distributed to the Coast Guard, BSEE, and the EPA. They do not need to be reported to the Coast Guard separately as marine casualties because a report under existing regulations (33 CFR 153.203, 40 CFR 117.21, or 40 CFR part 302) for an occurrence exclusively involving significant harm to the environment satisfies the immediate notification requirement applicable to marine casualties.<sup>14</sup> This final rule does not change that. Therefore, there is not a duplicative reporting requirement, and we do not anticipate there being an increase in the number of marine casualty reports due solely to pollution spills. This final rule does not change the requirements for the NPDES

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<sup>13</sup> 33 U.S.C. 1321.

<sup>14</sup> 46 CFR 4.05-1(c).

permit program and permitted discharge points are not considered to be a marine casualty; therefore, they are not required to be reported under this rule.

### **Bureau of Safety and Environmental Enforcement (BSEE)**

One commenter expressed concerns regarding duplicative reporting to the Bureau of Safety and Environmental Enforcement (BSEE) and the Coast Guard and requested improvements to the incident reporting process. The same commenter expressed concerns about the transparency of interactions between the Coast Guard and BSEE related to incident investigations.

While there is overlapping jurisdiction on the OCS, the Coast Guard and BSEE have a Memorandum of Understanding and multiple Memorandums of Agreement that address the agencies' responsibilities. The overarching Memorandum of Understanding identifies the roles and responsibilities of the two agencies for the oversight of OCS activities. The Memorandums of Agreement serve to provide more detailed explanations of how the agencies work to enhance collaboration, reduce redundancy, ensure consistency among the two agencies; they provide clarity to the regulated community and the public on the roles, responsibilities, and interaction between the two agencies.<sup>15</sup> MOA OCS-05 is specific to incident investigations with BSEE. The Coast Guard and BSEE will continue working together to minimize duplicative work, as we explained in the SNPRM,<sup>16</sup> but changing the incident reporting process or the manner in which the Coast Guard and BSEE interact is beyond the scope of this rulemaking.

### **Definitions and Terminology**

We received multiple comments about definitions and terminology. One comment pointed out language used in **Section IX. Regulatory Analysis** of the SNPRM, which referenced Coast Guard organizational units that no longer exist.

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<sup>15</sup> The Memorandum of Understanding and the Memorandums of Agreement can be found at <https://www.bsee.gov/about-bsee/interagency>; accessed 01/21/2026.

<sup>16</sup> 88 FR 38771, June 14, 2023.

The regulations have since been changed and current regulations refer to the current names of these organizational units. This final rule does not change the nomenclature of Coast Guard offices or units which receive reports for marine casualties.

Another submission raised 15 issues on the terminology used in the SNPRM preamble as well as in the proposed regulatory text. We received five comments about terms and language used in **Section VIII** of the SNPRM, which detailed differences in proposed regulations between the NPRM and SNPRM. Many of these comments questioned if the Coast Guard proposed new acronyms and terms, such as floating entities, foreign FOF, and fixed platforms.

The Coast Guard did not propose any new acronyms or terms. The only definition we had proposed to change in the NPRM was the definition of an FOF. Upon review, we agreed with the SNPRM comment that the proposed change to the definition of “Floating OCS Facility” blurred the distinction between a facility and a vessel. Therefore, we are not amending the definition of “Floating OCS Facility,” and we will keep the existing definition of FOF. However, this final rule will still require FOFs to report marine casualties per 46 CFR part 4 as they face similar risks as vessels. Fixed OCS units will continue to use the reporting requirements found in 33 CFR parts 140 and 146.

As far as the language used in **Section VIII** of the SNPRM, referring to units as “flagged” was to provide more explanation and clarification. It was not associated with any additional regulatory definitions. For instance, we used “foreign FOF” as shorthand to identify that an FOF was not U.S.-flagged without introducing a new regulatory definition. It was not our intent to introduce new acronyms or terms.

One commenter requested that the Coast Guard create a clear distinction between FOFs that are flagged, self-propelled, seagoing vessels, and non-vessel FOFs such as spars, tension leg platforms, and semi-submersible floating production units that are

permanently moored, citing the CG-OES Policy Letter 01-22.<sup>17</sup> The cited CG-OES Policy Letter 01-22 was issued to aid the OCMI in determining which floating OCS units “are not vessels”; therefore, this commenter’s request is beyond the scope of this rulemaking.

Another commenter expressed confusion regarding the distinctions between vessels and non-vessels in our references to FOFs and fixed OCS facilities. This commenter also requested aligning the degree of specificity required in the casualty reporting criteria in 33 CFR part 146 and 46 CFR part 4. This commenter stated that when an OCS unit is considered a vessel, the casualty reporting regulations should be aligned as proposed in the SNPRM. When an OCS unit was not considered a vessel but more appropriately described as either a fixed OCS facility or an FOF, the commenter felt the OCS unit should follow only the reporting requirements in 33 CFR part 146.

The commenter stated that the risk profiles between FOFs and vessels are different, and that the application of vessel-based reporting requirements in 46 CFR part 4, as explained above, is not appropriate. Additionally, they stated that nearly all the vessel-based marine casualty criteria in 46 CFR part 4 are not applicable to FOFs, which are not vessels as determined by the Coast Guard Officers in Charge, Marine Inspection (OCMI). Another frequent request was to keep requirements for vessel FOFs in 46 CFR part 4 and requirements for non-vessel FOFs in 33 CFR part 146.

The Coast Guard agrees that there are distinctions between the different types of OCS units. However, the purpose of this final rule is to better align the reporting requirements for marine casualties found in 33 CFR subchapter N with those found in 46 CFR part 4. This final rule does not alter the reporting requirements found in 33 CFR

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<sup>17</sup> CG-OES Policy Letter 01-22, DETERMINATION OF WHETHER A FLOATING OUTER CONTINENTAL SHELF FACILITY (FOF) IS A VESSEL, <https://www.dco.uscg.mil/Portals/9/OCSNCOE/References/Policy-Letters/HQ/OES/CG-OES-PL-01-22.pdf?ver=7UOoM63qm50hvhXJ3WCojw%3d%3d>; accessed 01/21/2026.

part 146 for fixed OCS units as defined in 33 CFR part 140, except for raising the reporting threshold dollar amount to \$75,000.

FOFs are at risk of marine casualties similar to those that vessels are at risk of, such as flooding or loss of stability. These types of marine casualties are not currently accounted for in 33 CFR part 146. While some of the types of marine casualties identified in 46 CFR part 4 may not be applicable to FOFs, the only requirement is to report the marine casualty, if it occurs.

Lastly, we received one comment recommending we issue the National Offshore Safety Advisory Committee (NOSAC) a task statement for input on OCS terms and other definitions. We do not agree that it is necessary to issue NOSAC a task statement to review terms and definitions we proposed to change in the SNPRM because we are no longer amending terms or definitions in this final rule.

#### **OCSLA and Subchapter N Updates**

We received four comments about the 2021 National Defense Authorization Act's OCSLA amendment that added "including non-mineral energy resources" to 43 U.S.C. 1333(a)(1). These comments recommended revising 33 CFR subchapter N to include this change. Another commenter suggested that the stated objective of this final rule could not be achieved without including non-mineral vessel activities on the OCS in the same reporting regime. This commenter also recommended withdrawing the SNPRM until all of subchapter N is updated.

The Coast Guard appreciates all these comments; however, the OCSLA amendment and suggestions to update the entirety of subchapter N to include non-mineral vessel activities are separate topics that are beyond the scope of this rulemaking.

#### **Data Validity and Affected Population Concerns**

Four comments questioned the validity of affected population data and Marine Information for Safety and Law Enforcement (MISLE) labeling being inconsistent when

investigating OCS incidents. Another comment was about the integrity of MISLE data regarding industrial vessels.

To address concerns that the affected population undercounted vessels, the Coast Guard cross referenced the population of reporting vessels that appear in MISLE casualty records with both MISLE population data and the OCS NCOE-maintained directory of FOFs. This cross-reference increases the total population count to 649 foreign vessels and prevents any double counting in the overall population of vessels that are labeled as industrial vessels. We continue to use MISLE as the source for the count of casualties as this is the primary record of reports made to the Coast Guard and has no private equivalent, making it the most appropriate source for the counts of casualties reported and population of reporting vessels.

Another comment questioned the validity of the NOSAC report, given the date of the report. We agree with the commenter that the data in the NOSAC report reflected activity on the OCS at the time the NOSAC report was issued and that the data in the report may change. However, our analysis was intended to be based on a specific period of time and does not rely solely on the information found in the NOSAC report.<sup>18</sup> So, for the purpose of this rulemaking, we reviewed and updated the analysis at each stage of the process and determined the analysis reflects the period from 2015 to 2022 when the data was collected, as detailed in the RA.

### **Cost Burden**

One commenter expressed concerns about the accuracy of the cost burden associated with creating a drug-testing program similar to the Department of Transportation's program.

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<sup>18</sup> A copy of NOSAC's report is included in the rulemaking docket, <https://www.regulations.gov/document/USCG-2013-1057-0009>; accessed 01/21/2026.

This final rule makes no change to the existing requirements in 46 CFR parts 4 and 16 to report alcohol and drug testing as part of a marine casualty report.

## **VI. Discussion of the Rule**

This final rule aligns the marine casualty reporting requirements in 33 CFR part 146 with those found in 46 CFR part 4 to harmonize reporting requirements that apply to foreign and U.S. MODUs, FOFs, and vessels engaged in OCS activities. This final rule also raises the property damage threshold that triggers a casualty report from \$25,000 to \$75,000 for fixed OCS facilities. These actions will also improve the collection and analysis of casualty information on the U.S. OCS to help the Coast Guard and industry develop policies and procedures that prevent future marine casualties. We discussed the section-by-section changes in the SNPRM.<sup>19</sup> As noted above, we are not amending the definition of “Floating OCS Facility” in 33 CFR 140.10 as we had proposed to do. In other respects, however, the section-by-section discussion in the SNPRM applies to this final rule.

## **VII. Regulatory Analyses**

We developed this final rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on these statutes or Executive orders.

### *A. Regulatory Planning and Review*

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 14192 (Unleashing Prosperity

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<sup>19</sup> See section VI (Discussion of the Supplemental Proposed Rule); 88 FR 38769, June 14, 2023.

Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that “any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.”

Two additional Executive orders promote the goals of Executive Order 13563: Executive Order 13609 (Promoting International Regulatory Cooperation) and Executive Order 13610 (Identifying and Reducing Regulatory Burdens). Executive Order 13609 targets international regulatory cooperation to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. Executive Order 13610 aims to modernize the regulatory systems and reduce unjustified regulatory burdens and costs on the public.

The Office of Management and Budget (OMB) has not designated this final rule a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it.

This final rule is considered an Executive Order 14192 deregulatory action. We estimate that this rule generates \$0.0029 million dollars in annualized cost savings at a 7-percent discount rate, discounted relative to year 2024, over a perpetual time horizon.

An RA follows.

We summarize the differences between the SNPRM and final rule in table 2.

**Table 2: Summary of Changes from SNPRM to Final Rule.**

|                     | <b>SNPRM</b>                                           | <b>Final Rule</b>                                                                             |
|---------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Affected Population | Solely used MISLE as a source for vessel population.   | In addition to MISLE, we use the NCOE’s directory of FOFs to determine the vessel population. |
| Wages               | Wages from 2019 load factors from employer cost index. | Wages and load factors updated to 2023.                                                       |

In this final rule, as in the SNPRM, the Coast Guard amends regulations in which marine casualties, under 33 CFR subchapter N, are reported for foreign MODUs, FOFs,

and vessels operating on the OCS. The amendments will close the gap between casualty reporting requirements for U.S. and foreign MODUs, FOFs, and vessels engaged in an OCS activity under the 46 CFR part 4 reporting requirements, which brings foreign entities to the same standard as U.S. entities. In addition to the change from the NPRM and as proposed in the SNPRM, the Coast Guard updates the property damage threshold from \$25,000 to \$75,000 for reporting under 33 CFR part 146 to align with the threshold in 46 CFR part 4, which was raised in the 2018 Final Rule,<sup>20</sup> which, in turn, decreases the number of reports by U.S. industry and generates undiscounted cost savings of about \$15,340 for the next 10 years. We summarize the impacts of the changes of this final rule in table 3.

**Table 3: Summary of the Impacts of this Final Rule.**

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<sup>20</sup> “Marine Casualty Reporting Property Damage Thresholds” (83 FR 11889, March 19, 2018).

| Category                                                 | Summary                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicability                                            | <ul style="list-style-type: none"> <li>Requires marine casualties, involving foreign MODUs, FOFs, and vessels engaged in OCS activities, to be reported under 46 CFR part 4 as consistent with U.S. MODUs, FOFs, and vessels.</li> <li>Raises the monetary reportable marine casualty dollar threshold in 33 CFR part 146 from \$25,000 to \$75,000 to align with 46 CFR part 4.</li> </ul> |
| Affected Population                                      | <p>For marine casualties on MODUs, FOFs, and vessels currently required to be reported under 33 CFR part 146:</p> <ul style="list-style-type: none"> <li>649 foreign MODUs, FOFs, and vessels will shift reporting to 46 CFR part 4.</li> <li>1,385 fixed platforms will continue to report under 33 CFR part 146.</li> </ul>                                                               |
| Total Costs (2023 dollars, 7% Discount Rate)             | <p>Cost for U.S. Government:<br/>10-Year: \$26,107<br/>Annualized: \$3,717</p> <p>Cost for Foreign Industry:<br/>10-Year: \$107,218<br/>Annualized: \$15,265</p> <p>On average, we anticipate an increase of 75 marine casualty reports annually.</p>                                                                                                                                       |
| Cost Saving to Industry (2023 dollars, 7% Discount Rate) | <p>Savings for U.S. industry:<br/>10-Year: -\$10,775<br/>Annualized: -\$1,534</p> <p>Savings for Foreign Industry:<br/>10-Year: -\$12,241<br/>Annualized: -\$1,743</p> <p>Reduced reporting from raising the property damage threshold for a reportable marine casualty.</p>                                                                                                                |
| Net Cost (2023 dollars, 7% Discount Rate)                | <p>Net Cost for Foreign Industry:<br/>10-Year: \$94,977<br/>Annualized: \$13,523</p>                                                                                                                                                                                                                                                                                                        |
| Unquantified Benefits                                    | <p>Increases the Coast Guard's domain awareness through harmonization of marine casualty reporting requirements across CFR parts. Potential for risk mitigation if problems are identified before they develop into more serious accidents.</p>                                                                                                                                             |

The OMB has not designated this rule a “significant regulatory action,” under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it.

### *Affected Population*

As in the SNPRM,<sup>21</sup> the affected population comprises all foreign FOFs identified in the MISLE database as floating production systems and floating production storage offloading vessels, as well as various types of industrial vessels,<sup>22</sup> MODUs, and lift boats. For this final rule, we use the index of FOFs from the Coast Guard’s OCS NCOE.<sup>23</sup> We provide transparency in table 4, which shows details on the affected population and addresses concerns that the population of industrial vessels in the MISLE database undercounts the affected population. Since the 2020 SNPRM, MISLE now distinguishes FOFs, so we listed those separately from industrial vessels to show that we did not undercount the population. We excluded types that did not have an oceangoing route under the assumption that they would not operate on the OCS.

**Table 4: Affected Population.**

|                                            | <b>SNPRM<br/>(2020)</b> | <b>Final Rule<br/>(2024)</b> |
|--------------------------------------------|-------------------------|------------------------------|
| <b>Moved to Report under 46 CFR Part 4</b> |                         |                              |
| Industrial Vessels (Foreign)               | 310                     | 336                          |
| Oil Supply Vessels (Foreign)               | 0                       | 0                            |
| MODUs (Foreign)*                           | 257                     | 238                          |
| Lift Boats (Foreign)                       | 13                      | 16                           |
| FOFs (Foreign)                             | 8                       | 59                           |
| <b><i>Total Foreign Vessels</i></b>        | <b>588</b>              | <b>649</b>                   |
| <b>Updated Property Damage Threshold</b>   |                         |                              |
| Fixed Platforms (All U.S.)                 | 1,754                   | 1,385                        |

\*This number reflects active MODUs as reported by MISLE. It does not necessarily show how many are actively drilling or in contact with the seabed.

### *Baseline Reporting*

<sup>21</sup> “Marine Casualty Reporting on the Outer Continental Shelf” (88 FR 38765, June 14, 2023).

<sup>22</sup> The following vessel types are excluded: cable laying, dredger, dredger barge, factory ship, fishing support vessel, floating dry dock, orbital launch, offshore service vessel, pilot vessel, radio ship, and seabed mining vessel. Supply vessels not listed as offshore service vessels and operating on an ocean route are included.

<sup>23</sup> <https://www.dco.uscg.mil/OCSNCOE/FOF/Index/>; accessed 01/21/2026.

Table 5 describes the different events that prompt reporting of a marine casualty under 33 CFR part 146 and 46 CFR part 4. Title 46 CFR part 4 has more casualty reporting triggers than 33 CFR part 146. Therefore, an FOF, MODU, or vessel will report more casualties under 46 CFR part 4 than under 33 CFR part 146.

**Table 5: Current Coast Guard Marine Casualty Reporting Requirements.**

| 33 CFR Part 146                                                                                                                                            | 46 CFR Part 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Death<br>Injuries to 5+ persons<br>Incapacitation > 72 hours<br>Property damage > \$25,000<br>(fixed facilities only).<br><br>(33 CFR 146.30 and 146.303.) | Death<br>Injury<br><br>Property damage > \$75,000<br><br>Grounding<br><br>Allision<br><br>Vessel in distress or loss of communication with vessel<br>Loss of— <ul style="list-style-type: none"> <li>• Main propulsion</li> <li>• Primary steering</li> <li>• Associated systems or components affecting maneuverability</li> </ul> Impairment of— <ul style="list-style-type: none"> <li>• Vessel operation</li> <li>• Vessel components</li> <li>• Cargo</li> </ul> Material or adverse impact to vessels? — <ul style="list-style-type: none"> <li>• Seaworthiness.</li> <li>• Fitness for service.</li> <li>• Fitness for route.</li> <li>• Examples—fire, flooding, failure of or damage to fire extinguishing, lifesaving, auxiliary power, bilge pumping systems.</li> </ul> Significant harm to the environment (defined in 46 CFR 4.03-65).<br><br>(46 CFR 4.04-1, 4.04-2, and 4.05-1.) |

Transferring marine casualty reporting of MODUs, FOFs, and vessels to 46 CFR part 4 will require an increase in the types of reportable casualties, including injury to fewer than five persons, grounding, stranding, foundering, flooding, collision, allision, explosion, fire, loss of propulsion, loss of steering, and impaired operations. There are already some voluntary submissions of marine casualty reports, which are not required under 33 CFR part 146, for incidents on foreign MODUs, FOFs, and vessels involving the criteria we mentioned previously. Even with a count of active foreign MODUs, FOFs, and vessels each year, we are unable to determine the number of incidents that were non-reportable under 33 CFR part 146 but would have been reportable under 46 CFR part 4. Without aligned reporting, we are unable to compare how often one type of incident occurs on foreign MODUs, FOFs, and vessels compared to their U.S. counterparts, while accounting for differences in the total population sizes, how much of those populations actively report, and general risk levels between the two populations.

The reports for nonfatal types of incidents described as voluntary for foreign MODUs, FOFs, and vessels are mandatory for U.S. MODUs, FOFs, and vessels and will become mandatory for all flags with this final rule. We show the number of voluntary and mandatory marine casualty reports by flag type in table 6. From 2015 to 2022, MISLE recorded 258 total voluntary reports of casualties that met the reporting criteria under 46 CFR part 4 from a total of 163 uniquely identified foreign MODUs, FOFs, and vessels reporting under title 33 of the CFR. Table 6 shows the number of marine casualty reports from foreign MODUs, FOFs, and vessels that met the criteria for a reportable casualty under title 46 of the CFR but not under title 33 of the CFR, meaning those reports were submitted voluntarily. Table 7 shows the number of unique foreign MODUs, FOFs, and vessels that submitted voluntary reports in each year. These reports are unique only within each year; across the entire range from 2015 to 2022, there were

69 unique entities, meaning 94 foreign MODUs, FOFs, or vessels submitted reports in multiple years.

**Table 6: Casualty Reports by Type from Foreign MODUs, FOFs, and Vessels.**

|                                                        | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | Total | Annual Average |
|--------------------------------------------------------|------|------|------|------|------|------|------|------|-------|----------------|
| <b>Casualties Reportable under Title 46 of the CFR</b> |      |      |      |      |      |      |      |      |       |                |
| Injury < 5 & > 0                                       | 47   | 23   | 24   | 43   | 21   | 19   | 23   | 13   |       |                |
| Grounding                                              | 0    | 4    | 6    | 0    | 0    | 0    | 1    | 0    |       |                |
| Allision                                               | 0    | 2    | 3    | 1    | 0    | 0    | 0    | 0    |       |                |
| Stranding                                              | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |       |                |
| Loss of Propulsion                                     | 1    | 1    | 0    | 0    | 0    | 0    | 0    | 0    |       |                |
| Loss of Steering                                       | 0    | 0    | 3    | 0    | 0    | 1    | 0    | 0    |       |                |
| Impaired Operation                                     | 0    | 0    | 0    | 0    | 0    | 1    | 3    | 1    |       |                |
| Foundering                                             | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |       |                |
| Flooding                                               | 0    | 0    | 3    | 0    | 0    | 0    | 0    | 0    |       |                |
| Collision                                              | 1    | 0    | 0    | 0    | 0    | 1    | 2    | 1    |       |                |
| Explosion                                              | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |       |                |
| Fire                                                   | 5    | 1    | 1    | 1    | 0    | 0    | 1    | 0    |       |                |
| Total                                                  | 54   | 31   | 40   | 45   | 21   | 22   | 30   | 15   | 258   | 32.25          |
| <b>Casualties Reportable under Title 33 of the CFR</b> |      |      |      |      |      |      |      |      |       |                |
| Fatality                                               | 3    | 0    | 1    | 1    | 0    | 2    | 1    | 1    | 9     | 1.125          |

**Table 7: Number of Unique Reporting Foreign MODUs, FOFs, and Vessels.**

| 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | Total | Annual Average |
|------|------|------|------|------|------|------|------|-------|----------------|
| 32   | 19   | 20   | 23   | 20   | 15   | 21   | 13   | 163   | 20.375         |

Similarly, from 2015 to 2022, MISLE recorded 1,333 total reports from 830 identified U.S. MODUs, FOFs, and vessels that matched the reporting criteria for voluntary reports from foreign MODUs, FOFs, and vessels, although those types of reports are mandatory for U.S. MODUs, FOFs, and vessels. Table 8 shows the number of marine casualty reports from U.S. MODUs, FOFs, and vessels that met the criteria for a reportable casualty under title 46 of the CFR but not under title 33 of the CFR. Table 9 shows the number of unique U.S. MODUs, FOFs, and vessels that submitted reports in each year. These are unique only within each year, across the entire range from 2015 to

2022, there were 574 unique entities, meaning 256 U.S. MODUs, FOFs, or vessels submitted reports in multiple years.

**Table 8: Casualty Reports by Type from U.S. MODUs, FOFs, and Vessels.**

|                                             | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | Grand Total | Annual Average |
|---------------------------------------------|------|------|------|------|------|------|------|------|-------------|----------------|
| <b>Reportable under Title 46 of the CFR</b> |      |      |      |      |      |      |      |      |             |                |
| Injury < 5 & > 0                            | 118  | 94   | 116  | 115  | 99   | 126  | 132  | 124  |             |                |
| Grounding                                   | 8    | 20   | 16   | 6    | 10   | 4    | 3    | 4    |             |                |
| Allision                                    | 23   | 15   | 16   | 12   | 13   | 15   | 8    | 22   |             |                |
| Stranding                                   | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |             |                |
| Loss of Propulsion                          | 4    | 3    | 12   | 5    | 3    | 0    | 0    | 0    |             |                |
| Loss of Steering                            | 1    | 1    | 0    | 0    | 0    | 1    | 1    | 3    |             |                |
| Impaired Operation                          | 0    | 0    | 0    | 0    | 0    | 14   | 27   | 15   |             |                |
| Foundering                                  | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |             |                |
| Flooding                                    | 14   | 12   | 10   | 6    | 10   | 1    | 0    | 1    |             |                |
| Collision                                   | 8    | 5    | 9    | 3    | 3    | 6    | 10   | 2    |             |                |
| Explosion                                   | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    |             |                |
| Fire                                        | 5    | 3    | 1    | 2    | 2    | 4    | 2    | 5    |             |                |
| Total                                       | 181  | 153  | 180  | 149  | 140  | 171  | 183  | 176  | 1,333       | 166.625        |
| <b>Reportable under Title 33 of the CFR</b> |      |      |      |      |      |      |      |      |             |                |
| Fatality                                    | 3    | 1    | 1    | 2    | 0    | 4    | 3    | 0    | 14          | 1.75           |

**Table 9: Number of Unique Reporting U.S. MODUs, FOFs, and Vessels.**

| 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | Total | Annual Average |
|------|------|------|------|------|------|------|------|-------|----------------|
| 107  | 95   | 114  | 102  | 80   | 115  | 109  | 108  | 830   | 103.750        |

For marine casualty reports involving fatalities, which are mandatory for everyone, an average of 1.125 fatality reports from 2015 to 2022 were submitted for foreign MODUs, FOFs, and vessels, compared to an average of 1.750 fatality reports submitted for U.S. MODUs, FOFs, and vessels. The 8-year average of fatality reports per reporting foreign MODUs, FOFs, and vessels is 0.055, which we calculated by dividing the annual average of casualties reportable under title 33 of the CFR shown in table 7 by the annual average shown in table 6 ( $1.125 \div 20.375$ ). The 8-year average of

fatality reports per reporting U.S. MODU, FOF, and vessel is 0.017, which we calculated by dividing the annual average of casualties reportable under title 33 of the CFR shown in table 8 by the annual average shown in table 9 ( $1.75 \div 103.75$ ).

Table 10 shows the 5-year average number of marine casualty reports per unique MODU, FOF, and vessel. We rounded the averages to two decimal places for presentation, but we did not round the averages in the calculations for the estimates in this analysis.

**Table 10: 5-Year Average Casualty Reports per Unique MODU, FOF, and Vessel, from 2014 to 2019.**

|                                                             | <b>Foreign</b> | <b>U.S.</b> |
|-------------------------------------------------------------|----------------|-------------|
| Average number of FOF, MODU, and vessels reporting annually | 20.375         | 103.750     |
| Average number of nonfatality reports                       | 32.250         | 166.625     |
| Average number of fatality reports                          | 1.125          | 1.750       |

\* Ratios are sensitive to rounding and were not rounded in the calculations for the analysis.

Currently, fatal marine casualty reports are mandatory for both populations while, in this sample, non-fatality marine casualty reports are voluntary for foreign MODUs, FOFs, and vessels.

#### *Costs from Increased Reporting*

Under this final rule, the Coast Guard will require that owners and operators of foreign MODUs, FOFs, and vessels engaged in an OCS activity report marine casualties using the CG-2692 form under the reporting requirements of 46 CFR part 4, instead of the requirements under 33 CFR part 146. All U.S. entities already comply with these requirements. To estimate the potential increase in non-fatality marine casualty reports generated by foreign MODUs, FOFs, and vessels, the Coast Guard estimates how many marine casualty reports will be generated if the ratio of nonfatality marine casualty reports for the foreign population matched the ratio of nonfatality marine casualty reports of the U.S. population. The Coast Guard estimates this by taking the ratio of U.S. nonfatality reports to fatality reports, and foreign nonfatality reports to fatality reports

and solving for foreign nonfatality reports as shown in equation (A). The Coast Guard believes that this is the best approximation available, given uncertainty about differences in the total population sizes, differences in the percentage of the active populations that report marine casualty reports, and differences in general risk levels of operations between the two populations.

$$(A) \frac{U.S. \text{ nonfatality reports}}{U.S. \text{ fatality reports}} = \frac{\text{Foreign nonfatality reports}}{\text{Foreign fatality reports}}$$

Using the figures for average annual reports from table 10, we then apply the formula shown in equation (A), assuming that the total value of foreign nonfatality reports is unknown and that the 32.25 nonfatality reports from foreign MODUs, FOFs, and vessels are voluntary but not equal to the total number of reports that will be realized under this final rule. The result is 107.1161 foreign nonfatality reports, the total number of nonfatality reports that would have been reported, if the proportion of foreign fatality reports was the same as U.S. fatality reports. We show the calculation of these 107.12, rounded, foreign nonfatality reports in the equations (B), (C), and (D).

$$(B) \frac{166.625}{1.750} = \frac{x}{1.125}$$

$$(C) 166.625 \times 1.125 = 1.750 \times x \rightarrow 187.4531 = 1.750x$$

$$(D) \frac{187.4531}{1.750} = x \rightarrow x = 107.1161$$

In equation (B), we assume that the U.S. nonfatality reports equal 166.625 as shown in Table 10, the average number of U.S. fatality reports equal 1.750, and the average number of foreign fatality reports equal 1.125. In equation (C), we begin solving the proportion for x by multiplying 166.625 by 1.125 and multiplying 1.750 by x, which results in  $187.4531 = 1.750x$ . Finally, in equation (D), we divide 187.4531 by 1.750, which equals 107.1161, the total number of estimated foreign nonfatality reports.

Then, from this estimated number of foreign nonfatality reports we subtract the number of voluntary reports already received from the foreign population to get the

marginal increase in marine casualty reports. This is the total of 107.1161 foreign nonfatality reports minus the 32.250 voluntary foreign nonfatality reports, for an increase of 74.8661 reports. Therefore, the Coast Guard assumes that by making the requirements for reporting nonfatal casualties by foreign MODUs, FOFs, and vessels the same as for U.S. MODUs, FOFs, and vessels, foreign MODUs, FOFs, and vessels will report an average of 75 more nonfatality reports per year, rounding 74.8661 up to the nearest whole number.

Table 11 summarizes the annual cost of additional marine casualty reports submitted for foreign MODUs, FOFs, and vessels. The time burden and wage cost of generating marine casualty reports comes from the collection of information (COI) “OMB Control No. 1625-0001, Report of Marine Casualty and Chemical Testing of Commercial Vessel Personnel.” It lists the burden hour per response for a marine casualty report as 1 hour, with a corresponding loaded hourly wage of \$58.08, which is equivalent to the 2023 GS-3 Outside Government Wage of \$34.24 with a load factor of 1.70.<sup>24, 25</sup> Instead of using the COI rate for this final rule, we use the 2023 U.S. Bureau of Labor Statistics (BLS) wage for captains, mates, and pilots of water vessels, which is a loaded hourly wage of \$69.60.<sup>26</sup> In the 2018 Final Rule updating the property damage threshold for 46 CFR part 4, the Coast Guard acknowledged industry comments that some particularly complex reports require additional review before submission to the

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<sup>24</sup> See the Burden Calculation Worksheet at

[www.reginfo.gov/public/do/PRAViewDocument?ref\\_nbr=201903-1625-001](http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201903-1625-001); accessed 01/21/2026.

<sup>25</sup> Casualty reports are reviewed at Coast Guard Headquarters and the 2020 Washington, DC locality wage of \$34.24 for a GS-9, Step 5, employee is used ([www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/DCB\\_h.pdf](http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/DCB_h.pdf); accessed 01/21/2026). The load factor is 1.70 (rounded) estimated by dividing \$67.00 average total compensation per hour by \$39.50 average hourly wage from tables 4 and 2, respectively, of the 2017 Congressional Budget Office report, “Comparing the Compensation of Federal and Private-Sector Employees 2011–2015” ([www.cbo.gov/system/files/115th-congress-2017-2018/reports/52637-federalprivatepay.pdf](http://www.cbo.gov/system/files/115th-congress-2017-2018/reports/52637-federalprivatepay.pdf); accessed 01/21/2026). The loaded wage is the mean wage multiplied by the load factor. The loaded wage, \$58.08, equals \$34.24 multiplied by 1.6962.

<sup>26</sup> The 2023 mean wage for captains, mates, and pilots of water vessels is \$47.03

([www.bls.gov/oes/2023/may/oes535021.htm](http://www.bls.gov/oes/2023/may/oes535021.htm); accessed 01/21/2026). The load factor is equal to the ratio of total compensation (CMU2010000520000D) over wages and salaries (CMU2020000520000D) from 2023 or \$37.92 divided by \$25.61, or 1.48. The loaded wage is the mean wage multiplied by the load factor. The loaded wage, \$69.60, equals \$47.03 multiplied by 1.48. Series are from the Bureau of Labor Statistics, Employer Cost for Employee Compensation for Private Industry Workers, Transportation and Material Moving.

Coast Guard. Thus, the Coast Guard uses the same adjustment for marine casualty reports under title 33 of the CFR and assumes that 10 percent of marine casualty reports have an additional burden-hour response of 10 hours, to account for internal company review conducted by lawyers or upper management. This assumption does not increase the number of marine casualty reports but increases the burden time for each marine casualty report; the total increase in reports is 75 and 8 of those reports will take 11 hours to prepare instead of 1 hour. For this final rule, we use the BLS wage for lawyers, which is a loaded hourly wage of \$125.56.<sup>27</sup>

**Table 11: Annual Cost of Additional Casualty Reports from Foreign MODUs, FOFs, and Vessels.**

|                                           | <b>Annual Responses (A)</b> | <b>Burden Hours per Response (B)</b> | <b>Annual Hour Burden (C)=(A)×(B)</b> | <b>Wage Rate (D)</b> | <b>Annual Cost Burden (E)=(C)×(D)</b> |
|-------------------------------------------|-----------------------------|--------------------------------------|---------------------------------------|----------------------|---------------------------------------|
| Marine Casualty Report                    | 75                          | 1                                    | 75                                    | \$69.60              | \$5,220                               |
| Additional Burden for 10% of Respondents* | 8                           | 10                                   | 80                                    | \$125.56             | \$10,045                              |
| <b>Total Annual Cost</b>                  |                             |                                      |                                       |                      | <b>\$15,265</b>                       |

\* Note that these increased review times do not constitute separate marine casualty reports. Rather, they increase the total burden time of a single report. We have only 74 new reports, 8 of which will require 11 total hours to prepare.

Table 12 shows the annual costs across a 10-year period of analysis. This annual cost of \$15,265 generates a total cost of \$107,218 over a 10-year period in 2024 dollars discounted at 7 percent.

**Table 12: Cost to Foreign Industry Over a 10-Year Period.**

| <b>Year</b> | <b>Annual Undiscounted Cost</b> | <b>Total, Discounted</b> |           |
|-------------|---------------------------------|--------------------------|-----------|
|             |                                 | <b>3%</b>                | <b>7%</b> |
| 1           | \$15,265                        | \$14,821                 | \$14,267  |
| 2           | \$15,265                        | \$14,389                 | \$13,333  |
| 3           | \$15,265                        | \$13,970                 | \$12,461  |

<sup>27</sup> The 2023 mean wage for lawyers is \$84.84 ([www.bls.gov/oes/2023/may/oes231011.htm](http://www.bls.gov/oes/2023/may/oes231011.htm); accessed 01/21/2026). The load factor is equal to the ratio of total compensation (CMU2010000520000D) over wages and salaries (CMU2020000520000D) from 2023 or \$37.92 divided by \$25.61, or 1.48. The loaded wage is the mean wage multiplied by the load factor. The loaded wage, \$125.56, equals \$84.84 multiplied by 1.48. Series are from the Bureau of Labor Statistics, Employer Cost for Employee Compensation for Private Industry Workers, Transportation and Material Moving.

|                   |           |           |           |
|-------------------|-----------|-----------|-----------|
| 4                 | \$15,265  | \$13,563  | \$11,646  |
| 5                 | \$15,265  | \$13,168  | \$10,884  |
| 6                 | \$15,265  | \$12,785  | \$10,172  |
| 7                 | \$15,265  | \$12,412  | \$9,507   |
| 8                 | \$15,265  | \$12,051  | \$8,885   |
| 9                 | \$15,265  | \$11,700  | \$8,303   |
| 10                | \$15,265  | \$11,359  | \$7,760   |
| <b>Total</b>      | \$152,654 | \$130,217 | \$107,218 |
| <b>Annualized</b> | \$15,265  |           | \$15,265  |

### *Cost Savings from Property Damage Threshold Update*

As a supplement to the reporting change for foreign MODUs, FOFs, and vessels in this final rule, the Coast Guard will also update the property damage threshold for reporting a marine casualty under 33 CFR 146.30 from \$25,000 to \$75,000 to align it with the threshold listed in 46 CFR 4.05-1. The threshold in 46 CFR part 4 was previously updated to \$75,000 in the 2018 Final Rule.<sup>28</sup> Raising the threshold for reportable property damage will decrease the number of marine casualties reported, since more damage will have to be incurred to meet the reportable threshold. The decrease in reports from the threshold update will mitigate the increase in reports generated by the cost section of this rulemaking. In the following analysis, we apply the updated damage threshold of \$75,000 to reports submitted for fixed OCS facilities under 33 CFR part 146 as well as to the estimated increase of 75 marine casualty reports, which used the \$25,000 threshold when reported. Fixed OCS facilities were not included in the analysis of the 2018 Final Rule. So, the reduction in reports from fixed OCS reporting facilities was never estimated.<sup>29</sup>

To estimate the decrease in reports, the Coast Guard identified marine casualty reports submitted in the last 8 years that were generated because of property damage alone and would no longer meet the updated higher damage threshold for reporting. These are marine casualty reports with property damage between the threshold of

<sup>28</sup> “Marine Casualty Reporting Property Damage Thresholds” (83 FR 11889, March 19, 2018).

<sup>29</sup> Ibid. See page 11891 of under “E. Amending the Dollar Amount Thresholds for Outer Continental Shelf Casualty Reporting in Title 33 of the CFR.”

\$25,000 and the threshold of \$75,000. We did not include fatality or injury incidents, as these types of incidents are reportable regardless of property damage.

The Coast Guard identified 41 total reports submitted for MODUs, FOFs, and vessels currently reporting under 33 CFR part 146, generated because of property damage between \$25,000 and \$75,000, and between \$100,000 and \$200,000 for serious marine incidents, for an 8-year average of 7 reports annually. We then apply the same assumption that 10 percent of marine casualty reports have an additional burden hour response of 10 hours to account for additional review time. We use the same assumed burden hour and wage used above for marine casualty reports, with a corresponding loaded wage rate of \$69.60. Table 13 shows how these assumptions generate a total annual cost savings of about \$1,743 that can be applied to the increased costs described in the **Costs from Increased Reporting** section to reduce net costs.

**Table 13: Decreased Reporting Costs for MODUs, FOFs, and Vessels Moving to Title 46 of the CFR.**

|                                          | <b>Estimated Responses That Will No Longer Meet Reporting Threshold (A)</b> | <b>Burden Hours per Response (B)</b> | <b>Annual Hour Burden (C)=(A) × (B)</b> | <b>Wage Rate (D)</b> | <b>Annual Cost Saved (E)=(C) × (D)</b> |
|------------------------------------------|-----------------------------------------------------------------------------|--------------------------------------|-----------------------------------------|----------------------|----------------------------------------|
| Decrease from Property Damage Threshold  | (7)                                                                         | 1                                    | (7)                                     | \$69.60              | -\$487                                 |
| Additional Burden for 10% of Respondents | (1)                                                                         | 10                                   | (10)                                    | \$125.56             | -\$1,256                               |
| <b>Total Cost Saved</b>                  |                                                                             |                                      |                                         |                      | <b>-\$1,743</b>                        |

Table 14 shows how this annual savings of -\$1,743 generates -\$12,241 in cost savings over 10 years in 2023 dollars, discounted at 7 percent.

**Table 14: Cost Savings to MODUs, FOFs, and Vessels over a 10-year period.**

| Year              | Annual Undiscounted Cost | Total, Discounted |                  |
|-------------------|--------------------------|-------------------|------------------|
|                   |                          | 3%                | 7%               |
| 1                 | -\$1,743                 | -\$1,692          | -\$1,629         |
| 2                 | -\$1,743                 | -\$1,643          | -\$1,522         |
| 3                 | -\$1,743                 | -\$1,595          | -\$1,423         |
| 4                 | -\$1,743                 | -\$1,549          | -\$1,330         |
| 5                 | -\$1,743                 | -\$1,503          | -\$1,243         |
| 6                 | -\$1,743                 | -\$1,460          | -\$1,161         |
| 7                 | -\$1,743                 | -\$1,417          | -\$1,085         |
| 8                 | -\$1,743                 | -\$1,376          | -\$1,014         |
| 9                 | -\$1,743                 | -\$1,336          | -\$948           |
| 10                | -\$1,743                 | -\$1,297          | -\$886           |
| <b>Total</b>      | <b>-\$17,429</b>         | <b>-\$14,867</b>  | <b>-\$12,241</b> |
| <b>Annualized</b> |                          | <b>-\$1,743</b>   | <b>-\$1,743</b>  |

For fixed OCS facilities, we identified three reports generated because of property damage between \$25,000 and \$75,000, and between \$100,000 and \$200,000 for serious marine incidents, and applied the same assumption that 10 percent of marine casualty reports have an additional burden hour response of 10 hours to account for additional review time. Since we assume any fraction of a report will be a whole report, we round the 8-year average of 0.4 up to one report. Table 15 shows how we use the same burden hour and wage assumptions as above to generate cost savings of \$1,534 annualized, which reduces the net cost of this final rule.

**Table 15: Decreased Reporting Costs for Fixed OCS Facilities to U.S. Industry.**

|                                          | <b>Estimated Responses that will no longer meet reporting threshold</b> | <b>Rounding Up to Nearest Whole Number (A)</b> | <b>Burden Hours per Response (B)</b> | <b>Annual Hour Burden (C)=(A) × (B)</b> | <b>Wage Rate (D)</b> | <b>Annual Cost Saved (E)=(C) × (D)</b> |
|------------------------------------------|-------------------------------------------------------------------------|------------------------------------------------|--------------------------------------|-----------------------------------------|----------------------|----------------------------------------|
| Decrease from Property Damage Threshold  | -4                                                                      | -4                                             | 1                                    | -4                                      | \$69.60              | -\$278                                 |
| Additional Burden for 10% of Respondents | -0.4                                                                    | -1                                             | 10                                   | -10                                     | \$125.56             | -\$1,256                               |
| <b>Total Cost Saved</b>                  |                                                                         |                                                |                                      |                                         |                      | -\$1,534                               |

Table 16 shows how this annualized cost-savings of \$1,534 generates \$10,775 in cost savings over a 10-year period.

**Table 16: Cost Savings to Fixed OCS Facilities Over a 10-Year Period to U.S. Industry.**

| Year              | Annual Undiscounted Cost | Total, Discounted |           |
|-------------------|--------------------------|-------------------|-----------|
|                   |                          | 3%                | 7%        |
| 1                 | -\$1,534                 | -\$1,489          | -\$1,434  |
| 2                 | -\$1,534                 | -\$1,446          | -\$1,340  |
| 3                 | -\$1,534                 | -\$1,404          | -\$1,252  |
| 4                 | -\$1,534                 | -\$1,363          | -\$1,170  |
| 5                 | -\$1,534                 | -\$1,323          | -\$1,094  |
| 6                 | -\$1,534                 | -\$1,285          | -\$1,022  |
| 7                 | -\$1,534                 | -\$1,247          | -\$955    |
| 8                 | -\$1,534                 | -\$1,211          | -\$893    |
| 9                 | -\$1,534                 | -\$1,176          | -\$834    |
| 10                | -\$1,534                 | -\$1,141          | -\$780    |
| <b>Total</b>      | -\$15,340                | -\$13,086         | -\$10,775 |
| <b>Annualized</b> |                          | -\$1,534          | -\$1,534  |

Together, these cost savings to industry total  $-\$3,277 = (\$1,743 + \$1,534)$  annually.

Table 17 shows how these annual savings generate \$23,016 in cost savings in 2023 dollars to industry over 10 years discounted at 7 percent, or \$3,277 annualized. We estimate this final rule generates \$0.0029 million dollars in annualized cost savings at a 7-percent discount rate, discounted relative to year 2024, over a perpetual time horizon.

**Table 17: Total Cost Savings to Foreign and U.S. Industries.**

| Year              | Annual Undiscounted Savings | Total, Discounted |           |
|-------------------|-----------------------------|-------------------|-----------|
|                   |                             | 3%                | 7%        |
| 1                 | -\$3,277                    | -\$3,181          | -\$3,063  |
| 2                 | -\$3,277                    | -\$3,089          | -\$2,862  |
| 3                 | -\$3,277                    | -\$2,999          | -\$2,675  |
| 4                 | -\$3,277                    | -\$2,911          | -\$2,500  |
| 5                 | -\$3,277                    | -\$2,827          | -\$2,336  |
| 6                 | -\$3,277                    | -\$2,744          | -\$2,184  |
| 7                 | -\$3,277                    | -\$2,664          | -\$2,041  |
| 8                 | -\$3,277                    | -\$2,587          | -\$1,907  |
| 9                 | -\$3,277                    | -\$2,511          | -\$1,782  |
| 10                | -\$3,277                    | -\$2,438          | -\$1,666  |
| <b>Total</b>      | -\$32,769                   | -\$27,953         | -\$23,016 |
| <b>Annualized</b> |                             | -\$3,277          | -\$3,277  |

### *Cost to the U.S. Government*

The increase of 75 marine casualty reports will be mitigated by a total decrease of 11 reports: 7 fewer reports from the increased property damage threshold for MODUs, FOFs, and vessels, and 4 fewer reports from the update to fixed OCS facilities for a net increase of 64 reports (75–11). Following the methodology in appendix B of COI number 1625-0001, we do not assume that the 10 percent of reports that take longer to prepare for submission will take longer for the Coast Guard to review. The burden-hour established in the COI already accounts for variance in the time to review marine casualty reports of different complexity and severity.

We assume there is 1 hour of processing time at a GS-9 wage of \$58.08 for each marine casualty report.<sup>30</sup> For the 64 additional responses, there is a total annual cost of \$3,717, as shown in table 18.

**Table 18: Cost to the U.S. Government.**

| Cost Category                      | Reponses | Burden Hours per Response | Annual Hours | Wage Rate | Annual Cost    |
|------------------------------------|----------|---------------------------|--------------|-----------|----------------|
| Processing Marine Casualty Reports | 64       | 1                         | 64           | \$58.08   | \$3,717        |
| <b>Total Annual Cost</b>           |          |                           |              |           | <b>\$3,717</b> |

Table 19 shows how the annualized cost of \$3,717 generates a total cost of \$26,107 over a 10-year period.

**Table 19: Total Cost to the U.S. Government over A 10-Year Period.**

| Year | Annual Undiscounted Cost | Total, Discounted |    |
|------|--------------------------|-------------------|----|
|      |                          | 3%                | 7% |

<sup>30</sup> Casualty reports are reviewed at Coast Guard Headquarters and the 2020 Washington, DC locality wage of \$34.24 for a GS-9, Step 5, employee is used ([www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/DCB\\_h.pdf](http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/DCB_h.pdf); accessed 01/21/2026). The load factor is 1.70 (rounded) estimated by dividing \$67.00 average total compensation per hour by \$39.50 average hourly wage from tables 4 and 2, respectively, of the 2017 Congressional Budget Office report, “Comparing the Compensation of Federal and Private-Sector Employees 2011-2015” ([www.cbo.gov/system/files/115th-congress-2017-2018/reports/52637-federalprivatepay.pdf](http://www.cbo.gov/system/files/115th-congress-2017-2018/reports/52637-federalprivatepay.pdf); accessed 01/21/2026). The loaded wage is the mean wage multiplied by the load factor. The loaded wage, \$58.08, equals \$34.24 multiplied by 1.6962.

|                   |          |                 |                 |
|-------------------|----------|-----------------|-----------------|
| 1                 | \$3,717  | \$3,609         | \$3,474         |
| 2                 | \$3,717  | \$3,504         | \$3,247         |
| 3                 | \$3,717  | \$3,402         | \$3,034         |
| 4                 | \$3,717  | \$3,302         | \$2,836         |
| 5                 | \$3,717  | \$3,206         | \$2,650         |
| 6                 | \$3,717  | \$3,113         | \$2,477         |
| 7                 | \$3,717  | \$3,022         | \$2,315         |
| 8                 | \$3,717  | \$2,934         | \$2,163         |
| 9                 | \$3,717  | \$2,849         | \$2,022         |
| 10                | \$3,717  | \$2,766         | \$1,890         |
| <b>Total</b>      | \$37,170 | <b>\$31,707</b> | <b>\$26,107</b> |
| <b>Annualized</b> |          | <b>\$3,717</b>  | <b>\$3,717</b>  |

### *Net Cost*

The net cost of this final rule is  $\$15,705 = [(\$15,265 + \$3,717) - \$3,277]$ . Table 20 shows the sum of the net costs over 10 years for a total net cost of \$110,309, or \$15,705 annualized.

**Table 20: Total Net Costs to Foreign and U.S. Industry and U.S. Government.**

| Year              | Cost to Industry | Cost to U.S. Government | Cost Savings to Industry | Net Cost  | Total, Discounted |           |
|-------------------|------------------|-------------------------|--------------------------|-----------|-------------------|-----------|
|                   |                  |                         |                          |           | 3%                | 7%        |
| 1                 | \$15,265         | \$3,717                 | \$(3,277)                | \$15,705  | \$15,248          | \$14,678  |
| 2                 | \$15,265         | \$3,717                 | \$(3,277)                | \$15,705  | \$14,804          | \$13,718  |
| 3                 | \$15,265         | \$3,717                 | \$(3,277)                | \$15,705  | \$14,373          | \$12,820  |
| 4                 | \$15,265         | \$3,717                 | \$(3,277)                | \$15,705  | \$13,954          | \$11,982  |
| 5                 | \$15,265         | \$3,717                 | \$(3,277)                | \$15,705  | \$13,548          | \$11,198  |
| 6                 | \$15,265         | \$3,717                 | \$(3,277)                | \$15,705  | \$13,153          | \$10,465  |
| 7                 | \$15,265         | \$3,717                 | \$(3,277)                | \$15,705  | \$12,770          | \$9,781   |
| 8                 | \$15,265         | \$3,717                 | \$(3,277)                | \$15,705  | \$12,398          | \$9,141   |
| 9                 | \$15,265         | \$3,717                 | \$(3,277)                | \$15,705  | \$12,037          | \$8,543   |
| 10                | \$15,265         | \$3,717                 | \$(3,277)                | \$15,705  | \$11,686          | \$7,984   |
| <b>Total</b>      |                  |                         |                          | \$157,055 | \$133,971         | \$110,309 |
| <b>Annualized</b> |                  |                         |                          |           | \$15,705          | \$15,705  |

*Benefits*

Through this final rule, the Coast Guard updates casualty reporting regulations under 33 CFR part 146, issued in 1955, to keep up with technology and recognize that MODUs and FOFs are more like oceangoing vessels than the fixed OCS facilities the regulations were originally written to address. We harmonize reporting requirements for all foreign MODUs, FOFs, and vessels to the same reporting standards as their U.S. counterparts. By requiring foreign entities to report maritime incidents under a more stringent regime and aligning their costs with their U.S. counterparts, these changes will enhance consistency on the OCS; improve awareness in the maritime domain through more complete casualty data; and facilitate better contingency planning, risk evaluation, and trend identification.

Coast Guard District, Area, Headquarters, District, and local offices, and the OCS NCOE analyze and share accident information. In addition, volume V of the Coast Guard “Marine Safety Manual”<sup>31</sup> contains guidance about broad distribution of accident and inspection information when potentially hazardous or systemic problems are found

<sup>31</sup> [www.uscg.mil/guidance](http://www.uscg.mil/guidance); accessed 01/21/2026.

with a vessel, operator, or type of equipment. This data helps the Coast Guard identify and address safety issues proactively while improving the accuracy of the Coast Guard's decision making and policy development. Therefore, we believe a qualitative benefit of this final rule will come from the Coast Guard receiving reports of casualties that we would not otherwise receive.

## *Alternatives Considered*

### *(1) No Action.*

Keeping current reporting requirements would perpetuate reporting requirement inconsistencies between foreign- and U.S. MODUs, FOFs, and vessels engaged in an OCS activity. The resulting information gap prevents the Coast Guard from maintaining domain awareness on the OCS. Under the status quo, near misses on foreign MODUs, FOFs, and vessels would continue to not be reported to the Coast Guard, unlike they are on U.S. MODUs, FOFs, and vessels.

Although there is no increased reporting cost with this alternative, it perpetuates information gaps in the maritime domain. Therefore, the Coast Guard did not choose this alternative.

### *(2) Lower Reporting Requirements for U.S. MODUs, FOFs, and Vessels to Harmonize Reporting Requirements under 33 CFR Part 146.*

Rather than alter foreign reporting to harmonize with reporting in 46 CFR part 4, the Coast Guard could alter all U.S. reporting in 46 CFR part 4 to harmonize with 33 CFR part 146. This will reduce the types of triggers that generate a reportable marine casualty and likely decrease the number of reports submitted to the Coast Guard. While reduced reporting would be a cost saving to industry, it could also reduce the Coast Guard's maritime domain awareness and increase risk to maritime safety and the marine environment. This risk is exemplified in the April 2011 U.S. Coast Guard *Report of Investigation into the Circumstances Surrounding the Explosion, Fire, Sinking and Loss of Eleven Crew Members Aboard the Mobile Offshore Drilling Unit Deepwater Horizon in the Gulf of Mexico, April 20-22, 2010* (Volume I), which is available in the docket for this final rule. The *Deepwater Horizon* report notes on page 106 that "[t]he Coast Guard casualty reporting regulations for foreign-flagged MODU's engaging in U.S. OCS activities are insufficient."

For instance, under this alternative, the Coast Guard would not receive reports from vessels about casualties such as the flooding and total loss of power events the *Deepwater Horizon* MODU experienced in 2008, allision, collision, grounding, or significant harm to the environment. These types of casualties are often associated with injury, fatality, and property damage and losing awareness of these incidents would likely decrease safety on the OCS. This alternative would also undermine the Coast Guard's ability to provide effective oversight of rapidly developing technology and to help manage risks to personnel, property, and the environment as the energy development industry moves further offshore. In this environment, FOFs are typical and, as explained in **Section V. Discussion of Comments and Changes from the SNPRM** of this preamble, the current regulations in 33 CFR part 146 were originally developed and applied to fixed OCS facilities operating closer to land. Therefore, the Coast Guard did not choose this alternative.

*(3) Alter Reporting Requirements on Foreign MODUs, FOFs, and Vessels to Harmonize with Reporting Requirements under 46 CFR Part 4 (Chosen Action).*

The impact of altering the reporting requirements on foreign MODUs, FOFs, and vessels engaged in an OCS activity to harmonize with 46 CFR part 4 is demonstrated in the previous analysis. The Coast Guard chose this alternative over no action or reducing reporting because it increases domain awareness at no additional cost to U.S. industry while not losing situational awareness on particular casualty types as with alternative two.

*B. Small Entities*

Under the Regulatory Flexibility Act 5 U.S.C. 601-612, we have considered whether this final rule will have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit

organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The analyses done in both the 2014 NPRM and the SNPRM showed that the estimated impacts of this rulemaking will not have a significant economic impact on a substantial number of small entities. In this final rule, we show that this continues to be true with the final estimated costs. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Operations on the OCS encompass many different North American Industry Classification System (NAICS) codes. In a random sample of 80 foreign entities taken from a population of 99 operators for this regulatory analysis, 15 different NAICS codes applied.<sup>32</sup> Therefore, the standard for a small business in this sample has a wide range, with revenue thresholds ranging from \$16.5 million to \$1,250 million, and employee thresholds ranging from 100 to 1,000 employees.

**Table 21: Applicable NAICS Codes of Operators.**

| <b>NAICS Code</b> | <b>Description</b>                                                  | <b>Number of Operators Classified</b> | <b>Size Standard</b> |
|-------------------|---------------------------------------------------------------------|---------------------------------------|----------------------|
| 114111            | Finfish Fishing                                                     | 1                                     | 1,000 Employees      |
| 212111            | Oil & Gas Exploration and Services                                  | 1                                     | 1,000 Employees      |
| 213111            | Drilling Oil and Gas Wells                                          | 11                                    | 1,000 Employees      |
| 213112            | Support Activities for Oil and Gas Operations                       | 4                                     | \$41,500,000         |
| 236115            | New Single-Family Housing Construction (Excludes For-Sale Builders) | 1                                     | \$39,500,000         |
| 237110            | Water and Sewer Line and Related Structures Construction            | 8                                     | \$39,500,000         |
| 238910            | Site Preparation Contractors                                        | 1                                     | \$16,500,000         |
| 333132            | Oil and Gas Field Machinery and Equipment Manufacturing             | 2                                     | \$1,250,000,000      |

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<sup>32</sup> Not all operators had an available NAICS code; those that did not were assumed to be small entities.

|        |                                                        |   |               |
|--------|--------------------------------------------------------|---|---------------|
| 423990 | Other Miscellaneous Durable Goods Merchant Wholesalers | 1 | 100 Employees |
| 424460 | Fish & Seafood Merchant Wholesalers                    | 1 | 100 Employees |
| 441222 | Boat Dealers                                           | 2 | \$35,000,000  |
| 524298 | All Other Insurance Related Activities                 | 4 | \$16,500,000  |
| 541330 | Engineering Services                                   | 2 | \$16,500,000  |
| 999990 | Unclassified                                           | 1 | N/A           |

In this sample of 80 foreign entities, 63 had a known revenue or employee count. Of these 63 foreign entities, 24 had annual revenues less than the threshold for a small business of that NAICS code. Five entities had fewer employees than the threshold for a small business of that NAICS code. In total, 29 entities of the 80 (36 percent) were small businesses.

The primary cost of this final rule will be the additional marine casualty reports submitted by foreign businesses operating foreign MODUs, FOFs, and vessels on the OCS. The Coast Guard estimates the total annual cost will be \$20,354 from an increase of 75 reports. While this cost will be distributed across the entire industry, we do not know the exact distribution, since the number of marine casualty reports per operator depends on that operator's specific behavior, which can change over time. In the last 10 years, the average number of reports per owner was 1.03 (compared to the 5-year average of 1.64 from table 4). Assuming that trend continues, no single operator will generate more than two additional reports (rounding up) under this final rule.

For this small entity analysis, we show the possible impact of two reports per operator at \$407. This assumes the total average cost per report is \$203.54 (\$20,354 divided by 75 reports) to account for variance in the complexity of a report. To have a significant impact on an individual company under SBA standards, the cost will need to represent more than 1 percent of an individual company's total revenue. In the sample of

companies with known revenue, none had an impact over 1 percent. The highest impact is 0.51 percent.

**Table 22: Entities Where Cost Represents More Than 1 Percent of Total Revenues.**

|                                        | <b>With Revenue impact greater than 1%</b> | <b>Total</b> |
|----------------------------------------|--------------------------------------------|--------------|
| Number of Operators                    | 0                                          | 80           |
| % of small entities with known revenue | 0%                                         | 24           |
| % of entities with known revenue       | 0%                                         | 62           |

*C. Assistance for Small Entities*

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104-121, we offer to assist small entities in understanding this final rule so that they can better evaluate its effects on them and participate in the rulemaking. The Coast Guard will not retaliate against small entities that question or complain about this final rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

*D. Collection of Information*

This final rule calls for a revised collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. As defined in 5 CFR 1320.3(c), “collection of information” comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

This action contains proposed amendments to the existing information collection requirements previously approved under OMB Control Number 1625-0001.<sup>33</sup> This amendment will increase the number of affected facilities and the burden for the existing COI number as described below.

*Title:* Report of Marine Casualty Information and Chemical Testing of Commercial Vessel Personnel

*OMB Control Number:* 1625-0001

*Summary of the COI:* This collection requires responses such as the preparation of written notification by completing a CG-2692 (series) form and the processing of records. We use this information to identify pertinent safety lessons and to initiate appropriate steps for reducing the likelihood of similar accidents in the future. The COI will aid the regulated public in assuring safe practices.

*Need for Information:* These reporting requirements permit the Coast Guard to investigate marine casualties, as required by 46 U.S.C. 6301, to determine the causes of casualties and whether existing safety standards are adequate or new laws or regulations need to be developed. Receipt of a marine casualty report is often the only way in which the Coast Guard becomes aware of a marine casualty. It is, therefore, a necessary first step that provides the Coast Guard with the opportunity to determine the extent to which a casualty will be investigated.

*Proposed Use of Information:* In the short term, the information provided in the report may also trigger corrective safety actions addressing immediate hazards or defective conditions, further investigations of mariner conduct or professional competence, or civil or criminal enforcement actions by the Coast Guard, other Federal agencies, or State and local authorities. In the long term, the information contained in the report becomes part of the Coast Guard's MISLE database. The Coast Guard uses the

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<sup>33</sup> [www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=1625-0001](http://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=1625-0001); accessed 01/21/2026.

information in the MISLE database to identify safety problems and long-term trends, publish casualty summaries and annual statistics for public use, determine whether additional safety oversight or regulation is needed, measure the effectiveness of existing regulatory programs, and better focus the Coast Guard's limited marine safety resources.

*Description of the Respondents:* The respondents are the owners, agents, masters, operators, or persons in charge that notify the nearest Coast Guard Sector Office, Marine Safety Unit, Coast Guard District or Area Offices whenever a vessel or facility is involved in a marine casualty.

*Number of Respondents:* We estimate an increase of 64 respondents for a written report of marine casualty. This increases the total number of respondents for reporting marine casualties from 5,617 to 5,681.

*Frequency of Response:* The notification response is required only if a marine casualty occurs as defined in 46 CFR 4.03-2 and 46 CFR 4.05-1.

*Burden of Response:* For each response, we estimate that it takes 1 hour for a vessel crewmember to complete all the necessary forms (CG-2692 series). In addition, some marine casualty forms may undergo additional processing by the respondents. To account for this additional time, 10 percent of the forms submitted have 10 hours of additional burden.<sup>34</sup>

*Estimate of Total Annual Burden:* We estimate an increase of 64 respondents for the 1-hour response of a written report of marine casualty. This increases the total burden hours for reporting marine casualties from 5,617 to 5,681 hours.

As required by 44 U.S.C. 3507(d), we will submit a copy of this final rule to

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<sup>34</sup> The Coast Guard estimates that it takes up to 1 hour to complete the necessary CG-2692 (series) form. However, we received public comments in 2013 on COI number 1625-0001 stating that some submitters take more time—up to 8 to 12 hours—to complete the form. See <https://www.regulations.gov/docket/USCG-2011-0710>; accessed 01/21/2026. The reason for this difference is that some entities have the form(s) reviewed by shore-side personnel, such as an attorney, prior to submission to the Coast Guard. The practice of having a form reviewed by an attorney is not required by Coast Guard regulation. While we believe that this does not typically occur, we have adjusted our burden estimate to account for the added review.

OMB for its review of the COI.

You are not required to respond to a COI unless it displays a currently valid OMB control number. OMB has not yet completed its review of this collection. Before the Coast Guard may enforce new collection of information requirements introduced by this rule, OMB would need to approve the Coast Guard's request to collect that information. We will publish a **Federal Register** notice once OMB takes action on our request.

*E. Federalism*

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this final rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

Congress specifically granted the authority to regulate artificial islands, installations, and other devices permanently or temporarily attached to the OCS and in the waters adjacent thereto as it relates to the safety of life to the Secretary of the Department in which the Coast Guard is operating. Section 1333(d)(1) of Title 43 U.S.C. states that the Secretary "shall have the authority to promulgate and enforce such reasonable regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on the artificial islands, installations, and other devices . . . as he may deem necessary."

As this final rule will improve the Coast Guard's ability to collect and analyze casualty data for incidents on the OCS to maintain and improve safety of life on OCS installations, it falls within the scope of authority Congress granted exclusively to the Secretary. This authority has been delegated to the Coast Guard and is exercised in this

rulemaking, and the States may not regulate within this category of marine casualty reporting. Therefore, this final rule is consistent with the principles of federalism and preemption requirements in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this final rule will have implications for federalism under Executive Order 13132, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

*F. Unfunded Mandates*

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Although this final rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

*G. Taking of Private Property*

This final rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

*H. Civil Justice Reform*

This final rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

*I. Protection of Children*

We have analyzed this final rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This final rule is not an economically significant rule and will not create an environmental risk to health or risk to safety that might disproportionately affect children.

*J. Indian Tribal Governments*

This final rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

*K. Energy Effects*

We have analyzed this final rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866] and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

*L. Technical Standards*

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (for example,

specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This final rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

*M. Environment*

We have analyzed this final rule under Department of Homeland Security Management Directive 023-01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370(f)), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. Our final Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

This final rule is categorically excluded under paragraphs L54 and L57 of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1.<sup>35</sup> Paragraph L54 pertains to regulations which are editorial or procedural. Paragraph L57 pertains to regulations concerning the manning, documentation, admeasurement, inspection, and equipping of vessels. This final rule involves changing the reporting criteria for certain casualties that occur on the OCS for foreign MODUs, FOFs, and vessels engaged in OCS activities, and better harmonizes the casualty reporting requirements with those in place for similar U.S. MODUs, FOFs, and vessels. These changes promote the Coast Guard's marine safety mission.

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<sup>35</sup> [https://www.fema.gov/sites/default/files/2020-07/fema\\_dhs\\_instruction-manual\\_023-01-001-01.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_dhs_instruction-manual_023-01-001-01.pdf); accessed 01/21/2026.

## **List of Subjects**

### *33 CFR Part 140*

Continental shelf, Investigations, Marine safety, Occupational safety and health, Penalties, Reporting and recordkeeping requirements.

### *33 CFR Part 146*

Continental shelf, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Vessels.

### *46 CFR Part 4*

Administrative practice and procedure, Drug testing, Investigations, Marine safety, National Transportation Safety Board, Nuclear vessels, Radiation protection, Reporting and recordkeeping requirements, Safety, Transportation.

### *46 CFR Part 109*

Marine safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 140 and 146 and 46 CFR parts 4 and 109 as follows:

## **TITLE 33—NAVIGATION AND NAVIGABLE WATERS**

### **PART 140—GENERAL**

1. The authority citation for part 140 is revised to read as follows:

**Authority:** 43 U.S.C. 1333, 1348, 1350, 1356; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

2. Revise § 140.201 to read as follows:

#### **§ 140.201 General.**

The Coast Guard investigates casualties occurring on the OCS including:

(a) Casualties on floating OCS facilities, MODUs, and vessels as described in 46 CFR part 4;

(b) Casualties on fixed OCS facilities as described in 33 CFR 146.30;

(c) Oil spillage exceeding 200 barrels of oil in one occurrence during a 30-day period; and

(d) Other injuries, casualties, accidents, complaints of unsafe working conditions, fires, pollution, and incidents occurring as a result of OCS activities as the Officer in Charge, Marine Inspection, deems necessary to promote the safety of life or property or protect the marine environment.

### **§ 140.203 [Amended]**

3. Amend § 140.203 as follows:

a. In paragraph (b) introductory text, remove the text “Geological Survey” and add, in its place, the text “Bureau of Safety and Environmental Enforcement”.

b. In paragraph (b)(3), remove the text “examining” and add, in its place, the text “examining”.

## **PART 146—OPERATIONS**

4. The authority citation for part 146 is revised to read as follows:

**Authority:** 43 U.S.C. 1333, 1348, 1350, 1356; 46 U.S.C. 70001, 70116; sec. 109, Pub. L. 109-347, 120 Stat. 1884; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

5. Revise § 146.1 to read as follows:

### **§ 146.1 Applicability.**

Unless otherwise specified, the provisions of this subpart apply to OCS facilities except mobile offshore drilling units.

6. Revise § 146.30 to read as follows:

### **§ 146.30 Notice of casualties.**

(a) The owner, operator, or person in charge of a fixed OCS facility must ensure that the Coast Guard is notified as soon as possible after a casualty occurs, and by the most rapid means available, of each casualty involving the facility which results in:

- (1) Death;
- (2) Injury to five or more persons in a single incident;
- (3) Damage affecting the usefulness of primary lifesaving or firefighting equipment;
- (4) Injury causing any person to be incapacitated for more than 72 hours; or
- (5) Damage to the facility exceeding \$75,000 resulting from a collision by a vessel with the facility.

(b) The notice required by paragraph (a) of this section must identify the person giving the notice and the facility involved and describe, insofar as practicable, the nature of the casualty and the extent of injury to personnel and damage to property.

(c) Damage costs referred to in paragraph (a)(5) of this section include the cost of labor and material to restore the facility to the service condition which existed prior to the casualty, but does not include the cost of salvage, cleaning, or gas freeing of the facility.

(d) The owner, operator, or person in charge of any floating OCS facility must report casualties in accordance with 46 CFR part 4.

(e) The owner, operator, or person in charge of a foreign floating OCS facility must include in the written casualty report required under 46 CFR 4.05-12 information relating to alcohol or drug involvement.

7. Revise subpart D to read as follows:

**Subpart D—Vessels, including MODUs—Notice of Casualty**

**Sec.**

**146.301 Applicability.**

**146.303 Notice and written report of casualties.**

**§ 146.301 Applicability.**

This subpart applies to vessels, including MODUs, engaged in OCS activities other than U.S. vessels already required to report marine casualties under 46 CFR part 4 or subpart D of 46 CFR part 109.

**§ 146.303 Notice and written report of casualties.**

The owner, operator, or person in charge of a vessel, including a MODU, engaged in OCS activities must ensure compliance with the notice of casualty requirements in 46 CFR part 4.

**TITLE 46—SHIPPING**

**PART 4—MARINE CASUALTIES AND INVESTIGATIONS**

8. The authority citation for part 4 is revised to read as follows:

**Authority:** 43 U.S.C. 1333; 46 U.S.C. 2103, 2303a, 2306, 6101, 6301, 6305, 56311, and 70034; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4. Subpart 4.40 issued under 49 U.S.C. 1903(a)(1)(E).

9. Revise § 4.01-1 to read as follows:

**§ 4.01-1 Scope of regulation.**

The regulations in this part govern marine casualty reporting, investigations of marine casualties, and submission of reports designed to increase the likelihood of timely assistance to floating outer continental shelf (OCS) facilities, mobile offshore drilling units (MODUs), and other vessels in distress.

10. Revise § 4.01-3(c) to read as follows:

**§ 4.01-3 Reporting exclusion.**

\* \* \* \* \*

(c) Vessels, floating OCS facilities, and MODUs are excluded from the requirements of § 4.05-1(a)(5) and (6) with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a reportable casualty (for example, collision) or a reportable equipment casualty (for example, cargo boom failure)

and are subject to the reporting requirements of Occupational Safety and Health Administration (OSHA) under 29 CFR part 1904.

\* \* \* \* \*

11. Add § 4.03-0 to subpart 4.03 to read as follows:

**§ 4.03-0 Definitions that apply to this subpart.**

This subpart contains terms defined for purposes of this part. Other definitions used in this part are in 33 CFR 140.10.

12. Revise § 4.03-1 to read as follows:

**§ 4.03-1 Marine casualty or accident.**

*Marine casualty or accident* means—

(1) Any casualty or accident involving any vessel other than a public vessel that—

(i) Occurs upon the navigable waters of the United States, its territories or possessions;

(ii) Involves any U.S. vessel wherever such casualty or accident occurs; or

(iii) With respect to a foreign tank vessel operating in waters subject to the jurisdiction of the United States, including the Exclusive Economic Zone (EEZ), involves significant harm to the environment or material damage affecting the seaworthiness or efficiency of the vessel.

(2) Any casualty or accident involving a vessel, floating OCS facility, or MODU as defined in 33 CFR part 140, when they are engaged in an OCS activity.

(3) The term “marine casualty or accident” applies to events including, but not limited to:

(i) Any fall overboard, injury, or loss of life of any person;

(ii) Grounding;

(iii) Stranding;

(iv) Foundering;

- (v) Flooding;
- (vi) Collision;
- (vii) Allision;
- (viii) Explosion;
- (ix) Fire;
- (x) Reduction or loss of electrical power, propulsion, or steering capabilities;
- (xi) Failures or occurrences, regardless of cause, which impair any aspect of operation, components, or cargo;
- (xii) Any other circumstance that might affect or impair seaworthiness, efficiency, or fitness for service or route;
- (xiii) Any incident involving significant harm to the environment;
- (xiv) Any occurrences of injury or loss of life to any person while diving from a vessel, and using underwater breathing apparatus; or
- (xv) Any incident described in § 4.05-1(a).

**§ 4.03-2 [Amended]**

13. Amend § 4.03-2 as follows:

- a. In the introductory text, after the text “vessel in commercial service” add the text “, floating OCS facility, or MODU as described in § 4.03-1(1) and (2)”.
- b. In paragraph (a)(2), after the text “a vessel in commercial service,” add the text “floating OCS facility, or MODU,”.
- c. In paragraph (a)(4), after the text “vessel” add the text “or MODU”.

14. Revise § 4.03-65(c)(1), (6), and (7), to read as follows:

**§ 4.03-65 Significant harm to the environment.**

\* \* \* \* \*

(c) \* \* \*

(1) Vessel, floating OCS facility, or MODU location and proximity to land or other navigational hazards;

\* \* \* \* \*

(6) The nature of damage to the vessel, floating OCS facility, or MODU; and

(7) Failure or breakdown aboard the vessel, floating OCS facility, or MODU, its machinery, or equipment.

15. Revise the heading of subpart 4.04 to read as follows:

**Subpart 4.04—Notice of Potential Casualty**

16. Revise § 4.04-1 to read as follows:

**§ 4.04-1 Reports of potential casualty.**

(a) An owner, charterer, managing operator, or agent of a vessel, floating OCS facility, or MODU to which this part applies must immediately notify either of the following Coast Guard officers if there is reason to believe the vessel, floating OCS facility, or MODU is lost or imperiled:

(1) The Coast Guard district rescue coordination center (RCC) cognizant over the area the vessel, floating OCS facility, or MODU was last operating; or

(2) The Coast Guard search and rescue authority nearest to where the vessel, floating OCS facility, or MODU was last operating.

(b) Reasons for belief that a vessel, floating OCS facility, or MODU is in distress include, but are not limited to, lack of communication with or nonappearance of the vessel, floating OCS facility, or MODU.

17. Revise § 4.04-3 to read as follows:

**§ 4.04-3 Reports of lack of communication.**

The owner, charterer, managing operator, or agent that is required to report to the United States Flag Merchant Vessel Location Filing System under the authority of section 212(A) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1122a), must

immediately notify the Coast Guard if more than 48 hours have passed since receiving communication. This notification must be given to the Coast Guard district RCC cognizant over the last known operating area.

18. Amend § 4.04-5 by revising the introductory text and paragraph (a) to read as follows:

**§ 4.04-5 Substance of reports.**

The owner, charterer, managing operator, or agent, notifying the Coast Guard under § 4.04-1 or § 4.04-3, must:

(a) Provide the name and identification number of the vessel, floating OCS facility, or MODU, the names of the individuals on board, and other information that may be requested by the Coast Guard (when providing the names of the individuals on board for a passenger vessel, the list of passengers need only meet the requirements of 46 U.S.C. 3502); and

\* \* \* \* \*

19. Amend § 4.05-1 by revising paragraph (a) to read as follows:

**§ 4.05-1 Notice of marine casualty.**

(a) Immediately after addressing resultant safety concerns, the owner, agent, master, operator, or person in charge, must notify the nearest Coast Guard units, to include Sector, Marine Safety Unit, Coast Guard District or Area Offices whenever a vessel, floating OCS facility, or MODU to which this part applies is involved in a marine casualty consisting of—

(1) An unintended grounding, or an unintended strike of (allision with) a bridge;

(2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or the safety of a vessel, floating OCS facility, or MODU that meets any criterion of paragraphs (a)(3) through (8) of this section;

(3) A loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel, floating OCS facility, or MODU;

(4) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route, including but not limited to fire, flooding, or failure of or damage to fixed fire-extinguishing systems, lifesaving equipment, auxiliary power-generating equipment, or bilge-pumping systems;

(5) A loss of life;

(6) An injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, floating OCS facility, or MODU in commercial service, that renders the individual unfit to perform their routine duties; or

(7) An occurrence causing property-damage in excess of \$75,000, this damage including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage.

(8) An occurrence involving significant harm to the environment as defined in § 4.03-65.

\* \* \* \* \*

20. Revise § 4.05-5 to read as follows:

**§ 4.05-5 Substance of marine casualty notice.**

The notice required in § 4.05-1 must include the name and official number of the vessel, floating OCS facility, or MODU involved, the name of the owner or agent, the nature and circumstances of the casualty, the locality in which it occurred, the nature and extent of injury to persons, and the damage to property.

21. Amend § 4.05-15 by revising paragraph (a) to read as follows:

**§ 4.05-15 Voyage records, retention of.**

(a) The owner, agent, master, or person in charge of any vessel, floating OCS facility, or MODU involved in a marine casualty must retain such voyage records as are normally maintained, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro records, stowage plans, records of draft, aids to mariners, night order books, radiograms sent and received, radio logs, crew and passenger lists, articles of shipment, official logs, and other material which might be of assistance in investigating and determining the cause of the casualty. The owner, agent, master, other officer, or person responsible for the custody thereof, must make these records available upon request, to a duly authorized investigating officer, administrative law judge, officer, or employee of the Coast Guard.

\* \* \* \* \*

22. Revise § 4.05-20 to read as follows:

**§ 4.05-20 Report of accident to aid to navigation.**

Whenever a vessel, floating OCS facility, or MODU collides with a buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, the person in charge must report the accident to the nearest Officer in Charge, Marine Inspection. No report on Form CG-2692 is required unless one or more of the results listed in § 4.05-1 occur.

23. Revise the heading of subpart 4.06 to read as follows:

**Subpart 4.06—Mandatory Chemical Testing Following Serious Marine Incidents Involving Vessels in Commercial Service, Floating OCS Facilities, or MODUs in Commercial Service**

24. Amend § 4.06-1 by revising paragraphs (b) and (e) to read as follows:

**§ 4.06-1 Responsibilities of the marine employer.**

\* \* \* \* \*

(b) When a marine employer determines that a casualty or incident is, or is likely to become, a serious marine incident, the marine employer must take all practicable steps to have each individual engaged or employed on board the vessel, floating OCS facility, or MODU who is directly involved in the incident chemically tested for evidence of drug and alcohol use as required in this part.

\* \* \* \* \*

(e) The marine employer must ensure that all individuals engaged or employed on board a vessel, floating OCS facility, or MODU are fully informed about the requirements of this subpart, and that appropriate vessel personnel are trained as necessary in the practical applications of these requirements.

**§ 4.06-3 [Amended]**

25. Amend § 4.06-3 in paragraphs (a)(1) introductory text and (b)(1) introductory text by, after the text “vessel” adding the text “, floating OCS facility, or MODU”.

26. Amend § 4.06-5 by revising paragraphs (a) and (b) to read as follows:

**§ 4.06-5 Responsibility of individuals directly involved in serious marine incidents.**

(a) Any individual engaged or employed on board a vessel, floating OCS facility, or MODU who is determined to be directly involved in an SMI must provide a blood, breath, saliva, or urine specimen for chemical testing when directed to do so by the marine employer or a law enforcement officer.

(b) If the individual refuses to provide a blood, breath, saliva, or urine specimen, this refusal must be noted on Forms CG-2692 and CG-2692B and in the vessel’s official log book, if a log book is required. The marine employer must remove the individual as soon as practical from duties that directly affect the safe operation of the vessel, floating OCS facility, or MODU.

\* \* \* \* \*

27. Amend § 4.06-15 by:

- a. In paragraphs (a)(1) and (3) and (b)(2), after the text “vessel” adding the text “, floating OCS facility, or MODU”; and
- b. Adding paragraph (b)(3).

The addition reads as follows:

**§ 4.06-15 Accessibility of chemical testing devices.**

\* \* \* \* \*

(b) \* \* \*

(3) The owner, operator, or person in charge of a foreign vessel, floating OCS facility, or MODU who is unable to meet the drug testing requirements of 49 CFR part 40 must obtain approval for an alternative drug testing process from the U.S. Coast Guard Drug and Alcohol Prevention and Investigation Program Manager via email at *DAPI@USCG.MIL* before engaging in OCS activities.

28. Amend § 4.06-30 by revising paragraph (a) to read as follows:

**§ 4.06-30 Specimen collection in incidents involving fatalities.**

(a) When an individual engaged or employed on board a vessel, floating OCS facility, or MODU dies as a result of a serious marine incident, blood and urine specimens must be obtained from the remains of the individual for chemical testing, if practicable to do so. The marine employer must notify the appropriate local authority, such as the coroner or medical examiner, as soon as possible, of the fatality and of the requirements of this subpart. The marine employer must provide the specimen collection and shipping kit and request that the local authority assist in obtaining the necessary specimens. When the custodian of the remains is a person other than the local authority, the marine employer must request the custodian to cooperate in obtaining the specimens required under this part.

\* \* \* \* \*

29. Amend § 4.06-60 by revising paragraph (a) to read as follows:

#### **§ 4.06-60 Submission of reports and test results.**

(a) Whenever an individual engaged or employed on a vessel, floating OCS facility, or MODU is identified as being directly involved in a serious marine incident, the marine employer must complete Form CG-2692B (Report of Mandatory Chemical Testing Following a Serious Marine Incident Involving Vessels in Commercial Service).

\* \* \* \* \*

#### **§ 4.07-45 [Amended]**

30. Amend § 4.07-45 by removing the word “shall” and adding, in its place, the word “must”.

#### **PART 109—OPERATIONS**

31. The authority citation for part 109 is revised to read as follows:

**Authority:** 43 U.S.C. 1333; 46 U.S.C. 3306, 6101, 10104; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

32. Revise § 109.411 to read as follows:

#### **§ 109.411 Notice and reporting of casualty.**

The owner, operator, or person in charge of a mobile offshore drilling unit (MODU) regulated under this part must provide notice and report marine casualties in accordance with 46 CFR part 4.

Dated: June 25, 2026.

**R. C. Compher,**

*Captain, U. S. Coast Guard,*

*Assistant Commandant for Prevention Policy.*

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